



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

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

**Date:** Thursday, 4 August 2016

**Time:** 4.30 pm

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

**AGENDA**

**1. Declarations of Interest**

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

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

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

**2. Minutes (Pages 3 - 10)**

To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee held on 7 July 2016.

**3. Public Participation**

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is at **Wednesday 3 August 2016 at 5.00 pm.**

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

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### **4. Plans List**

To determine the following planning applications:

**a) Oak Haven, 144 Acomb Road, York YO24 4HA (16/01535/GRG3) (Pages 11 - 16)**

Change of use of vacant elderly persons care home to temporary accommodation for up to 15no. families and individuals [Holgate] **[Site Visit]**

**b) Oakwood Cottage, Pottery Lane, Strensall, York YO32 5TW (16/01207/FUL) (Pages 17 - 24)**

Two storey side extension, first floor rear extension and single storey veranda to front and side [Strensall]

- c) York District Hospital Wigginton Road York YO31 8HE (16/01195/FULM)** (Pages 25 - 42)  
First and second floor extensions above Remedial Therapy Department to provide additional clinical space for new Endoscopy Unit [Guildhall] **[Site Visit]**
- d) 15 Heslington Lane York YO10 4HN (16/01047/FUL)**  
(Pages 43 - 60)  
Conversion of existing dwelling into 3no. flats with single storey side extension (part-retrospective) (resubmission)[Fulford and Heslington] **[Site Visit]**
- e) 2 Hambleton Avenue, Osbaldwick, York YO10 3PP (16/00396/FUL)** (Pages 61 - 70)  
Two storey side extension and single storey rear extensions [Osbalwick and Derwent] **[Site Visit]**
- f) Rowntree Wharf, Navigation Road, York (15/01891/FULM)**  
(Pages 71 - 90)  
Partial conversion of ground and first floor offices into 34 residential apartments [Guildhall] **[Site Visit]**
- g) Rowntree Wharf, Navigation Road, York (15/01892/LBC)**  
(Pages 91 - 98)  
Internal alterations associated with partial conversion of ground and first floor offices to 34no. apartments [Guildhall] **[Site Visit]**
- h) Clifton Moor Centre, Stirling Road, York (16/01342/TPO)**  
(Pages 99 - 108)  
Fell 91no. trees protected by Tree Preservation Order no.: CYC344 [Rawcliffe and Clifton Without] **[Site Visit]**

**5. Appeals Performance and Decision Summaries**

(Pages 109 - 126)

This report (presented to both Planning Committee and the Area Planning Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 April and 30 June 2016, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date of writing is also included.

**6. Planning Enforcement Cases - Update** (Pages 127 - 130)

The purpose of this report is to provide Members with a continuing quarterly update on planning enforcement cases.

**7. Urgent Business**

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

Democracy Officer:

Name: Judith Betts

Contact Details:

- Telephone – (01904) 551078
- E-mail –judith.betts@york.gov.uk

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

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

Contact details are set out above.

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

**我們也用您們的語言提供這個信息 (Cantonese)**

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

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

**Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)**

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

** (01904) 551550**

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**AREA PLANNING SUB COMMITTEE****SITE VISITS****Wednesday 3 August 2016**

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

<b>TIME</b> <b>(Approx)</b>	<b>SITE</b>	<b>ITEM</b>
10.15	Rowntree Wharf Navigation Road	4f & 4g
10.55	2 Hambleton Avenue Osbaldwick	4e
11.25	15 Heslington Lane Fulford	4d
12.00	Oak Haven 144 Acomb Road	4a
12.30	Clifton Moor Centre Stirling Road	4h
13.15	York District Hospital Wigginton Road	4c

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City of York Council

Committee Minutes

Meeting	Area Planning Sub-Committee
Date	7 July 2016
Present	Councillors Galvin (Chair), Shepherd (Vice-Chair), Craghill, Gillies, Hunter, Cannon, Flinders, Mercer, Orrell and Richardson (Substitute for Councillor Carr)
Apologies	Councillors Carr and Looker

Site	Visited by	Reason
39 Goodramgate, York, YO1 7LS	Councillors Cannon, Craghill, Flinders, Galvin and Shepherd.	As objections had been received and the Officer's recommendation was for approval.
3 Dudley Court, Dudley Street, York, YO31 8LR	Councillors Cannon, Craghill, Flinders, Galvin and Shepherd.	As objections had been received and the Officer's recommendation was for approval.
Land between 8 and 12 White House Gardens, York	Councillors Cannon, Craghill, Flinders, Galvin and Shepherd.	As objections had been received and the Officer's recommendation was for approval.

## 5. Declarations of Interest

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

No interests were declared.

## 6. Minutes

Resolved: That the minutes of the last Area Planning Sub Committee held on 9 June 2016 be approved and then signed by the Chair as a correct record.

## 7. 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.

## 8. Plans List

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

### 8a) 39 Goodramgate, York, YO1 7LS (16/01242/FUL)

Members considered a full application by Mrs B Taylor for a change of use from public highway to customer seating area in connection with existing café use at 39 Goodramgate.

Officers gave an update to Members and reported that they had received the following additional comments in respect of the application:

- Guildhall Planning Panel  
Did not object, however it had been noted that the proposals would obstruct the dropped kerb and this needed to be left clear and a condition applied to protect the dropped kerb to allow wheel chairs access.
- Civic Trust  
Although they sought to support business in the historic core area they had concerns about the proposals owing to the encroachment on the footpath in a particularly busy street.

It was also noted that the applicants had submitted a revised plan and provided evidence that the seating could be set out without blocking the dropped kerb.

The applicant, Beverley Taylor was in attendance to answer Members questions. In response to a question if any other nearby cafés had seating in the road, she responded saying that

there was one but this was located further down the street and did not have seating in the road.

Concerns were expressed about the narrowness of the street and traffic using the road, whilst others felt that by placing tables and seating on the road, a parking or delivery space would be eliminated.

Following Member discussion, it was clarified that Goodramgate was not fully pedestrianised but that there was restricted vehicular access between the hours of 10.30 am- 5pm, Monday to Sunday.

Some Members felt that having tables in the road would deter vehicles from using it during footstreet hours, and they would encourage more pavement cafés. Others suggested that the number of days in the year the tables would be placed out on the road would be limited.

Councillor Gillies moved and Councillor Richardson seconded refusal on the grounds of there being insufficient road width for vehicles to pass if tables and seating and tables were put up, and a precedent for other applications.

On being put to the vote this fell and it was;

Resolved: That the application be approved subject to the conditions listed in the Officers report and the revised plan and evidence provided by the applicant.

Reason: There has been no material change in situation or policy. There is no evidence that the proposals have had an adverse effect on safety.

**8b) 42 Millfield Lane, York, YO10 3AF (16/01097/FUL)**

Members considered a full application by Mr Sullivan for a change of use from small House in Multiple Occupation (use class C4) to a large House in Multiple Occupation, two storey side and rear extensions, single storey rear extension and dormers to side and rear.

Resolved: That the application be refused.

- Reason: 1. It is considered that by reason of their scale massing and design the proposed extensions would not be subservient to the original dwelling and would have a harmful unduly dominant and overbearing impact on its surroundings, particularly when viewed from Millfield Lane. The proposal is therefore in conflict with paragraph 17 of the National Planning Policy Framework, Policies GP1 and H7 of the Development Control Local Plan and the guidance contained within the House Extensions and Alterations Supplementary Planning Guidance.
2. The proposed first floor rear part of the proposed extensions by reason of its height, massing and location would appear as an oppressive, over-dominant structure when viewed from the both neighbouring properties and would result in a significant loss of daylight and afternoon sunlight to the adjoining property at no.44 Millfield Lane. The proposal is therefore in conflict with paragraph 17 of the National Planning Policy Framework, Policies GP1 and H7 of the Development Control Local Plan and the guidance contained within the House Extensions and Alterations Supplementary Planning Guidance.
3. The increased number of occupants at this suburban semi-detached dwelling is considered to be likely to result in a significant cumulative impact on the residential character of the street taking into account the existing high level of houses in multiple occupation along the street within 100m of the application site and within the wider neighbourhood. The size of the store is inadequate to provide accommodation for 8 cycles and the waste and recycling storage for the number of residents proposed. This cumulative increase will have a harmful impact on the living conditions of local residents and the residential character of the area from additional littering and accumulation of rubbish in the front garden; noises between dwellings and in the street at all times and especially at night and increased parking pressures. This is contrary to paragraph 17 of the National Planning Policy

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

**8c) 3 Dudley Court, Dudley Street, York YO31 8LR  
(16/00995/FUL)**

Members considered a full application by Mr and Mrs Paul and Jane Thain for a single storey rear extension; addition of and replacement of first floor rear windows (revised plan).

Officers gave an update to Members and reported that additional comments had been received from three neighbours in respect of the application, these were:

- Amended plans were still overdevelopment
- Proposed rooflights and excessive glazing-loss of privacy
- Will dominate adjacent properties and their outlook
- Additional first floor window will result in additional loss of privacy
- Light pollution from glazing in rear gable
- Existing house was allowed because it fell within the footprint of the former building on the site, would have objected at the time if knew it could be further extended
- Amended design not in keeping with original dwelling or area;
- Extension breaches 45 degree rule to neighbouring annex
- Condition attached to original permission prohibits further windows to side (i.e. rooflights)

The applicant's agent Chris Smith, was in attendance to answer Members questions. Regarding concerns about light pollution, he confirmed that the windows were sited to the rear of the house. In regards to the materials of the glazing material in the gable windows, he stated that if the windows had been UPVC they would be allowed under permitted development.

Representations in objection were received from Andrew Radforth, a neighbour.

He referred to access and stated that there would be no space for building materials on site which would have a detrimental impact on the neighbouring properties.

Further representations in objection were received from Dave Stoddart, a neighbour who spoke about privacy issues, specifically from the applicant's property overlooking neighbouring gardens.

Members questioned why the applicant had to apply for planning permission for the windows, when if they used UPVC they would not require planning permission. Officers explained that for the applicant to have permitted development rights, the windows would have to be of a similar material to those they were replacing (UPVC). A Member noted that if the alterations had been permitted development, the Committee would not be able to attach a condition in regards to construction hours with planning permission.

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

- 5 The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

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

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

Members considered a full application by Mr David Blackwell for the erection of 1no. detached dwelling.

Representations in objection were received from Edwin Thomas, a neighbour.

He informed that the proposed dwelling would be 4 metres from his property and felt that it would be overdominant and overshadow his property.

The Ward Member, Councillor Fenton informed the Committee that 38 residents had signed a petition against the application. He highlighted that 8 White House Gardens would be 1 metre distance away from the detached dwelling and asked Members to refuse the application.

Members questioned the loss of light that residents at 8 White House Gardens might face from the proposed dwelling and if a series of light, angle and distance tests could be carried out.

Officers responded that tests could be undertaken using Building Research Establishment guidance and that one of the side windows to a habitable room would suffer a loss of light. In their opinion, as this was a smaller window to the lounge which had other windows serving it, this was deemed to be acceptable.

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

Reason: (i) The revised scheme proposes a house which is designed to sit comfortably in the street and it would not have an undue impact on neighbour's amenity. There is a drainage design solution which would be policy compliant and the detail can be secured through a planning condition. Any developer would also require permission from Yorkshire Water in this respect. The proposed house would have no material impact on highway safety. Any damage that may occur off site during construction is not a material consideration in determination of the application in this case and as the road is not adopted it is for any interested parties to agree any mitigation and not the council. In a similar manner any covenants relevant to the site relate to legal matters and are not material planning considerations.

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

Councillor J Galvin, Chair

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



**COMMITTEE REPORT**

**Date:** 4 August 2016                      **Ward:** Holgate  
**Team:** Major and                              **Parish:** Holgate Planning Panel  
Commercial Team

**Reference:** 16/01535/GRG3  
**Application at:** Oak Haven 144 Acomb Road York YO24 4HA  
**For:** Change of use of vacant elderly persons care home to temporary accommodation for up to 15no. families and individuals  
**By:** City Of York Council  
**Application Type:** General Regulations (Reg3)  
**Target Date:** 19 August 2016  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The proposal is for a change of use of the now vacant Oak Haven care home in to temporary homeless people's accommodation. No external changes are proposed to the building.

1.2 The site fronts Acomb Road but is set back from the highway with a row of semi mature trees on the front boundary. The building is in a U shape enclosing a grassy courtyard to the front. It is two storey and of modern construction. Vehicular access is off Hebdon Rise and leads to a small parking area at the rear of the property.

1.3 The proposal has been submitted in conjunction with a planning application to demolish and replace the existing homeless person's accommodation at Ordnance Lane (16/00871/FULM - pending). To allow for the redevelopment of Ordnance Lane, the residents will be temporarily relocated to Oak Haven. Following the completion of the Ordnance Lane site, residents will be moved out of Oak Haven. The site will then be demolished and the intension is to redevelop with an extra care residential housing scheme. This will be subject to a future planning application.

1.4 Housing Services, as the Applicant, have made the following comments:  
*The temporary use of Oakhaven for households de-canting from Ordnance Lane is needed to reduce the pressure on the council's general needs housing stock. The expectation is that the temporary use will be for approximately one year and that construction work to replace Oakhaven with a new older person's extra care scheme will begin in September 2017. However, in order to allow for any unforeseen circumstances, it is requested that the temporary use of Oakhaven be permitted for up to 18 months.*

## **2.0 POLICY CONTEXT**

### 2.1 Policies:

CYGP1 Design

## **3.0 CONSULTATIONS**

### Holgate Planning Panel

3.1 No objections to the scheme.

### Neighbour Notification/Publicity

3.2 The publicity period for this application expires on August 1 2016. No responses have been received to date.

## **4.0 APPRAISAL**

### 4.1 Key Issues

- The principle of the development
- Impact on neighbouring amenity
- Highways considerations
- Other considerations

### The principle of the development

4.2 The NPPF states that at the heart of planning is a presumption in favour of sustainable development. Unless material considerations indicate otherwise, proposals which accord with the development plan should be made without delay and where the development plan is absent or outdated, permission should be granted unless adverse impacts significantly outweigh the benefits.

4.3 Within the Local Plan Preferred Sites documents, which have been put out for public consultation this month, the site is allocated as a housing site (H20). The intention is that it will be redeveloped as Extra Care housing in partnership with a third party. However the Preferred Sites document can only be given very limited weight as it is still in the very early stages and has not completed its public consultation and it is anticipated that the new Local Plan will not be submitted to the Secretary of State for examination until May 2017. As such it is considered that the proposal to change the building to a sui generis hostel is not unacceptable given the mixed character of the area although a temporary use condition should also be included to ensure that the site is available should the Local Plan be adopted.

4.4 The Local Planning Authority are required by the NPPF to deliver a wide variety of high quality homes and to bring back in to residential use empty housing. As such this temporary change of use from a residential care home to homeless housing represents a sustainable solution to the issue of re-homing the residents of the Ordnance Lane site. The proposal is therefore considered acceptable in principle subject to other material planning considerations which are discussed below.

#### Impact on neighbouring amenity

4.5 No external alterations are proposed to the building and internal changes are minimal. Currently the property has 27 bedrooms. The proposal is to change it to 10 one bed flats and 5 two bed flats. Given that the changes to the building are minimal it is not considered that there is likely to be any additional overlooking impact on neighbouring residents.

4.6 Policy GP1 of the Local Plan requires that neighbours are not unduly impacted by noise and disturbance. There are residential properties to the rear of the site and it is acknowledged that the type of accommodation proposed is more likely to lead to more noise and comings and goings than a residential care use. A temporary use condition is therefore also considered appropriate to limit the proposed change of use to 18 months from the date of decision.

#### Highways considerations

4.7 The requirement for parking for this type of accommodation is not high and is unlikely to be any greater than the existing situation. The parking provision on site is unaffected by the proposal and is considered sufficient to serve the proposed use. The site access is unaltered by the proposal.

4.8 The site is in a sustainable location close to Acomb centre and on good bus routes.

#### Other considerations

4.9 The intention is for the site to be in the proposed use for up to 18 months while the site at Ordnance Lane is redeveloped. It is hoped that the Oak Haven will be redeveloped as extra care accommodation in 2018 as part of the Council's Older Person's Accommodation Programme. The temporary use of Oak Haven will save money by not utilising bed and breakfast accommodation; allow residents to be re-housed in a secure environment and reduce pressures on other permanent housing stock.

## 5.0 CONCLUSION

5.1 The scheme is put to the Committee with a recommendation for approval subject to a temporary use condition for 18 months as requested by the Applicant. The proposed use is in keeping with the character of the area and considered to have a minimal impact on neighbouring residential amenity. While allocated as a housing site within the Preferred Sites Consultation document, the proposed temporary use should have no impact on this.

## 6.0 RECOMMENDATION:

1 TEMP2 IN Temporary consent for use - 18 months following the date of this notice

2 PLANS1 Approved plans

## 7.0 INFORMATIVES:

### Notes to Applicant

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

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

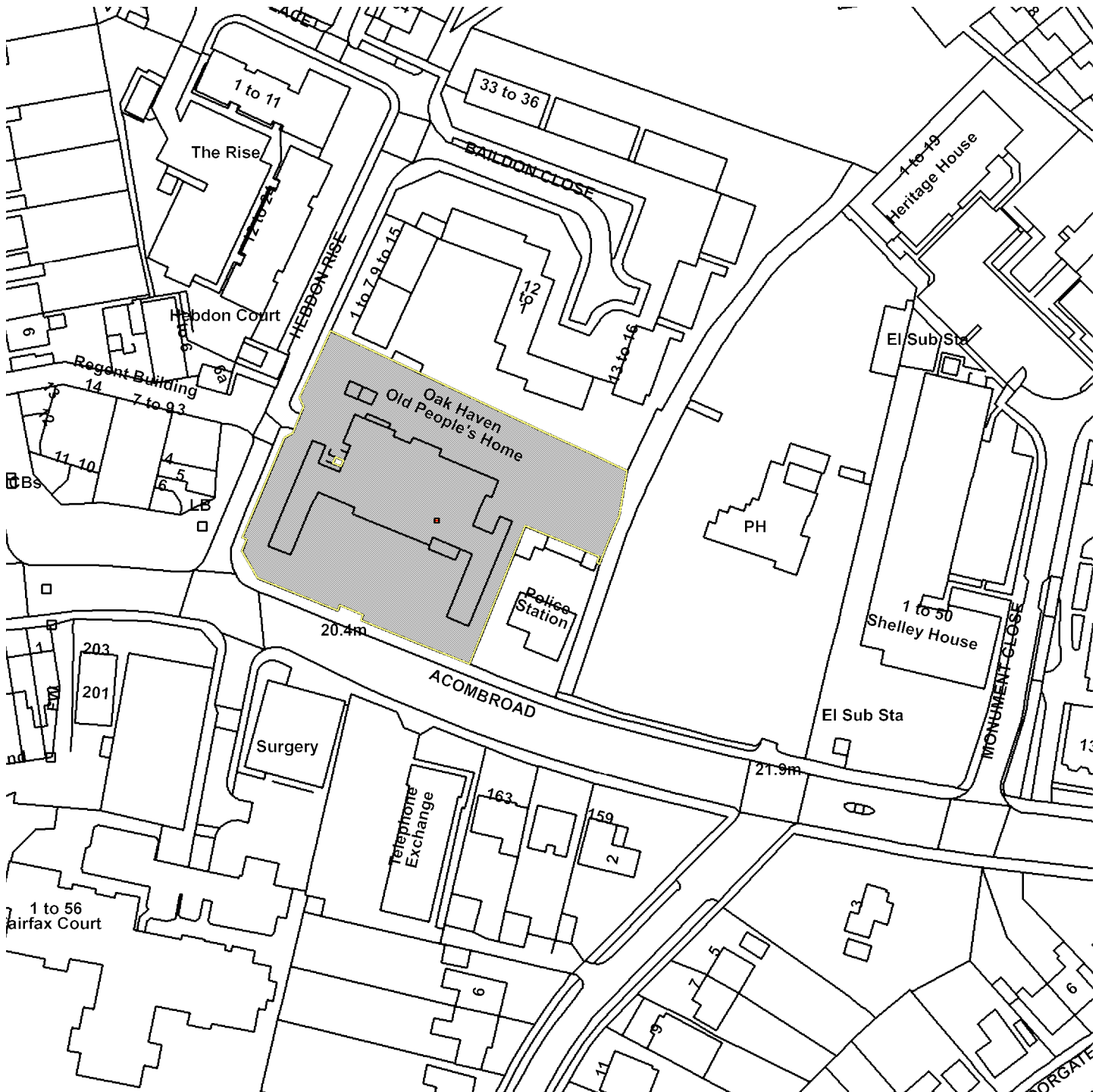
### Contact details:

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

**Tel No:** 01904 555730

16/01535/GRG3

Oak Haven, 144 Acomb Road



Scale : 1:1244

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	25 July 2016
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 4 August 2016      **Ward:** Strensall  
**Team:** Householder and Small Scale Team      **Parish:** Strensall with Towthorpe Parish Council

**Reference:** 16/01207/FUL  
**Application at:** Oakwood Cottage Pottery Lane Strensall York YO32 5TW  
**For:** Two storey side extension, first floor rear extension and single storey veranda to front and side  
**By:** Mr Stuart Barnes  
**Application Type:** Full Application  
**Target Date:** 20 July 2016  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 Oakwood Cottage is a semi detached two storey dwelling house located in a generous plot forming part of a group of buildings accessed from Pottery Lane that are situated in an established landscape setting in the Green Belt.

1.2 It is proposed to erect a two storey side extension to the host dwelling house, a first floor rear extension and a single storey veranda to the front and side of the side extension. In discussion with the agent, revised drawings have been submitted so that the two storey side extension would appear subsidiary to the host dwelling house. The host dwelling house dates from the late nineteenth century and is linked to the adjoining two storey dwelling house by a two storey rear offshoot.

1.3 The application is reported to Sub-Committee for decision because the applicant is a Councillor.

**2.0 POLICY CONTEXT**

2.1 Policies:

**2005 Draft Development Control Local Plan**

CYGB1      Development within the Green Belt  
CYGB4      Extension to existing dwellings in GB  
CYGP1      Design  
CYH7      Residential extensions

## Emerging Local Plan

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

### **3.0 CONSULTATIONS**

#### Strensall with Towthorpe Parish Council

3.1 No objections.

#### Neighbour Notification and Publicity

3.2 No responses received.

### **4.0 APPRAISAL**

#### 4.1 Key Issues

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

4.2 The National Planning Policy Framework (NPPF) (March 2012) sets out 12 core planning principles that should underpin both plan-making and decision-taking. A principle set out in paragraph 17 is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.3 The NPPF, Chapter 7, paragraph 56 advises 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 make places better for people.

4.4 The NPPF, Chapter 9, paragraph 89 advises that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.



4.5 The City of York 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 when they are in accordance with the NPPF.

4.6 Development Control Local Plan Policy GB1 Development in the Green Belt advises that planning permission will only be granted where the scale, location and design of such development would not detract from the open character of the Green Belt. Policy GB4 Extensions to Existing Dwellings identifies that in the Green Belt, extensions can be acceptable provided there would be no greater visual impact, the design is in keeping and the extension is of a small scale compared to the original dwelling. Policy GB4 states that extensions should not result in a disproportionate addition, over and above the size of the original dwelling. In general terms, a planning application to extend a dwelling by more than 25% of the original footprint will be considered a large scale addition and resisted accordingly.

4.7 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.

4.8 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.

4.9 The Council has an agreed Supplementary Planning Document (SPD) 'House Extensions and Alterations' dated December 2012 which provides guidance on all types of 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 where it is located. 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.

4.10 Paragraph 11.1 of the SPD relates to front extensions and states that an extension forward of the front wall of a house will not normally be permitted unless the house is set well back from the pavement, or is well screened; the extension is small, well designed and would not harm the character of the house/area; and the extension would not unduly affect neighbours.

Paragraph 12.2 of the SPD advises that with regard to side extensions, care should be taken to ensure that they are designed to harmonise with the host property. If not sensitively designed and located, side extensions can erode the open space within the street.

## ASSESSMENT

### VISUAL IMPACT ON DWELLING AND SURROUNDING AREA

4.11 The two storey side extension would echo the traditional design of the host dwelling house with a pitched pantile roof and lime render finish to complement the external finishes of the host dwelling. The extension would be attached to the south elevation of the host dwelling house and would appear subservient. The first floor Venetian style tripartite window to the south/side elevation of the side extension would include a Juliet balcony to the central window. A single storey pitched roof open sided veranda would be located to the front and south side of the two storey side extension, with an oak frame and pantile roof finish to complement the host dwelling house.

4.12 The first floor rear extension would be of a contemporary design with a flat roof and the first floor external finish comprised of zinc standing seam cladding. To the ground floor a series of full height sliding glazed doors would contribute to the contemporary architectural style of the addition. The height and mass of the first floor extension would appear subsidiary to the host dwelling house and existing rear offshoot that connects to the adjoining dwelling house.

4.13 With regard to design and visual amenity, it is considered that the scale and mass of the additions are proportionate to the host dwelling house and that the architectural design of the extensions would complement that of the host dwelling house. The extensions would not be open to general public view from Pottery Lane. It is considered that the design and mass of the extensions would not detract from the landscape setting of the dwelling house or the architectural character of this group of buildings in Pottery Lane.

### IMPACT ON THE GREEN BELT

4.14 The proposed extensions are located to the south/side and rear of the host dwelling house, with the veranda located to the front and south/side of the two storey side extension. It is considered that the scale, location and design of the extensions would not detract from the open character of the Green Belt. Due to the location of the extensions, to the side and rear of the host dwelling house and the established landscape setting of the application site, it is considered there would be no greater visual impact resulting from the proposals. The architectural design of the extensions is in keeping with the host dwelling house and the extensions are of a relatively small scale compared to the original dwelling.

## IMPACT ON NEIGHBOURING AMENITY

4.15 In terms of residential amenity, the two storey side extension and veranda are located to the north of a single storey outbuilding and would not be considered overbearing or give rise to a loss of amenity to adjoining residents as a result of overshadowing, loss of light or privacy. The first floor rear extension includes one first floor window opening to the rear elevation. The adjoining dwelling house has a single storey rear extension located to the east of the proposed rear extension. There are no windows or roof lights present to the side elevation or side roof plane of the adjacent rear extension. Therefore, it is considered that the design and mass of the proposed first floor rear extension would not detract from the amenity of adjoining residents.

## 5.0 CONCLUSION

5.1 For the reasons stated, the proposals are considered acceptable and would comply with the NPPF, Policies GP1 (Design), GB1 (Development in the Green Belt) and GB4 (Extensions to Existing Dwellings in the Green Belt) and H7 (Residential Extensions) of the Development Control Local Plan and City of York Council's Supplementary Planning Document (House Extensions and Alterations). Approval is recommended.

## 6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing no. 0316\_ (P) 01 Revision A Proposed ground floor plan

Drawing no. 0316\_ (P) 02 Revision A Proposed first floor plan

Drawing no. 0316\_ (P) 03 Revision A Proposed elevations

Drawing no. 0316\_ (P) 04 Revision A Proposed roof plan

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

3 The brickwork finish and pantiles to be used externally shall match those of the existing buildings in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

4 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the zinc standing seam cladding to the first floor rear extension and render finish to the two storey side extension shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. The development shall be carried out using the approved materials.

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

Reason: So as to achieve a visually cohesive appearance.

**7.0 INFORMATIVES:  
Notes to Applicant**

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) 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:

- Discussions with the agent resulted in revised drawings being submitted with the pitched roof part of the two storey side extension being stepped down and set back from the host dwelling house so that the extension appears subservient.

**Contact details:**

**Author:** Sandra Duffill Development Management Assistant

**Tel No:** 01904 551672

16/01207/FUL

Oakwood Cottages, Pottery Lane, Strensall



Scale : 1:1244

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	25 July 2016
<b>SLA Number</b>	Not Set

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**.COMMITTEE REPORT**

**Date:** 4 August 2016                      **Ward:** Guildhall  
**Team:** Major and                              **Parish:** Guildhall Planning Panel  
Commercial Team

**Reference:** 16/01195/FULM  
**Application at:** York District Hospital Wigginton Road York YO31 8HE  
**For:** First and second floor extensions above Remedial Therapy  
Department to provide additional clinical space for new  
Endoscopy Unit  
**By:** York Teaching Hospital NHS Foundation Trust  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 12 September 2016  
**Recommendation:** APPROVE

**1.0 PROPOSAL**

1.1 The proposal is for an extension to York District Hospital to form an improved purpose-built Endoscopy Unit. The site is on the northern side of the hospital complex, close to the boiler house and to the rear of, but some distance from, the residential properties on Feversham Crescent. The scheme is for a first and second floor extension above an existing single storey brick building. Materials are a mix of copper and dark grey cladding with the taller two storey element of the proposal being in the copper cladding and the single storey (first floor) element in the dark grey. LED lighting along the roofline will be a feature of the building at night-time. The second floor of the building incorporates the plant room to the front and staff rooms to the rear of the site while the first floor is treatment and waiting rooms and offices. A loss of 4 parking spaces is anticipated as a result of the proposal. The site compound will be accommodated within the site to the rear of Feversham Crescent.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation: Hospital

Contaminated Land GMS Constraints:

2.2 Policies:

CYGP1      Design  
CYC4      York District Hospital site  
CYGP4A    Sustainability  
CYGP6      Contaminated land  
CYGP11    Accessibility

Application Reference Number: 16/01195/FULM

Item No: 4c

### **3.0 CONSULTATIONS**

#### INTERNAL

##### Planning and Environmental Management

3.1 No comments to make on the scheme.

##### Highway Network Management

3.2 No objection to the proposals and suggest a condition to ensure that a construction method statement is submitted.

#### EXTERNAL

##### Guildhall Planning Panel

3.3 Any response will be reported verbally.

##### Publicity and Neighbour Notification

3.4 One letter has been received from a local resident expressing general concern about 'out of hours' noise from the boiler house.

### **4.0 APPRAISAL**

#### 4.1 KEY ISSUES

- Policy context
- The principle of the development
- The design of the proposed extension
- Impact on neighbouring residential amenity
- Transport implications
- BREEAM

#### POLICY CONTEXT

4.2 The National Planning Policy Framework (March 2012) sets out the Government's overarching planning policies at its heart is a presumption in favour of sustainable development. It also sets out 12 core planning principles that should underpin both plan-making and decision-taking. A principle set out in Paragraph 17 is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.



4.3 Paragraph 186 states that Local Planning Authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. Paragraph 187 states that Local Planning Authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible.

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

4.5 The planned consultation on the Preferred Sites for the emerging City of York Local Plan went before Executive on 30 June, following a meeting with the Local Plan Working Group on 27 June. The proposals are now subject to an eight-week public consultation which started in July. The emerging Local Plan policies can only be afforded very limited weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base underpinning the emerging Plan is a material consideration.

#### THE PRINCIPLE OF THE DEVELOPMENT

4.6 The proposal is for an extension to the existing lawful use on the site. Policy C4 of the Local Plan allows for further hospital development within the York District Hospital site providing it does not impact on residential amenity or parking provision on site. Adequate provision should also be made for alternative forms of transport to the hospital. It is therefore considered that the proposal is acceptable in principle subject to other material planning considerations to include residential amenity and highways issues in accordance with policy C4.

#### THE DESIGN OF THE PROPOSED EXTENSION

4.7 The extension sits above an existing single storey element of the hospital buildings on the northern end of the site. To the east will be a two storey block with plant on the upper storey and to the west a single storey (albeit first floor) block. To the south of the site is another two storey element, this time for staff rooms and offices. The design itself is very simple with a vertical two storey block in copper cladding and horizontal single storey block in grey cladding. Windows are narrow and a mix of horizontal and vertical strips adding interest to the elevations and picking up detailing in the existing buildings. A lighting strip around the first floor block set down from the roof has been retained to add interest. The design, while simple in character, is considered attractive and represents an improvement in design quality over the existing red brick buildings.

4.8 In terms of its scale, the proposal is in keeping with neighbouring buildings. The renal unit to the west of the site is two storeys while to the south the buildings rise to 6 storeys in height. The buildings directly to the north between the site and neighbouring residential properties are single storey. Taken in context with neighbouring blocks, the proposal appears acceptable in its scale. The copper clad block will be prominent when entering the site however it is set well back from Wigginton Road and its scale and design will provide an identifiable landmark within an area that has little architectural interest. There is also significant distance between the site and neighbouring properties as well as a large single storey building such that the proposal is set well away from sensitive boundaries with residential properties.

4.9 The predominance of roof top plant on the hospital site has a significantly detrimental impact on visual amenity. One of the benefits of the proposed scheme is that virtually all of the plant is contained within the second floor area of the building. A small amount of plant that for technical reasons must be sited outside is to be set to the rear of the copper clad block. As a result of the parapet and siting of the plant it will not be visible from ground level.

4.10 As a result of its siting at first and second floor, the proposal has little impact on landscaping on the site. There is a small grassy courtyard between the existing remedial therapy and neurosciences building which will be below the new building. Additional details have been submitted by the applicant to indicate how this courtyard, which will now be partially covered by the proposed extension, will be treated. These show that areas of soft landscaping and seating will be retained to the rear of the courtyard with artificial planting proposed given that the area will be partly covered by the extension. The emergency stairwell will be sited within this area and will enclose the rear courtyard from the highway. Lighting and appropriate gating are proposed to ensure the courtyard does not become a magnet for anti-social behaviour.

## IMPACT ON NEIGHBOURING RESIDENTIAL AMENITY

4.11 Policy GP1 of the Local Plan requires that development does not unduly impact on neighbouring residents' amenity in terms of overlooking, overshadowing, overdominance and noise disturbance. The proposed extension is a minimum of 40m from the nearest residential property and is separated by an existing single storey building from these properties. Given the separation between the extension and dwellings it is considered that there will be little impact on neighbouring residential amenity as a result of the proposal. Comments have been made by a local resident about excessive noise from the existing boiler house. It is not possible to control this via this planning application but it is not considered that the proposed extension will result in any significant additional noise disturbance.

## TRANSPORT IMPLICATIONS

4.12 The development does not facilitate any changes to access or parking once constructed. It is accepted that as part of the whole hospital provision, the increase in staff patients can be absorbed by the existing access and parking arrangements available on the whole site.

4.13 The developer has indicated a large red line boundary on the plans that is labelled contractors' compound. As a result of the complex health and safety regulations at the hospital, significant additional paperwork is required if contractors need to work outside the identified site boundary, hence the large compound indicated on the plans. This red line boundary skirts a recently closed access onto Wigginton Road. This access should not be re-used for construction purposes and all traffic should be routed through the open accesses currently available. This has been discussed and agreed with the applicant and a condition is recommended to ensure the access remains closed.

## BREEAM

4.14 The Council's Sustainable Design and Construction SPG requires a BREEAM rating of Very Good for non-residential development of over 1000sqm. While the pre-assessment has identified that this is possible, to achieve it would render the scheme unviable. The Applicant is currently putting together a statement about this which will be presented as an update at the Committee.

## 5.0 CONCLUSION

5.1 The proposed extension provides a purpose built endoscopy unit for the hospital to meet modern standards. Policy C4 of the Local Plan relates specifically to new development at the York District Hospital site and allows for new development providing sustainable methods of transport are promoted and residential amenity is not impacted. The proposal does not provide additional parking and the site is within a sustainable location with good public transport links. The extension is some distance from residential properties and considered to have little impact on amenity as a result of this. Consequently the proposal is considered to comply with this policy.

5.2 This area of the hospital site is characterised by buildings of a lower design quality and it is considered that the proposed extension with its striking but simple design will enhance the appearance of the area. The use of simple blocks identified by different coloured cladding will provide a visual reference for visitors to the hospital while relating comfortably to the existing buildings. The proposal therefore meets the NPPF core planning principle of securing high quality design.

## 6.0 RECOMMENDATION:

1 TIME2 Development start within three years

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

Location plan SP(90)01; site plan SP(90)03; proposed elevations EL(21)01 Rev 4; landscape plan SP(20)04 Rev 2; level 1 PL(20)05 10; level 2 PL(20)06 4; roof plan PL(27) 02.

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

3 VISQ8 Samples of exterior materials to be app

4 NOISE7 Restricted hours of construction

5 The closed access road on to Wigginton Road opposite the hospital mortuary shall not be utilised or re-opened at any time during construction of the development hereby approved.

Reason: In the interests of highway safety.

## 7.0 INFORMATIVES:

### Notes to Applicant

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

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

Requested further details about materials and treatment of ground floor underneath extension.

### Contact details:

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

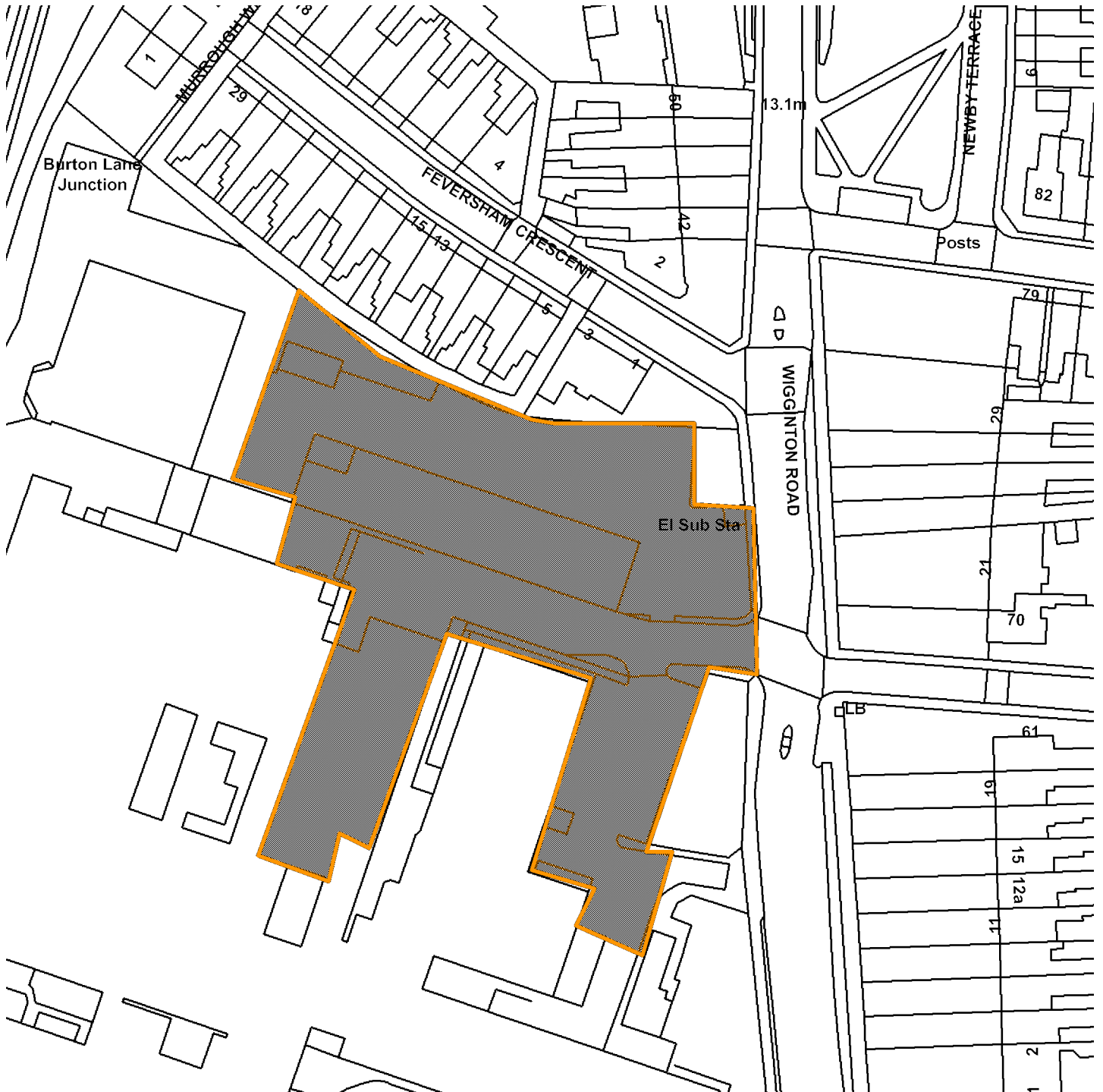
**Tel No:** 01904 555730

16/01195/FULM

York District Hospital, Wigginton Road



GIS by ESRI (UK)



Scale : 1:1028

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	25 July 2016
<b>SLA Number</b>	Not Set

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**York District Hospital 16/01195/FULM UPDATE**

**BREEAM Statement**

BREAAAM Excellent will not be achieved as except where derogated the mechanical and electrical services design reflect the need to be to health care standards and comply with the Health and Technical Memorandums (HTM's). The impact of being HTM compliant is that generally the plant is of an enhanced specification which means more features (e.g. internal AHU lighting, inspection window, access doors, etc) which leads the equipment to be physically larger. As such, in order to meet the operational requirements of the trust and the HTM's the current mechanical and electrical design includes duty and standby provision for some plant items such as chillers and domestic hot water generators. This provides the necessary operational robustness and resilience for the clinical environment but in doing increases the amount of plant and associated equipment.

However, the current mechanical and electrical services derive primary heat for heating and hot water generation and the incoming electrical supply from the existing site wide infrastructure. The existing infrastructure benefits from a Combined Heat & Power (CHP) unit rated 1.2MVA. This inherently provides the new building with a proportion of sustainable energy. In addition, the current mechanical and electrical services design also incorporates energy efficient products such as:

- Air Handling Units (AHU) that incorporate heat recovery and the ability to maximise the recovery during various conditions. The fan motors are all driven by inverter driven motors that run at the speed required and hence only use a minimum amount of energy to run.
- The cooling plant is modular and each module has inverter driven compressor motors which only run when required and at the relative speed required saving energy during operation and throughout the life time of the unit.
- The internal lighting is predominantly LED based meaning lower energy consumption and longer lamp life's. The external feature lighting is also LED. We have combined the light fittings with lighting controls that incorporate dimming, absence and presence detection where appropriate and the overall solution is not only effective but very energy efficient.
- There is also a modern 'Building Management System' (BMS) that monitors, assesses and controls the various systems to reflect the specific operational requirements. Along with fault monitoring this save energy by switching system on and off when required and providing an 'failure alert' minimising any wasted energy due to a faulty component.

**Point of Clarification**

The representation detailed in the report raises concern specifically about out of hours noise associated with the installation of a new heat exchanger in the boiler house and asks for noise restrictions for out of hours working. This is considered to be covered by the planning condition restricting construction and loading/ unloading to 0800-1800 Monday to Friday and 0900-1300 Saturday with no works on Sundays or bank holidays.

Additional condition

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

Reason: to protect the amenity of nearby occupiers of premises.



**Kier Construction - Northern**

**Breem Very Good**

Contract No. Y1791

Cost Estimate

Date: 25/07/2016

Subcontractor / Supplier: Various

Kier Construction - Northern

Cost Implications:

**£134,724.26**

Item	Description	Qty	Unit	Rate	Amount	Kier Fee%	M&E Fee %	Totals
	<b>Breem Very Good</b>							
	Fess as per attached breakdown	1	Item	£ 111,241.44	111,241.44	8,157.33		
	BRE Registration Fee	1	Item	£ 195.00	195.00	14.30		
	Formal DS Assessment (2no. Meetings & 1 no. Formal CS Assessment (1 no. site visit & 1 no. meeting & 1 no submission)	1	Item	£ 6,150.00	6,150.00	450.98		
	<u>Kier time to manage the design and process in accordance with Breem</u>							
	- Design Manager 4 weeks @ 70% collating information for submission	4	weeks	£ 942.11	£ 3,768.45	276.34		
<b>Totals</b>						<b>125,519.89</b>		<b>125,519.89</b>
Kier P21+ fee						7.333%	19.14%	
Fee Sub-Total						9,204.37		<b>9,204.37</b>
<b>Total Estimated Cost (excluding VAT)</b>								<b>134,724.26</b>

**Programme Effects:**

**Clarifications:**

1

2

3

4

**Attachments:**



**Kier Construction - Northern**

**Breem Good**

Contract No. Y1791

Cost Estimate

Date: 25/07/2016

Subcontractor / Supplier: Various

Kier Construction - Northern

Cost Implications:

£91,786.60

Item	Description	Qty	Unit	Rate	Amount	Kier Fee%	M&E Fee %	Totals
	<b>Breem Good</b>							
	Fess as per attached breakdown	1	Item	£ 72,313.98	72,313.98	5,302.78		
	BRE Registration Fee	1	Item	£ 195.00	195.00	14.30		
	Formal DS Assessment (2no. Meetings & 1 no. Formal CS Assessment (1 no. site visit & 1 no. meeting & 1 no submission)	1	Item	£ 6,150.00	6,150.00	450.98		
	<u>Kier time to manage the design and process in accordance with Breem</u>							
	- Design Manager 4 weeks @ 50% collating information for submission	4	weeks	£ 672.94	£ 2,691.75	197.39		
<b>Totals</b>						<b>85,515.73</b>		<b>85,515.73</b>
Kier P21+ fee						7.333%	19.14%	
Fee Sub-Total						6,270.87		6,270.87
<b>Total Estimated Cost (excluding VAT)</b>								<b>91,786.60</b>

**Programme Effects:**

**Clarifications:**

1

2

3

4

**Attachments:**



FOR FULL CREDIT REQUIREMENTS PLEASE SEE BREEM NEW CONSTRUCTION: 2014 GUIDE SD506 4.0

Simple Calc v01

York Endoscopy Unit

Legend  
Pre-requisite Minimum standards to meet credit

Cost to achieve Bream Good

Cost to achieve Bream Very Good

Credit ID	Title	Requirements	Available	Achieved
<b>Management</b>				
Man 01 - Project Design and Brief	Stakeholder Consultation: Project Delivery (1 - 3)	Define roles and responsibilities for the project delivery stakeholders for each key phase prior to RIBA Stage 2. Includes consideration of: end user requirements, construction constraints, design strategy, budget, documentation, manageability of the proposals, end-user documentation, commissioning, training and aftercare support.	1	
	Stakeholder Consultation: Third party (4 - 7)	Consultation with relevant stakeholders, provision of feedback to consultees and integration of feedback into the scheme design. NB Consultation needs to be undertaken by an independent third party using DQI or AEDET for example.	1	
	Sustainability Champion: Design (8 - 10)	Appointment of BREEM AP from RIBA Stage 1 to advise on target setting.	1	
	Sustainability Champion: Monitoring Progress (11 - 12)	Criteria 8 - 10 are met. Monitoring of the BREEM process during design stages by the BREEM AP, attendance at key meetings and production of reports.	1	
Man 02 - Life Cycle Cost and Service Life Planning	Elemental LCC (1 - 2)	Compliant elemental Life Cycle costing at RIBA Stage 2 and design options appraisal in accordance with PD156865:2008 on the basic structure and envelope based on the life expectancy of the refurbished building, e.g. 20, 30, 50-years. A fabric and servicing strategy outlining services and component options over a 15-year period is in the form of an elemental LCC plan.	2	
	Component Level LCC (3 - 4)	LCC has been developed to RIBA Stage 4 in line with PD 156865:2008 and covers analysis at the component level (envelope, building services, finishes, external spaces), where present and the preferred option identified.	1	
	Capital Cost reporting (5)	Report the capital cost of the building (Exim2) via the BREEM Assessment and reporting tool.	1	
Man 03 - Responsible Construction Practices	<b>Pre-requisite</b>	Timber sourced in accordance with UK Government Timber Procurement Guidelines.		
	Environmental Management (1 - 2)	Principal Contractor operates under an EMS (ISO14001 or equivalent). Adopts best practice pollution prevention measures, in accordance with PPG 6: Working at Construction and Demolition Sites.	1	
	Sustainability Champion (3 - 5)	Appointment of a Sustainability Champion to monitor the project during construction. Requirement will be site-based, regularly monitor and have authority to require short conings in compliance to be addressed.	1	
	Considerate Construction (6) <i>One credit Mandatory for Excellent</i>	CCS score of between 25 - 34 CCS score of >35	2	
	Monitoring construction site impacts (7 - 16)	Responsibility assigned to individual to monitor, record and report energy consumption and CO2 emissions and water consumption (using BRE reporting tool). Responsibility assigned to individual to monitor, record and report on transport data attributable to material delivery and waste removal to / from site.	1	
Man 04 - Commissioning and Handover	Commissioning: Testing schedule and responsibilities (1 - 4)	Commissioning in accordance with Building Regulations, CIBSE / BSI/BSIA guides, inclusion in construction programme and appointment of commissioning monitor.	1	
	Commissioning: Building Services (5)	Criteria 1 - 4 are achieved. Appointment of specialist manager for complex building services to provide reviews, design input and management activities.	1	
	Testing and Inspection: Building Fabric (6 - 8)	Undertake a thermographic survey post construction and rectify any defects.	1	
	Handover (9 - 10) <i>(Item 9 - BUS - Mandatory for Excellent)</i>	Compliant Building User guide for FM and general building users (stand alone and non-technical), AND, Develop a training schedule for building occupiers / managers.	1	
Man 05 - Aftercare	Aftercare Support (1 - 2)	Monitoring water and energy consumption for the first 12-month of occupation AND, Provision of aftercare support in the form of meetings, training, and longer term support for at least 12-months, etc.	1	
	Seasonal Commissioning (3) <i>(Mandatory for Excellent)</i>	Seasonal commissioning for the first 12-months under full and part load and where relevant, high and low occupancy, interviews with building occupants and re-commissioning, where required.	1	
	Post Occupancy Evaluation (4 - 5)	Client commits to carry out a Post Occupancy Evaluation (POE) by an independent 3rd party 1 year after occupation to gain building performance feedback. Publicly disseminate information on the performance of the building, through the client website, or similar, to share good practice and lessons learnt.	1	
<b>Management</b>			21	
<b>Management Score Totals:</b>			19.0	
<b>EACH CREDIT WORTH</b>			0.57	
<b>Health and Wellbeing</b>				
Hea 01 - Visual Comfort	Glare Control (1 - 2)	Provision of glare control to relevant areas, which avoids increasing lighting energy consumption, i.e. Building design (low eaves), external shading (brise sole), internal shading (blinds).	1	
	Daylighting (3)	2% average daylight factor in 80% of staff and public areas AND uniformity ratio of at least 0.3 or view of sky AND room depth criterion are met.	2	
		3% average daylight factor in 80% of occupied patient areas AND uniformity ratio of at least 0.3 or view of sky AND room depth criterion are met.		
	View Out (4 - 6)	Achievement of view-out criteria in 95% of relevant building areas (typically workstations within 7m of an external window and the window area is >20% of the surrounding wall area).	1	
Lighting Levels (7 - 10) and Zoning (11 - 13)	All fluorescent and compact fluorescent lighting have high frequency ballasts. Internal lighting levels in accordance with SLL Code for Lighting 2012 And CIBSE LG7 (Sections 3.3, 4.6, 4.7, 4.8 and 4.) All external lighting is in accordance with BS5489-1 (lighting of roads and amenity spaces) and BS EN 12664-2 (lighting of outdoor workspaces) where relevant. Suitable local control and zoning of lighting is provided.	1		
Minimising Sources of Air Pollution: Indoor Air Quality Plan (1)	Production of an IAQP, which considers sources, how to remove, dilute and control them, procedures for flush out, 3rd party testing and maintaining quality.	1		

TARGET	APPROX COST	COMMENT
1	£ -	
1	£ -	
1	TBA	
0	Excluded	
0	Excluded	
1	Trust Cost	Achieving this credit will involve a Trust Cost
1	£ -	
0	Excluded	
1	£ 2,000.00	CCS - ASSESSOR FEE £2000
1	£ 4,592.64	SAY 2HRS PER WEEK X 64 WEEKS £35.80
1	£ 4,592.64	SAY 2HRS PER WEEK X 64 WEEKS £35.80
1	£ 1,088.78	3 DAYS X £48.39 PLANNER
1	£ 5,897.25	SAY 3 WEEKS X 37 SHRS X Building Services DM (£52.42)
0	Excluded	
1	£ 4,000.00	IB Project Management £4000
1	£ 6,579.00	Kier have an aftercare department that is project costed. Say 3 weeks full time x 37.5 x £58.48
1	£ 4,717.80	1 day per moth x 12 months Building Services DM (£52.42). Achieving this credit will also involve a Trust Cost
1	Trust Cost	Achieving this credit will involve a Trust Cost
<b>14</b>	<b>£ 33,460.11</b>	

TARGET	APPROX COST	COMMENT
1	£ -	
1	£ -	
1	TBA	
1	£ 475.00	As per WYG fee
0	Excluded	
0	Excluded	
1	Trust Cost	Achieving this credit will involve a Trust Cost
1	£ -	
1	£ 3,712.13	SAY 1 WEEKS X 37 SHRS X £98.99
2	£ 2,500.00	CCS - ASSESSOR FEE £2500
1	£ 4,592.64	SAY 2HRS PER WEEK X 64 WEEKS £35.80
1	£ 4,592.64	SAY 2HRS PER WEEK X 64 WEEKS £35.80
1	£ 1,088.78	3 DAYS X £48.39 PLANNER
1	£ 5,897.25	SAY 3 WEEKS X 37 SHRS X Building Services DM (£52.42)
1	£ 2,950.00	HRS air testing £590 per visit x 5 visits incl pre-assessment. Thermography assume same cost.
1	£ 4,000.00	IB Project Management £4000
1	£ 6,579.00	Kier have an aftercare department that is project costed. Say 3 weeks full time x 37.5 x £58.48
1	£ 4,717.80	1 day per moth x 12 months Building Services DM (£52.42). Achieving this credit will also involve a Trust Cost
1	Trust Cost	Achieving this credit will involve a Trust Cost
<b>18</b>	<b>£ 41,105.23</b>	

Hea 02 - Indoor Air Quality	Minimising Sources of Air Pollution: Ventilation (2 - 5)	Minimisation of air-recirculation by considering positions and distances of air intakes/extracts, OR, ensuring the design of building air intakes and extracts is compliant to BS 13779:2007. HVAC systems have suitable filters compliant to BS 13779:2007. Provision of CO2 sensors in areas of unpredictable occupancy.	1
	Minimising Sources of Air Pollution: VOCs (6 - 7)	Specification of decorative finishes and fitting in accordance with BS VOC requirements.	1
	Minimising Sources of Air Pollution: VOCs Post Construction testing (8 - 12)	Post completion, pre-occupancy VOC testing.	1
Hea 04 - Thermal Comfort	Adaptability: Potential for Natural Ventilation (13 - 14)	Occupied spaces either have open able window areas equivalent to 5% of the floor area OR as demonstrated by calculations, using ventilation design tool types recommended by CIBSE AM15.	1
	Thermal Modelling (1 - 4)	Full dynamic thermal modelling carried out in accordance with CIBSE AM11, provision of TDS data and thermal comfort levels achieved in accordance with HTH 03-01, Appendix 2. Criteria 1 - 4 are achieved	1
	Adaptability (5 - 8)	Where the thermal model demonstrates maintenance of CIBSE thermal comfort levels under project climate change environments Criteria 1 - 4 are achieved	1
Hea 05 - Acoustic Performance	Sound Insulation (1)	Produce a temperature control strategy informed by the thermal model and demonstration of thermal control and zoning provisions	1
	Internal Ambient Noise Levels (1)	Achieve the airborne sound insulation performance standards set out in Section 2 of HTH 08-01: Acoustics, 2013 and there is a programme of pre-completion acoustic testing. Where standards are not achieved, remedial measures are undertaken.	3
	Reverberation (1)	The indoor ambient noise requirements for noise intrusion from external sources in Table 1 of HTH 08-01: Acoustics, 2013 are not exceeded and there is a programme of pre-completion acoustic testing. Where standards are not achieved, remedial measures are undertaken	1
Hea 06 - Safety and Security	Safe Access (1 - 10)	Provision of safe pedestrian footpaths and cycle routes compliant to LTN 2/08 or Sustrans, AND, Ensuring that delivery areas are not accessed through parking areas and/or cross or share pedestrian routes and are designed for ease of manoeuvring.	1
	Site Security (11 - 13)	A Suitably Qualified Security Specialist (SQSS) undertakes a Security Needs Assessment (SNA) no later than RIBA Stage 2. Recommendations are provided by the SQSS and integrated into the scheme design.	1
Health and Wellbeing Totals:			18
% Health and Wellbeing Score Totals:			15.0
EACH CREDIT WORTH			0.83
<b>Energy</b>			
ENE 01 - REDUCTION OF LCC EMISSIONS (Minimum of Six Credits for Excellent)			
Ene 02 - Energy Monitoring	Submetering of major energy consuming systems (1 - 4) (Mandatory for Very Good)	Up to 12 credits available based on sliding scale of the EPR <sub>100</sub> (Energy performance ratio)	12
	Submetering of areas (3)	BEMS or pulsed output sub-meters for space heating, domestic hot water, lighting and small power by floor plate, cooling, major fans, lifts and any other relevant meter uses.	1
Ene 03 - External Lighting	Provision of energy efficient luminaires, with an AVERAGE efficacy not less than 60 lumens/lumens per circuit watt, controlled for daylighting via photocells or timers	BEMS or pulsed output sub-meters to departments / areas / tenancy	1
	Passive design: Analysis (1 - 3)	Achieving required thermal comfort levels in Hea 04 Undertaking an analysis at RIBA Stage 2 concerning the integration of passive design solutions to reduce heating, cooling, ventilation and lighting loads.	1
Ene 04 - Low Carbon Design	Passive design - Free cooling (4 - 6)	Criteria 1 - 3 are achieved Where free cooling strategies are utilised within the development.	1
	L2C Feasibility Study (7 - 8)	Compliant L2C study considering operational carbon savings, with recommendations implemented.	1
Ene 06 - Energy Efficient Transportation Systems	Energy consumption	Undertake a passenger transport demand analysis to determine the appropriate size / no. of lifts and undertaken an energy analysis of two lifts, specifying that which is most energy efficient.	1
	Energy Efficient Features	Ensure the specified lift incorporates additional energy efficiency features	2
Ene 08 - Energy Efficient Equipment	Implementing measures to minimise the energy consumption of areas / plant responsible for the largest unregulated energy demand within the development.		2
Energy Totals:			23
% Energy Score Totals:			15.0
EACH CREDIT WORTH			0.65
<b>Transport</b>			
Tra 01 - Public Transport Accessibility	An assessment of the Accessibility Index for the development based on distance to transport nodes and service frequency		5
Tra 02 - Proximity to Amenities	Proximity (within 500m) of the development to four relevant amenities (two of which must be core amenities, such as a grocery store, cash machine or leisure / sports facility).		1
Tra 03 - Cyclist Facilities	Cycle Storage	Provision of cycle storage facilities in line with the BREEM requirements	1
	Cyclist Facilities	Provision of two additional cyclist facilities (incl. Changing rooms and lockers, showers and/or drying spaces.	1
Tra 04 - Maximum Car Parking Capacity (1)	Minimising the provision of car parking facilities for building users		1
Tra 05 - Travel Plan (1 - 4)	Production of a site-specific transport assessment and travel plan developed at feasibility and design stages to assess the surrounding environment and sustainable transport options and implement the recommendations within the development.		1
Transport Totals:			10
% Transport Score Totals:			9
EACH CREDIT WORTH			0.90
<b>Water</b>			
Wat 01 - Water Consumption (1 - 6)	Up to five credits for the provision of water efficient fittings to produce water consumption improvements of 12.5%, 25%, 40%, 50% or 55% One Credit Mandatory for Good rating and above		5
Wat 02 - Water Monitoring	Pre-requisite: Water meters (1-4)	Provision of pulsed water meters connected to the BMS on the mains water supply to the building.	
	Water sub-meters (2 - 4)	Provision of water submeters to areas or plant consuming >10% of the predicted water demand of the building	1
Wat 03 - Leak Detection	Major Leak Detection (1)	Provision of a water leak detection system capable of detecting leaks both within the building and between the building and the site boundary	1
	Sanitary Supply Shut-off (2)	Provision of a sanitary supply shut-off system to WC areas	1

0	Excluded		1	£ 1,965.75	SAY 1 WEEKS X 37 SHRS X BUILDING SERVICES DESIGN MANAGER £52.42
1	£ 250.00		1	£ 250.00	
0	Excluded		1	£ 3,355.13	Architect for 1 WEEK X 37 SHRS@ £89.47
0	Excluded		0	Excluded	
1	£ -		1	£ -	
0	Excluded		1	£ -	
0	Excluded		1	£ -	
0	Excluded		2	£ 11,800.00	Acoustic Consultant Fee
N/A	Excluded		N/A	Excluded	
2	£ 3,000.00	Architect fee to incorporate SQSS comments in to the design. Achieving this credit will also involve a Trust Cost	2	£ 3,000.00	Architect fee to incorporate SQSS comments in to the design. Achieving this credit will also involve a Trust Cost
7	£ 4,595.88		13	£ 21,716.75	
4	£ 2,500.00	Allowance for potential alterations to model to satisfy Bream Requirements	6	£ 3,333.33	Allowance for potential alterations to model to satisfy Bream Requirements
1	£ 10,000.00	Estimated cost of £10,000 for the additional pulsed meters	1	£ 10,000.00	Estimated cost of £10,000 for the additional pulsed meters
0	Excluded		1	£ 2,500.00	Estimated cost of £2,500 for the additional pulsed meters
1	£ -		1	£ -	
0	Excluded		0	Excluded	
0	Excluded		0	Excluded	
1	£ 1,500.00	Consultant fee to produce study	1	£ 1,500.00	Consultant fee to produce study
1	£ 5,000.00	Additional consultant fee	1	£ 5,000.00	Additional consultant fee
0	Excluded		2	£ 2,500.00	
0	Excluded		2	Trust Cost	Achieving this credit will involve a Trust Cost
8	£ 19,000.00		18	£ 24,633.33	
2	£ -		2	£ -	
1	£ -		1	£ -	
0	Excluded		1	Trust Cost	Achieving this credit will involve a Trust Cost
0	Excluded		1	Trust Cost	Achieving this credit will involve a Trust Cost
0	Excluded		1	£ -	
1	Trust Cost	Achieving this credit will involve a Trust Cost	1	Trust Cost	Achieving this credit will involve a Trust Cost
4	£ -		7	£ -	
1	£ -		1	£ -	
1	£ -		1	£ -	
1	£ 15,000.00	Allowance for linking meters to BMS	1	£ 15,000.00	Allowance for linking meters to BMS
0	Excluded		1	£ 750.00	



Man 05 - Aftercare	Monitoring of energy and water consumption for 3-years post construction, set targets and feedback lessons learnt.	1	
Hea 01 - Visual Comfort	Point daylight factor of at least 2% or more in at least 50% of the sale Floor Area.	1	
Hea 02 - Indoor Air Quality	Where all seven product categories meet the testing and emission level requirements and formaldehyde levels are found to be in accordance with approved testing standards	1	
	Where all seven product categories meet the testing and emission level requirements and formaldehyde levels are found to be less than or equal to 0.01mg/m3	1	
Ene 01 - Reduction of CO2 Emissions	Up to five credits, the first of which is for being zero carbon in terms of it's operational energy demand.	5	
Wat 01 - Water Consumption	The provision of water efficient fittings to produce water consumption improvements of 45%.	1	
Mat 01 - Life Cycle Impacts	Achieving a min 2 Ecopoints above the number of points required to obtain the maximum number of credits or demonstrate additional improvements based on the IMPACT tool	3	
Mat 03 - Responsible Sourcing of Materials	Sourcing >95% of materials per building element from responsible sources	1	
Wst 01 - Construction Waste Management	Non-hazardous construction waste Achieving a non-hazardous waste generation benchmark of <1.9 tonnes/100m2 GFA AND, achieving landfill diversion target of 85% (volume) or 90% (weight for construction waste and 85% and 95% respectively for demolition waste.	1	
Wst 02 - Recycled Aggregates	Where the total amount of recycled / secondary aggregate for high grade uses is 35% by weight or volume of the total for high grade aggregate uses.	1	
Wst 05 - Adaptation to Climate Change (1)	Achievement of the standard credit requirements, plus: Hea 04, Ene 01 (at least 5no. Credits), Ene 04, Wat 01 (3 credits), Mat 05 ( criterion 2), Pol 03 (max of one credit for flood risk and 2 credits for surface water runoff).	1	
Innovation Totals:		18	
% Innovation Score Totals:		10	
<b>OVERALL TOTALS:</b>			
<b>OVERALL SCORE TOTALS:</b>			

No more than 10 credits under the innovation section are permitted.

1	Trust Cost	Achieving this credit will involve a Trust Cost	1	Trust Cost	Achieving this credit will involve a Trust Cost
0	Excluded		0	Excluded	
0	Excluded		0	Excluded	
0	Excluded		0	Excluded	
0	Excluded		0	Excluded	
0	Excluded		0	Excluded	
0	Excluded		0	Excluded	
0	Excluded		0	Excluded	
0	Excluded		0	Excluded	
0	Excluded		0	Excluded	
0	Excluded		0	Excluded	
0	Excluded		0	Excluded	
0	Excluded		0	Excluded	
0	Excluded		0	Excluded	
1	£ -		2	£ -	
<b>56</b>	<b>£ 73,313.98</b>		<b>89</b>	<b>£ 111,241.44</b>	



## COMMITTEE REPORT

**Date:** 4 August 2016                      **Ward:** Fulford and Heslington  
**Team:** Major and                              **Parish:** Fulford Parish Council  
                    Commercial Team

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

### 1.0 PROPOSAL

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

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

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

1.4 The first floor flat has three bedrooms. The larger flat on the ground floor has two bedrooms. Within the side extension is a studio flat. The occupiers of the flats would share the rear garden and have access to the existing garage for storage. The two larger flats, between them, have access to three off-street parking spaces (two of these are tandem). The studio flat has no off-street car parking.

1.5 The application is brought to committee at the request of Cllr Aspden. The reasons given relate to the impact on the conservation area, the impact on the amenity of the neighbouring property and due to the limited information submitted with the application.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation: Conservation Area: Fulford

## 2.2 Policies:

### Draft Local Plan 2005

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

### Emerging Local Plan

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

## **3.0 CONSULTATIONS**

### Highway Network Management

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

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

### Planning and Environmental Management - Landscape Architect

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

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

Fulford Parish Council

3.5 Object due to:

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

Neighbour Notification and Publicity.

3.6 Objections were received from 5 neighbours. The issues raised were:

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

- The extension is an eyesore and detracts from the conservation area.

## 4.0 APPRAISAL

### KEY ISSUES

4.1 The key issues in assessing the proposal are:

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

### POLICY BACKGROUND

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

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

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

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

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

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

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

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

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

4.9 In terms of space standards, Paragraph 3.11 advises that studio flats should have a minimum 'habitable' floor space of 32.5 sqm, 72sqm being the minimum for a 2 bedroom flat and 93sqm for a 3 bedroom flat.

4.10 Paragraph 3.13 advises that the standards are intended to help ensure that subdivided homes are comfortable, convenient and able to accommodate the appropriate amount and level of furniture and fittings in line with the number of people resident in the property.

## ASSESSMENT

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

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

### Whether the accommodation is of an appropriate standard

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

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

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

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

4.14 The studio flat is more modest though comfortably accommodates a double bed and daytime furniture. It has a separate kitchen and shower room. It would provide suitable accommodation for a single adult.

4.15 It is noted that the roof of the forward most part of the studio flat is polycarbonate. It also appears that the side elevation of the studio flat is built off an existing garden wall. Building regulations deal with matters such as for example, thermal insulation, noise insulation between flats, fire safety and structural matters. Government advice makes it clear that Local Planning Authorities should not control matters covered by separate legislation such as building regulations. The Council's Building Control Manager has written to the applicant clarifying the need for Building Regulations. The applicant has written back stating that a Building regulations application will be submitted.

Impact on the appearance and character of the conservation area.

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

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

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

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

4.19 The main positive visual characteristic of the area where the home is located relates to the generous gardens and tree planting.

The lean-to extension is a functional structure including a part polycarbonate roof, however, the host dwelling itself is not of significant architectural merit and it is not considered that the extension would detract from the appearance of the streetscene or conservation area. The existing large group of communal garages located adjacent to the extension are also functional in appearance.

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

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

#### Impact on trees

4.22 The key consideration is the impact of the side extension and its use as living accommodation on the adjacent mature trees. The nearest tree is one of a group providing plentiful tree coverage to the north of the house. It is considered that the form of construction has had little impact on the roots of the adjacent trees. The canopy of the adjacent tree is in close proximity to the house and extension and there is the potential for some conflict in respect to seasonal drop and perceived safety concerns. It is not considered that the adjacent tree's importance to the streetscene and conservation area is such to warrant a tree preservation order.

#### Impact on neighbours living conditions.

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

#### Parking and highway safety

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

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



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

## 5.0 CONCLUSION

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

5.2 The side extension that has been erected is a basic structure. Any issues relating to for example structural stability and thermal insulation are subject to building regulations consent. The design and relationship to the host dwelling is not considered to harm the appearance of the conservation area. The extension could co-exist with the adjacent tree, however, if there were a desire and means to see the tree removed it is not considered its loss would be unacceptable.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve

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

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

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

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

Elevations as built drawing received by the Local Planning Authority on 28 April 2016.

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

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

Reason: In the interests of highway safety.

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

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

## **7.0 INFORMATIVES: Notes to Applicant**

### 1. Building Regulations

Building regulations consent is required for the proposed works. Building regulations controls such areas as noise insulation between flats, thermal insulation, structural stability and fire safety. This permission does not grant or infer that Building regulations consent will be granted. Should building works be required to comply with Building Regulations it is recommended that it is assessed whether Planning permission is required for the works and an application submitted accordingly.

### 2. Statement of the Council's Positive and Proactive Approach

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

Additional details sought clarifying layout of flats.

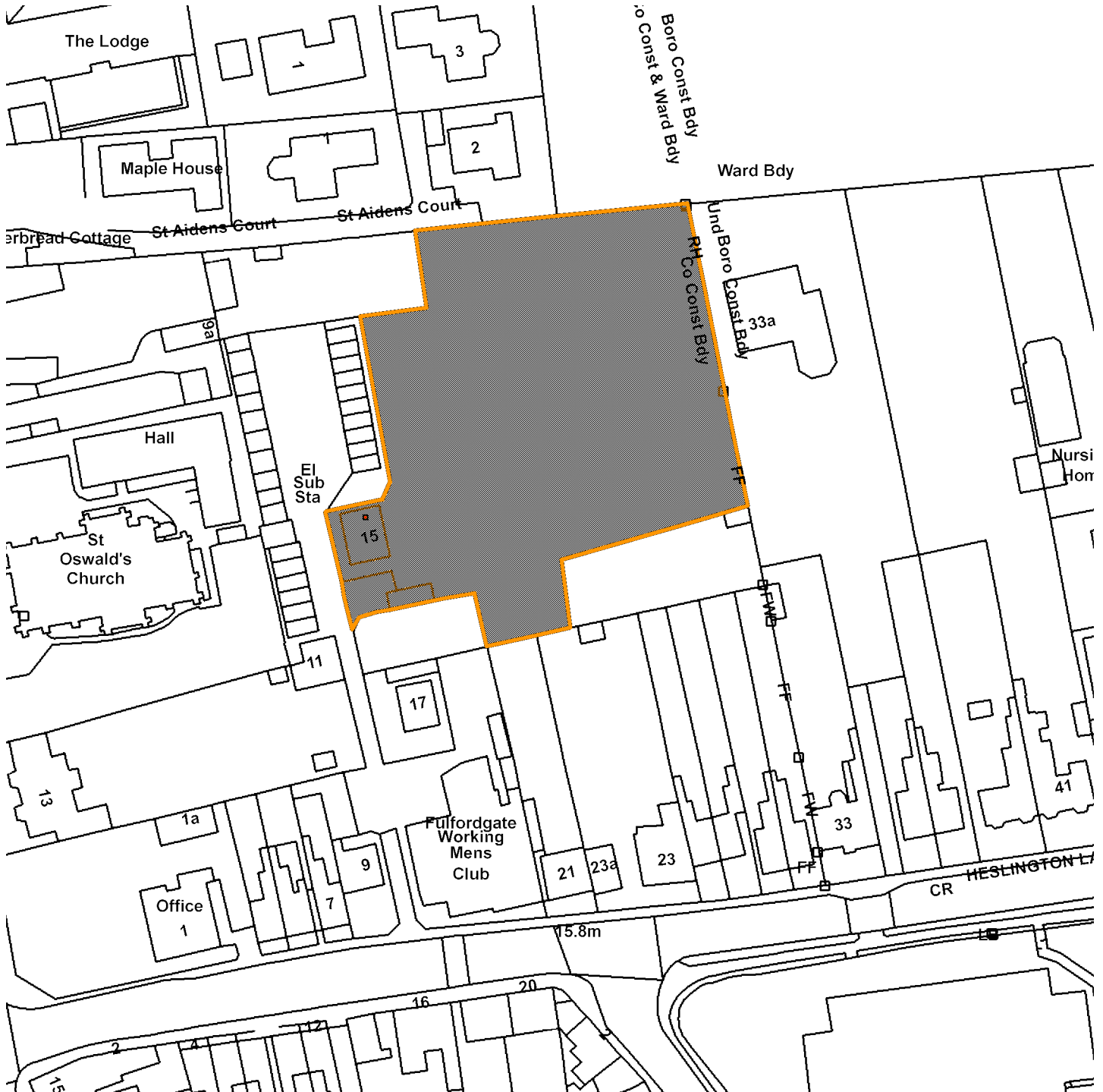
#### **Contact details:**

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

**Tel No:** 01904 551352

16/01047/FUL

15 Heslington Lane



Scale : 1:1028

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	25 July 2016
<b>SLA Number</b>	Not Set

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CIRCULATED AT MEETING - AGENDA ITEM 4D) 15 HESLINGTON LANE

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Area Planning Sub-Committee  
Agenda Item 4d

4 August 2016

16/01047/FULM  
15 Heslington Lane, Fulford

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Clarification relating to paragraphs 4.8, 4.9, 4.10, 4.11 and 4.12 of the report.

Following the Publication of the DCLG document "Technical housing standards – nationally described space standard" in March 2015 a written Ministerial statement to Parliament delivered on 25 March 2015 stated that

"From 1 October 2015: Existing Local Plan, neighbourhood plan, and supplementary planning document policies relating to ..... internal space should be interpreted by reference to the nearest equivalent new national technical standard. Decision takers should only require compliance with the new national technical standards where there is a relevant current Local Plan policy."

Given the current status of York's Local Plan neither the Draft SPD nor the nationally described space standard should be used to determine the planning application.

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## 2.2 Emerging Local Plan:

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

## 3.0 CONSULTATIONS

### Integrated Strategy Unit

3.1 The property is included on the HMO database. The Council's percentage figure for existing HMO's within 100m of the home are just under 10%. The figure for the neighbourhood is 7%.

### Osbaldwick Parish Council

3.2 Object due to harm to neighbours. The proposal is gross overdevelopment, there are inadequate car parking and waste facilities.

### Neighbour Notification and Publicity

3.3 Four no. objections were received. The reasons are listed below:

- Loss of light to neighbouring home (This comment related to the original drawings).
- The proposal will lead to more parking on the street. Verges are damaged and the nearby school also puts pressure on parking.
- There are a large number of HMO's in the street.
- The proposal has a negative impact on the elderly and young families.

## 4.0 APPRAISAL

4.1 The key issues in assessing the proposal are:

- The impact on the streetscene.
- Parking and highway safety.
- The impact on neighbours' living conditions.
- The increased number of occupants in the HMO.

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

4.3 Paragraph 187 states that Local Planning Authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible. 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 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the content of the NPPF.

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

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

4.7 The Council has a Supplementary Planning Document (SPD) for House Extensions and Alterations. The SPD was subject to consultation from January 2012 to March 2012 and was approved at Cabinet on 4 December 2012. It is described as a draft as the City of York Council does not have an adopted Local Plan. The SPD offers overarching general advice relating to such issues as privacy and overshadowing as well as advice which is specific to particular types of extensions or alterations.

The underlying objectives of the document are consistent with local and national planning policies and the advice in the SPD is a material consideration when making planning decisions.

4.8 The application property is in use as a small House in Multiple Occupation (HMO). The applicant has submitted information to indicate that this use existed before 20 April 2012. This is significant as it was the date at which an Article 4 Direction was introduced in York removing permitted development rights to use a dwelling house as a House in Multiple Occupation. As the property is an existing HMO the Council's SPD relating to the control of concentrations of HMO's is not relevant. It is the case, however, that policies in the Local Plan and NPPF that relate to for example parking provision, and the functioning and quality of an area are material.

#### Impact on Streetscene

4.9 The form of the extension complies with the council's guidance on house extensions in that the first floor is set back over 0.5m from the front elevation and the form matches that of the original dwelling. It will appear relatively tight to number 3 because the application property is turned slightly towards this home, however, the proximity is not considered to cause such harm to justify refusal of the application.

#### Parking and Highway safety.

4.10 The revised submitted plans indicate that two car parking spaces will be created on the existing grassed area of the front garden and the existing space in front of the garage will be retained. The use of the space in front of the garage would normally block at least one of the other proposed spaces and as such would be more suited for short term parking or would need to be used in co-ordination with the other occupants' of the home.

4.11 The maximum car parking standards for HMOs contained with the Local Plan is 1 per 2 bedrooms. As the property is proposed to have 5 or 6 bedrooms and would provide 2 to 3 car parking spaces it is considered to be in line with this standard. It is noted that the street is close to a primary school and would be expected to have much short term on street parking during the start and end of the school day. The condition of the verges on the eastern side of the street would also indicate that these are much used for car parking. It is considered, however, subject to the provision and retention of car parking at the application property that the impact of the scheme on levels of on-street parking would not be expected to be significantly different than the impact of the existing home or that of family dwellings in the area.

4.12 The garage is proposed to be retained for cycle parking. Bins can be stored in the garage.

Impact on neighbouring living conditions.

4.13 Number 3 has been extended with a 2m single storey extension to the rear. The front part of the garage has been converted to a bedroom and the rear is used as the home's utility area. The extensions to number 2 will project a little past the rear of this home, however, because the nearest openings serve a utility area and kitchen and the extension is to the north it is not considered undue harm would be caused to living conditions. The only side opening in number 3 serves a landing.

4.14 Number 1 Hambleton Avenue is attached. The single storey rear extension would have relatively little impact on openings as the lounge of number 1 is screened from the proposed development by an offshoot. There were concerns regarding the impact that the first floor rear extension would have had on the small rear yard of number 1 and the privacy of the property to the rear - this element has now been deleted.

Increased number of occupants in HMO.

4.15 The submitted drawings indicate that the existing home has 4 bedrooms, however, this level of occupancy is based on the small kitchen and first floor study being the only communal accommodation. The proposed changes are shown to create 5 bedrooms. It may also be possible to create an additional bedroom if the second bathroom on the first floor were used as sleeping accommodation.

4.16 It is noted that normally between 3 and 6 people can live in an existing small HMO and that the Planning Authority can not control the number of occupants, providing it does not exceed 6. It is considered that subject to the provision and retention of the car parking spaces and garage the proposal is not overdevelopment. The property has a small rear garden, however, it is adequate for the needs of the occupiers.

4.17 In considering the merits of the application it is considered that some regard should be given to permitted development rights for extensions to existing properties and that if the level of occupation were increased by using permitted development rights the Council would have no controls over the retention of the garage or provision of car parking within the front garden.

## **5.0 CONCLUSION**

5.1 It is considered that the design of the extension complies with the Council's guidance on house extensions. Information submitted by the applicant indicates that the property is an existing HMO.

The changes will increase the number of occupants, however, subject to implementing improvements to off-street car parking and the retention of the garage for storage it is not considered to have an unacceptable impact. It is noted that works could be undertaken to enlarge the property without needing planning permission, however, through controlling the form of development through a planning application, the Local Planning Authority are better able to manage the impacts of the enlargement.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

Revised drawing 280.001 Revision 'B' received by the Local Planning Authority on 21 June 2016.

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

3 VISQ1 Matching materials

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) (England) 2015 (or any order revoking, re-enacting or modifying that Order) the garage at the property shall not be converted to living accommodation and shall remain available for the storage of bins and cycles.

Reason: To protect the streetscene and support the use of cycles.

5 Prior to the occupation of the extended home 6 individual secure fixings for cycles shall be installed within the garage suitable for cycle parking and these shall be retained.

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

6 Any additional hard surfaced areas in the front garden shall be made of porous materials, or provision shall be made to direct run-off water from the hard surfaced areas to a permeable or porous area or surface within the curtilage of the dwelling house.



Reason: To avoid increasing flood risk to the street and adjoining properties.

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

Reason: In the interests of highway safety.

## **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 plans sought to remove first floor rear extension.

#### 2. Informative

#### THE PARTY WALL ETC ACT 1996

The proposed development may involve works that are covered by the Party Wall etc Act 1996.

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. For Information regarding HMO use.

This permission does not grant or infer consent to use the property as a house in multiple occupation (use class C4).

### **Contact details:**

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

**Tel No:** 01904 551352

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16/00396/FUL

2 Hambleton Avenue, Osbaldwick



Scale : 1:1028

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	25 July 2016
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 4 August 2016                      **Ward:** Guildhall  
**Team:** Major and                              **Parish:** Guildhall Planning Panel  
                    Commercial Team

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

**1.0 PROPOSAL**

1.1 This is a full application for the conversion of part of the ground and first floor of an existing former mill building into residential flats at Rowntree Wharf, York.

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

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

**PLANNING HISTORY**

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

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

## 2.0 POLICY CONTEXT

### 2.1 Development Plan Allocation:

Areas of Archaeological Interest: City Centre Area 0006

Conservation Area: Central Historic Core CONF

Floodzone 2: Flood zone 2

Floodzone 3: Flood zone 3

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

### 2.2 Policies:

CYE3B Existing and Proposed Employment Sites

CYHE2 Development in historic locations

CYHE3 Conservation Areas

CYHE4 Listed Buildings

CYGP1 Design

## 3.0 CONSULTATIONS

### INTERNAL

#### Highway Network Management

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

#### Environment and Development Management – Forward Planning

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

#### Economic Development Officer

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

Design Conservation and Sustainable Development - Conservation Officer

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

Flood Risk Management

3.5 No objections

Emergency Planning (Floods)

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

Neighbourhood Enforcement Officer

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

EXTERNAL

Environment Agency (EA)

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

Foss Internal Drainage Board

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

Publicity and Neighbour Notification

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

- Statements that there is no interest in the office space are merely anecdotal and do not have credibility if there has not been a recent attempt to market the office space which can be clearly evidenced with documentation. CYC Forward Planning appear to accept the anecdotal evidence provided by the applicant at face value which is incompatible with a rigorous approach.

Without an evidence base it is difficult to see how CYC's obligations are discharged or how a change of use can be authorised. Therefore, at present, there does not appear to be any credible evidential support for change of use.

- The objector would like to see documentary evidence and more specific details about the proposed use of the affordable housing element and details of the type of end user.
- Concerns about the poor condition of the windows do not appear to have been addressed by the applicant. The applicant has stated 'Independent Building control & SAP assessors have confirmed no requirement to upgrade the existing windows'. Where is the accompanying documentary evidence to support these statements about the windows? On what basis have the windows been assessed? Double glazing was installed on the fifth floor when these properties were converted in 2007 windows have deteriorated further since then.
- There is a shortfall of car parking spaces for the number of flats.
- Concerned that fire exits will be lost and provision will not be adequate.
- Concerned about the amenity of flats particularly those adjacent to the public right of way. The footfall study carried out by the applicant is not independent or objective a considerable amount of noise is caused by members of the public along the right of way.
- Objectors would like to see some restrictions placed on this building work to protect the amenity of the existing residents.
- Has the Council received legal advice about the existing Rowntree Wharf residents' wellbeing and measures implemented to ensure that this proposed work does not breach Article 8 of the Human Rights Act 1998? Without such assurances and relevant risk assessments any decision made by the planning committee in relation to this application will be subject to challenge under the provisions of Article 8.
- Concerned about the proposed flood escape route there is no evidence to support the view that the statement that the exit will be sufficient to protect residents in the event of a flood. Legal documentation has not been provided to ensure that the steps can exit on to Hungate Bridge. Detailed plans and drawings have not been submitted. Means of escape does not appear safe. It is a security risk to the car park. There is no provision for residents once they have exited the building.
- The applicant knows the windows are of inferior quality.
- There is nothing from Building control confirming they are happy with the fire exits.
- What are the janitor areas to be used for?
- No mention of additional drying areas.
- Existing service store is already used to full capacity and can not take bike storage. Concerned that a weekly bin storage collection will not be possible and proposals for bin storage. No bin rooms proposed on each floor.
- Objector points to a number of inaccuracies in the submitted information.



- There has been no community engagement on the application.
- The proposed scheme which has a high number of bedsits which throws the scheme out of balance with the current occupation of the site out of the existing 68 flats only 3 are bedsits.
- Numbering of the flats replicates the number of existing units and suggests little thought has been put into the scheme.
- Development affecting the common parts of the building will need to be agreed with existing flats as these are form part of their leaseholds.
- No mention of energy conservation in the scheme.
- Some of the units face directly on to the right of way and some have doors opening out on to it. Concerned about practicality, security of this and residential amenity of future occupiers.
- Ground floor units have very restricted light because of the walk way above.

## 4.0 APPRAISAL

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

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

## PLANNING POLICY

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

4.2 Central Government policy advice is contained in the National Planning Policy Framework (NPPF, March 2012). Paragraph 7 of the National Planning Policy Framework says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Although Paragraph 14 sets out a presumption in favour of sustainable development Footnote 9 of paragraph 14 contains restrictions wherein the presumption in favour of sustainable development does not apply. Footnote 9 includes designated heritage assets.

Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking, such as supporting the delivery of homes, seeking high quality design and a good standard of amenity for all existing and future occupants, taking full account of flood risk, encouraging the effective use of land, and conserving heritage assets in a manner appropriate to their significance.

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

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

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

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

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

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

4.9 The National Planning Policy Guidance (NPPG) provides advice about what is meant by significance in decision taking in the historic environment.

In particular the NPPG says that 'Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals'.

#### Development Control Local Plan (DCLP)

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

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

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

4.13 In the absence of a formally adopted local plan the most up-to date representation of key relevant policy issues is the NPPF. It is against this Framework and the relevant sections of the Planning (Listed Building and Conservation Area) Act 1990 that the application proposal should principally be addressed.

## PRINCIPLE OF THE DEVELOPMENT

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

### Employment Land

4.15 The last use of the building was for offices. The offices have recently been vacated and the area where the new residential apartments are proposed is currently not occupied. There is however an area to the ground and first floor on the west side of the building that is retained and in use as offices. The NPPF says that employment uses should be proactively supported but indicates that allocated employment sites should not be protected where there is no reasonable prospect of a site being used for that purpose in the long term.

4.16 The DCLP through policy E3b (Existing and Proposed Employment Sites) seeks to resist the loss of existing employment sites and retain them within their current use class. In order to determine if there is a sufficient supply of employment land to meet both immediate and longer term requirements over the plan period in quantitative and qualitative terms, evidence that the site has been marketed (for at least 6 months) should be sought. Similarly the emerging local plan Policy EC3 (Loss of Employment Land) continues the approach to existing employment land set out under E3b in the Draft Local Plan. The DJD Economic Baseline Report which formed part of a suite of documents known as the Economic and Retail Growth and Visioning Study (2014) says that York's ability to attract and retain investment into the city and support business expansion is in part dependent on ensuring the availability and suitability of employment land. The Design and Access statement says that the office space was last occupied in 2009/2010 on the ground floor and in 2011 on the first floor. The statement also highlights that the Rowntree Trust has previously marketed the building and there was very little interest in the current use, although there was an interested party in 2013, this was never pursued and heads of terms were never agreed. Other than this no further interest was registered. Economic Development comments that there are a number of businesses seeking good quality business accommodation in the centre of York, and as such believe there would be demand such premises in the Rowntree Wharf location. Equally appealing is the idea of modern office space in an iconic historic building.

From an economic perspective, ideally the desire would be that the building continue to be marketed and upgraded accordingly - working with agents and Make it York to identify potential business end users. However, given the site has been actively marketed, and in the knowledge that Make it York have shown a few businesses around the premises, but without further interest; given the current quality of the accommodation, it would be difficult to refuse planning permission for change of use. Economic Development's conclusion is that the cost to upgrade is prohibitive for the developer, particularly given the nature of the historic former flour mill. Also the site's location is on the edge of the city centre and there are other lower grade commercial sites within the city centre and closer to York railway station - it is hard to argue against the demand for other uses.

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

### Heritage Assets

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

4.19 The legislative requirements of Sections 66 and 72 are in addition to government policy contained in Section 12 of the NPPF. The NPPF classes listed buildings, conservation areas and scheduled monuments as 'designated heritage assets'. Section 12 advises that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Paragraph 131, in particular, states that local planning authorities should take account of the desirability of sustaining and enhancing an asset's significance, the positive contribution it can make to sustainable communities and the positive contribution new development can make to local character and distinctiveness.

Paragraph 132 establishes the great weight that should be given to a designated heritage asset's conservation with a clear and convincing justification being provided to justify any harm or loss. Paragraph 134 says that where development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing optimum viable use.

4.20 The use as offices to some extent retains large open spaces punctuated by cast iron columns with staircases between the floors. There has however been subdivision by partitions and insertion of suspended ceilings. The machinery has gone, but the open spaces, cast iron columns and layout of the building are a tangible link to its use and the technology used in the construction of the building. The significance of the listed building is as a roller mill of late 19th century date, constructed to the design of a prominent local architect, within historic core of the City of York.

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

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

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

4.24 In light of previous alterations to the building it is considered that the harm to the heritage asset (that is the Grade II listed building and location of the site within the conservation area) would be less than substantial and in accordance with Paragraph 134 of the NPPF less than substantial harm should be weighed against

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

### Highways, Access and Parking Arrangements

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

4.26 There is an existing cycle storage area which serves the existing flats located as part of the car park area. This building does not have sufficient capacity to provide cycle parking for the new units. The proposal is to convert an existing detached brick built former service building into a cycle store which the applicant considers can provide spaces for 34 cycles for the new units. A small area for 10 cycle spaces on the first floor of the car park has also been provided. Officers consider that the proposed cycle store at ground floor is not adequate to provide the number of spaces proposed to accord with Highway Network Management's standards. The applicant has been requested to look at providing an additional space for cycle parking and it is expected that an updated plan will be provided to committee to address the insufficiency of the cycle parking facilities. Officers are however satisfied that it will be possible for sufficient cycle parking to be provided within the site.

### Residential Amenity

4.27 Section 7 of the NPPF 'requiring good design' says the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people (paragraph 56). Proposals should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (Para 64). Paragraph 58 says planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

The core principles within Paragraph 17 of the NPPF supports the requirements of section 7 when it says that underpinning decision-taking planning should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives and should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

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

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

#### Bin Storage and Collection

4.30 The existing bin storage area is located adjacent to the building on the south side. The applicant says that the store can accommodate two additional 1100 litre bins and an overspill area can be provided adjacent to the proposed cycle store. In addition collection of bins will be undertaken weekly so that the pressure on the capacity of the bin store will be reduced. The additional bin storage collection will be conditioned.

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

#### Landscaping

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



Space standards and amenity of future occupiers

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

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

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

Affordable Housing

4.36 There is no requirement for affordable housing.

A recent high court judgement had the effect of re-introducing government guidance which allows vacant floor space in existing buildings to be converted to residential development without the need to provide affordable housing.

### Flood Risk

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

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

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

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

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

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

Other Matters:

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

## **5.0 CONCLUSION**

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

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

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

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

2 PLANS1 Approved Plans

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

Reason: In the interests of highway safety.

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

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

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

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

Reasons:

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

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

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

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

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

Monday to Friday 08:00 to 18:00

Saturday 09:00 to 13:00

Not at all on Sundays or Bank Holidays.

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

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

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

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

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

Reasons:

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

The information is being sought prior to commencement to ensure that an appropriately designed means of escape is provided to serve the proposed dwellings.

9 The Landscaping scheme shown on drawing no.RWYL1 shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

**7.0 INFORMATIVES:  
Notes to Applicant**

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

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

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

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

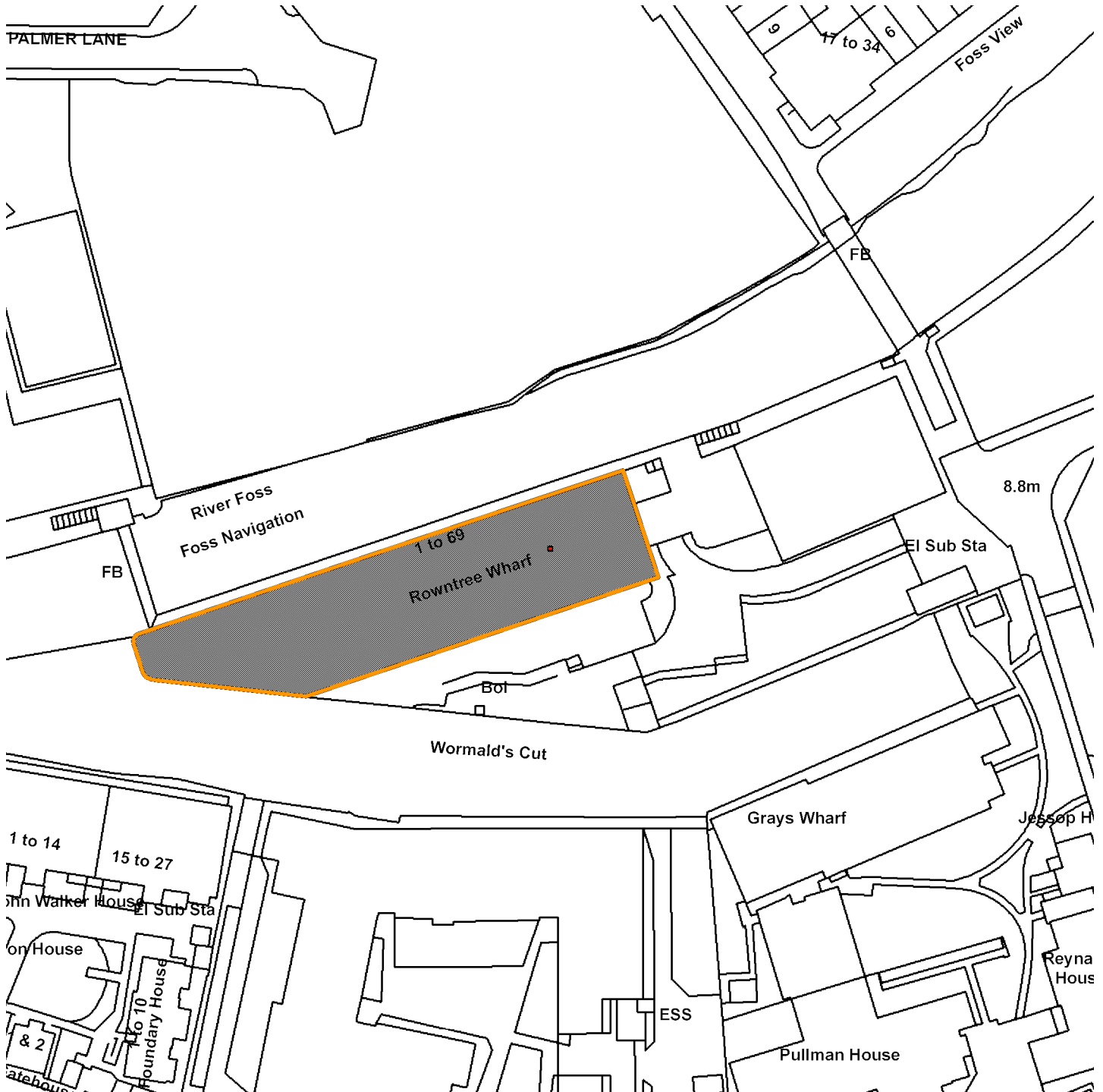
**Contact details:**

**Author:** Diane Cragg Development Management Officer (Mon-Thur)

**Tel No:** 01904 551351

# 15/01891/FULM

Rowntree Wharf, Navigation Road



Scale : 1:1028

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	25 July 2016
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 4 August 2016                      **Ward:** Guildhall  
**Team:** Major and                              **Parish:** Guildhall Planning Panel  
                    Commercial Team

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

**1.0 PROPOSAL**

1.1 This is a listed building application for the conversion of part of the ground and first floor of an existing former mill building into residential apartments at Rowntree Wharf, York.

1.2 The site is within the Central Historic Core Conservation Area, Rowntree Wharf is a Grade II listed building and due to its height and enclosure by water features (Wormalds Cut and the River Foss) on three sides, is a landmark building in this part of the city. It was constructed as a roller flour mill by W G Penty for Sidney Leetham in 1896 and converted (upper floors) to flats in 1990. The building is attached via a mezzanine level access at first floor to a relatively new multi storey car park building providing car parking for the existing office and residential use. A separate application for planning permission has been submitted in respect of the use of the building and associated alterations to allow the residential conversion (15/01891/FULM).

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

1.4 The alterations necessary to allow the conversion include:

- Removal of internal partition walls and replacement with new partitions to create the individual residential units.

- Removal of a modern staircase within the north eastern corner of the building.
- Alteration to the existing suspended ceiling.

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

## PLANNING HISTORY

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

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

## 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest: City Centre Area 0006

Conservation Area: Central Historic Core CONF

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

2.2 Policies:

CYHE2 Development in historic locations

CYHE3 Conservation Areas

CYHE4 Listed Buildings

## 3.0 CONSULTATIONS

INTERNAL

Design Conservation and Sustainable Development - Conservation Officer

3.1 No objections to the removal of the staircase in the south east corner it is a modern insertion. The revised heritage statement brings nothing new. The large open floor spaces, and the construction of the floors, including the cast iron columns (are tangible evidence of the past use of the building and contribute to its significance. The revised plans expose one or two more of the columns on each floor to view in the corridor, but this is not enough to give the impression of a continuous run of columns. The passage should be made straight.

As indicated in the heritage statement, the suspended ceilings need to be higher so that the tops of the columns can be seen, again, particularly in the more public areas. Any need to alter window to achieve privacy should be via blinds not by changes to the windows.

## EXTERNAL

### Historic England

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

### Neighbour Notification and Publicity

3.3 One letter of comment specific to the listed building application has been submitted which says that the alterations proposed should be in keeping with the listed building.

## **4.0 APPRAISAL**

### KEY ISSUES

4.1 The main considerations of this listed building consent application is the impact on the special architectural and historic interest of the listed building.

### POLICY CONTEXT

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

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

4.4 The City of York Draft Local Plan (DLP) was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications, although it is considered that their weight is limited except when they are in accordance with the NPPF.

The relevant policies are HE2 development in historic locations and HE4 listed buildings. The main thrust of these policies is compatible with section 12 of the NPPF.

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

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

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

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

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

4.9 At first floor level the original open plan layout is not in evidence, columns have been built around and the ceiling has been lowered covering their top section.

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

4.10 Officers consider that in light of previous alterations to the building that the harm to the heritage asset (that is the Grade II listed building) would be less than substantial and in accordance with paragraph 134 of the NPPF less than substantial harm should be weighed against the public benefits of the proposal. The NPPG advises that public benefit could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (Paragraph 7). The proposed development will provide housing in a sustainable city centre location, bring the floors of the building into use, introduce a use that is compatible with the residential use within the upper floors of the building and ensure the building's future maintenance. Officers consider that these benefits are sufficient to outweigh the less than substantial harm to the building even when attaching additional weight to the requirements of the Planning Acts. The proposal, therefore, complies with national and local planning policies in respect of the historic environment.

## **5.0 CONCLUSION**

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

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

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve

Application Reference Number: 15/01892/LBC

Item No: 5g

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

2 PLANS1 Approved Plans

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

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

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

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

#### **7.0 INFORMATIVES:**

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

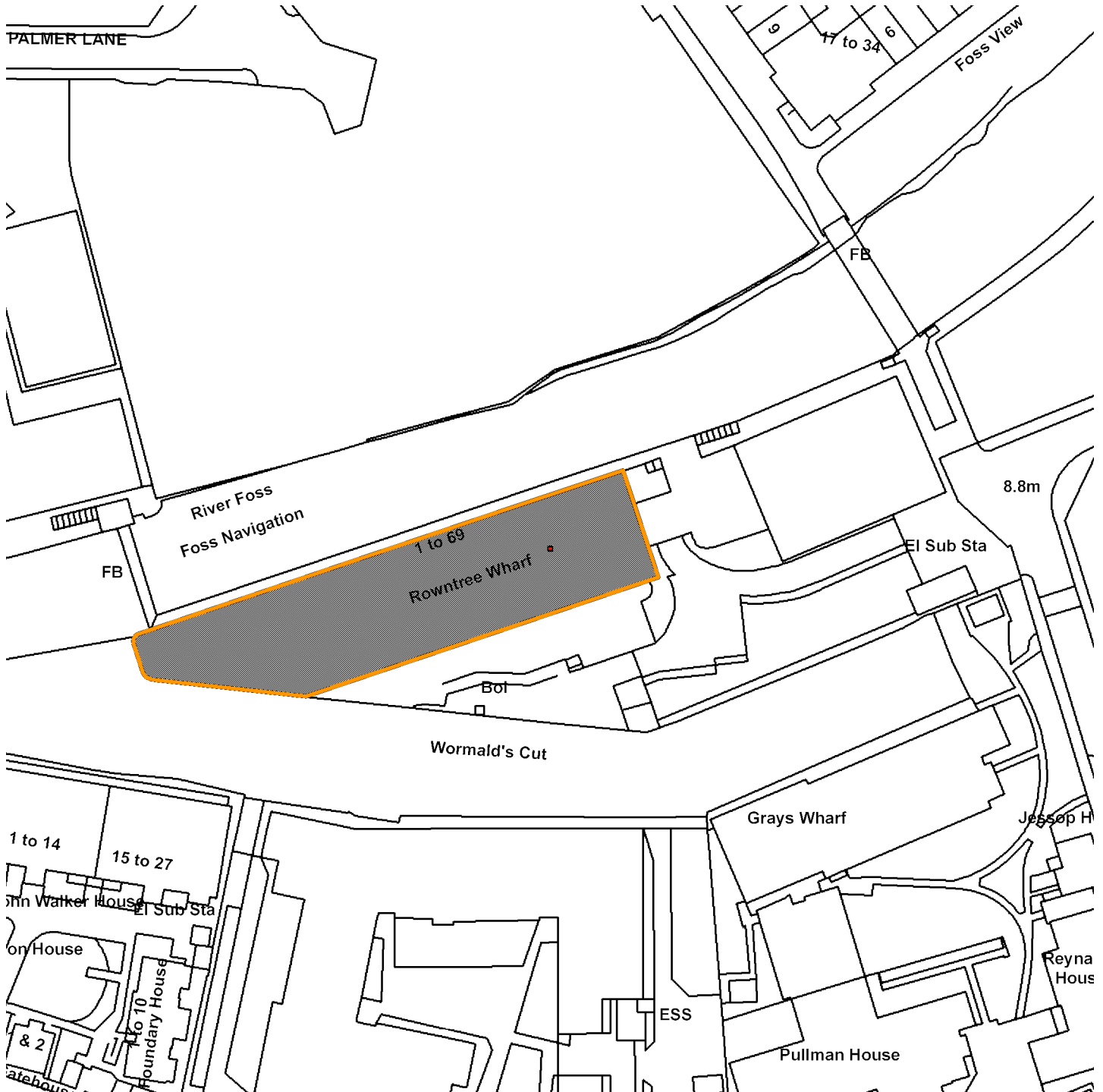
#### **Contact details:**

**Author:** Diane Cragg Development Management Officer (Mon-Thur)

**Tel No:** 01904 551351

15/01892/LBC

Rowntree Wharf, Navigation Road



Scale : 1:1028

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	25 July 2016
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 4 August 2016                      **Ward:** Rawcliffe and Clifton  
Without  
**Team:** Design, Conservation      **Parish:** Clifton Without Parish  
& Sustainable                              Council  
Development

**Reference:** 16/01342/TPO  
**Application at:** Clifton Moor Centre, Stirling Road, York  
**For:** Fell 91no. trees protected by Tree Preservation Order  
no.: CYC344  
**By:** Clifton Moor RP GP Limited  
**Application Type:** Tree Preservation Order  
**Target Date:** 27 July 2016  
**Recommendation:** Partial Approve/Partial Refuse

**1.0 PROPOSAL**

1.1 This is an application to fell 91no. trees within Area 3 (A3) of tree preservation order (TPO) CYC344 Clifton Moor Centre, York (2015), including Birch, Ash, Rowan, Oak, Poplar, Sycamore and Alder.

1.2 The application does not seek to remove all of the trees within Area 3. The application seeks to thin out the existing trees by removing 91no. trees out of an existing total of approximately 185no. within the blocks of planting that relate to this application, i.e. approximately half of the existing trees. The proposal includes the provision of 11no. replacement trees, thereby resulting in a total of 105no. trees to remain in place.

1.3 The tree locations have been broken up into a series of sections/blocks by the applicant which are referred to in this report. The applicant's approach for sections 1, 2, 3, 4, 5A, 5B and 6 is to thin the trees and plant some replacement trees. Within Section 5C the trees have been left to grow so close together that within the whole group there were no obvious good specimens for retention, so the approach is to remove all the trees, improve the soil and replant with a selection of native trees at a more suitable density.

1.4 This application has been called in to committee by Cllr Warters who is concerned about the removal of landscaping around developments in Clifton Moor and the resulting loss of public amenity, and the impact on the Green Belt and Biodiversity.

## 2.0 POLICY CONTEXT

### 2.1 Policies:

CYNE1 Trees, woodlands, hedgerows  
CYGP9 Landscaping

## 3.0 CONSULTATIONS

### EXTERNAL

#### Clifton (Without) Parish Panel

##### 3.1 Object to the application

The trees soften the environment, cut out the noise of the ring road, and support wildlife. However the PC would take advice from the Landscape architect if the work is deemed essential for the remaining trees to flourish.

#### Publicity and Neighbour Notification

3.2 Over 120 letters of objection have been received. No letters in support of the application were received. The following provides a summary of the points raised:

- There is no hard evidence that these trees are the reasons for the reduced custom at the Clifton Moor Centre retail park.
- The business is let down by the poor layout of the estate; the dated design; and the range of retail on offer; competition from internet shopping, and other outlets, e.g. Vangarde and Monks Cross (which have more quality tree cover).
- Removing the trees would increase surface water run off.
- The trees improve the attractiveness of the area, which is otherwise dominated by buildings and hard surfacing.
- The trees enhance the shops and retail experience, rather than detract from them.
- The shops are visible from the ring road already, especially for six months of the year when the trees are not in leaf. The trees provide a light screen but do not obscure the view of the retail units underneath the crowns of the trees. The hedge obscures views; this could be trimmed at a lower height.
- The shops are clearly signposted and advertised. Signs could possibly be made bigger.
- Removal of the trees would encourage ring road drivers to be distracted when they should be concentrating on the road.
- Trees with protection should not be felled.
- The trees were planted as a condition of the original planning permission for the development.

- Removal of the trees would be counter-productive, exposing shoppers to the noise and visual disturbance of the ring road.
- The trees provide a green corridor for wildlife.
- The trees help 'absorb' traffic pollution and CO2 and improve air quality.

## 4.0 APPRAISAL

### 4.1 Key Issues:

- Public amenity
- Setting of the City
- Integrity of green corridor
- Landscape setting for retail development

4.2 The tree belt adjacent to the outer ring road along the boundary with the Clifton Moor Centre retail park, consists of a mix of predominantly native species, including Alder, Ash, Birch, Oak, Poplar, Sycamore, and Rowan. The trees were planted as part of the landscape infrastructure of the retail development.

4.3 The trees were planted at close spacing which would provide quick cover. The soil appears to be poor, stony and slightly compacted. The trees should have been thinned out as the trees grew, to eliminate competition in favour of the better specimens. However the trees have not been thinned out in the intervening years. As a result, the trees have grown up in tight competition with each other, resulting in leggy trees; some are misshapen and/or exhibit a lot of deadwood.

4.4 A provisional tree preservation order (TPO) was served in October 2015 for the following reasons:

'The belt of trees located between the access roads for Clifton Moor Retail Park and the outer ring road (A1237) are considered to be an essential component of the highly visible landscape infrastructure of the retail development, and the setting of the city. The trees (and hedge) can be suitably managed to allow views in to the development whilst retaining a suitable landscape setting. Potentially the trees are no longer protected by conditions of planning consent; therefore it is felt expedient to serve a tree preservation order to protect the integrity of the tree belt and the public amenity that it affords.'

4.5 It was recognised at the time of serving the order that some thinning, and possible replacement planting, would be required. Given the number and density of trees an area order was served.

4.6 The TPO consist of three areas – Area 1 (A1) along the western boundary of the wider retail park; Area 2 (A2) along the Tesco half of the northern boundary adjacent to the A1237; and Area 3 (A3) along the Dunelm Mill half of the northern boundary

adjacent to the A1237. The trees subject to this application are contained within Area 3 (A3).

4.7 The original tree report (carried out on behalf of the Clifton Moor RP GP Ltd before the serving of the TPO) recommended that the trees were of such poor condition that they should all be removed. Following the serving of the provisional order, the tree report was revised with suggestions to remove trees under a diameter of 150mm and within 1m distance of the retail park roadside kerb. The local planning authority felt that this approach was too general and broad-brush; and it would be more appropriate to carry out an inspection of all the trees individually to determine which should be removed in order to favour the specimens with a better, long-term viability.

4.8 Whilst the local planning authority acknowledged that some management works, including felling of trees would be required, it was deemed appropriate to confirm the order and agree any management operations under the TPO process. Thus the TPO was confirmed in April 2016.

4.9 Where consent is granted to remove a tree subject to a TPO, the planting of a replacement tree can be imposed as a condition of consent, including specifying the size, species and location of the replacement tree.

4.10 The majority of the recommended work within the application is considered to be good arboricultural management. Some of the proposed felling is not essential for health and safety reasons at this time, but is deemed acceptable due to, for example, the poor form or condition of the tree, provided replacements are secured under condition.

4.11 Despite the relatively poor form of a high proportion of the trees, as a whole they provide a distinct, highly visible, landscape feature in the area, and enhance the setting of the city as viewed from the outer ring road, and contribute to the setting of the retail park; they also contribute to the green infrastructure associated with the ringroad.

4.12 In the officer's opinion it is not necessary to fell trees in order to open out views to shops. Visibility of the shops from the ring road can be achieved by crown lifting the lower branches of the trees and reducing the height of the hedge and shrubbery. The vast majority of trees within the park are deciduous, thus for six months of the year, the full height of the tree belt is transparent.

4.13 There are a number of likely reasons as to why there has been a drop in business at the retail park that are not related to the existing trees. Trees play a critical role in the amenity of a retail park development, and research suggests that trees contribute to a positive retail experience.

4.14 It is the Officer's opinion that the proposed thinning operation has merit in its aim to allow better growing conditions for the remaining trees and any replacement trees. However the proposed work represents too much work for one single operation due to the noticeable loss to the public amenity that would result.

4.15 It is likely that the remaining trees will perform a lot better and fill out somewhat, however it is not possible to accurately predict their performance.

4.16 The success of replacement planting will depend on the quality of the planting stock, suitable ground preparation (including the importing of organic matter, given the current poor soil conditions); plus adequate aftercare.

4.17 Therefore it would be more appropriate to phase the thinning works so that the visual loss is limited and phased; and an assessment can be made of the success of the remaining trees, and also the success of the replacement planting, which should survive and thrive, before another phase of thinning is embarked upon.

## **5.0 CONCLUSION**

5.1 It is deemed appropriate to embark upon a series of management operations in order to reduce the competition between the trees which is causing a number of the trees to be weak, elongated, misshapen and/or dying back. However it is felt that this should be carried out over a time span of several years in order to reduce the immediate loss to the visual amenity, and to seek assurance that the proposed approach to the management of the trees can be successful.

5.2 Due to the close proximity of the remaining trees to one another there is limited scope for replacement planting. However, within Section 1, the number of trees proposed for removal would create a reasonable gap in the remaining planting to allow some new tree planting at more suitable spacing, within prepared ground, and with suitable follow up maintenance.

5.3 The recommendation is to 'part refuse and part approve' the application with a condition to replace some of the trees to be felled. The officer's recommendation is to allow the proposed works to Sections 1 and 2 and to refuse the remainder of the work (sections 3, 4, 5 and 6). The proposed removals within sections 1 and 2 are fairly typical of that proposed for all six and include scope for replacement planting. Therefore they are good sample blocks for approval at this stage. Furthermore it seems logical to carry out the work sequentially. However there are other potential options. Approving the work to sections 1 and 2 would result in the removal of 28 trees, the retention of 19 and the planting of 5 new trees.

5.4 Some of the felling is recommended to be refused (sections 3 – 6) because the trees still serve their function as cited under the TPO and are in such a condition that they could be retained under suitable management, at least for some years. It is recognised that thinning and replanting operations are required.

However a phased management programme would be more suitable in order to limit the loss to public amenity and to be certain that the proposed approach will be successful in improving the quality and viability of the long term tree cover.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Partial Approve/Partial Refuse**

Proposed works to sections 1 and 2 as shown on drawing 9171A – 131 submitted with the application are APPROVED subject to the following conditions:

- |   |       |                                       |
|---|-------|---------------------------------------|
| 1 | TREE1 | All works to retain overall character |
| 2 | TREE2 | Carried out in accordance BS3998      |
| 3 | TREE4 | Valid for two years                   |
| 4 | TREE5 | Branch wood not burned                |
| 5 | TREE7 | Replanting                            |

6 Before the trees are removed, a scheme for the planting and maintenance of replacement trees shall be submitted to and approved in writing by the local planning authority; these works shall be carried out as approved. These details shall include soil preparation; and the position of planting; means of support and watering; and a maintenance programme. The works shall be carried out in the first available planting season (November to March) following the removal of the first tree. The replacement trees shall be 4no. Silver Birch, or other species to be agreed in writing by the local planning authority. Nursery stock shall be to a minimum size of 10-12cm girth (measured at 1metre above soil level), and 3.0-3.5m high, with one strong main leader.

If within a period of five years from the date of the planting of that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written approval to any variation.

- |   |        |                  |
|---|--------|------------------|
| 7 | TREE9  | Rights of Appeal |
| 8 | TREE10 | Compensation     |

Proposed works to sections 3, 4, 5, and 6 as shown on drawing 9171A – 131 submitted with the application are REFUSED for the following reason:

1. The proposed felling is refused because the trees still serve their function as cited under the Tree Preservation Order and are in such a condition that they could be retained under suitable management, at the present time. It is recognised that thinning and replanting operations are required.

However a phased management programme would be more suitable in order to limit the loss to public amenity and to be certain that the proposed approach will be successful in improving the quality and viability of the long term tree cover.

## **7.0 INFORMATIVES:**

### **Contact details:**

**Author:** Esther Priestley Landscape Architect

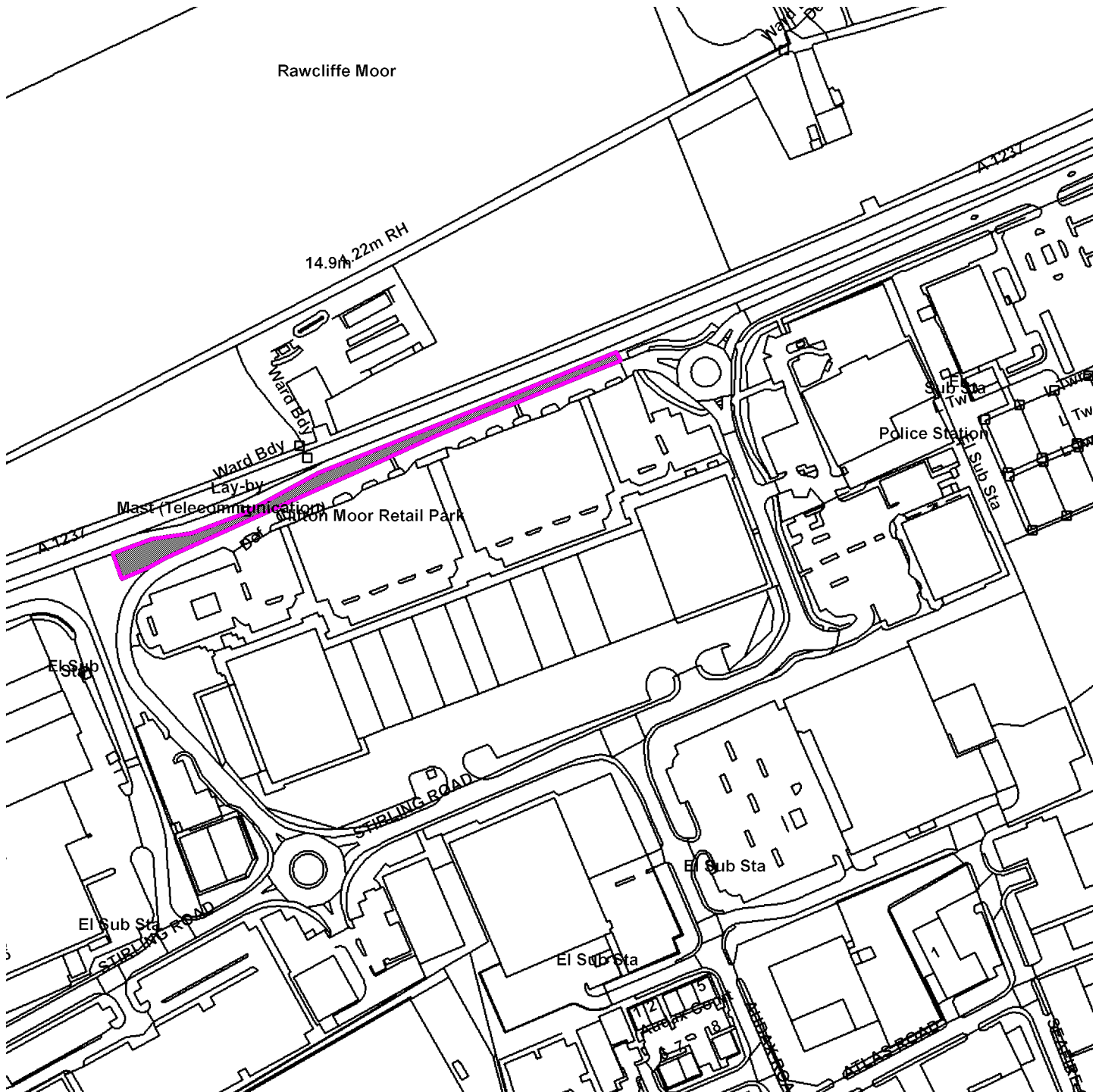
**Tel No:** 01904 551341

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# 16/01342/TPO

Clifton Moor Centre, Stirling Road



Scale : 1:3055

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	26 July 2016
<b>SLA Number</b>	Not Set

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**Area Planning Sub Committee**

**4 August 2016**

**Planning Committee**

**18 August 2016**

**Appeals Performance and Decision Summaries**

**Summary**

- 1 This report (presented to both Planning Committee and the Area Planning Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 April and 30 June 2016, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date of writing is also included.

**Background**

- 2 Appeal statistics are collated by the Planning Inspectorate on a quarterly basis. Whilst the percentage of appeals allowed against the Council's decision is no longer a National Performance Indicator, the Government will use appeals performance in identifying poor performing planning authorities, with a view to the introduction of special measures and direct intervention in planning matters within the worst performing authorities. This is now in place for Planning Authorities where more than 60% of appeals against refusal of permission for major applications are allowed.
- 3 The tables below includes all types of appeals such as those against refusal of planning permission, against conditions of approval, enforcement notices, listed building applications and lawful development certificates. Table 1 shows results of appeals decided by the Planning Inspectorate, for the quarter 1 April to 30 June 2016, Table 2 shows performance for the 12 months 1 July 2015 to 30 June 2016.

**Table 1: CYC Planning Appeals Last Quarter Performance**

	<b>01/04/16 to 30/06/16 (Last Quarter)</b>	<b>01/04/15 to 30/06/15 (Corresponding Quarter)</b>
Allowed	0	0
Part Allowed	0	0
Dismissed	7	9
Total Decided	7	9
<b>% Allowed</b>	<b>0%</b>	<b>0%</b>
% Part Allowed	0%	0%

**Table 2: CYC Planning Appeals 12 month Performance**

	<b>01/07/15 to 30/06/16 (Last 12 months)</b>	<b>01/07/14 to 30/06/15 (Corresponding 12 month period)</b>
Allowed	4	11
Part Allowed	0	2
Dismissed	27	26
Total Decided	31	39
<b>% Allowed</b>	<b>13%</b>	<b>28%</b>
% Part Allowed	-	5%

### Analysis

- 5 Table 1 shows that between 1 January and 31 March 2016, a total of 7 appeals relating to CYC decisions were determined by the Inspectorate. Of those, 0 was allowed and 0 part allowed. At 0% the rate of appeals allowed is below the national annual average of appeals allowed which is around 35%. By comparison, for the same period last year, out of 9 appeals 0 were allowed (0%), 0 were part allowed (0%). One of the appeals allowed between 1 April and 30 June 2016 related to a “major” application.
- 6 For the 12 months between 1 July 2015 and 30 June 2016, 13% of appeals decided were allowed, again well below the national average, and below the previous corresponding 12 month period of 28% allowed.
- 7 The summaries of appeals determined between 1 April and 30 June 2016 are included at Annex A. Details as to whether the application was dealt with under delegated powers or by committee are included with each summary. In the period covered one appeal was determined following refusal at sub-committee.

**Table 3: Appeals Decided 01/01/2016 to 31/03/2016 following Refusal by Committee**

Ref No	Site	Proposal	Outcome	Officer Recom.
15/00462/FULM	Former Garage Site, 172 Fulford Road	Erection of Petrol Filling Station	Dismissed	Refuse

- 8 The list of current appeals is attached at Annex B. There are 13 planning appeals lodged with the Planning Inspectorate (excluding tree related appeals but including appeals against enforcement notices).
- 9 We continue to employ the following measures to ensure performance levels are maintained at around the national average or better:
- i) Officers have continued to impose high standards of design and visual treatment in the assessment of applications provided it is consistent with Paragraph 56 of the NPPF and draft Development Control Local Plan Policy.
  - ii) Where significant planning issues are identified early with applications, revisions are sought to ensure that they can be recommended for approval, even where some applications then take more than the 8 weeks target timescale to determine. This approach is reflected in the reduction in the number appeals overall. This approach has improved customer satisfaction and speeded up the development process and, CYC planning application performance still remains above the national performance indicators for Major, Minor and Other application categories.
  - iii) Additional scrutiny is being afforded to appeal evidence to ensure arguments are well documented, researched and argued.

### **Consultation**

- 10 This is an information report for Members and therefore no consultation has taken place regarding its content.

### **Council Plan**

- 11 The report is most relevant to the “Building Stronger Communities” and “Protecting the Environment” strands of the Council Plan.

**Implications**

- 12 Financial – There are no financial implications directly arising from the report.
- 13 Human Resources – There are no Human Resources implications directly involved within this report and the recommendations within it other than the need to allocate officer time towards the provision of the information.
- 14 Legal – There are no known legal implications associated with this report or the recommendations within it.
- 15 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

**Risk Management**

- 16 In compliance with the Council’s risk management strategy, there are no known risks associated with the recommendations of this report.

**Recommendation**

- 17 That Members note the content of this report.

**Reason**

- 18 To inform Members of the current position in relation to planning appeals against the Council’s decisions as determined by the Planning Inspectorate.

**Contact Details**

**Author:**

Gareth Arnold  
Development Manager,  
Directorate of City and  
Environmental Services

**Chief Officer Responsible for the report:**

Mike Slater  
Assistant Director Development  
Services, Planning & Regeneration,  
Directorate of City and Environmental  
Services

**Report  
Approved**



**Date** 25 July 2016

**Specialist Implications Officer(s)** None.

**Wards Affected:**

All  Y

**For further information please contact the author of the report.**

**Annexes**

**Annex A – Summaries of Appeals Determined between 1 April and  
30 June 2016**

**Annex B – Outstanding Appeals at 25 July 2016**

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**Appeal Summaries for Cases Determined 01/04/2016 to 30/06/2016**

**Application No:** 15/00462/FUL  
**Appeal by:** Valli Forecourts  
**Proposal:** Erection of petrol service station with retail unit  
**Address:** Former Garage Site 172 Fulford Road York YO10 4DA

**Decision Level:** CMV  
**Outcome:** DISMIS

The appeal was against the refusal of a new petrol filling station and retail shop within Fulford Road Conservation Area. There were three reasons for refusal: the petrol filling station would be untypical of the grain of development within the conservation area and harmful to its character or appearance. The development would harm the setting of the adjoining listed building and affect the significance of a non-designated heritage asset; detrimental to the outlook of 19 to 22 Alma Grove to the rear of the site. The Inspector agreed with all three reasons for refusal. In the case of the harm to heritage assets the Inspector found no public benefits sufficient to outweigh the harm identified.

---

**Application No:** 15/00980/FUL  
**Appeal by:** Mr R Dalby  
**Proposal:** Erection of part two storey part single storey dwelling  
**Address:** 35C Drome Road Copmanthorpe York YO23 3TG

**Decision Level:** DEL

**Outcome:** DISMIS

The application site relates to the site of a former builder's yard within the area of "washed over" Green Belt to the south east of Copmanthorpe village centred on Drome Road. There have been two previous appeals at the site including one for the erection of a bungalow in 2008 which was allowed. The site has been used as domestic curtilage and retains no evidence of its former use as a builder's yard. An application was submitted for erection of a detached three bedroom dwelling within the remaining open section of the site directly accessed from Drome Road. The proposal was justified as being "infill" development and therefore falling within one of the categories of development identified as not being inappropriate within paragraph 89 of the National Planning Policy Framework. At the same time significant weight was placed on the earlier appeal decision from 2008 and it was argued that the proposed development would have a similar impact upon the openness and purposes of designation of the Green Belt. In determining the planning application a contrary view was however taken, in that it was felt that the proposal did not fall within the standard definition of infill as being the closing of a gap within an otherwise built up frontage. At the same time it was felt that the impact of the proposal upon the open character of the Green Belt would be significant resulting in the closure of an important view from Drome Road into open countryside beyond. Planning permission was therefore refused on that basis. In determining the appeal the Inspector gave some weight to the need to provide rural housing. However, he afforded only very limited weight to the previous appeal in respect of the erection of a bungalow and endorsed the view taken by the Local Planning Authority in terms of the definition of infill development and the impact of the proposal upon the open character of the Green Belt. The appeal was therefore dismissed.

---

**Application No:** 15/01223/FUL  
**Appeal by:** Mr M Paley  
**Proposal:** Erection of 1no. dwelling to rear  
**Address:** 11 Murton Way York YO19 5UW

**Decision Level:** DEL

**Outcome:** DISMIS

The appeal was against the refusal of a house in the rear area of 11 Murton Way. The site is located within the Osbaldwick Conservation Area. The application was refused because the dwelling would disrupt the prevailing character of the conservation area (despite there being a dwelling adjoining the property in a similar location) and because of the impact of the development on the amenity of the adjacent occupiers. The Inspector agreed that the property would be at odds with the historic pattern of development and would not be representative of the grain of development in the conservation area. The siting of the adjacent dwelling did not set a precedent for allowing the appeal scheme; replicating a similar layout would only serve to exacerbate the uncharacteristic form of tandem development in this location. In relation to amenity the inspector concluded that the limited amount of traffic movements would not be sufficient to object to the development on amenity grounds.

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**Application No:** 15/01926/LBC  
**Appeal by:** Mr Oliver Peters  
**Proposal:** Internal alterations including removal of partition wall and ground floor chimney breast  
**Address:** 26 Holgate Road York YO24 4AB

**Decision Level:** DEL

**Outcome:** DISMIS

The appeal site relates to a grade II listed two storey terraced dwelling situated in the Central Historic Core conservation area. It was originally constructed around 1840 as a house and shop. Listed building consent was submitted for internal alterations to include the removal of a dividing wall and ground floor chimney breast between the kitchen and dining room. The proposals were justified by the appellants in that there had already been a number of internal alterations to the kitchen and dining room, including non-original doors, skirting and cornicing as well as a non-original fireplace in the dining room. However in determining the application the view was taken that the removal of the partition wall and chimney breast would result in a loss of the integrity of the buildings architectural and historic interest and would alter the plan form of the separate shop and residential elements. In determining the appeal the inspector noted that the significance of the heritage asset is largely derived both from the intact frontage and its historic use which is still evident in the character of the formally commercial and domestic rooms. The removal of chimney breast would result in the loss of the original cellular form of the domestic part of the original building being one of the only remaining historic pieces of fabric in this part of the house, leading to less than substantial harm. Given that the internal alterations would have no public benefit the appeal was dismissed.

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**Application No:** 15/02256/FUL  
**Appeal by:** Mrs Thomas Holliday  
**Proposal:** Two storey side extension and single storey front and side extensions  
**Address:** 12 St Peters Grove York YO30 6AQ

**Decision Level:** DEL

**Outcome:** DISMIS

A two storey side extension and single storey front and side extensions were proposed to the Victorian dwelling house located in Clifton Conservation Area in a prominent position at the head of St. Peter's Grove cul de sac. The inspector considered that the predominant character of St. Peter's Grove is one of spacious villas of which the appeal property is a well preserved example. The inspector considered that the two storey addition would, by virtue of its size and position, distort the balanced proportions of the existing front facade. Viewed alongside the considerable mass of the single storey extensions, the addition would appear bulky and incongruous, and would lead to the loss of views through the site to Grosvenor Road. The proposals would also result in a cluttered and discordant view at the head of the cul de sac on the approach along St. Peter's Grove. The inspector considered that the extensions would fail to make a positive contribution to local distinctiveness and would have an adverse effect on the character and appearance of the conservation area. With regard to the impact of the proposals on living conditions of the residents of the adjoining Ryburn House, the two storey side extension would include a window within very close proximity to an upper floor window on the adjoining property. This would result in an unneighbourly juxtaposition and the proposal would be likely to be perceived as overbearing and intrusive when within the adjoining dwelling. The inspector considered that the proposals would have an adverse impact on the living conditions enjoyed by adjoining occupiers. The appeal was dismissed.

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**Application No:** 15/02483/FUL  
**Appeal by:** Miss Raquel Nelson  
**Proposal:** Variation of conditions 7 and 8 of permitted application 12/03270/FUL to allow caravan site to open and caravans to be occupied from 14th March in any one year to 14th January in the succeeding year  
**Address:** Country Park Pottery Lane Strensall York YO32 5TJ

**Decision Level:** DEL

**Outcome:** DISMIS

The Country Park comprises a 40 pitch touring caravan park , recently fully opened lying within the Green Belt to the north of Strensall village. The site is subject to a seasonal closure between October and March in order to reduce the impact of the development upon the open character of the Green Belt. Planning permission was applied for to vary the seasonal closure to allow the site to open into early January in order to benefit from seasonal visitors to the City. Planning permission was refused on the basis that to allow the site to open in an unrestricted fashion until early January would give rise to significant harm to the open character of the Green Belt. In determining the subsequent appeal the Inspector gave some weight to the additional revenue that would be generated for the site through the further period of opening. It was however held that the proposal would materially reduce openness and that it was of itself inappropriate development within the Green Belt that would require a case for "very special circumstances" to justify permitting. In the absence of a case for "very special circumstances" that would outweigh the clear harm to the Green Belt by reason of inappropriateness as required by paragraph 88 of the National Planning Policy Framework the appeal was dismissed.

---

**Application No:** 15/02817/FUL  
**Appeal by:** Mr M Dobbin  
**Proposal:** Two storey extension to front and side and single storey rear extension and dormer (amended scheme)  
**Address:** 11 Top Lane Copmanthorpe York YO23 3UH

**Decision Level:** DEL

**Outcome:** DISMIS

The application site relates to a traditional semi-detached dwelling in Copmanthorpe which has recently been granted approval for a two storey front and side extension, a single storey rear extension and modest flat roof rear dormer. The appellant decided to construct a much larger dormer than that originally approved (assuming it to be permitted development - however the amount of previous development meant that the dormer exceeded the 50m<sup>3</sup> allowance). A subsequent retrospective application was refused on the basis that the rear dormer was of a scale and design which did not relate well to the host dwelling or neighbouring buildings. In addition its size and scale introduced a dominant and overbearing addition to the rear of the house which was considered intrusive and overpowering to neighbouring properties, in particular no. 15 Top Lane. In determining the appeal the inspector noted that due to the projection, location and scale, the dormer is likely to read as a third floor which has an overbearing impact on the outlook from the patio and gardens of no. 15. Also that whilst the dormer is not immediately obvious in public views it would be visible from neighbouring gardens and causes a limited degree of harm to the character and appearance of the host property. The appeal as dismissed.

Decision Level:

DEL = Delegated Decision

COMM = Sub-Committee Decision

COMP = Main Committee Decision

Outcome:

ALLOW = Appeal Allowed

DISMIS = Appeal Dismissed

PAD = Appeal part dismissed/part allowed

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## Outstanding appeals

<b>Officer: Carolyn Howarth</b>						<b>Total number of appeals:</b>	<b>1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>		
12/07/2016	16/00020/REF	APP/C2741/D/16/3152836	H	12 Wheatlands Grove York YO26 5NG	Two storey side extension		
<b>Officer: Diane Cragg</b>						<b>Total number of appeals:</b>	<b>1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>		
24/09/2015	15/00035/CON	APP/C2741/W/15/3135274	I	B And Q Osbaldwick Link Road Osbaldwick York	Use of premises as retail food store with external alterations including reconfiguration of shop front, canopy, installation of new customer cafe and associated toilets, installation of ATM`s, removal of existing garden centre and builders yard and reconfiguration of site access and customer car park		
<b>Officer: David Johnson</b>						<b>Total number of appeals:</b>	<b>1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>		
01/06/2016	16/00015/REF	APP/C2741/W/16/3150617	W	32 Hull Road York YO10 3LP	Change of use from small House in Multiple Occupation (use Class C4) to large House in Multiple Occupation (Sui Generis) and two storey side and single storey side and rear extension with dormer to side		
<b>Officer: Esther Priestley</b>						<b>Total number of appeals:</b>	<b>3</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>		
12/05/2014	14/00017/TPO	APP/TPO/C2741/3909	W	14 Sails Drive York YO10 3LR	Fell Silver Brch (T3,T11), Mountain Ash (T5), Oak (T8), Trees protected by Tree Preservation Order CYC15		
27/11/2015	15/00041/REF	APP/TPO/C2741/4900	H	1 Beaufort Close York YO10 3LS	Various tree works including the felling of 4 no. trees protected by Tree Preservation Order No. CYC15		
09/05/2014	14/00015/TPO	APP/TPO/C2741/3907	W	7 Quant Mews York YO10 3LT	Crown Reduce Silver Birch (T1,T2), Trees protected by Tree Preservation Order CYC 15		

<b>Officer: Kevin O'Connell</b>						<b>Total number of appeals: 3</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
19/04/2016	16/00009/REF	APP/C2741/W/16/3147157	W	Manor Farm Towthorpe Road York YO32 9SP	Variation of condition 2 of permitted application 13/00034/FUL to alter approved plans to add a single storey side extension to plot 1	
26/09/2014	14/00036/EN	APP/C2741/C/14/2225236	P	Land At OS Field No 9122 Holtby Lane Holtby York	Appeal against Enforcement Notice dated 31 July 2014	
29/04/2016	16/00013/REF	APP/C2741/W/16/3149489	P	Land To The North Of Avon Drive Huntington York	Erection of 109no. dwellings	
<b>Officer: Matthew Parkinson</b>						<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
17/06/2011	11/00026/EN	APP/C2741/C/11/2154734	P	North Selby Mine New Road To North Selby Mine	Appeal against Enforcement Notice	
<b>Officer: Neil Massey</b>						<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
08/07/2016	16/00021/CON	APP/C2741/W/16/3153765	W	Groves Chapel Union Terrace York YO31 7WS	Change of use of existing building with internal and external alterations to form convenience store at ground floor, 2no. flats at first floor and erection of four storey extension to rear to accommodate 14no. flats with associated car and cycle parking	
<b>Officer: Paul Edwards</b>						<b>Total number of appeals: 2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
09/06/2016	16/00016/REF	APP/C2741/W/16/3151467	W	6 Lamel Street York YO10 3LL	Change of use from dwelling (use class C3) to House of Multiple Occupation (use class C4)	
20/04/2016	16/00010/REF	APP/C2741/W/16/3147163	W	13 Ingleton Walk York YO31 0PU	Change of use from dwelling (use class C3) to House in Multiple Occupation (use class C4)	
<b>Officer: Rachel Tyas</b>						<b>Total number of appeals: 2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
29/06/2016	16/00018/REF	APP/C2741/Z/16/3153095	W	Jamies Italian Restaurant 26 Lendal York YO1 8AA	Display of illuminated and non-illuminated signs	
29/06/2016	16/00019/REF	APP/C2741/Y/16/3153096	W	Jamies Italian Restaurant 26 Lendal York YO1 8AA	Display of illuminated and non-illuminated signs	

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**Officer: Sophie Prendergast****Total number of appeals: 1**

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<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>
12/11/2015	15/00036/REF	APP/C2741/W/15/3136728	W	Lidgett House 27 Lidgett Grove York YO26 5NE	Erection of two storey dwelling

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**Total number of appeals: 16**

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## **Area Planning Sub-Committee**

**4 August 2016**

### **Planning Enforcement Cases - Update**

#### **Summary**

1. The purpose of this report is to provide Members with a continuing quarterly update on planning enforcement cases.

#### **Background**

2. Members have received reports on the number of outstanding enforcement cases within the Sub-Committee area, on a quarterly basis, since July 1998, this report continues this process for the period 25 April 2016 to 26 July 2016.
3. The lists of enforcement cases are no longer attached as an annexe to this report. The relevant cases for their Ward will be sent to each Councillor by email as agreed by the Chair of the Planning Committee.
4. Section 106 Agreements are monitored by the Enforcement team. A system has been set up to enable Officers to monitor payments required under the Agreement.

#### **Current Position.**

5. Across the Council area 127 new enforcement investigation cases were received and 86 cases were closed. A total of 650 investigations remain open. A total of 610 investigations remained open at the date of the last report (25 April 2016).
6. During the quarter no Enforcement Notices were served.
7. There have been 7 new Section 106 cases, 9 Section 106 cases have been closed and there are 180 cases on-going. The closed Section 106 cases secured total contributions of £70,382 towards off-site public open space provision.

### **Consultation.**

8. This is an information report for Members and therefore no consultation has taken place regarding the contents of the report.

### **Options**

9. This is an information report for Members and therefore no specific options are provided to Members regarding the content of the report.

### **Council Plan**

10. The Council priorities for Building strong Communities and Protecting the Environment are relevant to the Planning Enforcement function. In particular enhancing the public realm by helping to maintain and improve the quality of York's streets and public spaces is an important part of the overall Development Management function, of which planning enforcement is part of.

### **Implications**

- Financial - *None*
- Human Resources (HR) - *None*
- Equalities - *None*
- Legal - *None*
- Crime and Disorder - *None*
- Information Technology (IT) - *None*
- Property - *None*
- Other - *None*

### **Risk Management**

11. There are no known risks.

### **Recommendations.**

12. That Members note the content of the report.

The individual case reports are updated as necessary but it is not always possible to do this straight away. Therefore if Members have any additional queries or questions about cases on the emailed list of cases then please e-mail or telephone the relevant planning enforcement officer.

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

**Contact Details**

**Author:**

Gareth Arnold  
Development Manager

Tel. No: 551320

**Chief Officer Responsible for the report:**

Michael Slater

Assistant Director (Development Services, Planning and Regeneration)

**City and Environmental Services.**

**Report Approved**



**Date** 26/07/2016

**Specialist Implications Officer(s)**

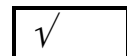
*Financial*

*Legal:*

*Patrick Looker*

*Andrew Docherty*

**Wards Affected:** *All Wards*



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