



**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, 4 May 2017
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

A G E N D A

The mini-bus for Members of the Sub-Committee will leave from Memorial Gardens at 10.00

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 - 8)

To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee held on 6 April 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 **5.00pm on Wednesday 3 May 2017.**

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4. Plans List

To determine the following planning applications:

a) Pool Bridge Farm, Wheldrake Lane, York, YO19 4SQ (17/00411/OUT) (Pages 9 - 26)

Erection of two-storey dwelling with office including the conversion of existing storage building (resubmission)
[Fulford and Heslington] **[Site Visit]**

b) 14 Priory Street, York, YO1 6EX (17/00093/FUL) (Pages 27 - 34)

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 2no. roof lights to front
[Micklegate]

c) 5 Lynwood Avenue, Copmanthorpe, York, YO23 3SP (17/00219/FUL) (Pages 35 - 44)

Single storey rear extension [Copmanthorpe] **[Site Visit]**

d) Former Londons, 31A Hawthorn Grove, York, YO31 7UA (17/00088/FULM) (Pages 45 - 60)

Conversion of shop (use class A1) to 10no. apartments (use class C3) with external alterations [Heworth] **[Site Visit]**

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

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

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

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 **(01904) 551550**

AREA PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 3 May 2017**

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

TIME (Approx)	SITE	ITEM
10:20	5 Lynwood Avenue, Copmanthorpe	4c
10:50	Pool Bridge Farm, Cockey Hill	4a
11:30	Former London's store, 31A Hawthorn Grove	4d

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City of York Council

Committee Minutes

Meeting	Area Planning Sub-Committee
Date	6 April 2017
Present	Councillors Galvin (Chair), Shepherd (Vice-Chair), Carr, Craghill, Gillies, Hunter, Cannon, Flinders, Looker, Mercer and Orrell

Site	Visited by	Reason
14 Priory Street	Cllrs Shepherd, Orrell, Craghill, Cannon, Gillies and Mercer and Flinders.	At the request of the Ward Councillor.
55-56 Fossgate	Cllrs Shepherd, Orrell, Craghill, Cannon, Gillies and Mercer and Flinders.	To allow Members to assess the impact of the proposal on the Conservation area and listed building.

48. Declarations of Interest

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

Councillor Gillies declared a personal, non-prejudicial interest in Item 4a/b as a member of the Merchant Adventurers, however had not been privy to any discussion on the application.

49. Minutes

Resolved: That the minutes of Area Planning Sub Committee meetings held on 2 February 2017 and 2 March 2017 were approved and then signed by the Chair as a correct record.

50. 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.

51. Plans List

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

51a) 55 - 56 Fossgate, York (17/00159/ADV)

Members considered an advert application by York Civic Trust for the display of 1 no. non illuminated metal banner sign spanning between numbers 5 and 55 - 56 Fossgate.

David Fraser, from the York Civic Trust, spoke on behalf of the applicants. He stated that the application had the full support of local traders and residents, the Merchant Adventurers and the York Business Improvement District (BID). He stated that Fossgate should be considered a special case and that this would therefore not set a precedent. He also expressed the opinion that the sign was of a high quality and would add, not detract, from the area.

Sarah Lakin spoke, on behalf of Fossgate Traders Association, to urge Members to approve the application and support the small independent businesses on the street. She stated that since the A board ban Fossgate was even more unseen and this sign was vital to improving footfall.

Officers, including the Design & Sustainability Manager, gave an update and stated that, whilst the council were fully in support of the traders, they did not feel this banner was the right solution. The sign was considered to harm the appearance of the street and would harm the conservation area and views from Fossgate. There was concern that allowing a sign on Fossgate would set a precedent and that the cumulative impact of signs across the city would be detrimental to the Conservation Area.

In response to Member questions Officers clarified:

- There was a feeling it was inappropriate to rebrand an area based upon one aspect of its history.
- If Members were minded to approve the application the weight of the sign and the method of attaching it would

need to be assessed by a structural engineer to ensure no harm to buildings.

- Improvements could be made to the area through the public realm that would be more effective than the proposed sign.

During debate some of the following issues were raised:

- Some Members felt that the sign would cause harm to the area and were supportive of the Officer recommendation to refuse. Conversely, many Members felt that it was important to support the traders, particularly in light of the A board ban, and felt there would be strong economic and public benefits.
- There was some concern around the traffic on Fossgate being a larger issue than the street's location and many Members felt that this should be dealt with for the benefit of traders.
- The visual impact of the sign was a matter of judgement, but there was no clear continuation from Fossgate from Colliergate and this sign would catch the eye and increase footfall.
- It was important to consider that this application had been proposed by the York Civic Trust and had the support of the Merchant Adventurers, York BID and the Guildhall Planning Panel.

Councillor Shepherd moved refusal of the application, in line with the Officer's recommendation. Councillor Cannon seconded. On being put to the vote the motion fell.

Resolved: That the application be approved with conditions to be agreed by the Chair and Vice-Chair.

Reason: It was considered that the sign was an appropriate design for the area and that it would not cause undue harm to the visual amenity of the Conservation Area or the setting of listed buildings. It was also felt that the public and economic benefits of the increased footfall the application may result in would outweigh the minor harm that had been identified.

51b) 55 - 56 Fossgate, York (17/00071/LBC)

Members considered a listed building consent application by York Civic Trust for the erection of a metal banner sign spanning between numbers 5 and 55 - 56 Fossgate.

Updates and discussion for this item were as minute item 51a (55-56 Fossgate, York (17/00159/ADV)).

Resolved: That the application be approved with conditions to be agreed by the Chair and Vice-Chair.

Reason: It was considered that the sign was an appropriate design for the area and that it would not cause undue harm to the visual amenity of the Conservation Area or the setting of listed buildings. It was also felt that the public and economic benefits of the increased footfall the application may result in would outweigh the minor harm that had been identified.

51c) 14 Priory Street, York, YO1 6EX (17/00093/FUL)

Members considered a full application by Mr Matthew Farrelly for a 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 a dormer to rear and 2no. roof lights to front.

There was no officer update for this item.

Matthew Farrelly, the applicant, spoke to inform Members that he felt the application would have minimal impact on public amenity as the area from which the lights would be visible was not open, public space. He stated that the design was well thought out and sympathetic to its surroundings and had the full support of neighbours.

In response to Member questions he clarified that he already had permission for two lights at the rear. Officers confirmed that the previously approved rear lights would be visible from the City Walls and that the roofscape formed part of the character of the conservation area.

During debate Members were strongly of the view that, whilst the rooflights would be acceptable to the Committee, they would not wish to approve the application with the dormer included.

Councillor Craghill proposed that the application be deferred in order for the applicant to consider the comments of the Committee. Councillor Gillies seconded.

Resolved: That the application be deferred.

Reason: To allow the applicant the opportunity to amend his application, in light of the Committees comments.

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

Members considered a full application by Mrs Anna Pawson for two storey side and single storey rear extensions.

There was no officer update on this item.

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

Reason: 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 was 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).

51e) 18 Newlands Road, Bishopthorpe, York, YO23 2RT (17/00410/FUL)

Members considered a full application by Steven Prendergast for a single storey rear extension.

Officers updated Members to state that one response had been received from Bishopthorpe Parish Council, who had no objection to the application.

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

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

Councillor Galvin, Chair

[The meeting started at 4.30 pm and finished at 5.35 pm].

COMMITTEE REPORT

Date: 4 May 2017 **Ward:** Fulford and Heslington
Team: Householder and **Parish:** Heslington Parish
 Small Scale Team Council

Reference: 17/00411/OUT
Application at: Pool Bridge Farm, Wheldrake Lane, Crockey Hill York, YO19
4SQ
For: Erection of two-storey dwelling with office including the
conversion of existing storage building (resubmission)
By: Mr Stephen Fletcher
Application Type: Outline Application
Target Date: 19 April 2017
Recommendation: Refuse

1.0 PROPOSAL

1.1 The proposal relates to the erection of a two storey dwelling with farm office incorporating the conversion of an existing storage building. The dwelling would be sited adjacent to an existing farmhouse and an agricultural storage building. The application is in outline and seeks only to agree means of access with all other details reserved for future approval.

1.2 The dwelling is intended to provide accommodation for the applicant who is part owner of the site and intends to take over day-to-day running of the business operating from the site.

1.3 The site consists of an agricultural holding of approximately 138 acres (56 hectares) of land in two parcels of land separated by Lockwood Forestry Plantation. The parcel of land adjacent to Wheldrake Lane is primarily grazing land while the remainder of the site, which is triangular in shape and bounded by watercourses to two sides and Heslington Common to the North, is in a mixed agricultural/rural enterprise use. The area closest to Heslington Common is arable land while the area of the site around the farmhouse and closest to Wheldrake Lane is used as fishing lakes, camping/caravanning and a large car park. There is a small cafe on site which is open seasonally. The site is within flood zone 2 (medium risk).

1.4 The application has been called-in by Cllr Aspden for the following reasons:

The National Planning Policy Framework aims to support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. It states that to promote a strong rural economy, local plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas
- promote the development and diversification of agricultural and other land based rural businesses
- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors and which respect the character of the countryside.

Pool Bridge is an example of rural diversification and is a tourist facility in the local area and the retention and expansion of the business would meet the above criteria. The application expresses a requirement to live on the site in order to run the enterprise. It is important that the needs of the business and the applicant are properly understood in weighing the benefits of this proposal. By hearing the application at Planning Committee, Members would be able to make a full assessment of the evidence with the benefit of a site visit to Pool Bridge alongside representations from the applicant.

1.5 Planning history

- 09/00179/CLU - Certificate of lawful development for stationing of touring caravans for occasional or holiday occupation - Granted
- 09/00215/CLU - Use of four ponds and adjoining land for recreational fishing and ancillary facilities - Granted
- 09/00480/FULM - Creation of new fishing pond (Retrospective) - Approved
- 09/00719/FUL - Alterations and change of use of existing building to create ancillary refreshment facilities (retrospective) – Approved
- 16/001624/OUT – Erection of two storey dwelling with office including the conversion of existing storage building - Withdrawn

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

Floodzone 2 GMS Constraints: Floodzone 2

Floodzone 3 GMS Constraints: Floodzone 3

2.2 Policies:

CYGP1
Design

CYGB1
Development within the Green Belt

CYGB7
Agricultural or forestry dwellings

3.0 CONSULTATIONS

INTERNAL

Public protection

3.1 No objections in principle however, as there is potential for noise disturbance from the existing farm and commercial enterprise, it is recommended that occupancy of the dwelling is restricted via condition. Conditions regarding the discovery of unexpected contamination on site and the installation of an electric vehicle charging point are also recommended.

Countryside and Ecology

3.2 Two separate bat roosts have been identified in the brickwork of the single storey barn to be converted to residential use. The roosts support low numbers of common pipistrelle bats (four in 2015 and two in 2016), thought likely to be male or non-breeding females. It is very likely that the roosts will be disturbed and destroyed as part of the conversion works, e.g. re-pointing of the brickwork; however with appropriate mitigation the loss of these roosts is unlikely to significantly impact the favourable conservation status of common pipistrelle bats at a local level. All bats are protected by UK and European legislation and the works will require a European Protected Species Licence from Natural England. Conditions are recommended to provide mitigation and to ensure that the appropriate licence is in place.

EXTERNAL

Environment Agency

3.3 They have no objections to the application in principle however note that, in accordance with the National Planning Policy Framework paragraph 101, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the Sequential Test has

to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the National Planning Policy Framework.

Ouse and Derwent IDB

3.4 No objections are raised and a condition is recommended requiring details of surface water drainage works to be submitted for approval.

Heslington Parish Council

3.5 No objection

Neighbourhood notification and publicity

3.6 A letter has been received from Julian Sturdy MP supporting the application. This notes that he met with the applicant who explained the circumstances of his father's ill health which had required him to undertake more out of hours work on the site. The applicant indicated that he would be happy for an agricultural occupancy condition to be imposed on the dwelling and Mr Sturdy MP made note that his support was subject to this and consideration of the impact of the proposal on the openness of the Green Belt.

4.0 APPRAISAL

4.1 The main considerations relevant to the determination of this application are:

- Principle of development;
- Green Belt policy;
- Character and appearance;
- Residential amenity;
- Flood risk and drainage;
- Protected species;
- Other considerations.

POLICY CONTEXT

4.2 Section 38(6) of the Planning and Compensation Act 2004 requires determinations to be made in accordance with the development plan unless material considerations indicate otherwise. There is no development plan for York other than the retained policies in the Yorkshire and Humber Regional Spatial Strategy ("RSS"), saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. These policies, YH9(C) and Y1(C1 and C2), relate to York's Green Belt and the key diagram, Figure 6.2, insofar as it illustrates the general extent of the Green Belt. The policies state that the detailed inner and rest of the outer boundaries of the Green Belt around York (described as being 'about 6 miles' from York centre) should be defined to protect and enhance the nationally

significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas. The site is approximately 4 miles from York City Centre, and as such is within the general extent of York Green Belt.

4.3 The National Planning Policy Framework ("NPPF", March 2012) establishes a presumption in favour of sustainable development. Paragraph 7 states that planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted (paragraph 14). Footnote 9 to paragraph 14 specifically includes Green Belt policy among those policies in the Framework that indicate development should be restricted.

4.4 Although there is no formally adopted local plan, the City of York Draft Local Plan (DLP) was approved for development control purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of S38, its policies are considered to be capable of being material considerations in the determination of planning applications where they are in accordance with the NPPF. The relevant policies are summarised in section 2.2 above. The Proposals Map accompanying the Plan identifies the site as being within the general extent of York's Green Belt.

4.5 At this stage, policies in the 2014 Publication Draft Local Plan are considered to carry very little weight in the decision making process (in accordance with paragraph 216 of the NPPF). However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of planning applications. The 2014 Plan continues the designation of the site as falling within the general extent of York Green Belt.

PRINCIPLE OF DEVELOPMENT

4.6 Whilst the RSS has otherwise been revoked, its Green Belt policies relating to York have been saved together with the key diagram which illustrates the general extent of the Green Belt around York. These policies comprise the Development Plan for York. Figure 6.2 of the RSS and the 2005 Draft Local Plan proposals map identify the site within the general extent of Green Belt. In accordance with footnote 9 to paragraph 14 of the NPPF, the usual presumption in favour of sustainable development established by the NPPF does not apply in Green Belt locations. Instead, the more restrictive policies in section 9 of the NPPF apply.

GREEN BELT POLICY

4.7 Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence. Paragraph 80 sets out the five purposes of the Green Belt. The most relevant to the determination of this application is safeguarding of the countryside from encroachment.

4.8 In terms of the Green Belt status of the site, the main considerations are:

- whether the proposal constitutes inappropriate development in the Green Belt;
- its effect on the openness of the Green Belt and the purposes of including land within it;
- if it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

(a) Assessment of harm by definition

4.9 In accordance with paragraph 89 of the NPPF, the construction of new buildings in the Green Belt is inappropriate unless it falls within one of the listed exceptions. One of the exceptions is buildings for agriculture and forestry. However, dwellings for rural workers are intended for residential occupation and, as such, are not considered to be buildings for agriculture even though they are intended to support such a use. Therefore, the proposal does not satisfy the wording contained in the first exception. Consequently, in not complying with the listed exceptions in paragraph 89 of the NPPF, the scheme would be inappropriate development in the Green Belt. Paragraph 87 of the Framework states that such development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 of the Framework indicates that in considering a planning application, substantial weight should be given to any harm to the Green Belt.

(b) Impact on openness and Green Belt purpose

4.10 In addition to assessing whether there is any harm arising from inappropriateness, consideration needs to be given to other harm to the Green Belt. The NPPF states that the essential characteristics of Green Belts are their openness and their permanence. 'Openness' is generally accepted as being the absence of built development.

4.11 The proposal would involve the construction of a detached dwelling house - part single storey conversion and part two storey new build - within the existing farm building complex. Within this area there is a cluster of buildings including the original

two storey farm house, two large agricultural stores, a Dutch barn, the single storey brick store to be converted and a single storey cafe. The new dwelling would be adjacent to one of the agricultural stores and would be a similar height. The proposed siting adjacent to the building complex on the site would result in the new dwelling being not overly prominent as it would be viewed against the back drop of existing buildings. However, the building is not insignificant in size. The footprint of the converted part of the building is 67.5m² with an additional new build footprint of 135.5m² giving a total footprint of 203m². This compares with the footprint of the existing farmhouse at approximately 96m². While the application is in outline with all matters (excepting access) reserved, the proposed dwelling is significant in scale and notwithstanding its location, and the screening provided by existing buildings, would clearly harm the openness of the Green Belt by introducing additional built development into the area. As stated above, paragraph 88 of the NPPF indicates that in considering a planning application, substantial weight should be given to any harm to the Green Belt.

CHARACTER AND APPEARANCE

4.12 Chapter 7 of the NPPF gives advice on design, placing great importance to the design of the built environment and stating that good design is a key aspect of sustainable development that should contribute positively to making places better for people. Paragraph 61 requires planning decisions to integrate new development into the natural, built and historic environment. The NPPF goes on to say that poor quality design that fails to take the opportunities available for improving the character and quality of an area and the way it functions should be resisted (paragraph 64). This advice is reflected in Development Control Local Plan Policy GP1.

4.13 The application proposes a single dwelling of traditional form constructed from brick with a pitched pantile roof. The fenestration is appropriate with main windows predominantly facing the east and south. The application is in outline with all matters reserved (excepting access) so it is accepted that these details are only indicative. The curtilage of the building will include a small patio area to the south of the property on land which is currently open paddock and to the North West an area of courtyard, to include parking, on an existing grassed area.

4.14 Whilst the proposal would extend the built form on the site, its design and appearance would not appear incongruous in this rural setting. Overall, the design of the dwelling would integrate with its surroundings. No further harm is identified to Green Belt on these grounds.

RESIDENTIAL AMENITY

4.15 One of the core principles of the planning system outlined in the NPPF is to seek a good standard of amenity for all existing and future occupants. It is proposed

that the new dwelling is occupied in connection with the operation of the agricultural holding and existing rural business operation and, as such, there are no objections in terms of residential amenity of its future occupants notwithstanding the close proximity to farm buildings. The dwelling would not be considered to be a 'protected building' as defined in Class 6 of the GPDO 2015 in relation to agricultural buildings erected under permitted development rights. However, due to the proximity to farm buildings and the commercial nature of the neighbouring areas of the site, objections would be raised if the occupation of the dwelling was not related to the running of the agricultural holding and rural business operation. Therefore, if planning permission was granted, a condition would be required to restrict its occupancy.

4.16 The layout of the proposed dwelling, both internally and externally, is considered to be acceptable and would provide adequate parking and refuse storage facilities. Public Protection has raised no objections to the application on the basis of the information provided subject to conditions to address unexpected contamination and the provision of an electric vehicle recharge point in line with paragraph 35 of the NPPF.

FLOOD RISK

4.17 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk but, where development is necessary, making it safe without increasing flood risk elsewhere (paragraph 100). The site lies within Flood Zone 2. Paragraph 100 of the NPPF requires that 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere'. In this instance, it is necessary that the development is located within the site given the circumstances put forward by the applicant for the requirement for a manager's house on the site. It is noted that the site is on the edge of the flood zone and also, re-positioning the dwelling outside of the flood zone would move it away from the built development on site resulting in further harm to the openness of the Green Belt.

4.18 Para.100 states that if development is necessary it should then be made safe without increasing flood risk elsewhere. The Flood Risk Assessment submitted with the application states that as the application is in outline, details of raised floor levels etc will be developed with the detailed design at a later stage. It also notes that in the 64 years the site has been in the ownership of the applicant's family, no flooding has occurred.

PROTECTED SPECIES

4.19 A bat survey has identified two bat roosts within the building to be converted. These roosts will be lost as a result of the conversion but as this species of bat is

not at significant risk then appropriate mitigation measures are considered sufficient in this instance. Appropriate planning conditions could ensure that the mitigation and correct licenses were in place if planning permission were allowed.

OTHER CONSIDERATIONS

4.20 In accordance with paragraph 88 of the NPPF, any harm to the Green Belt must be given substantial weight. It has been identified that the proposal would be inappropriate and would result in harm to Green Belt by definition, and harm to its openness and purposes. There is no harm identified in relation to general visual amenity, highway safety, residential amenity and flood risk subject to conditions. Paragraph 87 advises that inappropriate development in Green Belt should not be approved except in very special circumstances.

4.21 The planning, design and access statement outlines the benefits of the proposal as providing for the functional need to support the agricultural holding and rural enterprise and allow expansion of the business, reduce reliance on the applicant's father who has recently suffered from ill health, allow 24 hour manager's presence on site, improve security and maintain animal welfare.

4.22 One of the key objectives of the NPPF is to ensure that the planning process contributes to the achievement of sustainable development by balancing its economic, social and environmental roles. Paragraph 28 indicates support for economic growth in rural areas. Paragraph 55 refers to the 'essential need for a rural worker to live permanently at or near their place of work' as a special circumstance for allowing isolated new homes in the countryside. Essential need is not defined in the NPPF and, at this time, there is no other specific guidance that provides advice on how essential need is determined.

4.23 Annex A to the former Planning Policy Statement 7 "Sustainable Development in Rural Areas" which is referred to in the appraisal submission, is no longer part of Central Government policy following the publication of the NPPF in 2012, but Inspectors in appeal decisions have accepted it as a useful tool in establishing whether there is a functional necessity for a new dwelling. Therefore, it is not unreasonable to require the applicant to demonstrate (a) that there is an existing agricultural or horticultural enterprise in being, (b) that it is commercially viable, and (c) that the permanent presence of someone on-site is essential to the enterprise (as opposed to merely being convenient).

4.24 Policy GB7 of the Development Control Local Plan, which pre-dates the NPPF, is nevertheless compatible with the Framework's aims and as such is a material consideration. The policy states that new agricultural and forestry dwellings in the Green Belt will only be permitted where it can be demonstrated that the dwelling cannot be located in an existing settlement, is essential to the functioning of a well-

established holding and will be located on the holding concerned and appropriately located adjacent to any existing buildings.

(a) There is an existing agricultural enterprise

4.25 It is clear from the documentation submitted with the application that the dwelling relates to an existing, established business which consists of an arable land holding which has diversified over the past 30 years to include fishing lakes and camping/caravanning.

(b) The business is commercially viable

4.26 The planning, design and access statement confirms that the business has operated as a profitable business for many years with the initial fishing lakes having been opened in 1984 along with the camping and caravan site. The farm has continued to diversify with additional lakes being constructed as well as continuing with arable farming on part of the site. The applicant has not provided any financial information but officers accept that this is a long standing business and its financial viability is not questioned.

(c) There is a requirement for a permanent presence

4.27 Notwithstanding the fact that the proposal relates to an existing agricultural enterprise that is commercially viable, officers are not convinced that there is an essential need for a permanent presence on the site. The applicant has provided detailed information relating to the day to day running of the business but, while accepting that long hours are sometimes required, officers do not believe, from the information given, that there is a need for an additional dwelling on site and that the tasks described could not equally successfully be undertaken by someone living off-site, such as in a nearby village or southern edge of York.

4.28 To summarise the information provided, the applicant has indicated that the following tasks are undertaken on a daily basis:

- Checking and maintaining otter fencing
- Checking water quality
- Removing any dead fish
- Opening/ locking the gates, welcoming customers, cleaning facilities, customer care and bookings, collecting fees
- Maintenance of keepnets for fishing matches, maintaining fishing pegs
- Grass cutting, litter collection
- Stocking cafe
- Caravan and tent pitch maintenance
- Maintain farmland, woodland and wetland

Further to these daily tasks, the applicant has also indicated that the following tasks may be undertaken on a call-out basis outside standard working hours:

- Rescuing specimen carp that have become tangled in the weed
- Dealing with issues on the camp/caravan site
- Letting fishermen off site
- Letting emergency services on site
- Dealing with poaching incidents

4.29 Officers consider that the daily tasks indicated do not constitute an essential need for a worker to live on the site. None of the daily tasks could not equally easily be undertaken by someone living off the site and many of them would be undertaken on an ad-hoc basis in conjunction with other tasks – for example many of the tasks around the lake, like litter picking, checking fencing and water quality, could all be done in conjunction with each other. Also, a number of tasks will require little time out of season – e.g. grass cutting, camp site maintenance. The applicant has indicated that management of the grassland to the north of the site equates to 100 man hours per year. Again, whilst in conjunction with the other tasks on the site this may equate to a full time job, there is no essential need for someone to live on site to perform these tasks.

4.30 The tasks which are undertaken out of hours are on a call out basis and officers do not believe that they could not equally successfully be completed by someone living locally. In addition to this, the applicant's brother lives in the existing farmhouse on the site and provides a presence to deter intruders in the same way as would the applicant living in the proposed new dwelling.

4.31 So far as animal welfare issues are concerned, previous appeal decisions have indicated that animal welfare is capable of justifying the need for an agricultural workers' dwelling and the applicant has provided information regarding a need to rescue high value fish from being tangled in pondweed. As the specimen carp in the large Q Lake are nocturnal and can be worth up to £5000, the applicant claims that it is necessary for him to be on site overnight to be on-call to free the fish. The number of call outs that can occur is not clear although the applicant has stated that it can be a number of times in a week. Officers would note, however, that there is not always someone using the lake, particularly in the winter months, and therefore no one to alert the manager to the fish becoming entangled at this time. It would appear that during winter months, when there is less surveillance, that the fish are currently surviving without being released from the weed until morning and therefore, on balance, officers consider that welfare of the fish cannot be a determining factor in showing essential need.

4.32 The other concern related to animal welfare relates to predation issues. The applicant has provided information on issues related to otter, mink and cormorant predation of the fish. The measures required to deter predators involve the applicant

being on site at first light. Discouraging cormorants is undertaken by deterring them from landing at dawn by scaring them off and not allowing them to feed. It can take up to a week to permanently deter them from the site. The applicant also has a license to shoot up to 3 cormorants between February and April 2017. Otters are discouraged from the Q Lake by electric fences which require maintenance. Mink and rats are controlled by shooting which is done out of hours. On balance, while officers accept that it would be more convenient for the site manager to live on site to undertake these tasks, it does not appear that it is essential.

4.33 The applicant also refers to a wildlife photography business which he runs on the site. This involves the feeding of wild animals at various points on the site so that they are encouraged on to the site at specific points adjacent to wildlife hides where customers are then taken to await animal activity to photograph. The applicant states that operation of this business requires him to feed animals at dawn/dusk and to transport customers to/ from hides at anti-social hours (eg owl photography takes place after dark). Poaching on the site disrupts the wildlife and the applicant states that his presence is required to deal with trespass and poaching issues which scares the wildlife away. Officers have discounted this element of the business as it relies on wildlife which cannot be depended upon to visit the site and provide the necessary opportunities for photographers. For instance, it would appear plausible that poachers outside the site could scare away hare and deer from the area so that they could not be encouraged back on to the site to provide the photography opportunities. This absence of wildlife could result in the photography business no longer being viable for reasons outside the applicant's control.

4.34 In response to this assessment of the wildlife photography business, the applicant has made the following statement: *'This aspect of the business has not been developed on a presumption that wild animals can be encouraged on to the site - it is a reality. The team at Pool Bridge have gone to great lengths to enhance the ecological value of the farm, which was awarded the David Bellamy Conservation Award (Gold) for the work that had been carried out to "protect and enhance Britain's natural environment". The landscape has been carefully managed to attract the species listed in our report, which in turn creates an additional income stream for the farm (the wildlife photography) as a successful form of rural diversification. The photography courses run to date have shown to be popular and Stephen (the applicant) has plans to further develop this side of the business. However, it will be difficult to do this without the ability to reside on the site as the management of the hides requires a number of 'out of hours' tasks to be completed on a day to day basis.*

4.35 Previous case law indicates that issues of security cannot, on their own, justify the need for an agricultural worker's dwelling but that they can contribute to that need. In this instance, the applicant has provided evidence of a small number of incidents to which the police were called out. The applicant's concerns regarding poaching have been discussed above but information has not been supplied

regarding other measures that which have been trialled to deter intruders. From the information supplied with the application, it does appear that there are fishermen using the Q Lake overnight for most nights over the warmer months of the year and more intermittently for the rest of the year. These must provide some deterrent for intruders and while it might be preferable for the applicant to live on site to deal with issues that arise, it would not appear to be essential. The distance from the nearest settlements is not significant, and the number of instances of intruders appears small, therefore it appears that the applicant could travel from a property locally and there is not an essential need for them to be on site for security reasons.

4.36 It is noted that there is a farmhouse on the holding within the ownership of the applicant's brother. This dwelling was sold separately from the holding in 2007. At this time the family had been building up the fishing lakes and camping sites for over ten years. When in existence, Planning Policy Statement 7 addressed the controversial point that farmers may deliberately create a situation which would make a case for a new agricultural dwelling where none existed before. The paragraph stated that "In cases where the local planning authority is particularly concerned about possible abuse, it may be helpful to investigate the history of the holding to establish the recent pattern of use of land and buildings, and whether, for example, any dwellings or buildings suitable for conversion have recently been sold separately from the farmland concerned. Such a sale could constitute evidence of lack of agricultural need." The applicant's father has been running the business until recently when ill health has forced him to reduce his workload. He currently lives at a property adjacent to the site, close to the access, on Wheldrake Lane. This property was approved with an agricultural occupancy condition in c.1972 but a subsequent certificate of lawful development (08/00809/CLU) in 2008 determined that the property had not been built in accordance with the approved plans and therefore the original planning permission had not been implemented. As a result the dwelling did not benefit from planning permission. However, as the dwelling had been constructed more than 4 years previously it was immune from enforcement action and that the originally imposed planning conditions, including the agricultural occupancy condition, no longer applied to it.

4.37 While it is recognized that there can be no requirement to force a retiring farmer to vacate his home, it does appear that the selling off of the farmhouse in the middle of the holding might indicate that, even though the fishing business was already successfully in operation, they did not anticipate that there would be a need for a manager to live on the site. The applicant has stated that his brother does help out on the site when his other main job allows. The presence of permanent residents in the farmhouse would also presumably be as much of a deterrent to intruders as would that of the applicant living within a new property.

4.38 It is also considered relevant that the applicant does not currently work full time as site manager of the business. At the present time he is also self-employed as a contractor working on a project for Arla Foods. At present he fits this work around

his work at the site with his father undertaking those tasks he cannot manage himself. Officers note that the wording of the standard agricultural occupancy condition is “The occupation of the dwelling shall be limited to a person *solely or mainly working* (our emphasis), or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any other resident dependants”. While it may be his intention to work solely on the site if the dwelling is approved, his shared employment adds weight to the argument that there is not an *essential* need for him to live on the site.

(d) Suitability of location of dwelling

4.39 As referred to above, the proposed dwelling is part conversion, part new build and is located within the existing farm building complex. As such the siting is considered appropriate as the existing buildings provide a backdrop and some screening of the proposal.

(e) Size of dwelling commensurate with holding

4.40 With a floor area of 203 sq m, the proposed dwelling is generous in its proportions; however it would contain only two bedrooms. It is noted that approximately one third of the dwelling (67.5 sq m) would be formed from the conversion of the existing storage building, with the remainder (135. sq m) being new build. A significant proportion of the ground floor would be taken up by a large double garage, utility room/plant room and a boot room. There would be a farm office on the first floor. Taking all of these factors into account, it is not considered that the dwelling would be excessive in size in relation to the use(s) it would serve.

Summary of other considerations

4.41 In light of the above, it is not accepted that there is not an essential need for an additional dwelling to serve the holding. The applicant has failed to provide sufficient evidence that there is an essential need for a site manager to live on the site. Officers believe that the majority of tasks could equally be undertaken by a worker or workers living off site such as in a nearby village or southern edge of York. It is acknowledged that there are issues surrounding animal welfare but, on balance, it is not believed that these occur frequently enough to justify a permanent on-site presence. Therefore, it is not considered that there are very special circumstances that clearly outweigh the identified harm to the Green Belt.

5.0 CONCLUSION

5.1 The proposed new dwelling would constitute inappropriate development in the Green Belt, contrary to the NPPF. As such, and as required by the NPPF, the harm by reason of inappropriateness and other identified harm, including harm to openness and purposes of the Green Belt, must be accorded substantial weight.

5.2 On the basis of the plans, and following assessment of the documentation and information in support of the application, it is considered that the very special circumstances put forward by the applicant are not sufficient to clearly outweigh the identified harm to the Green Belt.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposal constitutes inappropriate development in the Green Belt. The applicant has failed to present a compelling case of "very special circumstances", in particular that there is an essential need for a rural worker to live permanently on the site, to clearly outweigh the harm to the Green Belt by reason of inappropriateness as specifically required by paragraph 88 of the National Planning Policy Framework. As such, the proposal would be harmful to the Green Belt and the purposes of including land within it, contrary to paragraphs 88 and 89 of the National Planning Policy Framework and Policy GB1 of the Development Control Local Plan.

2 The proposal has failed to demonstrate an essential need for the provision of a permanent dwelling in an isolated location in the open countryside contrary to Central Government guidance as outlined in paragraph 55 of the National Planning Policy Framework.

Contact details:

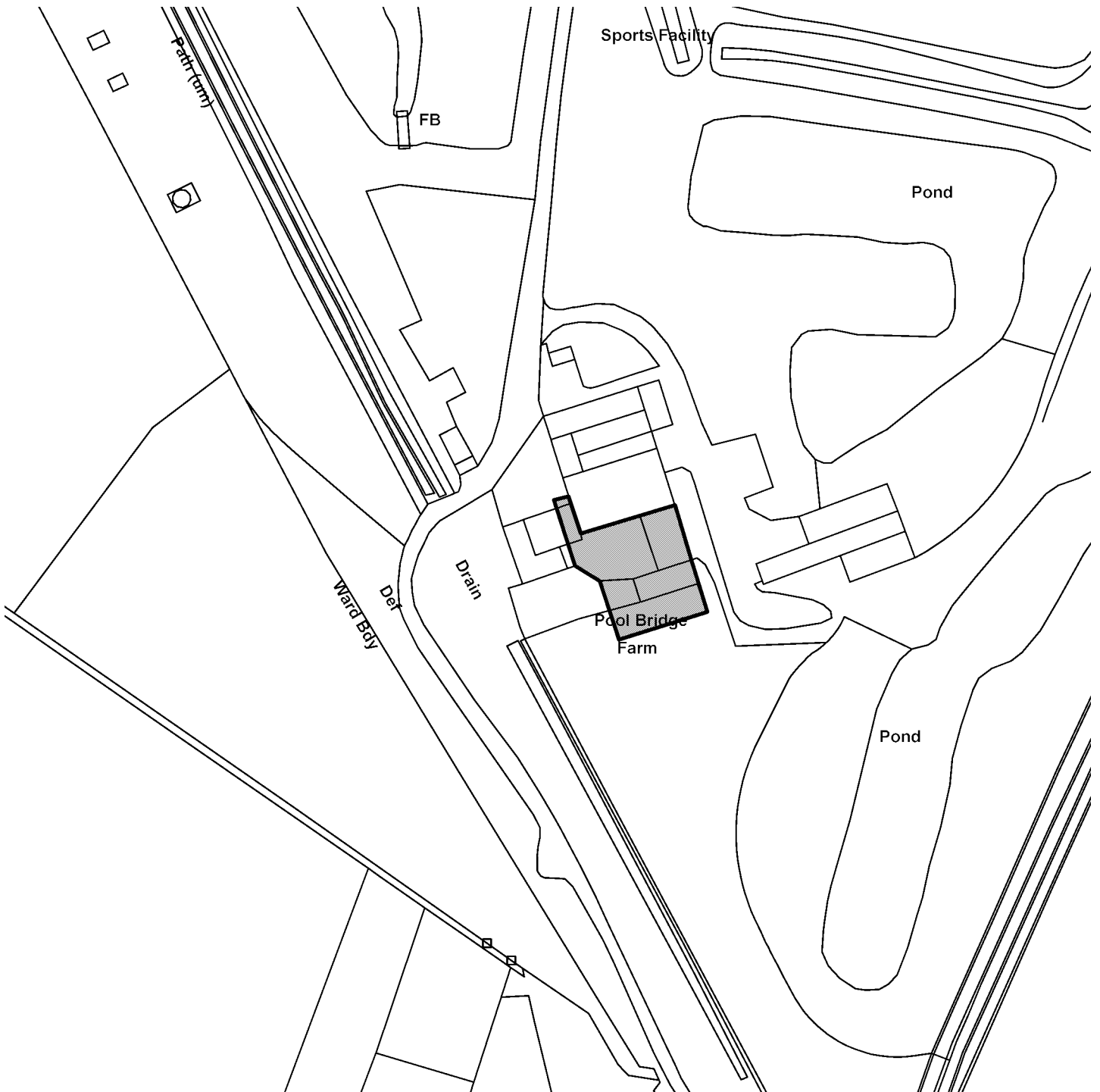
Author: Alison Stockdale, Development Management Officer (Wed - Fri)

Tel No: (01904) 555730

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17/00411/OUT

Pool Bridge Farm, Wheldrake Lane, Crockey Hill



Scale : 1:1297

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	24 April 2017
SLA Number	Not Set

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COMMITTEE REPORT

Date: 4 May 2017 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
Commercial Team 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 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 Members may recall that consideration of this application was deferred at the meeting of the Area Planning sub-Committee held on 6 April 2017. The application originally sought planning permission for the erection of a flat roof dormer to the rear and 2 no. roof lights to the front elevation. The application was recommended for refusal. At the meeting Members considered that the rear dormer was unacceptable and would harm the character and appearance of the conservation area, however they were not minded to refuse the proposal for the rooflights to the front elevation. As the local planning authority cannot make a split decision on a planning application, Members deferred the application for consideration at a future meeting to allow the scheme to be amended to delete the rear dormer window.

1.2 This application follows the granting of planning permission 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 incorporated a dormer window to the rear elevation, however 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 2016 permission gave consent for two velux roof lights to the rear elevation in order to allow light to enter the bedroom within the roof space. This application, if approved, would allow for roof lights to be inserted into both the front and rear elevations of the property allowing light from four roof lights to enter the same bedroom.

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.

EXTERNAL

Neighbour Notification and Publicity

3.3 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

- Design
- 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 core principle set out in paragraph 17 is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

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

4.4 The statutory duty under Section 72 means that even where harm is less than substantial, such harm must still be afforded considerable importance and weight, i.e. the fact of harm to the conservation area is still to be given more weight than if it were simply a factor to be taken account along with all other material considerations. The legislative requirements of Section 72 are in addition to Central Government guidance contained in Section 12 of the NPPF. The NPPF classes Conservation Areas as "designated heritage assets". The NPPF's advice on heritage assets includes the following:

- Paragraph 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.
- 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.

- 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.

4.5 The Development Control Local Plan was approved for development management 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 HE2 'Development within Historic Locations' and HE3 'Conservation Areas' are 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

4.6 The application site is a late 19th Century terrace property located one property 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.

4.7 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 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.

ROOF LIGHTS

4.8 The application seeks permission for the insertion of two roof lights set centrally within the front elevation. The roof lights would be "conservation" type fitting near flush to the roofline. At the present time there have been no alterations to the existing roof of the terrace as a whole. Whilst it is accepted 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.

4.9 It should be noted that the existing planning permission gives consent for two roof lights to be inserted in the rear roof slope to allow natural light into the bedroom created within the roof space. It is considered that the two additional roof lights are excessive as natural light would enter the room from the previously approved openings.

4.10 A number of roof lights have been inserted in the roof of the detached property 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.

4.11 It is considered that the proposed roof lights would be visually prominent within this location and draw undue attention. Furthermore, the insertion of four roof lights is considered to be excessive and would have a detrimental impact upon both the front and rear elevations of the property. As such, it is considered that the roof lights 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 roof lights would harm the appearance of the unaltered front roofslope. It is considered that they 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 outweigh the harm to the conservation area. As such the proposal would conflict with Central Government guidance contained within paragraphs 131, 132 and 134 of the National Planning Policy Framework and policies HE2 and HE3 of the Development Control Local Plan.

6.0 RECOMMENDATION: Refuse

1 It is considered that the proposed roof lights to the front elevation, combined with those to the rear 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, Central Government guidance

contained within paragraphs 131, 132 and 134 of the National Planning Policy Framework and policies HE2 and HE3 of the Development Control Local Plan.

7.0 INFORMATIVES:

Notes to Applicant

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

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

Deferred the application in order for revised plans to be submitted for consideration.

Contact details:

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17/00093/FUL

14 Priory Street



Scale : 1:736

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	24 April 2017
SLA Number	Not Set

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COMMITTEE REPORT

Date: 4 May 2017
Team: Householder and Small Scale Team
Ward: Copmanthorpe
Parish: Copmanthorpe Parish Council

Reference: 17/00219/FUL
Application at: 5 Lynwood Avenue, Copmanthorpe, York, YO23 3SP
For: Single storey rear extension
By: Mrs Laura Hindle
Application Type: Full Application
Target Date: 27 March 2017
Recommendation: Householder Approval

1.0 PROPOSAL

1.1 This application seeks permission for the erection of a single storey flat roof rear extension, to provide additional living space. This element will infill the area between an existing two-storey rear extension and the side boundary with No. 4 Lynwood Avenue. A white render finish is opposed, with central roof lantern and rear-facing bi-folding doors, which will also span the existing ground floor of the two-storey rear element in place.

1.2 This two-storey semi-detached dwelling lies within a residential cul-de-sac made up of a variety of designs of two-storey dwellings.

1.3 The application has been called-in at the request of Councillor Carr because of the potential harm to the amenity of neighbours.

RECENT RELEVANT PLANNING HISTORY

Application no. 04/00484/FUL - Erection of two storey hipped roof rear extension. Approved 11.05.2004

Application no. 16/02862/LHE - Erection of single storey rear extension. Withdrawn 24.01.2017

QUERY/17/00044 - Erection of single storey rear extension (3m high and 3m rear projection) - Planning permission not required - 17.02.2017

2.0 POLICY CONTEXT

2.1 Policies:

CYGP1 Design
CYH7 Residential extensions

3.0 CONSULTATIONS

Copmanthorpe Parish Council

3.1 No response received up to date of writing.

Neighbour Notification

3.2 Two letters of objection received further to the original scheme raising the following points

- Loss of privacy, light pollution and increased noise and disturbance from large bi-fold doors and roof lantern;
- Overbearing nature;
- Loss of light and sunlight;
- Misleading submitted dimensions;
- Practical concerns regarding construction
- Out of character with other semi-detached dwellings within the area;
- No drainage details provided;
- Difficult to retain side boundary fencing;
- Impact upon neighbouring storage bunker.

3.3 Two further letters of objection received further to revised scheme from residents at one adjacent dwelling raising the following points:

- Neighbouring resident suffers significant health issues and should avoid being exposed to high levels of any form of dust, particularly wood; thus should the works proceed this may cause further irreversible degenerative damage to health and would contravene Human Rights Act.
- Insufficient detail of structure and drainage;
- Harmful effect on neighbouring amenity re-iterating privacy issues, overshadowing and loss of light and dominance and outlook;
- Harms character of existing dwelling;
- Roof lantern will result in light pollution;
- Proposals do not comply with national planning policy document nor CYC Development Control Local Plan nor Supplementary Planning Guidance – Extensions and Alterations (2012)

Should permission be granted the objector requests the following conditions:

- No soak away drainage to be situated within 5m of boundary with 4 Lynwood Avenue;
- Boundary facing wall must be rendered and painted white. Appropriate legal arrangements must be put in place for the on-going maintenance of this wall;
- Fence must be reinstated;
- Roof lantern must be obscure glass;
- For health reasons, ample time must be given to adjacent residents to relocate for the duration of any building work and should be compensated for such a move.

4.0 APPRAISAL

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

POLICY CONTEXT

4.1 The National Planning Policy Framework (March 2012) sets out 12 core planning principles that should underpin both plan-making and decision-taking. Of particular relevance here is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 187 states that decision takers at every level should seek to approve applications for sustainable development where possible.

4.2 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.

4.3 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.

4.4 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.

4.5 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/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.

4.6 Copmanthorpe Village Design Statement aims to preserve and enhance the character and distinctiveness of the village by promoting appropriate standards of design, and that extensions should retain neighbours right to light and privacy, avoid locations which link one house to another, should be set back from plot boundaries and use materials to compliment the main building.

ASSESSMENT

IMPACT UPON THE DWELING AND UPON THE CHARACTER AND APPEARANCE OF THE SURROUNDING AREA

4.7 Being sited to the rear, the proposed extension will not be open to public view. It is proposed to project approx. 3.6 metres to the rear, to the same distance as the existing two-storey rear extension. Further to amended plans, the extension is proposed to a height of approx. 2.7 metres to the flat roof (a reduction in height of approx. 0.2 metres), with roof lantern proposed above, to a height of approx. 3.2 metres. The extension will abut the side boundary with No. 4 Lynwood Avenue. A render finish is proposed to match the existing building, and large bi-fold aluminium doors are proposed to the rear elevation. The scale and design of the proposed addition is considered to be appropriate in relation to the original dwelling, existing two-storey rear extension and plot size. Sufficient amenity space will remain within the rear garden, and no change to car/cycle parking or bin storage areas is proposed. 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 The main neighbouring impact will be upon those adjacent residents at No. 4 Lynwood Avenue, due to the extension being proposed along this common side boundary. Currently a 1.8 metre high timber fence is in place. As mentioned above, a Large Householder Extension application (under permitted development rights) has recently been withdrawn due to officer concern regarding the impact upon the adjacent residents - this scheme, as well as the original plans for this current application proposed a height to the flat roof of approx. 2.9 metres and a similar rear projection of approx. 3.6 metres. Amended plans were sought and received in order to reduce the eaves of the extension, so as to reduce the impact upon outlook and light for these neighbouring residents.

4.9 This adjacent dwelling has a large ground floor window serving a through living room, which is close to the side boundary - this room also is served by a large window to the front elevation. This dwelling also has a rear projection set further off this side boundary, with a rear habitable room and ground floor rear facing window.

4.10 Due to the proposed length combined with the height proposed, it is considered that some loss of outlook and light will impact upon the closest rear ground floor room, however taking into account this room does have another large window giving outlook and light; also taking into account of permitted development rights (which are a feasible fall-back position); and that this neighbouring dwelling does have another rear facing ground floor habitable room with window, on balance it is not considered that the harm is so detrimental so as to justify the refusal of planning permission.

4.11 It is not considered that when viewed from the first floor rear bedroom window of this neighbouring dwelling that this proposal, including the proposed rooflight, will result in undue additional loss of outlook, noise or disturbance or light intrusion.

4.12 Due to the separation distance of the extension to the rear common boundary, with No. 16 Horseman Close, which is screened by high hedging, it is not considered that undue loss of amenity will occur to these neighbouring residents, with particular regard to privacy and noise.

4.13 Party wall issues and on-going maintenance issues, are not a material consideration to be considered as part of the planning process. Soakaways would be a building regulations matter as opposed to a planning consideration.

4.14 The neighbour's concerns about the impact of the development in on an existing medical condition during construction raise the issue of whether the protections provided under the Human Rights Act 1998 apply (the 1998 Act). The 1998 Act incorporated into UK law protocols under the European Convention of Human Rights. In the light of the neighbour's objection on the grounds that the proposed works may seriously exacerbate an existing medical condition it is appropriate to assume that an interference with human rights is relevant in this case and that rights under the Convention are engaged, and thus would be a material planning consideration. A judgement needs to be made as to whether interference with the Article rights is reasonable and proportionate and justified by being in the public interest and on the basis of the planning merits of the proposal. The Public Sector Equality Duty must be considered as a relevant factor in determining the application but does not impose a duty to achieve the outcomes in s149 as the Public Sector Equality Duty is only one factor that needs to be considered, and may be balanced against other relevant factors in considering whether the grant of planning permission in this case will have a disproportionately adverse impact on a protected characteristic (disability).

4.15 Whist disturbance during building works would not normally be taken into account, the impact upon the neighbour's medical condition needs to be balanced with the applicant's reasonable development rights and expectations. In this instance, taking into account, the small scale nature of the proposal, being very close to permitted development rights, and the applicant's not unreasonable expectation that they can modestly extend their home, the proposal is not considered to be so detrimental so as to justify a refusal of planning permission. There is no provision for compensation within the Planning Act, and as the proposal is considered to be acceptable, there is no requirement to compensate neighbouring residents. It is not considered reasonable to require a condition to delay the start of works to facilitate neighbouring re-location, though this is proposed be added as an informative.

5.0 CONCLUSION

5.1 The scale and design of the proposed extension is considered to be appropriate to the host dwelling and the appearance of the streetscene. Whilst there will be an impact on outlook and light to the rear of the adjoining house this is not considered to justify the refusal of the application. On balance the proposals are considered to comply with the NPFF, Draft Local Plan Policies H7 and GP1, Supplementary Planning Guidance - House Extensions and Alterations (Approved 2012) and Copmanthorpe Village Design Statement.

COMMITTEE TO VISIT

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:-

5/LYN/002 Rev C and 5/LYN/003

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

3 Brickwork to be used externally shall match that of the existing buildings in colour, size, shape and texture. The side elevation, facing No. 4 Lynwood Avenue, shall be finished in white render.

Reason: To achieve a visually acceptable form of development and to protect neighbouring amenity.

7.0 INFORMATIVES:

Notes to Applicant

Application Reference Number: 17/00219/FUL

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

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

Amended plans were sought and received to reduce the height of the extension, along the side boundary with No. 4 Lynwood Avenue so as to reduce the impact upon neighbouring amenity.

2. THE PARTY WALL ETC ACT 1996

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

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

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

3. COMMENCEMENT OF WORKS

In the light of neighbouring concerns with regards the construction it would be advisable to give the adjacent neighbours at No. 4 Lynwood Avenue as much notice as possible of the proposed date of commencement of works.

Contact details:

Author: Carolyn Howarth, Development Management Assistant (Tue-Fri)

Tel No: (01904) 552405

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17/00219/FUL

5 Lynwood Avenue, Copmanthorpe



Scale : 1:977

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	24 April 2017
SLA Number	Not Set

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COMMITTEE REPORT

Date: 4 May 2017 **Ward:** Heworth
Team: Major and **Parish:** Heworth Planning Panel
 Commercial Team

Reference: 17/00088/FULM
Application at: Former Londons, 31A Hawthorn Grove, York, YO31 7UA
For: Conversion of shop (use class A1) to 10no. apartments (use class C3) with external alterations
By: Miss J Golightly
Application Type: Major Full Application (13 weeks)
Target Date: 20 April 2017
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL**APPLICATION SITE**

1.1 The application property is a former two storey retail building. The part of the building fronting Mill Lane also has useable space within the roof. It is in a relatively prominent location on the junction of Mill Lane and Hawthorne Grove in Heworth. It was previously used as a toy shop/newsagents but has been vacant for around two years.

1.2 The surrounding area is primarily residential, although also contains a number of commercial uses. The buildings in the area are generally two or three storeys and of a mix of styles. A relatively new flatted development is located to the west. To the north is a small mews development and the rear parking areas and gardens of properties on Mill Lane.

1.3 Heworth Conservation area is located immediately across Mill Lane to the east. No listed buildings are located in the immediate vicinity. The site is in flood zone 1 (low risk).

PROPOSALS

1.4 It is proposed to convert and adapt the building to create 10 apartments. 8 are intended to have one bedroom and 2 would have two bedrooms. Car parking for 6 vehicles is proposed on the hard surfaced car park to the rear. The only entrance to the building would be from the rear. The land to the front of the building is intended to be enclosed by a low wall and landscaped.

1.5 The main external changes to the building are the provision of 4 bay windows to the front and three dormer windows to the front and one to the rear. It is proposed to render the brick built building.

PLANNING HISTORY

1.6 In July 2016 planning permission (15/01323/FUL) was granted to demolish the building and erect a residential development of 8 flats. The form was similar to the current scheme. Car parking for 7 cars was proposed.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation: None

Draft Local Plan Policies

2.2 The Development Control Local Plan was approved for development management 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 National Planning Policy Framework.

CYGP1 Design

CYGP15 Protection from flooding

CYGP4 Environmental sustainability

CYS9 No loss of local or village shops

CYT4 Cycle parking standards

2.3 The emerging Local Plan (2014 draft) policies can only be afforded very limited weight at this stage of its preparation (in accordance with paragraph 216 of the NPPF). However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

3.0 CONSULTATIONS

INTERNAL

Highway Network Management

3.1 No objections subject to conditions and a Section 106 agreement removing future occupants of the apartments from the local residents parking scheme.

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Flood Risk Management

3.2 No comments received.

Planning and Environmental Management (Urban Design and Conservation)

3.3 No comments received.

Public Protection

3.4 No objections subject to conditions controlling working hours and consideration of contamination during construction. Request the provision of a car recharging point.

Waste Services

3.5 No objections.

EXTERNAL

Heworth Planning Panel

3.6 Objection. The scheme is overdevelopment of the small site, there is inadequate car parking space in an area where parking is already difficult and the garden area at the front will become a rubbish dump unless properly hedged off and maintained.

Neighbour Notification and Publicity

3.7 Four objections have been received raising the following planning issues:

- Concerns regarding the impact of the new first floor extension on the internal and external amenities of John Minford Ltd (case officer comment - this extension has been removed from the revised scheme).
- Concerns regarding overlooking from dormer windows.
- The single vehicular access to the car park will cause congestion when cars cannot enter because another vehicle is exiting.
- The scheme has inadequate car parking. The lack of car parking will put pressure on nearby streets and the entrance to Heworth Mews.
- The site should have electric vehicle charging points.

- The shop should be retained on the ground floor for a use such as a pub, bakers, butchers or restaurant. This would help to retain the local character and vitality.
- The site is overdeveloped and the flats are too small.
- Rendering the brick building will detract from the area.
- The single entrance to the rear will increase noise for existing residents living to the rear.

Health and Safety Executive

3.8 No comments received.

Yorkshire Water

3.9 No comments received.

4.0 APPRAISAL

4.1 The key issues in assessing the proposal are:

- Impact on streetscene/conservation area.
- Impact on neighbours living conditions.
- Parking and highways issues.
- Loss of shop.
- Drainage.
- Quality of accommodation created.
- Sustainability.
- Contamination.
- Section 106 agreement.

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. One of 12 core principles set out in paragraph 17 is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.3 Paragraph 187 states that local planning authorities should look for solutions rather than problems and decision takers at every level should seek to approve

applications for sustainable development where possible. The NPPF states that there are three dimensions to sustainable development - an economic role, a social role and an environmental role. In considering proposals for new or improved residential accommodation, the benefits from meeting peoples housing needs and promoting the economy will be balanced against any negative impacts on the environment and neighbours' living conditions.

4.4 Development Control Local Plan (DCLP) policy GP1 'Design' expects development proposals to be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and local character; respect or enhance the local environment; provide/protect amenity space; protect residential amenity; accord with sustainable design principles; include refuse facilities; and include, where appropriate, landscaping.

4.5 Policy GP4a 'Sustainability' states that all proposals should have regard to the principles of sustainable development, including accessibility by means other than the private car.

4.6 Policy GP15a 'Development and Flood Risk' states that discharges from new development should not exceed the capacity of existing and proposed receiving sewers and watercourses and long-term run-off from development sites should always be less than the level of pre-development rainfall run-off.

4.7 Policy S9 'Loss of Local Shops' states that the loss of local shops is acceptable providing a local need for the shopping facility no longer exists or alternative facilities exist within the local area.

4.8 Policy T4 'Cycle Parking Standards' seeks to promote cycling and states that all new development should provide storage for cycles in accordance with the standards in appendix E of the Local Plan (1 space per one or two bedroom dwelling).

4.9 Local Plan Policy H4a 'Housing Windfalls' states that new development should be accessible to shops and services and of an appropriate scale.

IMPACT ON THE STREETSCENE/CONSERVATION AREA

4.10 The site is outside the conservation area boundary, however, the buildings on the opposite side of Mill Lane within the Heworth/Heworth Green, East parade and Huntington conservation area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) Act requires the Local Planning Authority when determining planning applications to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Case law has made clear that when deciding whether harm to a conservation area is outweighed by the advantages of a proposed development, the decision-maker

must give particular weight to desirability of avoiding such harm. There is a "strong presumption" against the grant of planning permission in such cases. The exercise is still one of planning judgment but it must be informed by the need to give special weight to preserving the conservation area.

4.11 The statutory duty under Section 72 means that even where harm is less than substantial, such harm must still be afforded considerable importance and weight, i.e. the fact of harm to the conservation area is still to be given more weight than if it were simply a factor to be taken account along with all other material considerations. The legislative requirements of Section 72 are in addition to Central Government guidance contained in Section 12 of the NPPF. The NPPF classes Conservation Areas as "designated heritage assets". The NPPF's advice on heritage assets includes the following:

- Paragraph 132 advises that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be" ... "As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."
- Paragraph 133 advises that "Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of four specified criteria apply."
- Paragraph 134 advises that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum use."

4.12 The key views of the building are from Mill Lane and East Parade. The building forms a relatively prominent vista when nearing the site from East Parade. The existing shop front will be removed; however, the overall scale of the building will remain. The bay openings proposed to the front will provide visual interest and a rhythm to the frontage. The dormers, though relatively large in scale reflect the proportions of the bays below. The immediate area is characterised by a number of gable fronted buildings and the design of the dormers reflects this form. It is proposed to render the brick built building. This will update the exterior and reflects the materials of the attached office building.

4.13 There is no entrance proposed to the Mill Lane/Hawthorn Grove frontage. Landscaping and enclosing the front forecourt will contribute to the visual amenities

of the area. The details of the landscaping and boundary design can be controlled by condition. The details of the design and materials of the proposed bays and dormers should also be controlled by condition to ensure that they respect the appearance of the area and proximity to the conservation area.

4.14 The narrow width of the rear parking area limits the ability to provide significant landscaping, however, a small landscaped buffer is proposed along the rear elevation of the building. It is also proposed to re-surface the car park area. The design of the car park including surfacing, outbuildings, landscaping and lighting is covered by condition. The store at the northern end of the site, which is in relatively poor condition, is to be replaced by new cycle parking and bin storage.

IMPACT ON NEIGHBOURS' LIVING CONDITIONS

4.15 Policy GP1 of the Local Plan requires proposals to avoid causing undue harm to residents living conditions. The proposal will not have a significant additional impact on the neighbours to the front. The key issue is the impact on the properties to the rear and to the north. These are considered below:

36 Mill Lane

4.16 This is a traditional two-storey residential property with a garden to the rear. It has been converted to two flats. A single storey step is incorporated in the rear elevation of the proposed apartments to reflect the form of the existing off-shoot. Subject to these changes it is not considered that the alterations will have a significantly different impact on light and outlook than the existing building.

Flats Heworth Mews.

4.17 This is a modern development consisting of a three storey blocks of flats. In terms of loss of privacy it is noted that the side of the adjacent flat has no significant habitable room windows that will be impacted upon and the nearest first floor windows are voids or serve a staircase. It is considered there is adequate separation to the main habitable room windows to avoid undue harm. It is not considered that the activity associated with the new residential use is out of character.

John Minford Ltd, 31 Hawthorn Grove.

4.18 Revisions were received to remove an extension that was considered to have an unacceptable impact on the outlook of the office. It is not considered that the revised scheme would have a significant impact on the amenity of the offices.

PARKING AND HIGHWAYS ISSUES

4.19 Six off-street car parking spaces are proposed along with one covered and secure cycle space for each unit. Eight of the apartments are proposed to have one bedroom and two have two bedrooms. The site is very well located in respect to access to shops and services. Subject to the occupants of the apartments in the development being removed from accessing the local residents parking permit scheme it is considered that the development will not have a negative impact on local parking arrangements. This aspect would be controlled by a Section 106 legal agreement.

4.20 Covered cycle parking is proposed at the north of the car park. It is not considered that the likely level of traffic movement associated with the re-use of the building will create highway safety concerns

LOSS OF SHOP

4.21 The locality is well served with local shops. The Co-operative and adjacent post office on East Parade are only around two or three minutes walk away. The site is also within easy walking distance to the shops at Layerthorpe and Foss islands Road. It is not considered that the loss of the building to retail use will lead to a deficiency of provision in the area.

DRAINAGE

4.22 The development involves the re-use of an existing building and car park. It is not in a flood risk area and the development will not increase flood risk elsewhere.

QUALITY OF ACCOMMODATION CREATED

4.23 The smaller flats in the development typically have a gross floor area of around 40 square metres. This is considered to provide adequate space to ensure good living conditions. A landscaped buffer is proposed between the development and the car park/street. The apartments are single aspect, however, the east-west orientation will ensure that they receive acceptable levels of day light/sunlight.

4.24 The rear car park is intended to be re-surfaced to enhance the setting of the approach. It is considered that the rear of the development will be relatively functional, however, it is considered acceptable and safe for users.

4.25 The adjacent accountancy office will retain two parking spaces under the existing rear balcony. It is considered that the office use and residential use are compatible. The balcony on the side of the office is close to unit 2 (ground floor apartment) and unit 7 (first floor apartment) however, the difference in levels between the balcony and the windows of the two apartments is such that there is little opportunity for overlooking directly into rooms.

SUSTAINABILITY

4.26 The proposal is considered to be a sustainable land use close to the city centre. The re-use of the building is a sustainable approach in respect to the use of materials.

CONTAMINATION

4.27 The history of the site would not give rise to concerns that the land is contaminated.

S106 AGREEMENT

4.28 A section 106 agreement was signed in respect to the previous approval for flats on the site. It removed the occupants' access to resident parking permits. If the application is approved the S106 agreement will need to be varied to relate to the current application.

5.0 CONCLUSION

5.1 In July 2016 planning permission was granted to demolish the building and erect 8t apartments with 7 car parking spaces. The scheme under consideration seeks to convert and adapt the existing building. 10 apartments are proposed with 6 car parking spaces. Secure cycle parking is proposed with one space per apartment.

5.2 The principle of residential use of the site has previously been agreed. There is an eclectic mix of building forms in the vicinity and in the context the proposal is considered acceptable. It is considered that the enclosure/ landscaping of the front forecourt will enhance the setting of the building.

5.3 Most of the flats will have one bedroom. They appear well proportioned and offer separate sleeping and living accommodation, rather than being of the 'studio' type.

5.4 The site is sustainably located. If the application is approved a section 106 agreement will be required to ensure that the development does not put additional pressure on the locality's residents parking scheme.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 TIME2 Development start within three years

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

Proposed ground floor plan KWL-093-006-010 rev C received by the Local Planning Authority on 13 April 2017.

Proposed site plan KWL-093-006-010 rev C received by the Local Planning Authority on 13 April 2017.

Proposed elevations KWL-093-006-013 rev C received by the Local Planning Authority on 13 April 2017.

Proposed first and second floor plan KWL-093-006-012 rev C received by the Local Planning Authority on 13 April 2017.

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

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

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

Reason: So as to achieve a visually cohesive appearance.

4 Notwithstanding the submitted details, large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development above footings level and the works shall be carried out in accordance with the approved details.

Windows and bays

Dormer windows

Eaves details

Main door opening and surround

Bin storage

Cycle storage

Lighting of car park

Reason: So that the Local Planning Authority may be satisfied with these details.

5 The building shall not be occupied until there has been submitted and approved in writing by the Local Planning Authority a detailed hard and soft landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs to be planted in the rear and front forecourt along with details of the front boundary treatment. This scheme shall be implemented within a period of nine months of the completion of the development. Any trees or plants which are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

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

Reason: In the interests of highway safety.

7 Prior to the development coming into use the site shall be re-surfaced in a manner in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the egress of water and loose material onto the public highway, enhance the setting of the building and reduce surface water run off.

8 Before the occupation of the residential accommodation an Electric Vehicle Recharging Point shall be provided in a position and to a specification to be first agreed in writing by the Council. Within 3 months of the first occupation of the accommodation, the owner will submit to the Council for approval in writing (such approval not be unreasonably withheld or delayed) an Electric Vehicle Recharging Point Maintenance Plan that will detail the maintenance, servicing and networking arrangements for each Electric Vehicle Recharging Point for a period of 10 years.

Note: Electric Vehicle Recharging Point means a free-standing, weatherproof, outdoor recharging unit for electric vehicles with the capacity to charge at both 3kw (13A) and 7kw (32A) that has sufficient enabling cabling to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point. Charging pointes should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles. Also, to prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development in agreement with the Local Planning Authority. This ties in with a key

theme of the NPPF, in that developments should enable future occupiers to make green vehicle choices and it explicitly states that 'developments should be located and designed where practical to incorporate facilities for charging plug in and other ultra low emission vehicles'

REASON: To promote and facilitate the uptake of electric vehicles / bikes / scooters on the site in line with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework (NPPF).

9 The design and location of any new vehicular entrance gates located at the site shall be agreed in writing prior to their erection and they shall be erected and maintained in accordance with the details.

Reason: To protect highway safety.

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

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

11 Notwithstanding the submitted details, development shall not begin until details of surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site to avoid increasing flood risk on adjacent sites and to reduce surface water run off rates where practical through attenuation and the use of permeable surfacing. These details are required in advance of the development of the site to ensure that ground works do not compromise the effective implementation of the condition.

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

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

Reason. To protect the amenity of local residents

7.0 INFORMATIVES:

Notes to Applicant

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

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

Revised drawings submitted to address the impact on neighbours living conditions, the streetscene and bin and cycle storage.

2. FOR INFORMATION – CONSTRUCTION METHODS.

(i) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228-1:2009 + A1:2014 and BS 5228-2:2009 + A1:2014, a code of practice for "Noise and Vibration Control on Construction and Open Sites".

(ii) Best practicable means shall be employed at all times in order to minimise noise, vibration, dust, odour and light emissions.

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

(iv) There shall be no bonfires on the site.

3. PARKING PERMITS

It should be noted that the occupants of the flats will not be eligible to apply for a resident's permit to park in nearby streets and perspective occupiers and purchasers should be made aware of this.

4. SITE HISTORY

Because of the connection many York residents have with Londons' toy shop it is suggested that the developer considers ways in which the previous use can suitably be recorded and celebrated on site. If there is any doubt regarding whether any such works would need planning permission or advertisement consent the Local Planning Authority should be contacted.

Contact details:

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

Tel No: (01904) 551352

17/00088/FULM

Former Londons 31A Hawthorn Grove



Scale : 1:1297

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	24 April 2017
SLA Number	Not Set

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