



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

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

**Date:** Thursday, 7 July 2016

**Time:** 4.30 pm

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

**AGENDA**

**The site visit mini-bus for Members of the sub-committee will leave from Memorial Gardens 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 - 18)**

To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee held on 9 June 2016.

**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 6 June 2016 at 5.00 pm.**

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## **4. Plans List**

To determine the following planning applications:

### **a) 39 Goodramgate, York, YO1 7LS (16/01242/FUL)**

(Pages 19 - 26)

Change of use from public highway to customer seating area in connection with existing cafe use at 39 Goodramgate [Guildhall] **[Site Visit]**

### **b) 42 Millfield Lane, York, YO10 3AF (16/01097/FUL)**

(Pages 27 - 36)

Change of use from small House in Multiple Occupation (use class C4) to large House in Multiple Occupation, two storey side and rear extensions, single storey rear extension and dormers to side and rear [Hull Road]

### **c) 3 Dudley Court, Dudley Street, York YO31 8LR (16/00995/FUL)** (Pages 37 - 48)

Single storey rear extension, addition of and replacement of first floor rear windows (revised plan) [Guildhall] **[Site Visit]**

**d) Land between 8 and 12 White House Gardens York  
(16/00870/FUL) (Pages 49 - 62)**

Erection of 1 detached dwelling [Dringhouses and Woodthorpe]  
**[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

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

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

Contact details are set out above.

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

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 **(01904) 551550**

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**AREA PLANNING SUB COMMITTEE****SITE VISITS****Wednesday 6 July 2016**

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

<b>TIME</b> <b>(Approx)</b>	<b>SITE</b>	<b>ITEM</b>
10.10	Land Between 8 And 12 White House Gardens	4d
11.00	3 Dudley Court, Dudley Street	4c
11.30	39 Goodramgate	4a

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City of York Council

Committee Minutes

Meeting	Area Planning Sub-Committee
Date	9 June 2016
Present	Councillors Galvin (Chair), Shepherd (Vice-Chair), Carr, Craghill, Gillies, Hunter, Cannon, Looker, Mercer, Orrell and Derbyshire (Substitute for Councillor Flinders)
Apologies	Councillor Flinders
In Attendance	Councillors Doughty and Fenton

Site	Visited by	Reason for Visit
Newington Hotel, 147 Mount Vale, York	Councillors Cannon, Carr, Craghill, Gillies and Shepherd	As the recommendation was for approval and objections had been received.
26 Hob Moor Terrace, York	Councillors Cannon, Carr, Craghill, Gillies and Shepherd	As the recommendation was for approval and objections had been received.
Hilary House, St Saviour's Place, York	Councillors Cannon, Carr, Craghill, Gillies and Shepherd	As the recommendation was for approval and objections had been received.
Fossbank Boarding Kennels, York	Councillors Cannon, Carr, Craghill, Gillies and Shepherd	To allow for Members to inspect the site, following deferral of the application from 7 April 2016 meeting.
Royal York Hotel, Station Hotel, York	Councillors Cannon, Craghill, Gillies and Shepherd	As it was an application for major development that would have an impact on the conservation area and was within the curtilage of a listed building.

**1. Declarations of Interest**

At this point in the meeting, Members were asked to declare any personal, prejudicial or disclosable prejudicial interests that they might have had in the business on the agenda.

Councillor Carr declared a personal interest in Agenda Item 4b) (26 Hob Moor Terrace) in that he was acquainted with the architect.

No other interests were declared.

**2. Minutes**

Resolved: That the minutes of the last Area Planning Sub Committee held on 5 May 2016 be approved and then signed by the Chair as a correct record.

**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 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) Newington Hotel, 147 Mount Vale, York YO24 1DJ (16/00833/FUL)**

Members considered a full application by Mount Vale Venture LLP for the conversion of an existing hotel and outbuildings into 7no. residential units to include the erection of a new town house adjacent to no. 147 and the demolition of extensions to the rear of the hotel together with associated works including



3no.blocks of garages and alterations to car park and driveway to form access and individual gardens (resubmission).

Officers gave an update to Members which included:

- Two further representations had been received since the publication of the agenda, from the Ward Member and from a neighbour
- Information had been received from the Public Protection Unit regarding the potential for land contamination meaning that this matter could be conditioned (Condition 19).
- Full information had now been received on conditions that were previously in draft in the Officer's report.

Representations in objection were received from Mike Nicholas a neighbour. He also provided a handout to Members which included photographs which included an overlay aspect of the proposed property with the current view. He stated that the property was close to his garden and felt that the proposed three storey building should be two storeys in height and there should be no windows in the gable. He also felt that any window in the gable should be obscured and fixed shut.

Further representations in objection were received from a local resident Daryl Goddard. He also spoke about the glazing of the windows on the northern elevation which overlooked his conservatory kitchen. He stated that although this was obscured, they overlooked and affected his privacy. He requested that the high windows be fixed and this be conditioned and the low windows be obscure glazed.

Representations in support were received from the agent Janet O'Neill. She spoke about the design of the proposed Newington Villa and residential amenity issues.

Resolved: That the application be approved subject to the conditions listed in the Officer's report, further information received in respect of land contamination, and those additional ones circulated at Committee;

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

Proposed Lower Ground Floor 3011/101 Rev.B, Proposed Second and Third Floor 3011/104 Rev.C and Proposed Building Sections 3011/107 Rev.B, dated April 2016;

Proposed Block Plan 3011/100 Rev.F, Proposed Ground Floor 3011/102 Rev.F, Proposed First Floor 3011/103 Rev.E, Proposed Site Elevations 3011/105 Rev.F, Proposed Newington Villa Elevations 3011/106 Rev.D and Proposed Coach House Elevations 3011/108 Rev.C, dated May 2016;

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

17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning Authority the first and second floor windows in the north facing elevation of Newington Villa, the bathroom and landing windows in the north and east facing elevations of Coach House shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 3 or above.

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

Additional condition: Notwithstanding the details on the approved plans, the proposed new boundary wall enclosing the garden of no. 155 and separating it from the parking area serving no.151, shall be replaced with a fence, details of which shall be submitted to and approved in writing by the Local Planning Authority before being erected.

Reason: To protect the existing category A Sycamore tree, referred to as T5 in the tree survey and which makes a significant contribution to the amenity of the development.

Reason: The proposal would provide homes within a sustainable and accessible location and would improve the significance and presence of the grade II listed buildings, and consequently the character and appearance of the Tadcaster Road Conservation Area.

**4b) 26 Hob Moor Terrace, York YO24 1EY (16/00828/FUL)**

Members considered a full application by Mr Tim Shepherd for the erection of a detached two storey dwelling following the demolition of a bungalow.

One registration had been received to speak on this application which was withdrawn at the meeting.

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

Reason: As the application accords with policies within the National Planning Policy Framework and the Draft Development Control Local Plan approved for development control purposes April 2005.

**4c) Hilary House, St Saviour's Place, York YO1 7PJ (16/00701/FUL)**

Members considered a full application from St Catherine's Developments for a roof extension to provide an additional apartment.

Officers circulated an update which included detailed comments from the Conservation Architect in respect of Hilary House. This was republished with the agenda following the meeting.

In response to a question about residents parking, it was noted that this would not normally be required as the property was located in the city centre.

Representations in objection were received from Mark Fieldsend. He made reference to a previous application made in 2013 for a roof extension, which had not been approved. He questioned any change in circumstances that time which would allow the roof extension applied for. Whilst the existing building was appropriate to the period, he felt that the proposal was inappropriate would set a precedent.

Further representations in objection were received from Janet Cole. She requested that if the application was approved, that a number of conditions be attached to the permission;

- including limiting working hours to 08.00-17.00 with no working at weekends or on Bank Holidays,
- limiting noise and vibration in particular no beeping by reversing vehicles,
- prohibiting obstructions in the common parts of the building and outside areas
- providing that all repair, redecoration and cleaning necessitated by the works will be carried out promptly, to a good standard and at the expense of the developer. The common areas will be left clear, clean and tidy at weekends.

She spoke about how the parking plans presented were inaccurate, in that there were nine parking spaces in the basement but there were eleven presented on the plans. She felt that if the application was approved, that there should be a revised plan.

Representations in support were received from the agent Janet O'Neill. She spoke about how although it was a dominant building on the skyline, it would not dominate the Minster. In addition, she reported that Historic England regarded the application as an enhancement to the Conservation Area. She felt that it would bring also benefits to the surrounding streetscape.

Some Members felt that the roof extension was inappropriate in the area. Others questioned whether the National Planning Policy Guidance (NPPG) required the design of buildings to be distinctive or to respect the existing environment.

Councillor Craghill moved refusal and Councillor Looker seconded refusal on the grounds of the harmful impact that the application would have on the Central Historic Core Area, that it would detract from its setting and that the public benefits were not considered to outweigh the harm that the roof extension would bring.

Resolved: That the application be refused and that reasons for refusal be delegated to the Chair and Vice Chair, in conjunction with Officers.

Reason: The host building is identified as a detractor in the Central Historic Core Conservation Area Appraisal; due to its scale and form it is out of character with the

surrounding townscape. The proposals would amplify the level of harm the building has on the character and appearance of the conservation area. The proposed rooftop extension would be a conspicuous addition and appear alien to the host building and its setting and would draw more undue attention, in particular in views along St Saviourgate and from the City Walls, to a building which already detracts from the skyline and historic setting. The proposals would not preserve, but have a harmful effect on the character and appearance of the Central Historic Core Conservation Area. The proposals would only create one dwelling and there are insufficient public benefits to justify the significant harm. To allow the proposal would be in conflict with paragraphs 126, 129, and 134 of the National Planning Policy Framework, policy within National Planning Policy Guidance regarding design and the scale of buildings and policies HE2 and HE3 of the City of York Development Control Local Plan (2005).

**4d) Land to the South of Partnership House, Monks Cross Drive, Huntington, York (16/00665/FULM)**

Members considered a full major application by Mr Chris Hale for a mixed use development including the erection of an electrical retail store with associated workshop, storage and offices and a drive thru restaurant.

Officers suggested that if Members were minded to approve the application that a number of highways conditions were required. In response to a Member's question about construction hours, it was noted that this could be added as an informative.

Representations in support were received from the applicant, Chris Hale. He informed the committee that they had outgrown their existing premises and were looking to relocate to purpose built premises and that all employees would be relocated. In addition, the Foss Internal Drainage Board had given them permission to drain into their system. If the application was approved, the applicant would try to reduce the surface water drainage overall. He commented that the café would also provide jobs in the area.

Resolved: That the application be approved subject to the conditions listed in the Officer's report, additional highways conditions and the additional informative regarding hours of construction.

Reason: Members consider that the development represents sustainable development and is in principle supported by relevant policies in the NPPF.

**4e) Fossbank Boarding Kennels, Strensall Road, York YO32 9SJ (15/02843/FUL)**

Members considered a full application for the demolition of existing kennels, stables quarantine and cattery buildings, erection of 4 detached dwellings with garages, and provision of new access road from existing driveway.

Officers gave an update in which they informed Members that;

- Planning permission and reserved matters had been granted in 1995 for 125 dwellings, a parish hall and sports facilities at Fosslands Farm on land to the south of the site.
- The plan of the site had been incorrectly labelled, the cattery and quarantine buildings should be the other way round.
- A further representation in support of the application had been received from Richard Watson.

The representation from Richard Watson had been circulated amongst Members at the meeting.

Representations in objection were received from Jacky Ridley. She felt that expansion of the buildings on the site was inappropriate, special circumstances had not been demonstrated for development on Green Belt land and there was substantial local objection against the plans. She felt that it should be refused on the grounds of Green Belt policy.

Representations in support were received from the applicants' agent, Jennifer Hubbard. She informed the Committee about how the kennels were established before the houses were built nearby and the applicants had reduced the numbers of dogs that they kept on the site because of noise complaints.

If required the scheme could be reconfigured to make the courtyard development more open to replicate a rural agricultural development to minimise the impact on the green belt. She also felt in regards to surface water drainage that there was no use existed in this case for a further percolation test.

Representations were received from a representative of Earswick Parish Council, Pat Leveson. She informed Members that the Parish Council were in support of the application. They felt there were special circumstances for development in the Green Belt in that the development would be built in a sympathetic style, a bat survey had been undertaken and the access road would include a turning circle for emergency vehicles.

Representations in support were received from the Ward Member, Councillor Doughty. He highlighted that the application would make a small contribution to York's housing stock, the proposal was on brownfield land and the site was previously developed land. He felt there were very strong circumstances to approve the application.

Some Members felt that the application should be approved as they did not feel the development would impinge on the openness of the green belt and that there were very special circumstances in that the applicant would not be able to accept any more dogs at the kennels due to a noise abatement order which adversely affected the viability of the business. Other Members expressed concern that the Council's Green Belt policy was not being followed. Members were informed that although the Foss Internal Drainage Board and Flood Risk Management Team had objected to the application in regards to a lack of information a condition could be added to any permission to cover drainage.

Resolved: That the application be approved subject to the conditions listed in the Officer's report, an additional condition relating to drainage, and reasons for approval be delegated to be agreed by the Chair and Vice Chair, in conjunction with Officers.

Reason: The proposals would not materially affect the openness of the Green Belt and applicant has demonstrated that very special circumstances exist to justify approving the application despite the potential

harm to the Green Belt by reason of inappropriateness.

The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

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

House Type Plots 2 & 4 0307A&CD08A and House Type Plots 1 & 3 0307A&CD09A, dated 12.5.15;

Site Plan 0307A&CD13B, Site Plan 0307A&CD14A, Proposed Site Layout 0307A&CD05A Rev.A, Double Garage 0307A&CD10A Rev.A and Single Garage 0307A&CD11A Rev.A, dated 7 March 2016;

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

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

Reason: The site lies within an area of relatively undisturbed ground, where there is the potential for archaeological features and deposits relating to a prehistoric-Romano-British landscape and/or medieval and post-medieval agricultural practices, which could be disturbed through foundation excavations.

4 The development hereby permitted shall be implemented in accordance with the scheme of mitigation set out in the Bat Survey report by QUANTS Environmental Ltd dated May 2016 submitted in support of the application. This includes the



following measures to be provided prior to demolition or any works to the buildings:

- Install 3x durable woodcrete bat boxes (i.e. 2F Schwegler) on site, to be installed in a mature tree with the position confirmed under the guidance of a suitably qualified ecologist;
- A toolbox talk to the contractors involved with demolition delivered by a suitably qualified ecologist in order to explain the presence of bats, their legal protection, roles and responsibilities, the proposed method of working and procedures should bats or evidence of bats be found.

During works to Buildings B1 (kennels) and B4 (stables) the roof tiles and other features of potential value to bats should be removed in a controlled manner by hand/hand tools under the supervision of a Natural England licensed bat surveyor.

Prior to occupation, as a biodiversity enhancement, two woodcrete bat bricks (1FQ or 1WQ Bat Box by Schwegler or similar) should be installed on the south/east/west elevations of each new dwelling (the position of the bat bricks should be confirmed under the guidance of a suitably qualified ecologist).

Reason: To take account of and to enhance the habitat for a European protected species.

5 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

6 The applicant shall install a three pin 13 amp electrical socket in each of the garages for the four properties which are located in a suitable position to enable the charging of an electric vehicle using a 3m length cable.

Note: Any socket provided must comply with BS1363 or an equivalent standard, Building Regulations and be suitable for charging electric vehicles.

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

7 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used (including surfacing materials) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

8 Prior to occupation, a detailed landscaping scheme (including hard and soft landscaping) which shall illustrate the number, species, height and position of trees and shrubs within the site shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

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

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

10 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

11 No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

Design considerations.

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuD's). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuD's.

If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to except surface water discharge, and to prevent flooding of the surrounding land and the site itself.

City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

If SuDs methods can be proven to be unsuitable then In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-

off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

Surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

The applicant should provide a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

Details of foul water disposal.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site and because building works may prejudice an acceptable drainage scheme.

12 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: So that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal.

13 Before the commencement of construction works, details of the junction between the internal access road and the highway shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until that junction has been constructed in accordance with the approved plans.

Note: The details shall include a refuse collection point within the site curtilage.

Reason: In the interests of highway safety.

14 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B, C and E of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of the preserving the openness of the Green Belt the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 2015.

**4f) Royal York Hotel, Station Road, York, YO24 1AY  
(15/02596/FULM)**

Members considered a full major application from Troy Management Services (Royal York) Ltd for a four storey extension to provide 45no. additional bedrooms.

In their update to Members, Officers stated that condition 2 regarding the submitted plans required amendment. A BREEAM very good rating condition also needed to be added if planning permission was granted. In regards to the hotel's location in Flood Zone 3, this meant that bedrooms could not be located on the ground floor.

Some Members asked about the reduction of car parking spaces. Others asked about the visibility and design of the extension.

Officers responded that the extension was a simple and elegant design which would not be prominent from the city walls.

Resolved: That the application be approved with the amended plans and a BREEAM condition, alongside the conditions listed in the Officer's report.

Reason: Having attached considerable importance and weight to the desirability of avoiding such harm it is concluded that the harm is outweighed by the application's public benefits of improving the conference facilities at this premium hotel and by the new building having been carefully designed to complement the existing building group whilst maintaining the dominance, setting and garden aspect of the Victorian hotel building. Important views would be preserved and some views, such as along the main access from Station Road and from the city walls, would be enhanced.

Councillor J Galvin, Chair

[The meeting started at 4.30 pm and finished at 6.35 pm].

**COMMITTEE REPORT**

**Date:** 7 July 2016                      **Ward:** Guildhall  
**Team:** Major and                      **Parish:** Guildhall Planning Panel  
                    Commercial Team

**Reference:** 16/01242/FUL  
**Application at:** 39 Goodramgate York YO1 7LS  
**For:** Change of use from public highway to customer seating area  
                    in connection with existing cafe use at 39 Goodramgate  
**By:** Mrs B Taylor  
**Application Type:** Full Application  
**Target Date:** 19 July 2016  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application relates to part of the highway in front of 39 Goodramgate, the ground floor of which is occupied as a cafe. The premises are situated between another coffee shop next door at 41 and Boyes retail premises.

1.2 The site is within the Central Historic Core Conservation Area and Goodramgate is one of the City Centre Foot-streets, which are pedestrianised through the daytime with vehicle access for certain permit holders.

1.3 The application is for a pavement cafe which would be situated on the carriageway. The area would be approx 1.5m by 3m and the plans show it would accommodate two tables. The pavement cafe would only operate during foot-street hours.

1.4 The application is brought to committee because two previous applications for the scheme have been determined by Members.

1.5 Application 14/01089/FUL was refused by Members at Planning committee in July 2014. Officers recommended approval. However Members voted to refuse the application, because the proposed development would have an undue detrimental impact on highway safety and would also impede pedestrian movement.

1.6 A second application; 15/00727FUL, made when the cycle stands had been installed on the road outside the Boyes store next door, was granted a 1 year trial period to assess the impact on highway safety.

## 2.0 POLICY CONTEXT

### 2.1 Development Plan Allocation:

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

### 2.2 Policies:

CYS6 Control of food and drink (A3) uses  
CYHE3 Conservation Areas  
CYT1 Pedestrians

## 3.0 CONSULTATIONS

### Highway Network Management

3.1 No objections. Officers have consulted the traffic team who have had no reports of issues with the free flow of traffic with this scheme in place. There have been a handful of complaints over the past year from blue badge holders about this use preventing them parking a car in its place. However plenty of space, proportionately, is still available on Goodramgate for blue badge holders. The tables and chairs in this location is considered to reinforce the fact to drivers travelling up Goodramgate that it is a pedestrianised zone.

### Guildhall Planning Panel

3.3 No response to date.

### Publicity

3.4 One objection has been made to date. The objection is that the proposal is an inappropriate use of the street in an already congested area; it will make progress by pedestrians more difficult as the pavement is already inadequate to accommodate the footfall. The deadline for comments is 6.7.2016 any further comments will be reported verbally.

## 4.0 APPRAISAL

### 4.1 Key Issues

- Impact on the Central Historic Core Conservation Area
- Highway safety
- Amenity of surrounding occupants



## Impact on the Central Historic Core Conservation Area

4.2 The site is within a designated conservation area (Central Historic Core). Within such areas, the Council has a statutory duty (under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to consider the desirability of preserving or enhancing the character and appearance of the area.

4.3 Two tables are positioned on the road, enclosed on 3 sides by posts, linked by a rope. There are cycle racks, protected by 2 bollards, located on the carriageway outside Boyes. The cafe furniture blends in with the cycle parking facility and is partially screened in views along the street by the presence of parked vehicles. It is noted that the posts in situ are silver not black as shown on plan. Black would blend in better with the surroundings and is preferable. A condition can require council approval of any alternative furniture. There is no harm to the character and appearance of the conservation area.

### HIGHWAY SAFETY

4.4 The pavement cafe is located in the road which could otherwise be used for car parking by holders of a blue badge permit. Badge holders may park anywhere along Goodramgate. The road is 6m wide and there is adequate space for vehicles to pass (approx 4.5m) with the cafe seating area in-situ. A condition was applied to the previous permission which required no other furniture, such as A-boards or similar features, be positioned on the pavement.

4.5 Customers and waiting staff must cross the pavement to access the proposed seating area. However given the size of the proposed seating area any conflict with pedestrians is limited and there have been no reported accidents or incidents during the trial period permitted by the previous permission.

4.6 Goodramgate is a city centre foot-street. The foot-streets, according to Local Plan policy T1, are pedestrian priority zones. National guidance within Manual for Streets advises that the public highway serves a variety of functions. It is not only for vehicular movement. It states that 'streets and the public realm should be designed to encourage the activities intended to take place within it. Streets should be designed to accommodate a range of users, create visual interest and amenity, and encourage social interaction. The place function of streets may equal or outweigh the movement function'.

4.7 The proposals are only to operate the pavement cafe during foot-street hours; at times when the aspirations of the council and planning policy are to create a vibrant and attractive place for shoppers and pedestrians. The use would be consistent with these aspirations, and potentially improve vitality in the street and be consistent with Manual for Streets advice.

## AMENITY OF SURROUNDING OCCUPANTS

4.8 The site is within the city centre where commercial uses are expected and the pavement cafe would only operate during the daytime. Overall there are no significant amenity issues.

### 5.0 CONCLUSION

5.1 Apart from uncertainty over highway safety and convenience, the proposal was deemed to be acceptable in all other aspects in the previous 2015 application. There has been no material change in situation or policy. National planning advice is that it will rarely be justifiable to grant a second temporary permission – further permissions should normally be granted permanently or refused if there is clear justification for doing so. There is no evidence that the proposals have had an adverse effect on safety. As such it is recommended permission is granted, subject to conditions in the interests of highway safety, amenity and the character and appearance of the conservation area.

### COMMITTEE TO VISIT

#### 6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 PLANS1 Approved plans - Drawing 836/3
- 3 The pavement cafe shall only operate during foot-street hours (10.30 - 17.00 Monday to Sunday). Outside the permitted hours all furniture shall be stored within the premises.

Reason: In the interests of highway safety and the character and appearance of the Central Historic Core Conservation Area.

4 The furniture used shall be as per the approved plans only; tables, chairs and if a means of enclosure is used it shall be black upright posts linked by a rope (as shown on the approved plan). There shall be no other furniture or advertisements associated with the premises located on the highway (including the footpath) at any time.

Within 2 months of this permission the existing upright posts shall be replaced by posts coloured black, in accordance with the approved plans.

Reason: In the interests of the character and appearance of the Central Historic Core Conservation Area

**7.0 INFORMATIVES:  
Notes to Applicant**

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

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

**2. 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:

Cafe Licence - Section 115 - Heather Hunter or Anne-Marie Howarth (01904) 551418

**Contact details:**

**Author:** Jonathan Kenyon Development Management Officer

**Tel No:** 01904 551323

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# 39 Goodramgate

16/01242/FUL



Scale : 1:536

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	28 June 2016
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 7 July 2016                      **Ward:** Hull Road  
**Team:** Major and                      **Parish:** Hull Road Planning  
Commercial Team                      Panel

**Reference:** 16/01097/FUL  
**Application at:** 42 Millfield Lane York YO10 3AF  
**For:** Change of use from small House in Multiple  
Occupation (use class C4) to large House in Multiple  
Occupation, two storey side and rear extensions, single  
storey rear extension and dormers to side and rear  
**By:** Mr Sullivan  
**Application Type:** Full Application  
**Target Date:** 1 July 2016  
**Recommendation:** Refuse

**1.0 PROPOSAL**

1.1 This application seeks consent to change an existing 5.no bedroom, small house in multiple occupation (Use Class C4) into an 8.no bedroom large house in multiple occupation (Use Class Sui Generis) and erect a two storey side and rear extension, a single storey rear extension and dormers to side and rear, on a semi-detached dwelling, at 42 Millfield Lane, Hull Road.

1.2 A request to call the application in was made by Councillor Barnes on the grounds outlined in his objection letter summarised in section 3 below.

**Relevant Property History**

1.3 A Certificate of Lawful Use for a small house in multiple occupation (Use Class C4) was granted on this property CYC Ref.16/00294/CLU - dated 07.04.2016.

**2.0 POLICY CONTEXT****2.1 Policies:**

CYGP1      Design  
CYH7      Residential extensions  
CYT4      Cycle Parking Standards

### **3.0 CONSULTATIONS**

#### Highway Network Management

3.1 Highways confirmed there would be off-road parking for 3.no vehicles, following development. There were no objections in this respect. However, secure cycle storage has only been provided for 4.no units. They would require cycle storage on a one for one basis and this would mean 8.no secure cycle storage spaces.

#### Planning and Environmental Management

3.2 Within 100m of the property 18.8% of properties registered as HMO's, Neighbourhood Level - 24.6% of properties registered as HMO's.

#### Ward Councillor

3.3 Councillor Barnes objected to the application on the following grounds:

- Massively overburden the land on which the property exists
- Impact adversely on local parking
- Result in greater number of 'comings and goings'
- Additional burden on refuse collection
- Extensions would dramatically alter and change the shape of the dwelling

#### Neighbour Notification and Publicity

3.4 Three letters have been received, objecting to the application on the following grounds:

- Combined scale and massing too great
- Parking provision out of character at such a density
- Detracts from availability of affordable family homes
- Abundance of designated student accommodation exists and is in the pipeline
- Neighbour amenity would be adversely affected
- Concern over local parking issues
- Increased noise and 'comings and goings'
- Problems over refuse storage/collection
- Could lead to a 'terracing effect' on semi-detached properties
- Road safety issues - property on a blind summit
- Design and Access Statement replicates that submitted for a 5.no bedroom HMO
- Would remove front to rear outside access.



Hull Road Planning Panel

3.5 No response received.

**4.0 APPRAISAL**

KEY ISSUES

4.1 The key issues, in the assessment of this proposal, are the impact of the proposed extensions on the character of the host building and the impact of the proposed extensions and change of use on the amenities of nearby residents.

POLICY CONTEXT

4.2 The National Planning Policy Framework (March 2012) sets out the Government's overarching planning policies at its heart is a presumption in favour of sustainable development. A core planning 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 186 states that Local Planning Authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. 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.

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 Policy H7 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.

4.6 Policy GP1 requires development proposals to respect or enhance the local environment, be of a design that is compatible with neighbouring buildings and the character of the area and ensure that residents living nearby are not unduly affected by overlooking, overshadowing or dominated by overbearing structures.

4.7 The Council has a Supplementary Planning Document (SPD) for House Extensions and Alterations and was approved on 4 December 2012.

The SPD offers overarching general advice relating to such issues as privacy and general amenity as well as advice which is specific to the design and size of particular types of extensions or alterations. Para 7.1 advises that a basic principle of the guidance is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the street scene generally. In particular, care should be taken to ensure that the proposal does not dominate the house or clash with its appearance. Para 12.3 advises that side extensions should normally be subservient to the main house. The ridge height of extensions should be lower than that of the house and the front elevation should be set behind the front building line. Para 12.4 advises that unduly wide extensions should normally be avoided, typically a two-storey extension should not exceed around 50% of the width of the original house unless its width has been designed to successfully harmonise with architectural features contained in the original property. Para 12.10 advises that proposals for dormers on the side slope of two storey extensions will rarely be acceptable as the resulting roof slope would normally not match that of the existing house and when combined with the extension would not appear subservient to the building.

## ASSESSMENT

### Amenity of Future Occupants

4.8 The proposed layout will result in 2.no reasonable-sized bedrooms on the ground floor. The proposed single-storey rear extension will allow for a kitchen/dining room (approx 5.4m x 4.8m internal) and a lounge to the rear of this (approx 5.4m x 2.7m internal). The proposed first floor will consist of 4.no bedrooms (again of adequate size) a bathroom and a w/c. The proposed second floor will consist of 2.no bedrooms (also of adequate size). The rear garden will be approx 15 x 8.5 metres following development. This section of Millfield Road is exclusively residential; however there are shops and commercial premises further along this road. The property is also conveniently situated for a bus route into the city centre, on Hull Road. Given the ratio of 3.no bathrooms to 8.no bedrooms; the 2 no.large communal rooms and reasonably large rear garden; the internal and external facilities would be considered as adequate for the needs of the proposed number of future occupants.

### Visual Impact on the Street Scene

4.9 The proposed two-storey side extension will be set back approx 400mm from the front building line; set down marginally from the ridge and will project approx 2.2m to the side boundary. This projection (in terms of its foot print) will be less than 50% of the original dwelling. The rear extensions would not be visible from the street. The proposal also includes the creation of a wide flat-roof rear dormer and a side dormer within the side extension.

The impact of this aspect of the scheme is its significant degree of additional massing in the roof space, with a 5.5m long ridgeline to the side extension. The consequence will be to increase the visual impact of the scheme and unbalance its symmetry. This is an issue specifically referred to in Para. 12.10 of the Council's SPD, which states that; proposals for dormers on the side slope of two storey extensions will rarely be acceptable, as the resulting roof slope will normally not match that of the existing house and, when combined with the extension, will not appear subservient to the building. Whilst a similar side extension exists at no.46 this was approved in 2010 prior to the approval of the SPD in 2012.

#### Impact on the Amenity of Neighbouring Properties

4.10 The change of use would increase the number of bedrooms by three, to eight in total and is an intensification of the existing use and may lead to more 'comings and goings' often late at night. Although the internal and external amenity space, ratio of bathrooms to proposed occupants, is acceptable for such a use; this will take place within a suburban, residential neighbourhood, comprised of semi-detached dwellings. It should be noted that both the street level density of existing HMO's (18.8%) and wider neighbourhood density (24.6%) exceed the thresholds set out within the Controlling the Concentration of Houses in Multiple Occupation SPD (10% and 20% respectively).

4.11 However the policy thresholds contained in the HMO is not relevant to determining this application as the proposal does not involve the loss of a use class C3 dwelling house. However it is considered that the criteria within the SPD is a reasonable general guideline for assessing the impact of the intensification of an HMO use and its impact on the existing character of an area and the potential detrimental impact on the balance of the community and residential amenity. Additional intensification could result in additional littering and accumulation of rubbish; noises between dwellings at all times and especially at night; increased parking pressures; and lack of community integration and less commitment to maintain the quality of the local environment.

4.14 In terms of the above criteria; it is considered that the increased intensity of use of what at the moment is a modest semi-detached house, coupled with the high proportion of HMOs in the street and neighbourhood would result in significant harm to the character of the area and as a result of a likely increase in noise and disturbance would harm local residential amenity.

4.15 In terms of the physical changes to the property; the replacement rear extension will be part two storey. This will introduce a side wall, projecting out approx 2.9m, at a height of approx 5.5m, 2m from the common boundary with no.44. This will appear oppressive and dominant, when viewed from this adjoining property.

Whilst this impact is mitigated to some extent by the removal of the existing ground floor extension it is considered to significantly impact on the outlook from no.44 by introducing an overbearing structure. The extension would be to the south-west of no.44. The scale and projection of the first floor element is likely to impact upon daylight and afternoon sunlight received by the rear facing habitable room adjacent to the boundary at no.44. In terms of the adjacent property of No.40 Millfield Lane; this property has been extensively developed itself, including a single storey rear extension and side and rear dormers. The proposed extensions will run along the common rear/side boundary, though the driveway to no.44 provides a degree of separation from the actual property itself. However, this will still introduce a wall of approx 5.5m height, projecting approx 2.8m beyond the existing first floor rear elevation. This will again appear as oppressive and over-dominant, when viewed from this adjacent property.

### Highway and Other Issues

4.16 Maximum car parking standards contained within the DCLP for an HMO is 1 per 2 units (bedrooms) which for this property would be 4 spaces. The applicant suggests that 3 spaces would be provided although no drawing has been submitted to show the car parking layout. Given the width and depth of the front garden 3 spaces could only be accommodated by providing nose-in spaces removing the front garden wall and hedge and providing a full width cross-over of the pavement and grass verge. Retaining the boundary wall could provide for 2 spaces although one would be boxed-in. Removing the boundary and the grass-verge would be out of character with the appearance of the street scene , and is indicative of potential affect of over-intensifying the use of the building. However Members should note that ultimately planning permission is not required for removing the boundary wall in this location. There is no resident parking scheme currently in operation on this section of Millfield Lane. Millfield Lane is wide enough to allow cars to park on one side of the road and one car to pass. There is potential for significant car ownership at an 8 bedroom HMO especially if occupied by people who are in work. Student car ownership however is known to be low.

4.17 Minimum cycle parking standards contained within the DCLP for an HMO is 1 per unit (bedroom) which for this property would be 8 spaces. Cycle parking is shown in a store which forms part of the side extension. Up to 4 cycles could be accommodated however the store is also shown as accommodating bin and recycling storage. Local Plan policy GP1 states that individual storage space for waste recycling and litter collection should be provided and policy T4 requires cycle parking in accordance with the published standards in order to maintain and promote cycle usage in order to reduce dependence on the car. The side extension would result in the loss of access to the rear garden.

It is likely that the inadequate size of the store would either result in refuse and recycling bins being kept at the front of the building leading to an accumulation of rubbish, or a further reduction in the available secure cycle parking. Again this is considered to be as a result of the proposed over-intensive use of the property.

## **5.0 CONCLUSION**

5.1 The proposed extensions will have a significant and harmful impact on both the street scene and the living conditions of the neighbouring properties. Furthermore the intensification of the occupancy of the building will be likely to harm the character of the area, the balance of the community and residential amenity. The proposals are considered to be contrary to paragraph 17 of the NPPF, policies GP1, H7 and T4 of the DCLP and the design guidance contained within House Extensions and Alterations Supplementary Planning Guidance.

## **6.0 RECOMMENDATION: Refuse**

1 It is considered that by reason of their scale massing and design the proposed extensions would not be subservient to the original dwelling and would have a harmful unduly dominant and overbearing impact on its surroundings, particularly when viewed from Millfield Lane. The proposal is therefore in conflict with paragraph 17 of the National Planning Policy Framework, Policies GP1 and H7 of the Development Control Local Plan and the guidance contained within the House Extensions and Alterations Supplementary Planning Guidance.

2 The proposed first floor rear part of the proposed extensions by reason of its height, massing and location would appear as an oppressive, over-dominant structure when viewed from the both neighbouring properties and would result in a significant loss of daylight and afternoon sunlight to the adjoining property at no.44 Millfield Lane. The proposal is therefore in conflict with paragraph 17 of the National Planning Policy Framework, Policies GP1 and H7 of the Development Control Local Plan and the guidance contained within the House Extensions and Alterations Supplementary Planning Guidance.

3 The increased number of occupants at this suburban semi-detached dwelling is considered to be likely to result in a significant cumulative impact on the residential character of the street taking into account the existing high level of houses in multiple occupation along the street within 100m of the application site and within the wider neighbourhood. The size of the store is inadequate to provide accommodation for 8 cycles and the waste and recycling storage for the number of residents proposed. This cumulative increase will have a harmful impact on the living conditions of local residents and the residential character of the area from additional littering and accumulation of rubbish in the front garden; noises between dwellings and in the street at all times and especially at night and increased parking pressures.

This is contrary to paragraph 17 of the National Planning Policy Framework and Development Control Local Plan policy GP1 which states that development proposals will respect the local environment, provide individual storage space for waste recycling and litter collection and policy T4 which requires cycle parking in accordance with the published standards in order to maintain and promote cycle usage in order to reduce dependence on the car.

## **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:

Assessed the proposal during the course of a site visit and considered what possible revisions could be made in order to make the proposal acceptable.

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

#### **Contact details:**

**Author:** Paul Edwards Development Management Assistant

**Tel No:** 01904 551642

16/01097/FUL

42 Millfield Lane



Scale : 1:1281

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	28 June 2016
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 7 July 2016                      **Ward:** Guildhall  
**Team:** Householder and            **Parish:** Guildhall Planning Panel  
            Small Scale Team

**Reference:** 16/00995/FUL  
**Application at:** 3 Dudley Court Dudley Street York YO31 8LR  
**For:** Single storey rear extension; addition of and replacement of  
            first floor rear windows (revised plan).  
**By:** Mr & Mrs Paul and Jane Thain  
**Application Type:** Full Application  
**Target Date:** 20 June 2016  
**Recommendation:** Householder Approval

**1.0 PROPOSAL**

1.1 The application was originally submitted for a two-storey rear extension with a single storey extension also proposed to the front. Following advice from the planning officer, the proposal has been revised and seeks permission for the erection of a single storey pitched roof rear extension to provide additional living space. Similar external brickwork and roof tiles are proposed. Two rooflights to each proposed side roof slope are proposed, along with full-length glazed windows to the rear elevation, of aluminium construction, finished in grey. An additional first floor rear window is to be incorporated, one existing first floor window is proposed to be reduced in scale, and all first floor rear windows are to be of aluminium in a grey finish. Existing decking within the rear garden is to be removed.

1.2 This modern two-storey dwelling is sited within a residential area, forming part of a small development of three dwellings. The surrounding area is largely characterised by terraced dwellings.

1.3 This application is brought to committee for decision at the request of Councillor Craghill due to concerns with regards to overdevelopment of the site and harm to neighbouring amenity.

1.4 A large detached outbuilding has been constructed within the rear garden of the host site, along with new side boundary fencing though these elements do not form part of this submission.

**RELEVANT PLANNING HISTORY**

Application No. 03/03730/FUL - Part conversion and re-construction of existing buildings to create three dwellings. Approved 11.05.04.

Application No. 05/00424/FUL - Erection of three dwellings after demolition of existing outbuildings. Approved 16.05.05.

## **2.0 POLICY CONTEXT**

2.1 Policies:

CYGP1 Design  
CYH7 Residential extensions

## **3.0 CONSULTATIONS**

INTERNAL

Planning and Environmental Management (Ecology and Countryside Officer)

3.1 No objection. Due to age and condition of host dwelling it is unlikely that bats would use the building to roost; the development will not significantly impact upon biodiversity and would not impact upon the semi-natural habitat within Park Grove Primary School.

Planning and Environmental Management (Landscape Architect)

3.2 No objection. Adjacent trees at No. 68 Lowther Street are not covered by a tree preservation order nor are they within a conservation area. The applicant has a right to remove overhanging branches and trespassing roots, but such an operation should avoid resulting in the destruction of trees to neighbouring property (No. 68 Lowther Street is a council owned property). From a planning perspective the trees do not pose a restriction.

City Of York Council Arboricultural Manager

3.3 No objection in principle but care should be taken with regards harm to any roots and branches if beyond legal boundaries.

EXTERNAL

Guildhall Planning Panel

3.4 No response received up to date of writing.

Neighbour Notification and Publicity  
(Initial Scheme for Two-Storey Rear and Single Storey Front Extension)

3.5 One letter of support received from neighbouring resident. Letters of objection from 22 neighbouring residents/interested parties received raising the following concerns:

- Not physically possible to build extensions;
- Harm to neighbouring trees;
- Bat survey and wildlife survey is required;
- Existing space within dwelling is sufficient;
- Loss of privacy to neighbouring gardens and habitable rooms;
- Poor design, harm to open character of this area and lack of discussion with neighbours;
- Harm to visual appearance of area;
- Overshadowing to neighbouring garden;
- Loss of light to surrounding properties
- Loss of amenity space at host;
- Does not comply with CYC policies GP1/H7 NPPF or Human Rights Act;
- If allowed, would set precedent for similar development within the area;
- Harm to open character of area and to biodiversity;
- Materials out of keeping with area;
- Decking not shown on plans;
- Front and rear extensions will be overbearing;
- Additional space will increase business activity at site;
- Water levels and flooding to neighbouring gardens;
- Overdevelopment of restricted site;
- Erection of housing stock for starter homes;
- Harm to neighbouring house values;
- Site plan inaccurate;
- Front extension does not provide appropriate disabled access;
- Unclear proposed surface water run-off;
- Proposals conflict with justification for erection of the dwelling in the first instance;
- If allowed, a request for working hours condition;
- No space for parking nor storage of materials;
- Noise and disturbance during building works;
- Restricted space for skips/delivery of materials;
- Already existing planning breaches on site;
- Abuse of right of way;
- Existing building and foundations encroach side boundaries;
- Access for fire brigade in emergency;
- Fire proofing of detached outbuilding;
- New fencing to side boundaries;

- Existing building is taller than originally approved;
- Existing garden building is for commercial use and breaches permitted development;
- Existing bin storage is inappropriate and existing cycle store is being used as garden store;
- Existing fencing is currently being investigated by cyc enforcement;
- Ground levels within garden have increased;
- Incomplete description of materials provided.

### Responses to Re-Consultation

#### (Revised Scheme for Single Storey Rear Extension and New First Floor Rear Windows

3.6 Two letters of objection received up to date of writing advising that whilst some of the impact has been reduced similar concerns, as detailed above, still arise. Concern that no measurements have been detailed on the proposed plans.

3.7 The re-consultation period expires on 05/07/2016 any further comments will be reported verbally.

## **4.0 APPRAISAL**

### 4.1 Key Issues:

- Impact on the dwelling and upon the character and appearance of the surrounding area;
- Impact on neighbouring amenity

## POLICY CONTEXT

4.2 The National Planning Policy Framework (March 2012) sets out 12 core planning principles that should underpin both plan-making and decision-taking. Of particular relevance here is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 187 states that Local Planning Authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible. Paragraph 60 advises that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

4.3 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.

4.4 Policy H7 states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours.

4.5 Policy GP1 refers to design, for all types of development. Of particular relevance here are the criteria referring to good design and general neighbour amenity.

4.6 The Council has a Supplementary Planning Document (SPD) for House Extensions and Alterations. The SPD was subject to consultation from January 2012 to March 2012 and was approved at Cabinet on 4 December 2012. The SPD offers overarching general advice relating to such issues as privacy and overshadowing as well as advice which is specific to particular types of extensions or alterations. Advice in the document is consistent with local and national planning policies and is a material consideration when making planning decisions. Advice in paragraph 7.5 states that extensions should respect the appearance of the house and street unless a justification can be given showing how the development will enhance the streetscene. Proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing/loss of light or over-dominance/loss of light. Para. 13.3 advises that for single storey extensions privacy can be protected by the use of blank side walls, obscure glazing, high level windows, or by screening along shared garden boundaries.

## ASSESSMENT

### IMPACT UPON THE DWELLING AND UPON THE CHARACTER AND APPEARANCE OF THE SURROUNDING AREA

4.7 The proposed extension and alterations to windows are all to the rear of the dwelling, which is enclosed by adjoining private gardens. The host dwelling is sited within a good sized plot and the proposed extension is considered to be of an appropriate scale mass and design compared to the original dwelling, taking into account similar external brickwork and tiles are being proposed along with a pitched roof. Proposed fenestration to the ground and first floors will however now introduce aluminium frames with a grey finish, which whilst will not match the original dwelling, nor that of dwellings within the area, this is not considered to appear harmful to this modern dwelling. It is noted that if the materials proposed for the windows matched the existing windows on the building the proposed structure would be within permitted development limitations.

4.8 Sufficient amenity space will remain within the rear garden and it is not considered that the site would be over-developed, even though a large detached outbuilding has already been constructed to the rear. No change to car/cycle parking or bin storage areas will ensue.

#### IMPACT UPON NEIGHBOURING AMENITY

4.9 The major neighbouring impact will be upon those adjacent residents to the side at Nos. 68 and 72 Lowther Street. The existing detached outbuilding will largely screen the proposed addition from view to neighbours immediately to the rear at No. 70 Lowther Street at ground floor level. The revised plans show a modest eaves height of about 2m at the side boundaries with 68 and 72 Lowther Street, with the roof then pitching away from these common side boundaries, reducing the visual impact. It is noted that the ground levels to either side are slightly lower than the application site. The overall height and rear projection proposed are considered to be appropriate in relation to the scale of the original dwelling and plot size. A little additional overshadowing to the garden area of No. 72 Lowther Street may occur, though this is not considered to be so detrimental so as to warrant refusal or further amendment. The high level of the rooflights are not considered to result in any undue loss of privacy to neighbouring residents. The size of one first floor window is to be reduced though another small first floor window is to be added to serve as a secondary window to the existing first floor rear bedroom, though sited closer to the side boundary with 68 Lowther Street, it is not considered to result in significant additional loss of privacy to this neighbouring garden area, nor rear bedroom windows. No loss of light to neighbouring dwellings is considered to occur further to this proposal.

#### IMPACT UPON NEIGHBOURING TREES AND BIODIVERSITY

4.10 The proposals are not considered to impact upon biodiversity within the area, and it is possible to implement the proposed works to avoid harm to neighbouring trees.

#### OTHER MATTERS

4.11 Concerns have been raised that this development, if allowed, could set a precedent and lead to similar developments being allowed in the area. Whilst it is important to be consistent in decision making, each proposal is considered on its own merits and assessed against relevant planning policy and all material planning considerations. If planning consent is granted for this proposal it does not mean that planning permission will automatically be forthcoming for any similar proposals.

4.12 Concern about additional run-off and the risk of potential flooding are noted. However, from an engineering perspective it is very difficult to attenuate surface water flows from small extensions such as that proposed. The impact of small

residential extensions on surface water flooding is difficult to manage. Under current legislation, significant areas of side and rear garden, can be hard-surfaced or built upon, using permitted development rights, without planning permission being required. In this particular case it is not considered that the new extension would be likely to result in such a significant amount of additional surface water run-off so as to justify mitigation measures.

4.13 Whilst the application for the original dwelling was supported by the reference to additional low cost housing that was to be provided, permitted development rights were not removed, and as mentioned above, aside from the proposed materials, the currently proposed structure would fall within these tolerances with regards size.

4.14 Taking into account the householder nature of the proposed works it is not considered appropriate to restrict the working hours by condition, however, any noise issues during building works would fall within Environmental Protection legislation.

4.15 The Planning System is generally compliant with the Human Rights Act. Neighbouring amenity has been considered in the planning balance.

4.16 Party wall/building control issues; house values, are not a material consideration as part of the planning process. A Certificate A has been submitted with the application to advise that all of the works are proposed within ownership of the applicant. No change to access to the site is now proposed so as to change access for emergency vehicles.

## **5.0 CONCLUSION**

5.1 The proposals are considered to comply with the National Planning Policy Framework, CYC Development Local Plan Policies H7 and GP1 and Supplementary Planning Guidance - House Extensions and Alterations (Approved 2012).

## **6.0 RECOMMENDATION:** Householder Approval

1 TIME2 Development start within three years

2 The bricks and roof tiles to be used externally shall match those of the existing buildings in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

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

Revised plans BS3821-06 Rev B (proposed floor plans and elevations and external

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materials) received on 21/06/2016; and BS3821-08 (proposed site plan) received on 17/06/2016.

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

4 PD5 No openings in side elevation

## **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:

Amended plans were sought and received in order to remove the proposed front extension from the scheme and to amend the two-storey rear extension to a single storey rear extension, in order to protect neighbouring amenity.

### **2. THE PARTY WALL ETC ACT 1996**

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

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

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

### **3. CONTROL OF POLLUTION ACT 1974**

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

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

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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 manufacturer's instructions.

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

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

(f) There shall be no bonfires on the site

**Contact details:**

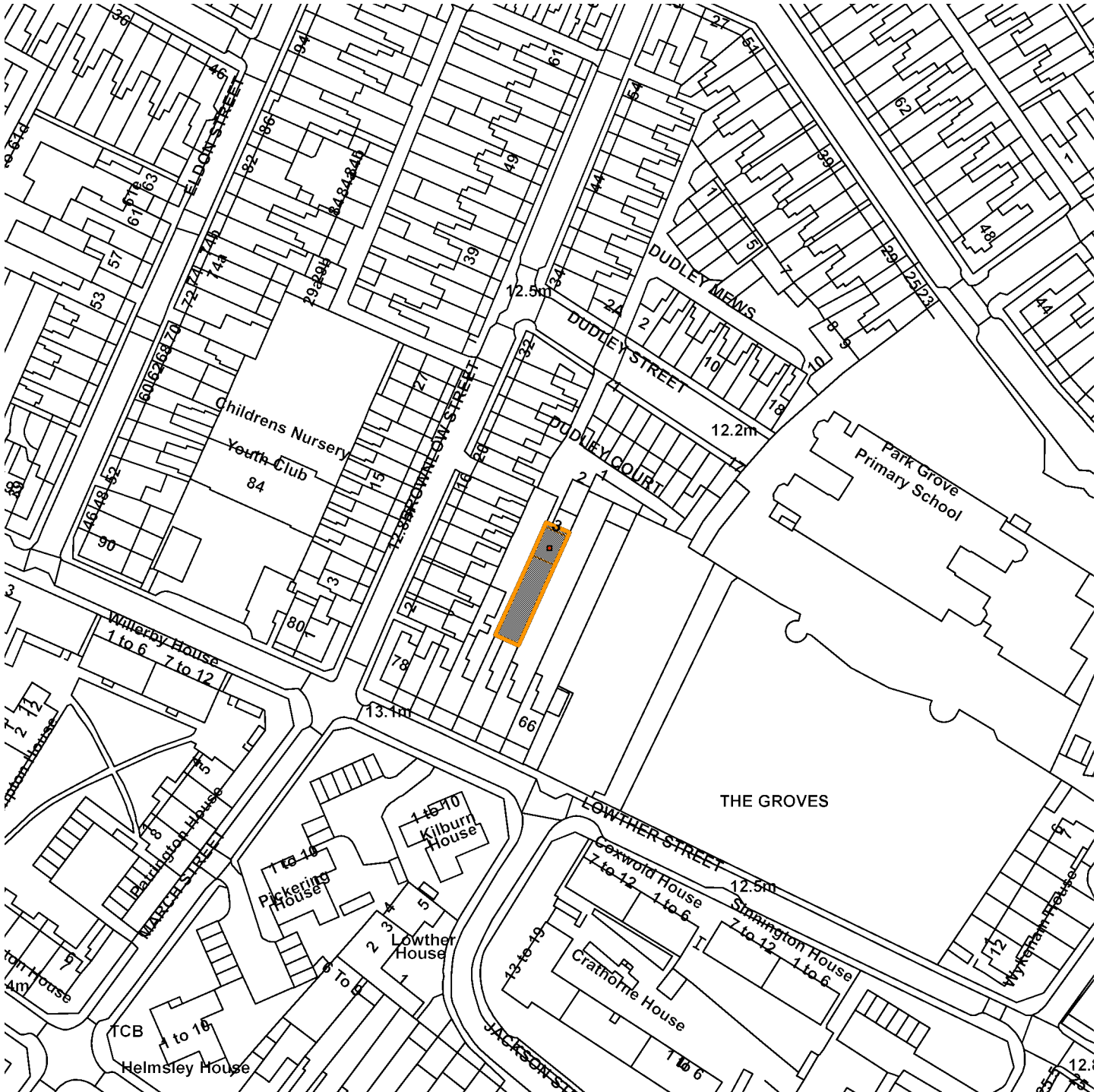
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3 Dudley Court



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	28 June 2016
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 7 July 2016                      **Ward:** Dringhouses and  
Woodthorpe  
**Team:** Major and                      **Parish:** Dringhouses/Woodthorpe  
Commercial Team                      Planning Panel

**Reference:** 16/00870/FUL  
**Application at:** Land between 8 and 12 White House Gardens York  
**For:** Erection of 1no. detached dwelling  
**By:** Mr David Blackwell  
**Application Type:** Full Application  
**Target Date:** 11 July 2016  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application site is part of the rear garden of 254 Tadcaster Road between 8 and 12 White House Gardens. The street was developed in a piecemeal manner after 1940. It comprises two storey housing in a mix of styles but the prevalent materials used are brick and pantile. The application is for a 2-storey house on site. The scheme has been revised since the original submission.

1.2 A recent application to accommodate two houses on the site was withdrawn; application 16/00443/FUL. In 1988 planning permission was granted for a dormer bungalow on site.

1.5 The application has been called in by Cllr Fenton. The request was to allow members to assess the impact on neighbours and on the street scene.

**2.0 POLICY CONTEXT**

2.1 Draft Local Plan 2005 Policies:

CYGP1     Design  
CYGP10    Subdivision of gardens and infill development

2.2 Emerging Local Plan

2.4 At this stage, policies in the 2014 Publication Draft Local Plan are considered to carry very little weight in the decision making process (in accordance with paragraph 216 of the NPPF). However, the evidence base that underpins the proposed emerging policies is a material consideration in the determination of planning applications. The policies relevant to this application area as follows:

DHE3: Landscape and Setting

### **3.0 CONSULTATIONS**

#### Archaeology

3.1 The site is situated alongside a Roman road thought to have been established soon after the Roman conquest in c.71. Burials were often placed in cemeteries alongside these roads such as at Trentholme Drive to the north-east. It is possible that groundworks associated with this proposal may reveal or disturb archaeological features. It will be necessary to record any revealed features and deposits through an archaeological watching brief on all groundworks.

#### Highway Network Management

3.2 Officers have no objection to the proposals. Conditions which require that car and cycle parking facilities on site are provided are recommended.

#### Flood Risk Management Team

3.3 No objection. Recommended a planning condition to agree the drainage design.

#### Public Protection

3.4 No objection to the application. Officers recommend planning conditions as follows -

- Due to the site being in a residential street officers recommend times of construction are restricted.
- If unexpected contamination is found it is reported to the council.
- Facilities are provided for charging electric vehicles.

#### Yorkshire Water

3.5 No response.

#### Ainsty Drainage Board

3.6 No objection in principle and advise that the application could be approved subject to imposition of a planning condition to approve the drainage strategy. The site is in an area where drainage problems exist. Surface water should be managed in a sustainable manner. The Board would seek that wherever discharge from the site is to enter a Board watercourse either directly, or indirectly via a third party asset, the rate of discharge would be constrained at the greenfield rate (1.4 l/s/ha) plus an allowance for any brownfield areas any of the site which are currently impermeable and where there is positive drainage and a proven connection to the watercourse (at the rate of 140 l/s/ha), less 30%.

#### Dringhouses and Woodthorpe Planning Panel

3.7 Support the application.

## Neighbour Notification and Publicity

3.8 The following objections (12 in total) were made to the original scheme -

### Impact on neighbour's amenity

- At no.12 there are windows serving the lounge, kitchen, 2 bedrooms and the landing which overlook the application site and face south. To develop the plot to the south would lead to a loss of light. Due to the proximity and scale of the proposed house it would be overbearing. Loss of light into no.8 as the ground floor side window would be blocked.

### Street scene

- There would be a loss of a gap in the street scene, where landscaping makes a positive contribution to the street.
- The scale, architecture and materials of the proposed house would not respect the local vernacular and would harm the distinctive character of the street, which is contrary to national planning advice.

### Highway safety

- Inadequate off street car parking is proposed. The street is used for recreation and this poses a safety issue, and it is too narrow to accommodate parked cars.
- White House Gardens is a private, un-adopted road.
- Damage has already been caused by construction vehicles to the road surfaces and kerb edges and further damage may be caused during the building phase. It seems unfair the cost of any repair works would need to be met by residents. A planning condition should ensure that the developer and not residents is responsible for making good any damage.

### Drainage

- The local drainage network is at capacity and unable to accommodate further demand. There have been recent incidents of drains backing up and flooding. Concern the drainage network would be damaged, in particular as it passes through neighbouring gardens and under buildings (the latter at 22a).

### Legal matters

- There is a covenant on the land which prevents development of a house of the scale proposed.
- It is questioned whether the applicants are legally permitted to gain vehicle access from White House Gardens because of its un-adopted status.

3.9 As a consequence of re-consultation on the revised plans the following further comments were received -

- The neighbours at 8 and 12 are still in objection and concerns raised originally remain applicable. In particular -
- The proposed building still appears over-sized for the plot in both height and width.
- The building remains too close to the side elevations of the neighbours, which would mean a loss of residential amenity. Neighbours would be over-shadowed and suffer a loss of light and the proposed house would dominate outlook from side windows.
- From number 7 – building remains too large for the plot.
- From 22a – slight improvement but still over-development.
- Other concerns already raised about drainage and damage during construction re-iterated.

## **4.0 APPRAISAL**

### 4.1 Key Issues

- Principle of the proposed development
- Residential Amenity
- Visual Impact
- Highway safety
- Drainage

#### Principle of the proposed development

4.2 The NPPF states housing applications should be considered in the context of the presumption in favour of sustainable development. It advises that Local Planning Authority's may establish their own policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

4.3 Local Plan policy GP10 relates to sub-divisions and infill development. GP10 states permission will only be granted for sub-division or infilling to provide new development where this would not be detrimental to the character and amenity of the local environment. The policy advises that the space between and around existing buildings often contributes significantly to the character of an area and residential amenity. When considering applications for development of small infill sites or existing gardens regard will be given to the impact of the proposal on the surrounding area and overdevelopment would be resisted.

4.4 The site is within an urban area and in principle housing development would be policy compliant. The impact of the proposal on the character of the locality and residential amenity are assessed below.



## Residential Amenity

4.5 The National Planning Policy Framework requires that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Local Plan policy GP1: Design requires that development proposals ensure no undue adverse impact from overlooking, overshadowing or from over-dominant structures. It requires that developments have adequate space for cycle and waste storage.

4.6 There is a ground floor side window at number 8. Behind a single storey rear extension has been added. The boundary fence height varies in height but is lower outside the window. The outlook from the side window would be affected due to proximity of the proposed house. However this is not a primary window serving number 8, these are on the principal (front) elevation and overlooking the rear garden. It would reasonably be expected outlook and light gain from windows to main rooms would be over the front and rear gardens of the house and not from the side elevation over third party land. The proposed house would have comparable front and rear building lines to no.8 and be of similar scale. Guideline standards for residential development recommend distances to prevent new windows overlooking neighbours, but do not include a standard for separation distances between side elevations, or to protect existing windows overlooking private land or gardens given that outlook tends to be required either over the garden of the host building or public views, not over private land in separate ownership. It should also be noted outbuildings, walls and fences can be added that would have an affect on outlook from windows adjacent side boundaries without needing planning permission. There would be no undue impact on the amenity of residents at no.8 that would warrant refusal of the application.

4.7 At number 12 there are multiple south facing windows which overlook the application site. Those which serve living and bedrooms are only secondary windows to these rooms; the principle windows are on the front and rear elevations. The houses would be 4.25m apart (the proposed house would be further from the side boundary than both neighbours). The north side of the proposed house would be of lesser scale; set down in height to 1.5 storey and setback some 2.9m from the front building line of no.12. The outlook from the side windows would be affected; the new house would be apparent, rather than the neighbours garden. Understandably the current view would be favourable, but the neighbours have no right to this view. Due to the position and shape of the proposed building the affected rooms would continue to receive a reasonable level of daylight and outlook beyond the proposed house. The low adverse impact on what are secondary windows to rooms and a staircase would not be sufficient grounds to refuse the application on loss of amenity.

## Visual Impact

4.11 The National planning practice guidance advises that in assessment of design, consideration, where appropriate should be given to layout, form, scale, detailing and materials.

4.12 Relevant Plan policies in this respect are GP10, referred to in 4.3 and GP1: Design. GP1 requires developments be of a density, layout, scale, and mass that is compatible with neighbouring buildings, spaces and the character of the area; use appropriate materials; avoid the loss of, or create townscape features, which contribute to the quality of the local environment.

4.13 The street was developed in a piecemeal manner. The application site has the appearance of an undeveloped plot, and is the last remaining one in the street. The site is slightly wider and of comparable depth to other plots on this side of the street (numbers 4-18 evens). Permission has been granted to develop a house on the site in the past.

4.14 The proposed building, as shown on the revised plan, relates to the front building line and height of the buildings to each side. The development respects the character of the street through its form, detailing, scale and now proposes to use the materials prevalent in the street; brick and pantile roof. The applicants have advised their preference would be for a low front boundary wall, with planting behind, to replace the hedge. This arrangement would not be out of character with the street. A planning condition can secure the details.

4.15 There are not any protected trees on site or street trees on the adjacent verge. The trees on site do not have a high public amenity value. However the scheme does not propose to remove any of the existing trees on site. Creating a single vehicle access to the plot, given its width, would not be out of character with the street. There would be no undue harm to the setting in this respect.

## Highway safety

4.16 The National Planning Policy Framework advises that developments should:

- Provide safe and suitable access to the site for all people and minimise conflicts between traffic and cyclists or pedestrians.
- Maximise sustainable transport modes and minimise the need to travel.
- Incorporate facilities for charging plug-in and other ultra-low emission vehicles.

4.18 The application site is within a residential street. The proposed means of access to serve the house would not be materially different to any other on the street. The highway is not adopted and therefore whether the applicants may construct the proposed access onto the road is a legal matter. There are no

highway safety issues which could be used to oppose the proposed access on planning grounds.

4.19 There is car parking for 2 cars off street, which meets the council's standards in the 2005 Local Plan. Electric vehicle parking facilities could be secured through a planning condition.

4.20 Residents have raised concern that the road may be damaged by construction traffic. White House Gardens is not adopted and therefore any responsibility for its maintenance would fall to the owner's and not the council. If damage were to occur to the highway during construction it would be a private matter that would need to be resolved between interested parties. A planning condition or obligation can not be used in this case as the road is not adopted. This is clearly explained in national planning guidance which states that "*conditions requiring works on land that is not controlled by the applicant, or that requires the consent or authorisation of another person or body often fail the tests of reasonableness and enforceability*".

### Drainage

4.21 The National Planning Policy Framework requires that development should be directed into areas where flood risk is low. Developments should be safe from flooding and not increase flood risk elsewhere. Local Plan policy GP15 seeks to reduce flood risk elsewhere by ensuring developments do not lead to increased surface water run-off.

4.22 The submitted drainage strategy is compliant with national and local planning policy. The preference is a sustainable means of surface water drainage, via soakaway, if ground conditions are unsuitable then there would be on site attenuation to limit surface run off into sewers so no material increase compared to the existing rate. This is compliant with local policy which requires surface water run-off is reduced by up to 30% (compared to the existing rate) where practical. The strategy and detail would be approved through a planning condition before development commenced. It is proposed foul sewage be connected into the existing sewer that passes through the site (at the rear of the proposed garden). The council would agree the strategy and run off rate for the surface water drainage only, permission would be required from Yorkshire Water for connection into their sewers.

## **5.0 CONCLUSION**

5.1 The revised scheme proposes a house which is designed to sit comfortably in the street and it would not have an undue impact on neighbour's amenity. There is a drainage design solution which would be policy compliant and the detail can be secured through a planning condition. Any developer would also require permission from Yorkshire Water in this respect. The proposed house would have no material impact on highway safety. Any damage that may occur off site during construction

is not a material consideration in determination of the application in this case and as the road is not adopted it is for any interested parties to agree any mitigation and not the council. In a similar manner any covenants relevant to the site relate to legal matters and are not material planning considerations.

5.2 The proposals do not conflict with the relevant local policies listed in section 2 and nor is there undue conflict with the National Planning Policy National Planning Policy Framework.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Approve subject to conditions**

1 The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following plans: - B166 01 10 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 No construction shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure proper and sustainable drainage of the site and to prevent increased flood risk in accordance with section 10 of the National Planning Policy Framework.

#### **INFORMATIVE:**

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuD's). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. infiltration tests to BRE Digest 365, witnessed by York Council officers, to discount the use of SuD's.

As the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to except surface water discharge, and to prevent flooding of the surrounding land and the site itself.

If SuDs methods can be proven to be unsuitable then in accordance with City of York Council's Strategic Flood Risk Assessment peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas) where practical. Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas are not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

If any variation in ground levels are proposed the applicant should provide a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

As the public sewer network does not have capacity to accept an unrestricted discharge of surface water surface water discharge to the existing public sewer network must only be as a last resort.

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

Reason: The site is situated alongside a Roman road which approached York from the south-west thought to have been established soon after the Roman conquest in c.71. Burials were often placed in cemeteries alongside these roads. Due to the nature of the application the development may affect important archaeological deposits which must be recorded during the construction programme.

5 The materials to be used shall be as annotated on the approved plans. Notwithstanding the approved plans a sample panel of the brickwork to be used on the new block shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: In the interests of preserving the distinctive character of the street in accordance with design advice in the National Planning Policy Guidance and Local Plan policy GP1 : Design.

6 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 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles 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.

8 The storage facilities (shed and utility space) as shown on the approved plans shall be provided in accordance with the approved plans prior to first occupation of the development hereby approved.

Reason: To provide adequate space for storage, including cycle storage, in the interests of good design and to promote sustainable travel, in accordance with Local Plan policy GP1: Design and sections 4 and 7 of the National Planning Policy Framework.

9 Before the occupation of the development an electric vehicle recharging point shall be provided on-site and maintained for the lifetime of the development, to the satisfaction of the Local Planning Authority.

REASON: To promote and facilitate the uptake of electric vehicles in accordance with the Council's Low Emission Strategy and the National Planning Policy Framework (paragraph 39).

**INFORMATIVE:** Electric Vehicle Recharging Point means a recharging unit capable of charging two electric vehicles simultaneously with the capacity to charge at both 3kw (13A) and 7kw (32A) that has sufficient enabling cabling to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point.

10 Prior to occupation of the dwelling hereby approved details of the boundary treatment beyond the front building line of the dwelling (to the side and front boundaries) and details of soft landscaping (clarifying existing and proposed) shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and local distinctiveness, in accordance with Local Plan policy GP1: Design and design policies in National Planning Policy Guidance.

## **7.0 INFORMATIVES:**

### **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: provided advice and sought revised plans in order to make the proposal policy compliant in terms of design and impact on neighbours and through the use of planning conditions.

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16/00870/FUL

Land Between 8 And 12 White House Gardens



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	28 June 2016
<b>SLA Number</b>	Not Set

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