



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

- To:** Councillors Galvin (Chair), Shepherd (Vice-Chair),
S Barnes, Carr, Craghill, Derbyshire, Gillies, Hunter,
Looker, Mercer and Orrell
- Date:** Thursday, 9 July 2015
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor ,
West Offices (F045)

A G E N D A

Please note there will be no mini-bus for this visit and Members of the sub-committee should meet at the site or contact the Democracy Officers to arrange a lift from West Offices

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 - 22)

To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee held on 11 June 2015.

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 Officers on the contact details listed at the foot of this agenda. The deadline for registering is **Wednesday 8 July 2015 at 5.00 pm.**

Filming, Recording or Webcasting Meetings

Please note this meeting may be filmed and webcast or audio recorded and that includes any registered public speakers, who have given their permission. The broadcast can be viewed at <http://www.york.gov.uk/webcasts> or, if sound recorded, this will be uploaded onto the Council's website following the meeting.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officers (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at https://www.york.gov.uk/downloads/file/6453/protocol_for_webcasting_filming_and_recording_council_meetingspdf

4. **Plans List**

To determine the following planning applications:

- a) **Omnicom Engineering, 292 Tadcaster Road, York, YO24 1ET (14/02421/FUL)** (Pages 23 - 34)

Two storey side and rear extensions, single storey rear extension and detached annexe to rear.

[Dringhouses and Woodthorpe Ward] **[Site Visit]**

**b) Omnicom Engineering, 292 Tadcaster Road, (Pages 35 - 42)
York, YO24 1ET (14/02422/LBC)**

Two storey side and rear extensions, single storey rear extension and detached annexe to rear, new rooflights to rear and internal alterations.

[Dringhouses and Woodthorpe Ward] **[Site Visit]**

5. Urgent Business

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

Democracy Officers:

Name: Louise Cook/Catherine Clarke (job share)

Contact Details:

- Telephone – (01904) 551031
- E-mail –louise.cook@york.gov.uk
[/catherine.clarke@york.gov.uk](mailto:catherine.clarke@york.gov.uk) (when emailing please send to both addresses)

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

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

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 **(01904) 551550**

AREA PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 8 July 2015**

There will be no mini-bus for this visit. Members of the sub-committee should meet at the site.

TIME (Approx)	SITE	ITEM
10.00	292 Tadcaster Road	4a & 4b

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City of York Council

Committee Minutes

Meeting	Area Planning Sub-Committee
Date	11 June 2015
Present	Councillors Galvin (Chair), Looker, Shepherd (Vice-Chair), Mercer, Carr, Orrell, Craghill and Reid (Substitute for Councillor Hunter)
Apologies	Councillors S Barnes, Derbyshire and Gillies and Hunter

Site Visited	Visited by	Reason for visit
Royal Masonic Benevolent Institute, Connaught Court, St Oswalds Road	Councillors Carr, Craghill, Galvin, Looker, Mercer and Shepherd	As the recommendation was for approval and objections had been received.
Eastfield Farm, Moor Lane, Acomb	Councillors Carr, Craghill, Galvin, Looker, Mercer, Reid and Shepherd	To allow Members to view the whole site on which the dwellings are proposed to be built.
The Malt House, Lower Darnborough Street	Councillors Carr, Craghill, Galvin, Looker, Mercer and Shepherd	As the recommendation was for approval and it was a listed building.
Lord Deramore's Primary School	Councillors Carr, Craghill, Galvin, Looker, Mercer, Orrell and Shepherd	As the recommendation was for approval and it was a listed building.
8 Pinewood Hill	Councillors Carr, Galvin, Looker, Mercer, Orrell and Shepherd	As the recommendation was for approval and objections had been received.
47 The Leyes, Osbaldwick	Councillors Carr, Galvin, Looker, Mercer, Orrell and Shepherd	As the recommendation was for approval and it had been called in by the Ward Member.

39 Goodramgate	Councillors Carr, Galvin, Looker, Mercer and Shepherd	To enable Members to assess the impact on highway safety and pedestrian movement.
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1. 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 Cragg declared a personal interest in Agenda Item 4a) (Royal Masonic Benevolent Institute, Connaught Court) as a former Member of Fulford Parish Council.

No other interests were declared.

2. Minutes

Resolved: That the minutes of the Area Planning Sub-Committee meetings held on 5 March and 9 April 2015 be signed and approved by the Chair as correct records.

3. Public Participation

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

4. Plans List

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

4a) Royal Masonic Benevolent Institute, Connaught Court, St Oswalds Road, York. YO10 4QA (13/03481/FULM)

Members considered a full major application from RMBI and Shepherd Homes Ltd for the erection of 14 numbered dwellings following the demolition of an existing bowling clubhouse and garage block.

Representations were received from the Ward Member, Councillor Aspden. He gave a short history of the site to the Committee and informed them that it was a major feature of the village. He felt that the development would harm the Conservation Area, would encourage flooding and would not tie in with the emerging Local Plan.

Representations in objection were received from a local resident, David Wilkinson. He handed out a series of photographs to Members and explained to Members using them how he felt the development of the houses would damage views looking in and out of the site.

Further representations in objection were received from the Chair of Fulford Friends, Constance Smith. She felt that the development would cause irreversible harm to the Fulford Conservation Area. She added that the design for the development should be sympathetic to the parkland setting and of smaller scale. However, what had been planned were larger and closely packed houses.

Karin de Vries from Fulford Parish Council spoke about how the Conservation Area had been extended to protect the grounds of Fulford Park. She felt that the harm to it would be substantial and that there should be a reassessment carried out.

Richard Wood, the agent for the applicant spoke in support of the application. He informed the Committee that the application had no objections from the Environment Agency and it was suitable, achievable and deliverable under the National Planning Policy Framework.

Some Members raised concerns about specialist conservation information that had only recently become available on the public website and asked whether the Conservation Officer's views had been sought.

The Planning Officer advised that the Council's Conservation Architect had made comments on the scheme but for technical reasons they had not been viewable by the public until recently. The Conservation Architect, who was in attendance at the meeting, responded that she had reviewed and had an input into the relevant sections of the officer's report.

Resolved: That the application be approved.

Reason: The application would provide 14 dwellings in a highly sustainable and accessible location. There would be some minor harm to designated heritage assets, i.e. Fulford Village Conservation Area, the setting of Fulford Road Conservation Area and the setting of the Grade II listed building (The Cottage). Having attached considerable importance and weight to the desirability of avoiding such harm the local planning authority has concluded that it is outweighed by the application's public benefits of providing much-needed housing in a sustainable location. In terms of flood risk the local planning authority has carried out a sequential test and is satisfied that there are no other appropriate, reasonably available sites for the proposed development in areas with a lower probability of flooding. Furthermore that the development would be appropriately flood resilient and resistant. All other issues are satisfactorily addressed. The development would contribute £84,052 towards education, £48,856 towards open space and £19,381 towards improvements to open space (bowling green facilities at Scarcroft Green). These contributions are considered to be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development,

and therefore comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). These contributions have already been

secured in a s.106 Obligation. The application accords with national planning policy set out in the National Planning Policy Framework and with the emerging policies in the Draft York Local Plan (2014 Publication Draft).

4b) The Cottage, Eastfield Farm, Moor Lane, Acomb, York (14/02966/FUL)

Members considered a full application from Messrs Dodgson for a change of use of outbuildings to form additional residential accommodation for The Cottage with associated alterations.

Agenda Items 4b)-4e) were considered and debated at the same point in the meeting due to them being on the same site and as the agent for the applicant had registered to speak on all of applications.

Representations were received from the agent for the applicant, David Bolton. He spoke about how the current non-residential buildings would be reused and the impact on the openness of the green belt would be reduced. In addition, the DIY livery yard was now not commercially viable and did not employ anyone on site. He added that the existing site access was deemed acceptable to Highways Officers and would serve all the properties and that the scheme had been revised to remove the access to the north as a result of this. The Internal Drainage Board and the Council's Drainage Officer were also satisfied with the submitted proposals.

Councillor Reid explained why she had called in the application for consideration. She added as residents concerns over the access had now led to a revision in the scheme, and that the leylandii hedges had been removed, that she was happy to approve the application. She suggested that a condition be added to restrict bonfires in respect of the disposing of construction waste. Officers advised that an informative be added rather than a condition.

Resolved: That the application be approved with the following informative;

3. The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974.

In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in 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 0800 to 1800

Saturday 0900 to 1300

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 the 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 with 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 site.

Reason: The change of use of stables to provide an extension of existing residential accommodation is considered to be acceptable. The proposed development would have a very limited impact to the openness and character of the green belt and, subject to the submission of satisfactory drainage details, it is not considered to result in harm.

4c) The Coach House, Eastfield Farm, Moor Lane, Acomb, York (14/02967/FUL)

Members considered a full application from Messrs Dodgson for a change of use of outbuildings to form additional residential accommodation for The Coach House with additional external alterations.

Discussion of this item took place under Agenda Item 4b) (Minute Item 59b refers).

Resolved: That the application be approved.

Reason: The change of use of stables to provide an extension of existing residential accommodation is considered to be acceptable. The proposed development would have a very limited impact to the openness and character of the green belt and, subject to the submission of satisfactory drainage details, it is not considered to result in harm.

4d) West Cottage, Eastfield Farm, Moor Lane, Acomb, York (14/02968/FUL)

Members considered a full application for a change of use of outbuildings to form additional accommodation for West Cottage with link extension and associated external alterations.

Discussion of this item took place under Agenda Item 4b) (Minute Item 59b) refers).

Resolved: That the application be approved.

Reason: The change of use of stables to provide an extension of existing residential accommodation is considered to be acceptable.

The proposed development would have a very limited impact to the openness and character of the green belt and, subject to the submission of satisfactory drainage details, it is not considered to result in harm.

**4e) Eastfield Farm, Moor Lane, Acomb, York, YO23 3QX
(14/02964/FUL)**

Members considered a full application by Messrs Dodgson for a change of use of outbuildings to form additional accommodation for The Dovecote, alterations to Byre House to form 5 numbered dwellings with associated gardens and parking.

Discussion of this item took place under Agenda Item 4b) (Minute Item 59b refers).

Resolved: That the application be approved.

Reason The proposed development would have a very limited impact to the openness and character of the green belt and, subject to the submission of satisfactory drainage details, it is not considered to result in harm.

**4f) The Malt House, Lower Darnborough Street, York YO23
1AR (15/00114/FUL)**

Members considered a full application by Northminster Limited for a conversion into six residential units.

Officers provided an update to Members on an updated Bat Survey, the Conservation Areas Advisory Panel (CAAP) comments on the application and further objections received since the publication of the agenda.

Updated Bat Survey

The Bat Survey from 8 June 2015 included the results of dusk and dawn surveys undertaken on 28th May and 8th June 2015 and an unmanned recorder in the roof of the building which were requested by the Council's Ecology officer following the results of the Bat Scoping Survey.

The Bat Survey conclusively found that no bats roosted within the building and that there was no evidence of the use of the interior of the building by bats.

The dusk and dawn activity surveys confirmed the presence of pipestrelle species of bats commuting over and past the site most likely to a roost site somewhere north of the site but not using the building itself. Bats were recorded foraging in the courtyard. Swifts were observed nesting in the eaves on the southern elevation on Lower Ebor Street.

The report had been reviewed by Design, Conservation and Sustainable Development who support the findings and recommendations of the report, including habitat enhancement. Habitat features to benefit bats could very easily be installed on the building to provide new roosting habitat as recommended in section 9.2 of the report. The inclusion of swift boxes would maintain the biodiversity interest of the development.

A condition was proposed as follows:

Bat habitat creation

No development shall take place until full details of what measures for bat mitigation and conservation are proposed and what reasonable measures are to be taken to avoid any possible impact on bats and other species during the construction phase. These should be submitted to and approved in writing by the Council prior to any work commencing.

The measures should include:

- i. Details of how the work is to be implemented including what assessments, protective measures (if any) and sensitive work practices are to be employed prior to and during construction to take account of the possible presence of bats.
- ii. Details of what provision can be made within the development to enhance the features suitable for bat roosting. Features suitable for incorporation include the use of special tiles, bricks, soffit boards, bat boxes and bat lofts.
- iii. No development shall take place until details have been submitted to and approved by the Council as to how Swifts are to be taken into account within the development to enhance the habitat suitable for this species.

- iv. The works shall be implemented in accordance with the approved details and timing unless otherwise approved in writing by the Council.

Reason: To take account of and enhance habitat for a protected and declining species.

If bats are discovered during the course of the work, then work should cease and Natural England consulted before continuing.

Informatives

Design, Conservation and Sustainable Development have also requested two informatives be added to any planning permission relating to limiting external lighting to minimise impact on bats foraging activity and that it is an offence to disturb breeding birds.

Conservation Areas Advisory Panel Comments

The Maltings have been empty for some considerable time, have remained undeveloped and have survived relatively intact. However in view of the fact that the building could only deteriorate the Panel applauded the re-use of the building and the intention to retain many of the original features. The Panel felt a scheme was required to ensure the features are retained and managed. Historic England's comments were noted and endorsed.

Further Objections Received

- Lack of community consultation on the application or on proposals for potential alternative uses of the building.
- Concerns that the disposal of the building have not met with principles of 'natural justice' where decision making by the Council should be open and transparent.
- Concerns that the car-club bay, bus passes and funds towards purchase of a bicycle for each of the first occupiers of the units is tokenistic and will not fully resolve the anticipated parking issues.
- The desire to preserve a unique historical, cultural and archaeological building whilst retaining sufficient public access for York residents.
- Preference for a community use for the building, supported by museum use, creative industry space and business start-up units.

- Objection to alterations to the listed structure and rare machinery.
- The need to consider the application for the building to be listed as an asset of community value.
- Desire for a review of the contract of sale of the property.
- Desire for more detailed plans.
- Questioning of some assessment within the Archaeology and Heritage Statement.
- Preference for affordable housing rather than market housing.

Representations in support were received from the applicant for the agent, Alastair Gill. He informed the Committee that although the building was Grade 2 listed it was in a poor condition. He added that the application would provide housing on a derelict brownfield site and that the architect had received two Civic Trust awards for his work. In regards public consultation, he informed the Committee that he and a Council Officer had given a presentation to a group of residents in March about the application.

Further representations in support were received from Ian Collins, the architect for the applicant. He spoke about how the building needed repairs to be usable but agreed with the first speaker that he felt it provided much needed housing on a brownfield site. He confirmed that all the existing malting equipment would be staying in situ on the site.

Representations in objection were received from Andy Johnson, Chair of Clementhorpe Community Association. He felt that the application did not include adequate parking proposals, the drawings included inadequate elevations to judge the building, the presence of bats had been ignored and that the scheme was a disposal of the area's cultural heritage. He felt that the building could have uses other than housing such as a visitor centre and could be conserved by grant or public funding. He questioned the validity of the public consultation that had taken place, such as the only reference to it being to an article on the GeniUs website.

One Member made a comment to Mr Johnson about how the building had remained empty for a number of years but that nobody from the local community had made enquiries to use it.

In response, Mr Johnson stated that the Community Association did not know that it was empty until it had been sold by the Council.

Further representations in objection were received from Steven Gregory. He spoke about how the community was interested in the application and this had been proved by the number of signatories that a petition over two days had received. He felt that Clementhorpe Community Association should be given time in order for their bid to get the Maltings listed as an Asset of Community Value (ACV). He added that the building was of historic importance and that the equipment should be donated to a museum rather than being kept within the building as they would be used solely for marketing purposes. He felt that if the application was granted that the dwellings should be used for social housing.

Representations were received from the Ward Member, Councillor Hayes. He informed the Committee how by applying for an ACV, this would allow Clementhorpe Community Association to return it to its former use or to a community use. He asked Members to defer the decision making process until the outcome of the Association's bid was known.

Questions from Members related to whether the development would affect the current Grade 2 listing of the building and why the two bedroom properties had room for only one cycle store.

The Conservation Officer responded that the listing would remain and it was reported that each unit had storage on the ground floor that would accommodate more than one cycle.

Officers reported on advice they had received from the Council's Legal department which stated that an application for a building to be listed as an ACV in their opinion was not a material planning consideration.

Councillor Reid moved approval as she felt that the proposals constituted an imaginative use of the building and was reassured by what the architect had told Members. Councillor Shepherd seconded the motion.

Councillor Craghill moved deferral on the grounds that she felt that the public consultation on the future plans for the building from the Council had not been good enough.

If an ACV bid was awarded to Clementhorpe Community Association this would be a six week delay, if not there would only be a three week delay until the next Committee date. Councillor Looker seconded the motion.

A vote was taken on the motion to defer the application. On being put to the vote, the motion fell.

Resolved: That the application be approved subject to the satisfactory completion of a Section 106 obligation to seek a Traffic Regulation Order to provide a City Car Club Bay, and provision of sustainable transport incentives as set out within the Officer's report and any appropriate conditions or amendments required to accommodate bats.

Reason: The proposals are considered to have an acceptable impact on all other matters including flooding issues, introduction of residential use to the site, archaeology, transport and highways and ecology (subject to further surveys) and are in compliance with the policies of the Local Plan and with guidance contained within the National Planning Policy Framework.

4g) The Malt House, Lower Darnborough Street, York YO23 1AR (15/00115/LBC)

Members considered a listed building consent application from Mr Martin Burgess for a conversion of a Malt House into six numbered residential units.

Councillor Looker raised comments about setting up a management committee to allow public access to the building from time to time and wondered whether an informative could be added to planning permission, should listed building consent be granted.

Resolved: That the application be approved with the following amended informative;

OPEN DAY

The Council advises holding a heritage open day prior to occupation and advertising this for the local community and for other interested parties such as industrial archaeology groups and the Council for British Archaeology. The Council also advises considering including the converted building in the 'Residents First Weekend' where residents of York can view buildings not normally open to them. This is to enable the general public to view the building for its historical interest prior to and following private occupation.

Reason: This is an imaginative scheme of alteration which preserves many special qualities of the listed building, including its equipment. No other viable use of has come forward in the last ten years; therefore the current residential scheme is seen as the optimal viable use compatible with the building's long term conservation and as such it has public benefit.

4h) Lord Deramore's Primary School, School Lane, Heslington, York YO10 5EE (15/00125/FULM)

Members considered an application by Kier Construction on behalf of the Secretary of State for the erection of a replacement primary school building followed by the part demolition of an existing school building.

In their update to Members, Officers reported that an additional letter of support had been received. They suggested amending the proposed drainage condition requiring a maximum surface water discharge rate of 2 litres a second if approval was granted.

Some Members expressed concerns at the sustainability rating of the building and that it would only have a BREEAM very good rating.

Resolved: That the application be approved with the following amended condition;

7. The construction of buildings shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, the works shall be

completed and maintained in accordance with these approved details.

Details shall include:

- a) Calculations and invert levels to ordnance datum of existing foul and surface water together with details to include calculations and invert levels to ordnance datum of the proposals for the new development.
- b) A topographical survey showing the proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development shall not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.
- c) As there are no existing connecting areas discharging to the existing watercourse then in accordance with City of York Council's Strategic Flood Risk Assessment and in agreement with the Environment Agency and the Ouse & Derwent Internal Drainage Board, peak surface water runoff must be attenuated to 2.0 lit/sec. Storage volume calculations, using computer modelling, must be provided that must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface water run off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst case volume required.
- d) Site specific details of the flow devise manhole limiting the surface water to the 2.0 lit/sec.
- e) Site specific details of the storage facility to accommodate the 1:30 year storm and details of how and where the volume above the 1:30 year storm and up to the 1:100 year storm will be stored.
- f) Details of maintenance and management of the proposed drainage system.

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

Reason: The proposed development would enhance facilities for children's education, and ensure that there is a sufficient choice of school places available to meet the needs of existing and new communities. The proposals are also acceptable in Green Belt terms and will enhance the visual amenity and allow the setting of the original listed building to be better appreciated.

4i) Lord Deramore's Primary School, School Lane, Heslington, York. YO10 5EE (15/00126/LBC)

Members considered a listed building consent application by Kier Construction on behalf of the Secretary of State for the part demolition of an existing school building.

Discussion of this application took place at the same time as the application at Agenda Item 4h).

Resolved: That the application be approved.

Reason: It is considered that the post war school buildings have little architectural merit, therefore no harm results to the listed building by this proposal.

4j) 8 Pinewood Hill, York YO10 5HR (15/00209/FUL)

Members considered a full application for a change of use from a dwelling (use class C3) to a House in Multiple Occupation (use class C4) including single storey rear extension and alterations to garage.

Representations were received from Councillor Warters. He urged Members to not feel compelled to grant permission even if Officers reported that it fell within the Council's percentage of less than 10% of houses being HMOs within 100 metres of the site under consideration. He felt 10% of houses being shared houses, harmed a community's make up and Badger Hill should be assessed as a distinct community. He thought that the application should also be judged on the impact that it made on the streetscene and noise.

Further representations in objection were received from Daniel Rhodes. He felt that there were too many HMO's in the local area and made reference to the property's location in a cul de sac and a local petition regarding the numbers in the area.

Representations in support were received from the agent on behalf of the applicant, Melissa Madge. She informed the Committee that the applicants were told that they did not exceed the threshold for the number of HMO's in the area, would operate the property as a home for their daughter and her friends (whilst they were studying at University) and that the proposal accorded with Council policy.

During debate Members felt that the application was inappropriate in its location in the cul de sac, and as there were numerous HMO's to the rear of the property granting permission would increase the percentage of HMO's in the area.

Councillor Craghill moved refusal, Councillor Orrell seconded the motion.

On being put to the vote this was carried.

It was suggested that the reason for the refusal be finalised between the Chair and Vice Chair.

Resolved: That the application be refused.

Reason: The application property is a semi-detached house located at the head of a quiet suburban residential cul-de-sac where there are no existing Houses in Multiple Occupation. If the proposal were approved it would mean that the percentage of Houses in Multiple Occupation within 100m of the property would increase from 9.1% to 13.6% which is well above the 10% figure contained in the council's Controlling the Concentration of Houses in Multiple Occupation Supplementary Planning Document where it is considered that a street level area can tip from balanced to unbalanced leading to concerns in respect to factors such as noise, community integration, parking pressures and property maintenance. In addition, there are already at least 4 additional HMO's which although a little outside the 100m area as defined in the Supplementary Planning Document back on to properties in Pinewood Hill and can impact on the amenity of residents in the cul-de-sac. It is considered that the specific circumstances are such that if approved, the proposal would individually (and cumulatively with other nearby

HMO's) cause harm in respect to local community integration and the upkeep of properties and have the potential to create undue late night noise and disturbance in the immediate residential environment. As such the proposal conflicts with the fourth criterion of policy H8 (conversions) of the City of York Draft Local Plan (2005), the thrust of paragraphs 5.3 and 5.15 - 5.16 of the Draft Controlling the Concentration of Houses in Multiple Occupation Supplementary Planning Document (2012, amended July 2014) and advice contained in the first criterion of paragraph 58 of the National Planning Policy Framework.

4k) 47 The Leyes, Osbaldwick, York YO10 3PR (15/00213/FUL)

Members considered a full application by Mr Colin Dodsworth for a change of use from a dwelling (use class C3) to a House in Multiple Occupation (use Class C4).

Representations were received from Councillor Warters, he mentioned that if planning permission was granted that there would be a 50% concentration of HMO's on the terrace, in which the property was located. He stated there was inadequate soundproofing, no provision for off street parking and despite the proposed planning condition evidence showed that that there would be no garden maintenance.

Resolved: That the application be approved.

Reason: The property is within the urban area, well served by local facilities and close to public transport routes. The dwelling is considered to be a sufficient size, and with an adequate internal layout to accommodate three unrelated individuals. The thresholds within the Council's Supplementary Planning Document have not been exceeded. As such the proposal is considered to comply with Policy H8 of the Draft Local Plan and subject to conditions is recommended for approval.

4l) 14 Livingstone Street, York YO26 4YJ (15/00311/FUL)

Members considered a full application by Mrs Angela Hunter for a conversion of a dwelling into two self contained flats.

Resolved: That the application be approved

Reason: It is considered that the application is acceptable complies with national guidance in the National Planning Policy Framework and will provide two small residential units for which the North Yorkshire Strategic Housing Market Assessment 2011 indicates there is a high demand in the City.

4m) 39 Goodramgate, York YO1 7LS (15/00727/FUL)

Members considered a full application by Ms FM Abeldis for a change of use from a public highway to a customer seating area in connection with existing café use at 39 Goodramgate (resubmission).

Representations in objection were received from Brian Watson, he had previously called in the application when a Councillor. He felt that although there was a gap between the cycle racks and the seating area, this was not particularly big. He felt to put tables and chairs out would compromise highway safety.

Other representations were received on behalf of the applicant from Debbie Sawyer. She worked at the café and told the Committee that safety was highly important to the applicant.

Officers pointed out that the only difference between the refused application and this scheme was the reduced number of the seats shown on the drawing.

During debate some Members felt that the location of the café was not acceptable. Some felt that it would improve the ambiance of the area, potentially reduce traffic and promote good traffic behaviour. The Chair suggested to the Committee that a twelve month temporary permission might be granted in order to see how it operated as a pavement café in this location.

Resolved: That the application be approved subject to the following condition;

1. The development hereby permitted shall cease by 1 July 2016 unless a further planning permission has been granted to vary or remove this condition.

Reason: A temporary permission is granted to allow the local planning authority to assess the impact of the proposed use on highway safety and the safety and convenience of pedestrians. As the pavement is only approximately 1m wide in this area and the street is heavily used by vehicles through the daytime this condition is considered to comply with paragraph 35 of the National Planning Policy Framework, which requires developments create safe and secure layouts which minimise conflicts between traffic, cyclists and pedestrians and avoid street clutter.

Reason: The proposal accords with the aspirations for the type of environment the council is looking to create on the city centre footstreets, and as the space where the seating area is proposed could be parked on by vehicles, there would be no undue effect on pedestrian and highway safety.

Councillor J Galvin, Chair

[The meeting started at 2.00 pm and finished at 5.05 pm].

COMMITTEE REPORT

Date: 9 July 2015 **Ward:** Dringhouses and Woodthorpe

Team: Major and Commercial Team **Parish:** Dringhouses/Woodthorpe Planning Panel

Reference: 14/02421/FUL

Application at: Omnicom Engineering 292 Tadcaster Road York YO24 1ET

For: Two storey side and rear extensions, single storey rear extension and detached annexe to rear

By: Mr & Mrs Forsyth

Application Type: Full Application

Target Date: 12 June 2015

Recommendation: Refuse

1.0 PROPOSAL

1.1 The application seeks permission for the change of use of 292 Tadcaster Road including a replacement two storey rear extension, two storey side extension (following the removal of the existing fire escape and single storey extension), garden room to the rear, detached annex to the rear and replacement dormer windows to the front. An application for listed building consent (14/02422/LBC) is considered elsewhere on this agenda.

1.2 The application has been called to committee by Cllr Reid who believes that the benefits of restoring this listed building to a family home should be considered and a decision needs to be made before this prominent building begins to deteriorate.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Tadcaster Road CONF
Listed Buildings: Grade 2; 292 Tadcaster Road York YO2 2ET

2.2 Policies:

CYGP1 Design
CYNE1 Trees, woodlands, hedgerows
CYH7 Residential extensions
CYHE2 Development in historic locations
CYHE3 Conservation Areas

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development

Ecology and Countryside

3.1 A preliminary bat survey has been undertaken including a detailed internal and external inspection. No evidence of bats either historic or recent was found and it is considered highly unlikely that the property has supported a significant roost of any type in the past. However, due to the surrounding good quality habitat, records of bats species within the area and the potential for roosting a precautionary mitigation is proposed. Condition should be attached.

Landscape Architect

3.2 An arboricultural report and a suitably detailed site-specific arboricultural method statement has been submitted. Provided every detail of this statement is adhered to the proposals are acceptable. Amendments to the surfacing and the paving sets adjacent to Beech T28 have been retained which is welcomed. Conditions should be attached.

Conservation Officer

3.3 Amended schemes have been submitted which address a number of the original concerns raised including the retention of the secondary staircase and the circulation pattern at the rear of the ground floor. The amended design and materials for the replacement two storey rear extension are considered acceptable, as are the proposed replacement dormers to the front elevation and the large conservatory/garden room to the rear.

3.4 Concerns are raised in connection with the proposed two storey side extension. Whilst an existing single storey extension and fire escape would be removed the proposed extension results in the loss of the relatively generous separation which remains between the house and its neighbour. This space is intentional and reflects the status of the property and its loss would be detrimental to the character and appearance of the conservation area. The extension would result in the loss of a first floor side window and would present blank elevations which detract from the architectural design of the property. The roof is tucked under the impressive eaves and appears contrived and at odds with the host building.

3.5 The annex to the rear has been amended and is now considered acceptable although conditions would be required on any approval. The reduced mass and design sit more comfortably with the historic hierarchy of the site.

EXTERNAL

Dringhouses and Woodthorpe Planning Panel

3.6 Do not object but feel the two storey design does not match the front elevation of the main body of the building. In addition the upper floor of the side extension further unbalances the symmetrical appearance of the front elevation

Neighbours Notification and Publicity

3.7 One response received in support of the scheme to return the building to residential including the repairs, the replacement of unsympathetic C20 additions and the return of the car park to gardens

4.0 APPRAISAL

4.1 Key Issues

- Design
- Impact upon neighbours amenity
- Impact upon the character of the conservation area

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. In considering proposals for new or improved residential accommodation, the benefits from meeting peoples housing needs and promoting the economy will be balanced against any negative impacts on the environment and neighbours' living conditions.

4.4 The NPPF states that development proposals should sustain and enhance Conservation Areas. Paragraph 131 urges Local Planning Authorities to give significant weight to the desirability of sustaining and enhancing the significance of heritage assets including Conservation Areas and putting them to viable uses consistent with their Conservation.

4.5 When planning permission is required which may effect the setting of a listed building section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies. Similarly, section 72 of the Act imposes a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

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

4.7 The relevant City of York Council Local Plan Policies are H7, GP1, NE1, HE2 and HE3. Policy H7 'Residential Extensions' of the City of York Local Plan Deposit Draft sets out a list of design criteria against which proposals for house extensions are considered. The list includes the need to ensure that the design and scale are appropriate in relation to the main building; that proposals respect the character of the area and spaces between dwellings; and that there should be no adverse effect on the amenity that neighbouring residents could reasonably expect to enjoy.

4.8 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.

4.9 Policy NE1 'Trees, Woodlands and Hedgerows' seeks to protect trees that are of landscape, amenity or nature conservation value by, inter alia, refusing development proposals that would result in their loss and by seeking appropriate protection measures when they are proposed for removal. Appropriate replacement planting will be sought where trees are proposed for removal.

4.10 Policies HE2 'Development within Historic Locations' and HE3 'Conservation Areas' of the City of York Local Plan Deposit Draft are also relevant to this proposal. These policies expect proposals to maintain or enhance existing urban spaces, views, landmarks and other townscape elements and not to have an adverse effect on the character or appearance of the Conservation Area.

SITE

4.11 The application site comprises of a detached Grade II villa style property constructed in approximately 1850. The property was until recently used as office accommodation although planning permission has previously been granted for the change of use to residential (Ref no.13/03790/FUL - Approved 10th March 2014). The property has retained a number of its original features, both internally and externally, and is in a good state of repair. A later two storey rear extension is present along with a single storey side extension and a number of small flat roof outbuildings. A metal fire escape is present to the northern elevation. To the rear of the site, but not within the application site, lie the original stable block, coach houses and grooms quarters all of which are now within residential use and are accessed along a shared drive to the side of the main dwelling at 292 Tadcaster Road.

ASSESSMENT

4.12 The application seeks permission for a number of extensions to the property including a replacement two storey rear extension, new garden room, two storey side extension and replacement dormers to the front.

TWO STOREY REAR EXTENSION

4.13 The proposed two storey rear extension would sit on a similar footprint to the existing extension but would measure approximately 1.8m greater in length. Its height and width are comparable to the existing extension although the eaves are slightly higher. The openings to the ground floor reflect the character and proportions of the host dwelling and the detailing appears acceptable. Smaller openings are proposed to the first floor, primarily due to the reduced eaves height compared to the host dwelling, but again these sit comfortably with the character of the building.

4.14 The windows to the first floor of the side elevation are set at a distance of 10 metres from the neighbouring property at 294 Tadcaster Road. There are no first floor windows to the neighbour which would be affected as a result of the scheme and the presence of the single storey rear extension would limit any loss of privacy to the rear garden area immediately to the rear of the neighbour. In addition a similar level of overlooking would have arisen as a result of the existing first floor side openings which previously served the office use.

4.15 The extension is considered to be generally acceptable. It sits comfortably in relation to the host dwelling in terms of scale and massing and represents a subservient extension. It is considered that it would preserve the character and appearance of the Conservation Area and comply with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

GARDEN ROOM

4.16 It is proposed to attach a predominantly glazed, orangery at an angle to the two storey rear element of the scheme. This would project out towards the northern boundary of the site and would require the demolition of two small flat roof structure located to the rear. The positioning of the orangery allows for the formation of a small open courtyard immediately to the rear of the dwelling, which to some degree loses the connection of the property to the large mature garden. However, the orangery is considered to be subservient in relation to the host dwelling and would be the type of structure which may be expected within the grounds of a house of this scale and status. Due to the location of the extension and the existing high boundary walls there would be no impact upon neighbour amenity in terms of loss of light or over-dominance.

DORMER WINDOWS AND ROOF LIGHTS

4.17 At present the property has two small flat roof dormer windows to the front elevation. The scheme seeks permission to replace these dormers with more traditional pitched roof dormers incorporating glazing to the side cheeks. Four roof lights are also proposed, three to the rear elevation and one to the northern side elevation, to allow for the roof space to be utilised as additional living accommodation. It is considered that the dormers sit more comfortably within the roof and reflect the character and appearance of the property to a greater degree than the existing dormer windows. Whilst the roof lights may draw attention to the rear roof slope they are spaced well and are considered acceptable.

ANNEXE TO REAR

4.18 It is proposed to erect a substantial garage with living accommodation above to the rear of the site, some 40m from the rear of the host dwelling. The annexe would provide four car parking spaces with a lounge/kitchen, bathroom and two bedrooms within the roofspace. The building is intended to provide parking for the main dwelling and additional living accommodation for dependants. It is not proposed to be used independently from the main residence.

4.19 The annexe is relatively large with an overall ridge height of 6m. The design has been simplified in order to create a subservient structure in relation to the host dwelling whilst still providing the space required by the applicant. This rear section of the site is characterised by existing dwellings and garages, previously built within the rear gardens of neighbouring properties. As such the annexe would not be seen as a stand alone structure within an open environment but would follow similar lines of development.

4.20 A number of residential properties lie to the north. The annexe is set away from the boundary slightly and has been designed with a single storey element to the rear meaning the centre point of the ridge is some 4.8m from the boundary. The nearest structure is a large detached garage approximately 10m to the rear and as such no issues in connection with loss of amenity would arise.

4.21 It is considered that the above elements of the scheme are acceptable. Whilst they constitute substantial works to the property they would still preserve the character and appearance of the conservation area and comply with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

TWO STOREY SIDE EXTENSION

4.22 The application also seeks permission for the erection of a two storey side extension to the northern elevation. Currently a single storey flat roof wrap around extension and a metal fire escape are present. It is proposed to remove these. The extension would be set back from the front elevation by approximately 8200mm and from the rear elevation by approximately 650mm. It would be inset from the boundary by approximately 1m and have an overall length of approximately 6400mm.

4.23 The extension has been designed with a shallow pitched roof in order for it to sit below the existing generous eaves of the host dwelling. However, this creates a somewhat contrived extension which does not relate well to the host dwelling and appears cramped. The scheme also results in the loss of an existing first floor window opening which is clearly visible when viewing the site from the north and replaces it with a blank brick elevation which is lacking in detail. It is considered that the view of this elevation is an important component of the historic streetscene.

4.24 The neighbouring dwelling at number 290 Tadcaster Road has been extended up to the boundary with the application site. It is considered that the proposed extension would unacceptable infill the remaining space between the properties and result in the loss of the visual separation which currently exists between the neighbouring properties.

4.25 The applicant argues that the existing trees to the front of the site prevent the extension being viewed and only passing views can be achieved when approaching the site from the north. They also consider that the removal of the existing fire escape would improve the appearance of the property. Officers consider that the extension would be clearly visible, would present a blank elevation and would result in the loss of the separation between the properties which would in turn be detrimental to the character of the conservation area. The removal of the fire escape is welcomed but the visual impact of the existing fire escape, with its open structure, is not comparable with the proposed brick built structure which is proposed.

4.26 The addition of the second floor loses an original window, presents a blank elevation which detracts from the architectural design of the existing elevation, and crucially, reduces the impression of separation between the house and its immediate neighbour to the north. The roof appears contrived and at odds with the form of the host building. As such this element of the scheme harms the character and appearance of the Conservation Area and therefore does not comply with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which carries significant weight in the planning balance.

5.0 CONCLUSION

5.1 The conversion of the former office building back to its original use as residential is welcomed. The majority of the works are considered acceptable and would not result in any detrimental impact upon neighbouring amenity or the character and appearance of the conservation area. However, the proposed two storey side extension is considered to harm the character and appearance of the Conservation Area and therefore does not comply with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is contrary to the provisions of the National Planning Policy Framework and Policy H7 (criterion a and e), HE2 and HE3 of the 2005 City of York draft Development Control Local Plan.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 It is considered that the proposed two storey side extension, by reason of its roof design and blank side elevation, would constitute a discordant addition which would appear at odds with the design of this attractive detached dwelling. It is further considered that the extension would infill an important gap between the host dwelling and the neighbours property and would have a detrimental impact upon the street scene and the character and appearance of the Tadcaster Road Conservation Area. It is considered therefore that the two storey side extension fails to accord with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act and conflicts with national guidance on good design in the NPPF, Policy H7 (criterion a and e), HE2 and HE3 of the 2005 City of York draft Development Control Local Plan.

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 an attempt to achieve a positive outcome:

Requested revised plans to overcome issues in relation to the impact of the proposed two storey side extension

Notwithstanding the above, it was not possible to achieve a positive outcome, resulting in planning permission being refused for the reasons stated.

Contact details:

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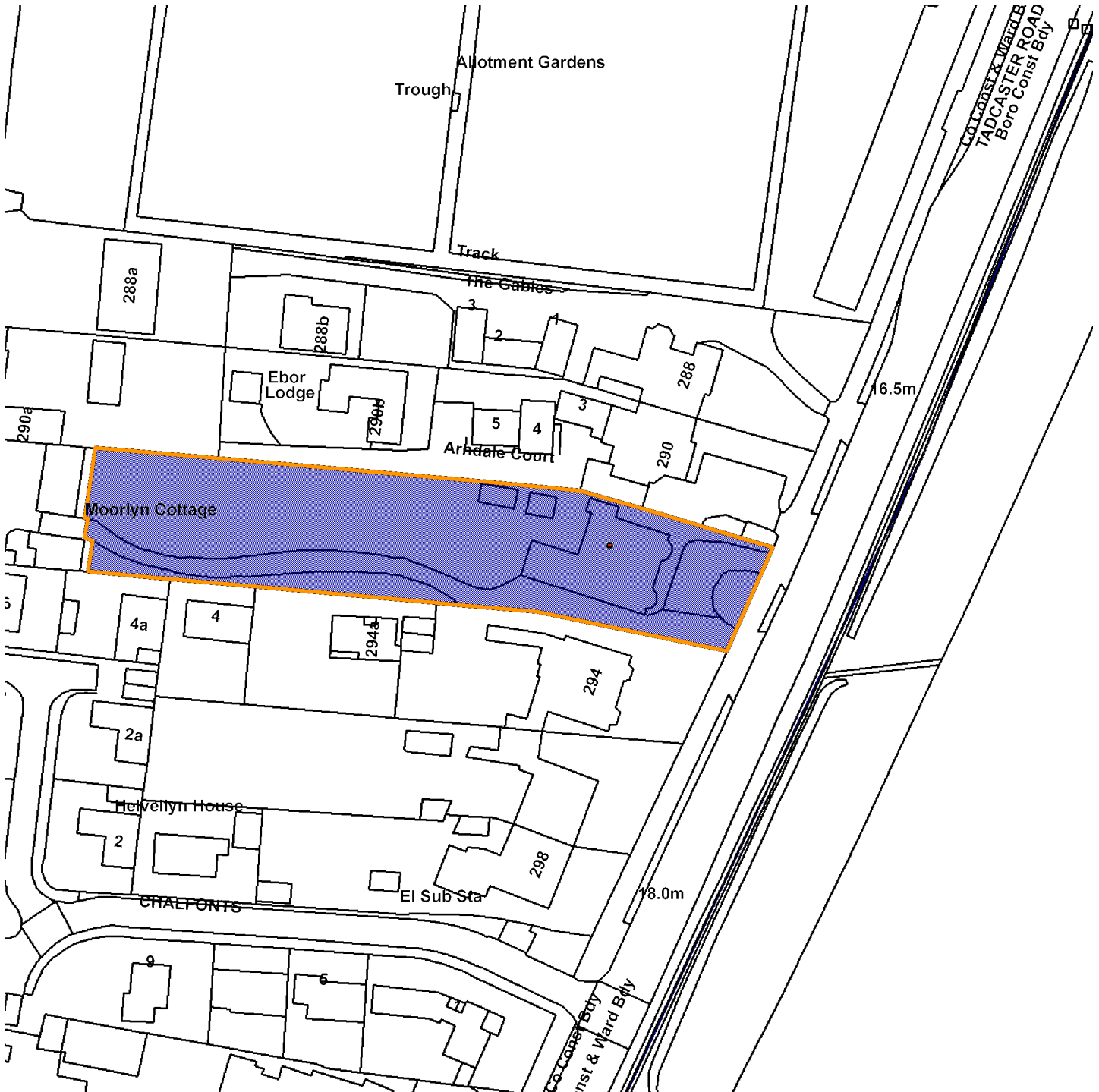
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292 Tadcaster Road, YO24 1ET

14/02421/FUL



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Organisation	City of York Council
Department	CES
Comments	Not Set
Date	29 June 2015
SLA Number	Not Set

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COMMITTEE REPORT

Date: 9 July 2015 **Ward:** Dringhouses and
Woodthorpe
Team: Major and **Parish:** Dringhouses/Woodthorpe
Commercial Team Planning Panel

Reference: 14/02422/LBC
Application at: Omnicom Engineering 292 Tadcaster Road York YO24 1ET
For: Two storey side and rear extensions, single storey rear
extension and detached annexe to rear, new rooflights to
rear and internal alterations
By: Mr & Mrs Forsyth
Application Type: Listed Building Consent
Target Date: 15 June 2015
Recommendation: Refuse

1.0 PROPOSAL

1.1 The application seeks listed building consent for the erection of a replacement two storey rear extension, single storey rear orangery, two storey side extension and various internal and external alterations.

1.2 The application should be read in connection with 14/02421/FUL.

1.3 The application has been brought to committee by Cllr Reid who believes that the benefits of restoring this listed building to a family home should be considered and a decision needs to be made before this prominent building begins to deteriorate.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Tadcaster Road CONF
Listed Buildings: Grade 2; 292 Tadcaster Road York YO2 2ET

2.2 Policies:

CYHE4 Listed Buildings

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development

3.1 Details in connection with the proposed dormers to the front elevation, two storey rear extension and proposed orangery are all considered acceptable. Revised plans now indicate the retention of the secondary staircase and the circulation space to the rear of the house. No objections are raised to the proposed internal alterations.

3.2 Concerns are still raised in connection with the proposed roof lights to the rear elevation which are considered to be intrusive and for which no justification has been put forward.

3.3 Concerns are raised in connection with the proposed two storey side extension. The extension does not preserve the character of the building as one of special architectural or historic interest. The addition of the second floor loses an original window, presents a blank obstruction which detracts from the architectural design of the elevation, and crucially, reduces the impression of separation between the house and its immediate neighbour to the north. The roof continues to appear contrived and at odds with the form of the host building.

EXTERNAL

Dringhouses and Woodthorpe Planning Panel

3.4 Do not object but wish to comment on the two storey side extension. The detailed design of the proposed roof form, upper floor window and undefined brick work does not match the front elevation of the main body of the building. The upper floor further unbalances the symmetrical appearance of the front elevation.

Neighbours Notification/Publicity

3.5 One response in support of the application to return the listed building to its original use. Support the repairs to the building, the removal of the unsympathetic additions, the return of the car park to gardens and the extensions.

Historic England

3.6 The Grade II listed former mansion has aesthetic value for its symmetrical elevation of brick with carved stone details and decorative ironwork. Historic England welcomes in principle the return of the former house to residential use, its refurbishment and the re-creation of a garden setting to the front and rear. Welcome the removal of the various disfiguring additions and their replacement with extensions of more appropriate design using higher quality materials, in particular the removal of the disfiguring external fire escape staircase. We consider that this proposal will not only sustain this heritage asset but also enhance it by removing

and repairing disfiguring alterations both internally and externally, made during its office use. The proposal will therefore meet the requirements of Paragraph 131 of the National Planning Policy Framework.

4.0 APPRAISAL

4.1 Key Issue

- Impact on special architectural or historic interest of the Listed Building

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

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

4.4 Section 16(2) of the Planning (Listed Building and Conservation Area) Act 1990 states that Local Planning Authorities 'shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

4.5 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.

4.6 Development Control Local Plan Policy HE4 states that with regard to listed buildings, consent will only be granted for internal or external alterations where there is no adverse effect on the character, appearance or setting of the building.

ASSESSMENT

4.7 The general duty with respect to considering whether to grant listed building consent is contained in Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This states that in considering whether to grant listed building consent for any works, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

SITE

4.8 The application site is a Grade II listed detached villa style building with a symmetrical frontage constructed in the mid 19th Century. The property has until recently been used as offices but retains a high level of the original internal and external fabric. It is the grandest of a row of houses constructed after 1850, with its own stable block and later coach house and grooms quarters, all of which are now located outside of the site curtilage. A two storey rear and a single storey rear extension have been added and two small flat roof structures are present within the grounds.

SCHEME

4.9 The application seeks consent for various internal alterations and extensions. With regard to the replacement two storey rear extension, the replacement dormer windows and the alterations to the front car parking area it is considered that there would be no harm to the listed building or its setting as a result of the proposed works.

4.10 It is considered that there would be limited harm to the building's significance as a result of the proposed orangery. Due to the location of the orangery it would create a small courtyard between itself and the rear elevation of the host dwelling which would result in the loss of the connection between the property and the large mature garden. However, it is considered that the orangery would be the type of structure which may be expected within a house of this scale and status. In addition due to its design the orangery it would be seen as a light weight structure allowing views from the host building into the mature gardens behind and as such it is considered that it would preserve the building and its setting in accordance with Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4.11 In connection with the proposed roof lights it is considered that there would be less than substantial harm to the buildings significance as a result of the proposed works. Concerns have been raised that they would draw undue attention to the rear roof slope and appear squeezed in. It is considered that in order to utilise the roof space for additional living accommodation the roof lights are necessary. The property is to be reverted to its original intended use as a single residential property and brought back into use after lying vacant and the works are considered necessary to facilitate this reuse. It is considered that the public benefits of the proposal outweigh the harm.

TWO STOREY SIDE EXTENSION

4.12 Concerns are raised in connection with the proposed two storey side extension. Whilst the extension would be set back from the front elevation and be inset slightly from the boundary it is considered to harm the appearance of the listed building. Notwithstanding the design of the extension it would infill the gap between the host

dwelling and number 290 Tadcaster Road, which has been extended up to the shared boundary. The space around the building was intentional. It was not to allow views through the site to the back garden, but in connection with reflecting the status of the occupants for who the house would have been constructed to attract. It also provided a spacious setting for the building, expressing its status. For the same reason, the 'gap' is an important component of the setting of the building. The construction of the extension would result in the loss of the separation between these properties eroding this aspect of the building's historic character and the original symmetrical appearance.

4.13 The design of the proposed extension is also considered unacceptable. The almost flat roof draws undue attention and creates a cramped appearance under the generous eaves of the host dwelling. The scheme presents a blank brick elevation towards 290 Tadcaster Road which is clearly visible from the north of the site and detracts from the architectural design of the elevation. An existing window opening would be lost to the side elevation of the host dwelling in order to gain access to the proposed first floor bathroom. The loss of this opening is considered unacceptable and its replacement with a characterless brick wall is considered to harm the appearance of the listed building.

4.14 It has been contended that the removal of the fire escape and the existing single storey side extension would benefit the setting of the listed building and remove unsightly additions. The removal of the fire escape is welcomed. However, on balance, officers consider that whilst the fire escape would be removed it does not justify its replacement with a more permanent structure which further detracts from the setting and character of the listed building. The fire escape still allows views through to the side elevation of the listed building where the proposed side extension would present a more permanent solid structure.

4.15 The purpose of the extension is to provide an ensuite facility for the proposed back bedroom and for the front master suite. The front suite comprises of a shower room to the southern side of the first floor, a master bedroom, central office, large dressing room, a bathroom (formed within the main body of the building) and the proposed enlargement of the bathroom into the front section of the extension. The rear bedroom would be served by an ensuite to be located within the rear portion of the proposed extension.

4.16 It is considered that it would be possible to reconfigure the internal layout of the first floor to provide an ensuite bathroom for the rear bedroom without the need to erect the side extension. The formation of partition walls are already proposed as part of the scheme, as is the loss of the side window. A bathroom could be created which would retain the window. It is considered that there is no justification that may outweigh the identified harm to the listed building which would result from allowing the two storey extension.

5.0 CONCLUSION

5.1 Under s.16 (2) of the Act the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The works to facilitate the change of use of the building back to residential are broadly welcomed and the majority of the proposed works would not result in harm to the special interest of the building or, where limited harm has been identified this is considered to be outweighed by the benefits of the scheme. However the two storey side extension would have a harmful impact upon the special architectural or historic interest of the listed building which is not considered to be adequately justified in terms of the preservation of the building contrary to paragraph 132 of the National Planning Policy Framework and policy H4 of the draft Development Control Local Plan.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

- 1 It is considered that the proposed two storey side extension would result in the loss of an original window and would present a blank elevation which detracts from the architectural design of this elevation and the listed building as a whole. Furthermore, the extension would result in the unacceptable loss of the open space between the application site and the neighbouring property at 290 Tadcaster Road which in turn would have a harmful impact upon the setting of the listed building. The proposal would therefore harm the significance of the listed building and would fail to preserve the character of the building as one of special architectural or historic interest. There is inadequate justification for this harm and there are no discernible public benefits from the implemented works. As such the proposal would conflict with paragraphs 129, 131, 132 and 134 of the National Planning Policy Framework, Policy HE4 of the City of York Development Control Local Plan (2005) and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Contact details:

Author: Heather Fairy Development Management Officer

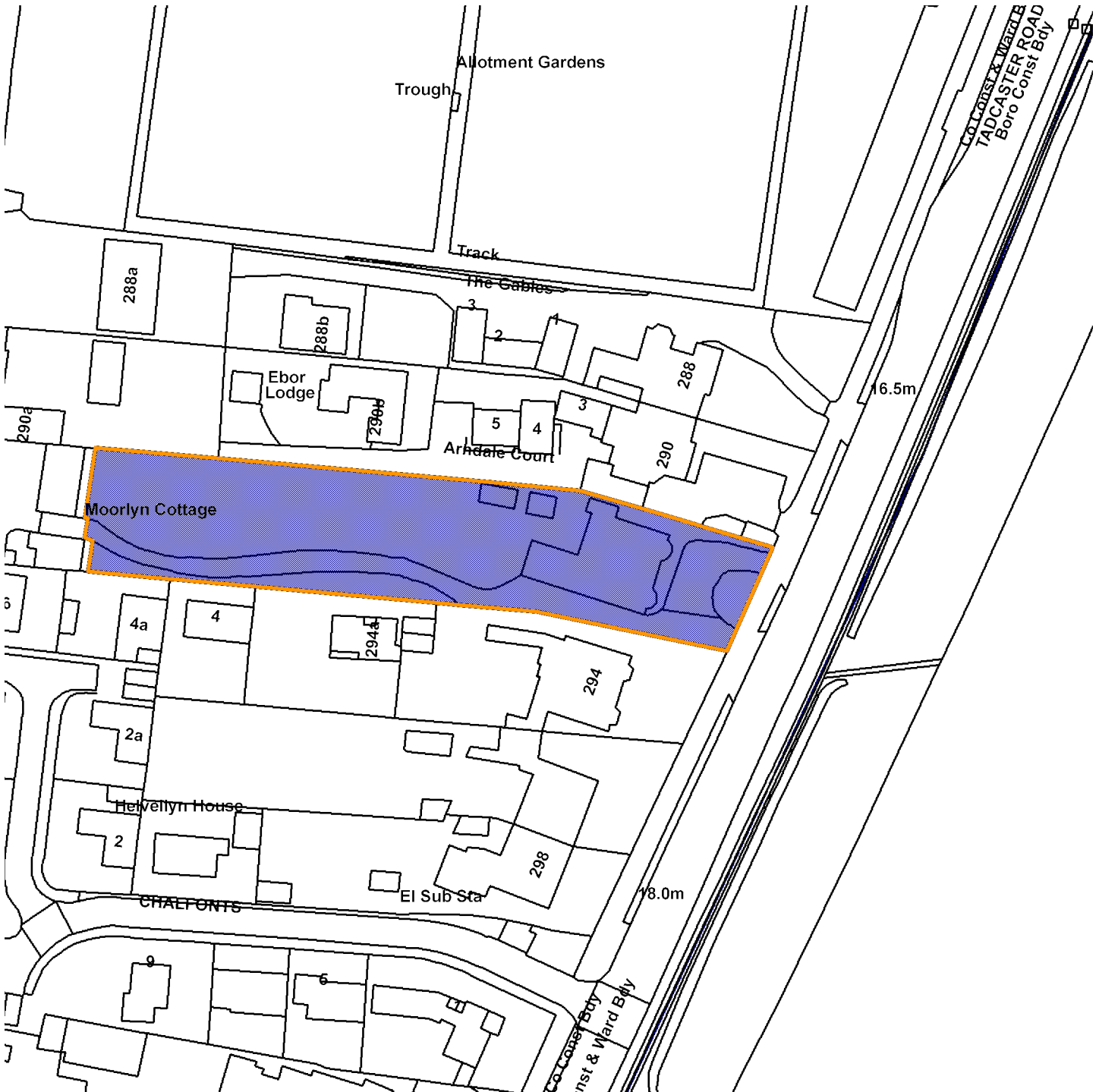
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14/02422/LBC



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Department	CES
Comments	Not Set
Date	29 June 2015
SLA Number	Not Set

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