



**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, 6 April 2017

**Time:** 4.30 pm

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

**AGENDA**

**Please note that there will be no mini-bus for the site visits.**

**1. Declarations of Interest**

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

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

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

**2. Minutes (Pages 3 - 22)**

To approve and sign the minutes of the Area Planning Sub-Committee meetings held on 2 February and 2 March 2017.

**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 at **5.00 pm on Wednesday 5 April 2017.**

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

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## **4. Plans List**

To determine the following planning applications:

- a) 55 - 56 Fossgate, York (17/00159/ADV)** (Pages 23 - 32)  
Display of 1no. non illuminated metal banner sign spanning between numbers 5 and 55 - 56 Fossgate [Guildhall] **[Site Visit]**
  
- b) 55 - 56 Fossgate, York (17/00071/LBC)** (Pages 33 - 42)  
Erection of metal banner sign spanning between numbers 5 and 55 - 56 Fossgate [Guildhall] **[Site Visit]**.
  
- c) 14 Priory Street, York, YO1 6EX (17/00093/FUL)**  
(Pages 43 - 50)  
Variation of condition 2 and removal of condition 3 of permitted application 16/00261/FUL (Conversion of four storey dwelling into two self contained flats) to add dormer to rear and 2no. roof lights to front [Micklegate] **[Site Visit]**.

- d) 339 Huntington Road, York, YO31 9HJ (17/00106/FUL)**  
(Pages 51 - 58)

Erection of two storey side and single storey rear extensions  
[Huntington/New Earswick].

- e) 18 Newlands Road, Bishopthorpe, York, YO23 2RT**  
**(17/00410/FUL)** (Pages 59 - 66)

Erection of a single storey rear extension [Bishopthorpe].

## **5. Urgent Business**

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

### Democracy Officer:

Name: Laura Clark

Contact Details:

- Telephone – (01904) 554538
- E-mail - [Laura.Clark@york.gov.uk](mailto:Laura.Clark@york.gov.uk)

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

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

Contact details are set out above.

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

**我們也用您們的語言提供這個信息 (Cantonese)**

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 **(01904) 551550**

**AREA PLANNING SUB COMMITTEE****SITE VISITS****Wednesday 5 April 2017****There will be no mini-bus for these visits.**

<b>TIME</b> <b>(Approx)</b>	<b>SITE</b>	<b>ITEM</b>
10.00	14 Priory Street	4c
11.00	55 - 56 Fossgate	4a/b

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City of York Council

Committee Minutes

Meeting	Area Planning Sub-Committee
Date	2 February 2017
Present	Councillors Galvin (Chair), Shepherd (Vice-Chair), Carr, Craghill, Gillies, Hunter, Cannon, Flinders, Looker, Mercer and Reid (Substitute for Councillor Orrell)
Apologies	Councillor Orrell

Site	Visited by	Reason
Land to the Rear of 49 Osbaldwick Village, Osbaldwick	Councillors Galvin, Reid, Shepherd, Mercer, Hunter and Flinders.	As the recommendation was to approve and objections had been received.
Novotel, Fewster Way	Councillors Galvin, Reid, Shepherd, Mercer, Hunter, Flinders and Craghill.	As the recommendation was to approve and objections had been received.
Mount Pleasant Caravan Park, Acaster Malbis	Councillors Galvin, Reid, Shepherd, Mercer, Hunter, Flinders and Craghill	As the recommendation was to approve and objections had been received.
105 Bishopthorpe Road	Councillors Galvin, Reid, Shepherd, Mercer, Hunter, Flinders and Craghill	To allow Members to assess the impact of the proposal on the amenity of neighbouring properties.

### 38. Declarations of Interest

At this point in the meeting, Members were asked to declare any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests that they might have had in the business on the agenda. None were declared.

**39. Minutes**

Resolved: That the minutes of the last Area Planning Sub Committee held on 5 January 2017 be approved and then signed by the Chair as a correct record.

**40. Public Participation**

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

**41. Plans List**

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

**41a) Stonebow House, The Stonebow, York (16/02856/FUL)**

Members considered a full major application by Oakgate Central York Ltd for Change of use of 5th floor from office (Use class B1) to residential (use class C3) and extension to the top floor and first floor to create 5no. residential units, change of use and additional floor space at ground floor units to flexible uses within use classes A1/A3/A4/D2 and associated external alterations to car parking and landscaping (amendment of approved application 16/01003/FUL to allow up to 900sq.m of use class D2 floor space at ground floor level).

Officers circulated an update, which was attached to the online agenda following the meeting, containing amendments to conditions 14 and 17.

Resolved: That the application be approved subject to conditions listed in the Officer's report and the amendments to conditions 14 and 17.

Reason: The commercial space within the building was predominantly occupied by night-time uses. The recently approved scheme did not restrict the amount of commercial space that could be used as restaurants and drinking establishments. The



proposed addition of a limited amount of D2: Assembly and Leisure use within the approved flexible uses for the commercial space would be acceptable in principle in this city centre location; the buildings refurbishment will still enhance the vitality and viability of the locality or the city centre as a whole. There are no additional external changes proposed; in this respect the scheme is as was previously approved by Members.

The scheme is policy compliant and can be acceptable subject to conditions; those imposed on the previous permission and the addition of conditions (proposed conditions 14 and 17) to limit the extent of D2 use, so it does not dominate the ground floor area and a condition to prevent noise pollution.

**41b) Fossbank Boarding Kennels, Strensall Road  
(16/02792/OUT)**

Members considered an outline application by A & M Royle & Barker for Erection of 4no. dwellings served by a new access road from the existing driveway following demolition of existing kennels, stables, quarantine and cattery buildings.

Two written representations in support of the application were circulated at the meeting, one of which was from Councillor Doughty, Ward Member.

Councillor Leveson spoke on behalf of Earswick Parish Council in support of the application. She stated that four dwellings would have minimal impact on the surrounding area and that it was felt the special circumstances were still relevant, as this application was only for a change in building materials.

Jennifer Hubbard spoke as the agent for the applicant to clarify that the application was merely to give developers freedom in terms of building materials as buyers had been unable to obtain mortgages for kit homes.

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

Reason:

- i. The application site is within the general extent of the York Green Belt. The proposal constitutes inappropriate development for the purposes of paragraph 88 of the NPP, and by definition causes harm to the Green Belt. However, in determining application 15/02843/FUL, Members resolved that the proposals would not materially affect the openness of the Green Belt and considered that the applicant had demonstrated that very special circumstances existed to justify approving the application despite, the potential harm to the Green Belt by reason of inappropriateness. Application 15/02843/FUL for the erection of four dwellings remains extant and, subject to the necessary condition discharge can be implemented.
- ii. This extant permission constitutes very special circumstances for supporting inappropriate development in the green belt as submitted in this outline application. It is not considered that there are any material considerations or objections raised that would warrant refusing in principle this outline application. It is considered however that an increase in housing numbers and scale of dwellings, would detract from the open character and appearance of the green belt, and accordingly would be contrary to Section 9 (Protecting Green Belt Land) of the NPPF and Policy GP15a of the 2005 Draft Local Plan. It is therefore considered that development be restricted to a maximum of four single storey dwellings, with any additional accommodation contained within the roof space.

**41c) 30 Southfield Close, Rufforth (16/02700/FUL)**

Members considered a full application by Mr. Alex Kirby for a variation of condition 2 of permitted application 16/01635/FUL to amend approved drawings to include 3no. roof lights to front

and reposition the detached garage and for the removal of condition 6 relating to working hours.

Officers gave a verbal update and clarified that this was an application to amend drawings and for the removal of a restriction on working hours. It was stated that the applicants were carrying out much of the work themselves they were finding the restricted hours difficult to adhere to. Officers felt that it was more effective to control hours of construction under the Control of Pollution Act which would be enforced by Public Protection.

Danila Taylor, a neighbour, spoke in objection to the application. She felt that the committee had conditioned the hours when the application was approved for good reason and that there had been no change that would warrant going back on this. She stated that she was housebound much of the time due to illness and now felt unable to venture into her garden due to the level of construction noise.

In response to member questions Officers clarified that the fact much of the work was being done by 'DIY' did not mean the application had to be considered any differently to an application for a professional build.

Resolved:

- i. To approve the variation of condition 2 in relation to amended drawings
- ii. To retain hours of construction condition (NOISE7).

Reason:

- i. It is considered that the amendments to the roof and garage can be carried out without significant harm to the appearance of the street scene or residential amenity.
- ii. That the removal of condition 6 would cause undue harm to residential amenity.

#### **41d) 105 Bishopthorpe Road, York (16/02574/FUL)**

Members considered a full application by Mrs Mc Nichol for a change of use of part of dwelling (use class C3) to mixed use dwelling and child minders (use class C3/D1).

Officers circulated an update, which was attached to the online agenda following the meeting, stating that there had been a further three letters of support and one in objection. A further letter of objection was circulated at the meeting.

John Howlett, agent for the applicant, spoke to clarify the nature of the application and the hours of operation. He stated that there was a huge need for childcare and wraparound care in the area and that this business was therefore much needed. He also explained that there was no intention to increase the numbers of children being looked after due to the new annex, this was merely to allow for more privacy for the applicant's family.

In response to a question asked of the agent, members clarified that as per page 67(3.1) there had been no noise complaints relating to the address received by Public Protection.

Councillor Hayes, Ward Member and a neighbour, spoke in support of the application. He stated that Mrs Mc Nichol ran a very professional service and that local parents would struggle without her service. He suggested that most parents collected children on foot and that drop off/pick ups were staggered throughout the day. He said that no complaints had been received about the business in 8 years of operation.

During debate Members raise the following points:

- This was an established use
- There was a shortage of childcare for working parents in the area
- The applicant was happy to accept conditions
- The new extension moved the children away from the party wall
- The business was well regulated
- There were no clear grounds to support the Officer recommendation to refuse

Councillor Carr moved to approve, with a condition that there be no increase in numbers. Councillor Cannon seconded this.

Resolved: The children's day nursery use shall only operate Monday to Friday (excluding bank and public holidays) and shall be restricted to the following number of children and hours of operation:

08:15 to 08:45 no more than 15 children

08:45 to 16:00 no more than 8 children

16:00 to 18:00 no more than 15 children

Reason: The use provides a service to local families and there is a shortage of childcare facilities in the area. Subject to conditions restricting the number of children attending the day nursery and its hours of operation the use would not result in undue noise and disturbance to neighbouring residential properties. The scheme complied with the NPPF and draft local plan policies.

#### **41e) Novotel, Fewster Way (16/02518/FULM)**

Members considered a major full application by Mr Steve Smith for a five storey side extension to accommodate 22no. guest rooms and single storey front and rear extensions.

Officers provided an update which was attached to the online agenda following the meeting. This detailed revised plans which had been submitted by the applicant and an alteration to condition 2 of the report.

In response to Member questions on cycle parking, Officers confirmed that an informative would be added to ensure that cycle parking would be provided at the front entrance for day visitors in addition to the planning secure cycle parking at the rear.

Members commented that there was no issue in using brick as a cladding material as this was standard and that the extension would not be prominent in views from the public highway.

Resolved: To approve subject to the conditions in the Officers report, and the amendment to condition 2, along with the following informative:

It is expected that cycle parking which is covered and secure be provided for staff, guests and visitors. Provision for the latter should be identifiable from the main entrance.

Reason:

- i. The extension to the hotel is acceptable in principle; the site is in a sustainable location and there would be no increased flood risk. The design and impact on residential amenity are acceptable; the revised scheme, which would have brick as the primary material, would be of a design which compliments the setting. Conditions can be used to deal with archaeology and any noise from additional plant/machinery required as a consequence of this proposal.
- ii. The scheme is not in conflict with NPPF policy and nor does it conflict with the relevant policies of the emerging local plan listed in section 2.

**41f) Land to rear of 49 Osbaldwick Village, Osbaldwick (16/02449/FUL)**

Members considered a full application by Mr K Linfoot for a variation of condition 2 of permitted application 15/00808/FUL to include a single storey rear extension, alteration of a window to a pair of French doors, insertion of additional roof lights, alterations to rear dormer and alterations to other windows.

Councillor Warters, Ward Member who called-in the application, spoke in objection. He stated that previous approval was granted on the existing footprint of the barn and that the parameters were now being extended beyond this . He also expressed concern at the overlooking of no. 53 Osbaldwick Village.

In response to Member questions Officers stated that the proposed extension was small, around 10% larger than the current footprint of the barn and it would be restricted to the Ground Floor.

During debate Members raised some of the following points:

- Planning was an evolving process, and being granted approval did not preclude applicants from coming back and amending plans

- This was a minor alteration, the extension was small and the roof lights were to high up to allow overlooking of neighbouring properties

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

Reason: The differences between the approved scheme and the current proposals are minor and would be mainly confined to the rear of the building. None of the changes would harm the character and appearance of the conservation area or have any significant impact on neighbouring occupiers. There are no other material planning issues. The application complies with the National Planning Policy Framework and relevant policies of the 2005 City of York Local Plan.

**41g) Site Lying To The Rear Of 1 To 9 Beckfield Lane, York (16/02269/FULM)**

Members considered a major full application by Mr Craig Smith for the erection of 11no. dwellings with associated access road and parking.

Officers gave a brief background to the application, explaining that in December 2015 permission had been granted for 9 dwellings. There had also been a previous application for 12 dwellings which had been refused in 2008. This application was for 11 dwellings, with the addition of a row of 6 terraced houses.

Graham Parker spoke, on behalf of the residents of Brunswick Avenue, in objection to the application. He stated that residents felt the plans were out of character with the surrounding area. They also had concerns surrounding drainage and the loss of parking on Brunswick Avenue.

David Chapman spoke as agent for the applicant. He stated that whilst the applicants appreciated the concerns which had been raised, they felt the alterations to the application were not significant enough to warrant refusal. He also suggested that a row of six houses was not unusual in new speculative housing estates.

During debate members made the following points:

- Some Members felt that the visual impact of terraced housing was not a strong enough reason to refuse, as there were many estates with mixed housing
- There were concerns over parking on Brunswick Avenue.
- Many Members felt that this was overdevelopment of the land and that the original plans for 9 dwellings were more fitting.

Resolved: That the application be refused as per the Officer recommendation.

Reason: Whilst the development is located within a sustainable location it is considered that the erection of a row of terrace properties would introduce a form of development that would be at odds with the prevailing character and form of the area. The application would therefore fail to accord with advice contained within the NPPF and Policies GP10, H4a and GP1 of the City of York Local plan which state that housing developments should be of an appropriate scale and density that is compatible with neighbouring buildings and spaces and not be detrimental to the character and amenity of the local environment.

**41h) Walker Nicholas Architects Ltd, 42 Oxford Street  
(16/02111/FUL)**

Members considered a full application by Walker Nicholas Architects Ltd for an extension to the existing building to create additional office accommodation on first and second floors above the rear ground floor parking area, including demolition of existing garage.

As this application had previously been reported to sub-committee in January, Officers clarified the reasons this had been brought before them again – namely to clarify comments made by officers at the meeting about controls of the hours of use at the premises.

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



Reason: The design of the proposed office extension design is considered to preserve the character and appearance of the conservation area. It is considered that the proposed development would not result in unacceptable levels of overshadowing or overlooking and would not adversely impact on the availability of car parking in the area. As such it is considered that the scheme would comply with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and accord with advice contained within the NPPF and policies E4, HE2 and HE3 of the City of York Council Draft Local Plan (2005).

**41i) Mount Pleasant Caravan Park, Acaster Malbis  
(16/02480/FUL)**

Members considered a full application by Mr W Flannigan for the layout of an additional 10 caravan pitches on an existing site.

Mr Winston Parr spoke, as the agent for the applicant, to clarify that this was not an application for a change of use but merely to move from 60 caravans to 70. He stated that his would not be considered over development as the site would still fall within density standards.

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

Reason: The proposal represents a revised re-submission of an earlier proposal for 13 pitches that was refused on the grounds of impact upon the amenity of prospective occupiers and those surrounding. It is felt, on balance, that the current proposal would not give rise to conditions prejudicial to the residential amenity of prospective occupants and is therefore acceptable in planning terms.

Councillor Galvin, Chair

[The meeting started at 4.30 pm and finished at 6.20 pm].

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Meeting	Area Planning Sub-Committee
Date	2 March 2017
Present	Councillors Galvin (Chair), Shepherd (Vice-Chair), Carr, Craghill, Gillies, Hunter, Cannon, Flinders, Looker, Mercer and Orrell

Site	Visited by	Reason
St Peters School, Clifton, York YO30 6AB	Councillors Cannon, Carr, Flinders, Galvin, Gillies, Mercer, Orrell, Shepherd	To enable Members to view the site given its location in the Conservation Area.
39 Park Avenue, New Earswick, York YO32 4DB	Councillors Cannon, Carr, Flinders, Galvin, Gillies, Mercer, Orrell, Shepherd	As the recommendation was for approval.
Manor Park, Sheriff Hutton Road, Strensall, York	Councillors Cannon, Carr, Flinders, Galvin, Gillies, Mercer, Orrell, Shepherd	At the request of the Ward Member due to the impact on the Green Belt/open countryside.

#### 42. Declarations of Interest

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

No interests were declared.

#### 43. Minutes

As the minutes of the meeting of the Area Planning Sub Committee held on 2 February 2017 were not available, it was suggested that they be deferred and agreed at the next meeting.

Resolved: That the minutes be deferred.

#### **44. 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.

#### **45. 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.

##### **45a) 23 Minster Avenue, Huntington, York YO31 9DJ (16/02851/FUL)**

Members considered a full application by Alex Szepietowski for the variation of condition 2 and 4 of permitted application 16/02036/FUL to revise the layout to allow part of the garage/store to be used as an extended kitchen.

Officers requested that Members defer their consideration of the application. This was as revised drawings had been received and further consultation with neighbours had been undertaken. Members requested that all objectors received a letter to inform them of the deferral.

Resolved: That the application be deferred.

Reason: To allow for any further responses to be received within the consultation period.

##### **45b) St Peters School, Clifton, York YO30 6AB (16/02740/FULM)**

Members considered a full major application by St Peter's School for the erection of a two storey teaching building following the demolition of Grove and Scott buildings and CCF hut.

Officers gave an update to Members, details of which were attached to the online agenda following the meeting.

There was one registration to speak in respect of the item:

Janet O'Neill the agent for the applicant spoke in support of the application. She informed Members that the purpose of the application was to increase and improve Maths and Modern Foreign Language facilities at St Peter's School. The building would be no higher in height and no closer to the adjacent houses than the existing building. On the size of the footprint it would be a significantly bigger building. In regards to the travel plan, it was felt that as there would be no additional pupils or staff there was no need for a new travel plan.

Members felt that the building would add to facilities at the school and be no higher than the existing building.

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

Reason: The proposed new buildings have been designed to match the scale and massing of the existing buildings within the campus specifically the teaching building erected in the 1980s directly to the north west. It is felt that the scheme would not give rise to any material harm to the character or appearance of the Clifton Conservation Area or the setting of the Listed Buildings on the main road frontage. The development would not give rise to any materially greater harm to the residential amenity of neighbouring properties than the existing situation and would not give rise to any increase in flood risk in the locality.

#### **45c) St Peters School, Clifton, York YO30 6AB (16/02741/LBC)**

Members considered a listed building consent application for the erection of a two storey teaching building following the demolition of Grove and Scott buildings and CCF hut and associated internal alterations.

This item was considered at the same time as Minute Item 45b) (St Peter's School, Clifton 16/02740/FULM).

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

Reason: It is felt that the loss of the CCF building and the demolition of the rear boundary wall would not lead to harm to the significance of the wider Listed complex.

**45d) 39 Park Avenue, New Earswick, York YO32 4DB  
(16/01871/FUL)**

Members considered a full application by Mr Robert Littlefair for the erection of a dwelling (resubmission).

In their update to Members, Officers reported that comments received since publication of the agenda had related to the turning head and the status of the road, as it was a private road.

There was one registration to speak in respect of the item, a Member of Council had also registered to speak.

Mr Robert Littlefair, the applicant informed Members that he did not wish to adversely affect the traffic. He felt that the greatest issue remained with delivery drivers, and he would ensure that drivers of larger vehicles made their drop offs at certain times. Members were informed that there was parking space for three cars on site at the bungalow.

In response to questions, Mr Littlefair confirmed that he owned the whole site and 39 Park Avenue, and the only overlooking of the property would be from the utility room of 39 Park Avenue. He confirmed that a bungalow was being constructed to not impact on neighbouring residents.

Councillor Runciman informed the Committee that she felt the building was at an odd angle and located within a tight site. She added that she had been notified of concerns from local residents about overdevelopment and problems of access and egress from adjoining houses in the cul de sac.

Members entered debate during which the following points were raised;

- The application allowed for additional housing which was needed in the city.

- It was overdevelopment and would affect the streetscene.
- There were two or three car parking spaces which would take parking off the road.

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

Reason: The proposed dwelling is modest in scale and sits comfortably within the site whilst retaining reasonable space for the occupier's needs. The single storey form avoids unacceptable harm being caused to the outlook of number 41 and 43 that are located to the side. The proposed property would project beyond the existing rear building line in the street, however, the host dwelling would still retain excellent living conditions. The reduced height of the rear-most projection is such that it would not have an impact unduly different from a pitched roof garden building. The property would have adequate space for car parking and it is not considered that the location adjacent to the turning circle creates issues in respect to safety or convenience.

**45e) Manor Park, Sheriff Hutton Road, Strensall, York  
(16/01766/FUL)**

Members considered a full application by Nelson Park Lodges for the siting of 4no. caravans (one each on plots A, B, C and D) for holiday use.

One speaker registered to speak in support of the application.

Robert Beal, the agent for the applicant informed the Committee that the lodges would be sited in the middle of the development and would have no visible impact to the curtilage. In regards to a lack of information on foul and surface water drainage, the lodges would continue to use the practice used elsewhere on the site of natural infiltration as the units were linked to non mains drainage. He informed Members that the tanks used to store the foul and surface water drainage had a 5000 gallon capacity and were alarmed.

In response to questions over the site's Green Belt status, Officers clarified that the site was located slightly further than six miles outside of the city centre set out in the RSS. The Planning Inspector of a previous appeal on the site felt that the site should be treated as Green Belt land, but the City of York Draft Local Plan in 2005 did not include it. It was up to the local planning authority to determine its precise boundaries and for the purposes of this application, Officers' advice was that the site should be considered as within the general extent of the Green Belt.

Members felt the application would not have a material effect on the openness of the Green Belt given what was currently on the site.

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

Reason: Notwithstanding that the proposal represents inappropriate development in the Green Belt very special circumstances exist in terms of support for a local business, tourism in York and the local economy generally to justify approval, in accordance with paragraphs 28 and 87-89 of the NPPF.

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

Members considered a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 October and 31 December 2016. A list of outstanding appeals was also included as an annex 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.

#### **47. Planning Enforcement Cases-Update**

Members considered a report which gave them a quarterly update on planning enforcement cases.



The Committee were informed about information that could be accessed that would show where Section 106 monies were being spent.

Resolved: That the report be noted.

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

Councillor J Galvin, Chair

[The meeting started at 4.30 pm and finished at 5.15 pm].

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**COMMITTEE REPORT**

**Date:** 6 April 2017                      **Ward:** Guildhall  
**Team:** Major and                      **Parish:** Guildhall Planning Panel  
Commercial Team

**Reference:** 17/00159/ADV  
**Application at:** Proposed Banner Sign Spanning Between 5 and 55 - 56  
Fossgate York  
**For:** Display of 1no. non illuminated metal banner sign spanning  
between numbers 5 and 55 - 56 Fossgate  
**By:** York Civic Trust  
**Application Type:** Advert Application  
**Target Date:** 7 April 2017  
**Recommendation:** Refuse

**1.0 PROPOSAL**

1.1 The application is for advertisement consent for a metal banner sign across the top of Fossgate, facing Pavement, approximately in the location of the existing unauthorised plastic banner. The sign will be constructed from iron and steel with the words 'Fossgate - Merchants' Quarter' in the centre beneath a central scroll feature. To either side and within the scroll feature will be images of fish. Finishes will be either black paint or milled stainless steel on the fish.

1.2 The intended purpose of the sign is to increase the visibility of Fossgate and to make it more attractive as a commercial and tourist area; to make the area more appealing and accessible; and to draw visitors, residents and business users to enter Fossgate and beyond. The Civic Trust has provided the following justification for the design and need for the banner:

*'The proposed banner is not quasi-historic, and neither does it purport to be: it is indisputably a twenty-first century banner. The materials, including stainless steel, and the method of construction, are contemporary. Far from being a disappearing fashion, the use of overhead street signs is a continuing practise in some European and American historic cities.*

*We are not sure whether this should be considered in the context of a planning decision, but nobody is arguing that Fossgate is a failing street - but we are of the view that it does not contribute as much to the economic activity of York as it is capable of doing. The reason is that Fossgate is not highly visible. Therefore every method of increasing footfall is desirable - different methods are complementary and not alternatives. The banner is one method which is not*

*harmful to the character of the street. It is achievable by the occupants of Fossgate while other methods are not.'*

1.3 The site is within the Central Historic Core Conservation Area. To the West, the banner will attach on to No. 55-56 Fossgate, a Grade II listed building, and to the East, the banner will attach to The Terrace PH, a building identified as a building detractor within the Conservation Area Appraisal.

1.4 Councillor Craghill has requested that the application is determined at sub-committee. She notes that the application has been submitted in conjunction with York Civic Trust and Fossgate traders. She adds that Fossgate, as part of the city centre, is a matter of key concern for many residents and it is in the public interest for the application to be considered at committee.

## **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; 55 - 56 Fossgate York 0789  
Listed Buildings GMS Constraints: Grade 2; 28 Pavement York YO1 9UP 0788

### 2.2 Policies:

Development Control Local Plan  
GP21 "Advertisements"  
HE4 'Listed buildings'  
GP1 'Design'  
HE2 'Development in historic locations'  
HE8 'Advertisements in historic locations'

emerging City of York Local Plan  
D2 'Place-making'  
D4 'Conservation Areas'  
D5 'Listed buildings'  
D12 'Advertisements'

## **3.0 CONSULTATIONS**

INTERNAL

Planning and Environmental Management (Conservation)

3.1 The Conservation Officer objects to the proposed signage for the following reasons:

Application Reference Number: 17/00159/ADV

Item No: 4a

Page 2 of 7

- Impact on the setting of the Conservation Area and listed buildings. The sign impacts on historic views along Fossgate, part of the main Roman road in to the city. The sign 'rebrands' Fossgate with the fish detailing and 'Merchant's Quarter' title only portraying part of the complex history of the site. This is misleading and potentially constructs a false history for the area. There are no special circumstances for siting the sign above Fossgate and which would limit the spread of such signage to other sites within the city. Concern about the impact of the structure on the listed building.
- The general design of the proposal draws the eye and indicates arrival at a destination. Other examples in York at the Coppergate centre and Shambles market are representative of a signage which is outdated and not currently seen as best practice. The only comparable example of signage is at the Olde Starre Inne on Stonegate which appears to have been provided to compensate for the lack of street frontage of the property.
- The NPPF (para. 132) requires great weight to be given to the conservation of heritage assets. Fossgate does not appear to be a failing street, so there is no potential public benefit to be considered to outweigh the harm to a heritage asset which has been identified. Other less harmful options should be considered before such signage is allowed.

#### Planning and Environmental Management (Landscape Architect)

3.2 The landscape officer has expressed concern about the impact of the proposal on the natural flow of buildings and views along Colliergate, Fossgate and down to Walmgate. The metal banner adds unnecessary clutter and also briefly interrupts the view of the street facade. From the opposite direction, the banner also cuts through views of the Minster. The proposal introduces a contrived structure/gimmick in an otherwise historically evolved street. The proposed signage suggests a gateway or entrance, and a separation between Colliergate/Pavement and Fossgate; this is inappropriate because Fossgate is a street that continues from another in each direction. Fossgate is not a separate entity. The proposal represents an out-moded approach to drawing attention to a shopping area and is a form of development which is more often used when a street is failing to draw attention to it by introduced artifice.

#### EXTERNAL

#### Guildhall Planning Panel

3.3 Support the application. No further comments.

#### Conservation Area Advisory Panel

3.4 The CAAP felt that whilst this should not set a precedent within the city they accepted that Fossgate was a special case and there was a need to draw attention to the street. The Panel was content with the design of the sign. Two members of the

Panel are members of the York Civic Trust Planning Team and they did not express an opinion on this application to avoid any conflict. Five out of seven attendees of the March Panel are members of the York Civic Trust.

### Publicity and neighbourhood notification

3.5 Eight letters of support have been received from residents and traders in the locality. These make comments relating to:

- The proposal will replace the existing plastic banner with a more attractive permanent solution.
- It will increase footfall.
- It will have a positive impact on the locality and city as a whole.
- It will help to reinvigorate the area.
- It is an enhancement to the area.
- It highlights the heritage of the area and is appropriate to the architecture.

## **4.0 APPRAISAL**

### 4.1 Key Issues

In accordance with the Town and Country Planning (Control of Advertisements) Regulations 2007, the only issues that fall to be considered are:

- Visual Amenity
- Public safety

### POLICY CONTEXT

4.2 THE NATIONAL PLANNING POLICY FRAMEWORK states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. 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. GP21 "Advertisements" states that permission will only be granted if the size, design, materials, colouring of signs, hoardings and large panels and any form of illumination does not detract from the visual amenity of the area in which they are displayed. Additionally any proposal should not have an adverse effect on public

safety. In residential areas and on sites clearly visible from the road the advertisement should be in keeping with the scale of the surrounding buildings and public areas. Policy HE4 'Listed buildings' requires that development within the vicinity of listed buildings has no adverse affect on the character, appearance or setting of a listed building. Policy GP1 'Design' requires that development proposals respect or enhance the local environment and that they retain and enhance public views, skyline and landmarks that make a significant contribution to the character of the area. Finally policy HE2 'Development in historic locations' requires that development in Conservation Areas respects adjacent buildings, landmarks and settings. HE8 states that advertisements in historic locations will be expected to comply with GP21 and be of a design and scale that respects the character and appearance of the area and use good quality materials that are sympathetic to the surface to which they are attached.

4.4 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 have now been subject to an eight-week public consultation, the results of which are still awaited. 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. Policies D2 'Place-making', D4 'Conservation Areas', Policy D5 'Listed buildings' and D12 'Advertisements' are all relevant.

## VISUAL AMENITY

4.5 The proposal is for a metal banner sign above the entrance to Fossgate. The sign will have black finish with stainless steel detailing. It is attached at one side to a Grade II listed building and on the other to The Terrace pub, a building highlighted as a detractor in the Central Historic Core Conservation Area Appraisal.

4.6 The streetscene along Fossgate is fairly busy with most businesses having a projecting sign at first floor level. The road itself is quite narrow with car parking on one side further from the junction. This all adds to a relatively high level of visual clutter which is emphasized by the enclosed street with narrow pavements and relatively tall buildings adjacent to the site. The proposed banner will add to this street clutter and distracts from views along the road towards Fossgate bridge harming the visual amenity of the conservation area.

4.7 In addition, the Conservation Area Appraisal highlights the importance of Fossgate as a thoroughfare in to the city since Roman times. The proposed signage suggests a gateway or entrance and a separation between Colliergate/ Pavement and Fossgate which is inappropriate as Fossgate is not a separate entity but a part of an historic route in to the city. To suggest such separation distorts the historical context of the area and is visually misleading.

4.8 The Conservation Area Appraisal highlights the importance of views from Fossgate bridge along Fossgate towards the Kings Square. These views should not be taken solely from a fixed point but are an evolving process as one travels along Fossgate. The Minster is visible in the background along most of Fossgate and it is quite clear from the existing unauthorised plastic banner that the proposal will, from certain vantage points, obscure views of the Minster. Para.131 of the NPPF states that Local Planning Authorities should sustain or enhance the significance of heritage assets. The impact on views across the Central Historic Core Conservation Area as a result of the sign fails to preserve the significance of Fossgate as a thoroughfare and as such harms visual amenity.

4.9 The applicant has highlighted other instances (the Coppergate Centre, Shambles Market and Olde Starre Inne) where such devices are used within the city to highlight a destination. Officers disagree that these form any precedent for similar development within the city. Two of the examples are relatively modern and are used to indicate an enclosed destination with little visibility on the highway frontage. The example at the Olde Starre Inne dates back to the 18th Century and appears to have been intended to highlight a business with no street frontage.

4.10 The proposal is considered contrary to Policy GP21 and HE8 of the DCLP and policy D12 of the new draft Local Plan which require advertisements not to cause harm to the visual amenity of an area. The applicant has stated that the intention of the signage is to increase visibility of Fossgate as its location is not always obvious to passers by. However they have not explored other alternatives which would be less harmful to visual amenity. Officers also question whether the sign would achieve this given that its set back from the junction means that it is only visible when at the end of Fossgate/ Colliergate/ Whip-ma-whop-ma-Gate.

## **PUBLIC SAFETY**

4.11 No concerns related to public safety are raised. The sign is sufficiently high above the highway that it does not raise highways concerns. A license would be required to allow the sign to over-sail the highway.

## **5.0 CONCLUSION**

5.1 The application is considered to harm the visual amenity of the Conservation Area and the visual amenity of the setting of listed buildings. In addition, the sign results in visual clutter in a streetscene which is relatively enclosed as a result of the narrowness of the street and already has a number of projecting signs. Finally, the Conservation Area Appraisal highlights the importance of views along Fossgate towards the Minster. These will be impeded by the addition of the permanent sign resulting in further harm to the appearance of the Conservation Area.

## **COMMITTEE TO VISIT**



**6.0 RECOMMENDATION:** Refuse

1 The Local Planning Authority considers that the proposed sign will have a significantly detrimental impact on visual amenity through its impact on the appearance of the Conservation Area. Fossgate is an historic thoroughfare leading in to the Roman city. The proposed signage visually breaks this thoroughfare as well as impinging on views along Fossgate to the Minster and increasing visual clutter within an already busy streetscene. The proposal is therefore contrary to policies GP21 and HE2 of the DCLP; D4 and D12 of the new Local Plan; and policy contained within the NPPF.

**7.0 INFORMATIVES:**

**Contact details:**

**Author:** Alison Stockdale, Development Management Officer (Wed - Fri)

**Tel No:** (01904) 555730

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17/00159/ADV

Proposed Banner Sign Spanning Between 5 And 55 - 56 Fossgate



Scale : 1:778

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	29 March 2017
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 6 April 2017                      **Ward:** Guildhall  
**Team:** Major and                      **Parish:** Guildhall Planning Panel  
Commercial Team

**Reference:** 17/00071/LBC  
**Application at:** 55 - 56 Fossgate York  
**For:** Erection of metal banner sign spanning between numbers 5  
and 55 - 56 Fossgate  
**By:** York Civic Trust  
**Application Type:** Listed Building Consent  
**Target Date:** 7 April 2017  
**Recommendation:** Refuse

**1.0 PROPOSAL**

1.1 The application is for listed building consent for a metal banner sign across the top of Fossgate, facing Pavement, approximately in the location of the existing unauthorised plastic banner. The sign will be constructed from steel with the words 'Fossgate - Merchants' Quarter' in the centre beneath a central scroll feature. To either side and within the scroll feature will be images of fish. Finishes will be either black paint or milled stainless steel for the fish.

1.2 The intended purpose of the sign is to increase the visibility of Fossgate and to make it more attractive as a commercial and tourist area; to make the area more appealing and accessible; and to draw visitors, residents and business users to enter Fossgate and beyond.

1.3 The site is within the Central Historic Core Conservation Area. To the West, the banner will attach on to No. 55-56 Fossgate, a Grade II listed building, and to the East, the banner will attach to The Terrace PH, a building identified as a detractor within the Conservation Area Appraisal.

1.4 In support of their application The Civic Trust state:

*'.. we believe that the proposed banner is an elegant and tasteful addition to the streetscape which offsets the negative appearance of the detractor building to the left of the entrance to Fossgate; which replaces the tatty existing canvas banner and hides some of the existing clutter; and draws positive attention to the street beyond the banner. It goes some way to redressing the damage to the medieval streetscape which was caused by the building of Stonebow, the street, in the 1960s, by reasserting the ancient route from Colliergate continuing down Fossgate and Walmgate. The long distance views of the Minster are not*

*damaged from any significant aspect, and indeed benefit by framing from some aspects.'*

1.5 Councillor Craghill has requested that the application is determined at sub-committee. She notes that the application has been submitted in conjunction with York Civic Trust and Fossgate traders. She adds that Fossgate, as part of the city centre, is a matter of key concern for many residents and it is in the public interest for the application to be considered at committee.

## **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; 55 - 56 Fossgate York 0789

2.2 Policies:

Development Control Local Plan policy HE4 "Listed Buildings"

Emerging Draft Local Plan policy D5 "Listed Buildings"

## **3.0 CONSULTATIONS**

INTERNAL

Planning and Environmental Management (Conservation)

3.1 The Conservation Officer objects to the proposed signage for the following reasons:

- Impact on the setting of the Conservation Area and listed buildings. The sign impacts on historic views along Fossgate, part of the main Roman road in to the city. The sign 'rebrands' Fossgate with the fish detailing and 'Merchant's Quarter' title only portraying part of the complex history of the site. This is misleading and potentially constructs a false history for the area. There are no special circumstances for siting the sign above Fossgate and which would limit the spread of such signage to other sites within the city. Concern about the impact of the structure on the listed building.
- The general design of the proposal draws the eye and indicates arrival at a destination. Other examples in York at the Coppergate centre and Shambles market are representative of a signage which is outdated and not currently seen as best practice. The only comparable example of signage is at the Olde Starre Inne on Stonegate which appears to have been provided to compensate for the lack of street frontage of the property.

- The NPPF (para. 132) requires great weight to be given to the conservation of heritage assets. Fossgate does not appear to be a failing street, so there is no potential public benefit to be considered to outweigh the harm to a heritage asset which has been identified. Other less harmful options should be considered before such signage is allowed.

### Planning and Environmental Management (Landscape Architect)

3.2 The landscape architect has expressed concern about the impact of the proposal on the natural flow of buildings and views along Colliergate, Fossgate and down to Walmgate. The metal banner adds unnecessary clutter and also briefly interrupts the view of the street facade. From the opposite direction, the banner also cuts through views of the Minster. The proposal introduces a contrived structure/gimmick in an otherwise historically evolved street. The proposed signage suggests a gateway or entrance, and a separation between Colliergate/Pavement and Fossgate; this is inappropriate because Fossgate is a street that continues from another in each direction. Fossgate is not a separate entity. The proposal represents an out-moded approach to drawing attention to a shopping area and is a form of development which is more often used when a street is failing to draw attention to it by introduced artifice.

### EXTERNAL

#### Publicity and neighbour notification

3.3 None received.

#### Conservation Area Advisory Panel

3.4 The CAAP felt that whilst this should not set a precedent within the city they accepted that Fossgate was a special case and there was a need to draw attention to the street. The Panel was content with the design of the sign. Two members of the Panel are members of the York Civic Trust Planning Team and they did not express an opinion on this application to avoid any conflict. Five out of seven attendees of the March Panel are members of the York Civic Trust.

## **4.0 APPRAISAL**

### 4.1 KEY ISSUES

- Policy context
- Impact on the historic character, appearance and setting of the listed building

### POLICY CONTEXT

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

#### National Planning Policy Framework

4.3 Para.131 of the NPPF states that:

'In determining planning 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
- the desirability of new development making a positive contribution to local character and distinctiveness.'

4.4 Para.132 goes on to say:

'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. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.'

#### LOCAL POLICY

4.5 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. Policies considered to be compatible with the aims of the NPPF and Policy HE4 'Listed buildings' requires that development within the vicinity of listed buildings has no adverse affect on the character, appearance or setting of a listed building.

4.6 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 have now been subject to an eight-week public consultation, the results of which are still awaited. 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. Policy D5 'Listed buildings' recommends that proposals affecting the setting of a listed building will be supported where they protect its setting, including key views, approaches and



aspects of the immediate and wider environment that are intrinsic to its value and significance.

## IMPACT ON THE CHARACTER, APPEARANCE AND SETTING OF THE LISTED BUILDING

4.7 Nos.55-56 Fossgate dates back to the late 18th Century with a more recent shopfront added to the building. It is constructed in buff/grey bricks with orange brick detailing and is 3 storeys in height with wooden sash windows to the upper floors. The Conservation Area Appraisal highlights the view from Foss Bridge along Fossgate towards the Minster as being one of the key historic views into the city. Fossgate and Walmgate follow the main Roman road in to the city from the East leading to the Porta Principalis Sinistra (now King's Square). This route in to the city remained important (but not within the city walls) through the Anglo-Scandinavian period and Middle Ages.

4.8 The listed building itself is significant because it relates closely to the original Medieval burgage plots, representing long plots with narrow frontages. It forms part of a group of listed buildings clustered around the junction of Fossgate with The Stonebow/ Pavement (the exception being The Terrace which is highlighted as a detractor in the Conservation Area Appraisal). The property would originally have formed part of a road that continued through to Kings Square with views of the Minster constantly in the background.

4.9 As stated above, Fossgate forms part of the Roman road into the city. As such the road has historically been a thoroughfare and not a destination as indicated by the signage. Other instances of overhead signage within the city (eg. the Coppergate Centre, the Shambles market and the Olde Starre Inne) are all indicators that you have arrived somewhere but Fossgate has historically been a route for travelling along and not a destination in its own right. To indicate, as the signage does, that you have reached the Merchants' Quarter implies that you have reached an area with a particular character and use. While the area did accommodate a fish market in the Medieval period, the suggestion that this was a merchant's quarter is not historically accurate and misleads by creating a false history for the area. Harm to the setting has been identified as a result of this inaccurate portrayal of the history of the area.

4.10 As well as the harm to the setting of the listed building as a result of the misinterpretation of Fossgate's history, the banner also gives an importance to No. 55-56 Fossgate as a gateway building which is again not historically accurate. By attaching a gateway feature to the building, the property becomes by implication a gateway building which is misleading and harmful to the character of the listed building. Fossgate was part of a road which lead through to the Roman fortress and which was only more recently bisected by The Stonebow/ Pavement. Historically the application site would have been part of a row of Medieval burgage plots and not an entrance to anywhere of significance. The modest and simple character of the

building reflects this and to raise its precedence within the streetscene by making it into a gateway building distorts and detracts from that character.

4.11 Further harm to the setting of the listed building is identified as a result of the impact on views along Fossgate. These are highlighted within the Conservation Area Appraisal as views from Foss Bridge, the oldest bridge in the city, along the Roman road towards the fortress with views of the Minster visible above the buildings. While the sign is some distance from the bridge and impact will be limited, the view does represent a set of views along the road rather than from a single point. At a closer distance to the banner, the impact on the view is more significant and glimpses of the Minster are affected. It is also noted that when viewed from this position, only the very plain rear of the sign will be visible.

4.12 The listed building is part of a block of 3 houses from the late 18<sup>th</sup> century. The frontage on to Fossgate is formed of 6 bays on the upper floors with the outer bays having larger windows. The proposed banner sign will bisect this frontage detracting from the attractive symmetry of the upper floors of the building. The banner sign will further detract from the appearance of the block of 3 properties by its placing within the frontage dividing up the block in a manner which detracts from its currently unbroken facade. This is to the detriment of the character of the listed building and is considered contrary to policy HE4 of the DCLP.

4.13 It is recognized that new development can make a positive contribution to local character and distinctiveness however officers believe in this instance that the proposal does not succeed in this aim but misleads by emphasizing a small element of the history of the area. The addition of signage which advertises arrival at a destination is significantly at odds with the historical nature of the street which was that of a major thoroughfare into the city as part of a network of highways

4.14 Concern has been raised by the Conservation officer regarding the structural impact on the listed building from the attachment of the banner to the building. It is considered that this could be dealt with via planning condition requiring further details of the means of support and attachment of the signage if approval were to be granted.

4.15 It has been identified that the proposal will result in harm to the character and setting of the listed building. Planning Policy Guidance indicates that substantial harm is a high test and so may not arise in many cases. It is therefore determined, in this instance that the proposal results in less than substantial harm but that this harm to the setting and character of the listed building is not insignificant. Para.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.' The applicant does not contend that Fossgate is a failing street but proposes the banner sign to increase footfall. As such there is considered to be little public benefit from the

proposal and little impact on viability. The harm to the listed building is therefore not outweighed by the public benefits of the proposal.

## **5.0 CONCLUSION**

5.1 The application is recommended for refusal as a result of the harm identified to the character and setting of the listed building. This harm is as a result of the harm to the character and setting of the listed building by the increased importance of the building as the result of the forming of a gateway on a road which has historically been a thoroughfare; the addition of visual clutter within important views along Fossgate towards the Minster; and the distortion of the history of the area through the emphasis on one aspect of the history of the area. This harm has been identified as less than substantial. Para.134 of the NPPF requires that where less than substantial harm is identified to a designated heritage asset then this is weighed against the public benefits of the proposal. The level of public benefit as a result of possible increased footfall in an already thriving area is considered small and does not outweigh the identified harm and the application is therefore recommended for refusal.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Refuse**

1 The Local Planning Authority considers that the proposed sign will result in harm to the character and setting of the listed building as a result of its siting and design which visually divides the facade of the listed building, distorts the importance of the listed building within the streetscene, impinges on views of the Minster and would sever the historical connectivity of Fossgate with Whip-ma-Whop-ma-Gate and Colliergate. This identified harm has not been outweighed by the public benefits arising from the scheme and the proposal therefore fails the test of para.134 of the National Planning Policy Framework. It is also considered contrary to policy HE4 of the DCLP (2005) and D5 of the emerging Local Plan.

### **7.0 INFORMATIVES:**

#### **Contact details:**

**Author:** Alison Stockdale, Development Management Officer (Wed - Fri)

**Tel No:** (01904) 555730

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17/00071/LBC

Proposed Banner Sign Spanning Between 5 and 55-56 Fossgate



Scale : 1:778

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	29 March 2017
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 6 April 2017  
**Team:** Major and Commercial Team  
**Ward:** Micklegate  
**Parish:** Micklegate Planning Panel

**Reference:** 17/00093/FUL  
**Application at:** 14 Priory Street York YO1 6EX  
**For:** Variation of condition 2 and removal of condition 3 of permitted application 16/00261/FUL (Conversion of four storey dwelling into two self contained flats) to add dormer to rear and 2no. roof lights to front  
**By:** Mr Matthew Farrelly  
**Application Type:** Full Application  
**Target Date:** 10 April 2017  
**Recommendation:** Refuse

**1.0 PROPOSAL**

1.1 The application seeks permission to vary conditions 2 and 3 of application 16/00261/FUL to allow the erection of a dormer window to the rear elevation of the property and install roof lights to the front elevation.

1.2 Planning permission was granted in 2016 for the conversion of the four storey dwelling into two self contained flats. The standard condition giving permission in accordance with the approved plans was attached to the approval (condition 2). As originally submitted the plans identified a dormer window to the rear elevation, this element of the scheme was deleted following advice from officers. The dormer was omitted from the elevations but the floor plan still made reference to the dimensions of the dormer window. As such condition 3 was added which stated:

'Notwithstanding the information contained within the approved floor plans planning permission is not granted for the rear dormer window which appears on plan 15033-201 Rev A

Reason: For the avoidance of doubt as the dormer window has been deleted from the scheme but still appears on the floor plans'

1.3 The application is being brought to sub-committee with a site visit at the request of Cllr Kramm in order to assess the impact on the conservation area and the general impact on the surrounding neighbourhood.

**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

## 2.2 Policies:

CYHE2 Development in historic locations  
CYHE3 Conservation Areas

## 3.0 CONSULTATIONS

### INTERNAL

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

3.1 An archaeological watching brief will be required.

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

3.2 The roof lights now proposed at No. 14 would not be seen when closed in oblique views along the street but may draw attention when in the open position. However, in views from the off-shot of Priory Street leading to the Priory Centre, the roof of No. 14 and its neighbours are framed by the buildings to either side of this short extension of the street. From here, the shiny reflective glass surface of the roof lights would contrast markedly with the natural appearance of the grey slate roof covering and appear as a novel addition to the historic street scene. The large scale of the roof lights will increase the visual impact.

3.3 It is acknowledged that the dormer has been designed with the intention of not breaking the ridge in views from the wall, and that the muted colour chosen for the window frames seeks to reduce its impact. Nevertheless, the form of the dormer, standing up from the roof slope, and its large scale will be immediately apparent, and the glazed windows and lead roof covering will contrast with the colour and natural appearance of the roof, drawing further attention. The prevailing historic roof form is of unbroken pitched roofs

### EXTERNAL

#### Neighbour Notification and Publicity

3.4 One response received stating that the proposed changes are beneficial for the area at the rear of the application site and the rear passage way

## 4.0 APPRAISAL

### 4.1 Key Issues

Application Reference Number: 17/00093/FUL  
Page 2 of 6

Item No: 4c



- Design
- Dormer Window
- Roof lights
- Impact upon the character of the conservation area

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

4.3 The application site is within the Central Historic Core Conservation Area where Section 72 of the Planning (Listed Buildings 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

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

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

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

4.7 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.

4.8 Policies HE2 'Development within Historic Locations' and HE3 'Conservation Areas' of the City of York Local Plan Deposit Draft are also relevant to this proposal.

These policies expect proposals to maintain or enhance existing urban spaces, views, landmarks and other townscape elements and not to have an adverse effect on the character or appearance of the Conservation Area

## SITE

4.9 The application site is a late 19th Century terrace property located one in from the end of the row and lies within the Central Historic Core Conservation Area. The Approved Central Historic Core Conservation Area Appraisal identifies Priory Street as being in Character Area 21. The terrace is described as 19th Century housing development around non-conformist chapels. The properties are relatively uniform in design and no dormer windows or roof lights are present to either the front or rear elevations. The property is clearly visible from the City Walls, Dewsbury Terrace to the side and Priory Street to the front.

4.10 Works are currently underway to implement the previous approval which gave permission to convert the building to two flats and amend openings to the rear elevation. The current application seeks permission for the erection of a dormer window to the rear elevation and roof lights to the front by way of the removal of restrictive conditions in order to allow additional natural daylight in to the proposed bedroom being formed in the roof.

## DORMER WINDOW

4.11 The dormer would be located to the rear elevation just below the ridge tiles and would be set up from the eaves by approximately 2m. It would have a width of approximately 2.75m and a height of 1.075m. It would be located slightly off centre. The roof slope of the terrace is unbroken and is clad in natural slate. There are very few roof lights or dormers within the vicinity and none that are prominent on the rear roof slopes of the terrace itself. The applicant states that the dormer window would be lead-clad and painted grey and would sit below the existing roofline.

4.12 It is acknowledged that the dormer has been designed with the intention of not breaking the ridge in views from the wall, and that the muted colour chosen for the window frames seeks to reduce its impact. Nevertheless it is considered that the form of the dormer, standing up from the roof slope, and its large scale will be immediately apparent from views from the rear, and the glazed windows and lead roof covering will contrast with the colour and natural appearance of the roof, drawing further attention.

4.13 It is considered that the proposed dormer window would be visually prominent within this location and draw undue attention, particularly from the City Walls. The view of the roofscape from the city walls is considered to be particularly important; there are no similar roof structures within the view from this part of the city wall. The dormer window would harm the character and appearance of the conservation area. Significant weight should be given to this harm under Section 72 of the Planning

(Listed Buildings and Conservation Areas) Act 1990. It is not considered that there are any public benefits to the scheme that would outweigh the harm to the conservation area.

## ROOF LIGHTS

4.14 The scheme also seeks permission for the insertion of two roof lights set centrally within the front elevation. The rooflights would be “conservation” type fitting near flush to the roofline. These would be visually prominent within views considering that there have been no alterations to the existing roof of the terrace as a whole. Whilst, it is agreed that they would not be visible from the main section of Priory Street they would be clearly visible from the small public access to the Priory Centre. It is considered that the reflective glass would contrast with the natural grey appearance of the slate roof.

4.15 A number of roof lights are present to the detached property which lies at 8-10 Priory Street. However, these are not readily visible from the public domain and as such have no detrimental impact upon the streetscene. Furthermore, this property is detached and not seen within the context of the uniform row of the terrace which contains the application site.

4.16 It is considered that the proposed roof lights would be visually prominent within this location and draw undue attention. It is considered that the rooflights would harm the character and appearance of the conservation area. Significant weight should be given to this harm under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is not considered that there are public benefits to the scheme that would outweigh the harm to the conservation area.

## 5.0 CONCLUSION

5.1 It is considered that the proposed dormer window would be visually prominent within this location and draw undue attention, particularly from the city walls. The rooflights would harm the appearance of the unaltered front roofslope. It is considered that both alterations would harm the character and appearance of the conservation area. Significant weight should be given to this harm under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The degree of harm would be less than substantial, but there would be no public benefit which would balance or outweigh the harm to the conservation area. The application is contrary to paragraphs 131, 132 and 134 of the NPPF policy HE2 and HE3 of the draft Local Plan.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Refuse

1 It is considered that the proposed rear dormer would result in a visually intrusive addition within this unbroken row of pitched roofs and introduce a design feature at odds with the character of the dwelling. Due to the height of the building and the prominence of the rear elevation from the City Walls, the proposed dormer would be prominent from public views and would harm the character and appearance of the Central Historic Core Conservation Area. It is considered that the proposed roof lights to the front elevation, due to their size and reflective nature, would result in a visually intrusive addition within this unbroken row of pitched roofs. It is considered that they would harm the character and appearance of the Central Historic Core Conservation Area.

The application therefore fails to accord with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraphs 131, 132 and 134 of the NPPF and policies HE2 and HE3 of the City of York Local Plan.

**7.0 INFORMATIVES:**

**Notes to Applicant**

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The dormer and roof lights are considered to be unacceptable in principle and were discussed as part of the previous submission reference 16/00261/FUL. The local planning authority has considered the statement submitted in support of the application however it was not possible to achieve a positive outcome, resulting in planning permission being refused for the reasons stated.

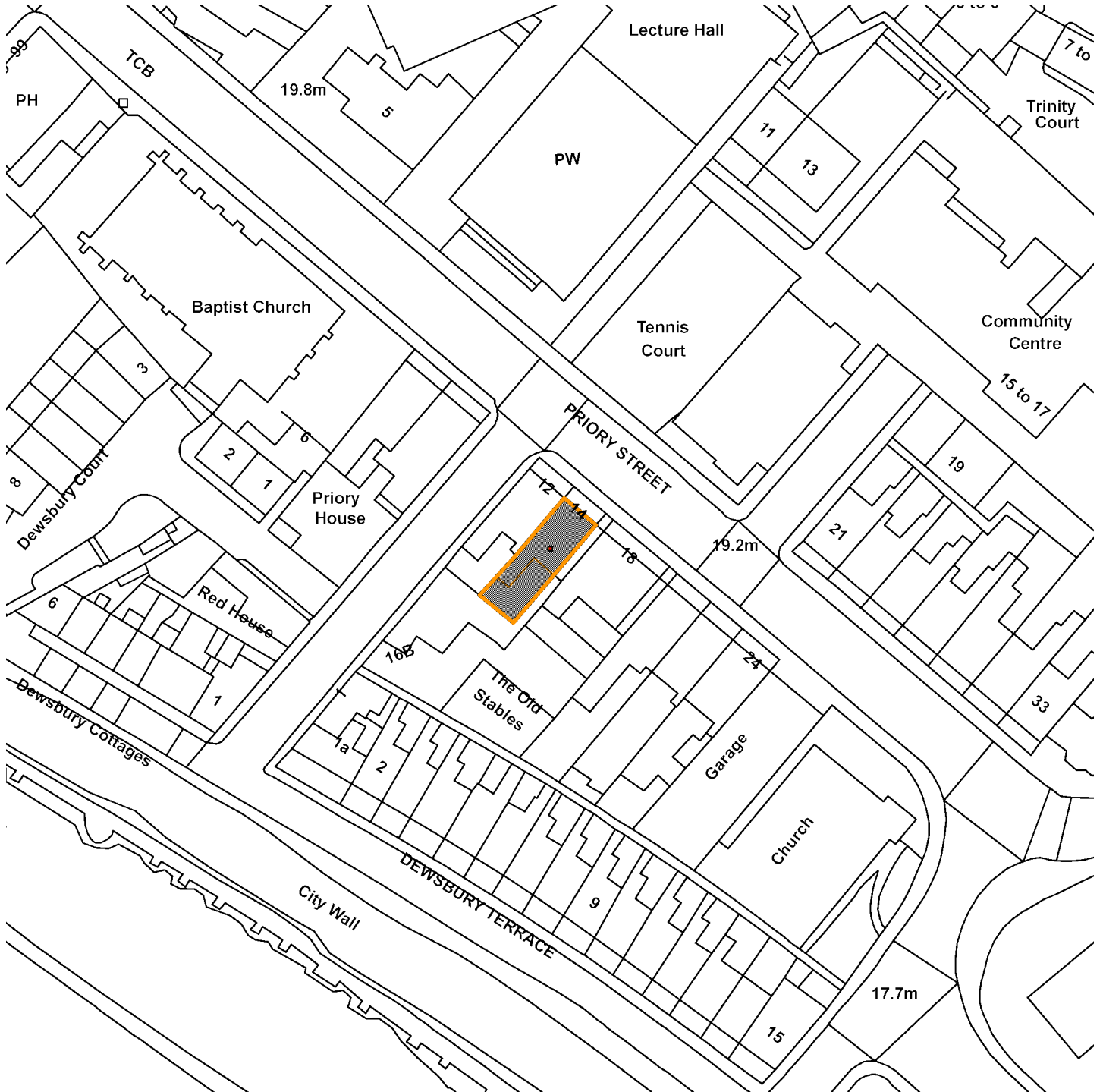
**Contact details:**

**Author:** Heather Fairy, Development Management Officer

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17/00093/FUL

14 Priory Street



Scale : 1:778

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	29 March 2017
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 6 April 2017                      **Ward:** Huntington/New Earswick  
**Team:** Householder and              **Parish:** Huntington Parish  
                    Small Scale Team                                      Council

**Reference:** 17/00106/FUL  
**Application at:** 339 Huntington Road York YO31 9HJ  
**For:** Two storey side and single storey rear extensions  
**By:** Mrs Anna Pawson  
**Application Type:** Full Application  
**Target Date:** 27 March 2017  
**Recommendation:** Householder Approval

**1.0 PROPOSAL**

1.1 The application site consists of a traditional semi - detached hipped roof dwelling set back from the public highway and positioned within an area of similar property types. The front elevation of the dwelling incorporates projecting bay windows at both ground and first floor levels. Planning permission is sought for the construction of a two storey side extension following the demolition of an attached garage, positioned on the shared boundary with the dwelling at 337 Huntington Road. In addition the proposal includes a single storey rear extension projecting the full width of the rear elevation of the host dwelling. The additional accommodation would provide a garage with en-suite bedroom above and extended kitchen.

**SITE HISTORY**

1.2 Planning permission was granted for a two storey side and rear extension in 2011 (ref: 11/00202/FUL) no work has commenced relating to this permission.

**COMMITTEE DETERMINATION**

1.3 This application is brought to committee for decision under section 8 (e) of the scheme of delegation (staff member within Development and Regeneration or Planning and Environment, or the spouse/partner of such an employee).

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

CYGP1     Design  
CYH7     Residential extensions

### **3.0 CONSULTATIONS**

3.1 Huntington Parish Council - no objections.

3.2 Publicity And Neighbour Notification – no comments received.

### **4.0 APPRAISAL**

4.1 Key Issues:

- Impact on the character and appearance of the Street Scene
- Impact on neighbouring dwellings.

The relevant polices and guidance:

4.2 The National Planning Policy Framework (2012) sets out the Government's overarching planning policies. As one of 12 core planning principles, it 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 (paragraph 17).

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

4.4 The Council has a Supplementary Planning Document (SPD) for House Extensions and Alterations. The SPD was subject to consultation from January 2012 to March 2012 and was approved at Cabinet on 4 December 2012. The Council have an agreed Supplementary Planning Document 'House Extensions and Alterations' dated December 2012 which provides guidance on all types on domestic type 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/street scene 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. The character of spacing within the street should be considered and a terracing effect should be avoided where required.

4.5.Paragraph 13.2 of this document states that in assessing neighbour amenity, the council will have regard to the impact on sunlight, the relationship to windows and the height/ dominance of a extension.



## DESIGN:

4.6 The proposed two storey side extension would be designed with a ridge height set lower than the main roof and a 500mm set back from the principal elevation at first floor height. The introduction of the tiled canopy roof forward of the building line is a general design principal used for two storey extensions, to allow continuity between the main house and new development. The proposed extension would be built up to the shared boundary with the property adjacent to the shared driveway at 337 Huntington Road. This property and the attached dwelling at 341 Huntington Road have two storey side extensions constructed with the similar design principals to this development.

4.7 The proposed garage would be adequate space for a car, cycle and bin storage. In addition the dwelling hosts an ample driveway for additional off street parking.

## IMPACT ON THE STREET SCENE:

4.8 The host dwelling is set back from the public highway and screened by established boundary treatment. The appearance of the extension comprising of a lowered roof line would provide a visual break to the height of the extension and reduce its visual impact when seen from public viewpoints. Because of the design of no.337 to the south a gap would be retained between the two properties (on the no.337 side of the boundary). With regards to the character of the street, this dwelling is located in an area of Huntington Road which comprises of various property styles. Therefore, with the use of matching materials the extension would remain subservient to the host dwelling and would be satisfactorily accommodated within the site without unduly impacting on the appearance of the streetscene. As such the proposal would comply with the recommendations contained within the Supplementary Planning Guidance.

4.9 The single storey rear extension would span the full width of the rear elevation with a projection of 3 metres, incorporating a shallow hipped roof angled away from the shared neighbouring boundaries. The size and scale of the single storey extension is in proportion with the host property and rear garden. Furthermore, it will be constructed of matching materials. The appearance of the extension is therefore considered acceptable.

## NEIGHBOUR AMENITY:

4.10 The key issue would be the potential impact on the dwellings to each side of the dwelling at 337 and 341 Huntington Road and to the rear on Brandsby Grove. The two storey extension would be to the north of no.337 and would not project significantly beyond the rear of that dwelling. The extension would not result in significant overshadowing, nor levels of overlooking. The single storey rear extension incorporates a moderate depth and would be generally screened from the rear garden

of no 337 by the extensive boundary treatment. Thus additional openings on the rear elevation would not impact on existing privacy levels currently available to this dwelling.

4.11 With regards to the attached dwelling at no.341 the single storey extension would not extend further than the single storey rear extension to no.341.

4.12 The neighbouring gardens at the rear on Brandsby Grove are well established and it is not considered that the orientation and separation distances would reduce direct sunlight or cause overshadowing to the properties on the side and rear elevations.

## 5.0 CONCLUSION

5.1 The proposed extension would retain the residential character of the street scene and would not harm the amenity of neighbouring dwellings in terms of proximity, light or overlooking. For this reason, the proposal is considered to comply with the NPPF and Policies GP1 and H7 of the City of York Draft Local Plan, the Council's Supplementary Planning Document (December 2012).

## 6.0 RECOMMENDATION: Householder Approval

- 1 TIME2 Development start within three years
- 2 PLANS1 Approved plans

Existing and proposed plans received on submission of application dated 18/01/2017  
Section (side north elevation) plan received on 30/01/2017.

- 3 VISQ1 Matching materials

4 Prior to the development hereby approved coming into use, a three pin 13 amp external electrical socket which is also suitable for outdoor use shall be installed. The socket shall be located in a suitable position to enable the charging of an electric vehicle within the garage or on the driveway using a 3m length cable.

Note: Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations and be suitable for charging electric vehicles. It should also have a weatherproof cover and an internal switch should be also provided in the property to enable the socket to be turned off.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles. To promote the use of low emission vehicles on the site in accordance with paragraph 35 of the National Planning Policy Framework.

## 7.0 INFORMATIVES:

### Notes to Applicant

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

In considering the application, The Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

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

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

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

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

### Contact Details:

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17/00106/FUL

339 Huntington Road



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	29 March 2017
<b>SLA Number</b>	Not Set

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## COMMITTEE REPORT

**Date:** 6 April 2017  
**Team:** Householder and Small Scale Team  
**Ward:** Bishopthorpe  
**Parish:** Bishopthorpe Parish Council

**Reference:** 17/00410/FUL  
**Application at:** 18 Newlands Road Bishopthorpe York YO23 2RT  
**For:** Single storey rear extension  
**By:** Steven Prendergast  
**Application Type:** Full Application  
**Target Date:** 26 April 2017  
**Recommendation:** Householder Approval

### 1.0 PROPOSAL

1.1 This application seeks permission for the erection of a single storey rear extension, to provide additional living space. This will replace the existing rear conservatory in place.

1.2 This two-storey pitched roof semi detached dwelling is sited within a residential area, made up of differing designs of dwellings within the surrounding area.

1.3 This application is brought to committee for decision under section 8 (e) of the scheme of delegation – (staff member within Development and Regeneration or Planning and Environment, or the spouse / partner of such an employee).

### RELEVANT PLANNING HISTORY

Application No. 06/02183/FUL - Two storey pitched roof side extension, relocation of existing side conservatory to rear and a pitched roof canopy to front (resubmission).  
Approved 06.12.2006

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation: GMS Constraints: Floodzone 2

2.2 Policies:

CYGP1 Design  
CYH7 Residential extensions

### **3.0 CONSULTATIONS**

#### **BISHOPTHORPE PARISH COUNCIL**

3.1 No response received up to date of writing.

#### **NEIGHBOUR NOTIFICATION/PUBLICITY**

3.2 No responses received up to date of writing.

### **4.0 APPRAISAL**

#### **4.1 Key Issues:**

- Visual impact on the dwelling and surrounding area;
- Impact on neighbouring amenity;
- Flood Risk

#### **POLICY CONTEXT**

4.2 The National Planning Policy Framework (March 2012) sets out 12 core planning principles that should underpin both plan-making and decision-taking. Of particular relevance here is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

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

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

4.6 The Council have an approved Supplementary Planning Document 'House Extensions and Alterations' dated December 2012 which provides guidance on all types on domestic type 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. The character of spacing within the street should be considered and a terracing effect should be avoided where required. Proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing and loss of light, over-dominance and loss of outlook. Guidance in section 13 advises that for single storey extensions privacy can be protected by the use of blank side walls, obscure glazing, high level windows, or by screening along shared garden boundaries.

## ASSESSMENT

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

4.7 The proposed extension will sit in a similar location and footprint to the existing rear conservatory which is to be removed. It will however, incorporate side rendered walls, with one window to each side elevation and large glazed panels and doors to the rear elevation. A tiled gabled roof design will replace the existing glazed hipped roof, and this will be marginally higher by approx. 0.2 metres. There will be no change to amenity space. Being sited to the rear this extension will not be highly visible to public view, though it is considered that this extension will relate better to the original dwelling, by incorporating the similar external materials along with the reduction in glazing and vertical emphasis of the rear fenestration. Taking all of the above into account it is not considered this proposal will harm the character or appearance of the dwelling nor that of the surrounding area.

### IMPACT UPON NEIGHBOURING AMENITY

4.8 It is not considered that this extension will result in any additional undue loss of amenity to residents at No. 17 Newlands Road, over and above the existing structure, taking into account of the existing common side boundary treatment in place, along with the adequate separation distance between this structure and this adjacent dwelling.

4.9 The additional height and change in roof design of this extension, over and above the existing conservatory in place, is not considered to result in undue additional loss of outlook or light for neighbours at No. 19 Newlands Road, from this neighbouring rear conservatory. Existing glazing within the conservatory at the host is currently obscured, and one small clear glazed window is now proposed within the side elevation to face this neighbouring dwelling; however, existing common boundary fencing will avoid undue additional loss of privacy or the need to secure obscure glazing to this proposed window.

## FLOOD RISK

4.10 As the site lies within flood zone 2, supporting information has been submitted as part of the application to advise that this has been given consideration and that the structure will be sited 300mm above existing ground level; a solid concrete floor will be retained; a waterproof additive to proposed plaster may be considered; electrical sockets will be sited at least 400mm above floor level. Part gravel/part pavers are proposed to two sides of the structure to allow water to percolate into the ground.

## 5.0 CONCLUSION

5.1 The proposals will have a positive impact on the character of the dwelling and area and will not result in any harmful impact on the living conditions of neighbouring properties. They are considered to comply with the NPFF, CYC Development Local Plan Policies H7 and GP1 and Supplementary Planning Guidance - House Extensions and Alterations (Approved 2012).

## 6.0 RECOMMENDATION: Householder Approval

1 TIME2 Development start within three years

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

Plan no. 924/2 and materials as detailed within application form received on 1 March 2017 (render, matching roof tiles and aluminium framed windows)

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:

### 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.

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

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

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

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

**Contact details:**

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17/00410/FUL

18 Newlands Road Bishopthorpe



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<b>Comments</b>	Site Plan
<b>Date</b>	29 March 2017
<b>SLA Number</b>	Not Set

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