



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

- To:** Councillors McIlveen (Chair), Cuthbertson, Douglas, Fitzpatrick, Galvin (Vice-Chair), Horton, Hyman, King, Looker, Warters and Watt
- Date:** Thursday, 4 September 2014
- Time:** 2.00 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

**AGENDA**

**The mini-bus for Members of the Sub-Committee will depart from Memorial Gardens on Wednesday 3 September 2014 at 10.00 am.**

**1. Declarations of Interest**

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

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

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

**2. Minutes**

(Pages 3 - 16)

To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee held on Thursday 7 August 2014.

### **3. Public Participation**

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is **Wednesday 3 September 2014 at 5.00pm**.

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### **4. Plans List**

To determine the following planning applications:

**a) Land Rear of 51-57 Fenwick Street, York. (Pages 17 - 38)  
(14/00713/FUL)**

Erection of 8 no. two bedroom apartments with associated car parking. [Micklegate] **[Site Visit]**

**b) 1 Northfield Terrace, York. YO24 2HT (Pages 39 - 48)  
(14/01480/FUL) WITHDRAWN**

Change of use from residential dwelling (use class C3) to bed and breakfast (use class C1) with two storey rear extension (resubmission). [Dringhouses and Woodthorpe] **[Site Visit]**

**c) Public Conveniences, Tanner Row, York (Pages 49 - 56)  
(14/01574/FUL)**

Demolition of existing toilet block and relocation of services within Roman House. Construction of wall along Tanner Row with associated landscaping and amenities (bin store and cycle store). [Micklegate] **[Site Visit]**

**5. Urgent Business**

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

Democracy Officer:

Name: Judith Betts

Contact Details:

- Telephone – (01904) 551078
- E-mail- [judith.betts@york.gov.uk](mailto:judith.betts@york.gov.uk)

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

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

Contact details are set out above.

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

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 (01904) 551550

**AREA PLANNING SUB COMMITTEE****SITE VISITS****Wednesday 3 September 2014**

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

<b>TIME</b> <b>(Approx)</b>	<b>SITE</b>	<b>ITEM</b>
10:15	1 Northfield Terrace	<b>4b)</b>
10:45	Land Rear of 51 To 57 Fenwick Street	<b>4a)</b>
11:30	Public Conveniences Tanner Row	<b>4c)</b>

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City of York Council

Committee Minutes

Meeting	Area Planning Sub-Committee
Date	7 August 2014
Present	Councillors McIlveen (Chair), Douglas, Horton, King, Looker, Fitzpatrick, Galvin (Vice-Chair), Watt, Cuthbertson and Warters
Apologies	Councillor Hyman

Site	Visited by	Reason for Visit
Bert Keech Bowling Club, Sycamore Place	Councillors Galvin, King, Looker, McIlveen and Watt	As the recommendation was for approval and objections had been received.
Garage Court Site at Chaloners Road	Councillors Galvin, King, Looker, McIlveen and Watt	As the recommendation was for approval and objections had been received.
Acomb Wood, Acomb Wood Drive	Councillors Galvin, King, Looker, McIlveen and Watt	As the recommendation was for approval and objections had been received.
Matmer House, Hull Road	Councillors Galvin, King, Looker, McIlveen and Watt	As the recommendation was for approval and objections had been received.
Public Convenience, Exhibition Square	Councillors Galvin, King, Looker, McIlveen and Watt	At the request of Councillor Watson

## 12. Declarations of Interest

At this point in the meeting, Members were asked to declare any personal, prejudicial or disclosable pecuniary interests not included on the Register of Interests that they might have had in the business on the agenda.

Councillor McIlveen declared a personal non prejudicial interest in plans item 4f (Garage Court Site at Chaloners Road) as Northern Power Grid (who had been consulted on the application) were a client of his employer.

### **13. Minutes**

Resolved: That the minutes of the meeting of the Area Planning Sub-Committee held on 3 July 2014 be approved and signed by the Chair as a correct record.

### **14. 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 committee.

### **15. Plans List**

Members considered a schedule of reports of the Assistant Director (City Development and Sustainability) relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and Officers.

#### **15a) Bert Keech Bowling Club, Sycamore Place, York. YO30 7DW (13/03727/FUL)**

Members considered a full application by Mr David Brown for the erection of four two storey dwellings and one three storey dwelling.

Mr Cliff Caruthers had registered to speak on behalf of St Peters School in objection to the application. With regard to flood risk, he stated that the development would result in the loss of a flood plain and expressed concerns at the requirements of condition 9 which were the measures to manage flood risk. His other main concern was the loss of open space land and advised members that there was a shortage of play areas nearby.



He advised that St Peters School would like to build netball and tennis courts on the site, which would also be available for community use, and expressed the view that the land should be retained for sports use.

Mr Martin Stancliffe, a local resident, also spoke against the application due to concerns regarding the loss of open space. He acknowledged that although the site was privately owned, it was designated open space and had been valued as such for many generations. Although the site had been allowed to become wild, the community was in need of a specific sports facility and amenity provided by this open space which he stated should not be developed.

Members acknowledged that the site was currently enjoyed by residents whose houses and gardens looked onto the area but agreed that they had not heard any planning reasons for refusal.

Members did not feel that flood risk was an issue, particularly taking into account the flood barriers along the riverside. They acknowledged the plan put forward by the school to provide sporting facilities on the site but noted that the school had not been able to purchase the land. They agreed that green space was needed but so was additional housing and noted that open space was available close by along the river and in the Museum Gardens.

Members agreed this was a good solution for what had become a derelict site. They felt that the proposed design and layout of the houses was suitable and that the back gardens were sizable.

Resolved: That the application be approved subject to a section 106 agreement.

Reason: The scheme would assist with housing supply in the city, which is a Government priority, and there are no significant adverse effects which would conflict with planning policy. Although the site is designated as green space in the 2005 Local Plan, it has not been used in such a way for the past 5 years. The scheme has been designed to mitigate against flood risk, and there would not be undue effects upon the character and appearance of the conservation area, residential amenity and highway safety. A legal

agreement to secure an open space contribution, secondary school provision and funding of traffic orders, to amend res-parking in the area, has been agreed.

### **15b) Public Convenience, Exhibition Square, York**

Members considered a full application by Healthmatic for a single storey building to provide retail unit (use Class A1) and replacement public conveniences.

Members provided an update on the application, officers provided the following updates on information contained in the report:

- Paragraph 4.9 - Metal gates - replacement gates were now proposed to enable the gates to sit against the wall, and maximise space in the courtyard area. Condition 3 was to be amended to agree replacement gate design.
- Paragraph 4.10 - Door under the steps up to the City Wall - it was now proposed that this door was to be retained and blocked from behind.
- Paragraph 4.11 - DDA requirements for toilets - applicants have confirmed the night toilet would be DDA compliant.
- Paragraph 4.14 - Boundary wall with 1 High Petergate - It was proposed to re-build the boundary wall up to approx 4m. Officers had no objection to this. It was noted consent would be required from the neighbours, under the party wall act.
- Condition 3 - large scale details - require details of roller shutter – There was no need for details of doors, as no new doors were proposed.
- Conditions 5 (brickwork) & 6 (doors under steps) could be deleted. Brickwork would not be prominent from public realm and door was to remain.

Members questioned the decision taken to reduce the number of toilet cubicles from 13 to 7.

Members were advised that the need for improved toilet facilities here had been raised during the public consultation for public realm improvements in Exhibition Square, and the amount of cubicles provided was considered reasonable by the proposed operators Healthmatic and the city council as client had not disagreed with this.

With reference to paragraph 4.11, Members asked for clarification on which toilets were DDA compliant and which would be wheelchair accessible. Officers advised that there was one wheelchair accessible cubicle, but that the night toilet would not be wheelchair accessible.

Councillor Brian Watson, who had called in the application to committee to assess the impact on listed buildings and consider the proposed retail development, addressed the committee. He advised members that the present facility comprised 13 toilets as well as urinals. He stressed the important role of urinals stating that 60 percent of male users of public conveniences use urinals. He questioned whether a reduction to 7 toilet cubicles was really sufficient to meet needs. He drew members attention to paragraph 4.3 of the report which stated that Section 70 of the NPPF advised that planning decision should aim to achieve places where there is “no unnecessary loss of public facilities” and questioned whether a reduction from 13 to 7 was in accordance with that advice. Finally he voiced the opinion that the window to the retail unit was alien to Bootham Bar itself.

Members asked what work had already taken place at the site. Officers advised that the original building had been demolished in line with planning permission granted by City of York Council. They explained that the Planning Act allows scheduled ancient monument consent to take precedence over listed building consent. As the site has scheduled ancient monument consent from English Heritage, the listed building consent application had been withdrawn as it was not necessary.

Charlotte Harrison, the agent for the applicant, was present at the meeting in order to answer any questions from Members. She provided the following information:

- the night toilet would have a level threshold and the door was wide enough to make it DDA compliant. It would be available for all users and would not operate with a radar key. However it was not possible to make the night toilet

wheelchair accessible due to space constraints. However there was a new changing place facility due to open nearby at Union Terrace Car Park.

- Heathmatic were providers of WCs in the city and had been in discussion with CYC for several years leading up to this application.
- The quality of former facilities had fallen as they hadn't been maintained for a number of years. The proposed replacement facilities would be easier to maintain due to the reduction in cubicles.
- The night WC in the former facility had never been wheelchair accessible. We are working with a restrictive site and are meeting DDA requirements.

Members accepted the need to improve toilet facilities at Exhibition Square and were on the whole supportive of the proposals, however acknowledged the concern over night time use by wheelchair users. Some Members expressed the view that when designing a new facility, one should hope for 24hr access for disabled people and expressed concern about the lack of a night time wheelchair accessible toilet. They expressed concern that there didn't appear to have been any consultation with disabled access groups.

One Member expressed concern regarding the introduction of unisex facilities and stated that men preferred the option to use a urinal.

Members expressed pleasure that the proposals would expose the Roman wall with use of glass ceiling as well as the Victorian part of the wall.

Councillor Horton moved and Councillor Cuthbertson seconded a motion to approve the application.

Councillor Warters moved and Councillor Fitzpatrick moved a amendment to defer the application. On being put to the vote, this motion fell.

The agent for the applicant advised the Committee that the wheelchair accessible toilet and night time toilet may be interchangeable so that the wheelchair accessible toilet could be open 24 hours. Officers advised that if Members wanted to ensure that the night time toilet to be wheelchair accessible, they would need to defer the application to seek amended plan.

However the other option was to approve the application with an informative to ask the agent to go away and look at the feasibility of making the night time toilet wheelchair accessible.

Resolved: That the application be approved subject to the conditions listed in the report, the amended condition below, the deletion of conditions 5 (brickwork) and 6 (doors under steps) and the addition of an informative to ask that consideration is given to the night-toilet being made wheelchair accessible.

Amended Condition 3 - Large scale details

Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

- Sections and plans through the cladding and glazing, to include connections to the stone walls
- Roller shutter
- Glazed window within the stone arch (the framing must be hidden from external view)
- Entrance gates
- Paving pattern (including relationship to existing)
- External lighting
- Signage (note listed building consent would be required to fix any signage to listed structures).

Reason: To sustain the significance of heritage assets in accordance with section 12 of the National Planning Policy Framework.

Reason: The proposal in principle is compliant with planning policy. Subject to planning conditions, the development would be of acceptable appearance; the character and appearance of the conservation area would be preserved, and there would be no undue effect on amenity.

**15c) Spar Stores, Turner Close, York. YO31 9FD  
(14/01039/FULM)**

Members considered a major full application (13 weeks) by James Hall & Co Ltd for the variation of condition 14 of permitted application 11/03269/FULM to allow deliveries to the retail store from 07.00 hours.

Officers confirmed that this was the only change to the existing permission which if approved would allow deliveries one hour early than at present.

Members noted that the Environmental Protection Unit had objected to the application as they felt it would lead to a loss of amenity for the residents living closest to the loading bay area.

Mr Alan Croston, the agent for the application, spoke in support of the application. He stated that the shop had very few deliveries, comprising normally one spar lorry each weekday and other visits delivering fresh bread etc and a refuse collection. The reason for the application was to provide more flexibility in delivery hours so vehicles could respond to traffic conditions and avoid congestion which would allow the store to get the shelves stocked as early as possible. He pointed out that other stores nearby were allowed to accept deliveries from 7.00am and the road was already busy by 7.00am.

The only concern raised by Members was the issue of potential noise from delivery vehicles when reversing. However no objections had been made to the application by neighbours.

**Resolved:** That the application be approved subject to a section 106 agreement.

**Reason:** The proposal is to allow delivery times to be consistent with the store opening times between Mondays and Saturdays. The 07.00 opening time is regarded as day-time and there would not be an undue impact on residential amenity. Planning permission would replace the 2011 permission. As such the previous legal agreement will need to be updated and the relevant planning conditions re-applied.

**15d) Matmer House, Hull Road, York. (14/01149/FUL)**

Members considered a full application by Mr A Choudhury for a single storey rear extension to retail units 1,2,3,5,6 and 7 (resubmission).

Officers advised that condition 6 should be revised to read:

Prior to the commencement of the development hereby authorised full details of all facilities for the treatment and extraction of cooking and other odours and other air handling facilities shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include a detailed plan of at least 1:50 scale identifying the precise location of the plant to be installed. Once approved each item of plant shall be fully installed and operational prior to the extensions hereby authorised being first brought into use and shall be maintained as such thereafter.

Reason:- To safeguard the residential amenity of neighbouring properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

Condition 10 should also be revised to include the need for the housing of a top opening Euro Trade Waste Bin.

Councillor Barnes, who had called in the application, had submitted a written representation to the committee as he was unable to attend the committee meeting to address the committee as ward member. His statement had been circulated to Members prior to the meeting together with his original letter to officers calling in the application. He made the following points:

- Previous application for this site was unanimously rejected by members.
- 2 applications have been submitted for this site – this and one other which has already been rejected under delegated powers
- Decision to call in applications is due to the scale of the development, it's previous history and members previous decision.
- Site is in sore need of development and gives support for responsible development of the site,

- This is still a largely residential area with a number of nearby properties so need to ensure residents' concerns are fully considered as well as view of Hull Road Planning Panel.

Mr Daniel Clubb, a neighbour, had registered to speak in objection to the application. Ms Deborah Rhodes, another resident, had also registered to speak but she confirmed she was happy that Mr Clubb would cover the concerns she wished to raise in his presentation so withdrew her request to address the committee. Mr Clubb asked the committee to consider the living conditions for the resident of 277a Melorsegate which was a ground floor flat overlooking Matmer House yard. He stated that the flat only had 2 windows and these both overlooked the yard. Further more, the proposals would lead to a loss of light and aspect for nearby properties. He expressed concern about future plans for student accommodation on the site and expressed the view that the regularisation of bin storage and car parking could be achieved without the need for flats.

Officers provided clarification to the committee and explained that the other application which had been referred to by Councillor Barnes and the previous speaker was for a certificate of lawfulness to seek CYC agreement to use the upper floor of the existing shops as student accommodation. This had been refused as the planned use did not fall within permitted development rights. Members were reminded that they had to deal only with the application in front of them.

Mr Choudry, the applicant, then spoke in support of his application. He assured members that if approved the proposals would improve the service and parking area which currently suffered from fly tipping. He explained that, at present, the shop units did not have customer toilet facilities, and this extension would provide additional space for this as well as a bin storage area. He advised the committee that he was mindful of his neighbours and had listened to their concerns and would endeavour to minimise any noise and disturbance during development.

Some Members felt that this application would be better considered along with any other relevant applications for this site in order that an informed decision could be made on the whole site, but acknowledged that they could only make a decision on the application in front of them.



Members agreed that the site needed improving and the proposals would enable this to happen.

Resolved: That the application be approved subject to the conditions listed in the report and the amended conditions below.

Revised Condition 6:-

Prior to the commencement of the development hereby authorised full details of all facilities for the treatment and extraction of cooking and other odours and other air handling facilities shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include a detailed plan of at least 1:50 scale identifying the precise location of the plant to be installed. Once approved each item of plant shall be fully installed and operational prior to the extensions hereby authorised being first brought into use and shall be maintained as such thereafter.

Reason:- To safeguard the residential amenity of neighbouring properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

Revised Condition 10

Prior to the commencement of the development hereby authorised full details of the proposed bin stores including details of the means of enclosure and any gates shall be submitted to and approved in writing by the Local Planning Authority. Such details shall also provide for the housing of a top opening Euro Trade Waste Bin. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason:- To safeguard the residential amenity of neighbouring properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

Reason: The existing parking and servicing yard is poorly maintained and detracts from the wider amenity of the area.

The proposal is however single storey and has been amended to ensure that the impact upon adjacent properties notably 277 Melrosegate can be restricted to an acceptable level. At the same time the proposal creates the opportunity to regularise the layout of the yard whilst providing formal bin storage and lighting.

**15e) Acomb Wood, Acomb Wood Drive, York (14/00790/GRG3)**

Members considered a general regulations (Reg3) application by City of York Council for the construction of an additional footpath from Ashbourne Way to Quaker Wood Pub and the extension of an existing path from Girvan Close to Lomond Ginnel.

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

Reason: It is considered that the proposed path would not have any detrimental impact upon the amenities of nearby residential properties and the surfacing would not have any detrimental impact upon the character of the area.

**15f) Garage Court Site at Chaloners Road, York (14/01191/FUL)**

Members considered a full application by City of York Council for a residential development to include six apartments and two houses with associated parking and landscaping.

Officers provided an update in respect of consultation responses. They stated that the Internal Drainage Board had advised that the revised layout would not present any issues and therefore they did not object to the scheme. However they awaited further information in respect of surface water drainage. Officers advised the Committee that condition 4 required further details prior to the commencement of development.

Officers advised that Northern Power Grid had confirmed that they had no objections to the application.

With regard to the which flood zone the site was within, Officers confirmed that although the site was currently shown as being within Flood Zone 3 (FZ3) on Environment Agency flood maps, the applicant had undertaken a topographic survey which demonstrated that the site should be in flood zone 1. Officers confirmed that both the Environment Agency and flood risk officers were happy with the scheme.

Andy Kerr, the Council's Housing Strategy Manager and Helen Humphrey-Atkins, the Council's Senior Architect were in attendance at the meeting. In response to a question from Members they confirmed that the entrance to the apartments was secure.

Members acknowledged that there were other three storey developments further up Chaloners Road, and agreed that the development would provide some much needed housing.

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

Reason: The site is brown field site in a sustainable location near to local shops, amenities and public transport links and it would, in principle, be suitable for redevelopment for housing purposes. It is noted that the Environment Agency accepts the submitted modelling demonstrating that the site is in fact at a low risk of flooding. The proposal would deliver affordable homes (built to Code Level 4) of the type needed within the City. In design terms, the scheme would be contemporary and it is considered that it would be of innovative design adding interest to the streetscene. There would be no adverse effect on highway safety and no significant adverse effects upon the amenity of surrounding residents. Because the City Council can not enter into a Section 106 Agreement with itself, a letter has been provided by the Head of Housing Services confirming that the a contribution of £ 7,524 towards amenity space and sports facilities in the locality will be made.

**16. Appeals Performance and Decision Summaries**

Members received a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1 April to 30 June 2014, and which provided them with a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date was also included in the report.

Resolved: That the report be noted.

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

Councillor McIlveen, Chair

[The meeting started at 2.00 pm and finished at 4.25 pm].



A new pedestrian access from Fenwick Street would be formed to allow access to the bin store from Fenwick Street. The design also includes a ramp at the rear, replacement trees and boundary fencing.

1.4 Revised plans have been submitted that re-site the development outside the root protection area of the mature lime trees in Rowntree Park, correcting a minor detail in the drawings, and detailing a vehicular crossover and a smooth level surface for access across and into the site.

1.5 The site is owned by the Council, and the application has been submitted by Housing Services to meet a need identified in the latest Strategic Housing Market Assessment for 790 new affordable homes per annum. Cabinet approval was granted on 7 May 2013 to progress the site on Fenwick Street following a review of potential sites owned by the Council and their related planning constraints. The proposed development would contribute to Phase 1 of "Get York Building" that would provide 50-70 new council houses by 2015. It is intended that the application site would provide 8 No. modern, smaller, "downsizing" units that would release larger houses for rental.

#### APPLICANT'S PRE- CONSULTATIONS/MEETINGS

1.6 Housing Services consulted local residents and Ward Members, the Architectural Liaison Officer from North Yorkshire Police and the application was supplemented with a structural report, car parking demand survey, sequential test in respect of flood risk, statement of community involvement and a tree survey.

#### PLANNING HISTORY

1.7 There is no planning history specific to the application site.

#### SUPPLEMENTARY

1.8 The application has been advertised under S.123 of Local Government Act as the local authority as landowner wishes to dispose of the land for affordable housing. Members will be advised of the progress and outcome of the advertisement at the meeting.

1.9 The application is reported to Sub-committee because the City Council is the applicant and objections have been received.

### **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

Application Reference Number: 14/00713/FUL

Item No: 4a

## Floodzone 2 GMS Constraints: Floodzone 2

### 2.2 Policies:

CYH4A-Housing Windfalls

CYGP1-Design

CYGP3-Planning against crime

CYGP4A-Sustainability

CYGP9-Landscaping

CYGP15-Protection from flooding

CYT4-Cycle parking standards

CYL1C-Provision of New Open Space in Development

CYED4-Developer contributions towards Educational facilities

CYNE1-Trees, woodlands, hedgerows

CYH2A-Affordable Housing

CYGP6-Contaminated land

CYL1B-Loss of local leisure facilities

## 3.0 CONSULTATIONS

### INTERNAL

#### Design, Conservation and Sustainable Development (Landscape Officer)

3.1 No objections subject to conditions

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

3.2 Initially considered an ecological assessment was required. A further response considered there would be no need for a survey if no potential for bat roosts but that the impact of lighting on the larger trees in Rowntree Park should be considered.

#### Highway Network Management

3.3 No objections subject to conditions

#### Flood Risk Management

3.4 No objections subject to condition. Flood risk assessment should be sent to Environment Agency for approval.

#### Public Realm (Strategy and Contracts)

3.5 Financial contribution required towards the provision of open space.

#### Education

3.6 No contribution towards education provision would be required if a downsizing scheme. Otherwise a contribution would be required to provide additional primary school places.

Environmental Protection Unit

3.7 No objections subject to conditions

EXTERNAL

Micklegate Planning Panel

3.8 Do not object, but regret the loss of an established open space

Environment Agency

3.9 No objections subject to 2 conditions that reduce the risk and impact of potential flooding

Neighbour Notification and Publicity

3.10 38no. representations and 1 petition with 36 signatures have been received that raise the following objections:

- Loss of valued open space/ children's play area/ community asset (29)
- Inappropriate scale/ overdevelopment/ design/ height (23)
- Adverse impact on amenity - overlooking/ overbearing/ loss of view from park/ noise/ anti- social behaviour (23)
- Parking-increased pressure in area, loss of parking (20)
- Increased traffic/ road safety/ road safety during construction (25)
- Poor/ Lack of local consultation (19)
- Adverse visual impact egg loss of outlook, overbearing, loss of view from park (18)
- Flood risk (18)
- Adverse ecological impact (11)
- Ground conditions ( 7)
- Tenure of tenants/ council tax band (2)
- Contrary to local and national planning policy (2)

3.11 One letter of support has been received that includes the following issues:

- Recognises need for affordable housing
- Requests more trees on site
- Possible restriction to 1 car/ tenant
- Ballot for residential parking scheme following development
- Replacement dog pooping areas
- Commuted sum directed to upgrading play equipment in Rowntree Park

Hugh Bayley MP

3.12 Acknowledges the need for affordable housing but requests that Members consider:



- a) the height of the development in relation to the adjacent development
- b) a re-design to allow part of the green to be retained as public open space
- c) whether the design is in keeping with the area.

## 4.0 APPRAISAL

### 4.1 KEY ISSUES

- The principle of residential development
- Affordable housing
- Design and visual appearance
- Amenity of surrounding and future occupiers
- Highways
- Drainage/ Flood risk
- Contaminated Land
- Sustainable Design and Construction
- Open space/ Education Provision
- Ecology

## PLANNING POLICY

4.2 The National Planning Policy Framework (NPPF) indicates a strong presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social, and environmental. These roles should not be undertaken in isolation, because they are mutually dependent. One of the core principles within the NPPF states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The use of previously developed land is encouraged. The Framework places strong importance on significantly improving the supply of quality affordable and market housing to meet identified needs.

4.3 The relevant development plan is the City of York Council Development Control Local Plan (2005). The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework. The relevant policies include:

- POLICY GP1 ' Design' is a general design policy in the Local Plan that, inter alia, seeks to ensure that new development respects its surroundings.
- POLICY GP3 ' Planning against Crime' aims to ensure that new development incorporates appropriate crime prevention measures
- POLICY GP4a ' Sustainability' requires all new developments to have regard to the principles of sustainable development.
- POLICY GP6 'Contaminated Land' requires an assessment if land may be contaminated, and appropriate remediation if necessary

- POLICY GP9 ' Landscaping' requires development proposals to include landscaping if appropriate
- POLICY GP15a ' Development and Flood Risk' ensures development would not result in the net loss of floodplain storage capacity, impede water flows, and would not increase flood risk.
- POLICY H2a ' Affordable Housing' requires affordable housing to be provided in line with the 2002 Housing Needs Survey
- POLICY H4a ' Housing Windfalls' allows for residential development on unallocated land if appropriate
- POLICY T4 'Cycle Parking Standards' requires cycle provision in new developments if appropriate
- POLICY ED4 ' Developers Contributions Towards Education Facilities' seeks developer contributions towards the provision of additional school places if appropriate
- POLICY NE1 ' Trees, Woodlands and Hedgerows'
- POLICY L1b ' Loss of Leisure Facilities'
- POLICY L1C ' Provision on New Open Space in Development' seeks developer contributions towards provision of open space facilities if appropriate
- POLICY NE1 ' Trees, Woodland and Hedgerows' offers protection of trees where appropriate, and prevents the loss of significant trees

## ASSESSMENT

### PRINCIPLE OF DEVELOPMENT

4.4 National policy requires Local Planning Authorities to significantly boost housing supply. The site is in a sustainable location for residential development within a residential part of the urban area. The National Planning Policy Framework requires planning to be positive in the provision of community facilities and to enhance the sustainability of communities and neighbourhoods.

4.5 The Council has undertaken a comprehensive review of land assets held under the Housing Revenue Account and there are few sites suitable for the development of new social housing. Fenwick Street has been identified as one such site to meet the housing needs of people on the housing waiting list. A sequential test demonstrates that the Fenwick Street site would significantly contribute to the Council's commitment in the Housing Revenue Account Business Plan to assist people in housing need to access social housing within a 3 year rolling programme to develop new council housing.

4.6 The National Planning Policy Framework, in paragraph 74, advises that existing open space should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Local Plan Policy L1b: Loss of Local Leisure Facilities advises that the loss of leisure facilities will only be permitted when it can be demonstrated that either a need for the leisure facility no longer exists, or where there are appropriate alternative facilities in the catchment area.

4.7 The site comprises an amenity space with low fencing and open access, in a residential area of mixed housing types. Although it would appear that most properties have access to some private open space, the representations received indicate that the application site is a valued and popular open space in the locality, which is permanently open, allows community events and informal play. The site, however, abuts Rowntree Park, which provides recreational facilities and open space that aim to meet the needs of the local residents. Whilst the amenity space has no formal designation as an open space in the Local Plan, it is acknowledged that it is valued as informal open space especially when Rowntree Park is closed at night. The loss of the amenity space is a particular concern to residents but it does not have the same protection from development as a designated open space and must be weighed against the need to provide social housing in the City.

4.8 On balance, it is considered that the residential use of the site would be appropriate in this largely residential area. Whilst there would be a loss of informal amenity open space that has local value, there would be no loss of designated formal open space. It is considered that the proposed residential development would be of a scale, design, and layout that would fit comfortably within its suburban surroundings. For these reasons the principle of the proposal is considered to comply with Policy H4a 'Housing Windfalls' which seeks to ensure that windfall housing development is located within the urban area in a sustainable location. The detailed requirements of Policy H4a, and other national and local policy expectations are considered below.

## AFFORDABLE HOUSING

4.9 The National Planning Policy Framework requires Local Planning Authorities to identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand, and where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified. The application has been made by Housing Services and the 8 No. 2 bedroom units would be for social rent and would contribute to meeting the identified need for affordable homes across the City (See para. 1.5).

4.10 The proposed affordable units would be retained in Council ownership. The development is for 2 bed units which are the house types in most need in the city according to York's Strategic Housing Market Assessment. The applicant's aim is to allow people to downsize into these properties. It is therefore considered that the provision of affordable housing would meet an evidential need within the City and the terms of Policy H2a of the Local Plan would be met.

## DESIGN AND VISUAL APPEARANCE

4.11 The National Planning Policy Framework advises that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. 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. In terms of housing design and layout the National Planning Policy Framework requires development that is safe, accessible, fit for purpose, responds to local character and context and/or is of innovative design. Local Plan Policy GP1 refers to design, for all types of development. It states that development proposals will be expected to, respect or enhance the local environment.

### Impact on character of the area

4.12 It is acknowledged that the proposed development would alter the character of the area. It would result in the loss of a green amenity space, introduce a development that would be more substantial in scale than the majority of two storey houses, and result in a development with a distinctive character. The character of the Fenwick Street is mixed with traditional terraces, and mid-late 20th century two storey houses with the latter predominating in the vicinity of the application site which is adjacent to the 4 storey modern apartment building of Chapman House. No particular design or style predominates, and each type reflects the period in which it was built. The introduction of the building on the application site would increase the built development in the area, creating a more urban character that would impact upon the open ambience that links with Rowntree Park beyond.

4.13 The proposed building would be visible from Rowntree Park, particularly during the period when the trees along the boundary are not in leaf, with the building introduced where there is currently open space behind the line of lime trees and woodland within the northeast corner of the park. The proposed building would be set further back into the site than the adjacent residential buildings to either side, and the proposed materials would reduce its impact, consisting of grey roof tiles, muted brick colour, large areas of glazing, terracotta cladding in natural tones.

## Massing

4.14 The scale and massing of the development would appear to respond to the variation in height with a three storey development at the southern boundary and stepping down to two storeys at the northern end. The buildings would not be dominated by Chapman House, would not dominate the adjacent two storey houses, and would maintain a coherent building line when viewed from Rowntree Park. There is a significant slope in land level from west to east with the proposed development site at a lower level than Fenwick and Bewlay Street, and the completed three storey apartment roof ridge height would not be significantly higher than the existing two storey housing roof ridges to the west boundary. Consequently it is considered that the development would not dominate the surrounding buildings and would fit in with the existing housing in the area.

## Overbearing impact

4.15 A revised plan moves the development westwards to the front of the site to protect the root protection zone of the row of lime trees in Rowntree Park which are of high amenity value. It would still be the case that the proposed apartment blocks would fit comfortably within the site in terms of separation distances to surrounding properties. The resultant layout would not appear cramped on the site with amenity space to three sides. Due to the sloping nature of the site and the location within the site, the development would not have a significant overbearing impact on the housing opposite and to the side. It is considered that the development has been designed with careful consideration to all the surrounding views in to and out of the application site.

## Design/ Materials

4.16 The site is visually prominent, particularly from Rowntree Park, which requires a high quality building which would add to the character and appearance of the area. The building also has to respect the surrounding traditional housing proportions. The appearance of the apartment block would be contemporary, and it would be constructed in red brick with sandstone coloured brick features to the entrance areas and gables. Detailing includes aluminium coated entrance canopies and stepped brick work coursing which would add interest to the building. Roof materials would be concrete roof tiles to match existing apartments.

The appearance of the block would be different but compliment the modern design of the surrounding council housing and Chapman House, but would be sympathetic to the wide range of materials and would assimilate successfully into the streetscene. Details of materials should be conditioned to ensure full integration with the area.

### Secure by Design

4.17 Prior to the submission of the application, the applicant discussed the scheme with the Police Architectural Liaison Officer to ensure that the development would adhere to "Secure by Design" principles for residential developments. A number of street lights would need to be relocated and a new lighting scheme could be agreed through condition. Policies GP1 and GP3 would be satisfied in this respect.

### Impact on trees/ Rowntree Park

4.18 There is a belt of mature broad leafed lime trees within Rowntree Park that require protection for their significant visual contribution to the area. They have significant root areas that must not be built over and the revised plan places the building further to the west, closer to Fenwick Street in order to ensure the trees are protected. The main frame of the building would be 5-6m away from the edge of the canopies of the trees and approximately 3m outside of the recommended root protection area (RPA). However the balconies, raised beds and ramp bring the construction operations closer to the trees and in to the RPA. Any development would require that the tree roots are suitably protected during construction, and this could be reasonably conditioned. Policy NE1 would be satisfied.

4.19 There are a number of established trees to the front of the site, with a number of younger trees adjacent to the turning head/ car park. The development would result in the loss of most trees on the site. A planning condition could ensure appropriate replacement trees, replanted in more appropriate locations. On this basis, Policy GP9 would be satisfied.

### Landscaping

4.20 The existing site layout would be remodelled and the proposed layout based around the Home Zone principle. The proposals include new planting/landscaping and a paved public realm, which will give the feel of an area where pedestrians, rather than cars, have priority. Any boundary treatment would have to be agreed with the Local Planning Authority.

4.21 The proposed external amenity space for the development would be limited and the rear communal garden would be in heavy shade for most of the day.

### THE AMENITY OF SURROUNDING AND FUTURE OCCUPIERS

4.22 The National Planning Policy Framework requires that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

Local Plan Policy GP1 requires that development proposals ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

4.23 The proposed rear balconies would not result in direct or adverse oblique overlooking of neighbouring property.

4.24 In terms of the amenity of future occupiers, each flat would have access to the communal garden at rear of the proposed development and the upper floors would have balconies at the rear. There would be a screened refuse and recycling store

4.25 Taking the above into account it is not considered that the amenity of existing or future occupiers would be adversely affected by the proposals and the scheme complies with national and local policy requirements.

## HIGHWAYS

4.26 The site is accessed by an existing adopted highway turning area adjacent to parking associated with the neighbouring local authority housing. The access to the site would result in a reduction of one of the car parking space currently used by existing residents leaving 5 No. available spaces in the neighbouring parking area. The loss of one space would be an acceptable reduction as on- street parking is available to the residents in the vicinity and an additional 8 no. car parking spaces would be provided for the residents of the new block within the site. This level of car parking provision would comply with the Council's maximum parking standards.

4.27 There is a mixture of parking provision on Fenwick Street. Some of Fenwick Street is double yellow lined and is therefore not available for parking. Some of Fenwick Street contains a residents parking zone. However much of the area is uncontrolled in respect of parking. There are two car parking courts close to the application site accommodating 5 no. vehicles and 8 no. vehicles. There are no marked out spaces on the unrestricted parking area on Fenwick Street itself. An estimate by the applicant based on the length of the road (approximately 90m around the inner curve of the unrestricted parking part of Fenwick Street), and agreed by Highway Network Management, considers that approximately 15 vehicles could be parked on Fenwick Street in a way which does not impact upon vehicle flow (for example, no overhang of refuse vehicle turning areas).

4.28 It is not considered that the proposed development would add significantly to the number of cars parked on this part of Fenwick Street. The proposed development would provide 8 car parking spaces for 8 apartments. In addition the site is central with very good access to services and facilities thereby reducing dependency on the car. The application site is within the Micklegate Ward and 2011 Census data highlights that more than a third of households within the ward have no car or van, fewer than half of households have 1 car or van and only 15% of households have more than one car or van.

4.29 Information given to the Housing Development Team at the Council at public information events, during site visits, and through telephone calls with residents has revealed that many tenants believe much of the existing car parking demand in the area is generated by non-residents of this part of Fenwick Street. The unrestricted parking along this part of Fenwick Street is likely to be utilised by people visiting the city centre for leisure or shopping, commuters, and people from neighbouring streets where residents parking zones are in place. This situation would not be altered by the proposed development. However, the applicant would be willing to commit to paying £5000 towards Traffic Regulation Orders and/or the implementation of a Residents Parking Scheme if following the development there are parking issues in the area.

4.30 The site would be laid out in a Home Zone formation with a new pinch point provided at the entrance to the development which would restrain vehicle speeds whilst also providing areas of managed on-street parking and limited street planting/soft landscaping.

4.31 Concern has been expressed about increased traffic within the area and at the junction with Bishopthorpe Road. Highways officers do not consider that the development would significantly add to the traffic generation in the area to adversely affect road safety in the area

4.32 The development would provide 8 no. cycle parking spaces, in a secure store therefore meeting Council requirements and the terms of Policy T4 in this respect. There is a commitment from Housing Services to make a £2,000 contribution towards Traffic Regulation Orders which would protect the areas of adopted highway in close proximity to the development for highway safety reasons. A small amount of stopping-up of the highway would be required under Section 247 of the 1990 Town and Country Planning Act 1990.

#### DRAINAGE/ FLOOD RISK

4.33 In terms of flood risk, the National Planning Policy Framework adopts a sequential approach whereby development is steered away from areas of high flood risk to areas of lower risk. Paragraph 103 states that a sequential test is required for developments within Flood Zone 2, low to medium risk.

A sequential test has been submitted by the applicant that demonstrates that the application site is the result of investigating 175 sites within the Housing Revenue Account, their availability, their planning constraints (including flood risk), and the strong need to supply social housing economically. The local planning authority is satisfied that the test indicates that the proposed development would be safe, would not lead to increased flood risk elsewhere and that the site has reasonably been selected from the available sites for the provision of affordable housing at a reasonable cost to public funds. The terms of Policy GP15 could be met.



4.34 There are two public sewers that cross the site, a foul sewer and a surface water sewer. It is intended that the foul and surface water drainage from the development would drain to the public sewers with appropriate attenuation measures. The proposed built development would be sited partly within Flood Zone 1 and partly within Flood Zone 2, where residential development can be an acceptable use. The submitted Flood Risk Assessment indicates that the development would be located on the part of the site which is at lowest flood risk, the development would be appropriately flood resilient and resistant, and there would be no increase in flood risk elsewhere. Both the Environment Agency and the Council's Flood Risk Manager have no objections to the proposal subject to conditions should planning permission granted.

#### CONTAMINATED LAND

4.35 The Environmental Protection Unit was commissioned to undertake a phase 1 risk assessment in October 2013 prior to the submission of the planning application. It indicated that the site did not have previous industrial use, and that there is a very low potential that there may be contaminants found on the site. It may have formed part of an area that was less suitable for housing development, but there is no evidence that the site cannot be developed for housing subject to planning conditions to cover any risk of discovering contamination during development, appropriate remediation of the site if necessary, and agreeing acceptable details concerning the construction phase of the development. On this basis, Policy GP6 would be satisfied.

#### SUSTAINABLE DESIGN AND CONSTRUCTION

4.36 Due to the size of the proposed development, the proposal would fall outside the requirements of the York's Design and Construction document (Interim Planning Statement). Nonetheless, Housing Services would commit to constructing the homes to Level 4 of the Code for Sustainable Homes. Policy GP4a would be therefore be met.

#### OPEN SPACE/ EDUCATION PROVISION

4.37 Policy L1c of the Local Plan states developments for all housing sites will be required to make provision for the open space needs of future occupiers. Policy ED4 advises that in considering proposals for residential development any consequences for existing schools will be assessed. When additional provision is required as a result of the proposals, developers are required to make appropriate financial contributions. In accordance with requirements of Educational Planning, Housing Services has confirmed in a letter that should the apartments not be restricted to properties for downsizing purposes, a commuted sum of £25,011 would be paid towards primary school provision.

A contribution of £9,376 would be required towards open space/sports facilities which would be targeted at the play provision to be used in the park, amenity provision at Scarcroft allotments, and sport provision to be used within the south zone of the sports and active leisure strategy.

## ECOLOGY

4.38 The application site is mown grass in an urban setting, with young trees that would be unlikely to provide habitats for birds/ bats/ newts or result in potential impacts on protected species that could be caused by the proposed development. On this basis, it was considered that an ecological assessment of the proposed development was not required. The larger trees close to the edge of the site are in Rowntree Park and these would be retained. A condition would be required if planning permission is granted to ensure that lighting would be sensitively designed so that there is no spread of light outside of the site to avoid affecting potential bat roosts.

## 5.0 CONCLUSION

5.1 The site is in a sustainable location near to local shops, amenities and public transport links and in principle would be suitable for redevelopment for housing purposes. The proposal would deliver much needed affordable homes within the city. In design terms, on balance, the scheme as a whole is considered to respect the character of the surrounding pattern of built development in the area, landscaping within the site, and the important tree belt within Rowntree Park. The development would result in the loss of a much valued local informal amenity area, the loss of an open green space and trees, and result in further built development and activity in the area that would considerably alter its character. However, given the proximity to Rowntree Park with its range of facilities for formal and informal play, it is considered that the need for affordable housing would outweigh the level of harm to local amenity.

5.2 As the City Council cannot enter into a Section 106 Agreement with itself, a letter will be provided by the Head of Housing Services confirming that the required contributions to education and open space/sports provision will be made as follows:

- A contribution of £9,376 towards amenity space and sports facilities in the locality.
- A contribution of £25,011 towards local education provision, should the apartments not be used for the downsizing scheme.
- A contribution of £2,000 towards Traffic Regulation Orders which would protect the areas of adopted highway in close proximity to the development for highway safety reasons.

- A contribution of £5000 towards Traffic Regulation Orders and/or the implementation of a Residents Parking Scheme if following the development there are parking issues in the area.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years -

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

Revised site plan 51245000-A-(90)-002 Revision E  
5124500-ATK-XX-XX-XX-DWG-(20)-ARC- 002 Rev A, 101, 102, 103  
5124500-ATK-XX-XX-XX-DWG-(00)-103,130, 010,  
Barnes and Associates Tree Survey Plan: BA4031TS  
5124500-FEN-C-101, Rev A

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

3 VISQ8 Samples of materials to be submitted

4 Prior to the commencement of the development hereby approved, details of surfacing materials and boundary treatment shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved details.

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

5 Before the commencement of development, including demolition, building operations or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing, phasing of works, site access during demolition/construction, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles and storage of materials, location of marketing cabin. It shall also include construction details and existing and proposed levels, where a change in surface material is proposed within the canopy spread and likely root zone of a tree.

Reason: To protect existing trees which make a significant contribution to the amenity of this area.

6 LAND1 Submission of landscaping scheme

7 Prior to first occupation of the dwellings hereby approved, a full lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall detail the locations, heights, design and lux. level of the lighting. The lighting scheme shall be carried out in accordance with the approved lighting scheme and installed prior to first occupation of the dwellings.

Reason: In the interests of the amenities of nearby occupants and visual amenity

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

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

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

Reason: In the interests of highway safety.

10 In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be undertaken, and where remediation (clean-up) 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.

Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the Council may consider taking action under Part 2A of the Environmental Protection Act 1990.

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.

11 The development shall be carried out in accordance with the submitted flood risk assessment (Atkins, dated 4 March 2014) and the following mitigation measures it details:

a) Finished floor levels are set no lower than 11.3m above Ordnance Datum (AOD) as detailed within section 6.1 of the FRA.

b) Flood proofing shall be incorporated to a minimum of 300mm above finished floor level as detailed within section 6.1 of the FRA.

These measures shall be fully implemented prior to occupation, and according to the scheme's phasing arrangements (or with any other period, as agreed in writing, by the local planning authority).

c) Implementation of a Flood Warning and Evacuation Plan as approved by York's Emergency Planner.

Reason: To reduce the risk of flooding to the proposed development and future occupants. To reduce the impact of flooding to the proposed development and future occupants. To ensure safe emergency egress from the site.

12 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority. Such a statement shall include at least the following information:

- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- where contractors will park
- where materials will be stored within the site
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

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

Reason: To protect the amenities of adjacent residents.

**7.0 INFORMATIVES:  
Notes to Applicant**

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- pre-application meetings
- use of planning conditions.

**2. Demolition and Construction Informative:**

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

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

Monday to Friday 08.00 to 18.00  
Saturday 09.00 to 13.00  
Not at all on Sundays and Bank Holidays.

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

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

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

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

f. There shall be no bonfires on the site

### 3. HIGHWAY INFORMATIVE:

-You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below).

For further information please contact the officer named

Section 38/278 - Michael Kitchen (01904 551336)

Extinguishment of the highway should be carried out under Section 247 of the 1990 Town and Country Planning Act 1990

### 4. FLOOD PROOFING MEASURES - ADVICE TO APPLICANT

We strongly recommend the use of flood proofing and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department.

In the meantime, if you'd like to find out more about reducing flood damage, the following websites provide detailed construction advice:

Environment Agency: How to reduce flood damage

[www.environment-agency.gov.uk/homeandleisure/floods/105963.aspx](http://www.environment-agency.gov.uk/homeandleisure/floods/105963.aspx)

Department for Communities and Local Government: Preparing for floods

[www.communities.gov.uk/publications/planningandbuilding/improvingflood](http://www.communities.gov.uk/publications/planningandbuilding/improvingflood)

Ciria: What to do if your property is flooded and how to minimise the damage from flooding

[www.ciria.com/flooding/](http://www.ciria.com/flooding/)

National flood forum

[www.floodforum.org.uk/index.php?option=com\\_content&view=article&id=8&Itemid=4](http://www.floodforum.org.uk/index.php?option=com_content&view=article&id=8&Itemid=4)

## 5. EMERGENCY PLANNING - ADVICE TO APPLICANT

The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as it does not carry out these roles during a flood. The Agency's involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The Technical Guide to the National Planning Policy Framework (paragraph 9) states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

In all circumstances where warning and emergency response is fundamental to managing flood risk, the Environment Agency advises local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

### **Contact details:**

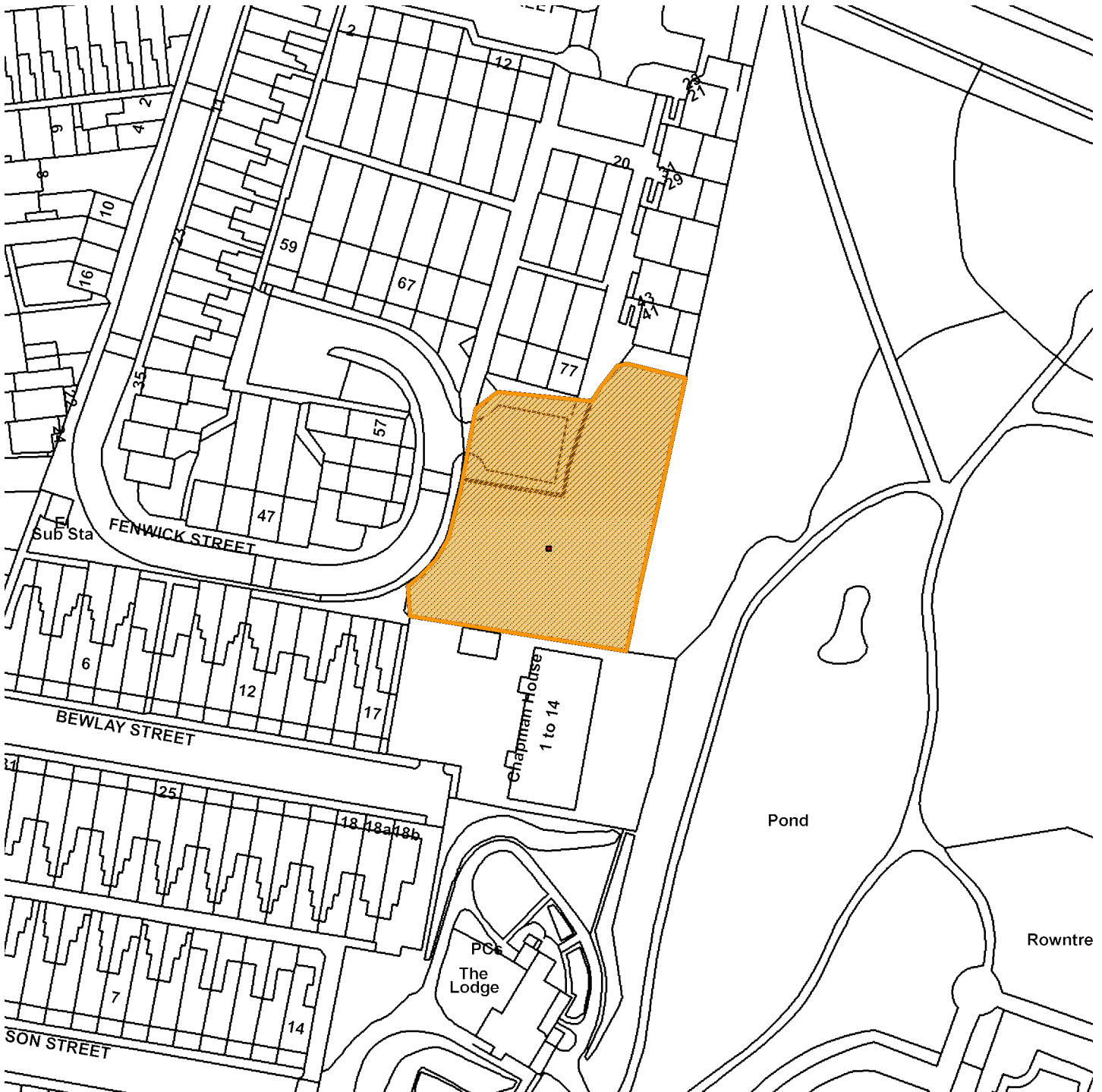
**Author:** Fiona Mackay Development Management Officer (Wed - Fri)

**Tel No:** 01904 552407



14/00713/FUL

Land Rear Of 51 To 57 Fenwick Street



Scale : 1:1059

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<b>Organisation</b>	CYC
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	26 August 2014
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 4 September 2014      **Ward:** Dringhouses and Woodthorpe  
**Team:** Major and Commercial Team      **Parish:** Dringhouses/Woodthorpe Planning Panel

**Reference:** 14/01480/FUL  
**Application at:** 1 Northfield Terrace York YO24 2HT  
**For:** Change of use from residential dwelling (use class C3) to bed and breakfast (use class C1) with two storey rear extension (resubmission)  
**By:** Mr Paul Smith  
**Application Type:** Full Application  
**Target Date:** 27 August 2014  
**Recommendation:** Refuse

**1.0 PROPOSAL**

1.1 The application seeks permission for the erection of a two storey rear extension and the change of use of the existing dwelling to an eight bedroom guest house.

**RELEVANT HISTORY**

1.2 14/00753/FUL - Change of use from residential dwelling (use class C3) to bed and breakfast (use class C1) with two storey rear extension. Withdrawn 20.05.2014

1.3 The application has been called to committee by Cllr Anna Semlyen on the grounds of the number of objections received.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001  
DC Area Teams GMS Constraints: West Area 0004  
Schools GMS Constraints: Dringhouses Primary 0193

2.2 Policies:

CYGP1      Design  
CYV3      Criteria for hotels and guest houses

**3.0 CONSULTATIONS**

INTERNAL

Design, Conservation and Sustainable Development

3.1 Request a bat survey due to the location of the property and the works being proposed to the roof

Highway Network Management

3.2 The application is for a conversion of five bedroom house into a guest house. No off street parking is associated with the existing or proposed development. The property is flanked by existing parking restrictions to allow free flow of traffic at the junction of North Lane. The existing property could expect to have 2 on street parking spaces associated with it. The proposed building shows 8 bedrooms. It is not clear whether any are for residential staff, however the maximum allowed by annex E CYC standards would be 4 car spaces. This generates an increase of 2 parked vehicles which can be accommodated in the surrounding unrestricted streets. No cycle parking has been detailed. Please provide details of covered secure parking for 1 bike per 2 bedrooms to satisfy CYCs Annex E cycle parking standards.

Planning and Environmental Management

3.3 The purpose of criterion b) is to protect against the loss of accommodation from the domestic housing stock. Our most up to date evidence base set out in the North Yorkshire Strategic Housing Market Assessment (SHMA) (2011) identifies the need for 2, 3 and 4 bedroom dwellings across the City, particularly in the suburban area. The application site comprises of a 5 bedroom dwelling. As such, provided that the rest of the criteria in Policy V3 are met there is no policy objection.

EXTERNAL

Dringhouses/Woodthorpe Planning Panel

3.4 Do not object but feel the parking survey is not considered to be credible as none of the photographs have times on.

Neighbour Notification/Publicity

3.5 31 letters of objection received raising the following point:

- Inadequate on street parking
- Parking spaces may be available during the day but in the evening and weekends there is limited on street parking
- Residents are often forced to park on North Lane which creates a blind junction and bottle neck
- It is unclear when the submitted parking photographs were taken
- Parking problems are more difficult on race day
- Parking would take place on the entrance to Hob Moor nature reserve where access is required frequently

- No dedicated off road parking space
- Any available parking places are utilised as passing places as the road is technical single lane due to parked cars
- Parking is likely to take place along the back lane which is privately owned by residents
- On occasion cars park on the double yellow lines at the junction
- Noise disturbance caused by visitors arriving and departing 24 hours a day 7 days a week
- Construction of the extension would create additional noise disturbance and highway obstructions
- Extension would result in a loss of light and amenity to the adjoining neighbour
- Extension would be overpowering and out of character
- Does not meet the policy requirement in relation to the number of bedrooms when originally built
- Due to the proposed internal alterations it would be unlikely to be resold as a private dwelling
- May become a hostel
- General loss of amenity to the area
- Inadequate bin storage
- Inadequate drainage facilities
- No outside amenity space

## **4.0 APPRAISAL**

### 4.1 Key Issues:

- Impact upon neighbours amenity
- Principle
- Parking

4.2 The National Planning Policy Framework 2012 (NPPF) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. The framework states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. A principle set out in paragraph 17 is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.3 Paragraph 187 states that Local Planning Authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible. The NPPF states that there are three dimensions to sustainable development - an economic role, a social role and an environmental role.

4.4 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the content of the NPPF.

4.5 The relevant City of York Council Draft Deposit Local Plan Policies are GP1 and V3. Policy GP1 'Design' of the City of York Local Plan Deposit Draft includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.6 Policy V3 'Hotels and Guest Houses' states that planning permission will be granted for new and extensions to existing hotels and guest houses within defined settlement limits where it is compatible with its surroundings in terms of siting, scale and design; and it would not result in the loss of residential accommodation which when originally built had less than four bedrooms; would not have an adverse effect on the residential character of the area and is well related in terms of walking, cycling and access to public transport in relation to York City Centre.

## SCHEME

4.7 The application site comprises of a double fronted end terrace property which is located at the junction of Northfield Terrace and North Lane. Northfield Terrace comprises of the properties located along the North Western side of the street with the properties lying to the South Eastern side of the street being known as Railway View.

4.8 The property is relatively large and consists of five bedrooms, three at first floor and two located within the roof. Permission is sought for the change of use to a guest house following the erection of a two storey rear extension. The extension would project from the rear elevation by 5.2m and would have a width of approximately 4.5m. It would be located along the boundary with number 2 Northfield Terrace and would run through at eaves and ridge heights. The extension would provide two additional bedrooms. The use as a guest house would provide seven guest rooms and a room for a member of staff. A small courtyard would be retained to the rear. No off street parking is to be provided.

## EXTENSION

4.9 Concerns are raised in connection with the proposed rear extension. It is proposed to erect the extension along the shared boundary with number 2 Northfield Terrace. Whilst a single storey element is currently present to both properties it is considered that the first floor element would have a detrimental impact upon the amenities of the adjoining neighbour. The proposed extension would lie to the north east and as such there would not be any direct loss of light. However, the first floor bedroom window is located close to the shared boundary and is the only source of light to this small room which is used as a bedroom and study. The proposed extension would be clearly visible from this window and would present a harsh and overbearing structure which would clearly result in the loss of ambient light and present a harsh and overbearing structure. It is considered that this element of the scheme is unacceptable and is contrary to policy GP1 of the City of York Council Draft Local Plan.

## CHANGE OF USE

4.10 The relevant policy in connection with the change of use to a guest house is V3. The policy states that the proposal should be compatible with their surroundings in terms of siting, scale and design. The existing property sits comfortably within the area and compliments adjacent properties and the streetscene. The proposed extension itself would not detract from the character of the area and the principle of a two storey extension to the property may be considered acceptable. However, the size and location of the scheme before Members would clearly result in the loss of amenity to neighbouring residents.

4.11 Concerns have been raised that the change of use would result in the loss of a dwelling which when originally built had less than four bedrooms as outlined in Policy V3. This aspect of the policy is aimed at reducing the pressure on the main housing stock by ensuring that only large properties are converted. The Local Plan dates back to 2005. The most recent up to date evidence base set out in the North Yorkshire Strategic Housing Market Assessment identifies the need for 2, 3 and 4 bedroom dwellings across the city, particularly within the suburban area. Whilst the property may have had three bedrooms when originally built it now comprises of a five bedroom property for which there is not an identified need. As such it would be difficult to refuse the application on the loss of this property from the housing stock.

4.12 The policy also states that the change of use should not have an adverse effect on the residential character of the area.

Concerns have been raised that the change of use would result in a potential noise disturbance as a result of the visitors entering and leaving the property '24/7'. It is considered that a guest house in this location would be unlikely to be operating at capacity throughout the year and its location away from the city centre would be unlikely to attract large groups of people. The property at present is a five bedroom dwelling which in itself could have the potential to generate noise by the occupiers.

The applicant has stated that they are aware of this concern and as there will be a member of staff present on site potential noise disturbance can be managed accordingly.

4.13 The policy goes on to state that there will be a presumption against new guest houses where it is considered that the concentration is too high within an existing residential area and a detrimental impact on amenity may result from additional visitor accommodation. The location of the proposed guest house is within a predominantly residential area with no guest houses within the immediate vicinity.

4.14 Policy indicates that the site should be well related in terms of walking, cycling and access to public transport in relation to York City Centre and other tourist attractions. The site is located adjacent to Hob Moor which would allow easy access to York Racecourse and a number of buses which travel to the city centre along Tadcaster Road. In addition a regular bus service travels past the end of Northfield Terrace every 7-8 minutes during the day and every 30 minutes during the evening with the last bus leaving York Station at 23:24. Whilst the site is not located within the city centre good transport links exist.

## PARKING

4.15 The application site is located at the end of a short row of terrace properties. Concerns have been expressed by neighbours that there is insufficient on street parking to accommodate the additional visitors as no off street parking is to be provided at the application site. At present the property could be expected to have two on street car parking spaces. The change of use, according to annex E of the City of York Council Draft Deposit Local Plan parking standards, the maximum allowed for an eight bed guest house would be 4 spaces. This generates an additional two spaces which would have to be provided on the highway.

4.16 A short distance of parking restrictions is present at the junction of Northfield Terrace and North Street in order to protect the junction and retain visibility. There are no additional highway parking restrictions within the vicinity. Objections submitted state that there is insufficient parking within the area for the existing properties and demand is high for the few spaces which arise. Photographs submitted by the applicant indicate that free parking spaces are present although the timing of the photographs has been questioned by objectors who are concerned that they were taken during the daytime when the majority of the occupiers of the area are at work.

However, photographs have been submitted at 23:58 and 21:00 indicating parking spaces along Northfield Terrace and North Street. Alternatively, photographs have been submitted by a number of objectors which indicate no free parking spaces within the vicinity at various times of the day.

4.17 Three site visits by officers during the early afternoon on a week day has shown parking for more than one car has been available along Northfield Terrace.



It is also worth noting that the majority of the properties along Northfield Terrace appear to have garages or car parking spaces to the rear which are served off the back lane. A smaller number of properties along Railway View also have garages served off a back lane.

4.18 It is apparent that car parking spaces within the vicinity vary throughout the day with conflicting information being submitted by both parties. However, the parking standards only require the provision of two additional spaces in connection with the change of use and it is considered that these can be accommodated within the vicinity.

## **5.0 CONCLUSION**

5.1 Whilst local residents have concerns in connection with the application and in particular parking, it is considered that the principle of the change of use is acceptable. However, it is considered that the proposed extension would have an adverse impact upon the amenities of the adjoining neighbouring property. As such officers recommend refusal.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Refuse**

1 It is considered that the proposed two storey extension, by reason of its height, length and proximity to the boundary with number 2 Northfield Terrace, would have an overbearing and oppressive impact upon the neighbouring property resulting in an unacceptable loss of amenity. The application therefore conflicts with guidance contained within the National Planning Policy Framework, which states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. It would also conflict with Policy GP1(i) of the City of York Council Draft Deposit Local Plan, which states that development proposals will be expected to ensure that residents living nearby should not be dominated by overbearing structures.

### **Contact details:**

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14/01480/FUL

1 Northfield Terrace



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<b>Organisation</b>	CYC
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	26 August 2014
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 4 September 2014      **Ward:** Micklegate  
**Team:** Major and                      **Parish:** Micklegate Planning  
Commercial Team                      Panel

**Reference:** 14/01574/FUL  
**Application at:** Public Conveniences Tanner Row York  
**For:** Demolition of existing toilet block and relocation of services within Roman House. Construction of wall along Tanner Row with associated landscaping and amenities (bin store and cycle store)  
**By:** Mr Ben Pilgrim  
**Application Type:** Full Application  
**Target Date:** 1 September 2014  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application relates to the demolition of the existing single storey toilet block located along Tanner Row, between Roman House and the Cedar Court Hotel. Replacement facilities would be provided within Roman House, adjacent to the retail unit and bus stop on Rougier Street. The Tanner Row toilet block would be replaced with a parking courtyard, bin store and cycle store, and a boundary wall would be erected along the frontage. The site is within the Central Historic Core Conservation Area

1.2 The toilet block is currently operated by the City Council. The Council strategy for upgrading public toilets was approved at Cabinet in December 2013. The proposal in this case is that new facilities would be provided within, and managed by, the operators of Roman House, who would in turn acquire the land where the toilets are currently located. The Public Realm team have established the criteria for the design for the w/c facilities. The facilities will have controlled access (a fee is applicable for entry), they will be available on a 24 hour basis and there will be a facility for wheelchair users and baby changing facilities.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006  
Conservation Area GMS Constraints: Central Historic Core CONF  
City Boundary GMS Constraints: York City Boundary 0001  
DC Area Teams GMS Constraints: Central Area 0002  
Floodzone 2 GMS Constraints: Flood zone 2  
Floodzone 3 GMS Constraints: Flood zone 3

Listed Buildings: Grade 2 Star; North Eastern Railway Co Offices Toft Green 0097

## 2.2 Policies:

CYGP1 Design  
CYHE3 Conservation Areas

## 3.0 CONSULTATIONS

### Design, Conservation and Sustainable Development

3.1 No comment

#### Micklegate Planning Panel

3.2 The panel does not object to the principle of the demolition of the existing toilet block and the proposed landscaping to Tanner Row. However, we do object to the proposed relocation of the public conveniences to Rougier Street. It is the view of the panel that this is an inappropriate location for such services. It is the view of the panel that the proposed public conveniences would reduce the amenity of what is already a very busy pavement area due to the many bus stops here. The panel also notes objections have been made by local traders.

The panel notes the reduction in number of toilets. The May 2013 York City Centre Access and Mobility Audit noted an insufficiency of public toilets. Any replacement should therefore seek to retain or improve on the current level of provision.

#### Safer York Partnership

3.3 Comments awaited

#### York Access Group

3.4 Comments awaited

#### Publicity

3.4 Two objections have been received, on the following grounds:

- Smells and flies would lead to a loss of amenity, in the shop next door and for users of the bus stop.
- Placing the toilets next to a bus stop used by tourists and school children is not an appropriate site
- The existing location, which is more out of the way, is more appropriate.

## 4.0 APPRAISAL

## KEY ISSUES

4.1 The material planning considerations are as follows -

- Impact on the character and appearance of the conservation area
- Provision of public facilities
- Amenity and crime and disorder

## PLANNING POLICY

4.2 The Planning (Listed Buildings and Conservation Areas) Act 1990) requires that the local planning authority pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

4.3 The National Planning Policy Framework (NPPF) requires that proposals sustain or enhance conservation areas. It advises that local planning authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

4.4 One of the core principles of the NPPF is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. The NPPF advises that sustainable development includes the provision of accessible local services and that planning decisions should ensure developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

4.5 Paragraph 70 of the NPPF advises that planning decisions should aim to achieve places where there is no unnecessary loss of public facilities, and ensure facilities are able to develop and modernise in a sustainable way, so they are retained for community benefit.

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

4.7 Local Plan Policy HE5: "Demolition of listed buildings and buildings in Conservation Areas" advises that permission will not be granted for the demolition of buildings which positively contribute to the character and appearance of conservation areas. Buildings which do not make a positive contribution to the character and appearance of an area can be permitted, provided the removal, or replacement development would benefit the character and appearance of the area.

## ASSESSMENT

### Visual impact / effect on the conservation area

4.8 The existing toilet block is a C20 single storey red brick building. It does not make a positive contribution to the conservation area. The proposals would provide a boundary wall along Tanner Row, which would screen the parking area and preserve the street scene. Subject to appropriate materials being agreed there would be no harm to the appearance of the conservation area.

### Provision of public facilities

4.9 The Public Realm section of the Council is currently undergoing a programme of works to improve the w/c facilities within the city centre. The strategy was approved by Cabinet in December 2013. The Access and Mobility Audit (referred to by the Planning Panel) raised issues not only with the number of facilities, but problems regarding maintenance, cleanliness, hours of operation and accessibility.

4.10 The proposals in this case are that the Tanner Row w/c facility is replaced by a facility within Roman House. The land would then be sold to the operators of Roman House (with the requirement for re-provision of the toilets part of the associated legal agreement). The Public Realm team have established the criteria for the design for the w/c facilities. The facilities will have controlled access (a fee is applicable for entry), the facilities will be available on a 24 hour basis. The facilities will be DDA compliant and there will be a facility for wheelchair users.

4.11 There would be no loss of a public facility and no conflict with paragraph 70 of the National Planning Policy Framework, as reference in 4.5 above.

### Amenity / crime and disorder

4.12 The proposed w/c facilities would be serviced daily and have mechanical ventilation. There is no evidence that the facilities would cause smells that would impact on neighbouring amenity.

4.13 The toilets would have a controlled access and would benefit from natural surveillance. There is no evidence to demonstrate that this location would lead to any further problems with crime/anti-social behaviour in comparison to the existing toilet on Tanner Row.

## **5.0 CONCLUSION**

5.1 The proposed development would accord with the National Planning Policy Framework. There would be no harm to the appearance of the conservation area, no adverse effect in terms of crime and disorder and the amenity of neighbours, and no loss of public facilities. Approval is therefore recommended.



## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 PLANS1 Approved plans - drawings 360/20(02) 510A, 511 and 512
- 3 Prior to completion of the development hereby approved the redundant vehicular crossing on Tanner Row shall be reinstated to match adjacent levels, as shown on drawing 510A.

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

- 4 The boundary wall along Tanner Row shall be constructed within 3 months of demolition of the toilet block. The brickwork shall match the existing brickwork on Roman House in all respects i.e., bonding, size, colour and texture of bricks and the colour and finished treatment of mortar joints, to the satisfaction of the Local Planning Authority.

Reason: In the interests of the character and appearance of the conservation area.

- 5 The time frame for the replacement public conveniences, as shown on the approved drawings, shall be submitted to and agreed in writing by the Local Planning Authority prior to demolition of the existing facility. The replacement facilities shall be provided in accordance with the agreed time frame.

Reason: To ensure no unnecessary loss of public facilities in accordance with paragraph 70 of the National Planning Policy Framework.

### 7.0 INFORMATIVES:

#### Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH  
In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: the use of planning conditions.

#### Contact details:

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Public Conveniences Tanner Row



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<b>Organisation</b>	CYC
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	26 August 2014
<b>SLA Number</b>	Not Set

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