



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

- To:** Councillors Galvin (Chair), Shepherd (Vice-Chair), Carr, Craghill, Gillies, Hunter, Cannon, Flinders, Looker, Mercer and Orrell
- Date:** Thursday, 8 September 2016
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

**AGENDA**

**1. Declarations of Interest**

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

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

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

**2. Minutes** (Pages 3 - 14)

To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee held on 4 August 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 7 September 2016 at 5.00 pm.**

## **Filming, Recording or Webcasting Meetings**

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## **4. Plans List**

To determine the following planning applications:

**a) Rowntree Wharf, Navigation Road, York (15/01891/FULM)**  
(Pages 15 - 36)

Partial conversion of ground and first floor offices into 34 residential apartments. [Guildhall]

**b) Rowntree Wharf, Navigation Road, York (15/01892/LBC)**  
(Pages 37 - 46)

Internal alterations associated with partial conversion of ground and first floor offices to 34 no. apartments. [Guildhall]

**c) Groves Chapel, Union Terrace, York, YO31 7WS**  
**(16/01540/FULM)** (Pages 47 - 68)

Variation of condition 6 of permitted application 15/02833/FULM to alter delivery times on Monday to Saturday from 07:00 to 18:00 to 07:00 to 19:30. [Guildhall]

- d) 15 Heslington Lane, York, YO10 4HN (16/01047/FUL)**  
(Pages 69 - 82)  
Conversion of existing dwelling into 3no. flats with single storey side extension (part-retrospective) (resubmission) [Fulford and Heslington]
- e) St Joseph's Convent of Poor Clare Collentines, Lawrence Street, York, YO10 3EB (16/01233/ADV)** (Pages 83 - 88)  
Display of 8no. signs on convent walls and lodge building for temporary period of three years. [Fishergate]
- f) St Joseph's Convent of Poor Clare Collentines, Lawrence Street, York, YO10 3EB (16/01234/LBC)** (Pages 89 - 96)  
Display of 8no. Signs on convent walls and lodge building for temporary period of three years. [Fishergate]
- g) Proposed Telecommunication Mast at Grid Reference 463372 451307, Hull Road, Osbaldwick, York (16/01845/TCMAS)** (Pages 97 - 104)  
Installation of 12.5m monopole with 3no. antennas, 1no transmission dish, 2no. equipment cabinets and 1no. meter cabinet. [Hull Road] **[Site Visit]**
- h) Plot 7, Great North Way, Nether Poppleton, York (16/01297/FUL)** (Pages 105 - 114)  
Use of land for car parking and car storage linked to adjacent vehicle dealership with associated hardsurfacing. [Rural West York] **[Site Visit]**
- i) 26 New Walk Terrace York YO10 4BG (16/01676/FUL)**  
(Pages 115 - 120)  
Single storey rear extension. [Fishergate]
- j) Land Adjacent to Telecommunications Mast, Poppleton Road, York (16/01331/ADV)** (Pages 121 - 126)  
Display of non illuminated sponsor sign. [Holgate] **[Site Visit]**

- k) Part Highway Verge Fronting Holgate Park, Poppleton Road, York (16/01601/ADV)** (Pages 127 - 132)  
Display of non illuminated sponsor sign. [Holgate] **[Site Visit]**
- l) Roundabout at Junction of Kingsway North and Burton Green, York (16/01600/ADV)** (Pages 133 - 138)  
Display of non illuminated sponsor signs. [Clifton] **[Site Visit]**
- m) Highway Verge Fronting Sovereign Park Development, Boroughbridge Road, York (16/01602/ADV)**  
(Pages 139 - 144)  
Display of non illuminated sponsor signs. [Acomb]
- n) Highway Verges at Askham Bar Park and Ride Entrance, Tadcaster Road, Dringhouses, York (16/01603/ADV)**  
(Pages 145 - 150)  
Display of non illuminated sponsor signs. [Rural West York]
- o) Highway Central Reservation Fronting Grimston Bar Park and Ride, Hull Road, Dunnington, York (16/01604/ADV)**  
(Pages 151 - 156)  
Display of non illuminated sponsor signs. [Osballdwick and Derwent]
- p) Vangarde Way Junction, Jockey Lane, Huntington, York (16/01605/ADV)** (Pages 157 - 162)  
Display of non illuminated sponsor signs. [Huntington/New Earswick]

**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 7 September 2016**

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

<b>TIME</b> <b>(Approx)</b>	<b>SITE</b>	<b>ITEM</b>
10.10	Land Adjacent Telecommunications Mast Poppleton Road	4j
10.20	Part Highway Verge Fronting Holgate Park Poppleton Road	4k
10.40	Plot 7 Great North Way Nether Poppleton	4h
11.10	Roundabout At Junction Of Kingsway North And Burton Green	4l
11.40	Central Reservation Hull Road Osbaldwick	4g

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City of York Council

Committee Minutes

Meeting	Area Planning Sub-Committee
Date	4 August 2016
Present	Councillors Galvin (Chair), Shepherd (Vice-Chair), Carr, Craghill, Gillies, Cannon, Looker, Flinders, Mercer, Orrell and Mason (Substitute for Councillor Hunter)
Apologies	Councillor Hunter

Site	Visited by	Reason
Oak Haven, 144 Acomb Road, York YO24 4HA	Councillors Cannon, Carr, Craghill, Flinders, Galvin, Gillies and Shepherd	To enable Members to familiarise themselves with the site.
York District Hospital Wigginton Road York YO31 8HE	Councillors Cannon, Carr, Craghill, Flinders, Galvin, Gillies and Shepherd	As the recommendation was to approve and objections had been received
15 Heslington Lane York YO10 4HN	Councillors Cannon, Carr, Craghill, Flinders, Galvin, Gillies and Shepherd	As the recommendation was to approve and objections had been received
2 Hambleton Avenue Osbaldwick York YO10 3PP	Councillors Cannon, Carr, Craghill, Flinders, Galvin, Gillies and Shepherd	As the recommendation was to approve and objections had been received
Rowntree Wharf, Navigation Road, York	Councillors Cannon, Carr, Craghill, Flinders, Galvin, Gillies and Shepherd	As the recommendation was to approve and objections had been received
Clifton Moor Centre, Stirling Road, York	Councillors Cannon, Carr, Craghill, Flinders, Galvin, Gillies and Shepherd	As the recommendation was to approve and objections had been received.

## **9. Declarations of Interest**

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

Councillors Shepherd, Cannon, Looker and Flinders all declared personal and prejudicial interests in the planning application at Agenda Item 4b) (Oakwood Cottage, Pottery Lane, Strensall) in that they were colleagues of the applicant as fellow Labour Councillors. They abstained from the vote and took no part in debate.

Councillor Mason declared a personal interest in Agenda Item 4c) (York District Hospital, Wigginton Road) as he ran a company which held contracts with York District Hospital. Councillor Galvin declared a personal interest in the same item as an ex Governor of the Hospital Trust. Councillor Orrell also declared a personal interest in the item as he had undergone an endoscopy.

## **10. Minutes**

Resolved: That the minutes of the last Area Planning Sub Committee held on 7 July 2016 be approved and then signed by the Chair as a correct record.

## **11. Public Participation**

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

## **12. 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.

**12a) Oak Haven, 144 Acomb Road, York YO24 4HA  
(16/01535/GRG3)**

Members considered a General Regulations (Reg3) application by City of York Council for a change of use of a vacant elderly persons care home to temporary accommodation for up to 15no. families and individuals.

Representations in objection were received from Paul Wright, a local resident. He spoke about the lack of publicity around the application and the use of the home for homeless people's accommodation.

Officers informed Members that the majority of the residents would be families who presented themselves as homeless in order to access the temporary accommodation.

Members supported the application as they felt that it was an efficient use of a council property.

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

Reason: The proposed use is in keeping with the character of the area and considered to have a minimal impact on neighbouring residential amenity. While allocated as a housing site within the Preferred Sites Consultation document, the proposed temporary use should have no impact on this.

**12b) Oakwood Cottage, Pottery Lane, Strensall, York YO32 5TW  
(16/01207/FUL)**

Members considered a full application by Mr Stuart Barnes for a two storey side extension, first floor rear extension and single storey veranda to front and side.

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

Reason: The proposals are considered acceptable and would comply with the National Planning Policy Framework (NPPF), Policies GP1 (Design), GB1 (Development in the Green Belt) and GB4 (Extensions to Existing

Dwellings in the Green Belt) and H7 (Residential Extensions) of the Development Control Local Plan and City of York Council's Supplementary Planning Document (House Extensions and Alterations).

**12c) York District Hospital Wigginton Road York YO31 8HE  
(16/01195/FULM)**

Members considered a full major application by York Teaching Hospital NHS Foundation Trust for first and second floor extensions above the Remedial Therapy Department to provide additional clinical space for a new Endoscopy Unit.

Officers circulated a statement from the applicant to Members on BREEAM, which detailed how the applicants felt that imposing a BREEAM rating of “very good” would make the scheme unviable. This related to constraints of the application, the particular services requirements for a hospital and the location of the extension which would involve the accommodation of the additional plant. They requested that if planning permission was granted that this BREEAM condition was not attached.

This statement had been published online with the agenda following the meeting.

In their update Officers reported that;

- A concern had been raised in regards to 'out of hours' noise from the boiler house. Officers confirmed that this could be controlled by a condition restricting hours of loading and unloading to 0800-1800 on Monday to Friday and 0900-1300 Saturday with no works on Sundays or bank holidays.
- If Members were minded to approve the application that an additional condition could be added in respect of the noise from machinery, plant and equipment which was audible at the boundary of the hospital site.
- It would cost approximately £150k for the hospital to attain the required BREEAM rating of “very good”.

Representations were received from James Hayward, the project director. He informed the Committee of the need for a new Endoscopy Unit and provided details of the layout of the unit. He requested that the hospital be considered differently when it came to reviewing BREEAM ratings. To achieve a very good rating would cost over £135k, equivalent to 5 nurses salaries.

In response to a question about whether the hospital used sustainable energy, it was noted that solar energy had been investigated as a long term sustainable energy source. It was considered that although the technology had improved, it did not provide sufficient long term measurable benefits.

Some Members expressed concerns that only the finance figures had been shown to the Committee. They expressed disappointment that the BREEAM rating had not been achieved and highlighted that the overall cost to the budget was not large.

Others supported the application as they felt that the development would lead to the prevention of disease at an earlier stage and also be a long term addition to the hospital.

Resolved: That the application be approved subject to the conditions listed in the Officer's report and the following additional condition;

6. Details of all machinery, plant and equipment to be installed, which is audible above background noise levels at the hospital site boundaries, and proposed noise mitigation measures shall be submitted to the Local Planning Authority. These details shall include maximum (L<sub>Amax</sub> (f)) and average (L<sub>Aeq</sub>) sound levels (A weighted), and octave band noise levels they produce. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be appropriately maintained afterwards.

Reason: The application will provide a purpose built endoscopy unit for the hospital to meet modern standards. Policy C4 of the Local Plan relates specifically to new development at the York District

Hospital site and allows for new development providing sustainable methods of transport are promoted and residential amenity is not impacted. The application does not provide additional parking and the site is within a sustainable location with good public transport links. The extension is some distance from residential properties and considered to have little impact on amenity as a result of this. Consequently it is considered to comply with this policy.

**12d) 15 Heslington Lane York YO10 4HN (16/01047/FUL)**

Members considered a full application by Mr Andre Trepel for the conversion of an existing dwelling into 3no. flats with single storey side extension (part retrospective) (resubmission).

Officers circulated an update which informed Members that they could not take into account either the Draft Supplementary Planning Document (SPD), York's Local Plan or the nationally described space standard for housing. This was following the publication of a Department for Communities and Local Government document "Technical housing standards- nationally described space standards" in March 2015 and Ministerial Statement to Parliament in March 2015.

Representations in objection were received from Barry Campbell, a local resident. He informed the Committee that the flats had been built without planning permission and to a smaller than standard size with a lack of proper foundations or drainage. He urged the Committee to defer the application to allow for building regulation investigations to take place.

Mary Urmston from Fulford Parish Council also spoke in objection. She circulated photographs of the application site. These were published online with the agenda following the meeting. Her concerns included that the development was unsustainable, was not of good design and was visually harmful to the Conservation Area. She questioned why there had been no assessment from the Conservation Officer of the application and why there was no reference in the Officer's report to a previous Conservation Area Appraisal in 2008.

In response, Officers confirmed could be adequately assessed by Planning Officers without Conservation Officer comments.

Councillor Carr moved and Councillor Looker seconded approval as they felt that there were no planning grounds for refusal. However, they hoped that building regulations would take on board issues that had been raised. On being put to the vote the motion was not approved.

Councillor Gillies then moved and Councillor Orrell seconded deferral on the grounds of outstanding issues that they felt needed to be resolved. These included the response from the Conservation Officer, the quality of the building, and the lack of information provided to residents about the quality of the flats.

On being put to the vote, it was;

Resolved: That the application be deferred.

Reason: To enable for a response to be sought from the Conservation Officer and for further outstanding concerns as identified by Members, the Parish Council and residents to be resolved.

**12e) 2 Hambleton Avenue, Osbaldwick, York YO10 3PP  
(16/00396/FUL)**

Members considered a full application from Mr D Ward for a two storey side extension and single storey rear extensions.

Councillor Warters spoke as a local member, in objection to the application. He made reference to the large number of Houses in Multiple Occupation (HMO) that were adjacent to the property. He also raised concerns at the visual impact of a terracing effect and safety grounds due to parking.

Members queried Officers regarding the application's side extension and on access and whether there were similar extensions in the vicinity.

It was noted that the Council's Supplementary Planning Document stated that a side extension should not exceed 50% of the width of the house and that the first floor should be set

back a minimum of 0.5 metres. It was also confirmed that there were no similar extensions on Hambleton Avenue.

Members felt that the application should be refused on the grounds of car parking, amenity and overdevelopment.

Resolved: That the application be refused.

Reason: The application site is in a prominent corner location. The proposals would close the gap between dwellings at first floor level that would be an uncharacteristic feature of Hambleton Avenue and detrimental to the character and appearance of the street scene. The increased area of hardstanding to the front to accommodate two additional car parking spaces would further harm the appearance of the street. The proposals are considered to be an overdevelopment of the site. The application dwelling and its neighbour at no.3 Hambleton Avenue are angled together and because of this the proposed extensions along the common boundary would be in closer proximity to the neighbouring property than would ordinarily be the case for a side extension. The projection of the extension rearward of the adjacent dwelling at no. 3 Hambleton Avenue would harm its living conditions by reason of a loss of outlook and being dominated by an overbearing structure. The proposals are therefore contrary to the Draft Local Plan (April 2005) policies GP1 'Design' and H7 'Residential Extensions' and paragraph 17 of the National Planning Policy Framework which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

**12f) Rowntree Wharf, Navigation Road, York (15/01891/FULM)**

Members considered a full major application by Bonner One Ltd for the partial conversion of ground and first floor offices into 34 residential apartments.

Members were informed that following the publication of the agenda, additional information had been received.



As this needed to be reassessed and neighbours re-notified, it was recommended that Members defer the application in order to allow for Officers to be given time to examine the information.

Resolved: That the application be deferred.

Reason: In order for the additional information received to be reassessed and for residents and consultees notified.

**12g) Rowntree Wharf, Navigation Road, York (15/01892/LBC)**

Members considered a listed building consent application from Bonner One Ltd for internal alterations associated with the partial conversion of ground and first floor offices to 34no. apartments.

This application was deferred at the same time as Minute Item 12f) (Rowntree Wharf, Navigation Road, York (15/01891/FULM)).

Resolved: That the application be deferred.

Reason: In order for the additional information received to be reassessed and for residents and consultees notified.

**12h) Clifton Moor Centre, Stirling Road, York (16/01342/TPO)**

Members considered a tree preservation order by Clifton Moor RP GP Limited to fell 91no. trees protected by Tree Preservation Order no: CYC344.

Representations were received from Philip Crowe, who spoke on behalf of Treemendous, a group which helped to plant trees in York. He felt the management of the existing trees had not been carried out well and that thinning of trees should have been carried out progressively. He supported the proposal as outlined in the Officer's report, as this would allow for tree management on a phased basis.

Councillor Warters spoke as the Member of Council who had called in the application. He referred to previous landscaping conditions which had been attached to nearby sites and asked that the following conditions be added to any planning

permission, if Members were minded to support the Officer's recommendation;

- 1) For every tree removed, a native species tree replaced it within the screening.
- 2) All replacement trees to remain for the lifetime of the development.
- 3) For visual amenity and safety, trees and shrub underplanting should be a minimum of 6 foot in height.

Representations were received from Mike Hopkins, the agent. He confirmed that his client was due to undertake a refurbishment of that part of the retail park, and this included landscaping works. He informed Members that the trees that were subject to the TPO were part of the original development.

Councillor Rawlings spoke as the Ward Member. He supported the Officer's recommendation, but expressed concern that only 20% of the original trees would be replaced. He commented that there were additional areas that could benefit from tree planting. He urged the applicant to work with Treemendous to plant the trees.

In answer to Members concerns, Officers responded that it was not their intention to use five years as a standard period of time for the replanting of trees. It was also confirmed that if a tree with a TPO was felled, then the TPO would transfer to its replacement tree for its lifespan.

Some Members questioned whether an informative could be added to planning permission to request that the applicant worked with Treemendous on the replacement of trees that were felled.

Resolved: That the application be partially approved and partially refused as per the Officer's recommendation, with the following amended condition and informative as detailed below;

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

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

Informative: Treemendous York' aims to increase tree cover throughout the City of York. The initiative grew out of a recommendation in the 'York City Beautiful: Toward and Economic Vision' report in 2011, to promote a healthier, greener, more environmentally friendly, successful and beautiful city. 'Treemendous York' encourage more trees to be planted in the car park and overall grounds of the Clifton Moor Retail outlets. The sub-committee encourage the applicant to work with Treemendous to achieve this aim and to promote the value of trees within a retail environment.

Reason: The proposed felling is refused because the trees still serve their function as cited under the Tree Preservation Order and are in such a condition that they could be retained under suitable management, at the present time. It is recognised that thinning and replanting operations are required. However a phased management programme would be more suitable in order to limit the loss to public amenity and to be certain that the proposed approach will be successful in improving the quality and viability of the long term tree cover.

### **13. Appeals Performance and Decision Summaries**

Members received a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 April and 30 June 2016. It also provided them with a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date of writing were included as annexes to the report.

Resolved: That the report and annexes be noted.

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

**14. Planning Enforcement Cases - Update**

Members received a report which provided them with a quarterly update on planning enforcement cases.

Information was given by Officers to Members on the work of the Enforcement Team.

Resolved: That the report be noted.

Reason: To update Members on the number of outstanding planning enforcement cases.

Councillor Galvin, Chair

[The meeting started at 4.30 pm and finished at 6.25 pm].

**COMMITTEE REPORT**

**Date:** 8 September 2016      **Ward:** Guildhall  
**Team:** Major and                      **Parish:** Guildhall Planning Panel  
                    Commercial Team

**Reference:** 15/01891/FULM  
**Application at:** Rowntree Wharf Navigation Road York  
**For:** Partial conversion of ground and first floor offices into 34 residential apartments  
**By:** Bonner One Ltd  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 11 July 2016  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 This is a full application for the conversion of part of the ground and first floor of an existing former mill building into residential flats at Rowntree Wharf, York. Members may recall that this application was deferred from the last planning committee (4th August 2016). This was to allow re-consultation on additional information received about cycle and bin storage and the design and siting of steps to provide evacuation from the building in the event of a flood.

1.2 The site is within the Central Historic Core Conservation Area, Rowntree Wharf is a Grade II listed building and due to its height and enclosure by water features (Wormalds Cut and the River Foss) on three sides, is a landmark building in this part of the city. It was constructed as a roller flour mill by W G Penty for Sidney Leetham in 1896 and converted (upper floors) to flats in 1990. The building is attached via a mezzanine level access at first floor to a relatively new multi storey car park building providing car parking for the existing office and residential use. A separate application for listed building consent has been submitted in respect of the proposed alterations to the building (15/01892/LBC).

1.3 The proposal includes the remodelling of the internal space of the ground and first floor, external alterations to create additional cycle parking, bin storage and landscaping and the introduction of stepped emergency flood and fire exit from the site via the two storey adjacent car park. Vehicular access is from the existing access from Navigation Road. 27 of the existing car parking spaces in the adjacent multi storey car park are provided for the development. The total number of residential units is 34 of which 21 are studio flats, 7 are 1 bedroomed, 5 are two bedroomed and 1 is three bedroomed.

## PLANNING HISTORY

1.4 05/02251/FUL and 05/02258/LBC - planning application and listed building consent for the conversion of fifth floor offices to eight apartments with the provision of additional car parking - granted permission January 2006.

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

## 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

Floodzone 3 GMS Constraints: Flood zone 3

Listed Buildings GMS Constraints: Grade 2; Rowntree Wharf Navigation Road York YO1 2XA 0892

2.2 Policies:

CYE3B Existing and Proposed Employment Sites

CYHE2 Development in historic locations

CYHE3 Conservation Areas

CYHE4 Listed Buildings

CYGP1 Design

CYGP15a Development and Flood risk

## 3.0 CONSULTATIONS

### INTERNAL

3.1 The comments below are those set out in the previous committee report any update of consultee comments or further objections as a result of re-consultation will be reported direct to committee.

### Highway Network Management

3.2 Have confirmed that there are no objections to the positioning of the emergency steps on to the bridge across the Foss However comments on the details of the scheme are still awaited.

### Planning and Environmental Management - Forward Planning

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

### Economic Development Officer

3.4 There are a number of businesses looking for high quality accommodation in centre of York. Ideally the space should be retained in office use. The site has been marketed and a few businesses have been shown around the site but without further interest given the current quality of the accommodation. The application for use as residential is supported although the space will continue to be marketed for business use.

### Planning and Environmental Management - Conservation Architect

3.5 No objections to the removal of the staircase in the south east corner it is a modern insertion. The large open floor spaces, and the construction of the floors, including the cast iron columns, are tangible evidence of the past use of the building and contribute to its significance. The revised plans expose one or two more of the columns on each floor to view in the corridor, but this is not enough to give the impression of a continuous run of columns. The passage should be made straight. As indicated in the heritage statement, the suspended ceilings need to be higher so that the tops of the columns can be seen particularly in the more public areas. Any need to alter windows to achieve privacy should be via blinds not by changes to the windows.

### Flood Risk Management

3.6 No objections

### Emergency Planning (Floods)

3.7 Initially raised concerns about the development because the scheme would introduce further residential units from which the occupants would need to be rescued in the event of flood. Following the introduction of the emergency steps on to Hungate bridge and discussions with the Flood Risk Management team emergency planning are now satisfied with the scheme.

Neighbourhood Enforcement Officer

3.8 Concerned that adequate facilities have not been provided for the disposal of waste including recycling facilities.

EXTERNAL

Environment Agency (EA)

3.9 No objections to the application. The floor level of the building will be above the flood level. No. As the EA are not involved with emergency procedures during a flood no comments are made about the emergency access/egress arrangements.

Foss Internal Drainage Board

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

Publicity and Neighbour Notification

3.11 Five letters of objection have been received covering the following points:-

- Statements that there is no interest in the office space are merely anecdotal and do not have credibility if there has not been a recent attempt to market the office space which can be clearly evidenced with documentation. Ms Pawson at CYC appears to accept the anecdotal evidence provided by the applicant at face value which is incompatible with a rigorous approach. Without an evidence base it is difficult to see how CYCs obligations are discharged or how a change of use can be authorised. Therefore, at present, there does not appear to be any credible evidential support for change of use.
- I would like to see documentary evidence and more specific details about the proposed use of the affordable housing element and details of the type of end user. I would also like to see the agreement about this between the applicant and CYC to aid transparency as well as any other documentary evidence about this aspect of the application.
- Concerns about the poor condition of the windows do not appear to have been addressed by the applicant. The applicant has stated 'Independent Building control & SAP assessors have confirmed no requirement to upgrade the existing windows'. Where is the accompanying documentary evidence to support these statements about the windows? On what basis have the windows been assessed? Double glazing was installed on the fifth floor when these properties were converted in 2007 windows have deteriorated further since then.
- There is a shortfall of car parking spaces for the number of flats.
- Concerned that fire exits will be lost and provision will not be adequate.



- Concerned about the amenity of flats particularly those adjacent to the public right of way. The footfall study carried out by the applicant is not independent or objective a considerable amount of noise is caused by members of the public along the right of way.
- Objectors would like to see some restrictions placed on this building work to protect the amenity of the existing residents.
- Objector sees nothing in the documents which is consistent with the above provisions. Can CYC and the applicant provide written assurances that legal advice has been received on this matter and that relevant risk assessments have been carried out in relation to the existing Rowntree Wharf residents' wellbeing and measures implemented to ensure that this proposed work does not breach Article 8 of the HRA 1998? Without such assurances and relevant risk assessments any decision made by the planning committee in relation to this application will be subject to challenge under the provisions of Article 8.
- Concerned about the proposed flood escape route there is no evidence to support the view that the statement that the exit will be sufficient to protect residents in the event of a flood. legal documentation has not been provided to ensure that the steps can exit on to Hungate Bridge. Detailed plans and drawings have not been submitted. means of escape does not appear safe. It is a security risk to the car park. There is no provision for residents once they have exited the building.
- The applicant knows the windows are of inferior quality.
- There is nothing from Building control confirming they are happy with the fire exits.
- What are the janitor areas to be used for?
- No mention of additional drying areas.
- Existing service store is already used to full capacity and can not take bike storage. Concerned that a weekly bin storage collection will not be possible and proposals for bin storage. No bin rooms proposed on each floor.
- Objector points to a number of inaccuracies in the submitted information.
- There has been no community engagement on the application.
- The proposed scheme which has a high number of bedsits which throws the scheme out of balance with the current occupation of the site out of the existing 68 flats only 3 are bedsits.
- Numbering of the flats replicates the number of existing units and suggests little thought has been put into the scheme.
- Development affecting the common parts of the building will need to be agreed with existing flats as these are form part of their leaseholds.
- No mention of energy conservation in the scheme.
- Some of the units face directly on to the right of way and some have doors opening out on to it. Concerned about practicality, security of this and residential amenity of future occupiers.
- Ground floor units have very restricted light because of walk way above.

## 4.0 APPRAISAL

4.1 The key issues to be considered as part of this application are:

- Principle of development;
- Employment use;
- Impact on heritage assets;
- Access and highway issues;
- Residential amenity;
- Affordable Housing;
- Flood risk.

## PLANNING POLICY

4.1 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. There is no development plan for York other than the retained policies in the Yorkshire and Humber Regional Spatial Strategy ("RSS") saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. These policies relate to Green Belt and are not relevant to this application.

4.2 Central Government policy advice is contained in the National Planning Policy Framework (NPPF, March 2012). Paragraph 7 of the National Planning Policy Framework says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Although Paragraph 14 sets out a presumption in favour of sustainable development Footnote 9 of paragraph 14 contains restrictions wherein the presumption in favour of sustainable development does not apply. Footnote 9 includes designated heritage assets. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking, such as supporting the delivery of homes, seeking high quality design and a good standard of amenity for all existing and future occupants, taking full account of flood risk, encouraging the effective use of land, and conserving heritage assets in a manner appropriate to their significance.

4.3 Section 1 of the NPPF says the Government is committed to securing economic growth in order to create jobs and prosperity. It says to help economic growth, local planning authorities should plan proactively to meet the development needs of business. However paragraph 22 says that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Other uses should be treated on their own merits.

4.4 Section 6 of the NPPF 'Delivering a wide choice of high quality homes' seeks to boost the supply of housing. Paragraph 49 states that housing applications should be considered in the context of presumption in favour of sustainable development.

4.5 Section 7 of the NPPF requires good design. At paragraph 56, it says that good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people.

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

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

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

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

#### Development Control Local Plan (DCLP)

4.10 The policies in the Development Control Local Plan (DCLP) adopted for development management purposes in 2005 can, in accordance with advice in paragraph 216 of the NPPF, have weight attached to them where the policies are consistent with the NPPF. The DCLP sets out a number of policies which are considered relevant. Policies support the retention of employment uses through policy E3b, GP1 seeks to respect or enhance the local environment, Policies HE2, HE3 and HE4 are relevant to the sites historic location.

4.11 The planned consultation on the Publication Draft of the City of York Local Plan, which was approved by the Cabinet of the Council on the 25 September 2014, was halted pending further analysis of housing projections. Since then officers have initiated a work programme culminating in a "Local Plan - Preferred Sites 2016" document and other supporting technical documents. Members have approved these documents for consultation which commenced on the 18th July 2016 and will run until the 12th September 2016. The emerging Local Plan policies can only be afforded weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight is limited. Policies in the emerging plan support the development of sustainable city centre sites. Policy EC3 seeks to protect employment sites. Policy D4 and D5 seek evidence based approach to development affecting conservation areas and listed buildings. In conservation areas changes of use will be supported when it has been demonstrated that the primary uses can no longer be sustained, where the proposed new use would not significantly harm the special qualities and significance of the place and where proposed changes of use will enhance the significance. Demolition of buildings which make a positive contribution to a conservation area will be resisted. Development affecting the setting of a listed building will be supported where they protect its setting; alterations and extensions will generally be supported when they do not harm the special architectural or historic interest of the building or its setting. Demolition of a listed building should be wholly exceptional, requiring the strongest justification.

4.12 The site is located within York's Central Historic Core Conservation Area (CHCCA). The CHCCA is described within a number of conservation area character appraisal documents. Rowntree Wharf is within character area 15, Fossgate and Walmgate. It says that 'One of the most prominent landmarks in the area, Rowntree Wharf, can be seen from many points. The best view is that from the walkway on the northern side of the Foss, just outside the Conservation Area boundary.'

4.13 In the absence of a formally adopted local plan the most up-to date representation of key relevant policy issues is the NPPF. It is against this Framework that the application proposal should principally be addressed.

## PRINCIPLE OF THE DEVELOPMENT

4.14 Rowntree Wharf is sustainably located close to the city centre. The principle of providing new housing in this location is considered to be acceptable and to accord with NPPF policy which seeks to boost significantly the supply of housing.

### Employment Land

4.15 The last use of the building was for offices. The offices have recently been vacated and the area where the new residential apartments are proposed is currently not occupied.

There is however an area to the ground and first floor on the west side of the building that is retained and in use as offices. The NPPF says that employment uses should be proactively supported but indicates that allocated employment sites should not be protected where there is no reasonable prospect of a site being used for that purpose in the long term.

4.16 The DCLP through policy E3b (Existing and Proposed Employment Sites) seeks to resist the loss of existing employment sites and retain them within their current use class. In order to determine if there is a sufficient supply of employment land to meet both immediate and longer term requirements over the plan period in quantitative and qualitative terms, evidence that the site has been marketed (for at least 6 months) should be sought. Similarly the emerging local plan Policy EC3 (Loss of Employment Land) continues the approach to existing employment land set out under E3b in the Draft Local Plan. The DJD Economic Baseline Report which formed part of a suite of documents known as the Economic and Retail Growth and Visioning Study (2014) says that York's ability to attract and retain investment into the city and support business expansion is in part dependent on ensuring the availability and suitability of employment land. The Design and access statement says that the office space was last occupied in 2009/2010 on the ground floor and in 2011 on the first floor. The statement also highlights that the Rowntree Trust has previously marketed the building and there was very little interest in the current use, although there was an interested party in 2013, this was never pursued and heads of terms were never agreed. Other than this no further interest was registered. Economic Development comment that there are a number of businesses seeking good quality business accommodation in the centre of York, and as such believe there would be demand such premises in the Rowntree Wharf location. Equally appealing is the idea of modern office space in an iconic historic building. From an economic perspective, ideally the desire would be that the building continue to be marketed and upgraded accordingly - working with agents and Make it York to identify potential business end users. However, given the site has been actively marketed, and in the knowledge that Make it York have shown a few businesses around the premises, but without further interest; given the current quality of the accommodation, it would be difficult to refuse planning permission for change of use. Economic Development's conclusion is that the cost to upgrade is prohibitive for the developer, particularly given the nature of the historic former flour mill. Also the site's location is on the edge of the city centre and there are other lower grade commercial sites within the city centre and closer to York railway station - it is hard to argue against the demand for other uses.

4.17 In light of the comments of Economic Development the loss of the employment use of the site is accepted to comply with local and national policy. The principle of the buildings residential conversion is supported.

## Heritage Assets

4.18 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('1990 Act') imposes a statutory duty on local planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interests which it possesses. Section 72(1) of the 1990 Act imposes a statutory duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas when determining planning applications. The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the 1990 Act. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted. The presumption in favour of sustainable development set out at paragraph 14 of the NPPF does not apply in these circumstances.

4.19 The legislative requirements of Sections 66 and 72 are in addition to government policy contained in Section 12 of the NPPF. The NPPF classes listed buildings, conservation areas and scheduled monuments as 'designated heritage assets'. Section 12 advises that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Paragraph 131, in particular, states that local planning authorities should take account of the desirability of sustaining and enhancing an asset's significance, the positive contribution it can make to sustainable communities and the positive contribution new development can make to local character and distinctiveness. Paragraph 132 establishes the great weight that should be given to a designated heritage asset's conservation with a clear and convincing justification being provided to justify any harm or loss. Paragraph 134 says that where development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing optimum viable use.

4.20 The lower floors have most recently been in use as offices, and retain large open spaces punctuated by cast iron columns, and staircases between the floors. There has been subdivision by partitions and insertion of suspended ceilings in connection with office use. The machinery has gone, but the open spaces, cast iron columns and layout of the building are a tangible link to its use and the technology

use in the construction of the building. The significance of the listed building is as a roller mill of late 19th century date, constructed to the design of a prominent local architect, within historic core of the City of York.

4.21 The proposed alterations to the building are all internal. The first floor level has already been formed into smaller compartments and the original open plan layout is not in evidence, columns have been built around and the ceiling has been lowered covering their top section. The new layout will form different compartments and the final amendment to the layout shows straight corridors (originally proposed to be curved) so that evidence of the form of the columns within the building are retained. Ground floor level has existing compartments set along the outer edge of the floor area however the central area of the floor plate remains open and two lines of columns remain exposed. The proposed layout at ground floor level will lose the sense of spaciousness by creating compartments for each apartments arranged around the window openings, however, like the upper floor, amendments to the scheme have sought to modify the corridors to show a continuous run of columns and the upper section of the columns will be revealed. The scheme proposes only minor alterations to the external elevations of the building; there are not proposed to be any alterations to the windows. The applicant has confirmed that the windows will not be replaced or double glazed. The floors have already been raised to accommodate services for the previous office use and the ceilings have been lowered.

4.22 The site is within the Central Historic Core Conservation Area. Externally the scheme includes a retractable means of escape in the event of flood which is to be attached to the modern car park building. Although the staircase will be visible in the conservation area officers consider that it will not detract from its character or appearance.

4.23 The site lies within the Central Area of Archaeological Importance there are no below ground works that would affect archaeology.

4.24 It is considered that the harm to the heritage asset would be less than substantial and in officer view there are a number of public benefits that outweigh this identified harm. The NPPG advises that public benefit could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (Paragraph 7). The proposed development will provide housing in a sustainable city centre location, bring the floors of the building into use, introduce a use that is compatible with the residential use within the upper floors of the building and ensure the building's future maintenance. Officers consider that these benefits are sufficient to outweigh the less than substantial harm to the building even when attaching additional weight to the requirements of the Planning Acts. The proposal, therefore, complies with national and local planning policies in respect of the historic environment.

## Highways, Access and Parking Arrangements

4.25 The site is accessed via Navigation Road. Car parking for the existing development and office use is provided on the entrance to the site at surface level and in a multi storey car park which was constructed as part of the original building conversion. The proposals provide for 27 parking places in the multi storey car park to serve the 34 units. This is within car parking standards for a city centre location and is considered to be acceptable.

4.26 There is an existing cycle storage area which serves the existing flats located as part of the car park area. This building does not have sufficient capacity to provide cycle parking for the new units. The proposal is to convert an existing detached brick built which is the current bin store for landfill waste. This building would provide 16 cycle spaces a further area adjacent to the main entrance within the new car park area will provide 8 cycle spaces and a further ten spaces are to be provided on level one of the car park. The comments of Highway Network Management are awaited on the detail of the proposed layout there response will be reported direct to committee.

## Residential Amenity

4.27 Section 7 of the NPPF 'requiring good design' says the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people (paragraph 56). Proposals should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (Para 64). Paragraph 58 says planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. The core principles within paragraph 17 of the NPPF supports the requirements of section 7 when it says that underpinning decision-taking planning should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives and should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.28 The scheme is for 34 additional units in a building that already has 68 residential units and some office space. There is no more land available around the site and although there has been an office use within the floor space before there needs to be sufficient organisation of the existing available facilities in order to be able to accommodate the new residential units.



4.29 The applicant has provided additional clarification on the bin storage and collection arrangements, cycle parking (see paragraph 4.26 above) and a plan has been submitted which shows additional landscaping to the existing outside space adjacent to the south side of the building.

### Bin Storage and Collection

4.30 The existing bin storage area is located adjacent to the building on the south side.

The applicant says that 'the existing refuse store is located to the side of the recycling store and currently houses 7no 1100l waste bins, which are collected on a weekly basis. It is proposed to relocate these bins to the rear of the existing building and increase capacity with an additional 3no 770l, 1no 340l & 1no 240l bins. Based on the current accommodation 14,409l of waste/recycling storage is required, the proposed accommodation will increase this by a further 7,083l therefore a total of 21,492l of waste storage is required (based on the number of bedrooms in the residential development). Based on the above additional bins proposed, the total storage achieved on site will be 21,850l (11,260 recycling/10,590l general waste). Whilst it is shown the proposed provision can serve the residential development, the managing agent has confirmed that collection will be increased to suit - i.e. increased from fortnightly to weekly in the case of the recycling and twice weekly from weekly in the case of general waste. The increase in capacity/collection will therefore more than cover the proposed development'

4.31 Officers consider that the location of bin storage is acceptable. Waste management has been consulted on the capacity of the bin storage areas to accommodate the waste of the additional units and a condition is proposed to secure the arrangements for the site storage and collection of waste arrangements

4.32 Within the building there are areas where existing residents can place rubbish before it is taken to the bins. The applicant having reduced the number of units to 34 has provided a small janitor area on each floor. These areas can be used for bin storage if this is necessary within the building. A condition requiring details of use of the janitor areas is proposed.

### Landscaping

4.33 There is a small paved area at the south side of the building adjacent to the River. This area is accessible to all the flats existing and proposed. The area is uninspiring and would benefit from upgrading. The applicant has provided a plan which shows a small amount of additional landscaping and the provision of seated areas around new tree planting. The scheme is limited; it works with the existing hard surface materials and features rather than seeking a complete upgrade. However the additional planting will enhance the area somewhat and the seating has the potential to encourage further use by residents.

### Space Standards and Amenity of Future Occupiers

4.34 The scheme proposes 34 units in all, of which 21 are studios (bedsits). The smallest studio is 27 sqm. The subdivision of the building into units is largely determined by the placing of existing windows in the building's elevations. In 2015 the Government produced a document setting out minimum space standards. The supporting statement issued at the same time as the standards says that decision takers should only require compliance with the new national technical standards where there is a relevant current Local Plan policy. The emerging local plans do not have an appropriate space standard to apply and officers consider that compliance with the technical guidance cannot be required. Furthermore the document does not provide a space standard for studio flats; the minimum space standard is for a 1 bedroomed unit and is 37 square metres.

4.35 On a more general level the NPPF says that development should provide a good standard of amenity for all existing and future occupiers of land and buildings. Each of the smaller units has a small kitchen area, shower room, dining and sitting area. Ceiling heights are relatively high creating a greater sense of spaciousness and the entrance and surrounding of the buildings provides a pleasant living environment in a sustainable location with access to parking or cycle parking facilities and shared open space. Officers consider that overall the new units provide an acceptable standard of amenity for future occupiers of the site.

4.36 The units on the north side of the building at first floor level have windows that look out on to the public right of way which forms part of the path that links Foss Islands Road to the city centre. There are concerns that the proximity between the units and the walkway will result in the future occupiers of the flats being disturbed and overlooked by pedestrians. In most cases the units facing the walk way are studios so that only one window provides light to the whole unit. The applicant considers that the path does not generate a lot of pedestrian movements and the formation of a new path along the river frontage as part of the Hungate development is likely to divert pedestrians to the other side of the river. The objectors consider that the walkway can be a source of disturbance and can be noisy due to groups using the walkway particularly late at night. Officers understand objectors concerns, the windows are large and open directly on to the walkway however on balance do not consider that future residents will be so disturbed by pedestrian movements along the walkway that there is sufficient to refuse permission as pedestrian movements are limited during the day and at night blinds and shutters are likely to be closed. In its wider context the studio units are in a highly accessible location in a pleasant, increasingly residential, environment.

### Affordable Housing

4.37 There is no requirement for affordable housing. A recent high court judgement had the effect of re-introduced government guidance that allows vacant floor space in existing buildings to be converted to residential development without the need to provide affordable housing.

### Open Space

4.38 Restrictions on the pooling of s106 planning obligations under Regulation 123 of the amended Community Infrastructure Regulations 2014 means that no more contributions may be collected in respect of a specific infrastructure project or a type of infrastructure through a s106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6 April 2010. No contribution is sought towards open space provision within the area.

### Flood Risk

4.39 Paragraph 104 of the NPPF says in relation to flood risk that applications for minor development and changes of use should not be subject to the Sequential or Exception Tests but should still meet the requirements for site-specific flood risk assessments. As this site is a change of use sequential and exceptions tests are not required. The NPPG advises that the objectives of a site-specific flood risk assessment are to establish:

- Whether a proposed development is likely to be affected by current or future flooding from any source;
- Whether it will increase flood risk elsewhere;
- Whether the measures proposed to deal with these effects and risks are appropriate;

Two further bullet points are referred to but these are only relevant where sequential and exception test are required.

4.40 A revised/updated Flood Risk Assessment has been submitted following the flood event in December/January. The applicant says that 'whilst flood water entered the lift pit, there was no sign in of entry in the building proper, a point supported/confirmed by the loss adjuster in their consideration of the claim. It must also be highlighted the proposed scheme raises the Ground floor by a further 250mm to provide an AOD (Above Ordnance Datum) of 10.610 - this is approx. 350mm higher than the highest recorded level during the recent floods (as measured by the Senior Flood Risk Engineer). Our client is actively pursuing the tanking of the lift pits to prevent flooding of this area occurring again, and in addition a significantly improved evacuation plan is proposed - providing safe passage from the building for all occupants to safe ground in the event of a flood'

4.41 The scheme also includes a set of retractable stairs on the east elevation of the car park building which can be lowered in the event of flood allowing all occupants of the building to escape across Hungate Bridge.

4.42 The Environment Agency is satisfied that with the measures indicated in the flood risk assessment that the details of the scheme can be supported subject to conditions. Flood Risk Management is also satisfied that the flood risk assessment and the proposed escape stairs are acceptable to manage flood risk for occupants of the site. The scheme is considered to meet the requirement of national and local policy relating to flood risk.

#### Other Matters:

4.43 The Human Rights Act 1998 incorporated provisions of the European Convention on Human Rights (ECHR) into UK law. The specific Articles of the ECHR relevant to planning include Article 8 (Right to respect for private and family life, home and correspondence) to which one of the objectors refers to in raising concerns about the development. The Local Planning Authority (LPA) are satisfied that its processes and practices are compatible with the ECHR. The planning system by its very nature respects the rights of the individual whilst acting in the interest of the wider community. It is an inherent part of the decision-making process for officers on behalf of the LPA to assess the effects that a proposal will have on individuals and weigh these against the wider public interest in determining whether development should be allowed to proceed. In carrying out this balancing exercise for this application Officers are satisfied that it has acted proportionately.

## **5.0 CONCLUSION**

5.1 Rowntree Wharf is sustainably located close to the city centre. The principle of providing new housing in this location is considered to be acceptable and to accord with NPPF policy which seeks to boost significantly the supply of housing. The loss of the employment use within part of the ground and first floor is considered to be acceptable.

5.2 The proposal would result in less than substantial harm to heritage assets that, when balanced against the public benefits of the proposal, is considered to be acceptable.

5.3 The parking, residential amenity and flood risk implications of the scheme are considered to be acceptable when considered in the context of NPPF policy and subject to appropriate conditions.

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

2 PLANS1 Approved Plans

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

Reason: In the interests of highway safety.

4 The development shall be carried out in accordance with the submitted flood risk assessment (Yew Tree Associates, revised 4th January 2016) and the following mitigation measures it details:

a. Finished floor levels shall be set no lower than 10.61m Above Ordnance Datum (AOD)

b. The mitigation measures detailed in section 7.1 of the FRA are incorporated into the development.

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

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

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

- Full details at a scale of 1:20 and 1:50 of the junctions between the internal face of the external walls and the new stud work.

- Large scale details of the alterations to the suspended ceiling and the connection between the ceiling and the upper part of the columns.

Reason: So that the Local Planning Authority may be satisfied with the details in the interests of preserving the special setting of the listed buildings and the character and appearance of the conservation area.

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

Monday to Friday 08:00 to 18:00

Saturday 09:00 to 13:00

Not at all on Sundays or Bank Holidays.

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

7 No dwelling unit hereby approved shall be occupied until a scheme for the on site storage arrangement, disposal areas and collection schedule for refuse from the site has been submitted to and approved in writing by the local planning authority. The scheme shall also include details of how the ground and first floor janitor areas shall be laid out to provide housekeeping facilities for the use of the flats. The scheme shall be implemented in accordance with the approved details before any dwelling is occupied and shall continue to operate in accordance with the scheme for the life time of the development unless otherwise agreed in writing with the Local Planning Authority.

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

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

8 No development shall commence until there has been submit to and approved in writing a large scale detail of the proposed flood escape staircase on the east side of the multi storey car park building. The escape staircase shall be implemented in accordance with the approved details before any dwelling is occupied and shall continue to operate in accordance with the scheme for the life time of the development unless otherwise agreed in writing with the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to reduce the impact of flooding to the proposed development and future occupants. The information is being sought prior to commencement to ensure that an appropriately designed means of escape is provided to serve the proposed dwellings

9 The Landscaping scheme shown on drawing no.RWYL1 shall be implemented

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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.

## **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:

- Considerable discussion about the scheme
- Amended and additional plans submitted and further information provided.
- Re-consultation undertaken.

2. Note the application details confirm that there will be no requirement for new ventilation or other services to be vented through new wall or roof interventions. Further listed building consent would be required for any such works. Windows are not to be altered. Further listed building consent would be required for works to the existing windows

### **Contact details:**

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**Tel No:** 01904 551351

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# 15/01891/FULM

## Rowntree Wharf Navigation Road



Scale : 1:2075

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Location Plan
<b>Date</b>	23 August 2016
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 8 September 2016      **Ward:** Guildhall  
**Team:** Major and                      **Parish:** Guildhall Planning Panel  
Commercial Team

**Reference:** 15/01892/LBC  
**Application at:** Rowntree Wharf Navigation Road York  
**For:** Internal alterations associated with partial conversion of ground and first floor offices to 34 no. apartments  
**By:** Bonner One Ltd  
**Application Type:** Listed Building Consent  
**Target Date:** 11 July 2016  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 This is a listed building application for the conversion of part of the ground and first floor of an existing former mill building into residential flats at Rowntree Wharf, York. Members may recall that this application was deferred from the last planning committee (4th August 2016). This was to allow re-consultation on the full planning application to be undertaken on additional information submitted in relation to cycle and bin storage and the design and siting of steps to provide evacuation from the building in the event of a flood.

1.2 The site is within the Central Historic Core Conservation Area, Rowntree Wharf is a Grade II listed building and due to its height and enclosure by water features (Wormalds Cut and the River Foss) on three sides, is a landmark building in this part of the city. Constructed as a roller flour mill by W G Penty for Sidney Leetham in 1896. Converted (upper floors) to flats, 1990). At the time of construction, the mill was at the forefront of technology. The building is attached via a mezzanine level access at first floor to a relatively new multi storey car park building providing car parking for the existing office and residential use. A separate application for planning permission has been submitted in respect of the use of the building and associated alterations to allow the residential conversion (15/01892/LBC).

1.3 The proposal includes the remodelling of the internal space of the ground and first floor, external alterations to create additional cycle parking, bin storage and landscaping and the introduction of stepped emergency flood and fire exit (only in the event of flood) from the site via the two storey adjacent car park. Vehicular access is from the existing access from Navigation Road. 27 of the existing car parking spaces in the adjacent multi storey car park are provided for the development. The total number of residential units is 34 of which 21 are studio flats, 7 are 1 bedroomed, 5 are two bedroomed and 1 is three bedroomed.

1.4 In terms of the alterations necessary to allow the conversion these include:

- Removal of internal partition walls and replacement with new partitions to create the individual residential units.
- Removal of a modern staircase within the north eastern corner of the building.
- Alteration to the existing suspended ceiling.
- External flood evacuation steps to the multi storey car park

1.5 Servicing will be via the existing service channels used for the area of the building already converted to residential development. No alterations are proposed to the existing door and window openings.

## PLANNING HISTORY

1.6 05/02251/FUL and 05/02258/LBC - planning application and listed building consent for the conversion of fifth floor offices to eight apartments with the provision of additional car parking - granted permission January 2006.

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

## 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

Listed Buildings GMS Constraints: Grade 2; Rowntree Wharf Navigation Road York YO1 2XA 0892

2.2 Policies:

CYHE2 – Development in Historic Locations

CYHE4 – Listed buildings

## 3.0 CONSULTATIONS

### INTERNAL

3.1 The comments below are those set out in the previous committee report any update of consultee comments or further objections as a result of re-consultation will be reported direct to committee.

Planning and Environmental Management - Conservation Architect

3.2 No objections to the removal of the staircase in the south east corner it is a modern insertion. The revised heritage statement brings nothing new. The large open floor spaces, and the construction of the floors, including the cast iron columns, bear testament to (are tangible evidence of) the past use of the building; that is, they contribute to its significance. The revised plans expose one or two more of the columns on each floor to view in the corridor, but this is not enough to give the impression of a continuous run of columns. The passage should be made straight. As indicated in the heritage statement, the suspended ceilings need to be higher so that the tops of the columns can be seen, again, particularly in the more public areas. If this can be achieved, we would be closer to achieving a balance between harm (creating small cellular spaces undermining an appreciation of the larger spaces and the structure which are part and parcel with the open spaces and floor capable of bearing considerable load). Any need to alter window to achieve privacy should be via blinds not by changes to the windows.

EXTERNAL

Historic England

3.3 The application has been viewed by their specialist staff. Historic England do not wish to offer any comments on the application.

Publicity

3.4 One letter of comment specific to the listed building has been submitted; it is considered that the alterations proposed should be in keeping with the listed building.

**4.0 APPRAISAL**

KEY ISSUES

4.1 The main considerations of this listed building consent application is:

- impact on the special architectural and historic interest of the listed building.

POLICY CONTEXT

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

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

4.4 The City of York Draft Local Plan (DLP) was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications, although it is considered that their weight is limited except when they are in accordance with the NPPF. The relevant policies are HE2 development in historic locations and HE4 listed buildings. The main thrust of these policies is compatible with section 12 of the NPPF.

4.5 The planned consultation on the Publication Draft of the City of York Local Plan, which was approved by the Cabinet of the Council on the 25 September 2014, was halted pending further analysis of housing projections. Since then officers have initiated a work programme culminating in a "Local Plan - Preferred Sites 2016" document and other supporting technical documents. Members have approved these documents for consultation which commenced on the 18th July 2016 and will run until the 12th September 2016. The emerging Local Plan policies can only be afforded weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight is limited. However policy D5 says development affecting the setting of a listed building will be supported where its setting is protected; alterations and extensions will generally be supported when they do not harm the special architectural or historic interest of the building or its setting. Demolition of a listed building should be wholly exceptional, requiring the strongest justification.

4.6 The site is located within York's Central Historic Core Conservation Area (CHCCA). The CHCCA is described within a number of conservation area character appraisal documents. Rowntree Wharf is within character area 15, Fossgate and Walmgate. It says that 'One of the most prominent landmarks in the area, Rowntree Wharf, can be seen from many points. The best view is that from the walkway on the northern side of the Foss, just outside the Conservation Area boundary.'

4.7 In the absence of a formally adopted local plan the most up-to date representation of key relevant policy issues is the NPPF. It is against this Framework and the relevant sections of the Planning ( listed building and Conservation Area) Act that the application proposal should principally be addressed.

Impact on the Special Architectural and Historic Interest of the Listed Building.

4.8 The Conservation Officer advises that the lower floors of Rowntree Wharf have most recently been in use as offices, and to some extent retain large open spaces punctuated by cast iron columns with staircases between the floors. There has however been subdivision by partitions, insertion of suspended ceilings and raised floors in connection with office use. The machinery has gone, but the open spaces, cast iron columns and layout of the building are a tangible link to its use and the technology used in the construction of the building. The significance of the listed building is as a roller mill of late 19th century date, constructed to the design of a prominent local architect, within historic core of the City of York.

4.9 The first floor level has already been formed into smaller compartments and the original open plan layout is not in evidence, columns have been built around and the ceiling has been lowered covering their top section. The new layout will form different compartments and the final amendment to the layout shows straight corridors (originally proposed to be curved) so that evidence of the layout of the columns within the building are retained. Ground floor level has existing compartments set along the outer edge of the floor area however the central area of the floor plate remains open and two lines of columns remain exposed. The proposed layout at ground floor level will lose the sense of spaciousness by creating compartments for each apartments arranged around the window openings, however, like the upper floor, amendments to the scheme have sought to modify the corridors to show a continuous run of columns and the upper section of the columns will be revealed. The scheme proposes no external alterations to the elevations of the Grade II listed building; there are not proposed to be any alterations to the windows. The applicant has confirmed that the windows will not be replaced or double glazed. The floors have already been raised to accommodate services for the previous office use and the ceilings have been lowered.

4.10 The proposed evacuation steps are to be attached to the multi storey car park building a modern edition to the listed building provided when the upper floors of the building were originally converted in to residential units. There will be no harm to the significance of the listed building as a result of the positioning of the steps because the multi storey car park separates the proposed steps from the historic features of significance to the listed building.

4.11 It is considered that the harm to the heritage asset would be less than substantial and in officer view there are a number of public benefits that outweigh the identified harm. The NPPG advises that public benefit could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (Paragraph 7). The proposed development will provide housing in a sustainable city centre location, bring the floors of the building into use,

introduce a use that is compatible with the residential use within the upper floors of the building and ensure the building's future maintenance.

Officers consider that these benefits are sufficient to outweigh the less than substantial harm to the building even when attaching additional weight to the requirements of the Planning Acts. The proposal, therefore, complies with national and local planning policies in respect of the historic environment.

## 5.0 CONCLUSION

5.1 The site is within the Central Historic Core Conservation Area, Rowntree Wharf is a Grade II listed building and due to its height and enclosure by water features (Wormalds Cut and the River Foss) on three sides, is a landmark building in this part of the city. Constructed as a roller flour mill by W G Penty for Sidney Leetham in 1896.

5.2 For the reasons set out in this report the proposal would result in less than substantial harm to heritage assets that, when balanced against the public benefits of the proposal, is considered to be acceptable.

## 6.0 RECOMMENDATION: Approve

1 TIMEL2 Development start within 3 yrs (LBC/CAC)

2 PLANS1 Approved Plans

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

- Full details at a scale of 1:20 and 1:50 of the junctions between the internal face of the external walls and the new stud work.

- Large scale details of the alterations to the suspended ceiling and the connection between the ceiling and the upper part of the columns.

Reason: So that the Local Planning Authority may be satisfied with the details in the interests of preserving the special setting of the listed buildings and the character and appearance of the conservation area.

## 7.0 INFORMATIVES:

### Contact details:

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**Tel No:** 01904 551351

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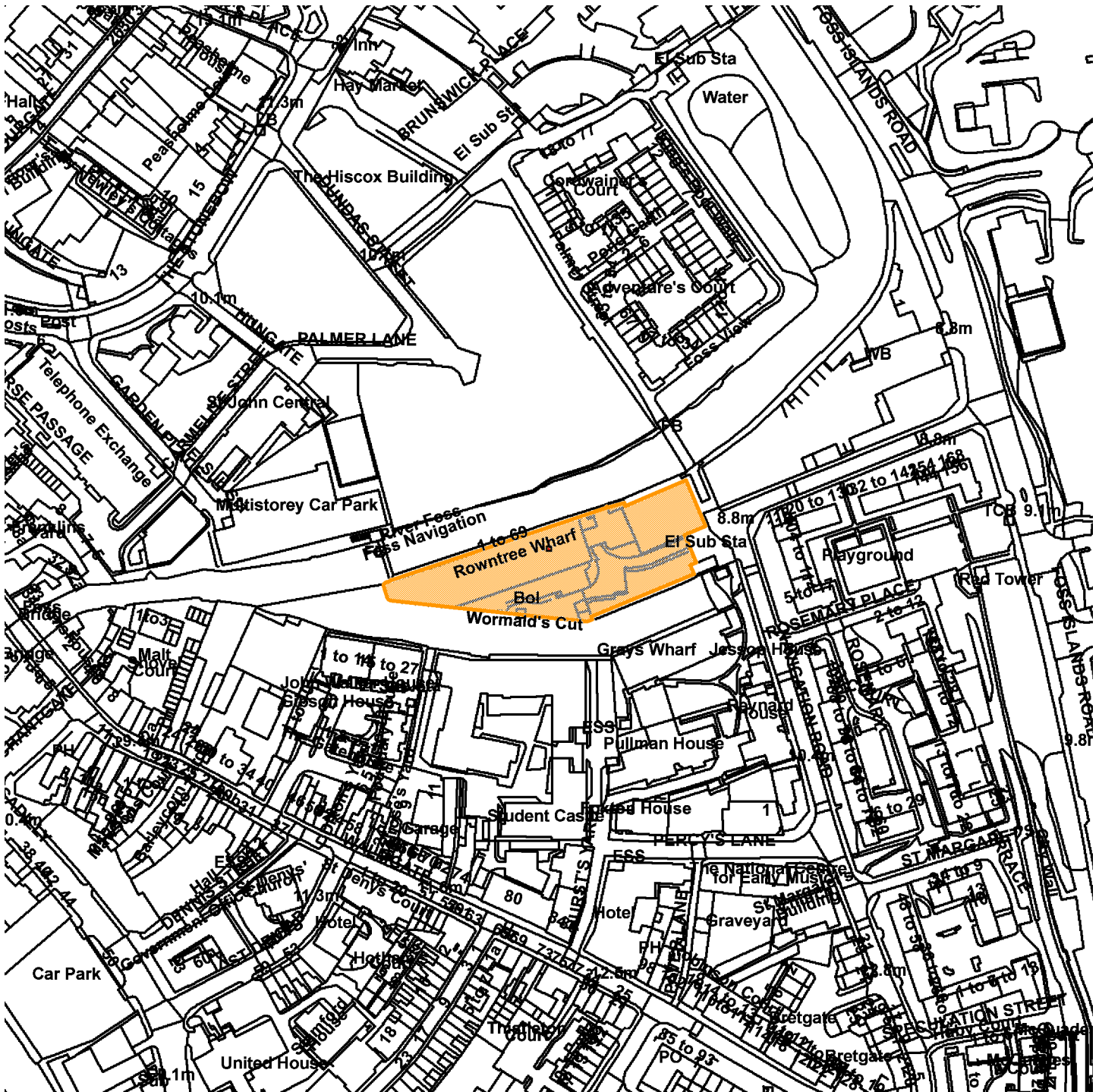




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15/01892/LBC

Rowntree Wharf Navigation Road



Scale : 1:2594

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Location Plan
<b>Date</b>	23 August 2016
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 8 September 2016      **Ward:** Guildhall  
**Team:** Major and                      **Parish:** Guildhall Planning Panel  
                    Commercial Team

**Reference:** 16/01540/FULM  
**Application at:** Groves Chapel Union Terrace York YO31 7WS  
**For:** Variation of condition 6 of permitted application 15/02833/FULM to alter delivery times on Monday to Saturday from 07:00 to 18:00 to 07:00 to 19:30  
**By:** Clarence Union Developments  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 26 September 2016  
**Recommendation:** Approve subject to Section 106 Agreement

**1.0 PROPOSAL**

1.1 Members will recall that on 7 April 2016 planning permission (15/02833/FULM) was granted (subject to a section 106 agreement) for the conversion of the ground floor of Groves Chapel to a convenience store. The scheme also included 16 new flats, 14 of which would be in a four storey extension to the rear of the building. The decision was issued on 20 June 2016 following the signing of the section 106 agreement. The section 106 agreement related to a number of aspects, including contributions towards affordable housing, improvements to sporting provision and changes to traffic orders in the vicinity. The planning application was also accompanied by a listed building consent application (15/02834/LBC) that was also granted.

1.2 The current application is under section 73 of the Town and Country Planning Act 1990. It seeks only to vary condition 6 associated with the planning permission. Condition 6 relates to delivery times to the store and was recommended by Members.

1.3 The text of the condition reads as follows:

*No deliveries shall be taken at or dispatched from the retail store (except for the delivery of newspapers) outside the hours of:*

*Monday to Saturday 07:00 to 18:00*

*Sundays and Bank Holidays 08:00 to 16:00*

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

1.4 The application is to vary the condition so that deliveries can take place up to 19:30 Monday to Saturday. The other times set out in the condition are not proposed to be altered. If permission were granted to vary the condition it would read as follows:

*No deliveries shall be taken at or dispatched from the retail store (except for the delivery of newspapers) outside the hours of:*

*Monday to Saturday 07:00 to 19:30*

*Sundays and Bank Holidays 08:00 to 16:00*

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

1.5 The application does not seek to vary any other conditions imposed on the permission. The application relates only to the acceptability of varying condition 6. The time limit for implementing the planning permission (20 June 2019) is not changed through a section 73 application. If the application is granted a new decision notice will be issued that includes the other conditions contained on the previous decision notice. It is also possible to include additional conditions if relevant to the application to vary condition 6. If permission is granted a new section 106 agreement linked to the current application will need to be signed.

1.6 It is noted that there were a number of other issues that were assessed in the original consideration of the development. These included but were not limited to: the impact of the building on the appearance of the conservation area, the acceptability in respect to retail and employment policy, and impacts of the proposed building on light, outlook and privacy. These issues were resolved in the original permission and appropriately worded conditions applied. Issues not considered relevant to the application to vary delivery hours will not be reconsidered again in this report. However, as a new permission would effectively be issued, other conditions previously imposed would be re-imposed on any permission granted.

## **2.0 POLICY CONTEXT**

2.1 The relevant policy context is only outlined in respect to matters relating to the proposed variation of condition.

2.2 The National Planning Policy Framework (NPPF) was published in March 2012. It sets out governments' planning policies and is material to the determination of planning applications. The sections in the NPPF most relevant to the proposal include:

- Section 8 Promoting health communities.

- Section 12 Conserving and enhancing the historic environment.

### **Status of the City of York Draft Local Plan (2005)**

2.3 The City of York Draft Local Plan Incorporating the Fourth Set of Changes approved for Development Management purposes in April 2005

2.4 Whilst the 2005 York Draft Local Plan does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF. The relevant draft policies applicable to this application include:

- CYGP4B: Air Quality
- CYSP3: Safeguarding the Historic Character and Setting of York
- CYGP1: Design
- CYGP4A: Sustainability
- CYHE4: Listed Buildings
- CYT20: Planning agreements
- CYHE3: Conservation Areas

### **Draft York Local Plan (2014) Publication Draft**

2.5 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 capable of being a material consideration in the determination of the planning application. Relevant draft policies include:

SD1	Sustainable Development
DH1	Design & Historic Development
DHE2	Heritage Assets
DHE5	Streets & Spaces
DHE6	Conservation Areas
DHE7	Listed Buildings

## **3.0 CONSULTATIONS**

### **INTERNAL**

#### **Public Protection**

3.1 No objections. The extended hours would occur within the existing day time period when noise levels in the area are generally high, due to the background noise sources of traffic, and at a similar level to that for which permission has already been granted. In addition it is understood that the increase in hours would not result in additional vehicle movements but just provides a slightly larger window for delivery times.

3.2 Details in the submitted noise report indicated that the noise levels of deliveries would be similar to, or slightly lower than, the existing background noise level. In addition given the limited number of deliveries per day and because the noise from vehicles deliveries is not dissimilar in nature to that noise already experienced by properties due to traffic in the area already, the impact is likely to be minimal.

### **EXTERNAL**

#### **Neighbour Notification and Publicity.**

3.3 Neighbours were consulted on 5 July 2016. A site notice was erected on 15 July 2016.

3.4 At the time of writing this report objections have been received from 8 residents covering the following matters:

- Concerns over amenity of nearby residents in terms of sleep and disturbance. Nothing has changed since the condition was approved.
- The proposal should be viewed from the position of the needs of nearby residents rather than Sainsbury's.
- The council's Public Protection officer had 'some concerns' regarding the noise impact and greater clarity should be provided in respect to the noise impacts.
- Sainsbury's should adapt to the approved condition.
- The approved delivery hours are too long and deliveries should take place within normal working hours.
- Lorries including reversing lorries with 'beepers' causes disturbance.
- There are alternative uses for the building including proposals to restore the Chapel
- Cars mount the pavement to pass lorries creating a hazard for pedestrians and local residents.



- The original decision should be reviewed in the light of the letter from the Planning Inspectorate expressing concerns about highway evidence at the hearing for the Sainsbury's appeal at B&Q in Osbaldwick.

The matters raised by objectors are considered within the appraisal below.

## **Police Architectural Liaison Officer**

3.5 No objections.

## **4.0 APPRAISAL**

4.1 The main issues to consider are:

- Impact on the character and appearance of the conservation area and setting of the listed building.
- Highways Issues.
- Noise, disturbance and pollution.

## **OVERARCHING PLANNING POLICY**

### **National Planning Policy Framework (NPPF)**

4.2 The core planning principles at Paragraph 17 include the expectation that planning should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives; always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; take account of the different roles and character of different areas, promoting the vitality of our main urban areas, conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;

4.3 Section 7 of the NPPF requires good design. Paragraph 56 says good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment (Para 61).

## **IMPACT ON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA AND SETTING OF THE LISTED BUILDING**

4.4 The site is within the Central Historic Core Conservation Area the Chapel is grade 2 listed.

Legislative and policy context

- Statutory duty - Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

4.5 Section 66 of this Act requires the Local Planning Authority when determining planning applications for development that affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4.6 Case law has made clear that when deciding whether harm to a listed building or its setting is outweighed by the advantages of a proposed development, the decision-maker must give particular weight to the desirability of avoiding such harm. There is a "strong presumption" against the grant of planning permission in such cases. The exercise is still one of planning judgment but it must be informed by that need to give special weight to the desirability of preserving the building.

4.7 Section 72 of this Act requires the Local Planning Authority when determining planning applications for development within a conservation area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Case law has made clear that when deciding whether harm to a Conservation Area is outweighed by the advantages of a proposed development, the decision-maker must give particular weight to desirability of avoiding such harm. There is a "strong presumption" against the grant of planning permission in such cases. The exercise is still one of planning judgment but it must be informed by that need to give special weight to preserving the Conservation Area.

4.8 The statutory duty under Sections 66 and 72 means that even where harm is less than substantial, such harm must still be afforded considerable importance and weight, i.e. the fact of harm to the listed building or the Conservation Area is still to be given more weight than if it were simply a factor to be taken account along with all other material considerations.

4.9 The legislative requirements of Sections 66 and 72 are in addition to the government policy contained in Section 12 of the NPPF. The NPPF classes listed buildings and Conservation Areas as "designated heritage assets". The NPPF's advice on heritage assets includes the following:

- Paragraph 131 advises that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- Paragraph 140 advises that local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from these policies.

4.10 The only proposed change from the approved scheme is an extension of possible delivery times into the early evening. The proposed changes should not increase the number of delivery vehicles visiting the site. It is not considered it will have any material impact on the setting of the listed building and the character and appearance of the conservation area.

4.11 The application planning statement states that if the delivery times are restricted to 18:00 it puts into question the development as there is a 'genuine possibility' that Sainsbury's will not take up the occupation of the proposed convenience store. The applicant argues that without a convenience store the only realistic, viable scheme for securing the future of the grade 2 listed building will be lost.

4.12 The applicant's concerns regarding viability are noted, however, it is not clear that a convenience store is the only viable option to repair and safeguard the building. It is the only proposal that that has been submitted as a planning application, however, this would not imply that other routes to protect and maintain the building are not available. It is not considered that such weight can be given to the importance of implementing the approved retail scheme that policies that seek to protect residential amenity should be given lesser weight. In addition, the permission is not personal to Sainsbury's. Although they indicate that they may not be able to operate within the restricted delivery hour's condition, it is not considered that the 18:00 restriction is so restrictive to be unpractical for all operators. The approved delivery time restrictions are relatively tight, however they are not without precedent in the city. There is the example of a 2012 approval (11/03269/FULM) for a convenience store (Spar) on Huntington Road which has a 07:00-18:00 delivery restriction Monday to Friday. This was suggested by the Council's Public Protection Team because of the proximity to housing. The store is in operation.

## HIGHWAY ISSUES

4.13 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.

4.14 Union Terrace is a narrow street. It is two-way, though access for motorised vehicles is prohibited from the northern access heading to Clarence Street. Vehicles travelling south along Clarence Street can only access Union Terrace from the southern entrance. Vehicles travelling north along Clarence Street can access Union Terrace from the north or south.

4.15 The variation to condition 6 will potentially lead to deliveries taking place at the premises up to 19:30 rather than the 18:00 restriction in the current permission. The applicant's have stated that this has the benefit of allowing the store to be re-stocked at a time when it is less busy in the store. It also gives a little more flexibility in terms of the movement of delivery vehicles around the city.

4.16 The key highway issue is whether the change would create highway safety concerns for other road users and pedestrians. The proposed changes should not increase overall vehicle numbers using Union Terrace. It is not considered that the hours of 18:00 - 19:30 raise particular concerns in respect to conflict with pedestrians or vehicles using Union Terrace and would not clash with times that children are going to or coming home from school. If arriving at 18:00 a delivery lorry would be accessing Union Terrace at a busy time in the day, however, it is considered that the main potential for conflict with other road users on Union Terrace is likely to be when the vehicle is leaving at up to 19:30. At this time it would be expected that vehicle movements on Union Terrace would be falling. Peak traffic flows are generally considered to be between 17:00 – 18:30.

4.17 It is noted that later in the evening there are likely to be more resident's cars parked in the street, however, the main north-south section used for parking is straight and does offer good inter-visibility. The extension of delivery times would also not be expected to increase any conflict with other delivery and collection vehicles that use Union Terrace.

4.18 The third party comments regarding the position with the appeal relating to B&Q in Osbaldwick are noted, however this application is considered upon the particular site circumstances and the other matters relevant to this application, as assessed in this report.

## NOISE AND DISTURBANCE

4.19 The NPPF puts great emphasis on maintaining and creating liveable environments. Policy GP1 (i) of the Draft Local Plan requires residents to be protected from undue noise and disturbance.

4.20 The junction of Haxby Road and Clarence Street has very high background noise levels as a result of the considerable traffic movement.

Noise levels in the east-west northern stretch of Union Terrace are also high; however, these drop considerably when turning the corner into the rest of Union Terrace.

4.21 The council's Public Protection Officer considers that the difference in background noise levels between 18:00 and 19:30 is so modest that the proposed extension to the delivery hours agreed at Committee are acceptable.

4.22 Union Terrace is a narrow street and a delivery vehicle leaving at 19:30 has the potential to create some disturbance, particularly to residents who live on the quieter sections away from the junction with Clarence Street. It is not considered however, that the impact on amenity would be materially different than if a delivery vehicle left at 18:00. 18:00 and 19:30 are both before a time that people would typically be asleep. The change to 19:30 would mean that deliveries would take place at times in the day when more people are likely to be at home. However, the noise assessment does not indicate that the noise climate at this time is such that it would not have an unacceptable impact on living conditions. In terms of the early evening enjoyment of private outdoor space it is noted that this is to the rear of homes in Union Terrace and the separation and barrier formed by homes creates a degree of protection to evening users of rear yards and gardens.

4.23 Most deliveries to the shop are earlier in the day and the applicant indicates that only one delivery vehicle would seek to leave in the evening.

4.24 The applicant states in 5.11 of their planning statement that vehicle engines and air cooling units will be turned off during delivery and that reversing warnings will use crackling rather than beepers. It is considered that this should be controlled by condition to further limit the potential for disturbance.

## **5.0 CONCLUSION**

5.1 It is clearly apparent that a number of residents have strong objections to the development of the chapel with a convenience store in the ground floor. However the Authority can only consider the Planning issues arising from the proposal to vary condition 6 of the permission to allow deliveries from Monday to Saturday (except Bank Holidays) to take place up to 19:30 rather than 18:00.

5.2 The previous application proposed delivery times up to 23:00. Although officers did not object to this, Members considered that delivery times should be restricted to 18:00 to protect the amenities of residents.

5.3 The applicant has indicated that the delivery restriction to 18:00 potentially makes the building unviable as a convenience store and puts at risk the regeneration of the Chapel.

Officers consider that it is not clear that the restriction does make the use unviable. In addition, it is not clearly apparent that the approved scheme is the only way of safeguarding the listed building.

5.4 The key consideration is whether the requested extension of delivery times from 18:00 to 19:30 would unacceptably harm residential amenity. The changes should not lead to more delivery vehicles using the street but would typically allow the last delivery to leave at 19:30 rather than 18:00. It is not considered that there are any highway safety or traffic movement issues that would support refusal of the proposal and it may be the case that the greater flexibility in delivery times is beneficial in this respect. In terms of residential amenity, it is not considered that if the condition were varied to allow deliveries up to 19:30 there would be a material difference to amenity within homes. In coming to this conclusion regard is given to existing background noise levels at the two times. It is noted that residents are more likely to be at home at 19:30 than 18:00, however, on the basis of the noise assessment it is not considered that allowing a little more flexibility in delivery times would be unacceptable. In addition, it is noted that an extension of delivery times to 19:30 would not conflict with normal sleep patterns.

5.5 If the application is approved it is recommended that an additional condition (29) is included requiring the vehicles to operate in a way that minimises noise when unloading and manoeuvring.

**6.0 RECOMMENDATION:** Approve subject to Section 106 Agreement

1 The development shall be begun not later than 20 June 2019.

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:-

Site plan 1134\_AR10\_01 (revision A) dated 06/02/2015.

Drainage drawing 4648 dwg no.500 (revision D) prepared by Ward Cole dated 09/02/2016.

Proposed ground and first floor plans 1134\_AR20\_01'B' received by the Local Planning Authority on 24 February 2015.

Proposed second and third floor plans 1134\_AR20\_02 received by the Local Planning Authority on 11 December 2015.

Proposed fourth floor plan 1134\_AR20\_03 received by the Local Planning Authority on 11 December 2015.

Proposed elevations 1134\_AR30\_01 received by the Local Planning Authority on 11 December 2015.

Proposed section A-A and detail 01 1134\_AR40\_01 received by the Local Planning Authority on 11 December 2015.

Proposed section B-B and detail 02 1134\_AR40\_03 received by the Local Planning Authority on 11 December 2015.

Proposed south elevation 1134\_AR50\_01 received by the Local Planning Authority on 11 December 2015.

School room secondary glazing 1134\_DT10\_01 received by the Local Planning Authority on 11 December 2015.

Porch Ramp Plan 1134\_EW10\_01 received by the Local Planning Authority on 11 December 2015.

Porch steps and ramp 1134\_EW10\_02 received by the Local Planning Authority on 11 December 2015.

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

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to their erection or installation.

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.

4 A sample panel of the brickwork to be used on this building 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 their erection or installation .

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: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location.

5 HWAY19 Car and cycle parking laid out

6 No deliveries shall be taken at or dispatched from the retail store (except for the delivery of newspapers) outside the hours of:

Monday to Saturday 07:00 to 19:30

Sundays and Bank Holidays 08:00 to 16:00

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

7 The site shall not be used for the purpose of food retail until the following highway works have been implemented in accordance with the aforementioned approved plan or arrangements entered into which ensure the same;

- i) A widening of the existing footway to the site frontage by 0.5m and dedication of this land as public highway,
- ii) Modification of the kerbline at the junction Of Union Terrace and Clarence Street to enable the length of on-street parking on Union Terrace to be extended,
- iii) relocation of the existing traffic signal head at the junction Of Union Terrace and Clarence Street to further minimise the risk of any vehicles striking it,
- iv) Modification of the existing kerb line on Union Terrace and construction of a new adoptable turning head to the front of the apartment car park entrance provision.

Reason: In the interests of providing a safe means of access to the site by all modes of transport and to minimise disruptions to the free flow of traffic.

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



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

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

9 HWAY40 Dilapidation survey

10 HWAY35 Servicing within the site

11 HWAY31 No mud on highway during construction

12 HWAY29 IN No gate etc to open in highway

13 HWAY18 Cycle parking details to be agreed

14 Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination.

The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

15 Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and 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.

16 Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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.

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

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

18 Prior to the occupation of the development details shall be provided showing the provision for the charging of electrical vehicles at the residential car park. The scheme shall be designed and maintained as agreed.

Reason: To support the use of electric vehicles.

19 The building envelope of all residential accommodation shall be constructed in accordance with the submitted details so as to achieve internal noise levels of 30 dB LAeq (8 hour) and 45dB LAm<sub>ax</sub> inside bedrooms at night (23:00 - 07:00 hrs) and 35 dB LAeq (16hour) in all other habitable rooms during the day (07:00 - 23:00 hrs). These noise levels shall be observed with all windows shut in the particular and other means of acoustic ventilation provided. Thereafter no alterations to the external walls, facades, windows, doors, roof or any openings in the building(s) shall be undertaken (including the closing up or removal of openings) without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of residents

20 ARCH2 Watching brief required

21 Notwithstanding the details provided any service equipment mounted externally shall be hidden from public view.

Reason: To protect the appearance of the conservation area.

22 22 Large scale details (1:20, 1:5 as appropriate) of the following shall be submitted to and agreed in writing by the Local Planning Authority prior to their erection/construction:

Existing building:

- a) Main entrance doors.
- b) New delivery and staff entrance door into retail store.
- c) Details of how vents would be formed in walls.

New building and link:

- d) A typical window bay of the external elevation of the new apartment block showing the modelling and details of the facade, including the integration of vents.
- e) Full details of the linking entrance.
- f) Details of all windows and doors, including manufacturer's literature
- g) Typical dormer to be provided within the mansard.
- h) Sheet metal material roofing with standing seams for the roof covering.
- h) Security screen within the car park

Whole site:

- i) The specification of landscape (hard and soft).
- j) Adaptations to the external wall onto Union Terrace including the retention of the gate and gate-piers and the new gate.
- k) External lighting.

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

Reason: To protect the appearance of the conservation area.

23 Prior to any alterations to the original chapel or school house a schedule of repair shall be provided to clearly show how repairs to the building will be carried out. The repairs works shall be completed in accordance with the agreed details prior to the occupation of the building.

Reason: To enhance and protect the character and appearance of the building.

24 Notwithstanding the details provided of the new entrance ramp at the front entrance of the chapel, details of a new open type balustrade shall be submitted to and agreed in writing by the Local Planning Authority prior to its erection/construction.

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

Reason: To protect the appearance of the conservation area.

25 All contractors and all those involved with timber treatment, roofing and building works to be made aware of the potential presence of bats and the need to follow standard good working practices in relation to bats specifically, roofs which are to be stripped or replaced should be dismantled carefully by hand. Only half of the roof should be removed on the first day and the second half 24 hours later. This will create unfavourable conditions for any bats still roosting within the roof structure and encourage the bats to leave on their own accord. If timber treatment is required, Permethryn type chemicals on the Natural England list of approved safe chemicals should be used - Natural England Bat roosts and timber treatment products (TIN092).

Prior to the commencement of development details of what measures are to be provided within the design of the new building to accommodate bats shall be submitted and agreed in writing by the Local Planning Authority. The development shall be constructed in accordance with these approved details. Features suitable for incorporation for this group include the use of special tiles, bricks, soffit boards, bat boxes etc.

26 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted shall be submitted to the local planning authority for approval. These details shall include maximum sound levels ( $L_{Amax}(f)$ ) and average sound levels ( $L_{Aeq}$ ), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed 5dB below the background noise level at 1 meter from the nearest noise sensitive façade when assessed in accordance with BS4142: 1997 (or exceed the background noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014) inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

Whilst it is acknowledged that at background levels of less than 30dB(A) use of BS4142 is inappropriate, EPU consider that in such circumstances the combined rate level of plant inclusive of any character correction should not exceed 30dB(A).

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

27 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

NOTE: For noise details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

For vibration details should be provided on any activities which may results in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. Ideally all monitoring results should be recorded and include what was found and mitigation measures employed (if any).

For dust details should be provided on measures the developer will use to minimise dust blow off from site, i.e. wheel washes, road sweepers, storage of materials and stock piles, used of barriers, use of water bowsers and spraying, location of stockpiles and position on site. Details shall be provided of proactive monitoring to be carried out by the developer to monitor levels of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints.

For lighting details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

In addition the CEMP shall provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved.

Reason: To protect the amenity of local residents

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents

29 All delivery vehicles serving the retail use shall turn off vehicle engines and air cooling units during the delivery period and if delivery vehicles emit a reversing warning noise on Union Terrace this shall be only a crackling 'white noise'.

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

## **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) and taken account of all relevant local policies, and considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to identify solutions to problems arising from the proposed development.

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).

3. INFORMATIVE

Any proposal for signage is subject of separate applications.

4. INFORMATIVE:

You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

5. LEGAL AGREEMENT

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development

**Contact details:**

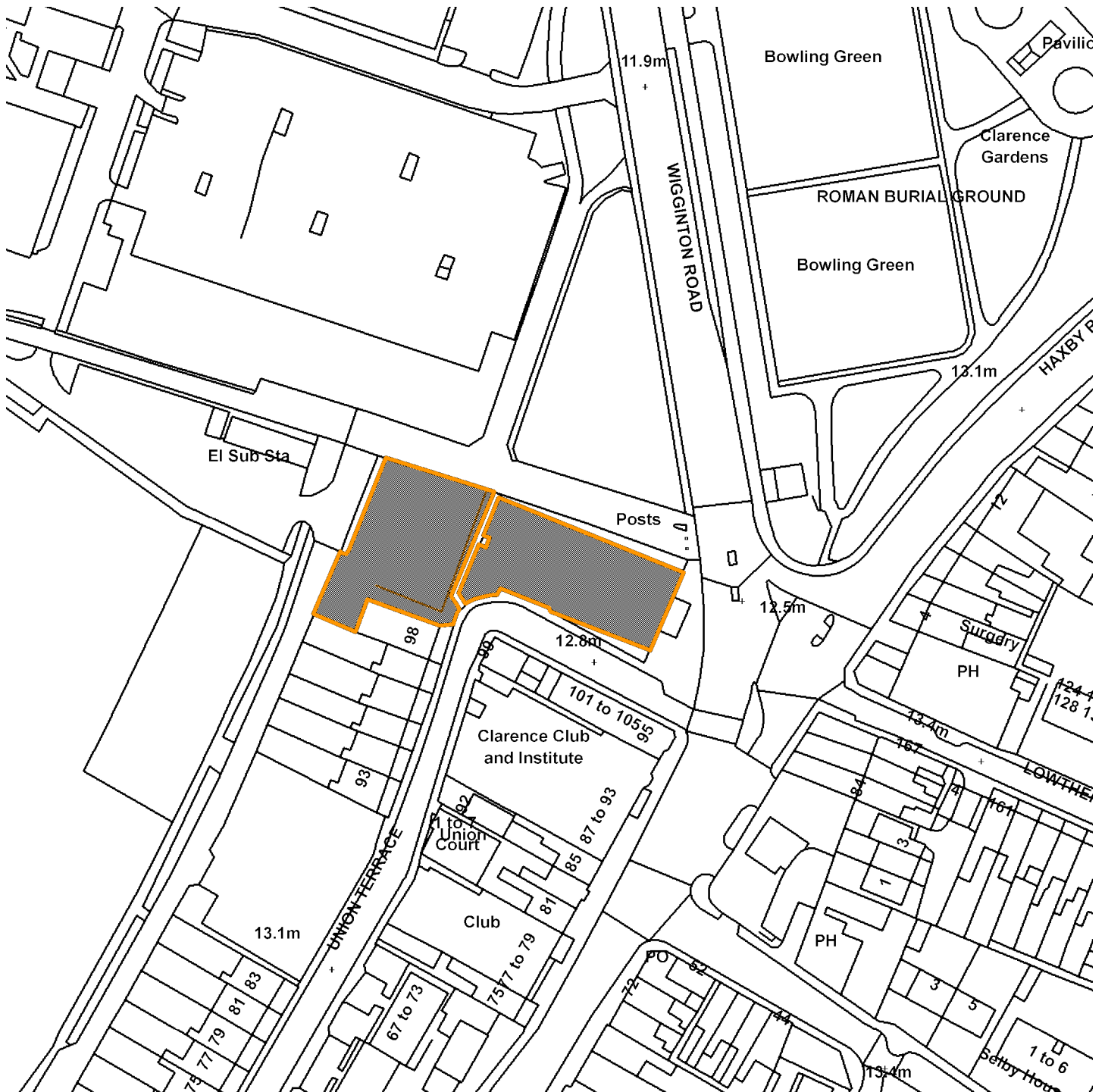
**Author:** Neil Massey Development Management Officer (Mon/Tue/Fri)

**Tel No:** 01904 551352



16/01540/FULM

Groves Chapel, Union Terrace, York



Scale : 1:1084

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<b>Organisation</b>	City of York Council
<b>Department</b>	CES
<b>Comments</b>	Location Plan
<b>Date</b>	23 August 2016
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 8 September 2016      **Ward:** Fulford and Heslington  
**Team:** Major and                      **Parish:** Fulford Parish Council  
                    Commercial Team

**Reference:** 16/01047/FUL  
**Application at:** 15 Heslington Lane York YO10 4HN  
**For:** Conversion of existing dwelling into 3no. flats with single storey side extension (part-retrospective) (resubmission)  
**By:** Mr Andre Trepel  
**Application Type:** Full Application  
**Target Date:** 24 June 2016  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application site is a former 4 bedroom dwelling located on a narrow lane off Heslington Lane (Fulfordgate WMC is located at the junction). The site is within Fulford Conservation area.

1.2 The property has previously been extended with a single storey flat roof extension to the rear. The property has a very large rear garden. There are a small number of other dwellings located on the narrow lane. At the end of the lane and opposite the application property is a garage court.

1.3 The application is part retrospective to change the building into 3 separate flats. The retrospective application also includes the creation of a single storey side extension to accommodate one of the flats.

1.4 The application was called in to the Area Planning Sub- Committee decision at the request of Cllr Aspden. At the meeting of the Committee held on 4 August, the application was deferred for the following reasons:

- to seek the comments of the Council's Conservation Officer
- to investigate the build quality of the development
- to seek more information on the standard of amenity of the flats

1.5 Following the 4 August Committee meeting, the applicant submitted revised plans indicating that the side extension that houses the studio flat (which has been built without planning permission) will be partly re-built to include a pitched, tiled roof.

1.6 The scheme to be assessed is to convert the building to 3 flats including the erection of a single storey side extension to house a studio flat. The first floor flat has three bedrooms. The larger flat on the ground floor has two bedrooms. The occupiers of the flats would share the rear garden and have access to the existing garage for storage. The two larger flats, between them, have access to three off-street parking spaces (two of these are in tandem formation). The studio flat has no off-street car parking.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation: Conservation Area: Fulford

2.2 Policies:

### Draft Local Plan 2005

CYGP1 Design  
CYH8 Conversion to flats/HMO/student accom  
CYHE3 Conservation Areas  
CYHE4 Listed Buildings

### Emerging Local Plan

2.3 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 determining of planning applications.

### Fulford Village Conservation Area Appraisal 2008.

2.4 The appraisal was approved in 2008 and is material to the application.

## **3.0 CONSULTATIONS**

### Highway Network Management

3.1 Access to the property from the highway will utilise the existing access from Heslington Lane. Additional traffic generated by the development will be minimal. There will be no material impact on the use of the access from that generated by the current users of the access.

3.2 Car parking provision meets CYC Appendix E Standards and reflects the mixture of units.

Planning and Environmental Management - Landscape Architect

3.3 The adjacent tree is sizeable and appears to be in reasonable condition. However given its location some distance away from Heslington Lane and set back from the building frontage, it does not make such a significant contribution to public amenity to warrant a tree preservation order (TPO). The side of the extension appears to have been built on the top of an existing brick boundary wall. Similarly the extended ground floor appears to be sitting upon a concrete slab of some age. Therefore the assumption is that no additional excavations have been made to implement the development. Consequently, it is likely that no significant root damage resulted from the extension.

3.4 It is not considered that the tree conflicts with the occupation of the units including light levels and maintenance.

Planning and Environmental Management - Conservation Architect

3.5 The conservation architect was not consulted in respect to the original proposals. His comments are summarised below:

3.6 The prevailing construction material in the area is pinkish-brown brick, with pitched roofs of indigenous slate or clay tiles.

3.7 The scale of the extension sits comfortably with the host building. The materials of the roof coverings are visually poor, and are distinctly modern, contrasting unfavourably with the natural materials which are characteristic of the area. The use of the two materials draws attention to the unusual roof arrangement, the complexity of which is at odds with the traditional rectangular plan, dual pitched form of the host building. The materials and execution of the extension amount to poor design and combine to make the building detrimental to the character and appearance of the area. In terms of the setting of the listed church, the development is of small scale and separated from the church by both distance and other structures, including the row of garages referred to above. It is not overly intrusive in views to or from the church, and preserves its setting.

3.8 The degree of harm to the character and appearance of the conservation area is less than substantial, and consequently the harm should be weighed against the public benefits of the proposal (para.134, NPPF), although it is not clear what benefit would derive from this scheme. Bearing in mind the duties set out in Section 72 of the act, and the great weight which should be given to the conservation of designated heritage assets, we would not support the granting of planning permission.

3.9 Following the receipt of the conservation architect's comments a revised scheme was submitted showing a pitched, tiled roof extension to replace the one that has been erected.

The conservation architect does not object to this scheme.

### Neighbour Notification and Publicity.

3.10 On 23 August neighbours, the parish and previous objectors were re-notified in respect to the revised scheme that showed a pitched roof to the side extension. The consultation period expires on the Tuesday prior to the committee meeting. Any comments received will be reported to Committee.

3.11 The comments from the Parish Council and neighbours summarised below relate to the original application.

### Fulford Parish Council

3.12 Object due to:

- **Harm to Fulford Village Conservation Area**  
The impact of the extension is harmful to the character and appearance of the conservation area due to its very poor design, shoddy construction and a mismatch of materials. The dwelling is located directly to the rear of St Oswald's Church a Grade II listed building and therefore lies within its immediate setting.
- **Inadequate plans:**  
The only plan available of the first floor flat is not drawn to scale and is clearly inaccurate. For example the staircase is not shown and a large bathroom appears to occupy the space where the stairwell is located?
- **Insufficient information on drainage:**  
No information has been provided in order to determine the impact the proposals on the existing drainage systems and how the foul and surface water will be dealt with, taking into account the provision of two additional kitchens and two additional bathrooms.
- **Impact on neighbour amenity:**  
The increase in vehicle movements directly adjacent to the front door of no 11 Heslington Lane will adversely affect the amenity of this property. Also question whether the existing access onto Heslington Lane is suitable for increased vehicle usage.
- **Building Regulations:**  
We assume that building regulations have not been obtained and question whether the extensions provide a safe environment for the occupants.

### Neighbours

3.13 Objections were received from 5 neighbours.

The issues raised were:

- The flats have inadequate car parking. It will lead/leads to cars parking in front of adjacent garages. The garages are in regular use. The owner of some of the garages has concerns re the loss of letting income.
- The lane is narrow and unsuitable for the increase in traffic. The junction with the main road has poor visibility. Concerns in respect to the safety of passing pedestrians, including school children.
- There is inadequate access to the site for emergency vehicles.
- The extension is poorly built and does not have building regulations consent.
- Concerns regarding the recent loss of Poplar trees in the garden (case officer comment - consent was granted in 2014 for the removal of 3 - ref 14/00699/TCA).
- The extension is an eyesore and detracts from the conservation area.

## 4.0 APPRAISAL

### KEY ISSUES

4.1 The key issues in assessing the proposal are:

- Whether the change would lead to an unacceptable impact on the City's housing stock.
- Whether the accommodation is of an appropriate standard.
- Impact on the appearance and character of the conservation area.
- Impact on neighbours' living conditions.
- Parking and highway safety
- Impact on trees

### POLICY BACKGROUND

4.2 The National Planning Policy Framework 2012 (NPPF) sets out the overarching roles for the planning system.

4.3 Paragraph 7 advises that there are three dimensions to sustainable development, which gives rise to the need for the planning system to perform the following roles:

- economic - contributing to building a strong, responsive and competitive economy
- social - supporting strong, vibrant and healthy communities
- environmental - contributing to protecting and enhancing the natural, built and historic environment

4.4 Paragraphs 186 and 187 advise of the need for local planning authorities to adopt a positive approach towards sustainable development in their decision-taking and to look for solutions in order to approve applications where possible.

4.5 Paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 50 states that in order to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities the local planning authority should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

4.6 The Development Control Local Plan was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications although it is considered that their weight is limited except when they are in accordance with the NPPF. Policy H8 states that planning permission will only be granted for the conversion of a dwelling to flats where the dwelling is of a sufficient size (i.e. minimum 4 bedrooms) and the internal layout is shown to be suitable for the proposed number of households or occupants. The policy also states that external alterations should not cause harm to the character or appearance of the building or area, adequate off and on street parking and cycle parking and storage and collection of refuse and recycling should be incorporated and there should be no adverse impact on neighbouring residential amenity.

4.7 Local Plan Policy GP1 'Design' states that development proposals will be expected to respect or enhance the local environment and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and vegetation. The design of any extensions should ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.8 The Fulford Village Conservation Area Appraisal 2008 indicates that the application property has a neutral value to the conservation area. The adjoining garage court is considered to be detrimental to the area. The line of trees to the north of the application property is mapped as being visually prominent

4.9 The Council's Subdivision of Dwellings Supplementary Planning Document (SPD) was approved on 4th December 2012. In Paragraph 1.8 it advises that the SPD aims to ensure that where the subdivision of dwellings are proposed, they:

- provide adequate internal space;
- are of a suitable layout;
- have acceptable amounts of internal and external storage space;
- have acceptable levels of facilities;
- do not have an adverse impact on the amenity of neighbouring residents;



- are designed and built to a high standard of sustainability

4.10 In terms of space standards, Paragraph 3.11 advises that studio flats should have a minimum 'habitable' floor space of 32.5 sqm, 72sqm being the minimum for a 2 bedroom flat and 93sqm for a 3 bedroom flat. Paragraph 3.13 advises that the standards are intended to help ensure that subdivided homes are comfortable, convenient and able to accommodate the appropriate amount and level of furniture and fittings in line with the number of people resident in the property.

## **ASSESSMENT**

### Whether the change would lead to an unacceptable impact on the City's housing stock

4.11 The property when a single dwelling contained 4 bedrooms. The Council's Draft Local Plan (policy H8) states that homes of 4 bedrooms or more are considered appropriate for conversion subject to other relevant criteria.

### Whether the accommodation is of an appropriate standard

4.12 The approximate floor area of the 3 flats is as stated below. It should be noted that the space does not include bathroom space or hallways:

- Ground Studio flat - 25sqm.
- Ground floor 2 bedroom flat - 75sqm.
- First floor 3 bedroom flat - 43 sqm.

4.13 The ground floor 2 bedroom flat is in line with advice in the Council's SPD on floor sizes, however, the other two flats do not meet these standards.

4.14 The property was visited internally. It would be difficult to sustain an argument that the first floor flat is substandard and although it is described as having three bedrooms, it is not necessarily the case that all bedrooms will be occupied as sleeping accommodation. If the first floor flat were shared by 3 or more non-family members consent would also be required for its use as a House in Multiple Occupation.

4.15 The studio flat is more modest, although comfortably accommodates a double bed and daytime furniture. It has a separate kitchen and shower room. It would provide an acceptable standard of accommodation for a single adult.

4.16 Following the meeting of the Committee, the applicant was contacted in relation to the quality of the accommodation with particular regard to the building works and living conditions.

The applicant brought the Council's attention to the coloured floor plans that indicate the position of furniture within the flats. It is considered that the key assessment is the quality of the studio flat. The case officer has visited the studio flat. Although the furniture was not laid out in the way shown on the plan, the plan does put into context the space available to the occupier(s).

4.17 In respect to build quality the agent has indicated that should planning permission be granted, approval under the Building Regulations will be sought. As the revised scheme includes significant modification of the studio flat, Building Regulation approval will be required for the changes.

Impact on the appearance and character of the conservation area.

4.18 The site is within the Fulford Village Conservation Area. Section 72 of the Town and Country Planning Act 1990 requires the local planning authority, when determining planning applications for development within a conservation area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Case law has made clear that when deciding whether harm to a conservation area is outweighed by the advantages of a proposed development, the decision-maker must give particular weight to desirability of avoiding such harm. There is a "strong presumption" against the grant of planning permission in such cases. The exercise is still one of planning judgment but it must be informed by that need to give special weight to preserving the Conservation Area.

4.19 The statutory duty under Section 72 means that even where harm is less than substantial, such harm must still be afforded considerable importance and weight, i.e. the fact of harm to the conservation area is still to be given more weight than if it were simply a factor to be taken account along with all other material considerations.

4.20 The legislative requirements of Section 72 are in addition to the government policy contained in Section 12 of the NPPF. The NPPF classes Conservation Areas as "designated heritage assets". The NPPF's advice on heritage assets includes the following:

- Paragraph 132 advises that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be" ... "As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."
- Paragraph 133 advises that "Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve

substantial public benefits that outweigh that harm or loss, or all of four specified criteria apply

- Paragraph 134 advises that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum use."

4.21 The main positive visual characteristic of the locality relates to the generous gardens and tree planting. The existing building (prior to the extensions) is considered in the Fulford Village Conservation Area Appraisal 2008 to have a neutral impact.

4.22 The Council's Conservation Architect considers that the side extension as built has a detrimental impact on the character and appearance of the area. However, it is considered that revised pitched roof scheme would have a neutral impact.

4.23 The application property is set partly within a relatively dilapidated garage court and the extension sits beside a garage and not forward of the building. The front boundary is also relatively high. Although the northern section of the lane currently has a very informal character, were it to be re-developed it is not considered that the proposed revised extension would undermine the resulting appearance.

4.24 The applicant has indicated that the extension will be constructed of materials that match the main house. It has also been indicated that all of the section built on top of the existing boundary wall will be re-constructed with materials that provide a better match. Elements of detailing can be covered by condition.

4.25 It is not considered that the use of the building as 3 flats has a significant impact on the appearance or character of the conservation area.

4.26 The small scale of the extension and separation to the church is such that it will not affect on the setting of the listed building.

#### Impact on trees

4.27 A key consideration is the impact of the side extension and its use as living accommodation on the adjacent mature trees. The nearest tree is one of a group providing plentiful tree coverage to the north of the house. It is considered that the form of construction has had little impact on the roots of the adjacent trees. The canopy of the adjacent tree is in close proximity to the house and extension and there is the potential for some conflict in respect to seasonal leaf drop and perceived safety concerns.

However, it is not considered that the importance of the adjacent tree to the streetscene and wider conservation area is such as to justify a tree preservation order.

#### Impact on neighbours living conditions.

4.28 Draft Local Plan policies GP1 and H8 relate to the protection of neighbour amenity. The extension has no significant impact on neighbours. It is not considered that the potential increase in traffic past the front of properties on the access would be significantly harmful to amenity. It is noted that vehicles entering the parking area do not need to manoeuvre immediately in front of the openings on the home located slightly to the south (number 11).

#### Parking and highway safety

4.29 The two larger flats have space to park one car and two cars respectively. The parking for two cars requires a tandem parking formation. The studio flat has no off-street car parking. There is space within the front garden to park a motorbike. Parking for cycles is also available in the existing garage.

4.30 The overall level of off-street parking is within the parameters of the maximum standards set out in the Local Plan. These seek a maximum of 1 space for 1 or 2 bed dwellings and 2 spaces for dwellings with 3 or more bedrooms. Concerns in respect to possible parking in front of the communal garages is noted, however, this is a private matter and could occur irrespective of the outcome of this planning application.

4.31 The likely level of additional traffic associated with the scheme is sufficiently modest so as not to raise concerns regarding the poor quality access with Heslington Lane. The constrained access to the development was discussed with the Fire Safety Officer for York. As the building was already in residential use he did not object to the scheme.

## **5.0 CONCLUSION**

5.1 It is considered that the proposed flats would provide reasonable to good quality living accommodation in a quiet landscaped setting within the urban area. The levels of off-street car parking are considered acceptable for the scale and location of the accommodation. Although vehicular access is along a narrow lane, it is not considered that the likely small increase in vehicle movement would raise significant neighbour amenity or highway safety concerns.

5.2 Following deferral at committee the applicant has submitted a revised plan amending the design of the side extension to include a sloping tiled roof and the removal of the polycarbonate section of the roof.

The design of the revised extension and relationship to the host dwelling is not considered to harm the character or appearance of the conservation area. The extension could co-exist with the adjacent tree, however, if there were a desire and means to secure the removal of the closest tree, it is not considered its loss would be unacceptable.

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

Block plan received by the Local Planning Authority on 1 July 2016.

Proposed first floor layout on plan received by the Local Planning Authority on 28 April 2016.

Proposed ground floor layout on plan received by the Local Planning Authority on 1 July 2016.

Proposed elevation SC215-05A (rev 1) received by the Local Planning Authority on 23 August 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 Prior to the erection of the approved side extension the following details shall be submitted to the Local Planning Authority for approval:

- Sample of roofing materials.
- Samples of facing bricks.
- Details of rooflight and fitting.
- Section showing eaves and ridge details

The extension shall be built in accordance with the agreed details/materials.

Reason: To protect the character and appearance of the conservation area.

4 The areas shown on the approved plans for parking and manoeuvring of vehicles and cycles shall be retained solely for such purposes.

Reason: In the interests of highway safety.

5 Within 2 months of the date of this permission, three secure fixings for cycles shall be installed within the garage suitable for cycle parking and these shall henceforth be retained.

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

## **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 an acceptable outcome:

Additional details sought clarifying layout of flats and revised plans for the side extension.

#### **2 BUILDING REGULATIONS**

Building Regulations consent is required for the proposed works. Building Regulations control issues such as noise insulation between flats, thermal insulation, structural stability and fire safety. This permission does not grant or infer that Building Regulation consent will be granted. Should building works be required to comply with Building Regulations, it should be established whether planning permission is required for the works and an application submitted if required.

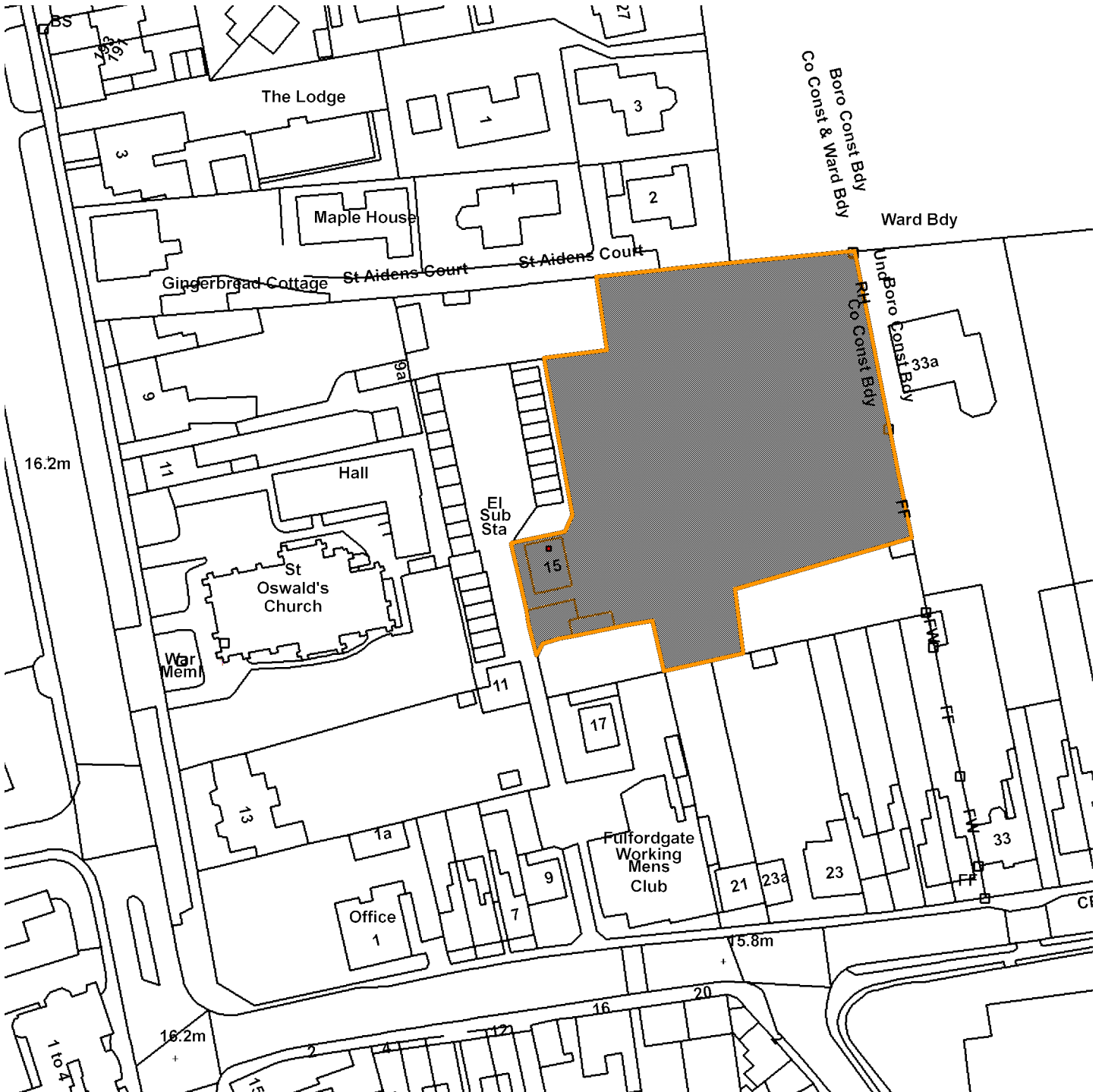
#### **Contact details:**

**Author:** Neil Massey Development Management Officer (Mon/Tue/Fri)

**Tel No:** 01904 551352

16/01047/FUL

15 Heslington Lane, YO10 4HB



Scale : 1:1084

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<b>Organisation</b>	City of York Council
<b>Department</b>	CES
<b>Comments</b>	Location Plan
<b>Date</b>	23 August 2016
<b>SLA Number</b>	Not Set

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## **2.0 POLICY CONTEXT**

2.1 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005. Whilst the 2005 York Draft Local Plan does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

2.2 Relevant Draft Local Plan 2005 Policies:

CYGP21 Advertisements

CYHE8 Advertisements in historic locations

2.3 Emerging Local Plan - The consultation on the Preferred Sites 2016 document and supporting evidence for the emerging City of York Local Plan is currently subject of an eight week public consultation which started 18 July 2016. The emerging Local Plan policies can only be afforded very limited weight at this stage of its preparation (in accordance with paragraph 216 of the NPPF). However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

2.4 Relevant emerging plan policies are;

DHE2 Heritage Assets

DHE9 Advertisements in Historic Locations

## **3.0 CONSULTATIONS**

3.1 No representations have been made as a result of consultation with the parish/planning panel and local consultation.

## **4.0 APPRAISAL**

### **KEY ISSUES**

4.1 The Town and Country Planning (Control of Advertisements) Regulations 2007 state that powers under these regulations can only be exercised in the interests of amenity and public safety. Factors relevant to amenity include the presence of any features of historic or architectural interest.

4.2 In considering amenity, it is a requirement of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses when determining planning applications.

## Relevant Planning Policy

4.3 The NPPF states that in determining applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

4.4 Relevant 2005 Local Plan policies regarding signs are as follows -

- Policy GP21: Advertisements states that where advertisement consent is required, it will be granted for signs where: their size, design, materials, colouring and any form of illumination does not detract from the visual amenity of the areas in which they are displayed, particularly with regard to the character of listed buildings or conservation areas; where there is no adverse effect on public safety; and in residential areas and on sites clearly visible from roads, the advertisement is in keeping with the scale of surrounding buildings and public areas.
- Policy HE8 adds that on listed buildings advertisements must consist of a design and scale that respects the character and appearance of the area; and be of good quality materials that are sympathetic to the surface to which they are attached.

4.5 The relevant policy of the emerging plan - DHE9 advises as follows -

- Permission will be granted for the display of advertisements where they are of a scale, design, materials, finish and illumination that will not cause harm to visual or residential amenity and will respect the appearance of a building or the street scene in urban areas and villages; and will not create a public safety issue.

## ASSESSMENT

### Impact on amenity

4.6 The impact on visual amenity and on the listed structures is deemed to be acceptable because there would be public benefits to justify allowing the signs to be in-situ during construction. This is assessed in the listed building consent application 16/01234/LBC.

### Impact on safety

4.7 The signs will not be illuminated and they would not protrude onto the public highway. There are no safety concerns.

## 5.0 CONCLUSION

5.1 The signs would have less than substantial harm on the appearance of listed structures and therefore there would be an adverse effect on amenity. However the signs are proposed for a temporary period only, during construction, and there is reasonable justification for them as they are required to inform and aid with marketing.

5.2 The NPPF states that in assessment of a scheme less than substantial harm must be weighed against any public benefits. In this case the benefits, which are in the interests of the viability and long-term conservation of the listed structures, justify allowing the low level of temporary harm that would occur as a consequence of the scheme.

5.3 There are no safety issues. As such to grant consent for a temporary period would not conflict with NPPF policies on requiring good design and conserving and enhancing the natural environment or the local policies detailed in section 2.

## 6.0 RECOMMENDATION: Approve

1 The advertisements shall be removed prior to first occupation of the student accommodation development, or in any event, within 3 years of the date of this permission; unless prior to that date the consent of the Local Planning Authority has been obtained to extend the period of the permission.

Reason: As only because the signs are proposed for a temporary period is there deemed to be a public benefit which outweighs the less than substantial harm the signs have to listed structures.

2 The development hereby permitted shall be carried out in accordance with the following plans:-Revised plans received 22.8.2016.

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

3 Signs shall be fixed into mortar joints only and not into brickwork.

Reason: To avoid damage to the listed wall, in the interests of its conservation, in accordance with section 12 of the NPPF.

### Contact details:

**Author:** Jonathan Kenyon Development Management Officer

**Tel No:** 01904 551323

16/01233/ADV

St Josephs Convent of Poor Clare Collentines Lawrence Street



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Location Plan
<b>Date</b>	23 August 2016
<b>SLA Number</b>	Not Set

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## **2.0 POLICY CONTEXT**

2.1 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005. Whilst the 2005 York Draft Local Plan does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

2.2 Relevant Draft Local Plan 2005 Policies:

CYGP21 Advertisements  
CYHE8 Advertisements in historic locations

2.3 Emerging Local Plan - The consultation on the Preferred Sites 2016 document and supporting evidence for the emerging City of York Local Plan is currently subject of an eight week public consultation which started 18 July 2016. The emerging Local Plan policies can only be afforded very limited weight at this stage of its preparation (in accordance with paragraph 216 of the NPPF). However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

2.4 Relevant emerging plan policies are;

DHE2 Heritage Assets  
DHE9 Advertisements in Historic Locations

## **3.0 CONSULTATIONS**

3.1 No representations have been made as a result of consultation with the parish/planning panel and local consultation.

## **4.0 APPRAISAL**

### **KEY ISSUES**

4.1 Section 16 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 advises that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.



4.2 The statutory duty under Section 16 means that even where harm is less than substantial, such harm must still be afforded considerable importance and weight, i.e. more weight than if it were simply a factor to be taken account along with all other material considerations.

## RELEVANT PLANNING POLICY

### National Planning Policy Framework

4.3 The NPPF states that in determining applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

4.4 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Section 134 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

### Local Policy

4.5 Draft Local Plan 2005 Policy HE8 requires that on listed buildings advertisements must consist of a design and scale that respects the character and appearance of the area; and be of good quality materials that are sympathetic to the surface to which they are attached.

4.6 The relevant policies of the emerging plan, DHE2 and DHE9 advise as follows -

- Development proposals will be encouraged and supported where they are designed to conserve, enhance, and add value to the special qualities and significance of York's historic environment, including designated and non-designated heritage assets and their settings.
- Permission will be granted for the display of advertisements where they are of a scale, design, materials, finish and illumination that will not cause harm to visual or residential amenity and will respect the appearance of a building or the street scene in urban areas and villages; and will not create a public safety issue.

## ASSESSMENT

4.7 The scheme has been refined and re-submitted since the original proposal.

4.8 For marketing purposes it is proposed to install signs explaining the proposed development and the site history at each side of the arched entrance through the wall. The arch will become the main entrance into the development. The signs will each be 1.8m high (the wall is some 4m high). Two logos of the applicants (Vita student) are also proposed on the wall. The logos would be 1m by 0.6m in area.

4.9 For construction there would be two considerate construction related signs at each end of the site (by the staff and vehicle entrances), and signs identifying the pedestrian and vehicular entrance.

4.10 It is intended these signs are informative and to advertise the forthcoming development and allow marketing of the accommodation. It is acknowledged such practice is permissible in planning policy. National advice in the NPPG is that a temporary planning permission may be appropriate on vacant land/buildings to enable use for a temporary period prior to any longer term regeneration plans coming forward or more generally to encourage empty property to be brought back into use. In the emerging local plan the background text to the policy on advertisements states that “advertisements play an important role in promoting economic vitality, and where well designed, they can make a positive contribution to the street scene. At the same time a proliferation of signs can be unsightly, distracting and damaging to the appearance of the building, street or area”.

4.11 The convent site where it fronts onto Lawrence Street is some 75m in length. Apart from the two small Vita logo signs, signs are grouped around entrances, which serve differing purposes; being used by construction traffic and what will become the main entrance / entrance for the marketing suite. The signs are reasonably refined in their amount under the circumstances, given the size of the site.

4.12 The enclosed and refined nature of the convent site forms an integral element of its historic value. To install multiple signs on the wall and lodge, which are of fairly substantial scale and modern materials (aluminium panels are proposed) would conflict with the historic importance and character of the site and subsequently have less than substantial harm to the listed structures.

4.13 Because there would be less than substantial harm caused, the test is therefore whether there are public benefits which can justify the harm. National planning guidance (NPPG) states that public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress, public benefits may include heritage benefits, such as:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- reducing or removing risks to a heritage asset
- securing the optimum viable use of a heritage asset in support of its long term conservation

4.14 In this case there are considered to be adequate public benefits to justify the scheme and these are as follows -

- The amount of advertising is restrained given the size of the site.
- The construction signs are informative only. Only two signs are proposed by the vehicular entrance. Their proposed location on the wall, is functional, given that the gates are open during working hours.
- Construction signs are justified, being recommended as part of the considerate constructor's scheme.
- The works are reversible; signs will all be fixed so they do not damage the brickwork and would be temporary; removed at the end of the construction period.
- The signs to advertise the development and identify the marketing suite will reasonably assist in the economic viability of the development, securing a viable use for the site, consistent with its conservation. The signs would also be removed at the end of the construction period.

## 5.0 CONCLUSION

5.1 There is less than substantial harm caused by the proposed signs. The signs are in the interests of the viability of the heritage asset and are only required for a temporary period (which would be secured through condition). Due to the low level of harm and public benefits there is justification for the harm. As such the proposal does not conflict with the NPPF and in granting consent, subject to conditions, the council would have complied with the statutory requirement in the act to special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

**6.0 RECOMMENDATION:** Grant consent for a temporary period only

1 The advertisements shall be removed prior to first occupation of the student accommodation development, or in any event, within 3 years of the date of this permission; unless prior to that date the consent of the Local Planning Authority has been obtained to extend the period of the permission.

Reason: As only because the signs are proposed for a temporary period is there deemed to be a public benefit which outweighs the less than substantial harm the signs have to listed structures.

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

Revised plans received 22.8.2016.

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

3 Signs shall be fixed into mortar joints only and not into brickwork.

Reason: To avoid damage to the listed wall, in the interests of its conservation, in accordance with section 12 of the NPPF.

## **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: sought revised plans in order to make proposals acceptable and through the use of planning conditions.

### **2. EXISTING UNAUTHORISED SIGNS**

All existing unauthorised signs fixed to the wall and Extern House should be removed.

#### **Contact details:**

**Author:** Jonathan Kenyon Development Management Officer

**Tel No:** 01904 551323

16/01234/LBC

St Josephs Convent of Poor Clare Collentines, Lawrence Street



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<b>Organisation</b>	City of York Council
<b>Department</b>	CES
<b>Comments</b>	Location plan
<b>Date</b>	31 August 2016
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 8 September 2016      **Ward:** Hull Road  
**Team:** Major and      **Parish:** Hull Road Planning  
Commercial Team      Panel

**Reference:** 16/01845/TCMAS  
**Application at:** Proposed Telecommunication Mast at Grid Reference  
463372 451307 Hull Road Osbaldwick York  
**For:** Installation of 12.5m monopole with 3no. antennas, 1no  
transmission dish, 2no. equipment cabinets and 1no. meter  
cabinet  
**By:** Cornerstone Telecommunications Infrastructure Ltd  
**Application Type:** Telecommunication Mast Notice  
**Target Date:** 26 September 2016  
**Recommendation:** Approve

**1.0 PROPOSAL**

## LEGISLATIVE BACKGROUND

1.1 This application has been submitted under the provisions of part 16 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for determination as to whether Local Planning Authority require prior approval of the siting and appearance of the development of electronic communications apparatus.

## PROPOSAL

1.2 The proposal relates to the erection of a 12.5m streetworks pole and associated equipment cabinets to the central reservation along Hull Road, close to the junction with Pinelands Way.

1.3 The application has been called to committee by Councillor Barnes on the grounds of visual intrusion and highway safety.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001  
DC Area Teams GMS Constraints: East Area (1) 0003

## 2.2 Policies:

CYGP20 Telecommunication developments

## 3.0 CONSULTATIONS

### INTERNAL

#### Highway Network Management

3.1 No comments at the time of writing the report

### EXTERNAL

#### Neighbours

3.2 Expire 1st September 2016- No comments received at the time of writing the report.

#### Site Notice and Publicity

3.3 Expires 5th September 2016 - No comments received at the time of writing the report.

## 4.0 APPRAISAL

### 4.1 KEY ISSUES

- Visual impact
- Highway Implications
- Principle

### LEGISLATIVE BACKGROUND

4.2 Under Condition A3 (3) of Part 16 an electronic communications code operator must apply to the local planning authority for determination as to whether prior approval will be required for the siting and appearance of the proposed development. The local planning authority has 56 days, beginning with the date on which it receives the application, to make its determination and notify the applicant of its decision.

### POLICY CONTEXT

4.3 The National Planning Policy Framework 2012 (NPPF) sets out the overarching roles for the planning system and in Paragraph 14 advises that at the heart of the Framework there is a presumption in favour of sustainable development.



Paragraph 7 advises that there are three dimensions to sustainable development, which gives rise to the need for the planning system to perform the following roles:

- economic - contributing to building a strong, responsive and competitive economy
- social - supporting strong, vibrant and healthy communities
- environmental - contributing to protecting and enhancing the natural, built and historic environment

4.4 The National Planning Policy Framework 2012 (NPPF) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. 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. A core 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.

4.5 Paragraph 42 states that advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services. Existing masts, buildings and other structures should be used, unless the need for a new site has been justified. Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate. Local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure.

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

4.7 The relevant City of York Council Local Plan Policy is GP20 'Telecommunications Development'. This states that Planning permission will be granted for telecommunications developments, including tall masts, provided:

- a) it can be demonstrated that all efforts have been made to explore the possibilities of erecting the equipment on existing buildings or masts; and

- b) the visual intrusion and proliferation of such equipment has been minimized and the proposal does not result in a significantly adverse effect on the character of the area; and
- c) there would be no adverse effect on the historic character of the City or its skyline; and
- d) that applicants have provided sufficient evidence that the proposed apparatus will meet the latest Government approved guidelines for public telecommunications equipment.

## ASSESSMENT

4.8 The application seeks prior approval for the erection of a 12.5m high telecommunications mast, three cabinets and railings. The equipment would be located within the central reservation of Hull Road, close to the junction with Pinelands Way. It would sit in close proximity to an existing signalled pedestrian crossing and the break in the central reservation which allows vehicles to enter and exit Pinelands Way. The central reservation already accommodates 9m high street lighting columns and mature trees, although the proposed site of the equipment is relatively open in character.

## VISUAL IMPACT

4.9 The proposed equipment would be located within an open area of the central reservation where there is limited landscaping. However, when approaching the site from either the east or west along Hull Road, the mast would be seen in context with the mature trees in the background. A number of 9m high street lights are also present within the vicinity and whilst the proposed mast is approximately 3.5m higher it is considered that it would not appear overly intrusive or out of character. The area is also relatively cluttered with a pedestrian crossing, traffic lights and railings. It is considered that the mast would not look out of place within this environment.

## HIGHWAY IMPLICATIONS

4.10 Concerns have been raised that the mast and equipment would be within the sight lines of motorists turning into Pinelands Way from Hull Road. However, the equipment is set some way back from the kerb and it is considered that there would be adequate visibility beyond the equipment to be able to see approaching traffic from the west.

## PRINCIPLE

4.11 The NPPF advocates site sharing. The mast will be shared by Vodafone and Telefonica UK and is required in order to fill a gap in the existing coverage.

As part of the submission the applicant has identified five alternative sites which were considered. All five were dismissed as they would not provide the cover necessary, there was inadequate space within the site identified to accommodate all of the equipment or the mast would have resulted in an unacceptable visual intrusion. In terms of any health concerns, the application is accompanied by a Declaration of Conformity confirming that the installation meets International Commission guidelines for public exposure to non-ionising radiation.

## **5.0 CONCLUSION**

5.1 It is considered that the visual impact of the proposed mast is acceptable and would not have any detrimental impact upon the character of the area or highway safety and as such no objections are raised.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve

### **Contact details:**

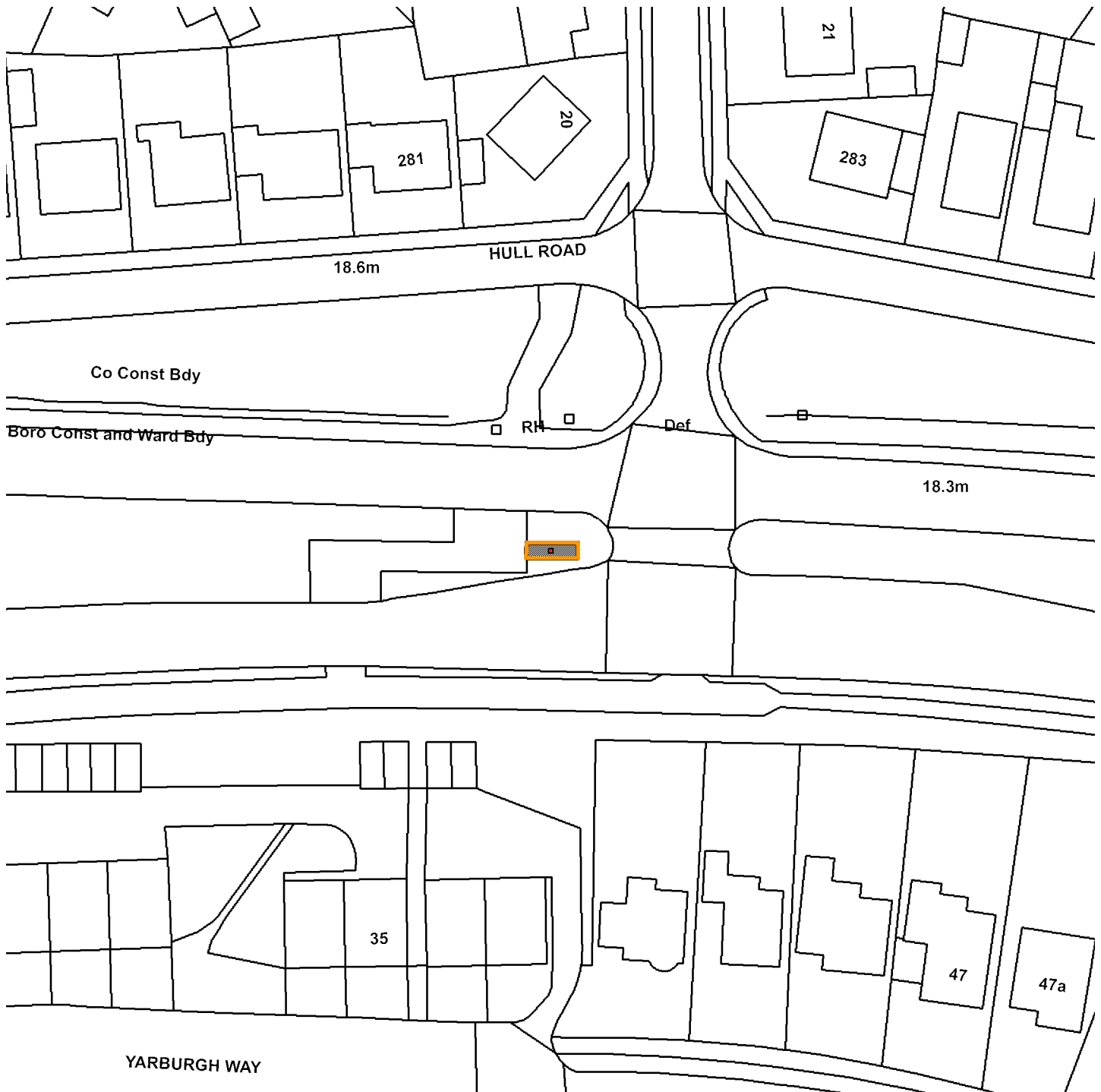
**Author:** Heather Fairy Development Management Officer

**Tel No:** 01904 552217

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16/01845/TCMAS

Grid Reference 463372 451307 Hull Road. Osbaldwick York



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<b>Organisation</b>	City of York Council
<b>Department</b>	CES
<b>Comments</b>	Location plan
<b>Date</b>	31 August 2016
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 8 September 2016      **Ward:** Rural West York  
**Team:** Major and                      **Parish:** Nether Poppleton Parish  
Commercial Team                      Council

**Reference:** 16/01297/FUL  
**Application at:** Plot 7 Great North Way Nether Poppleton York  
**For:** Use of land for car parking and car storage linked to adjacent  
vehicle dealership with associated hardsurfacing  
**By:** Arnold Clark  
**Application Type:** Full Application  
**Target Date:** 9 September 2016  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application site is a 4.2 hectare plot within the York Business Park. The site is bounded to the east by the East Coast rail line, to the south by industrial units. To the north by White Rose Way and the recent office development of Tudor Court and the office/workshop units of Opus Avenue. To the west is the Great North Way, further to the west and south is a large residential area. The site is designated as employment land in the Local Plan and the emerging (publication draft) Local Plan. The site has been notified as a Site of Interest for Nature Conservation (SINC) on the basis of its calcareous vegetation and a colony of Great Crested Newts which have subsequently been translocated.

Planning History

1.2 Planning permission (11/03253/FULM) has previously been given for development of a retail garden centre at the site. This has now expired. Planning permission has more recently been given (15/01307/FULM) for the construction of a car dealership with associated facilities including car servicing, valeting and used car sales on the western part of the site. This development is currently in the process of being constructed.

**2.0 POLICY CONTEXT**

## 2.1 Policies:

CGP15A    Development and Flood Risk  
CYE3B    Existing and Proposed Employment Sites  
CYGP1    Design  
CYNE5A    Local Nature Conservation Sites

- CYNE5B Avoidance of, Mitigation and Compensation for Harm to Designated Nature Conservation Sites  
CYNE6 Species protected by law

### **3.0 CONSULTATIONS**

#### INTERNAL

##### Planning and Environmental Management – Countryside and Ecology

3.1 No objections to the proposal but require that the details relating to nature conservation secured under 15/01307/FULM are applied here too. Information relating to these conditions on 15/01307/FULM have now been agreed and the appropriate information is now included with this application.

##### Planning and Environmental Management – Forward Planning

3.2 No objections to the scheme following submission of an employment and retail statement by the applicant.

##### Public Protection

3.3 No objection to the scheme however, as the site is close to residential properties, a condition should be included to control lighting of the site to protect neighbouring residential amenity.

##### Highway Network Management

3.4 Sought further information on access and use of the site. This has been provided and a response is awaited.

#### EXTERNAL

##### Ainsty Internal Drainage Board

3.5 No objection in principle to the scheme but has asked for clarification of the drainage strategy. This can be secured via condition.

##### Nether Poppleton Parish Council

3.6 No objections to the scheme but seek safeguards over the control of water discharge and fuel spillages.



### Neighbour Notification and Publicity

3.7 A letter of objection has been received from one of the occupiers of the units on Opus Avenue. The objection appears to pertain to the proposal to double yellow line Opus Avenue as conditioned in the planning permission 15/01307/FULM. The concern relates to the lack of off-street parking on Opus Avenue and within Tudor Court and the subsequent need for on-street parking. The writer raises concerns related to possible inconvenience to other road users if the existing on-street parking is restricted and drivers are forced to park elsewhere and notes that Arnold Clark should make provision for accessing the site without inconveniencing others and that the proposed access off Opus Avenue is not suitable for large vehicles.

## **4.0 APPRAISAL**

### KEY CONSIDERATIONS:-

- Policy context
- Economic Development Issues.
- Impact upon the residential amenity of neighbouring properties;
- Impact upon safety and convenience of highway users;
- Loss of habitat of Biodiversity Importance;

### 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. It also sets out 12 core planning principles that should underpin both plan-making and decision-taking. A principle set out in Paragraph 17 is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.3 Paragraph 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 The planned consultation on the Preferred Sites for the emerging City of York Local Plan went before Executive on 30 June, following a meeting with the Local Plan Working Group on 27 June.

The proposals are now subject to an eight-week public consultation which started in July. The emerging Local Plan policies can only be afforded very limited weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base underpinning the emerging Plan is a material consideration.

## ECONOMIC DEVELOPMENT ISSUES

4.6 The site is allocated in the Local Plan (2005) under Policy E3a 1: Standard Employment Allocations. Policy E3a identifies standard employment sites and the uses for which planning permission will be granted. For those sites identified as being appropriate for B1, B2 or B8 over 2.5 hectares, at least 30% of the site should be reserved for B2/B8 uses. Schedule 2 identifies York Business Park as 16.4 hectares for B1, B2 and B8 uses, with the split to be decided following further work.

4.7 Within the emerging Local Plan policy EC3: Loss of Employment Land aims to retain employment land subject to a satisfactory statement submitted by the applicant that demonstrates that:

1. The existing land and or buildings are demonstrably not viable in terms of market attractiveness, business operations, condition and /or compatibility with adjacent uses; and
2. The proposal would not lead to the loss of a deliverable employment site that is necessary to meet employment needs during the plan period.

4.8 The Applicant has submitted a statement in support of the application. This indicates that the site has been long term vacant. Planning permission has recently been approved for an Arnold Clark dealership on the western part of the site and the Applicant indicates that the proposed car storage area will lead to an increase in a variety of employment opportunities. Supplementary information has been provided by the applicant which demonstrates that despite lengthy and extensive marketing, no purchasers have been identified who are willing to develop the application site for traditional employment uses. The applicant also provides a desktop summary as to the availability of office space in adjacent sites which reveals that there are a substantial number of vacant office units, indicating a poor take up of built office units in the business park. Arnold Clark has also indicated that 5 new employees will be required as a result of developing the additional storage compound.

4.9 It is recognised that there are a diverse range of businesses in this location. The NPPF states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. The application is linked to the adjacent car dealership which was granted planning permission in 2015. The applicant has provided further information which states that further jobs will be provided as a result of the additional expansion.

It has also been demonstrated that the site lacks market attractiveness for traditional employment uses. Therefore the proposed use is considered acceptable in principle subject to other material planning considerations.

#### IMPACT ON THE AMENITY OF NEIGHBOURING RESIDENTIAL PROPERTIES

4.10 Central Government Planning Policy as outlined in paragraph 17 of the National Planning Policy Framework "Core Planning Principles" indicates that Local Planning Authorities should give particular weight to securing a good standard of amenity for all new and existing occupants of land and buildings. Policy ENV2 of the (Emerging) Publication Draft Local Plan is also of particular relevance in this context indicating that planning permission will be forthcoming where it can be demonstrated that residential amenity will be safeguarded.

4.11 There is a mix of uses within the locality. The nearest residential properties are the care home on Great North Way (approximately 88m from the site) and the dwellings on Severn Green (approximately 82m) to the south of the site. The distances involved and proposed car storage use of the site are considered to ensure there is little disturbance through noise and comings and goings during operation of the site. Details have not been provided relating to the proposed lighting of the site and therefore a condition is recommended to submit details of the lighting scheme. The landscaping scheme follows that approved under 15/01307/FULM which was enhanced to improve visual amenity of the site.

#### IMPACT UPON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS

4.12 The application site is centrally located within a substantial area of employment land in the process of development adjacent to the principal access route between its northern and southern sections. Whilst the surrounding road network does not operate at capacity there are significant problems of on-street parking arising from the activities of nearby predominantly office developments. Planning application 15/01307/FULM secured off-site highway works designed to ensure safe access to the site could be achieved. These involved measures to restrict on-street parking on Opus Avenue from which point vehicle transporters will enter the site. A condition was also included with the previous application to agree details of access points on to the highway and to ensure turning areas within the site were retained clear of obstructions. Given these previously accepted and agreed details, it is considered that the highways details are acceptable in principle but a response is still awaited from highways regarding the final details. This will be communicated to Committee via an update.

## LOSS OF HABITAT OF BIODIVERSITY SIGNIFICANCE

4.13 The application site has been notified as a Site of Interest for Nature Conservation on the basis of being a particularly good example of a calcareous grassland habitat. It has previously supported a medium scale population of Great Crested Newts. These were however trans-located to a site to the east of the adjacent East Coast Railway Line as part of the previous abortive proposal to construct a garden centre on the site. A mitigation strategy to compensate for the loss of the calcareous grassland habitat together with measures within the site to prevent re-colonisation of the site by Great Created Newts was previously agreed with the prospective Garden Centre developer. The current developer has now committed to keep the mitigation measures in place as required by paragraph 118 of the National Planning Policy Framework. A condition is suggested to ensure this is implemented.

### 5.0 CONCLUSION

5.1 The application is recommended for approval subject to conditions. The proposed use is considered acceptable in principle and the applicant has demonstrated that the site has been marketed for some time and no proposals have come forward for a traditional employment use. The proposed car storage associated with the adjoining Arnold Clark dealership will result in some employment creation and brings an appropriate use to the site. The scheme includes a landscape scheme to provide some mitigation to the visual impact for nearby residents and also some habitat mitigation, as was approved under 15/01307/FULM, for the loss of the SINC. Highways details have been approved under the application for the car dealership and an update will be provided at the Committee meeting.

5.2 The site is allocated for employment use and while the proposal is not a traditional employment, some employment will be generated and the applicant has submitted an acceptable Employment and Retail Statement. In terms of its impact on visual and residential amenity the scheme is considered to comply with policy GP1 and the impact on biodiversity and mitigating measures have already been agreed under 15/01307/FULM.

### COMMITTEE TO VISIT

#### 6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 PLANS1 Approved plans - Location plan, site plan 2737-50A and landscape plan PL01C

3 Prior to first occupation a full Lighting Impact Assessment must be undertaken by an independent assessor detailing predicted light levels at neighbouring residential properties including a description of the proposed lighting, a plan showing vertical illuminance levels (Ev) and all buildings within 100 metres of the edge of the site boundary. The assessment must be submitted and approved in writing by the Local Planning Authority and the approved details implemented prior to occupation and maintained and retained for the lifetime of the development.

Reason: In the interests of residential amenity.

4 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 to discount the use of SuD's.

If SuD's 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 surface water run-off from Greenfield developments must be attenuated to that of the existing rate (based on a Greenfield run off rate of 1.40 l/sec/ha).

Please note that the proposed surface water discharge rate quoted within the submitted details of 80 l/sec is NOT agreed.

Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

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

5 The details within the Landscape and Habitat Mitigation Rev A 25/07/16 and Landscape Plan PL01C shall be implemented prior to the first occupation of the site and retained and maintained for the lifetime of the development.

Reason: To preserve and enhance the landscape and habitat value of the site.

**7.0 INFORMATIVES:  
Notes to Applicant**

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

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

Requested further highway information and an Employment and Retail Statement

**Contact details:**

**Author:** Alison Stockdale Development Management Officer (Wed - Fri)  
**Tel No:** 01904 555730



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**COMMITTEE REPORT**

**Date:** 8 September 2016      **Ward:** Fishergate  
**Team:** Householder and      **Parish:** Fishergate Planning  
Small Scale Team                      Panel

**Reference:** 16/01676/FUL  
**Application at:** 26 New Walk Terrace York YO10 4BG  
**For:** Single storey rear extension  
**By:** Councillor Dave Taylor  
**Application Type:** Full Application  
**Target Date:** 14 September 2016  
**Recommendation:** Householder Approval

**1.0 PROPOSAL**

1.1 The host dwelling is a two storey Victorian mid-terraced property with two-storey rear off-shoot. Access to the rear yard is via an alleyway off Sandringham Street. No. 26 is situated adjacent a large two storey projection to the neighbouring property, no. 27 New Walk Terrace. The property is unlisted but is situated in the New Walk/Terry Avenue Conservation Area.

1.2 The application is to be determined at sub-committee as the applicant is a Councillor.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation: Conservation Area: New Walk / Terry Avenue

2.2 Policies:

CYGP1 Design  
CYH7 Residential extensions  
CYHE3 Conservation Areas

**3.0 CONSULTATIONS**

Fishergate Planning Panel

3.1 No comments received to date.

Publicity/Neighbour Notification

3.2 No responses have been received to date.

## 4.0 APPRAISAL

### KEY ISSUES:-

- Visual impact on the dwelling and the conservation area
- Impact on neighbouring property

### RELEVANT PLANNING POLICY

4.1 Paragraph 132 of the National Planning Policy Framework (March 2012) states that when considering the impact of a proposed development on the significance of a designated heritage asset (in this case the conservation area) great weight should be given to the asset's conservation.

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

4.3 Draft Local Plan Policy GP1 expects new development to respect or enhance the local environment, and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate building materials.

4.4 Draft Local Plan 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 (iv) proposals respect the spaces between dwellings; and (v) the proposed extension does not result in an unacceptable reduction in private amenity space within the curtilage of the dwelling.

4.5 Draft Local Plan Policy HE3 states that within conservation areas, proposals will only be permitted where there is no adverse effect on the character and appearance of the area.

4.6 The Council have an agreed Supplementary Planning Document 'House Extensions and Alterations' dated December 2012 which provides guidance on all types on domestic types of development. A basic principle of this guidance is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the road/streetscene it is located on. In particular, care should be taken to ensure that the proposal does not dominate the house or clash with its appearance with the extension/alteration being subservient and in keeping with, the original dwelling. Proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing and loss of light, over-dominance and loss of outlook.

## APPRAISAL

4.7 It is proposed to construct a single storey flat roof extension with central roof lantern to infill a large proportion of the rear yard. It will have a contemporary finish with horizontal rockclad panel boarding to the north facing wall and due to the proximity of the rear elevation to the rear boundary wall, it is proposed to install high level aluminium windows which will be visible from the alleyway. As part of the scheme of works it is also proposed to rebuild the rear boundary wall to a height of 2.2m which would align through with the current eaves height of the existing single storey offshoot.

4.8 The application site is within the New Walk/Terry Avenue Conservation Area where section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area. The location of the extension is such that it would not be visible in public views, and would only be glimpsed from surrounding neighbouring properties towards the very end of the rear alleyway. The design and materials are contemporary in nature, the extension has been designed to compliment the host dwelling and as such the extension would preserve the appearance of the conservation area.

4.9 It is acknowledged that the extension would occupy almost all of the rear yard, leaving only a small area which could not readily be used for anything other than the storage of bicycles and bins/recycling. Whilst such a reduction in outside amenity space would not normally be considered acceptable, because of the existing tall neighbouring flank wall and northerly aspect the rear yard has limited amenity value as an outside space. The proposed extension would afford better use of the space and it is not considered that the loss of the rear yard would be significantly detrimental to the wellbeing of existing or future occupants. Bins are stored at the end of the alleyway directly behind the rear boundary wall of the host dwelling.

4.10 Given the height, location and limited window openings of the proposed extension, there will be no adverse impact on the residential amenity of neighbouring occupants.

## 5.0 CONCLUSION

5.1 The proposed extension is not considered to harm the appearance of the dwelling and conservation area and will not harm the residential amenity of existing or future occupants of the dwelling or neighbouring residents. Special attention has been paid to the desirability of preserving or enhancing the character and appearance of the conservation area. As such the scheme complies with the NPPF, draft Local Plan policies GP1, H7 and HE3 and the House Extensions and Alterations SPD.

**6.0 RECOMMENDATION:** Householder Approval

1 TIME2 Development start within three years

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

Drg. No: 26NWT-1 (LP-SP)

Drg. No: 26NWT-3 (PP+E)

Drg. No: 26NWT (PP+S) - 4

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

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external rainscreen cladding to be used 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.

**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) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

**Contact details:**

**Author:** Elizabeth Potter Development Management Assistant

**Tel No:** 01904 551477

16/01676/FUL

26 New Walk Terrace, YO10 4BG



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<b>Organisation</b>	City of York Council
<b>Department</b>	CES
<b>Comments</b>	Location Plan
<b>Date</b>	22 August 2016
<b>SLA Number</b>	Not Set

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## COMMITTEE REPORT

**Date:** 8 September 2016      **Ward:** Holgate  
**Team:** Major and      **Parish:** Holgate Planning Panel  
Commercial Team

**Reference:** 16/01331/ADV  
**Application at:** Land Adjacent to Telecommunications Mast Poppleton Road  
York  
**For:** Display of non illuminated sponsor sign  
**By:** Mr Allan Barton  
**Application Type:** Advert Application  
**Target Date:** 15 September 2016  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application seeks advertisement consent for the display of one non-illuminated sponsor sign on the highway verge on the north east side of Poppleton Road just to the west of its junction with Acomb Road.

### 2.0 POLICY CONTEXT

2.1 Policies: CYGP21 Advertisements

### 3.0 CONSULTATIONS

#### Holgate Planning Panel

3.1 Seeks safeguards that these signs are temporary and 'reversible' to reduce the proliferation of clutter along the roadsides and at road junctions, which is already prevalent in the Holgate area, particularly around the Carriage works site.

#### Publicity

3.2 Letter received from occupant of 7 Poppleton Road objecting on the grounds that the advertising will make the area look untidy and tacky.

### 4.0 APPRAISAL

#### Legislative Background

4.1 The Town and Country Planning (Control of Advertisements) Regulations 2007 state that powers shall only be exercised in the interests of amenity and public safety.

## Policy Background

4.2 Paragraph 67 of the National Planning Policy Framework advises the following:

- control over outdoor advertisements should be efficient, effective and simple in concept and operation
- only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment
- advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

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 Development Control Local Plan Policy GP21 Advertisements states that where advertisement consent is required, it will be granted for signs, hoardings and large advertising panels where their size, design, materials, colouring and any form of illumination does not detract from the visual amenity of the areas in which they are displayed, particularly with regard to the character of listed buildings or conservation areas, and:

- a) there is no adverse effect on public safety, and
- b) in residential areas and on sites clearly visible from roads, the advertisement is in keeping with the scale of surrounding buildings and public areas.

## APPRAISAL

4.5 The proposal involves the installation of a 1.1m wide and 0.55m high sponsor sign. A 150mm deep, dark blue coloured band at the top of the sign will have the words 'City of York Council' and the Authority's logo on the right hand side with the words 'York in Bloom' and corresponding logo on the left hand side. The area below (0.44m high) will contain the name and details of the sponsor. The sign will be supported by circa 0.7m dark blue poles at either end. It is considered that sign is tasteful in appearance and would not adversely affect visual amenities.

4.6 The verge within which the sign would be located is triangular in shape and circa 30m long and up to 10m wide. It is occupied by 4 trees and has two utility services cabinets placed upon it. It is not considered that the positioning of one sign within it will create a cluttered appearance or seem untidy.



4.7 In terms of public safety, the exact location of the sign would be agreed on site with the Council's Highways section so that it does not give rise to any highway safety issues.

## **5.0 CONCLUSION**

5.1 The proposed sign will not be obtrusive, it will not detract from the visual amenities of the area and public safety will not be compromised. The proposal is considered to be acceptable and complies with the NPPF and Policy GP21 of the Development Control Local Plan.

## **6.0 RECOMMENDATION:** Approve

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

'City of York Council - Roundabout Sign'

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

## **7.0 INFORMATIVES:**

### **Contact details:**

**Author:** David Johnson Development Management Assistant

**Tel No:** 01904 551665

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16/01331/ADV

Land adj Telecommunication Mast, Poppleton Road



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<b>Organisation</b>	City of York Council
<b>Department</b>	CES
<b>Comments</b>	Location Plan
<b>Date</b>	22 August 2016
<b>SLA Number</b>	Not Set

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## COMMITTEE REPORT

**Date:** 8 September 2016      **Ward:** Holgate  
**Team:** Major and      **Parish:** Holgate Planning Panel  
Commercial Team

**Reference:** 16/01601/ADV  
**Application at:** Part Highway Verge Fronting Holgate Park Poppleton Road  
York  
**For:** Display of non illuminated sponsor sign  
**By:** City Of York Council  
**Application Type:** Advert Application  
**Target Date:** 15 September 2016  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application seeks advertisement consent for the display of one non-illuminated sponsor sign on the highway verge on the east side of Poppleton Road close to its junction with Grantham Drive.

### 2.0 POLICY CONTEXT

2.1 Policies: CYGP21Advertisements

### 3.0 CONSULTATIONS

#### Holgate Planning Panel

3.1 Seeks safeguards that these signs are temporary and 'reversible' to reduce the proliferation of clutter along the roadsides and at road junctions, which is already prevalent in the Holgate area, particularly around the Carriage works site.

#### Publicity

3.2 No response received

### 4.0 APPRAISAL

#### Legislative Background

4.1 The Town and Country Planning (Control of Advertisements) Regulations 2007 state that powers shall only be exercised in the interests of amenity and public safety.

## Policy Background

4.2 Paragraph 67 of the National Planning Policy Framework advises the following:

- control over outdoor advertisements should be efficient, effective and simple in concept and operation
- only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment
- advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

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 Development Control Local Plan Policy GP21 Advertisements states that where advertisement consent is required, it will be granted for signs, hoardings and large advertising panels where their size, design, materials, colouring and any form of illumination does not detract from the visual amenity of the areas in which they are displayed, particularly with regard to the character of listed buildings or conservation areas, and:

- a) there is no adverse effect on public safety, and
- b) in residential areas and on sites clearly visible from roads, the advertisement is in keeping with the scale of surrounding buildings and public areas.

## APPRAISAL

4.5 The proposal involves the installation of a 1.1m wide and 0.55m high sponsor sign. A 150mm deep, dark blue coloured band at the top of the sign will have the words 'City of York Council' and the Authority's logo on the right hand side with the words 'York in Bloom' and corresponding logo on the left hand side. The area below (0.44m high) will contain the name and details of the sponsor. The sign will be supported by circa 0.7m dark blue poles at either end. It is considered that sign is tasteful in appearance and would not adversely affect visual amenities.

4.6 The verge within which the sign would be located is 70m long x 5m wide. In view of this size it is considered that the positioning of one sign within it will not create a cluttered appearance. In terms of 'reversibility', the sign can easily be removed and the site made good if it is considered that the sign is no longer required.

4.7 In terms of public safety, the exact location of the sign would be agreed on site with the Council's Highways section so that it does not give rise to any highway safety issues.

## **5.0 CONCLUSION**

5.1 The proposed sign will not be obtrusive, it will not detract from the visual amenities of the area and public safety will not be compromised. The proposals are considered to be acceptable and comply with the NPPF and Policy GP21 of the Development Control Local Plan.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve

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

'City of York Council - Roundabout Sign'

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

## **7.0 INFORMATIVES:**

### **Contact details:**

**Author:** David Johnson Development Management Assistant

**Tel No:** 01904 551665

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16/01601/ADV

Part Highway verge front Wilans House, Poppleton Road



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<b>Organisation</b>	City of York Council
<b>Department</b>	CES
<b>Comments</b>	Location Plan
<b>Date</b>	22 August 2016
<b>SLA Number</b>	Not Set

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## COMMITTEE REPORT

**Date:** 8 September 2016      **Ward:** Clifton  
**Team:** Major and      **Parish:** Clifton Planning Panel  
Commercial Team

**Reference:** 16/01600/ADV  
**Application at:** Roundabout at Junction of Kingsway North and Burton Green York  
**For:** Display of non illuminated sponsor signs  
**By:** Mr Allan Barton  
**Application Type:** Advert Application  
**Target Date:** 15 September 2016  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application seeks advertisement consent for the display of four non-illuminated sponsor signs on the roundabout at the junction of Kingsway North and Burton Green.

### 2.0 POLICY CONTEXT

2.1 Policies: CYGP21 Advertisements

### 3.0 CONSULTATIONS

#### Clifton Planning Panel

3.1 No response received

#### Publicity

3.2 One letter of objection received. Highway Safety - obstruction to visibility on a busy seven road roundabout with a children's nursery, church entrance, community hall and shops nearby. Amenity – this is a residential area; adverts will be a magnet for graffiti and would attract children on to the roundabout.

### 4.0 APPRAISAL

#### Legislative Background

4.1 The Town and Country Planning (Control of Advertisements) Regulations 2007 state that powers shall only be exercised in the interests of amenity and public safety.

## Policy Background

4.2 Paragraph 67 of the National Planning Policy Framework advises the following:

- control over outdoor advertisements should be efficient, effective and simple in concept and operation
- only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment
- advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

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 Development Control Local Plan Policy GP21 Advertisements states that where advertisement consent is required, it will be granted for signs, hoardings and large advertising panels where their size, design, materials, colouring and any form of illumination does not detract from the visual amenity of the areas in which they are displayed, particularly with regard to the character of listed buildings or conservation areas, and:

- a) there is no adverse effect on public safety, and
- b) in residential areas and on sites clearly visible from roads, the advertisement is in keeping with the scale of surrounding buildings and public areas.

## APPRAISAL

4.5 The proposal involves the installation of 1.1m wide and 0.55m high sponsor signs. A 150mm deep, dark blue coloured band at the top of the sign will have the words 'City of York Council' and the Authority's logo on the right hand side with the words 'York in Bloom' and corresponding logo on the left hand side. The area below (0.44m high) will contain the name and details of the sponsor. The signs will be supported by circa 0.7m dark blue poles at either end. It is considered that signs are tasteful in appearance and would not adversely affect visual amenities. Furthermore as the roundabout is fairly large at circa 30m in diameter, it is considered that it can comfortably accommodate four signs without a cluttered appearance being created.

4.6 In terms of public safety, the exact location of the signs would be agreed on site with the Council's Highways section so that they do not give rise to any highway safety issues.

## **5.0 CONCLUSION**

5.1 The proposed signs will not be obtrusive, they will not detract from the visual amenities of the area and public safety will not be compromised. The proposals are considered to be acceptable and comply with the NPPF and Policy GP21 of the Development Control Local Plan.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Approve**

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

'City of York Council - Roundabout Sign'

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

## **7.0 INFORMATIVES:**

### **Contact details:**

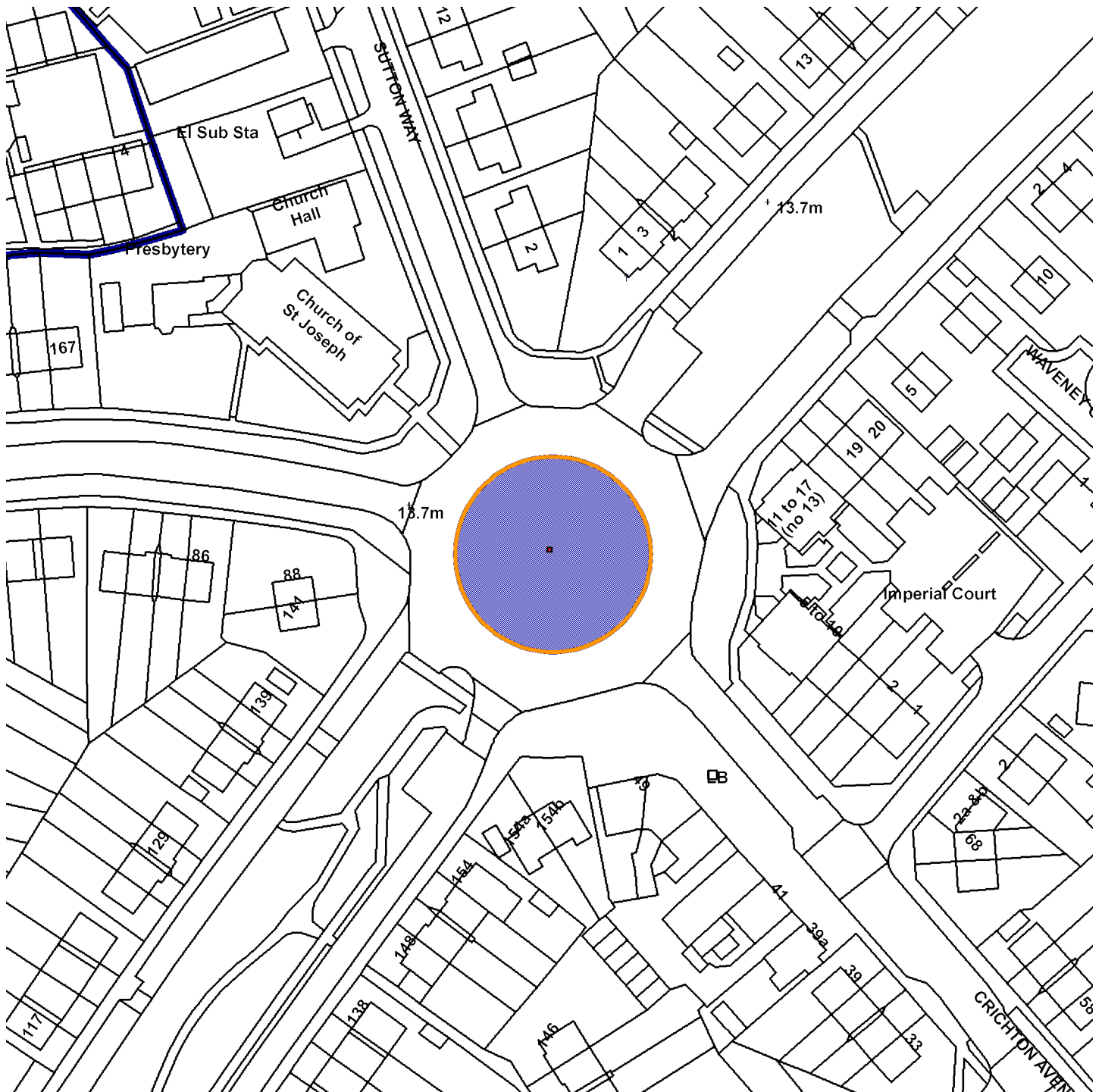
**Author:** David Johnson Development Management Assistant

**Tel No:** 01904 551665

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16/01600/ADV

Roundabout at Junction of Kingsway North and Burton Green



Scale : 1:1084

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<b>Organisation</b>	City of York Council
<b>Department</b>	CES
<b>Comments</b>	Location Plan
<b>Date</b>	22 August 2016
<b>SLA Number</b>	Not Set

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## COMMITTEE REPORT

**Date:** 8 September 2016      **Ward:** Acomb  
**Team:** Major and                      **Parish:** No Parish  
Commercial Team

**Reference:** 16/01602/ADV  
**Application at:** Highway Verge Fronting Sovereign Park Development  
Boroughbridge Road York  
**For:** Display of non illuminated sponsor signs  
**By:** Mr Allan Barton  
**Application Type:** Advert Application  
**Target Date:** 15 September 2016  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application seeks advertisement consent for the display of three non-illuminated sponsor signs on two highway verges on the north side of Boroughbridge Road close to the junctions with Ouse Acres, Cranbrook Avenue and Princess Drive.

### 2.0 POLICY CONTEXT

2.1 Policies: CYGP21 Advertisements

### 3.0 CONSULTATIONS

#### Publicity

3.1 No response received

### 4.0 APPRAISAL

#### Legislative Background

4.1 The Town and Country Planning (Control of Advertisements) Regulations 2007 state that powers shall only be exercised in the interests of amenity and public safety.

## Policy Background

4.2 Paragraph 67 of the National Planning Policy Framework advises the following:

- control over outdoor advertisements should be efficient, effective and simple in concept and operation
- only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment
- advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

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 Development Control Local Plan Policy GP21 Advertisements states that where advertisement consent is required, it will be granted for signs, hoardings and large advertising panels where their size, design, materials, colouring and any form of illumination does not detract from the visual amenity of the areas in which they are displayed, particularly with regard to the character of listed buildings or conservation areas, and:

- a) there is no adverse effect on public safety, and
- b) in residential areas and on sites clearly visible from roads, the advertisement is in keeping with the scale of surrounding buildings and public areas.

## APPRAISAL

4.5 The proposal involves the installation of 3 x 1.1m wide and 0.55m high sponsor signs. A 150mm deep, dark blue coloured band at the top of each sign will have the words 'City of York Council' and the Authority's logo on the right hand side with the words 'York in Bloom' and corresponding logo on the left hand side. The area below (0.44m high) will contain the name and details of the sponsor. The sign will be supported by circa 0.7m dark blue poles at either end. It is considered that signs are tasteful in appearance and would not adversely affect visual amenities. The signs will be positioned in three locations:

- a) Grass verge (55m long x 10m wide) near to junction of Boroughbridge Road and Ouse Acres
- b) Grass verge (90m long x 10m wide) near to junction of Boroughbridge Road and Princess Drive

- c) Same grass verge as b) but sign would be located towards northern end opposite petrol station

4.6 In view of the size of the verges involved it is considered that the signs can be located comfortably within the verges without a cluttered appearance being created.

4.7 In terms of public safety, the exact location of the signs would be agreed on site with the Council's Highways section so that they do not give rise to any highway safety issues.

## **5.0 CONCLUSION**

5.1 The proposed signs will not be obtrusive, it will not detract from the visual amenities of the area and public safety will not be compromised. The proposal is considered to be acceptable and complies with the NPPF and Policy GP21 of the Development Control Local Plan.

## **6.0 RECOMMENDATION:** Approve

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

'City of York Council - Roundabout Sign'

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

## **7.0 INFORMATIVES:**

### **Contact details:**

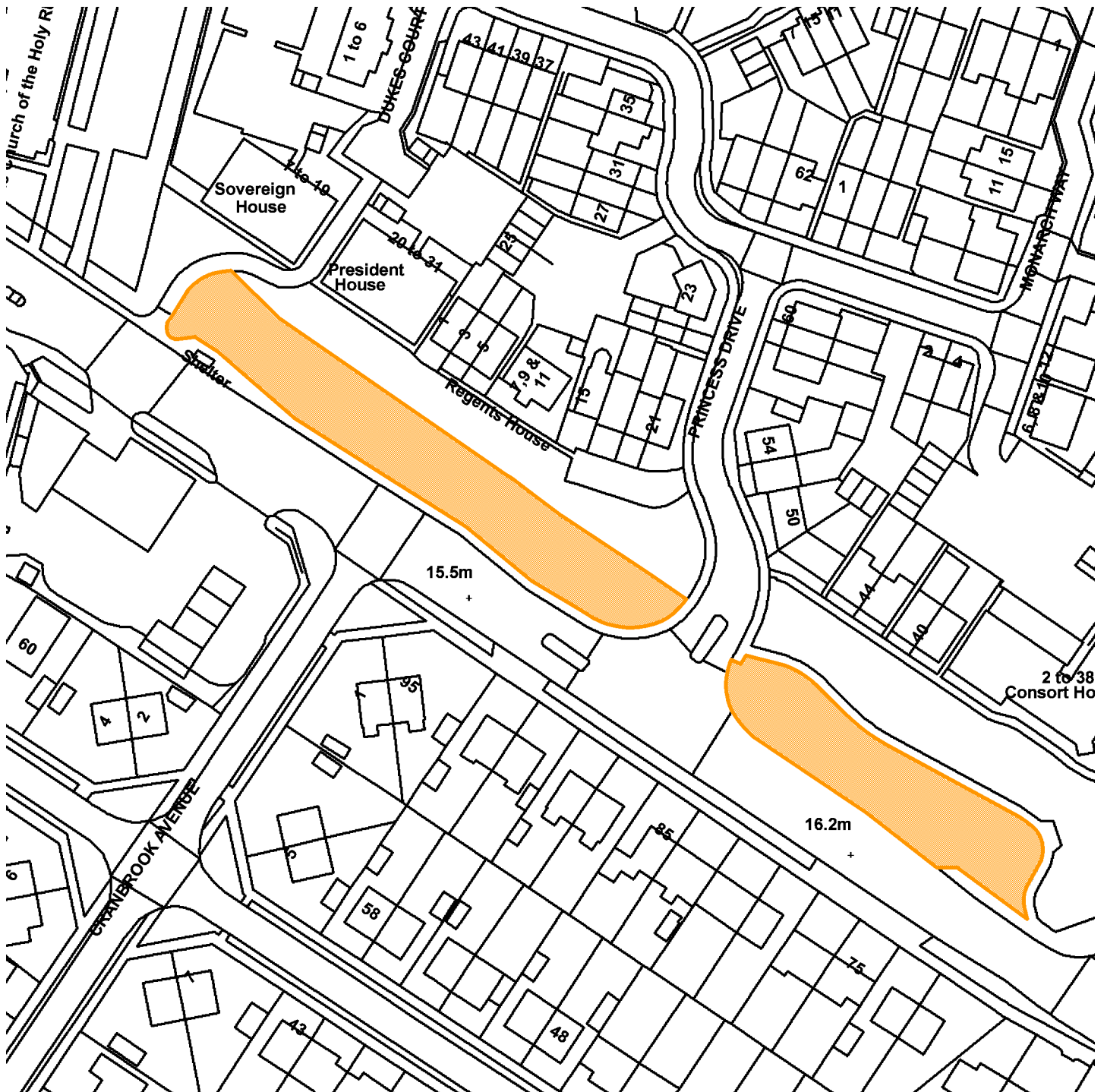
**Author:** David Johnson Development Management Assistant

**Tel No:** 01904 551665

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16/01602/ADV

Highway Verge front Sovereign Park, Boroughbridge Road



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## Policy Background

4.2 Paragraph 67 of the National Planning Policy Framework advises the following:

- control over outdoor advertisements should be efficient, effective and simple in concept and operation
- only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment
- advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

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 Development Control Local Plan Policy GP21 Advertisements states that where advertisement consent is required, it will be granted for signs, hoardings and large advertising panels where their size, design, materials, colouring and any form of illumination does not detract from the visual amenity of the areas in which they are displayed, particularly with regard to the character of listed buildings or conservation areas, and:

- a) there is no adverse effect on public safety, and
- b) in residential areas and on sites clearly visible from roads, the advertisement is in keeping with the scale of surrounding buildings and public areas.

## APPRAISAL

4.5 The proposal involves the installation of eight 1.1m wide and 0.55m high sponsor signs. A 150mm deep, dark blue coloured band at the top of each sign will have the words 'City of York Council' and the Authority's logo on the right hand side with the words 'York in Bloom' and corresponding logo on the left hand side. The area below (0.44m high) will contain the name and details of the sponsor. The sign will be supported by circa 0.7m dark blue poles at either end. It is considered that signs are tasteful in appearance and would not adversely affect visual amenities. The signs will be positioned in four locations (i.e. two in each location):

- a) Grass verge (50m long x 10m wide) on south west side of access
- b) Grass verge (45m long x 6m wide) on north east side of access
- c) Grass verge (40m long x 30m wide) in centre of access
- d) Grass verge (20m long x 15m wide) opposite access on south side of Tadcaster Road



4.6 In view of the size of the verges involved it is considered that the signs can be located comfortably within them without a cluttered appearance being created.

4.7 In terms of public safety, the exact location of the signs would be agreed on site with the Council's Highways section so that they do not give rise to any highway safety issues.

## **5.0 CONCLUSION**

5.1 The proposed signs will not be obtrusive, it will not detract from the visual amenities of the area and public safety will not be compromised. The proposal is considered to be acceptable and complies with the NPPF and Policy GP21 of the Development Control Local Plan.

## **6.0 RECOMMENDATION:** Approve

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

'City of York Council - Roundabout Sign'

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

## **7.0 INFORMATIVES:**

### **Contact details:**

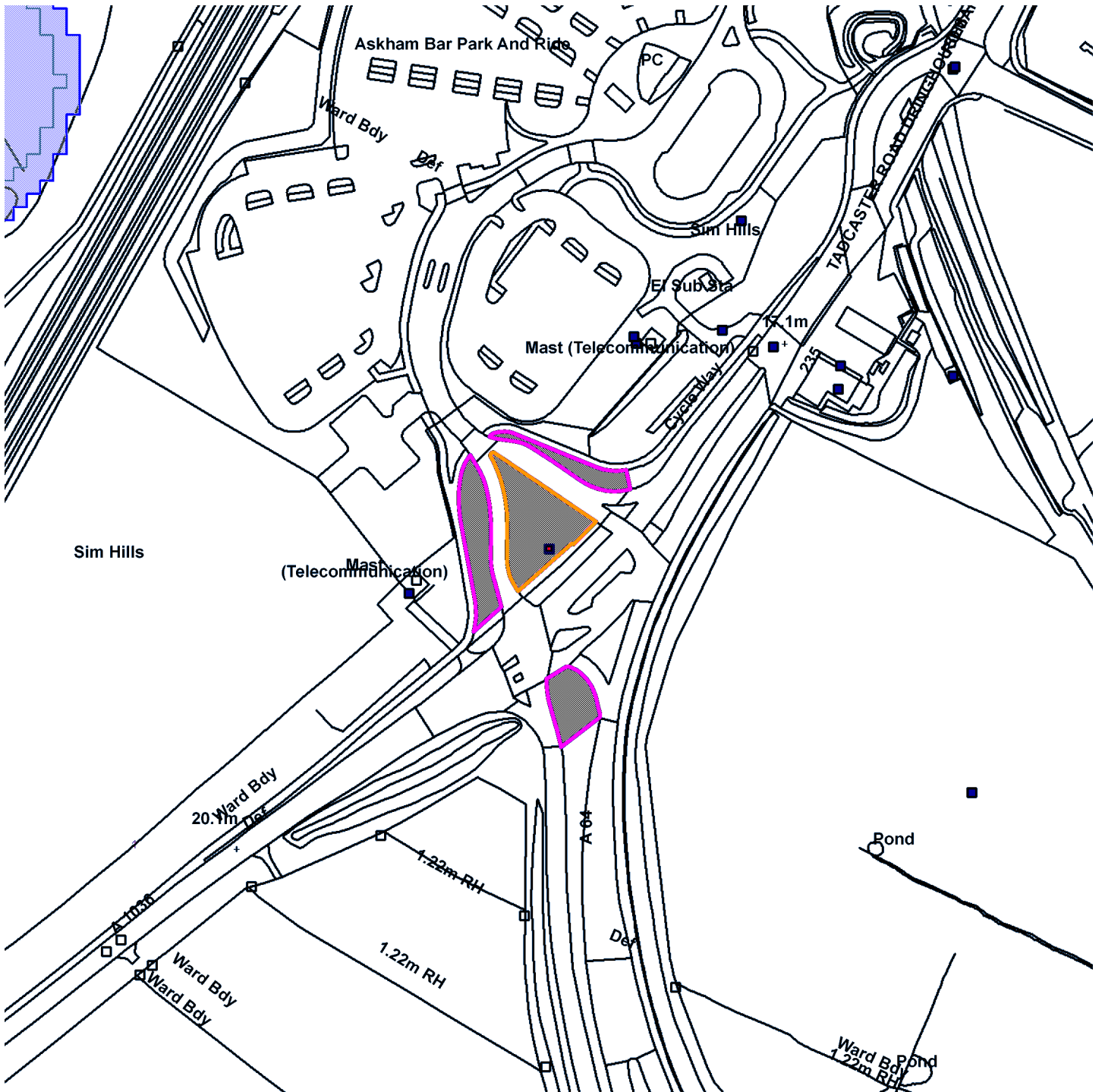
**Author:** David Johnson Development Management Assistant

**Tel No:** 01904 551665

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16/01603/ADV

Highway Verges at Askham Bar P&R Entrance, Tadcaster Road#



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## Policy Background

4.2 Paragraph 67 of the National Planning Policy Framework advises the following:

- control over outdoor advertisements should be efficient, effective and simple in concept and operation
- only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment
- advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

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 Development Control Local Plan Policy GP21 Advertisements states that where advertisement consent is required, it will be granted for signs, hoardings and large advertising panels where their size, design, materials, colouring and any form of illumination does not detract from the visual amenity of the areas in which they are displayed, particularly with regard to the character of listed buildings or conservation areas, and:

- a) there is no adverse effect on public safety, and
- b) in residential areas and on sites clearly visible from roads, the advertisement is in keeping with the scale of surrounding buildings and public areas.

## APPRAISAL

4.5 The proposal involves the installation of six 1.1m wide and 0.55m high sponsor signs. A 150mm deep, dark blue coloured band at the top of each sign will have the words 'City of York Council' and the Authority's logo on the right hand side with the words 'York in Bloom' and corresponding logo on the left hand side. The area below (0.44m high) will contain the name and details of the sponsor. The sign will be supported by circa 0.7m dark blue poles at either end. It is considered that signs are tasteful in appearance and would not adversely affect visual amenities.

4.6 The section of central reservation within which it is proposed to locate the signs is circa 150m long x 10m wide and parts of it are occupied by scrub and areas of small trees. In view of its size and the presence of vegetation on the reservation, which could create a backdrop in certain locations, it is considered that the signs can be sited comfortably without a cluttered appearance being created.

4.7 In terms of public safety, the exact location of the signs would be agreed on site with the Council's Highways section so that they do not give rise to any highway safety issues.

## **5.0 CONCLUSION**

5.1 The proposed signs will not be obtrusive, they will not detract from the visual amenities of the area and public safety will not be compromised. The proposals are considered to be acceptable and comply with the NPPF and Policy GP21 of the Development Control Local Plan.

## **6.0 RECOMMENDATION:** Approve

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

'City of York Council - Roundabout Sign'

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

## **7.0 INFORMATIVES:**

### **Contact details:**

**Author:** David Johnson Development Management Assistant

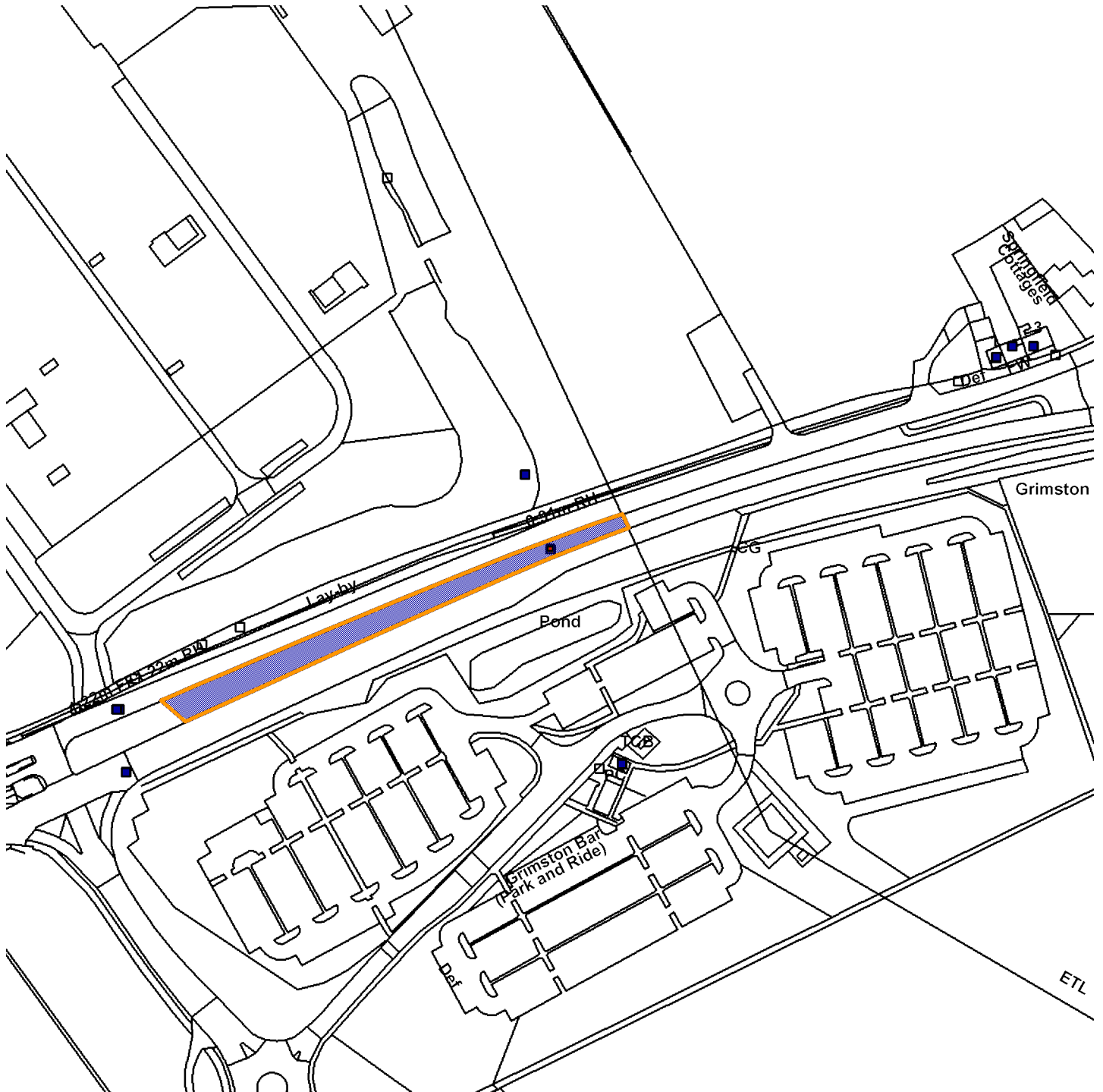
**Tel No:** 01904 551665

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16/01604/ADV

Highway Central Reservation front Grimston Bar Park And Ride



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<b>Comments</b>	Location Plan
<b>Date</b>	22 August 2016
<b>SLA Number</b>	Not Set

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## COMMITTEE REPORT

**Date:** 8 September 2016      **Ward:** Huntington/New Earswick  
**Team:** Major and Commercial Team      **Parish:** Huntington Parish Council

**Reference:** 16/01605/ADV  
**Application at:** Vangarde Way Junction Jockey Lane Huntington York  
**For:** Display of non illuminated sponsor signs  
**By:** Mr Allan Barton  
**Application Type:** Advert Application  
**Target Date:** 15 September 2016  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application seeks advertisement consent for the display of six non-illuminated sponsor signs in the central reservation of the dual carriageway in Vangarde Way section just to the north east of roundabout junction with Malton Road.

### 2.0 POLICY CONTEXT

2.1 Policies: CYGP21 Advertisements

### 3.0 CONSULTATIONS

Huntington Parish Council

3.1 No objections

Publicity

3.2 No response received

### 4.0 APPRAISAL

Legislative Background

4.1 The Town and Country Planning (Control of Advertisements) Regulations 2007 state that powers shall only be exercised in the interests of amenity and public safety.

Policy Background

Application Reference Number: 16/01605/ADV  
Page 1 of 3

Item No: 4p

4.2 Paragraph 67 of the National Planning Policy Framework advises the following:

- control over outdoor advertisements should be efficient, effective and simple in concept and operation
- only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment
- advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

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 Development Control Local Plan Policy GP21 Advertisements states that where advertisement consent is required, it will be granted for signs, hoardings and large advertising panels where their size, design, materials, colouring and any form of illumination does not detract from the visual amenity of the areas in which they are displayed, particularly with regard to the character of listed buildings or conservation areas, and:

- a) there is no adverse effect on public safety, and
- b) in residential areas and on sites clearly visible from roads, the advertisement is in keeping with the scale of surrounding buildings and public areas.

## APPRAISAL

4.5 The proposal involves the installation of six 1.1m wide and 0.55m high sponsor signs. A 150mm deep, dark blue coloured band at the top of each sign will have the words 'City of York Council' and the Authority's logo on the right hand side with the words 'York in Bloom' and corresponding logo on the left hand side. The area below (0.44m high) will contain the name and details of the sponsor. The sign will be supported by circa 0.7m dark blue poles at either end. It is considered that signs are tasteful in appearance and would not adversely affect visual amenities.

4.6 The section of central reservation within which it is proposed to locate the signs is circa 130m long x 3m wide for most of its length but widening out to 15m at the junction with the roundabout. In view of its size it is considered that the signs can be sited comfortably within it without creating a cluttered appearance.

4.7 In terms of public safety, the exact location of the signs would be agreed on site with the Council's Highways section so that they do not give rise to any highway safety issues.

## **5.0 CONCLUSION**

5.1 The proposed signs will not be obtrusive, they will not detract from the visual amenities of the area and public safety will not be compromised. The proposals are considered to be acceptable and comply with the NPPF and Policy GP21 of the Development Control Local Plan.

## **6.0 RECOMMENDATION:** Approve

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

'City of York Council - Roundabout Sign'

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

## **7.0 INFORMATIVES:**

### **Contact details:**

**Author:** David Johnson Development Management Assistant

**Tel No:** 01904 551665

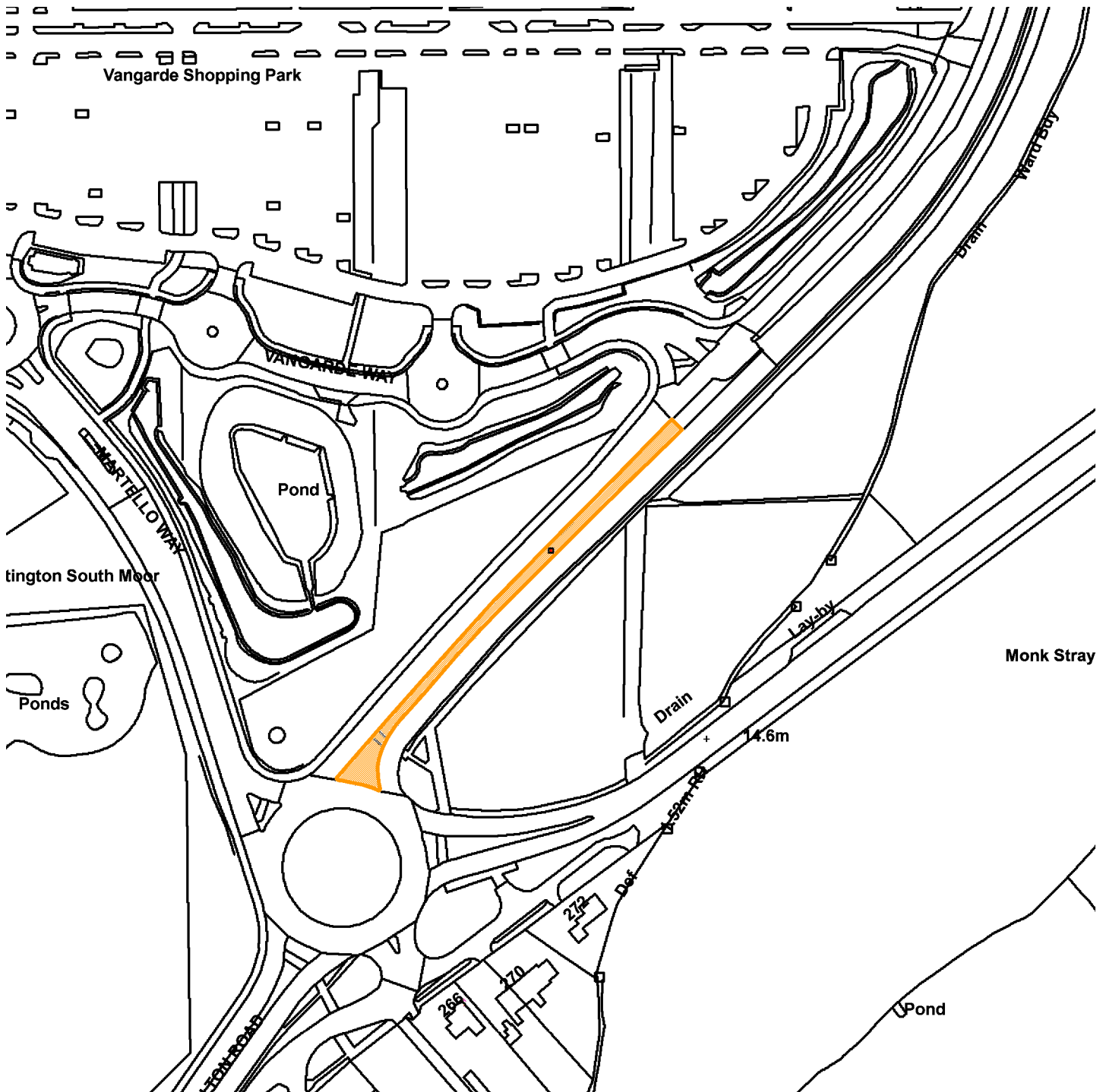
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16/01605/ADV



GIS by ESRI (UK)

Highway Central Reservation Malton Road Roundabout To Vangarde Way Jun



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<b>Comments</b>	Location Plan
<b>Date</b>	22 August 2016
<b>SLA Number</b>	Not Set

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