



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

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

**Date:** Thursday, 10 August 2017

**Time:** 4.30pm

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

**AGENDA**

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

**1. Declarations of Interest**

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

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

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

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

To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee held on 6 July 2017.

**3. Public Participation**

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is at **5.00pm on Wednesday 9 August 2017.**

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## **4. Plans List**

To determine the following planning applications:

**a) English Martyrs Church, Dalton Terrace, York, YO24 4DA (15/02941/FUL) (Pages 11 - 28)**

Construction of egress route from car park to rear of presbytery and church hall, relocation of gate posts and erection of gates (Micklegate) **(Site Visit)**.

**b) Land to the Rear Of 79 To 85 Stockton Lane, York (16/02923/FUL) (Pages 29 - 50)**

Erection of 9no. dwellings with access from Greenfield Park Drive (Heworth Without).

**c) Bootham Junior School, Rawcliffe Lane, York, YO30 6NP (16/02205/FUL) (Pages 51 - 76)**

Construction of synthetic turf sports pitch and warm-up area with flood lighting, acoustic fence, fence enclosure and reorganisation and extension to car park (Rawcliffe and Clifton) **(Site Visit)**.

- d) **The Ridings, 95 York Street, Dunnington, York, YO19 5QW (16/02663/FUL)** (Pages 77 - 92)  
Erection of 1no. Dwelling (Osbaldwick and Derwent) **(Site Visit)**.
- e) **31 Malvern Avenue, York, YO26 5SF (17/01247/FUL)**  
(Pages 93 - 104)  
Change of use from dwelling (use class C3) to House in Multiple Occupation (use class C4), single storey side extension and dormers to side and rear (Holgate) **(Site Visit)**.
- f) **Festival Flats, Paragon Street, York, YO10 4AG (17/00586/GRG3)** (Pages 105 - 112)  
Replace windows and doors to flats 6, 9, 11 and 14-19 Festival Flats (Fishergate) **(Site Visit)**.
- g) **5 Monks Cross Drive, Huntington (17/01181/FULM)**  
(Pages 113 - 132)  
Erection of a three storey, 80 bedroom hotel with ancillary bar/restaurant (Huntington/New Earswick) **(Site Visit)**.
- h) **64 Newland Park Drive, York, YO10 3HP (17/00343/FUL)**  
(Pages 133 - 142)  
Change of use from dwelling (Use class C3) to a 6 bed House in Multiple Occupation (Use Class C4) (Hull Road) **(Site Visit)**.
- i) **31 Sandringham Close, Haxby, York, YO32 3GL (17/01403/FUL)** (Pages 143 - 152)  
Single storey side and rear extensions, canopy to side, replacement bay window to front, installation of solar panels to side roofslope and replacement windows and doors in grey aluminium (Haxby and Wigginton) **(Site Visit)**.
- j) **39 St Pauls Square, York, YO24 4BD (17/00966/LBC)**  
(Pages 153 - 158)  
Installation of handrail with railings on steps to front door (Holgate).
5. **Urgent Business**  
Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Name: Laura Clark

Contact Details:

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

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

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

Contact details are set out above.

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

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 **(01904) 551550**

**AREA PLANNING SUB COMMITTEE****SITE VISITS****Wednesday 9 August 2017**

**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>
10:10	English Martyrs RC Church, Dalton Terrace	4a
10:45	31 Malvern Avenue	4e
11:10	Bootham Junior School, Rawcliffe Lane	4c
11:50	31 Sandringham Close, Haxby	4i
13:00	The Ridings, 95 York Street, Dunnington	4d
13:30	64 Newland Park Drive	4h
14:00	Festival Flats, Paragon Street	4f

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City of York Council

Committee Minutes

Meeting	Area Planning Sub-Committee
Date	6 July 2017
Present	Councillors Galvin (Chair), Shepherd (Vice-Chair), Carr, Gillies, Hunter, Cannon, Flinders, Cullwick (items 4a, b & e), Taylor (Substitute for Councillor Craghill) and Hayes
Apologies	Councillors Craghill and Orrell

Site	Visited by	Reason
5 Mayfield Grove	Councillors Galvin, Shepherd, Carr, Gillies, Hunter, Cannon and Flinders	As the recommendation was to approve and objections had been received
Land to the rear of 79-85 Stockton Lane	Councillors Galvin, Shepherd, Carr, Gillies, Hunter, Cannon and Flinders	As the recommendation was to approve and objections had been received
31 Princess Road, Strensall	Councillors Galvin, Shepherd, Carr, Gillies, Hunter, Cannon and Flinders	As the recommendation was to approve and objections had been received

## 1. Declarations of Interest

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

Councillor Cullwick declared an interest in items 4c and 4d, given that he was the applicant for item 4c, and that the applications were linked. He withdrew from the meeting before consideration of these items.

Councillor Gillies declared a non-prejudicial personal interest in item 4b, as the applicant was known to him.

## **2. Minutes**

Resolved: That the minutes of the Area Planning Sub Committee meeting held on 4 May 2017 be approved and then signed by the Chair as a correct record.

## **3. Public Participation**

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

## **4. Plans List**

### **4a) 31 Princess Road, York, YO32 5UE (17/00198/FUL)**

Members considered a full application by Mr and Mrs B Pepper for a full height rear extension, including insertion of first floor windows and roof lights to side elevations and (recessed) balcony to rear and a single storey rear extension to detached annex (31A Princess Road) and the erection of detached garage with car port.

Officers gave an update, which was attached to the online agenda following the meeting. This included an amended recommendation and amendments to paragraph 4.11, with particular regard to proposed new window openings.

In response to Member questions, Officers clarified that there were five proposed windows on the side facing towards no.29 Princess Road. On the ground floor two were in the extension and two in the existing house. On the first floor the window would be obscure glazed and that was a condition of any consent. They also clarified that the distance between the extension and the neighbouring property was 15 metres. Officers also answered questions on what could be provided as permitted development.

Philip Thorpe, a neighbour, spoke on behalf of local residents in objection to the application. He stated that there were concerns locally regarding the height of the proposal and over massing. He also expressed concern that amenity at his property (no.29) would be seriously affected.



Brian Pepper, the applicant, stated that his wife had medical issues and was registered disabled. They felt the proposed extension would significantly enhance their quality of life. The plot was private, well spaced and the current plan was less than 25% of the existing footprint. He suggested that there would be minimal overshadowing due to the design and stated that the upper rear windows would not be visible from any aspect of the neighbouring property.

Councillor Paul Doughty spoke, as a Ward Member, to express his concern about amenity of residents and overdevelopment.

During debate members expressed that they felt sympathy for the concerns of neighbours, but did not feel that there were strong enough planning reasons to refuse the application. The balcony was recessed and the ground floor windows were/could be screened. The first floor window was obscure glazed and overlooking was further minimised as the properties diverged.

Resolved: That delegated authority be given to Officers to approve the application, following expiry of the consultation period. If any further material planning issues are received which have not been considered in the Officers report, they will be discussed with the Chair and Vice-Chair.

Reason: The revised development is considered acceptable and is considered to preserve the character and appearance of the conservation area. With regards to neighbour amenity the development would not create any significant harm in terms of overbearing impact proximity, light or overlooking, particularly given the generous size of the plots and separation distance. As such the proposal is considered to comply with the NPPF and Policies GP1 (Design), HE3 (Conservation Areas) and H7 (Residential Extensions) of the Development Control Local Plan and City of York Council's Supplementary Planning Document (House Extensions and Alterations).

**4b) 5 Mayfield Grove, York, YO24 1HJ (16/00725/FUL)**

Members considered a full application by Mr D Evans for the erection of 3no. dwellings with associated access following demolition of existing bungalow (revised scheme).

There was no Officer update for this item, however Officers did remind Members that this application had been deferred by sub-committee in January for the completion of a bat survey.

Mark Stothard, agent for the applicant, stated that comments which had been made during consultation had been taken on board and the scheme revised. The requested bat survey had been completed on 16 May 2017 and no bat activity recorded. He highlighted that there had been no objections to the proposal from either Public Protection or Highways departments. He also expressed the opinion that this was a sustainable development, with good public transport links, using previously developed land.

Councillor Ashley Mason spoke, as Ward Member, to express the concerns of residents and fellow Ward Members about overdevelopment at this site. He stated that this was already a busy street, as main access for the school, and therefore parking was an issue.

During debate Members felt that, whilst this was a tight development in a busy area, this was mitigated by the need for new housing and the fact this was a site which backed onto mainly industrial buildings.

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

Reason: The proposal has been revised to address concerns in respect of character and amenity, residential amenity and highway safety. Further bat survey work has been undertaken that did not find evidence of bats being present at the site. Subject to conditions, whilst considered to be a tight scheme, the development would not result in any demonstrable harm to flood risk, archaeology, biodiversity, visual and residential amenity, highway safety and land contamination.

**4c) 1 Lastingham Terrace, York, YO10 4BW (17/01112/FUL)**

Members considered a full application by Mr and Mrs Cullwick for a single storey rear extension, roof dormers and part conversion of garage into habitable room (resubmission).

Members were advised that this application had been brought to sub-committee as the applicant was a CYC Councillor.

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

Reason: The proposal is considered to be acceptable, subject to the conditions listed, as it complies with the National Planning Policy Framework (2012), draft local plan policies GP1, HE3 and H7, Section 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act and also advice contained within Supplementary Planning Document (SPD) 'House Extensions and Alterations.' December 2012.

**4d) 2 Lastingham Terrace, York, YO10 4BW (17/00961/FUL)**

Members considered a full application by Mr and Mrs Allen for a single story rear extension.

Members were advised that the application had been brought to sub-committee as it was linked to the previous application for 1 Lastingham Terrace (17/01112/FUL) (Minute item 59c refers).

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

Reason: The proposal is considered to be acceptable, subject to the conditions listed, as it complies with the National Planning Policy Framework (2012), draft local plan policies GP1, HE3 and H7, Section 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act and also advice contained within Supplementary Planning Document (SPD) 'House Extensions and Alterations.' December 2012.

**4e) Land to the Rear of 79 to 85 Stockton Lane, York (16/02923/FUL)**

Members considered a full application by Pilcher Homes Ltd for the erection of 9no. dwellings with access from Greenfield Park Drive.

Officers gave an update stating that Plot 9 had been moved a metre closer to no. 52 than on the original plans. This change had not been highlighted on the drawing or detailed in the email setting out key changes to the scheme. Due to this omission Officers were requesting deferral until a later date in order that re-consultation could be carried out.

Resolved: That the application be deferred.

Reason: To allow re-consultation with neighbours on the repositioning of Plot 9.

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

Members considered a report informing them of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 January and 31 March 2017, and providing a summary of the salient points from appeals determined in that period. A list of outstanding appeals at date of writing was also included. Officers circulated a further Appeal Summary which had been missed during agenda publication. This was attached to the online agenda following the meeting.

Officers highlighted that CYC's appeals performance was very good and the number of appeals allowed continued to be well below the national average when measured over a 12 month period.

In response to a question relating to North Selby Mine Officers stated that buildings subject to the enforcement notice were being demolished and the appeal was likely to be withdrawn.

Resolved: That Members note the content of the report.

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

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

Members considered a report providing them with a continuing quarterly update on planning enforcement cases.

In response to questions from Members Officers stated that:

- CYC would always attempt to negotiate when issues arose. Enforcement Notices would only be issued where there was clear justification.
- If Members felt that enforcement action was not being taken in a timely manner they could contact the Development Manager directly.

It was agreed that details about the monitoring of Section 106 Agreement payments would be circulated to Members of the sub-committee.

Resolved: That Members note the content of the report.

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

Councillor Galvin, Chair

[The meeting started at 4.30 pm and finished at 5.50 pm].

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**COMMITTEE REPORT**

**Date:** 10 August 2017      **Ward:** Micklegate  
**Team:** Major and      **Parish:** Micklegate Planning  
Commercial Team      Panel

**Reference:** 15/02941/FUL  
**Application at:** English Martyrs Roman Catholic Church Dalton Terrace York  
YO24 4DA  
**For:** Construction of egress route from car park to rear of  
presbytery and church hall, relocation of gate posts and  
erection of gates  
**By:** FR John Bane  
**Application Type:** Full Application  
**Target Date:** 30 March 2016  
**Recommendation:** Approve

**1.0 PROPOSAL****SITE**

1.1 The church site is within the Central Historic Core conservation area approximately 0.5km to the south of the city centre. The site fronts Dalton Terrace and is approximately 75m wide and 40m deep. On the site is the 1930's church with attached presbytery (both grade II listed) on the west side and a 1950's church hall on the east side. There are decorative front boundary walls that are also listed at grade II. There is a car park on the western side of the site.

1.2 The principal reception building of the Mount School, grade II listed, lies opposite the site. To the rear of the site and at a lower level is the detached dwellinghouse and garden of 20 Mount Parade (grade II listed) and the detached gardens of the early C19th development of grade II listed terraced houses at Mount Parade (the gardens sit in front of the houses being separated by a narrow lane). Immediately to the east are the 3 three storey Victorian terraced properties of 1-3 (odd) Dalton Terrace.

**PROPOSAL**

1.3 This application seeks permission for the construction of an egress route from the car park running along the rear boundary, to the rear of the presbytery and church hall, and exiting on Dalton Terrace via a new opening in the existing boundary wall circa 8m from the eastern end of the site. A new brick arch and gates would also be erected approximately 8.5m back from the new egress point.

## SITE HISTORY

1.4 Planning permission for the erection of a 3 storey end of terrace building (comprising 4 flats) was approved at the eastern side of the site, abutting no.3 Dalton Terrace, in May 2014 (CYC ref: 13/03595/FUL). Construction has just commenced on this development.

1.5 Pre-submission advice was sought for this current proposal for the construction of the egress route via the PREAPP process (CYC ref: 14/01432/PREAPP).

## COMMITTEE CALL-IN

1.6 The application has been called-in for determination by Councillor Kramm on highway safety grounds, impact on the conservation area and listed building and the general impact on the surrounding neighbourhood.

## 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006  
Conservation Area GMS Constraints: Central Historic Core CONF  
Listed Buildings: Grade II: Church of the English Martyrs Dalton Terrace

2.2 Policies:

CYGP1 Design  
CYHE2 Development in historic locations

## 3.0 CONSULTATIONS

### INTERNAL

Planning and Environmental Management (Conservation Architect)

Comments on Initial Submission

3.1 The proposals would maintain the character and appearance of the conservation area as seen from the main road. The effects on the setting of neighbouring heritage assets and on residential amenity need to be investigated. There is no information explaining the impact on boundary conditions to gardens at the rear of the site, the majority of which are associated with listed dwellings. This is particularly of concern due to the narrow space available at the rear of the church buildings.



Comments following Submission of Further Information.

3.2 It is understood that highways colleagues support the scheme as it would improve safety on leaving the car park but they have required the proposed exit to be widened by 2m, however, this would not harm the character and appearance of the conservation area. As the wall is similar in character to the adjacent section which is listed, it is important that it is rebuilt in a matching style with reclaimed materials.

3.3 The main settings of the church and presbytery will be preserved. The new lane is narrow and an additional plan shows that a 1.8m-2m strip would be maintained between the lane and the boundary wall. Agents have assessed the retaining wall as not being affected by the proposals.

3.4 It is understood that further information has been provided in relation to the number and frequency of vehicular movements. If these are kept low and the fencing continued along the boundary, the quieter character of the inner block area should not be harmed.

3.5 Further information provided by the applicant/agent appears to confirm that the character and appearance of the area would be preserved, and there would be no additional harm to the setting of built heritage assets. Conditions are required for the following:

- a) Large scale details of the archway and gate
- b) The altered section of wall shall be rebuilt to match the existing wall and pier, and materials shall be reclaimed for reuse from the existing wall.
- c) A low level screen shall be provided to hide the waste bins. Details shall be provided.
- d) The extended part of the fence shall match the existing fence and timber fence posts shall be used.

Planning and Environmental Management (Heritage Project Officer)

3.6 This site lies within the Central Area of Archaeological Importance it is also on the line of the Roman Road which approached York from Aldborough. Condition ARCH2 should be placed on any consent that is granted for this application.

Highway Network Management

3.7 We have no objections to the proposed development from a highways point of view. The developer proposes to use a route through their land providing an informal entry and exit system for the car park of The Church of the English Martyrs on Dalton Terrace. The exit has been designed to afford a pedestrian visibility splay. The existing highway dropped crossing will be modified to provide a suitable dropped kerb access to the driveway. We would not expect a radius kerbed egress as drawn. *(Case Officer Note: Highways have since advised that this aspect can be addressed by an*

*Informative)*

3.8 Concerns have been raised about low sun affecting drivers travelling along Dalton Terrace at certain times of the year. This is an existing situation occurring sporadically which will cause drivers to slow down to observe the obstacles such as pedestrian crossing and stationary traffic experienced currently. Cars exiting the access at this point will have suitable visibility of oncoming traffic and judge the appropriate time to manoeuvre.

3.9 Concerns have been made regarding cars skidding into a neighbouring wall when turning in icy conditions whilst manoeuvring round the church. This will fall to the church to maintain and grit the route as appropriate, or provide some protection to the wall. This will be considered a private matter.

3.10 The following condition and informative, HWAY 19 (car and cycle parking laid out) and INF 1 184 (works in the highway), should be applied.

Public Protection

3.11 There are two properties which have the potential for being most affected by the proposed egress route, one at 21 Mount Parade and the second at 3 Dalton Terrace (*CASE OFFICER NOTE: Public Protection has taken into account what the impact would be on the new end terrace when it is built*).

3.12 Noise levels in the area appear to be dominated by existing traffic along Dalton Terrace with result of the noise survey showing levels at the boundary of the site with 21 Mount Parade of 56dB(A) Leq, with L90 levels (the level of noise experienced with the noisiest 10% of events removed) of 46dB(A). Noise levels to the rear of the church show that noise levels are lower with levels of 48dB(A) Leq and 42 dB(A) L90.

3.13 Details seem to show that the majority of vehicle movements are associated with the Mount School, rather than church. Further submitted details show that up to 26 vehicles may visit the site in any one hour period. Based upon the maximum number of 113 vehicle movements the noise consultant has predicted noise levels over at 16 hour period of 40dB(A) Leq. In practice the submitted information shows that at peak times there can actually be up to 26 vehicle movements and so the likely noise level from this will be higher in the region of 46dB(A) Leq. Whilst this level is higher than the level stated within the report it would appear to be no greater than the background L90 level measured at the boundary of 21 Mount Parade and so the impact at the location is still likely to be minimal.

3.14 In terms of 3 Dalton Terrace the predicted level of noise from car movements is likely to be 4dB above the L90 level currently experienced to the rear of the church. However, any impact at this location is also likely to be minimal and there are no objections to the proposals on the grounds of loss of amenity due to noise.

3.15 In terms of air quality issues associated with fumes from vehicles the proposal site is already in the vicinity of an AQ sensitive area and is already congested. However, the traffic already exists on the network and trip generation for the site is not proposed to change and there are no concerns and an AQ assessment is not required.

3.16 In terms of the construction of the road a Construction Informative should be attached to any approval given in order to protect the amenity of the nearby residential properties.

## EXTERNAL

### Publicity and Neighbour Notifications

3.17 Objections have been received from 4 nearby households nos.7, 9, 20 and 21 Mount Parade as follows:

- a) No.21 Mount Parade sits circa 1m below the level of proposed road and effectively acts as a retaining wall - the side thrust created by thousands of vehicles using the new road will put excessive pressure on this property
- b) How will increased surface water run off be handled? – this could jeopardise the foundations of 21 Mount Parade and the stability of the soil behind this house
- c) Cars will have to negotiate a sharp right turn and will potentially collide with 21 Mount Parade especially in icy conditions – the church cannot be relied upon to grit the surface when required
- d) The garden of no.20 Mount Parade sits 1m below the church site – the existing rear wall to the Church (which is listed and is also the boundary wall for garden of no.20) will be damaged by the movement of vehicles – the wall should be inspected prior to any consent
- e) Land to north of the church site is private garden – proposal could increase on-site parking and the number of cars to 30-40 per day thereby eroding peaceful environment
- f) Noise will be worsened by cars negotiating ramp at rear
- g) Cars will travel more quickly increasing accidents
- h) Road width breaches Dft guidelines with a short 'pinch point' of 2.70m  
(CASE OFFICER NOTE: the latest layout plan provided by the applicants show that the road for its full length will meet the Dft guideline for a 'one-way' carriageway width of 2.75m)
- i) There is little justification for the route on road safety grounds; the exit point is unsafe as cars will have to project into carriageway to be able to see and it is also badly affected by winter sunlight leading to accidents
- j) What hours will church users keep?
- k) New road at rear will mean that properties will be open to burglaries
- l) Will erode character of conservation area

- m) Large vehicles will not be able to use route – what will they do when they find out?
- n) Previous approval for 4 flats (adjacent to church site) would require amendments as a result of this scheme - ie. cycle racks/waste bins/trees
- o) Existing fence will offer little sound reduction
- p) If approved conditions ensuring no construction vehicles at rear of church, details of road construction/surface/lighting/protection of rear wall and provision of full screening around north and east boundaries should be imposed
- q) Concerned that occupants of the new flats will park in church car park
- r) No mention of significant vehicle movement during school drop-off and pick up times or of church hall users during day and evening

3.18 The comments below were made specifically in relation to a Noise Impact Assessment submitted in support of the application; Public Protection response is in italics:

- s) The location chosen to undertake the survey (MP1) should have been the gardens or street of Mount Parade
  - *whilst in the gardens would have been the ideal position it is common practice to measure levels as near to the site as possible – MP1 is close to the gardens with the Church providing a noise barrier from traffic on Dalton Terrace and is therefore representative*
- t) The ‘local acoustic character’ of the area has been ignored
  - *the noise report states that the ‘local acoustic character’ of the area is ‘road traffic’ and Public Protection supports that view*
- u) Existing noise level is shown as 48dB and noise from the proposed egress route as 40dB meaning a total of 88dB which is unacceptable
  - *addition of noise levels is a logarithmic function not arithmetic so the noise projection is actually 48.6dB*

#### Micklegate Planning Panel

3.19 No comments received.

## **4.0 APPRAISAL**

### KEY ISSUES

4.1 The key issues in the assessment of this proposal are the impact upon the character and appearance of the conservation area and impact on the amenities of local residents.

### LEGISLATIVE BACKGROUND

4.2 Section 38(6) of the 1990 Act requires local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise of an LPA's planning function with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area.

## POLICY CONTEXT

### National Planning Policy Framework

4.3 There is no development plan in York other than the saved policies of the Regional Spatial Strategy relating to the general extent of the Green Belt. In the absence of a formally adopted local plan the most up to date representation of key relevant policy issues is the National Planning Policy Framework, March 2012 (NPPF). This sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development. In Paragraph 17 it sets out 12 core planning principles that should underpin both plan-making and decision-taking. Of particular relevance here is the fourth principle, which advises 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.

4.4 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.

4.5 Paragraph 132 states that considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use

### Draft Development Control Local Plan

4.6 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the content of the NPPF. Policy CYGP1 requires development to respect or enhance the local environment, be of a design that is compatible with the character of the area and

neighbouring buildings, protect private, individual or community amenity space and ensure residents are not unduly affected by overlooking, overshadowing or dominated by overbearing structures. Policy HE2 'Development in Historic Locations' advises that development in conservation areas must respect adjacent buildings and be of a design that is compatible with the character of the area and neighbouring buildings.

## ASSESSMENT

### Proposals

4.7 There is a small car park on the western side of the Church site. This is used by parishioners and for activities undertaken in the church hall. It has been also used for a number of years, with the agreement of the Church, by parents dropping off and picking up children from The Mount infant and junior schools. The existing access/egress point for the car park has poor visibility for drivers leaving the site due to its location on a fairly tight bend and the proximity of a high brick boundary wall.

4.8 The application proposes to address this problem of visibility by providing an access route along the rear of the site that would egress via a new exit point on Dalton Terrace circa 75m to the east of the existing access/egress point. The existing access would be used as an 'in' point only and the new egress for exit purposes only. A brick arch with gates would be erected at the exit point 8.5m back from Dalton Terrace between the new 3 storey end of terrace building currently being erected and the church hall.

4.9 There is an existing access with brick piers either side in the front boundary wall at this eastern end of the site. This is on the site of the new end terrace building and would be lost due to the construction of this dwelling. The new exit point will be created slightly further to the west, between the church hall and the new dwelling, and one of the original brick piers would be rebuilt on the left hand side of this new egress point. Railings will be erected on the other side of the exit marking the front boundary of the new terrace building.

4.10 On the western half of the rear boundary there is a 2.1m high close boarded timber fence that sits in front of the brick boundary wall (listed structure) to no.20 Mount Parade. In the central part of the rear boundary is a stretch of 1.6m to 2m high rendered brickwork. To the east of this is a small length of 1.35m high close boarded timber fence beyond which, stretching to the eastern boundary, is a 0.8m high brick wall. The 2.1m high fence and rendered brickwork section will be retained as will the 0.8m high wall. It is proposed, however, to erect a 1.8m high close boarded fence in front of the 0.8m section of wall on the church side of the boundary.

4.11 Officers requested clarification about the number of vehicles that currently use the car park and how many it was considered may potentially use it if the scheme was

approved. Information provided by the applicants indicated that the largest user of the car park were parents visiting the schools. At first the figures showed that there were between 20 and 26 cars per session (ie. morning and afternoon drop off and pick up times). These were later downgraded to circa 15 cars per session; ie. a total of 30 per day Monday – Friday.

4.12 However, following discussions with officers the applicants have advised that the car park and new rear access will only be used in association with church activities and have provided details of these users who are namely parishioners coming to church services and users of the church hall; these are outlined below:

<u>Day</u>	<u>Activities</u>	<u>Begin</u>	<u>Finish</u>	<u>Cars</u>
Sunday	Service	10.00	12.00	15
Monday	Irish Dancing	17.00	19.00	4
	Service	18.00	19.00	3
	Scottish Dancing	19.00	23.00	2
Tuesday	Service	09.00	10.00	4
	Yoga	18.00	20.00	3
Wednesday	Service	12.00	13.00	2
	Tango	19.00	21.00	4
	Tango	20.00	23.00	3
Thursday	Running Class	17.00	19.00	2
	Service	18.00	20.00	4
Friday	Service	09.00	11.00	4
Saturday	Tango	10.00	12.00	4
	Service	17.00	19.00	15

4.13 On the basis of these latest figures, the general level of vehicular movements that would utilise the rear access amount to between 4 and 9 cars per day Monday to Friday with 15 on a Sunday and 19 on a Saturday. The greatest concentrations would be around services on a Sunday and Saturday when there would be 15 cars arriving circa 10.00 and 17.00 respectively and the same number of cars leaving circa 2 hours later each day.

### Evaluation

### Residential Amenity

4.14 In terms of the potential impact on the amenities of nearby residents the applicants submitted a Noise Impact Assessment. This Assessment was based on the higher level of car park usage first indicated by the applicants, which included parents dropping off/picking up at the Mount School. This assumed daily vehicle movements associated with the school from Monday to Friday to be between 60 and 78. On this basis the estimated total vehicular movements for the church car park from Monday to Friday were between circa 70 and 100 with movements on Saturday and Sunday circa 16-24.

4.15 Officers in Public Protection considered the Assessment and came to the conclusion that the impact of the scheme in noise terms would be minimal and they also had no concerns about impact on air quality. It should be noted that the consideration of this Assessment by Public Protection occurred before the applicants confirmed that the car park and new access would only be used by vehicles associated with church usage; ie. Public Protection's evaluation of the proposals was based on a considerably higher level of vehicular movements than would actually occur.

4.16 In this respect, the noise levels will be even lower than predicted in the Noise Assessment and the impact on air quality will also be reduced. On this basis it is not considered that there would be grounds to refuse the application on the basis of adverse impact on noise or air quality conditions for nearby residents.

4.17 In terms of potential noise from vehicles manoeuvring the ramp at the rear of the site. The applicants have submitted a plan which shows a section along the rear access. This shows that the existing ramp on the rear boundary has a gradient of 1:8 and that it will be re-graded to 1:13 (ie. a rise of 1m over a distance of 13m) and as a result it is not considered that negotiation of the ramp by vehicles would give rise to adverse noise emissions. The applicants have also confirmed that no additional lighting is proposed for the access road.

#### Impact on Stability of Rear Boundary Wall and 21 Mount Parade

4.18 The layout plan submitted with the application shows that its nearest point to no.21 Mount Parade it would be circa 1.85m away. This distance is maintained between the access road and the rear boundary wall along the full length of the rear boundary, increasing to 1.92m towards the eastern end of the site. In view of this distance of the road from the rear boundary, the fact that it is not of a particularly deep construction (ie. 460mm – 18 inches) and the limited number of vehicles that would use the rear access, it is not considered that there would be any adverse impact on the structural integrity of the rear boundary wall or 21 Mount Parade. It is considered, however, that a Method Statement for construction of the access road should be required by condition to ensure that any necessary mitigation measures to avoid adverse impact on the wall are implemented during the build.



4.19 It should be noted that the road surface itself will be of a permeable material thereby avoiding instability in the soil adjacent to and the foundations of the boundary wall and 21 Mount Parade. It is also not considered that cars will be travelling at such a speed in the car park that there would be a danger of collision with no.21 Mount Parade. If the conditions were icy it would be up to the Church, as it would be for any landowner, to address any potential problems by implementing measures to help, such as gritting. The LPA cannot enforce such measures.

### Highway Safety

4.20 Officers in the Council's Highways section consider the proposals to be acceptable and in respect of cars egressing at the new exit point, they consider there will be suitable visibility of oncoming traffic and an ability to judge the appropriate time to manoeuvre. With regards to large vehicles not being able to use the new access road, it is considered that it would be up to the Church to advise delivery companies of the limitations of the access. However, the car park is little used and it is likely that if a large vehicle did encounter difficulties it would be able to manoeuvre within the car park and egress by the access point.

### Other Issues

4.21 It is not considered that the proposal would give rise to burglaries of nearby properties.

4.22 On the point of the scheme involving changes to cycle parking, bin storage and tree proposals for the new end terrace dwelling, officers can advise that this consent did include the provision of shared cycle parking and bin storage in an area near the front of the adjacent church hall. However, the applicants now propose to provide cycle parking for the new dwelling within its own curtilage and revised details for bin storage in the same area adjacent to the church hall have been submitted with this application. No landscape proposals are affected by the proposals. Also any unauthorised use of the church car park by occupants of the new end terrace dwelling would be a private matter for the Church to resolve.

### Legislative and NPPF Policy Compliance

4.23 It is considered that the proposals will preserve the character and appearance of the conservation area and that in approving this application the Local Planning Authority will have properly exercised its duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4.24 In assessing the proposal officers have considered the desirability of sustaining and enhancing the significance of this listed building and putting it to a viable use consistent with its conservation, as required by Paragraph 131 of the NPPF. They have also considered the impact it would have on the significance of the conservation

area and listed building, as required by Paragraph 132 of the NPPF, and have judged that there will be no harm. As it is considered there will be no harm, there is no need to weigh the proposal against the public benefits as outlined in Paragraph 134 of the NPPF.

## 5.0 CONCLUSION

5.1 It is considered that the proposals will respect the character and appearance of the conservation area and will not cause harm to the living conditions of local residents reason of noise or harm to air quality. As such it is considered that they satisfy national guidance in the NPPF and Development Control Local Plan Policy and are acceptable.

## COMMITTEE TO VISIT

### 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 and other submitted documents:-

440/01(02)22D, 440/01(09)020, 440/01(09)022, 440/01(90)010, 440/01(90)011A, 440/01(03)031

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

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

- a) new archway and gate
- b) waste bins enclosure

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the character and appearance of the conservation area.

4 The altered section of front boundary wall shall be rebuilt to match the existing wall and pier, and materials shall be reclaimed for reuse from the existing wall.

Reason: In the interests of the character and appearance of the conservation area.

5 The extended part of the fence shall match the existing fence and timber fence posts shall be used.

Reason: In the interests of the character and appearance of the conservation area.

6 The access road hereby approved shall not be brought into use until the areas shown on the approved plans for parking and manoeuvring of vehicles have been 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 The rear access shall only be used for vehicle trips which are carried out in connection with activities at the church, presbytery and church hall (except for emergency vehicles).

Reason: In the interests of restricting the use of the car park to protect the amenities of local residents

8 A sign shall be erected at the entrance to the car park, prior to the use of the rear access hereby approved, advising that the access can only be used by vehicles visiting the site in connection with activities at the church, presbytery and church hall. Details of the sign shall be submitted to and approved in writing by the local planning authority prior to its installation and the sign shall thereafter be retained in perpetuity.

Reason: In the interests of restricting the use of the car park to protect the amenities of local residents

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

Reason: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be recorded during the construction programme.

10 A Method Statement outlining how the access road will be constructed, including in particular any mitigation measures required to ensure there will be no adverse impact on the structural integrity of the rear boundary wall and no.21 Mount Parade, shall be submitted to and approved in writing by the local planning authority prior to the commencement of works and the works shall be carried out in strict accordance with the approved details.

Reason: In the interests of protecting the structural integrity of the boundary wall and no.21 Mount Parade.

## **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:

Further details of proposed vehicular usage of proposed access, rear boundary treatment, bin storage, road position and construction and visibility at exit were secured.

Account has been taken of all relevant national guidance and local policies and with the attachment of conditions the proposal is considered to be satisfactory.

### 2 HIGHWAYS INFORMATIVE

The existing highway dropped crossing on the will be widened to provide a suitable dropped kerb access to the driveway. We would not accept a radius kerbed egress as drawn.

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Streetworks Special Permission Contact: [streetworks@york.gov.uk](mailto:streetworks@york.gov.uk)

### 3 CONTROL OF POLLUTION ACT 1974

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

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

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

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

(f) There shall be no bonfires on the site

**Contact details:**

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**Tel No:** (01904) 551665

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15/02941/FUL

English Martyrs Roman Catholic Church, Dalton Terrace



Scale : 1:1267

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site plan
<b>Date</b>	31 July 2017
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 6 July 2017                      **Ward:** Heworth Without  
**Team:** Major                      and **Parish:** Heworth Without Parish  
Commercial Team                      Council

**Reference:** 16/02923/FUL  
**Application at:** Garden Land Lying To The Rear Of 79 To 85 Stockton Lane  
York  
**For:** Erection of 9no. dwellings with access from Greenfield Park  
Drive  
**By:** Pilcher Homes Ltd  
**Application Type:** Full Application  
**Target Date:** 3 May 2017  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application proposes the erection of nine detached dwellings on a site measuring approximately 0.6ha in size. Access is proposed from the east via Greenfield Park Drive leading to a central turning head from which private drives serve the properties. The scheme proposes 7 houses and 2 bungalows ranging from 2 to potentially 7 bedrooms.

1.2 Revisions have been made to the scheme during the life of the application to address concerns raised about proximity to trees, which have been protected by a Tree Preservation Order (CYC367) served on 14.3.17.

1.3 The application was brought before the July Sub-Committee, but was deferred by Committee at officer's request to allow further re-consultation with immediate neighbours to Plot 9. It came to light following the Committee site visit that Plot 9 has been re-positioned 1m closer to the site boundary with no. 52 Greenfield Park Drive, so that it would now sit 1m away from the shared boundary enclosure. The change was not highlighted on the notes on the drawing nor in the agent's covering email that set out the 'key changes' to the scheme.

**2.0 POLICY CONTEXT**

2.1 Draft York Local Plan (2005, 4<sup>th</sup> set of changes) – relevant policies include:

- CYGP1 - Design
- CYGP3 - Planning against crime
- CYGP4A – Sustainability
- CYGP4B – Air Quality

- CYGP6 - Contaminated land
- CYGP9 - Landscaping
- CYGP10 - Subdivision of gardens and infill devt
- CGP15A - Development and Flood Risk
- CYHE10 - Archaeology
- CYNE1 - Trees, woodlands, hedgerows
- CYNE6 - Species protected by law
- CYNE7 - Habitat protection and creation
- CYH3C – Mix of dwellings
- CYH4A - Housing Windfalls
- CYH5 – Housing density
- CYT4 - Cycle parking standards

2.2 Draft York Local Plan (2014) Publication Draft –relevant policies include:

- DP2 – Sustainable Development
- D2 – Placemaking
- D7 – Archaeology
- G13 – Biodiversity and Access to Nature
- G14 – Trees and Hedges
- CC2 – Sustainable Development and Construction
- ENV3 – Land Contamination
- ENV4 – Flood risk
- H2 – Density
- H4 – Housing mix
- T1 – Sustainable Access

### **3.0 CONSULTATIONS**

#### INTERNAL

#### Planning and Environmental Management (Policy)

3.1 This site has been considered through the emerging Local Plan process and whilst deemed suitable for residential use in principle, it is not currently proposed that the site be allocated for housing in the Local Plan. Further assessment of access and design constraints is required. It is noted that potential access is indicated on the submitted plans accompanying the application and colleagues in highways should be consulted on its suitability. Comments from design and conservation should be sought on the submitted Extended Phase 1 Habitat Survey to address the design and conservation issues identified at the preferred options stage in the site selection paper (2013).

3.2 In conclusion, the key policy test is whether residential development at the site is appropriate. Whilst not currently proposed to be allocated for housing, the site has been found to be suitable in principle for housing through the local plan site selection process. As such, there is no objection to the principle of housing on the site, subject to comments from highways that an appropriate access can be achieved. Colleagues in design and conservation should also be satisfied that the proposals are acceptable.

#### Planning and Environmental Management (Archaeology)

3.3 This application site (16/02923/FUL) lies outside of the Central Area of Archaeological Importance but in an area of archaeological interest. Archaeological features/finds from the Romano-British period are known in the vicinity. It has been suggested that the Roman road which ran from York to Malton ran parallel to Stockton Lane. There have been finds of Roman occupational debris from the rear of 210 Stockton Lane. Further to the east a probable Roman kiln site was identified at Appletree Farm. The land to the rear of Stockton Lane was used for agricultural purposes throughout the medieval and post-medieval period this means that Roman or earlier deposits may potentially exist on the site in a well preserved state.

3.4 Despite, negative results along other parts of Stockton Lane during recent investigations the size of this site and its location to known Romano-British areas of activity mean that further archaeological investigation will be required. This can take place post-determination as a planning condition.

3.5 An archaeological desk based assessment has been submitted as part of this application. It suggests that the dense vegetation on the site will prohibit geophysical survey from taking place. Therefore, an archaeological evaluation comprising of approximately five trenches (1.5 x 15m) spread out across the site should take place to determine whether any archaeological features or deposits are present. The desk-based assessment must be consulted by the archaeologist employed for the next phase of evaluation.

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

3.6 A new tree preservation order (TPO) has been served on five trees: Oaks 937, 968 and 972 and Spruces 948 and 953. The reasons for serving the order are that the large trees are visible between properties, provide a backdrop and a sense of scale; they are attractive specimens that contribute to the quality of the local amenity.

#### Public Protection

3.7 No objections, though request conditions given proximity to existing housing, in event of unexpected contamination and to require electric vehicle charge points.

### Flood Risk Management

3.8 No objections subject to a condition requiring drainage details to be agreed before construction. It is not envisaged that flooding in surrounding gardens will be increased as a result of the development.

### Highway Network Management

3.9 No objections subject to conditions. As long as a suitable bin collection point is supplied for all houses within 20m of the existing adopted highway, there is no requirement to adopt any of the highway for the scheme and it would be treated as a private drive beyond the existing adopted highway. The traffic generated by the proposed development is likely to result in an additional 6 cars movements in the peak hour. This equates to 1 car every 10 minutes, which will have a negligible effect on Greenfield Park Drive.

3.10 There is an existing vehicular dropped crossing forming part of the adopted highway leading to a private drive at the proposed junction with the highway, which would need to be reconstructed to provide a heavy duty crossover to serve the new properties. There is sufficient car parking to accommodate residents and visitor parking without displacing parking on to existing roads. Further details of cycle parking is required to CYC Appendix E minimum standards - 2 cycle per dwelling.

3.11 As the development is at the end of a long cul-de-sac, a method of works condition is required to establish how the developer is to mitigate the effect of construction on the highway and users of the highway.

### Public Realm

3.12 No off site contribution is required as this would breach pooling regulations.

### Facilities (Education)

3.13 No contribution sought

### EXTERNAL

### Yorkshire Water

3.14 Note that the Site Percolation Test Results (Project Number 17025), dated 20/02/2017, confirms soakaways would not be viable on site. With the above in consideration, Yorkshire Water has no objection in principle, based on drawing 11679/5000-02 dated November 2016, to:

- i) The proposed separate systems of drainage on site and off site.
- ii) The proposed amount of curtilage surface water to be discharged to the public 375mm diameter surface water sewer (at a restricted rate of 3 (three) litres/second).
- iii) The proposed points of discharge of foul and surface water to the respective public sewers in Greenfield Park Drive.

3.15 Request a condition to ensure that development is built out in accordance with the agreed drainage strategy.

#### Foss Internal Drainage Board

3.16 The Board has assets in the wider area in the form of Pigeon Cote Dyke, which is known to be subject to high flows during storm events. The application will enlarge the impermeable area on site and has the potential to increase the rate of surface water run-off from the site if it is not effectively constrained. The application indicates that the surface water from the site is to be disposed of via a main sewer in Greenfield Park Drive. Further information is required to demonstrate the asset owners consent and confirm the sewer has sufficient capacity. The Board raises no objections in principle subject to conditions.

#### Heworth Without Parish Council

3.17 The proposal does not impinge on Heworth Parish Council and is a ward matter.

#### Ward Councillor Nigel Ayre

3.18 Objects on following grounds:

- Site has been deleted from Local Plan Preferred Sites Consultation July 2016 as it is 'not considered suitable for allocation on the basis of current evidence', with problems of transport access highlighted as Greenfield Park Drive is a narrow cul-de-sac. Proposal contravenes NPPF paragraphs 32, 35 and 69 with regards to safe and suitable access, and Draft Local Plan Policy GP4a in terms of distance to frequent public transport route being within a 400m walk;
- Residents have also raised concerns over surface water and land drainage affecting gardens on Woodland Grove.

#### Neighbour Notification and Publicity

3.19 Objections have been received from residents of 18 properties on Stockton lane, Woodlands Grove, Greenfield Park Drive and Elmpark Vale, raising the following planning issues:

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- exacerbation of existing surface water drainage problems;
- impact on trees, which are significant in area and need adequate protection;
- impact on highway safety and pollution from additional traffic;
- unsuitability of Greenfield Park Drive to carry more traffic, particularly construction traffic;
- erosion of living conditions from disturbance, loss of privacy, loss of outlook and right to light;
- loss of wildlife;
- inadequate provision for refuse/recycling collection;
- inadequate provision for visitor parking within the scheme resulting in congestion on existing street;
- queries about open drain to north of the site in terms of future maintenance;
- proposed development does not include the claimed right of way from no. 52 Greenfield Park Drive to Woodlands Grove [The applicant disputes this claim and advice sought from Council's Solicitor has confirmed that this is a private law dispute and not a relevant material planning consideration];
- concerns about potential for future development on gardens of houses on Stockton Lane;
- redesign requested to site bungalows to rear of Elm Park Vale and on plot 1;
- measures requested to maintain safety and quality of life during construction.

3.20 Further re-consultation was carried out to highlight the proposed re-positioning of Plot 9. The neighbour at no. 52 Greenfield Park Drive has objected on the following basis:

- Increase in significant impact on amenity of light due to the type of property, with a full height return, at 1m closure to the boundary;
- a standard dwelling in line with both the front and rear building lines of no.52 would enable a reconsideration of their objection;
- the right of way lane along the north edge of the proposed development is shown incorrectly on the plans.

## **4.0 APPRAISAL**

### **KEY ISSUES**

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

- Principle of development;
- Archaeology;
- Biodiversity;
- Character and appearance;

- Residential Amenity;
- Access, parking and highway safety;
- Flood risk and drainage.

## SITE AND PLANNING HISTORY

4.2 The application relates to a piece of land measuring approximately 0.6ha in size that forms the furthest section of the private rear gardens serving 79 to 85 Stockton Lane (excluding 81). It is bounded by 20-32 Woodlands Grove to the west, 22-28 Elmpark Vale to the north and 43-45 and 52-54 Greenfield Park Drive to the east. There are a significant number of trees within the site, some of which are covered by a tree preservation order – TPO 62 (Willow) and TPO 367 (3no. Oaks and 2no. Spruce). It falls within Flood Zone 1.

4.3 Planning permission was refused in 2006 (ref. 06/01178/FUL), and subsequently dismissed on appeal in 2009, for the construction of four dwellings on the northern part of the site (0.29ha in size). The key issues that the application and appeal turned on were affordable housing provision and density. In both of these regards, the Inspector found that the lack of affordable housing provision due to only part of the larger developable area being developed and the lower density of below 14 dwellings per hectare did not accord with national and local planning policy. The decision pre-dates the National Planning Policy Framework, which was published in March 2012.

## POLICY CONTEXT

4.4 The National Planning Policy Framework (NPPF, March 2012) places emphasis on achieving sustainable development, by establishing a presumption in favour of development that contributes to building a strong, competitive economy and supports a vibrant and healthy community, whilst contributing to the protection and enhancement of the natural and built environment. It goes on to set out twelve core land-use planning principles to underpin decision-taking. Those relevant to the proposal include: seeking high quality design and a good standard of amenity for all existing and future occupants of land and buildings; taking full account of flood risk; contributing to conserving and enhancing the natural environment and reducing pollution; encouraging the effective use of land by reusing previously developed land provided that it is not of high environmental value; conserving heritage assets in a manner appropriate to their significance; and, actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling. Individual chapters of the NPPF give further policy advice on these areas to assist decision-taking.

4.5 Although there is no formally adopted local development plan, the City of York Draft Local Plan (incorporating 4th set of changes, April 2005), has been adopted for

development control purposes. Its policies are considered to be capable of being material considerations in the determination of planning applications, where relevant policies accord with the NPPF. The site is identified on the proposals map as lying within the main built-up area of the City, but has no specific allocation. Relevant policies are listed in section 2.2.

4.6 Policies in the emerging Local Plan are considered to carry very little weight in the decision making process given the early stage of the plan (in accordance with paragraph 216 of the NPPF). However, the evidence base that underpins the proposed emerging policies is a material consideration in the determination of planning applications. The site was considered as part of a larger site, H12, in the Site election Paper (June 2013), but was included as a housing site to be deleted from the publication draft in the Preferred Sites Consultation (July 2016) on the basis of deliverability and transport issues.

## PRINCIPLE OF DEVELOPMENT

4.7 The NPPF promotes the approval, without delay, of proposals that accord with the development plan or where the plan is absent, silent or out of date, planning permission should be granted unless the adverse impacts of doing so demonstrably outweigh the benefits when assessed as a whole. One of the core planning principles set out in the NPPF is the effective use of land through the reuse of land which has been previously developed providing it is not of high environmental value. The NPPF, however, excludes private residential gardens in built-up areas from the definition of previously developed land. Notwithstanding this, paragraph 49 of the NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development. Local Plan Policy GP10 accords with paragraph 53 of the NPPF in that it seeks to resist inappropriate development of residential gardens, which would cause harm to the local area. Therefore, development of the land for residential purposes would only be supported in principle if it complies with the aims of the NPPF and the local policy requirements outlined in policies GP1, GP10 and H4a. That is, that the proposed development would provide high quality homes with a mixed community that would not be detrimental to the character and amenity of the local environment, would be of an appropriate scale and density and would not impact on existing landscape features.

4.8 The application site falls within the main urban area of the City and within a predominantly residential area. It is in a sustainable and accessible location, within walking distance of local facilities and public transport routes (though approximately 470m from Stockton Lane). Residential development of the land would be compatible with the surrounding land use. Therefore, the principle of development may be considered to be acceptable subject to further consideration being given to the impacts of the development on the character and appearance of the local area and trees.



## ARCHAEOLOGY

4.9 Paragraph 135 requires the effect of an application on the significance of a non-designed heritage asset, such as heritage assets with archaeological interest, to be taken into account in determining an application. Draft Local Plan Policy HE10 reflects national planning guidance.

4.10 An archaeology desk based assessment has been submitted with the application. It concludes that the site contains no designated or non-designated heritage assets, but advises an archaeological watching brief as appropriate mitigation to assess if the site contains below ground archaeological deposits as the site is unsuitable for geophysical survey due to vegetation. The Council's Heritage Officer confirms that the site is in an area where there is archaeological interest with finds from the Romano-British period and, as such, considers that further archaeological investigation is required, secured by condition. The proposed mitigation would comply with the aims of the NPPF and Policy HE10.

## BIODIVERSITY

4.11 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural local environment by, amongst other things, minimising impacts on biodiversity. Paragraph 118 requires LPAs to aim to conserve and enhance biodiversity, including the refusal of planning applications where significant harm cannot be avoided or adequately mitigated and where development would adversely affect Sites of Special Scientific Interest (SSSI), ancient woodland and European protected sites. Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats unless the need for, and benefits of, the development in that location clearly outweigh the loss. Draft Local Plan policies reflect this advice in relation to trees, protected species and habitats.

4.12 The site is not a SSSI, ancient woodland or European protected site. The application is supported by an Extended Phase 1 Habitat Survey, which confirms that there are no protected species or other important natural features present on site. The site is landscaped as is typical of residential gardens, with the most significant landscape features being the large trees within the site. The Inspector in the 2009 appeal accepted that the removal of the majority of the existing trees on site would not be detrimental to the character and appearance of the area, due to their size and the proposal to make better use of land. An Arboricultural Survey has been submitted in support of the application. During the course of the application, 5 no. trees were protected by the serving of a tree preservation order (TPO CYC367) in March 2017. The order covers 3no. Oaks and 2no. Spruces that are within the rear gardens of 83 and 85 Stockton lane and 24 Woodlands Grove, but which overhang the site boundary.

4.13 The Council's Landscape Architect had raised concerns about the proximity of the buildings and garages to the protected trees and the impact of the loss of approximately 55 no. trees from the site and replacement planting with only 5 no. trees. One of the trees to be removed is a Willow (no. 958), which is protected by TPO62-T2, but is considered to be unsuitable for retention because of its poor structure and condition. As a result of the concerns raised, the scheme has been revised so that buildings are further away from the protected trees and an increase in the number of replacement trees. The Landscape Architect now raises no objection to the proposal subject to conditions to cover tree protection and landscaping, though does consider that the relationship of buildings to trees remains tight.

4.14 In light of the above, and subject to conditions, the proposal would accord with national advice in paragraph 118 of the NPPF and local planning policies.

## CHARACTER AND APPEARANCE

4.15 Chapter 7 of the NPPF gives advice on design, placing great importance to the design of the built environment. 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. At paragraph 64, it advises against poor quality design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. This guidance is reflected in Local Plan policies GP1 and GP10, which require development to respect or enhance the character and amenity of the local environment. In particular, Policy GP10 only allows the sub-division of existing gardens to provide for new development where it would not be detrimental to the character and amenity of the local environment.

4.16 The site relates to garden land at the rear of houses on Stockton Lane. It is enclosed on all sides by housing of varying dates and differing layouts, form and style. These include two storey semi-detached properties on Stockton set in large linear plots, single and two storey detached properties on Woodlands Grove with generous gardens, dormer bungalows on Elmpark Vale and more modern two storey detached houses at the end of Greenfield Park Drive, with the exception of bungalow 45. All properties are of traditional construction using brick and tile with off-street parking and private gardens.

4.17 The Planning, Design and Access Statement includes within it a density count for the area north of Stockton Lane in support of the application, which states that the density for the whole of the area is 14 dwellings per hectare (dph), but within this area varies from 15.5 dph (Greenfield Park Drive character area D) to 27 dph (Elmpark Way character area C). Taking those dwellings within a 150m radius of the site (130 dwellings), there is a density of 18.6 dph. The development proposes a

density of 15 dph, which the applicant considers is in keeping with the character of the surrounding area.

4.18 The proposed low density of the scheme and the decision of the Planning Inspector in the 2009 appeal against an application for the northern half of the site with a similar low density are noted. The Inspector found that the site could support a higher density scheme without harming the character and appearance of the area. However, this decision pre-dated the NPPF. One of the core planning principles of the NPPF is to encourage the effective use of land by reusing land that has been previously developed, but makes no specific reference to density. Whilst the Government is considering amending the NPPF to avoid building homes at low density and encouraging high-density in urban locations as set out in the Housing White Paper 'Fixing our broken housing market' (7 February 2017), it does not currently form part of national policy. Draft Local Plan Policy H5a 'Residential Density' would seek a density of 40 dph, and this policy is continued through to the emerging Local Plan. However, these plans are both draft documents and, whilst material considerations, could only be given weight where the policy is compliant with the NPPF. Therefore, despite concerns, in light of the lack of policy support, no objections are raised to the lower density of development proposed.

4.19 The layout of the development, which involves housing centred around a turning head from Greenfield Park Drive, is appropriate given the linear nature of the site. Whilst all properties are detached and have generous floor space, there are a mix of property size and design, with six different house designs ranging from 2 (possibly 3) bed bungalows to 5 (potentially 7) bed 2 1/2 storey houses. The site would appear as a continuation of the more modern houses on Greenfield Park Drive, from which they would be accessed. No details have been provided of external materials or means of enclosure and so conditions would be required in the event of approval.

4.20 In light of the above, the proposal would accord with the aims of the NPPF and Draft Local Plan policies where compliant with the NPPF.

## RESIDENTIAL AMENITY

4.21 One of the core principles of the planning system outlined in the NPPF is to seek a good standard of amenity for all existing and future occupants. Paragraph 120 of the NPPF also states that new development should be appropriate for its location to prevent unacceptable risks from pollution and land instability, with the responsibility for securing a safe development resting with the developer. Paragraph 123 in particular advises that planning decisions should avoid and mitigate any impacts from noise and light pollution. Policy GP1(i) of the Draft Local Plan seeks to ensure that development proposals do not unduly affect the amenity of nearby residents in terms of noise disturbance, overlooking, overshadowing or from overbearing structures.

4.22 The proposed houses are laid out so that front elevations face into the site and rear elevations face towards outer site boundaries. The spacing and orientation of the proposed dwellings, along with the external private amenity space to serve them, would maintain an acceptable level of amenity for future occupiers. The proposed development would clearly result in a change in outlook for neighbours, who currently overlook landscaped gardens that are some distance from the host dwellings. However, the planning system does not seek to protect private views across land in a different ownership. The presence of the protected trees, retention of hedging and proposed new planting at site boundaries would help to soften the urbanisation of the land.

4.23 Separation distances of at least 24m have been achieved between main habitable rooms where the rear elevations of the proposed houses face directly towards that of existing properties, which is considered sufficient to minimise any undue loss of privacy over and above what can reasonably be expected in a suburban area.

4.24 The nearest relationship of new to existing is plot 9 to the adjacent house, no.52 Greenfield Park Drive. This property would be positioned gable to gable no.52 with a separation distance of approximately 6m, with the proposed dwelling 1m from the site boundary. Plot 9 has an L-shaped form, with a long side elevation, measuring 20.6m, of which 14.5m would be two storey. It would include a 12.5m long front projection, of which 6.4m long would be two storey (7.7m to ridge) and 6.1m long single storey (4.8m to ridge)(all figures stated are approximate). The two storey element would extend approximately 8m beyond the front (south-facing) elevation of no.52, and would infill the space between the house of no.52 and its detached double garage. This would likely result in some casting of shadows to the front curtilage area of no.52 in the afternoon; it is likely that there would currently be a degree of overshadowing from the existing large Willow tree, one limb of which projects forward of the front elevation of no.52. Given the stand-off distance of no.52 from the boundary, the potential loss of light to the front rooms of no.52 and the potential sense of enclosure in views from these front rooms would be reduced and would likely be negligible. Windows in the side elevation of no.52 would appear to be secondary with the main elevations of the dwelling facing towards the front and rear. The side elevation of the proposed dwelling also has side openings at ground and first floor. The ground floor windows would serve a study and dining room and the doors would serve a garage and utility; all of which would be positioned behind the boundary enclosure. The first floor windows would serve a bathroom and ensuite and would, therefore, be obscure glazed.

4.25 Two bungalows are included in the scheme on plots 2 and 3 in the south-western corner of the site that back onto two storey houses, whereas the houses to the south of those properties on Elmpark Vale - plots 7-9 - are 2 1/2 storey and back onto lower properties. An approach was made by officers to amend the scheme to

provide more comparable dwellings within the northern section of the site, but the agent has pointed to the separation distances being achieved and the similar approved distances on the adjacent development to the east.

4.26 Concern has been expressed by residents on Greenfield Park Drive about the potential for disturbance from traffic associated with the development, particularly during construction. All construction work does have the potential to result in disturbance to residential amenity, though hours of working can be restricted to daytime hours and restrict working on Sundays and Bank Holidays. Once complete, it is considered that the traffic that would be generated from the additional 9 houses on Greenfield Park Drive would be negligible.

4.27 A desk-based contamination report was submitted with the application, which identifies a low chance of potential contamination on site. Public Protection has not raised any objection to the scheme subject to conditions to restrict hours of construction given the proximity of neighbouring properties, to require CYC to be notified of unexpected contamination and to require the provision of an electric vehicle charge point at each property in line with paragraph 35 of the NPPF and the Council's Low Emissions Strategy (2012).

4.28 Overall, the proposal would be unlikely to cause demonstrable harm to residential amenity that neighbours can reasonably expect in a suburban area and an acceptable level of amenity would be provided to future occupants, in line with one of the core principle in the NPPF and reflected in Policy GP1 of the Draft Local Plan.

#### ACCESS, PARKING AND HIGHWAY SAFETY

4.29 The NPPF encourages sustainable travel and the location of development in sustainable and accessible locations. The site is within an existing established predominantly residential area and within walking distance of a public transport route and within easy reach of the city centre.

4.30 Local residents of Greenfield Park Drive have raised concerns about the suitability of this road as the proposed access and, as mentioned, the site was deleted from the Local Plan Preferred Sites Consultation document 2016 partly due to the need for further assessment of the access arrangements.

4.31 The proposal has been considered by CYC Network Management, who raise no objections on highway safety grounds due to the limited traffic likely to be generated from 9 dwellings and the negligible impact this would have on Greenfield Park Drive. Revisions were made at the request of the section to allow the incorporation of a refuse collection space adjacent to the site entrance, thereby negating the need to adopt any of the highway beyond the existing adopted

highway. Sufficient parking for residents and visitors is included in the scheme. Conditions are requested relating to provision of car and cycle parking.

## FLOOD RISK AND DRAINAGE

4.32 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk but, where development is necessary, making it safe without increasing flood risk elsewhere (paragraph 100). This advice is reflected in Draft Local Plan Policy GP15a.

4.33 The application site is located within low risk Flood Zone 1 and should not, therefore, suffer from river flooding. Concerns have been raised by local residents about the potential exacerbation of existing surface water problems in the area as well as the future of the open ditch between the site and the properties on Elmpark Vale. Drainage information has been submitted with the application. Foul water is proposed to be discharged to the foul water sewer on Greenfield Park Drive. Surface water drainage is proposed to be discharged to the existing surface water sewer on Greenfield Park Drive, which would be fitted with a flow control at point of discharge. The agent has confirmed that the existing ditch lies outside the planning application site.

4.34 Yorkshire Water and the Internal Drainage Board have raised no objections subject to conditions. The Council's Flood Risk Engineer has considered the drainage information submitted with the application and has sought further clarification. He raises no objection in principle subject to conditions to agree outstanding details. On this basis, the engineer does not envisage that flooding in surrounding gardens will be increased as a result of the development. Therefore, the proposal accords with advice in the NPPF and Draft Local Plan Policy GP15a.

## 5.0 CONCLUSION

5.1 The proposal involves the erection of 9 no. detached dwellings on a parcel of land within a predominantly residential environment that lies within the main urban area of York. It is in a sustainable and accessible location at a low risk of flooding and is compatible with the surrounding area. The proposal would respect the character and amenity of the local environment, without adversely affecting highway safety. Archaeology can be adequately mitigated. Revisions have been made to the scheme to address issues raised by officers relating to protected trees and residential amenity, and further clarification has been provided on drainage. In light of the above, the application is recommended for approval as, subject to the imposition of conditions, it complies with national and local planning policy.

**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. 517/01H 'Site layout sections and location', dated 2 May 2017;
- Drawing no. 517/02B 'Plots 1 and 2', dated 2 May 2017;
- Drawing no. 517/03A 'Plots 4, 5, 8 and garages', dated 2 May 2017;
- Drawing no. 517/04 'Plots 6 and 7', dated December 2016;
- Drawing no. 517/05B 'Plot 9', dated 26 June 2017;
- Drawing no. 517/06A 'External Works Details', dated 22 December 2016;
- Drawing no. 517/07B 'Sections CC and DD', dated 2 May 17;
- Drawing no. 517/08 'Plot 3' dated May 2017;
- Drawing no. 2714/4 Rev.B 'Detailed Landscape Proposals', dated 20 April 2017;

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

3 A) Prior to the commencement of development a written scheme of investigation (WSI) shall be submitted to and approved in writing by the local planning authority. No archaeological evaluation shall take place until the WSI has been agreed. The WSI should conform to standards set by the Chartered Institute for Archaeologists.

B) The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. Note: This part of the condition shall only be satisfied when these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report on the evaluation and an assessment of the impact of the proposed development on any of the archaeological remains identified in the evaluation shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 6 weeks of completion or such other period as may be agreed in writing with the Local Planning Authority.

D) Where archaeological features and deposits are identified proposals for the preservation in-situ, or for the investigation, recording and recovery of archaeological remains and the publishing of findings shall be submitted as an amendment to the original WSI. It should be understood that there shall be presumption in favour of preservation in-situ wherever feasible.

E) No development shall take place until:

- details in D have been approved and implemented on site
- provision has been made for analysis, dissemination of results and archive deposition has been secured
- a copy of a report on the archaeological works detailed in Part D should be deposited with City of York Historic Environment Record within 6 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: The site lies within an area of archaeological interest. An investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ. This condition is imposed in accordance with Section 12 of NPPF. This condition is required to be prior to commencement of development in order to ensure that no archaeological features or deposits are adversely affected by any works carried out at the site.

4 Before the commencement of development including excavations and building operations, an Arboricultural Method Statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. Amongst others, this statement shall include details and locations of protective fencing, site rules and prohibitions, phasing of works, site access during preparation and construction, types of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles, locations for stored materials, locations and means of installing utilities, location of site compound and marketing suite. A copy of the document will be available for inspection on site at all times.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of this area and/or development. This condition is required to be prior to commencement of development in order to ensure that no protected trees are adversely affected by any works carried out at the site.

5 The approved detailed landscape proposals shown on drawing no. 2714/4 Rev.B, 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 substantial completion of the planting, 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 the Local Planning Authority agrees alternatives in writing. Any works to existing trees that are protected by a tree preservation order



(TPO) are subject to local authority approval within and beyond this five year period.

Reason: The landscape scheme provides environmental mitigation and is integral to the amenity of the development.

6 The development hereby approved shall be carried out in accordance with the drainage scheme details shown on drawings numbers 11679/5000-02 'Drainage Layout Plan', 11679/5000-03 'Existing Catchment Area Plan', 11679/5000-04 'Proposed Catchment Area Plan', 11679/5000-05 'Flow Control Manhole S1 Construction Details', dated November 2016. Unless otherwise agreed in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal.

7 No construction shall take place until details of the proposed means of surface water drainage, including details of off site balancing and mitigation works, have been submitted to and approved by the Local Planning Authority. The development shall be implemented prior to occupation of the development.

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

8 NOISE7 Restricted hours of construction

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

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

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

11 Prior to the commencement of any construction works on the site, provision shall be made within the site for the duration of the development to allow for contractors parking.

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

12 HWAY18 Cycle parking

13 HWAY19 Car parking provision

14 No construction works shall commence until details of the junction between the internal access road and the highway shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until that junction has been constructed in accordance with the approved plans.

Reason: In the interests of highway safety.

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

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

16 A three pin 13 amp external electrical socket shall be installed within each garage or on the drive of each of the approved properties prior to its occupation. The sockets shall be located in a suitable position to enable the charging of an electric vehicle on the driveway using a 3m length cable.

Note: Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations and be suitable for charging electric vehicles. Where located externally it should also have a weatherproof cover and an internal switch should be

also provided in the property to enable the socket to be turned off.

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

17 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), development of the type described below shall not be erected or constructed:

A) Classes A (extensions) and E (outbuildings) of Schedule 2 Part 1 of that Order removed for plots 1, 4, 5, 7 and 8;

B) Class B (roof alterations) of Schedule 2 Part 1 of that Order removed for plots 7, 8 and 9.

Reason: In the interests of the (A) protecting the long term viability of the protected trees and (B) protecting the amenities of the adjoining residents, the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 2015.

## **7.0 INFORMATIVES:**

### **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:

- Pre-application advice;
- Revisions to address areas of concern including proximity of building to trees and highway matters;
- Further information sought regarding drainage;
- Imposition of conditions to mitigate potential identified harm.

2. INF11 - Control of Pollution Act 1974

3. INF1 – Streetworks Special Permission – Stuart Partington

4. INFORMATIVE: Drainage

The public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort, the developer is required to eliminate other means of surface water disposal.

The applicant should be advised that the relevant lead drainage authority's prior consent is required for any development including fences or planting within 9.00m of the bank top of any watercourse within or forming the boundary of the site. Any proposals to culvert, bridge, fill in or make a discharge to the watercourse will also require the authority's prior consent.

**Contact details:**

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16/02923/FUL

Garden Land Lying To The Rear Of 79 to 85 Stockton Lane



Scale : 1:1998

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site plan
<b>Date</b>	31 July 2017
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 10 August 2017      **Ward:** Rawcliffe and Clifton  
Without  
**Team:** Major and      **Parish:** Clifton Without Parish  
Commercial Team      Council

**Reference:** 16/02205/FUL  
**Application at:** Bootham Junior School, Rawcliffe Lane, York. YO30 6NP  
**For:** Construction of synthetic turf sports pitch and warm-up area  
with flood lighting, acoustic fence, fence enclosure and  
reorganisation and extension to car park  
**By:** Mr Andy Woodland  
**Application Type:** Full Application  
**Target Date:** 17 August 2017  
**Recommendation:** Approve

**1.0 PROPOSAL****THE SITE**

1.1 The planning application relates to land at Bootham Junior School's playing fields, on Rawcliffe Lane in the Clifton area of the city. The single storey school buildings are located on the east side of Rawcliffe Lane along with pedestrian and vehicle access to the school. The playing fields generally lie to the east of the school buildings and are bounded on three sides by the rear gardens of residential properties on Fairway to the north, Elston Close and Jacobi Close to the east and Brompton Road to the south.

1.2 The application site comprises approximately the northern half of the existing playing fields and part of the existing car park. The approximate site area is 1.8ha. To the west, across the road from the school buildings are the Clifton (Malton Way/Shipton Road) Conservation Area no. 19 and Clifton Conservation Area no. 2. The site itself is not within a conservation area, nor in an area of archaeological importance. It is located wholly within flood zone 1 (low probability of flooding).

**PROPOSAL**

1.3 The existing playing fields are poorly drained and cannot be used throughout the year. This means teaching and fixtures are difficult to arrange. Various revisions have been made to the proposals since the original submission. The final scheme is for a new astroturf pitch, and warm up area, enclosed by perimeter mesh fences and floodlighting. They will be constructed in the north-west part of the existing playing fields, east of the existing car park, sports pavilion and tennis courts. The warm up pitch and full size pitch will be surfaced with a green, synthetic grass carpet, which will

be sand dressed. The surface will be suitable for hockey and multisports. A spectator area will be on the west side of the pitch. The proposal will involve the stripping of the existing grass covered pitch, the removal of top soil off site and the laying of a new perforated pipe drainage scheme underneath the synthetic grass.

1.4 The pitch and warm-up area will be surrounded by a 5m high 'moss green' painted mesh fence with timber toe board, carpeted with synthetic grass carpet to reduce the sound of balls hitting the boards. Eight 13m high steel galvanised floodlighting columns which will weather to a grey colour are proposed, running north south along the two lengths of the main pitch. A further four, 10m in height, are proposed on each corner of the warm-up area.

1.5 The existing school car park is to be reorganised and extended and the former staff car park closed off. A total of 50no. car parking spaces and 12no. additional cycle spaces above those already available at the school are proposed in the application.

1.6 The school has agreed to the hours of use for the pitch being term time only. However they are seeking hours of use as 08.30 to 21:00 Mondays to Fridays, although this will be capped at 19:00 when flood lights are in use, 08:30 to 16:00 on Saturdays and 08:30 to 14:00 on Sundays.

1.7 The astroturf pitch will enable year round play on the fields and enable hockey and other sports to be played at a higher level, enabling the school to better compete against other schools who do have such facilities. It will be used primarily by school children from the junior school, as well as by older age pupils from the senior school on Bootham who will need to travel to the facility. Community use is also being sought by the applicant.

## RELEVANT PLANNING HISTORY

1.8 The Junior School has benefitted from a series of planning permissions. Those of most relevance include:

- 3/27/51B/FA Erection of sports pavilion, planning permission granted 04.09.1995
- 99/03048/FUL Erection of pitched roof one and a half storey Junior School with associated access and parking and additional tennis court, planning permission granted 08.08.2002. It is noted that the hours of use of the school and playing fields were not restricted by condition. It is also noted that the site prior to implementation of the planning permission was already in use as playing fields by the school
- 07/01605/GRG3 Construction of an outdoor play area, planning permission granted 31.08.2007



1.9 Reference has also been made to the planning permission for the installation of multi use sports pitch with 8no floodlights, 4m high fence and associated spectator benches at Canon Lee School in 2011 (ref. 10/02738/GRG3). This facility is to the north of Fairway, approximately 120m to the north-east of the application site at its nearest point.

1.10 This application is reported to planning sub-committee as it has been called-in for determination by Councillors Lisle, Dew and Rawling due to concerns about the impact of proposals on neighbouring residential amenity.

## **2.0 POLICY CONTEXT**

### 2.1 Policies:

Draft York Local Plan (2005, 4<sup>th</sup> set of changes) – relevant policies include:

CYED11: Protection of playing fields

CYGP1: Design

CYGP4a: Sustainability

GP15a: Development and flood risk

Draft York Local Plan Publication Draft (2014) –relevant policies include:

CF1: Community facilities

ED8: Community access to sports and cultural facilities on education sites

G15: Protection of open space

ENV2: Managing environmental quality

## **3.0 CONSULTATIONS**

### INTERNAL

#### Planning and Environmental Management (Archaeology)

3.1 Whilst a watching brief during the construction of the school did not reveal any archaeological deposits, this proposal includes large areas which need to be stripped to create the proposed new sports pitches. Therefore a condition to secure an archaeological watching brief during the groundworks is advised.

#### Flood Risk Management (FRM)

3.2 Initially FRM raised concerns about the proposals, requesting further information on surface water drainage from the new car park as no design details were submitted for the proposed permeable paving areas. They also objected to the proposals to raise land by 300mm adjacent to existing residential gardens without perimeter cut off

drains on the north and east boundaries of the playing fields. However both the bunds and land raising have now been removed from the proposals and the perimeter drains are therefore not required.

3.3 Following the submission of revised information, officers state that the attenuation and restriction of the discharge rate to 1.4 l/s appears satisfactory, although final details of the 1.4l/s flow control device are still to be agreed. Therefore subject to consent from YW and the EA on the connection to the sewer, FRM advised they remove their objections to the proposals, subject to a condition to agree the final drainage details.

#### Highway Network Management (HNM)

3.4 Highways officers requested clarification about the parking arrangements and pupil and staff numbers. They subsequently advised that whilst car parking is 10 spaces over CYC maximum standards, it can be justified by the proposed community use of the facility, which may be during school hours. However as it may also encourage car usage rather than more sustainable means of travel, a condition to agree a travel plan to mitigate the reliance on the motor vehicle is advised. The proposed cycle parking for 12 bicycles by the Sports Pavilion is supported.

#### Public Protection (PP)

3.5 Throughout the course of the application, environmental health officers have expressed concerns about the impact of noise and lighting from the proposals on residential amenity for neighbours on Fairway, Elston Close and Jacobi Close. Discussion around these impacts has resulted in the addition of a 2m high acoustic barrier parallel to the northern site boundary. Further information has been submitted including a noise assessment of existing noise levels arising from the playing pitch during cricket, rounders and hockey play and a revised lighting scheme.

3.6 Officers agreed with the applicant's acoustic report and addendum that the noise impact from the pitch would be clearly audible against the existing acoustic environment during the daytime but that the levels would be within the Lowest Observed Adverse Effects Level (LOAEL) with the acoustic fence installed. However in the evening, as set out in the consultant's noise report, it was agreed that sound levels would be likely to exceed the LOAEL during the evening period. As such if the noise levels cannot be limited to reduced hours and term time only, the application should be refused. These hours should be 08:30 to 19:00 Monday to Friday, 09:00 to 16:00 on Saturdays and 09:00 to 14:00 on Sundays.

3.7 In response to the original lighting scheme, officers advised that the predicted levels appear to exceed guidance levels by 2 lux and so alterations to the design will be required to ensure compliance with the guidance. Following the submission of revised lighting scheme and additional information, the anticipated levels of lighting at

the windows of the nearest properties in the new scheme is below thresholds and is therefore considered acceptable. In terms of garden areas, if the hours are restricted then providing the lighting is installed as per the submitted plans, and is not used beyond 19:00, the flood lighting proposals are acceptable as there will be limited impact. The previous advised condition is no longer required but the levels at the site boundary should not exceed 10 lux. Standard development informatives are advised.

### Lifelong Learning and Leisure

3.8 LLL have no objections to the development and do not object to the loss of playing field as it is providing an additional sporting amenity and the ward has a statistical surplus of grass playing field space. However a community use agreement is sought to ensure community access for a minimum of an average of 10 hours per week when the use is restricted to term time only, at a price comparable with other similar facilities in the city. However term time only prevents the school running day time summer schools, hockey coaching camps etc during holidays, which avoids the need for lighting and noise in evenings. These would have counted as community hours.

### EXTERNAL

#### Sport England

3.9 Initially Sport England reported a holding objection to the proposals as it had not been demonstrated that there was strategic need for the artificial pitch that outweighed the loss of the playing field. (Artificial pitches cannot provide for the full range of 15 sports/training that can be played on grass pitches as defined by its surface and fixed dimensions, surrounded by fencing.) In arriving at this opinion, they consulted England Hockey who advised there was no strategic need for the facility and that the local club were not intending to use it. However the design was in line with their requirements and they had no objections to the school using it for their own purposes.

3.10 Following the submission of further information by the applicant explaining their need and how there were unable to compete at a competitive level with other schools, Sport England withdrew their objection to the proposal. This is because the benefits to the school in providing the facility would clearly outweigh the loss of the grass pitch in this location. This is subject to the attachment of a condition requiring community use of the facility and for its maintenance.

#### Environment Agency

3.11 Provided that the surface water drainage runoff rate is restricted to 1.4l/s as specified by City of York Council's Flood Risk Team and the revised drainage information submitted, then the EA have no objections to the proposed development.

### Yorkshire Water

3.12 Yorkshire Water objected to the original drainage scheme as further evidence was required to show that other means of surface water disposal had been considered other than discharge to the public sewer. The applicant has worked with Yorkshire Water to address concerns including demonstrating that soakaways are not viable and submitting a revised drainage scheme. Yorkshire Water confirmed that they had no objections to the revised proposals which connect to a private surface water drain from the site and into the 300mm diameter surface water sewer to the rear of 11 Jacobi Close. The MUGA pitch will be controlled under a bespoke agreement with Yorkshire Water outside of planning permissions. A condition is advised if officers consider it appropriate.

### Rawcliffe Without Parish Council

3.13 The Parish Council objects to the proposals as the proposed pitch would be sited too close to housing predominantly on Fairway but would also affect other neighbouring streets. The development would be detrimental to the local environment. The proposed warm up area is too close to local housing and should be relocated to elsewhere on the site. If the application is to be approved, the Parish Council would like to see the usage and lighting reduced to school opening hours only.

### Neighbour Notification and Publicity

3.14 One neighbour has made general comments about people using the fields out of hours and another has commented in support, providing the use of floodlighting is restricted to not beyond 21:00. Any construction work should be limited to sociable hours.

3.15 Thirteen neighbours have objected to the proposals on the following grounds:

- The pitch is too close to the houses on Fairway and should be sited elsewhere.
- Why cannot the school use the astroturf pitch at Canon Lee School which is close to the site or the York Rugby Club on Shipton Road?
- Sport England has reported there is no strategic need for the facility.
- Noise impact including the theoretical nature of the noise report, increased hours of use of the playing fields, a reduction in hours of use to 19:00 and harm caused by the use of both the proposed and existing noise from Canon Lee school's astroturf pitch on the north side of Fairway.
- Existing problems with car parking and parking on surrounding streets will be increased.

- Light pollution from the flood lights into properties with impact on health and ability to sleep. They are too tall at 13m in height. Can a review mechanism be in place for after installation?
- Impact on views of the acoustic fence and mesh fencing.
- The revised plans showing the 2m high earth mounds will encourage anti-social behaviour, loss of privacy and opportunities for thieves to look into properties.
- Negative impact on property values and problems selling.
- Insufficient consultation with the community.
- The proposals are believed to be a commercial enterprise rather than for the benefit of Bootham School pupils. Existing playing fields are not well used so it is unlikely the astroturf pitch will be either.
- It is not reasonable that the proposals are acceptable just because the dwellings already back on to playing fields.
- Existing drainage problems in gardens will be worsened as a result of the astroturf pitch and raising of land by 300mm.

## 4.0 APPRAISAL

### KEY ISSUES

4.1 The key issues are considered to be:

- The need for the facility
- Design and visual impact
- Impact on neighbouring amenity: Light and noise
- Access and parking
- Drainage
- Use of facility by wider community

### PLANNING POLICY

#### National Planning Policy Framework

4.2 The National Planning Policy Framework (March 2012) (NPPF) sets out the Government's overarching planning policies, paragraph 14 advises that at its heart is a presumption in favour of sustainable development, which has three dimensions: economic, social and environmental. Twelve core planning principles are identified including proactively supporting sustainable economic development and always seeking high quality design and a good standard of amenity for future occupants of buildings. Planning should take account of the different roles and character of areas and support strategies to improve health and deliver sufficient community facilities.

4.3 Chapter 8 promotes the creation of healthy communities. This includes delivering the social and recreational facilities and services the community needs and planning positively for shared facilities to enhance the sustainability of communities and residential environments. Paragraph 74 explains that existing open space, sports and recreational buildings and land, including playing fields should not be built on unless the loss resulting from the proposed development would be replaced by equivalent of better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision which the need for clearly outweighs the loss.

Planning Policy Guidance (PPG)

4.4 The PPG on 'Noise' (March 2014) advises that whilst noise can override other planning considerations, it must be considered alongside economic, social and other environmental dimensions of proposed development. In decision taking, account must be taken of the acoustic environment and whether a significant adverse effect will occur, the likelihood of it occurring and whether or not a good standard of amenity can be achieved. As noise increases, it crosses the lowest observed adverse effect level boundary above which the noise starts to cause small changes in behaviour and attitude. The noise therefore starts to have an adverse effect and consideration needs to be given to mitigating and minimising those effects. The use of planning conditions/obligations to restrict activities and hours of operation may be appropriate. Noise is a complex issue and specialist advice should be sought.

City of York Draft Local Plan (incorporating 4th set of changes, April 2005)

4.5 Although there is no formally adopted local plan, the City of York Draft Local Plan (incorporating 4th set of changes, April 2005), (DCLP 2005) was adopted for development control purposes in April 2005. It does not form part of the statutory development plan, but its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

4.6 Policy ED11 protects playing fields and their loss will not be permitted, unless exceptional circumstances are proven to exist. Policy GP1 'Design' expects development proposals to respect and enhance the local environment and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and character of the area. Particularly, outdoor lighting schemes should be energy efficient and provide the minimum lighting level required taking into account any adverse impact on residential amenity, the character of the area and night sky illumination and ecological systems. Residents nearby should not be unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.7 Policy GP4a on sustainability stipulates that development should minimise pollution including from light and noise. Development proposals should set out accessibility by means other than the car. Policy GP15a provides drainage guidance, encouraging the use of sustainable drainage systems and ensuring the capacity of existing and proposed receiving sewers and watercourses is not exceeded.

#### City of York Emerging Local Plan - Publication Draft

4.8 At this stage, policies in the 2014 Publication Draft Local Plan are considered to carry little weight in the decision making process (in accordance with paragraph 216 of the NPPF), particularly as the emerging Local Plan is to be the subject of further consultation and a revised publication draft is anticipated. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of planning applications. The up to date evidence considered relevant to this application includes:

- City of York Playing Pitch Strategy 2013 - Consultation Draft
- Built Sports Facilities Strategy 2013 - Consultation Draft

4.9 Policy CF1 supports the development of new or improved community facilities to promote social cohesion and strengthen communities in accessible locations. Policy ED8 explains that community use of new/extended education facilities, including existing sports facilities, will be secured unless a local sufficiency can be demonstrated. Policy G15 protects playing pitches and states that development proposals will be supported which improves the quality of existing pitches and that new pitches should be designed to a high standard. Policy ENV2 on managing environmental quality states that development would not be permitted where future occupiers and existing communities would be subject to significant adverse environmental impacts such as noise and light pollution without mitigation measures.

#### Sport's England's Design Guidance Note, 'Artificial Grass Pitch Acoustics - Planning Implications (2015)

4.10 States that artificial grass pitches (AGPs) are a key part of the modern sporting landscape and provide valuable facilities for local communities. Referencing World Health Organisation 'Guidelines for Community Noise' (1999) it states that noise level outside residential properties during the daytime about 1 metre from façades of living spaces should not exceed 50 dB LAeq and for outdoor living areas, to avoid 'moderate annoyance' during the daytime and evening the noise level should not exceed 50 dB LAeq(T). However, if these levels are exceeded, it may still be that it may be that significant impacts do not occur.

4.11 Research found that the most significant noise source from typical use of AGPs was from voices, even when shock absorbing noise reduction measures were

incorporated on perimeter strike boards and goal back boards around such pitches during hockey play. It concludes that with suitable noise mitigation measures, it is considered that acceptable noise levels can be achieved for the majority of AGP sites and will operate without adversely affecting neighbouring residential properties.

## **ASSESSMENT**

4.12 This is an application where the planning balance has to be carefully weighed. During the course of the application it has been clear that both consultees and neighbours have had concerns about the proposals, including loss of grass playing pitch, drainage issues, highways, visual, lighting and noise impacts. Specialist technical advice has been provided by environmental health officers in the Council's Public Protection team and engineers in flood risk management as well as consultation responses from external consultees. In line with guidance, the local planning authority has sought to work positively and proactively with the applicant to see whether the scheme can be amended such that these objections can be resolved. The final scheme in this application has been considered against the statutory development plan and associated legislation, and consideration given to whether the attachment of conditions can render the scheme acceptable.

### The need for the facility

4.13 The NPPF sets a presumption in favour of sustainable development, economic growth, the promotion of healthy lifestyles and community facilities. The application is essentially for an intensification of existing playing fields associated with an established school. It will provide significantly better and more appropriate sports facilities in the same location for the same users. The proposals comprise developing a full size astroturf pitch, suitable primarily for hockey, but which could also be used throughout the year for other sports, such as football. There is particular desire and enthusiasm by current staff to enhance hockey play. The pitch cannot be located elsewhere on the fields as they need to be close to the existing hardstanding of the car park and the sports pavilion to minimise the contamination of the pitch by muddy boots crossing the grass to access the pitch and enable the rest of the playing fields to be used for a range of other sports. Its north-south orientation is in line with Sport England recommendations to minimise sun glare during play. One full size and one junior size grass games pitches will be retained on the playing fields, outside the application site.

4.14 Both the Senior and Junior Schools do not have access to a full size artificial hockey pitch. The Junior School has a full size grass pitch, but it is often water logged and drainage is a problem for a significant part of the year, preventing its use for both hockey and other sports. This inability to plan for its use affects teaching and fixtures, and the school cannot also compete with other schools that predominantly only play on artificial pitches. Similarly, playing football at the school is restricted because of poor drainage of the field and is generally limited to before October and after February



in the school year. There is very limited opportunity currently for the sports pitches to be made available for wider community use.

4.15 The school has investigated using alternative facilities at York St Johns University on Haxby Road, Canon Lee school, St Peter's School, and York Rugby Club and there is very limited availability during either school hours or at weekends. Whilst the Rugby Club on Shipton Road and Canon Lee School do have all-weather pitches, the school advises they are not practical to use, even should they become available. Roads can be congested, coaches would need to be hired (as minibuses do not have sufficient capacity for pupils and kit) and even if pupils were to walk, a large amount of kit would need to be carried to the Rugby Club which is not possible. An all weather pitch would increase the popularity of the sports, and allow fixtures between schools and support physical education of the school children.

4.16 The proposed pitch meets England Hockey's design and specification. Sport England has withdrawn their objection to the proposals, subject to a Community Use Agreement being conditioned. They have recognised that the facility would primarily be used by the school and there is a clear need, and enthusiasm for the sport, which balances the loss of grass playing pitch would generally allows a broader range of sports to be played.

4.17 It should be noted however in that formulating their opinion and removing their objection, Sport England have advised that they consider the pitch will primarily be for school use as England Hockey (EH) report that the local club, City of York, are unlikely to use the site as there is no unmet need, it is not in a suitable location and because of floodlighting restrictions. The Football Association (FA) confirm that whilst there is a football need for six additional full-size 3G AGP's in York, the proposed pitch surface in this application which is primarily for hockey, is not the preferred surface for the playing of football.

4.18 It is accepted by officers that it is neither practical or feasible for the school to use other astroturf pitches in the locality and that the need is genuinely required and is necessary for the successful and competitive nature of sporting activities at the school and to promote and encourage healthy lifestyles of the children.

#### Impact on neighbour amenity - Design and Visual Impact

4.19 As discussed above, and following consultation response by Sport England in association with England Hockey, the proposed design of the pitch is appropriate. The technical specification meets the England Hockey guidance for Artificial Grass Pitches.

4.20 The location of the artificial pitch is close to residential properties on Fairway. However it cannot be located any further away without compromising the use of the rest of the playing fields. The use of the site for playing fields has long been in

established use and could be used for longer periods without the need for planning permission.

4.21 The residential properties on Fairway are generally semi-detached properties of 1950s era, benefitting from front and rear gardens. Those directly north of the proposed pitch and warm up area have gardens measuring between 9m and 21m in length and generally 9m to 10m in width. With the exception of one property which has lattice timber fencing, all have a deep hedge at the boundary with the playing fields of at least 2m in height, extending to over 3m with hedge trees in the north east corner of the playing fields. Properties on Elston Close are of late 20th/early 21st century modern design. Boundary treatment at the end of their gardens comprise a double row of timber and palisade fencing.

4.22 The pitch would be surrounded by twin 6mm and 8mm bar steel mesh mounted to steel posts with rubber spacing washers to help deaden impact sound. The fence will be finished in a green polyester powder coated paint (RAL 6005 Moss Green). There will be 8no. 13m high floodlights around the pitch and a further 4no. 10m in height around the warm up area.

4.23 The 5m high fence surrounding the warm up area is located at a distance of 8m from the end of the rear garden of the nearest property. The 5m high fence to the playing pitch is located at a distance of 7m from the end of the rear garden to the nearest property. As these properties directly north of the proposed pitch benefit from reasonable gardens, the pitch will be between 18m and 28m from the rear elevation of these properties at their nearest points. As such, there is a degree of separation between the 5m high fencing and the houses and gardens. Well established natural screening provided by the hedgerow for all but one of the properties and the moss green colour of the fencing provide mitigation and a visual barrier at ground floor level. The proposed acoustic fence is 2m in height and will be positioned 3m from the edge of the hedge. This is not considered to be harmful from a visual perspective. The distance of both types of fencing from Elston Close is not considered to have a material impact, although may be visible.

4.24 The proposed floodlighting at 13m high will be significantly more visible, particular for the residents of Fairway and in the evenings during the winter months when the floodlights are in use. For residents at Elston Close and Jacobi Close there would also be visual impact but at a distance of at least 120m. The floodlights would illuminate what is otherwise an unlit area at the rear of properties. However, restrictions in hours can ensure that the unlit appearance of the playing fields would be restored for the majority of the night throughout the week. The galvanised steel columns of the floodlights which will weather to grey is considered appropriate in terms of blending with the sky rather than a darker colour. Thus whilst there would be a change in the appearance of the playing field and outlook from properties from a flat open grassed playing fields to a more enclosed and developed space, in an urban

area, with established recreational/sporting use, this is not considered incompatible nor is it considered sufficiently harmful to warrant refusal of the application.

4.25 From Rawcliffe Lane the lighting columns and floodlighting as well as the fencing would be visible. However set back from the road and behind the car park and sports Pavilion they would be viewed within this context and whilst a change would be noticeable it would not cause harm to the street scene.

#### Impact on neighbour amenity - Floodlighting and noise

4.26 Environmental health officers (EHO) have expressed concerns during the course of the application about the impact of light and noise from the proposals. However, taking a positive, proactive approach, they have sought to work with the applicant to fully understand the implications and seek clarification.

4.27 It should be noted that the EHO has confirmed verbally that no complaints have been received by the Council's Public Protection team associated with the use of the astroturf pitch at Canon Lee School which was developed in 2011. It is highlighted that the officer's report for the application at Canon Lee School states that the pitch is 26m from the nearest property on Saville Grove and 24m from the nearest property on Fairway. The main pitch and/or warm up area in this application for Bootham Junior School is between 18m and 28m from properties on the south side of Fairway. Certainly therefore there are differences between the two sites as the current application proposes pitches closer to some residential properties whilst at a similar distance for others. It should also be noted that existing tennis courts at Bootham Junior school are positioned adjacent to the warm up area and are an equivalent distance from neighbours as the warm up pitch.

#### Noise

4.28 The EHO has highlighted how the applicant's noise report states noise levels from the pitch could be up to 13dB higher than the existing Leq and up to 15dB higher than the existing L90. At these levels, sound from the pitch would remain clearly audible. However as the area is already used by the school for playing of sport, and has been since before 2002 when the junior school was built, they requested information on the existing levels of noise currently experienced by use of the existing pitches. Noise levels from current users were found to be consistent with those predicted from the astroturf pitch during hockey games on the playing fields, although it was higher than cricket and rounders that were also monitored.

4.29 Reference to Sport England's guidance stated that when artificial pitches were surrounded by fencing with noise suppressant carpet/padding on perimeter strike boards, the dominant noise would be from voices which would be concentrated in spectator areas during competitive games and at entrances to the pitch. In the application these are positioned closest to the car park. As such, the level of noise

which can be generated from hockey play on the playing fields is at a similar level to that forecast from the artificial pitch with the acoustic fence in place. Both guidance documents and the acoustic consultant's report state the desirable limit is 50dB LAeq. With the acoustic fence in place, as shown on the plans on the northern boundary, the noise levels expected from a hockey game, being the likely noisiest sport and the most frequently played on the artificial pitch, is calculated as being 46dB LAeq at Fairway (ie below), 44dB LAeq at Brompton Road (ie. below) and 51dB LAeq at Elston Close (ie 1dB above LAeq).

4.30 The submitted noise report addendum reports the recording of cricket and rounders on the current playing pitches at between 41.1 dB LAeq and 46.8 dB LAeq and for hockey between 52.9 LAeq and 60.1 LAeq for the warm up. As the school is able to use the playing fields unrestricted, then these levels of sound could be generated more regularly from the playing of hockey on the fields, once a drainage system was in place in any instance and are in fact above those predicted from the proposed artificial pitch. It could therefore be argued that the proposals in this application would in fact reduce noise levels from the playing fields.

4.31 However the proposal would result in an intensification in use of this part of the playing fields, the provision of a formal spectator area, an intensification of the play of the noisiest sport and an extension in hours beyond what the hours that the playing fields are currently used as a result of an improved surface for plan and floodlighting. Residents in Fairway and Elston Close will have an expectation that the use of the playing fields would generally fall within school hours.

4.32 Therefore there are some concerns about noise impact from the proposals as explained by the EHO. This is particularly the case if the community use would result in the use of the playing fields extending throughout the year and to 21:00 in the evening during summer months. As submitted in the applicant's noise report, it is expected that the evening use of the pitch would generate the same noise levels as daytime, whilst the tolerance levels are accepted as being lower in the evening (a reduction of 5db to 10db of the Lowest Observable Adverse Effect Level (LOAEL) from daytime levels of 50dB LAeq, ie. 40-45dB LAeq is the acceptable limit.)

4.33 Therefore there would be significant adverse effect of noise on the amenity of nearby residential properties in the evening and an intensification of use. The environmental health officer's view is that the application should be refused if hours of use are not restricted to term time only and 08:30 to 19:00 Monday to Friday, 09:00 to 16:00 on Saturdays and 09:00 to 14:00 on Sundays. Whilst there would still be noise with these hours of use, it would generally fall within what would be expected at a school site. Whilst the applicant has agreed to term time only, officers are recommending restrictions in hours further to no later than 19:00 throughout the year and a later start of 09:00 at weekends.

4.34 The implication of this is that the community use of the facility is restricted only to these hours and may be less than the 10 hours per week during term time sought by the officer in lifelong learning and leisure. It is also noted that school holiday camps (if any) will not benefit from using the astroturf pitch and warm up area, although the rest of the fields could be used unrestricted.

4.35 Sport England has agreed to the community use being term time only but has not been consulted on the earlier finish of 19:00. They have not specified how many hours the community should be able to use the facilities and therefore this further restriction, to avoid significant harm to neighbour amenity through the evening use, is considered reasonable and justified. Without such a restriction in hours, then the application cannot be supported, and the school will lose out on a much needed sports facility. A community use condition is advised and the level of use can be agreed through condition.

### Lighting

4.36 The pitch and warm up area are to both be floodlit at a level suitable for hockey. Detailed consideration has been given to the proposed column height to ensure safe levels of illumination for hockey whilst minimising light spillage onto neighbouring properties. The height allows light to be directed more accurately onto the pitch rather than on a lower column at a wider angle with greater spillage. The artificial pitch will have 4no. 13m high floodlighting columns on each length (8no. in total) supporting 20no. 2kW Philips 'Optivision' low glare floodlights. The warm-up area will have 4no. 10m high floodlighting columns with 4no. 1kW Philips 'Optivision' low glare floodlights. The proposals are supported by a technical report prepared by SJB Floodlighting Ltd.

4.37 Initially the lighting levels exceeded the Institute of Lighting Professionals (ILP) guidance thresholds. Following alterations to the design the anticipated levels of lighting at the windows of the nearest windows would now fall below this threshold. Concerns were still raised about lighting levels in gardens but it was agreed that submitted calculations showed 'worst case scenario' and did not take into account obstructions such as fences, trees and outbuildings and were similar to levels from street lighting in front gardens. The EHO concluded that if hours of use were capped to 19:00 and levels of 10lux at garden boundaries were specified by condition, they had no continued objections to the proposals.

4.38 In justifying this position it is likely that during the late afternoon and early evening in darker winter months when flood lights would need to be in use, then most residents would choose to be inside with curtains drawn. Most residents, are unlikely to retire to bed before 19:00, which is the latest the floodlights would be operating and there would not be any impact on normal sleeping patterns. Therefore the floodlights will not erode residents' enjoyment of their homes and gardens, although there is a significant change visually from what residents currently experience. However, in terms of light spillage it is within acceptable limits as confirmed by the EHO, providing

they are switched off at 19:00 and this can be conditioned. There will be very limited impact during summer months when days are longer.

### Drainage

4.39 The school and neighbours concur that the area suffers existing drainage problems and is a key driver for the proposals for the artificial pitch as current conditions prevent year round use of the playing fields, as well as particular sports that require a level and good quality turf pitch.

4.40 A new drainage scheme is proposed, comprising perforated pipes beneath the artificial pitch connecting east to an existing drainage system in Jacobi Close. Vertical tanking membranes beneath stone is also proposed. Permeable paving on stone over an intergrid and tanking membrane is shown for the car park.

4.41 The original scheme had land raising proposed of generally 300mm in the north east corner of the site, but with a bund of up to 800mm as a result of the removal of top soil to create the artificial pitch. There were concerns that this would direct seepage towards garden areas on the northern and eastern boundaries and requested perimeter cut off land drains along these boundaries. The applicant has decided that rather than provide these drains they will remove the sub soil off site and not raise the land.

4.42 The new drainage scheme from the artificial pitch and car park areas attenuating and restricting the discharge rate to 1.4 l/s appears satisfactory, however consent from Yorkshire Water and the Environment Agency will still be required. Final details of the 1.4l/s flow control device are the only point yet to be agreed but this can be conditioned.

4.43 Yorkshire Water have accepted the proposed connection and amount of surface water/land drainage that will ultimately be discharged to the public water sewer in Elston Close. A petrol/oil/grit separator/interceptor will be used. The drainage from the artificial pitch will be controlled under a bespoke agreement with Yorkshire Water outside of the planning permission and as such, planning officers concur with Yorkshire Water that the potential condition proposed is unnecessary.

4.44 The planning application cannot resolve existing drainage issues. As a result of the improvements to a large area of the playing fields as a result of the scheme, it is hoped this will provide wider improvements to neighbours.

### Access and parking

4.45 The proposals will increase the available parking at the school from 36no. car parking spaces to 50no. car parking spaces, plus 4no. disabled spaces and 2no. minibus parking spaces through a reorganisation and extension of the existing car

park, and closure of access to the existing staff car park. Six Sheffield style cycle stands are proposed in front of the Sports Pavilion providing space to securely lock 12no. bikes. In total the school will thus provide space for locking 37no. bicycles. The new use of the staff car park area is outside of this application. Access to the car park will be as existing arrangements with separate access and egress. Two additional lighting columns are proposed in the car park.

4.46 Highway officers confirm that for the size of the school, the shared use of the facility with the Junior School and potential community use the proposed parking is acceptable, subject to the implementation of an agreed Travel Plan to encourage sustainable modes of travel and avoid highway implications and on street parking as much as possible.

### Community use

4.47 Community use of the school facility is advised by Sport England and officers in 'lifelong learning and leisure' who specify a minimum of 10 hours per week (average in term time). Policy ED8 of the Publication Draft explains that community use of new/extended education facilities, including existing sports facilities, will be secured unless a local sufficiency can be demonstrated. This policy carries little weight however.

4.48 Sport England has advised that England Hockey report the local club has no need for an additional facility and the Football Association state the surface is not preferred by local clubs. Background documents to the emerging local plan explain that 49 community and university teams with further school teams play hockey during the week. The majority of the teams are part of City of York Hockey Club which currently states there is no need for an additional facility. The report also notes that all community hockey is now played on sand or water based artificial grass pitches which concurs with the schools report that their lack of access to such a pitch prevents play at a competitive level with other teams. The 'Built Sports Facilities Strategy' identifies nine artificial grass pitches across the city (2013) on nine separate sites. There are additional small size artificial pitches and others being resurfaced. This report also states that there are sufficient pitches to meet demand in accessible locations. They are of good quality. Therefore the evidence base suggests the restriction in use of Bootham School's facility will not have adverse impact on demand across the city as there are sufficient facilities elsewhere.

4.49 Whilst the facility will be available for a limited time from after school hours to 19:00 in the evening during the week as specified by the EHO and at weekends during term time, it is recognised this significantly affects the availability of the facility by the wider community, should demand arise. However this use has to be balanced against the protection of neighbour amenity which in this case is given greater weight, particular when there is not a need for additional facilities. A community use

agreement is proposed as a condition, and the levels of use can be agreed in due course.

## 5.0 CONCLUSION

5.1 The application is for a new astroturf pitch, and warm up area, enclosed by perimeter mesh fences and floodlighting at Bootham Junior School in the Rawcliffe area of the city. They will be constructed in the north-west part of the existing playing fields, east of the existing car park, sports pavilion and tennis courts. The warm up pitch and full size pitch will be surfaced with a green, synthetic grass carpet, which will be sand dressed. The surface will be suitable for hockey and multisports. A spectator area will be on the west side of the pitch. The proposal will involve the stripping of existing grass covered pitch, the removal of top soil off-site and the laying of a new perforated pipe drainage scheme. It will be used primarily by junior school children from the school on site, as well as by older age pupils from the Senior School on Bootham. Reorganised and extended car and cycle parking is proposed.

5.2 There is a clear need for the pitch at the school but not a clear need for use by the community as there are sufficient good quality facilities elsewhere and thus the additional restriction in hours is not considered to outweigh the harm to neighbour amenity which is given more weight in this case. In attempting to resolve the issues raised in this application, particularly for neighbour amenity (the proposed lighting and intensification and extension of use of this part of the field), it is considered that the application can only be acceptable if hours are reduced to term time only and 08:30 to 19:00 Monday to Friday, 09:00 to 16:00 Saturday and 09:00 to 14:00 on Sunday. Subject to this condition the application is considered to be in accordance with the general principles at paragraph 17 and section 8 on promoting healthy communities in the NPPF. It is also found to be in accordance with DCLP (2005) policies GP1 Design and GP4a on Sustainability.

## 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 and other submitted details:-

PL-05-001 Revision A - Site location plan (received 07.02.2017)

PL-05-002 Revision J - Proposed site layout plan. (received 18.07.2017)

PL-05-003 Revision G - Proposed parking layout plan. (received 26.05.2017)

SJB15-001-02 Revision B - Floodlighting details showing maintained illumination levels and 2&5 lux vertical illuminance contour (received 16.05.2017)

5154-001 Revision A - Proposed lighting layout extended car park (22.09.2017)

Application Reference Number: 16/02205/FUL

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BS/STP/02 Revision H - Proposed layout. (received 09.06.2017)  
BS/STP 03 Revision E - Pitch detail. (received 09.06.2017)  
BS/STP/04 Revision B - Site section AA. (received 06.06.2017)  
BS/STP/05 - Proposed fence elevations. (received 22.09.2016)  
BS/STP/07 - Proposed ground section BB. (received 23.05.2017)  
BS/STP/08 - Revision A - Proposed site section CC. (received 06.06.2017)  
37527-100 Revision C - Alan Wood and Partners' Proposed drainage layout.  
(received 21.07.2017)  
34196-110 Alan Wood and Partners' – Proposed site plan (construction) (received  
05.06.2017)

Bootham Junior School's Maintenance Guide for Sand Dressed Synthetic Grass  
(November 2015, Issue 1)  
Design and Access Statement (September 2016, except where updated by  
subsequent plans identified above. The plans will take precedence)

Noise impact analysis of proposed synthetic turf sports pitch and addendum,  
prepared by S&D Garritt Ltd.

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 use of the artificial pitch hereby approved for the playing of sports or any  
other function shall be restricted to the following times:

School term time only:

08:30 to 19:00 Monday to Friday  
09:00 to 16:00 Saturday  
09:00 to 14:00 Sunday

The flood lights shall be switched off no later than 19:00.

The artificial pitch hereby approved for the playing of sports or any other function shall  
not be used during school holidays.

Reasons: In the interests of the residential amenity of surrounding occupants.

4 Prior to the development being brought into use, a Community Use Scheme  
shall be submitted to and approved in writing by the Local Planning Authority, after  
consultation with Sport England. The Scheme shall include details of pricing policy,  
hours of use, access by non-college users/non-members, management  
responsibilities and include a mechanism for review. The approved Scheme shall be  
implemented upon commencement of use of the development.

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the grass playing field, and to accord with policy.

Informative: A model Community Use Scheme is available on the Sport England website [www.sportengland.org](http://www.sportengland.org)

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

Reason: The site lies within an Area of Archaeological Interest and the development may affect important archaeological deposits which must be recorded during the construction programme.

6 The astroturf pitch and warm up area shall not be used until the areas shown on the approved plans for parking and manoeuvring of vehicles and cycles have been constructed and laid out in complete accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes. As submitted by email on 05.06.2017, the cycle stands shall be Toastrack (or equivalent Sheffield style stands), unless otherwise agreed in writing with the local planning authority. For the avoidance of doubt, the car parking areas as shown on the submitted plan 'Parking layout plan' PL-05-003 revision G, shall be fully implemented prior to the pitch coming into use and include the drop-off bays, disabled bays, raised traffic tables with rumble strips, pedestrian and vehicle gates and pedestrian pathways as shown.

Reason: In the interests of highway safety.

7 Prior to first occupation, a Travel Plan to encourage staff, pupils and other users of the school and/ or artificial pitch to travel by sustainable means to the site should be submitted and approved in writing by the LPA. The Travel Plan should be developed and implemented in line with local and national guidelines. The Travel Plan shall thereafter be implemented in accordance with the approved aims, measures and means of monitoring it contains.

Within 12 months of the first use of the artificial pitch or extended car park, a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure the development complies with advice contained in local and national planning and transportation policy, and to ensure adequate provision is made

for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users rather than on the public highway and local roads.

8 No construction works shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the local planning authority. Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal.

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

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

Reason: To protect the amenity of local residents

10 Prior to the astroturf pitch hereby approved coming into use, full design details of the acoustic fence, shall be provided and approved in writing by the local planning authority. It shall be in the location shown on the approved drawings and a minimum of 3m away from the outside edge of the hedge on the northern boundary. It shall be erected in accordance with these approved details and maintained as such for the lifetime of the development.

Reason: To protect neighbour amenity, the vitality of the existing hedgerow and provide a corridor of sufficient width to maintain the grass and hedgerow in this location

11 The floodlighting columns and lights shall be erected in complete accordance with the submitted details on the plan 'Flood lighting details - maintained illumination levels and 2 and 5 lux vertical illuminance contour' SJB15-001-02 Revision B. In accordance with the proposed mitigation measures on the lighting consultant's email of 01.06.2017, the corner columns at the northern end of the pitch shall be fitted with side cowels to minimise light spillage.

Once installed, the lighting levels shall be recorded within one week of their installation and monitored at agreed locations and times with the local planning authority. The maximum levels of 10 lux shall be observed at the site boundary. If these levels are exceeded, the floodlighting shall not be used until adjustments are

made to the lighting to meet these maximum lux levels.

NOTE: These adjustments may comprise the requirement for additional screening and this shall be agreed in writing with the local planning authority prior to installation and thereafter implemented in accordance with these agreed details.

Thereafter, at each one year anniversary of the approval of the installed lighting levels, these measurements shall be repeated and recorded. Any necessary adjustments shall be made prior to the continued use of the astroturf pitch and warm up area for the lifetime of the development. This schedule of measurements and subsequent adjustments shall be kept by the school and made available for review by the local planning authority as and when requested.

Reason: To protect residential amenity

12 Prior to first use of the artificial pitch and warm up area, as detailed in the applicants Design and Access Statement, the perimeter fence to the pitch will be erected as shown on the approved plans being not more than 5.0m in height at each end and on the eastern side and 1.2m high with spectator rail on the western side. The fence on the west side of the spectator area will be no more than 5.0m in height. The warm up area will be surrounded by a maximum 5m high fence. Both fences will be clad with twin 6mm and 8mm bar steel mesh mounted to steel posts with rubber spacing washers to help deaden impact sound. It will be finished in a green polyester powder coated paint (RAL 6005 Moss Green) unless otherwise agreed in writing with the Local Planning Authority.

The timber toe boards at the bottom of the fences will be covered with synthetic grass carpet to match the pitch surface.

The finish of the floodlighting columns shall be silver galvanised steel, without a painted finish, so that they weather to grey.

Reason: For the avoidance of doubt and to protect residential amenity in terms of visual and noise impact

13 There shall be no land raising in the north-east section of the playing fields or the creation of any bunds or mounds as a result of the approved development. Following completion of the development, the land shall have been maintained as shown on the 'Proposed Layout' BS/STP/02 Rev. H and associated cross sections AA, BB and CC.

Reason: For the avoidance of doubt and to prevent adverse impact on drainage in the locality as a result of the development.

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

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

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

Sought to resolve objections reported by Sport England, Yorkshire Water, flood risk management, public protection and neighbours to develop a scheme, subject to conditions that could be made acceptable.

### **2. DEVELOPMENT INFORMATIVE**

The developer's attention should also be drawn to the following which should be attached to any planning approval as an informative.

- The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228-1:2009 + A1:2014 and BS 5228-2:2009 + A1:2014, a code of practice for "Noise and Vibration Control on Construction and Open Sites".
- Best practicable means shall be employed at all times in order to minimise noise, vibration, dust, odour and light emissions.
- All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers' instructions.
- There shall be no bonfires on the site.
- In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be undertaken and where remediation (clean-up) is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part 2A of the Environmental Protection Act 1990.

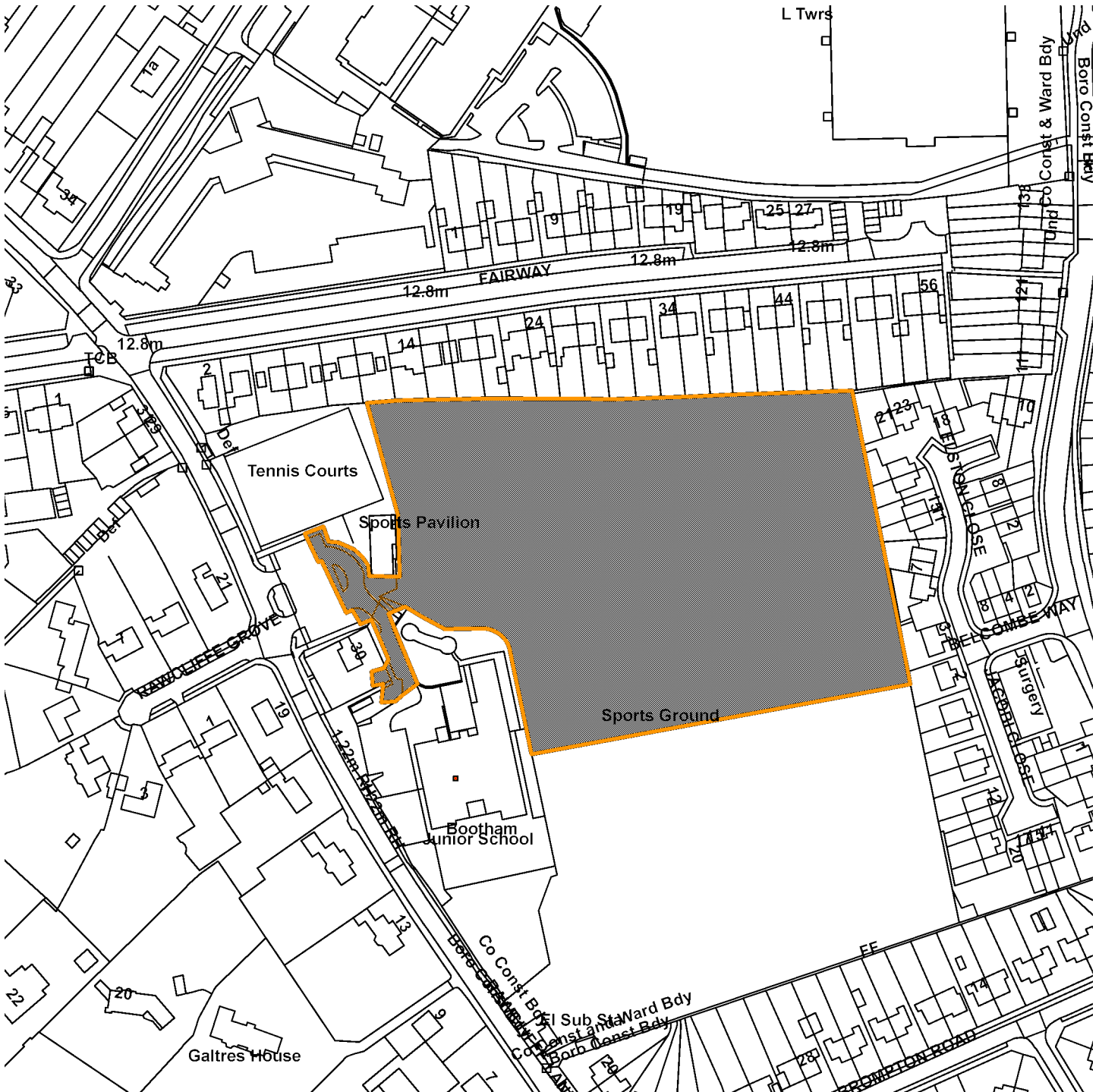
**Contact details:**

**Author:** Sophie Prendergast, Development Management Officer

**Tel No:** (01904) 555138

# Bootham Junior School, Rawcliffe Lane

16/02205/FUL



Scale : 1:2006

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site plan
<b>Date</b>	31 July 2017
<b>SLA Number</b>	Not Set

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## COMMITTEE REPORT

**Date:** 10 August 2017      **Ward:** Osbaldwick and Derwent  
**Team:** Major and      **Parish:** Dunnington Parish  
Commercial Team      Council

**Reference:** 16/02663/FUL  
**Application at:** The Ridings 95 York Street Dunnington York YO19  
5QW  
**For:** Erection of 1no. dwelling  
**By:** Mr Richard Fowler  
**Application Type:** Full Application  
**Target Date:** 1 February 2017  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application site is the side garden of 95 York Street. The host property is a semi-detached dormer bungalow located towards the western end of the village.

1.2 It is proposed to erect a detached 2 bedroom bungalow to the side of the host property. The development is set back towards the rear of the site. The proposed dwelling would have two off-street car parking spaces. The host dwelling would retain the garden area immediately to its rear. It would have parking for at least two cars to the side adjacent to the blank wall of the proposed dwelling. The area to the front of both homes is proposed for manoeuvring.

1.3 The application is brought to Committee at the request of Cllr Brooks. The reasons relate to:

- Overdevelopment of the plot.
- The adverse impact on the amenity of the residents of the proposed house, existing house and neighbours.
- Because it is contrary to the recommendation of Dunnington VDS on not allowing subdivision of gardens.

### PLANNING HISTORY

1.4 In 2000 (ref:00/01842/FUL) planning permission was granted for a one and two storey extension to the side of the property. This was not built.

1.5 In 2002 (ref: 02/02488/FUL) planning permission was granted for a wide single storey extension to the side of the property. This was not built.

1.6 In 2005 (ref: 04/04358/FULM) planning permission was refused for the erection of 11 dwellings with garages/parking spaces after the demolition of 95 and 97 York Street. The reasons for refusal related to the impact on great crested newts, inadequate sight lines for vehicles and overdevelopment.

## **2.0 POLICY CONTEXT**

2.1 Draft York Local Plan (2005 4<sup>th</sup> set of changes) relevant policies include:

CYGP1 - Design

CYGP10 - Subdivision of gardens and infill development.

CYH4 - Housing development in existing settlements

CYGP15 - Protection from flooding

CYHE2 - Development in historic locations

2.2 Draft Local Plan (2014) Publication Draft – relevant policies include:

DP2 – Sustainable Development

D2 – Place making

H2 - Flood risk

ENv4 – Flood Risk

## **3.0 CONSULTATIONS**

### INTERNAL

#### Highway Network Management

3.1 No objections.

#### Public Protection

3.2 No objections subject to condition requiring the provision of car re-charging plug and consideration of contamination.

#### Flood Risk Management

3.3 No objections. Issues regarding drainage and flood risk can be dealt with by condition.

## EXTERNAL

### Yorkshire Water

3.4 No objections. Strongly recommend discharge to soakaway or watercourse before considering discharge to the public sewer.

### Internal Drainage Board

3.5 Watercourses in the vicinity are known to be subject to high flows during storm events. Surface water run-off from the site should be attenuated to avoid increasing flood risk.

### Parish Council

3.6 Object for the following reasons:

- A very significant overdevelopment of the plot.
- Development in a back garden is contrary to policy in the Village Design Statement.
- The over development results in inadequate garden provision both for the proposed and the existing house leading to a significant loss of amenity for both.
- If permission is granted safeguards should be put in place to avoid increasing flood risk.

### Neighbour Notification and Publicity

3.7 Three residents have commented on the proposal. Two do not object subject to site boundary (ownership) issues being addressed and no new dormers or windows being subsequently inserted in the proposed dwelling. One resident objects to the application. The reasons stated for this are:

- Road safety concerns. Dunnington is already congested.
- The countryside is being eroded.
- Concerns regarding further blocking of sewerage pipes.
- Concerns regarding standing water in gardens

## **4.0 APPRAISAL**

4.1 The key issues in assessing the proposal are:

- principle of development
- impact on the streetscene/countryside/conservation area
- impact on amenity and living conditions of adjacent occupiers
- highway issues
- drainage
- quality of accommodation provided

4.2 The National Planning Policy Framework 2012 (NPPF) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. The framework states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. One of 12 principles set out in paragraph 17 is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.3 In respect to the development of gardens it states (paragraph 53) that LPA's should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where it would harm the Local area.

4.4 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. 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.

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

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.

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

4.8 Local Plan Policy GP10 'Subdivision of gardens and infill development' states that new dwellings should not be detrimental to the character or amenity of the local environment.

4.9 Local Plan Policy HE2 'Development in Historic Locations' states that development adjoining conservation areas will be required to maintain or enhance the character or appearance of the area.

4.10 Dunnington has an approved Village Design Statement. The advice within it is material to determination of the application. Design Guideline 9 states that 'the preservation of open spaces within the village...should be encouraged, including the retention of larger garden plots. Subdivision should only be granted where it is not detrimental to the character and amenity of the local environment.'

4.11 Guidelines 19 - 27 relate to new buildings. Advice includes respecting form and character and retaining landscape features. Guideline 26 states that housing types suitable to meet the needs of all sections of the population should be provided.

## PRINCIPLE OF DEVELOPMENT

4.12 The NPPF promotes the approval of proposals that accord with the development plan or where the plan is absent, silent or out of date, planning permission should be granted unless the adverse impacts of doing so demonstrably outweigh the benefits when assessed as a whole. One of the core planning principles set out in the NPPF is the effective use of land through the reuse of land which has been previously developed providing it is not of high environmental value. The NPPF, however, excludes private residential gardens in built-up areas from the definition of previously developed land. Notwithstanding this, paragraph 49 of the NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development. Local Plan Policy GP10 accords with paragraph 53 of the NPPF in that it seeks to resist inappropriate development of residential gardens, which would cause harm to the local area. The Dunnington VDS also states that the subdivision of gardens should only be granted where it is not detrimental to the character and amenity of the local environment.

4.13 The application site falls within the settlement limit of Dunnington. It is not located in the Green Belt. It is in a sustainable and accessible location, within walking distance of a range of local facilities and employers. Residential

development would be a land use compatible with the surrounding land uses. Broadly speaking the principle of development is considered to be appropriate. It is however the case that for the application to be acceptable it needs to be ensured that the proposed dwelling would provide good quality accommodation and not detract from issues of importance including, neighbour amenity, local character and highway safety. The site specific issues relating to the proposal are considered below.

## IMPACT ON THE STREETSCENE/COUNTRYSIDE/CONSERVATION AREA

4.14 Dunnington Conservation area borders the front of the application site. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) Act requires the Local Planning Authority when determining planning applications to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Case law has made clear that when deciding whether harm to a Conservation Area is outweighed by the advantages of a proposed development, the decision-maker must give great 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 attention to preserving the Conservation Area.

4.15 The house is set back towards the rear of the garden. Because of its low height and because the land to the rear is slightly lower than the frontage it will not be particularly prominent from the street and not considered to have a detrimental impact on the conservation area. As there has been recent two-storey development on land immediately to the rear it will not be beyond the southern extent of built development in the immediate area and will largely be viewed against the larger home to the rear. It is noted that the property attached to the host has been extended significantly to the side and rear, and projects almost as far into the rear garden as the proposed dwelling. The plot of 97 already contains a similar amount of development as that proposed at 95.

4.16 The proposed works would lead to much of the grass within the home's front garden being replaced by paving. This is to be largely a turning and access area so will not lead to the frontage being dominated by car parking. The important strip of landscaping that runs along the York Street frontage is of most significance in terms of setting a landscaped approach to the village and will be retained.

4.17 The rear offshoot will sit relatively close to Blackberry Gardens. Subject to the use of appropriate materials it is not considered that the development will detract from the setting of this development.

#### IMPACT ON NEIGHBOURS' LIVING CONDITIONS

4.18 One of 12 principles set out in paragraph 17 of the NPPF 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.

4.19 The development is adequately separated from the home attached to 95 to avoid harm.

4.20 The nearest ground floor openings on the rear and side of the host dwelling serve garaging/utility areas and as such any loss of light or outlook will not be unduly significant. The host property would still retain a reasonable sized enclosed rear garden (10m x 8.5m).

4.21 Number 93 has been much extended to the side. There are no clear glazed openings in the ground floor side elevation. The main windows in the property are adequately separate and oblique to the proposed dwelling to avoid undue harm in respect to light or outlook. As the proposed new dwelling has windows facing towards the rear garden of number 93 details of new boundary fencing have been conditioned to ensure that adequate privacy remains between the two properties.

4.22 Derwent House to the rear has no clear glazed windows on the side elevation facing the proposed dwelling. The single storey development is sufficiently set apart from the front windows to avoid harm. Derwent House has a large rear garden and patio which will retain a good standard of amenity.

4.23 It is not considered that the proposed dwelling or sub-division of the garden would create significant concerns regarding noise or privacy.

#### HIGHWAYS ISSUES

4.24 The scheme proposes parking for at least two cars for the existing dwelling and two cars for the proposed dwelling. There is adequate communal turning space at the front of the site to ensure cars can exit safely in a forward gear. Both properties would have space within the garden for cycle parking and bin storage.

## DRAINAGE, FLOOD RISK

4.25 The property is in area classified as being of low flood risk from watercourses. It has been conditioned that surface water is discharged in a way that reduces run-off rates to the minimum practical. The issue of foul drainage has been discussed with officers of the Council's Building Control team and they raise no objections.

## QUALITY OF ACCOMMODATION CREATED

4.26 It would be imagined that the small bungalow would typically be attractive to an older person or couple, though could be occupied by a small family. The submitted plans show an indicative furniture layout for the living areas. The use of roof lights will ensure living spaces have good light levels. The outlook from the bedrooms is reasonable. The shared lounge/kitchen/dining area has a more restricted outlook, however, the proposed triple aspect with full height openings and use of roof lights will create a reasonable feeling of openness for occupants.

4.27 The proposed garden appears very small compared to those of neighbouring properties, however, the side garden alone would be around 60sqm in size. In area this equates to gardens of a modern terraced house that would typically be around 11 x 5m. It is noted that not all home owners/occupiers desire a large external amenity space and it would meet the needs of the occupiers for sitting out, drying clothes etc.

## 5.0 CONCLUSION

5.1 The proposal would provide a new bungalow in an existing residential area. It would be a low key development that would have a minimal impact on the amenities of neighbouring properties. The host dwelling would still retain adequate parking and garden space. Taken on its merits it is considered that the owner's proposal to erect a small bungalow on the site amounts to sustainable development and is recommended for approval.

## 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 proposed site plan 1601/105/P04 received by the Local Planning Authority on 25 January 2017.

Revised proposed floor plan 1601/130/P01 received by the Local Planning Authority on 12 January 2017.

Revised proposed elevations 1601/130/P01 received by the Local Planning Authority on 12 January 2017.

Proposed site section of dwelling only 1601/131/P00 received by the Local Planning Authority on 18 November 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 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the external walls. The development shall be carried out using the approved materials.

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

Reason: So as to achieve a visually cohesive appearance.

4 Notwithstanding the details shown on the approved drawings details of means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied and shall be provided on site in accordance with the approved details before the development is occupied.

Reason: So as to achieve a visually cohesive appearance and protect living conditions.

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

Reason: In the interests of highway safety.

6 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, details for the surfacing of the site shall be submitted to and approved in writing by the local planning authority prior to being constructed on the site. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance and reduce surface water run-off.

7 The applicant shall install a three pin 13 amp external electrical socket at the property or other alternative installation which is in a suitable location to enable the charging of an electric vehicle using a 3m length cable.

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

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

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

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the

development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B, C (extensions, roof alterations) of Schedule 2 Part 1 of that Order shall not be erected or constructed.

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

11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order) the southern facing windows in the side wall elevation shall be obscure glazed to a standard equivalent to Pilkington Glass level 4 and be fixed shut.

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

## **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:

Revisions sought to address boundary issues, car parking and the impact on neighbours' living conditions.

#### 2 INFORMATIVE:

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and

noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

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

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

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

(f) There shall be no bonfires on the site

### 3. Drainage Informative

**EXISTING INFRASTRUCTURE:** On the Statutory Sewer Map, there is a small 100mm diameter public sewer recorded within the site. In this instance, YWS are happy this matter to be controlled by Requirement H4 of the Building Regulations. The sewer will be affected by the siting of the proposed new building.

**SURFACE WATER - Requirement H3 of the Building Regulations 2000** establishes a preferred hierarchy for surface water disposal. Consideration should firstly be given to discharge to soakaway, infiltration system and

watercourse, then to public sewer, in this priority order. In this case we strongly recommend surface water drainage to either soakaway or the watercourse immediately adjacent the site and not into the combined sewer as shown on the plans.

**Contact details:**

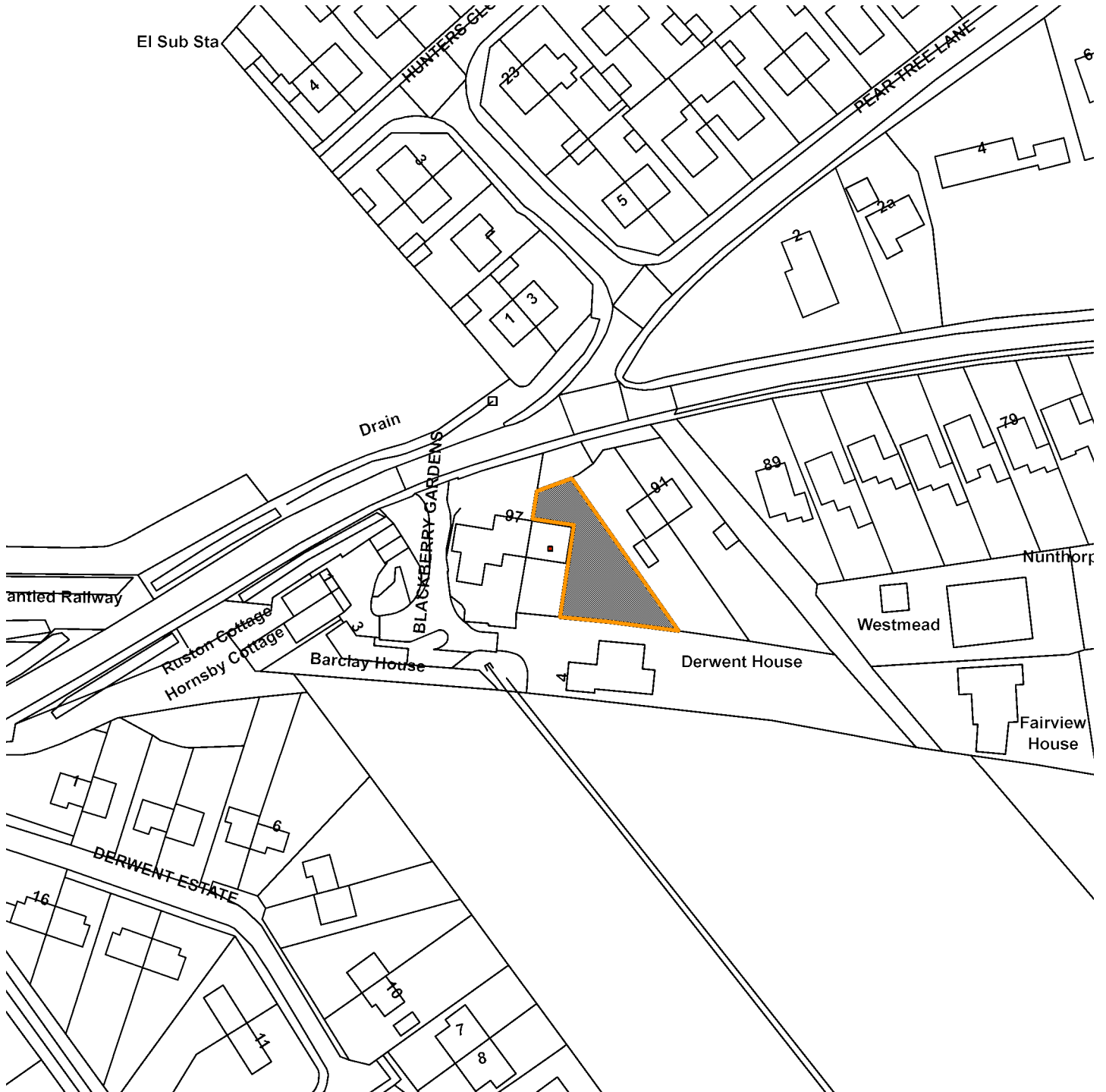
**Author:** Neil Massey, Development Management Officer (Mon/Tue/Fri)

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# The Ridings, 95 York Street Dunnington

16/02663/FUL



Scale : 1:1267

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site plan
<b>Date</b>	31 July 2017
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 10 August 2017      **Ward:** Holgate  
**Team:** Householder and      **Parish:** Holgate Planning Panel  
Small Scale Team

**Reference:** 17/01247/FUL  
**Application at:** 31 Malvern Avenue York YO26 5SF  
**For:** Change of use from dwelling (use class C3) to House in Multiple Occupation (use class C4), single storey side extension and dormers to side and rear  
**By:** Mr Adrian Hill  
**Application Type:** Full Application  
**Target Date:** 27 July 2017  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 This application seeks permission for the change of use from a 3 bed dwelling to HMO (Class C4) including the erection of a single storey side extension and dormers to side and rear. This traditional style two-storey semi-detached dwelling is sited within a residential area, made up largely of similar style dwellings.

1.2 The application has been called-in for determination by Councillor Crisp on grounds of loss of a family home, the fact that the scheme will do nothing for community cohesion and adverse impact on on-street parking.

**2.0 POLICY CONTEXT**

2.1 Policies:

CYGP1      Design  
CYH8      Conversion to flats/HMO/student accom

**3.0 CONSULTATIONS**

INTERNAL

Planning & Environmental Management

3.1 Within 100m (street level) of 31 Malvern Avenue there are currently 0 known HMO out of 44 properties, 0%. At the neighbourhood level there are currently 4 known HMOs out of 769 properties, 0.52%. In accordance with the provisions of the SPD neither the street or neighbourhood level thresholds have been breached.

## EXTERNAL

### Neighbour Notification and Publicity

3.2 Twelve letters of objection and a petition with 48 signatures have been received (eleven of the signatures were from properties that had submitted individual letters of objection).

3.3 The objections can be outlined as follows:

- Malvern Avenue is a narrow street where it is already difficult to park cars - this will mean more cars which will worsen the situation especially the safety of children
- Student occupants will cause noise
- This is the wrong area for such type of accommodation
- There is already a drainage problem in the street - 6 bathrooms/showers will worsen it
- The applicant owns multiple properties in the street - this would be an unwelcome precedent that would lead to fire risk, loss of privacy (bike rack users will look into front windows of no.29), rubbish and overcrowding and could lead applicant into turning his other properties into HMOs
- The bike rack at the front would be unsightly and will attract thieves, it is also a ruse as university/business occupants will have cars
- Loss of a family home
- A hard surface parking area will generate additional run-off and exacerbate existing flood risk - the drains are already blocked
- The approval of a dwelling in the back garden of no.22 has already changed the character of the street
- The plans are incorrect - they show a 2.5m wide extension but there is only 2.45m available at the front of the property (Case Officer Note: the plans actually show a 2.4m wide extension)
- There is no fire door between bedroom 6 (in the attic) and the staircase (Case Officer Note: this is an issue for Building Regulations)
- It appears that guttering on side extension will overhang boundary with no.33

### Holgate Planning Panel

3.4 Objections as follows:

- Over-development.
- There is already a side extension next door - so concerns on buildability.
- The creeping 'Terrace-isation' of suburban streetscape, each semi detached house joining up.

- Ensure extension meets part b - Fire Regulations for escape and spread of flame.
- Object to HMO
- Top bedroom does not have bathroom
- Dormer to front /side is detrimental to appearance from street
- Dormer to rear is excessive
- Insufficient parking - we have to assume that each occupant could be living independently and own a car - this is not a family home with say 1 or 2 cars. We don't believe a bike store is an adequate substitute for lack of parking provision.
- Access to rear garden is blocked off - how/where will refuse be stored and collected.

## 4.0 APPRAISAL

### KEY ISSUES

4.1 The key issues in assessing the proposal are:

- whether the change would lead to an unacceptable concentration of HMO's in a single location.
- whether the accommodation is of an appropriate standard and whether the use would impact adversely on local residents.

### LEGISLATIVE BACKGROUND

4.2 Section 38(6) of the 1990 Act requires local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. There is no development plan in York other than the saved policies of the Regional Spatial Strategy relating to the general extent of the Green Belt. In the absence of a formally adopted local plan the most up to date representation of key relevant policy issues is the National Planning Policy Framework, March 2012 (NPPF).

### POLICY CONTEXT

#### National Planning Policy Framework

4.3 The NPPF sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development. In Paragraph 17 it sets out 12 core planning principles that should underpin both plan-making and decision-taking. Of particular relevance here is the fourth principle, which advises 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.

City of York Council Development Control Local Plan

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. Policy CYH7 states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours.

4.5 Policy CYGP1 requires development to respect or enhance the local environment, be of a design that is compatible with the character of the area and neighbouring buildings, protect private, individual or community amenity space and ensure residents are not unduly affected by overlooking, overshadowing or dominated by overbearing structures.

4.6 Policy CYH8: Conversions sets out the criteria by which conversions of houses to HMO's should be assessed. On this basis planning permission will only be granted for the conversion of a house to a HMO where:

- the dwelling is of sufficient size (min 4 bedrooms) and the internal layout is shown to be suitable for the proposed number of households or occupants and will protect residential amenity for future residents;
- external alterations would not harm the appearance of the area;
- adequate on and off road parking and cycle parking is incorporated;
- it would not create an adverse impact on neighbouring amenity through noise disturbance or residential character by virtue of the conversion alone or cumulatively with a concentration of such uses;
- adequate provision is made for the storage and collection of refuse and recycling

City of York Council Supplementary Planning Document (SPD) for House Extensions and Alterations

4.7 The Council has a Supplementary Planning Document (SPD) for House Extensions and Alterations and was approved on December 2012 and Amended 2014. The SPD offers overarching general advice relating to such issues as privacy and general amenity as well as advice which is specific to the design and size of particular types of extensions or alterations. Paragraph 3.4 advises that balconies will only normally be acceptable where they overlook public or communal areas or areas of neighbouring gardens that are not typically used for sitting out or already have a low level of privacy. In some instances sensitively designed balcony screens can help retain adequate levels of privacy.

4.8 Paragraph 7.1 advises that a basic principle is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the street scene generally. In particular, care should be taken to ensure that the proposal does not dominate the house or clash with its appearance.

City of York Council Draft Supplementary Planning Document: Controlling the Concentration of Houses in Multiple Occupancy

4.9 Draft Supplementary Planning Document (SPD): Controlling the Concentration of Houses in Multiple Occupancy was approved by cabinet on 15 April 2012 (Amended 2014). This Guidance was prepared in connection with an Article 4 Direction which the Council made in respect of houses within the defined urban area. It has the effect of bringing the change of use of dwellings to small HMO's, which would otherwise be permitted development, within planning control.

4.10 Paragraph 5.7 of the SPD advises that applications for change of use from dwellings to HMO's will only be permitted where:

- a) The property is in a neighbourhood area where less than 20% of properties are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and
- b) Less than 10% of properties within 100 metres of street length either side of the application property are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and
- c) The accommodation provided is of a high standard which does not detrimentally impact upon residential amenity.

4.11 Paragraph 5.17 advises that in assessing planning applications for HMOs the Council will seek to ensure that the change of use will not be detrimental to the overall residential amenity of the area. In considering the impact on residential amenity attention will be given to whether the applicant has demonstrated the following:

- the dwelling is large enough to accommodate an increased number of residents;
- there is sufficient space for potential additional cars to park;
- there is sufficient space for appropriate provision for secure cycle parking;
- the condition of the property is of a high standard that contributes positively to the character of the area and that the condition of the property will be maintained following the change of use to HMO;

- the increase in number of residents will not have an adverse impact on noise levels and the level of amenity neighbouring residents can reasonably expect to enjoy
- there is sufficient space for storage provision for waste/recycling containers in a suitable enclosure area within the curtilage of the property; and
- the change of use and increase in number of residents will not result in the loss of front garden for hard standing for parking and refuse areas which would detract from the existing street scene

## ASSESSMENT

### Proposals

4.12 As originally submitted the application involved the creation of a 6 bed HMO and included cycle parking in the front garden. The property already has a 4m long single storey mono-pitch rear extension that stretches the full width of the house. The plans included a single storey mono-pitch roof side extension projecting 4m to the rear and set back 0.7m from the front elevation; this would have provided 2 additional bedrooms. The side and rear dormers would help provide an additional bedroom in the roofspace.

4.13 The plans have been revised and the scheme is now for a 5 bed HMO; this reduction being achieved by the front part of the proposed side extension being used to provide bin and cycle storage space. The cycle parking has been removed from the front curtilage, which is now proposed to have a permeable surface provided to enable 2 cars to be parked.

### Principle of Use

4.14 Development Control Local Plan Policy H8 requires that a dwelling has a minimum of 4 bedrooms if it is to be considered acceptable for change of use to an HMO. However, had the Article 4 Directive not been made, this proposal would have constituted permitted development. Given that the purpose of the Directive was to control concentrations of houses in multiple occupation and protect family housing, the requirement of the Policy for a minimum of 4 bedrooms is not considered to be a material consideration in the appraisal of this proposal.

4.15 One of the principle aims of the Council's SPD is to avoid situations where existing communities become unbalanced by an overconcentration of HMO's within a particular street or the wider area. Paragraph 5.2 of the SPD states a 'threshold based policy approach' is considered most appropriate method for controlling the number of HMO's across the City, as this tackles concentrations and identifies a 'tipping point' when issues arising from concentrations of HMO's become harder to manage and a community or locality can be said to tip from balanced to unbalanced.

4.16 In this respect, Paragraph 5.2 of the SPD states a 'threshold based policy approach' is considered most appropriate method for controlling the number of HMO's across the City, as this tackles concentrations and identifies a 'tipping point' when issues arising from concentrations of HMO's become harder to manage and a community or locality can be said to tip from balanced to unbalanced.

4.17 Within 100m (street level) of 31 Malvern Avenue there are currently 0 known HMO out of 44 properties; ie. 0%. At the neighbourhood level there are currently 4 known HMOs out of 769 properties; ie. 0.52%. The current street and neighbourhood HMO levels are therefore well below the thresholds established by the SPD and, in view of the Council's own policy, it is not considered that it could be argued that approval of the application would lead to the creation of an unbalanced community.

4.18 Consideration of the scheme, however, still leaves a requirement, under Local Plan Policy and the SPD, to avoid adverse impact on neighbouring amenity through noise disturbance or residential character by virtue of the conversion alone or cumulatively with a concentration of such uses.

4.19 With regard to car parking, the Council's parking standards can require up to 3 parking spaces for a 5 bed HMO. However, this is a maximum requirement and each development proposal is to be assessed downwards from this standard, allowing for variations depending on the individual characteristics of each site. The applicants have provided a plan which shows that 2 parking spaces would be provided within the front curtilage; part of the front boundary wall would be removed to facilitate access.

4.20 In view of the fact that the Council's car parking standard is a maximum and the applicants would be providing 1 cycle space for each bedroom, in line with the Council's sustainable transport initiatives, it is not considered that there are grounds to refuse the application on car parking provision. Although the SPD advises against the loss of front garden for hard standing for parking, this work could be undertaken without planning consent and it is a provision that other properties in the street have made. In the light of this it is not considered that the application could be refused on this ground.

4.21 In terms of other requirements of Policy CYH8 and the SPD:

- it is not considered that the proposed external alterations (ie. side extension) would harm the appearance of the area
- the proposed plans have been revised to provide sufficient bin and secure cycle storage for 5 bikes within the proposed side extension.
- the application property appears to be well maintained and internal layout and room size are considered to be acceptable

4.22 In view of the above it is not considered that the proposal would have an adverse impact on neighbouring amenity.

### Extensions

4.23 The single storey side extension is 2.3m to eaves and 3.3m high where the mono-pitch roof adjoins the house. It is set back 0.7m from the front elevation and it is not considered that it will have a significant impact on the townscape. The latest plans show that the guttering will not overhang no.33.

4.24 The adjacent property, no.33, sits on land circa 0.5m higher than no.31 and it has a two storey side extension that abuts the boundary with the application property. At the rear of this is a covered side passage (open on this side with no.31) that leads out to the rear garden. The proposed side extension would overlap this side passageway by circa 1.5m and although it would reduce light to this area it would not affect any windows to habitable rooms within no.33. The proposed side extension would not be visible from no.29 due to the existing rear extension to no.31.

4.25 The proposed rear dormer is lower than the ridge and set back more than 200mm from the eaves so, although it is quite large, it could be erected under permitted development rights. Similarly the side dormer, which has an obscure glazed side window, could also be erected under permitted development rights.

## **5.0 CONCLUSION**

5.1 It is considered that the proposal complies with national guidance in the NPPF, Development Control Local Plan Policies and the City of York Council's Supplementary Planning Document (Controlling the Concentration of Houses in Multiple Occupancy).

## **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 plan and other submitted details

CAL010217/04F, 05F and 06F

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

3 HMO1 HMO condition 1

Application Reference Number: 17/01247/FUL

Item No: 4e



4 Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), the side extension store room hereby approved shall be retained for cycle and bins storage use only, for as long as the property is used as an HMO.

Reason: To ensure that the site retains adequate facilities for storage and parking

5 VISQ1 Matching materials

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning Authority the side dormer windows in the roof slope facing no.33 Malvern Avenue shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 3 or above.

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

## **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:

Revised cycle/car parking and bins storage details were secured.

Account has been taken of all relevant national guidance and local policies and with the attachment of conditions the proposal is considered to be satisfactory

#### **Contact details:**

**Author:** David Johnson, Development Management Assistant

**Tel No:** (01904) 551665

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# 31 Malvern Avenue

17/01247/FUL



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site plan
<b>Date</b>	31 July 2017
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

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

**Reference:** 17/00586/GRG3  
**Application at:** Festival Flats Paragon Street York YO10 4AG  
**For:** Replace windows and doors to flats 6, 9, 11 and 14-19 Festival Flats  
**By:** City of York Council  
**Application Type:** General Regulations (Reg3)  
**Target Date:** 17 August 2017  
**Recommendation:** Approve under General Regs 3 Council Dev

**1.0 PROPOSAL**

1.1 The application property is a circa 1950's era three storey apartment development located within the Central Historic Core Conservation Area just to the south of the City Walls. The flats are in two blocks; one fronts Paragon Street and runs parallel to the City Walls, the other runs at right angles to this block and fronts onto Fishergate. The flats are of brick construction and have concrete tile pitched roofs.

1.2 This application seeks consent to replace the white painted windows and glazed doors with white uPVC windows and doors on flats flat 6, and 9, 11 and 14-19 of this property.

1.3 Planning permission was granted under Regulation 3 of the Town and Country Planning General Regulations 1992 for the replacement of windows and doors to nos. 1-8, 10, 12, 13, 17a, 19a and 20 Festival Flats in July 2014 (CYC ref: 14/01366/GRG3).

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation: Conservation Area: Central Historic Core

2.2 Policies:

CYGP1 Design  
 CYHE2 Development in historic locations

**3.0 CONSULTATIONS**

EXTERNAL

### Conservation Area Advisory Panel

3.1 The Panel acknowledged the importance of these Festival of Britain buildings and objected strongly to the proposed replacement of the original timber windows and doors by uPVC standard frames. There was also concern that the drawings (although extremely poor in quality) implied some windows had already been replaced. It was felt that the properties were owned by City of York Council a better example should be set. The Panel recalled that a similar problem some years ago with the flats in the area of Navigation Road had been successfully resolved.

### York Civic Trust

3.2 This is a sensitive site due to its location facing the City Walls and prominent vista from Tower Street. The proposal to replace original timber framed windows for polyester powder-coated aluminium uPVC windows, as was begun in previous work undertaken at the site in 2014, is unwelcome. This type of window is unattractive, especially on an important historic building as this, which dates from the 1950s and before the invention of uPVC windows. The claim that the design of the door and windows is to match the style of the existing building is incorrect. The proposed door and panel type by Permadoor® do not include glazed bars, as are currently found on the existing door and panel type at Festival Flats.

3.3 These flats were built in 1951 as part of the Festival of Britain, examples of 'Live Architecture' were rolled out to the provinces and aside from Liverpool's Speke Estate, York acted as the only other example of this in the North. They were a design competition winner and acted as a showcase for new construction techniques and design potential in post-war Britain. They are worthy of better appreciation in York and possibly nationally through scheduling. We would ask the Council to think again in its choice of windows and doors to favour the use of timber-framed ones. This would be more in keeping with the original designs of the flats and the overall aesthetics of the site.

## **4.0 APPRAISAL**

### KEY ISSUES

4.1 The key issue in the assessment of this proposal is the impact upon the character and appearance of the building and the conservation area.

### LEGISLATIVE BACKGROUND

4.2 Section 38(6) of the 1990 Act requires local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. Section 72 of the Planning (Listed Buildings and

Conservation Areas) Act 1990 requires that, in the exercise of an LPA's planning function with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area.

## POLICY CONTEXT

### National Planning Policy Framework

4.3 In the absence of a formally adopted local plan the most up to date representation of key relevant policy issues is the National Planning Policy Framework, March 2012 (NPPF). This sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development, however, Footnote 9 to Paragraph 14 contains restrictions where this presumption does not apply and the restrictions include designated heritage assets.

4.4 In Paragraph 17 it sets out 12 core planning principles that should underpin both plan-making and decision-taking. Of particular relevance here is the fourth principle, which advises 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. A principle set out in paragraph 17 is that planning should always seek to secure high quality design.

4.5 Paragraph 132 states that considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

### Draft Local Plan

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

4.7 Relevant policies are GP1 and HE2. Policy GP1 'Design' requires development proposals to respect or enhance the local environment, be of a design that is compatible with neighbouring buildings and the character of the area. Policy HE2 'Development in Historic Locations' advises that development in conservation areas must respect adjacent buildings and be of a design that is compatible with the character of the area and neighbouring buildings.

## ASSESSMENT

4.8 The original windows and doors to the flats were all white painted timber and gradually fell into disrepair over the years. This led to the submission of the application for replacement windows and doors in 2014 (CYC ref: 14/01366/GRG3). The glazing bar details are not exactly the same as the originals but the units were chosen to match the original fenestration as closely as possible in terms of glazed panel and frame size. This current application relates to the remaining doors and windows on the development that were not part of the earlier submission and includes the following elements on the various flats:

- a double window unit with fixed window on one side and a casement window with opening toplight on the other (circa 1.2m square)
- a small square casement window (circa 0.4m square)
- glazed screen to balcony areas which includes fully glazed door, glazed panels and casement window with toplight (circa 2.4m wide x 2m high)

4.9 It is not considered that the replacement doors and windows that have already been introduced have had an adverse impact on the character of the building or the conservation area and it is considered that these further changes will similarly have no adverse impact. As a result it is considered that original design of the building has been respected and that these further replacements will complement the fenestration changes already undertaken. The proposal will help improve the energy performance of the buildings.

4.10 If the application is approved and the development is carried out, the character and appearance of the conservation area will be preserved and it is therefore considered that the Local Planning Authority will have properly exercised its duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4.11 In considering the impact of a proposed development on the significance of the conservation area, great weight has been placed on the conservation of the asset, as required by Paragraph 132 of the NPPF, it is considered that there will be no harm.

## 5.0 CONCLUSION

5.1 The proposals will not harm the character and appearance of the conservation area and the building. As such it is considered that they satisfy national guidance in the NPPF and Development Control Local Plan Policy and are acceptable.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve under General Regs 3 Council Dev



1 TIME2 Development start within three years

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

Y-SB-MS-6058-17-20A and 21A

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

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

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

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

Further details of the proposed fenestration were secured.

Account has been taken of all relevant national guidance and local policies and with the attachment of conditions the proposal is considered to be satisfactory.

#### **Contact details:**

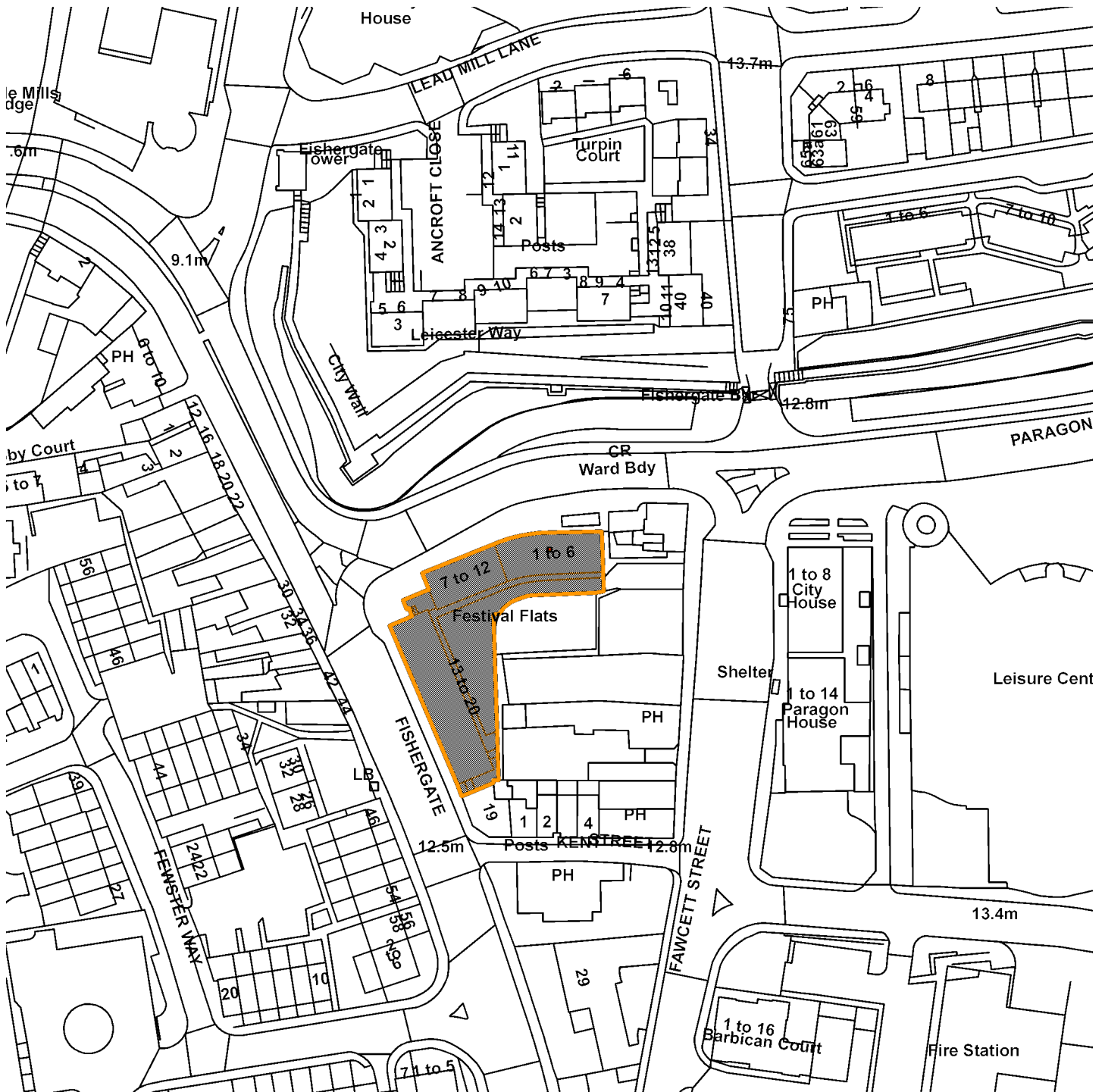
**Author:** David Johnson, Development Management Assistant

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# Festival Flats, Paragon Street

17/00586/GRG3



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site plan
<b>Date</b>	31 July 2017
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 10 August 2017      **Ward:** Huntington/New Earswick  
**Team:** Major and      **Parish:** Huntington Parish  
Commercial Team      Council

**Reference:** 17/01181/FULM  
**Application at:** Northern Part Plot 5 Monks Cross Drive Huntington York  
**For:** Erection of three storey, 80 bedroom hotel with ancillary  
bar/restaurant  
**By:** Mr Max Reeves  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 5 September 2017  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The proposal is for a new three storey hotel with ancillary restaurant on the ground floor. An area of parking is proposed to the front and side.

1.2 The site is currently in use as a car park. The car park is not tarmaced but has a rolled hardcore surface. Access is off the existing cul-de-sac leading to McDonalds and the Pear Tree Farm pub. To the West of the site is an office development with a number of two storey office buildings. To the North, the site backs on to open land which is part of the designated Green Belt. There are a number of ponds formed within the scrubland on the East and North boundaries of the site.

1.3 The site was given a Premier Employment Allocation within the Draft 2005 Local Plan and planning permission was then granted for office use on the site (07/01006/OUTM) and this was renewed in 2010 but has not been implemented. It is noted that planning permission has since been granted for non-employment uses at McDonalds and Pear Tree Farm which are both within the employment allocation.

**2.0 POLICY CONTEXT**

2.1 Policies:

CYE1      Employment land allocations  
CYE3B      Existing and Proposed Employment Sites  
CYGP1      Design  
CYGP4A      Sustainability  
CYGP9      Landscaping  
CYNE6      Species protected by law

## 3.0 CONSULTATIONS

### INTERNAL

#### Highways network management

3.1 Note that the site will be served by an existing internal estate road connected to Monks Cross Drive. The existing highway network is suitable to accommodate the proposed development and the internal site arrangement is acceptable. The level of traffic generation will not have a material impact on the operation of the adjacent highway network. Cycle parking should be provided and needs to be secured via condition.

#### Planning and Environment Management (Archaeology)

3.2 Previous archaeological investigations in the area have identified a number of significant prehistoric and Romano-British features which have survived beneath the modern landscape. This includes possible prehistoric enclosures and Roman temporary camps at Huntington South Moor and prehistoric features and a Bronze Age arrowhead at Monks Cross shopping outlet. It is therefore a site of Archaeological Interest. The desk-based assessment recommends an archaeological monitoring during construction works on site. It is suggested that a strip, map and record exercise takes place instead in order to better understand any features that do survive in a wider context. An appropriate condition is recommended to secure this.

#### Planning and Environment Management (Ecology and Countryside)

3.3 The wider Plot 5 site has been subject to previous outline and full planning consent which provided mitigation and compensation for great crested newts. As per the conditions of the European Protected Species Licence monitoring has taken place since 2013 recording a medium sized great crested newt population and the newt exclusion fencing has been maintained. A site specific great crested newt method statement has been produced for this development, setting out Reasonable Avoidance Measures to minimise potential impacts during construction. This is a precautionary approach and does not require a European Protected Species Licence. A condition is suggested to ensure that the measures recommended in the method statement are implemented. The landscape proposal includes wildflower grassland seeding along the Northern boundary to complement the off-site great crested newt mitigation in the area. The drainage strategy includes the use of SUDS to a cellular attenuation tank. This is important as it will prevent potential negative impacts on ponds on the adjacent land.

## Public Protection

3.4 Within the application a noise scoping report was submitted detailing internal sound level targets for the proposed bedrooms, this being in accordance with the targets detailed in within BS8233:2014. However no background noise levels have been measured and no proposed window specification has been provided. Officers are however satisfied that internal levels in compliance with BS8233:2014 are likely to be achievable and a condition is suggested to ensure this is the case.

The site is surrounded by non-residential uses and there should therefore be no significant impact from the proposal on its neighbours. Conditions are suggested to address odours from the kitchens and land contamination issues.

## Planning and Environmental Management (Forward Planning)

3.5 The proposals are for some 2,412 sqm of hotel floorspace at Monks Cross. Hotel use is a main town centre use as set out in government guidance. In accordance with national and local guidance a sequential test is required to accompany the application which has been submitted by the applicant. On review of the submitted sequential test, officers would agree that the sequential test has been satisfied and that there are no sequentially preferable sites. In accordance with government guidance, which states that not all main town centre uses are subject to an impact test, such a test is not required in this instance as hotel development does not fall within retail, leisure or office uses.

3.6 When considering the loss of employment land and/or buildings the Council will expect the applicant to provide evidence that the existing land and or buildings are demonstrably not viable in terms of market attractiveness, business operations, condition and/or compatibility with adjacent uses; and the proposal would not lead to the loss of a deliverable employment site that is necessary to meet employment needs during the plan period. This would normally be through effective marketing of the site/premises for employment uses for a reasonable period of time (normally 6 months). Where an applicant is seeking to prove a site is no longer appropriate for employment use because of business operations, and/or condition, the council will expect the applicant to provide an objective assessment of the shortcomings of the land/premises that demonstrates why it is no longer appropriate for employment use.

3.7 The applicant in the submitted planning statement argues that national policy precludes the long term safeguarding of employment land when it is clear that the land will not be developed for employment purposes. However the applicant has not submitted an economic statement or included any office market analysis or viability appraisal of the existing office use. It is requested that such a statement is submitted by the applicant. Colleagues in EDU must be satisfied that the applicant can satisfactorily demonstrate that the provisions of emerging policy EC3 have been met and the loss of employment land is acceptable.

## Flood Risk Management

3.8 The site should be treated as 'Greenfield' in surface water run-off terms. The proposed 13 l/sec proposed is unacceptable to the Flood Risk Management Team however the development is acceptable in principle and conditions have been suggested to address drainage concerns.

## EXTERNAL

### Huntington Parish Council

3.9 No objections

### Foss Internal Drainage Board

3.10 The IDB notes that the proposal appears to increase the impermeable area on site and this has the potential to increase the rate of surface water run off if not effectively constrained. The Board would consider that any previously un-drained, gravelled area represents a Greenfield site. The applicant's proposal to discharge from the site at the rate of 13l/s would therefore be higher than the rate that the Board would be willing to Consent. The IDB has no objection in principle and suggests conditions to control drainage of the site.

### Yorkshire Water

3.11 Conditions are recommended.

## **4.0 APPRAISAL**

### 4.1 Key Issues

- Policy background
- Principle of the Development
- Sequential Test
- Design, layout and landscaping
- Highways access and parking arrangements
- Ecology
- Sustainability
- Drainage

## POLICY BACKGROUND



## National Planning Policy Framework

4.2 Paragraph 14 of the National Planning Policy Framework (NPPF) says that a presumption in favour of sustainable development should run through both plan-making and decision-taking.

4.3 Core land use planning principles set out in paragraph 17 include the expectation that planning decisions should proactively drive and support sustainable economic growth to deliver homes business and industrial units responding positively to wider opportunities for growth, always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable.

4.4 Section 1 'Building a Strong, Competitive Economy' says that significant weight should be placed on the need to support economic growth through the planning system. Paragraph 22 says planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of the site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

4.5 Paragraph 24 says Local Planning Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and Local Planning Authorities should demonstrate flexibility on issues such as format and scale.

4.6 Section 7 'Requiring Good Design' 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. Permission 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.

4.7 Section 11 'conserving and enhancing the natural environment' recognises that the planning system should contribute to and enhance the natural and local environment.

City of York Draft Local Plan Incorporating the 4th Set of Changes Development Control Local Plan (Approved April 2005)

4.8 City of York Council does not have a formally adopted Local Plan. Nevertheless The City of York Draft Local Plan Incorporating the Fourth Set of Changes Development Control Local Plan (Approved April 2005) was approved for Development Management purposes.

4.9 The 2005 Draft Local Plan does not form part of the statutory development plan for the purposes of S38 of the 1990 Act. Its policies are however considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

4.10 Development Control Local Plan (DCLP) policies relevant to the development are:-

- Policy SP7a says that to ensure that development outside the York city centre is highly accessible by non-car modes of transport, a sequential approach will be taken in assessing planning applications for new retail, commercial, leisure and office development. A hierarchy for the location of such development is within the policy: first York City centre, then edge of city centre, Acomb and Haxby district centres, and then other out of centre locations genuinely accessible by a wide choice of means of transport.

- Policy E1a identifies 'out of centre' employment suitable (schedule 1 sites) for the science city York sector of the economy. The scale layout and design of proposals should contribute to the creation of a high quality commercial environment.

- Policy E3b says that sites or premises either currently or previously in employment use, will be retained within their current use class. Planning permission for other uses will only be given where there is sufficient supply of employment land to meet both immediate and longer term requirements over the plan period in both quantitative and qualitative terms and unacceptable environmental problems exist or the development of the site for other appropriate uses will lead to significant benefits to the local economy or the use is ancillary to an employment use.

- Policy GP1 'Design' includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban

spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

- Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development and sets out those issues to consider as part of a sustainably designed development.
- Policy GP9 requires where appropriate developments to incorporate a suitable landscaping scheme
- Policy NE6 says where proposals may have a significant effect on protected species or habitats applicants will be expected to undertake an appropriate assessment demonstrating their proposed mitigation measures. Planning permission will only be granted for development that will not cause demonstrable harm.

### Emerging Local Plan

4.11 Following the motion agreed at Full Council in October 2014, the publication draft of the York Local Plan is currently not progressing through its statutory consultation; pending further consideration of the council's housing requirements and how it should meet those requirements. As such, there is a possibility that the position may change when the Local Plan recommences its passage to adoption.

4.12 The emerging Local Plan policies can only be afforded weight in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight will be limited. The evidence base that underpins the proposed emerging policies is also a material consideration in the determination of the planning application.

4.13 Policy EC3 (Loss of Employment Land) continues the approach to existing employment land set out under E3b in the Draft Local Plan. When considering uses which involve the loss of land and/or buildings which are either identified, currently used or were last used for industrial, business, office or other employment uses, the council will expect developers to provide a statement to the satisfaction of the Council demonstrating that the existing land and or buildings are demonstrably not viable in terms of market attractiveness, business operations, condition and/or compatibility with adjacent uses; and the proposal would not lead to the loss of a deliverable employment site that is necessary to meet employment needs during the plan period.

4.14 The publication draft local plan (2014) recognises the critical importance of York City Centre as the economic, social and cultural heart of the area. Under policy SS4: York City Centre, by the end of the plan period, York City Centre will have strengthened its role as a regional commercial, shopping, leisure, tourism and entertainment destination. Hotels, as a town centre use, play an important role in

supporting the economic well being and vibrancy of York's city centre. Appropriately located accommodation is important. Further, the city centre is a sustainable location which is accessible by a range of transport modes. Policy EC5: Tourism, seeks to support the role of the city centre as the primary location for hotels through the improvement of visitor facilities and accommodation, particularly the development of quality 4\* and 5 \* hotels to encourage overnight and overseas business/ leisure visitors.

4.15 Policy R1 seeks to maintain and enhance the vitality and viability of the City Centre, district and local centres and neighbourhood parades. Main town centre uses will be directed sequentially to the city, district and local centres and neighbourhood parades.

4.16 Under policy D2 'Placemaking' development proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment. Development proposals that fail to take account of York's special qualities, fail to make a positive design contribution to the city, or cause damage to the character and quality of an area will be refused.

### Evidence Base

4.17 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.

4.18 The York Tourism Accommodation Study (2014) states that York is currently a short break leisure market, attracting a high proportion of budget conscious visitors. However there is a Council ambition of doubling the value of the visitor sector. The accommodation study concluded that this will only happen if the visitor mix significantly changes. Positioning York as a business destination to complement its current leisure demand requires more mid to upper scale hotels. Existing properties could fulfil the medium term needs through upgrading and new 4\* level hotels should be encouraged as part of the strategic shift to increase business and conference demand.

### PRINCIPLE OF THE DEVELOPMENT

4.19 There are two main issues to be satisfied for the principle of a hotel with ancillary restaurant to be acceptable on this site; firstly a consideration of whether there is sufficient justification for the development to override the need to protect this allocated employment site and secondly, in accordance with the city centre and edge of centre first requirement of Paragraph 24 of the NPPF, could the development be

accommodated without impact on the vitality and viability of the city, district centres and edge of centre locations or are there sequentially preferable sites for such a development.

4.20 The application is supported by an economic statement and a sequential test which examines available sites in policy preferred locations

### Employment Land

4.21 The site is allocated for employment use under policy E1a of the DCLP. It is identified in schedule 1 of policy E1a as a premier employment site and as indicated in the planning history above has an extant planning permission for B1 office development. It is a longstanding employment site and has recently been identified as a future employment site in the emerging Local Plan (Policy EMP2). Policy E1a does not provide policy guidance on non employment uses however the site is an important part of current and emerging future land supply and as such there is a requirement to test the loss of the site from B1 office use in both quantitative and qualitative terms.

4.22 The conclusions of the appeal inspector in the appeal decision on Arabesque house, to the west of the application site, in March 2012 has relevance to the consideration of this proposal. Arabesque house is an existing office development which the applicant was seeking to replace with new retail development. The application was refused on the basis that loss of employment land under policy E3b would affect the choice and churn of available employment land. The Appeal Inspector, in allowing the appeal, concluded that the weight that could be attached to policy E3b was negligible and that the NPPF, in default of relevant development plan policy had effectively become the only policy document of both significant weight and specific relevance. The Inspectors report concluded that the then proposed policies in the core strategy were not sufficiently far advanced to be of relevance to the application.

4.23 The applicant has submitted an economic statement in support of the proposed loss of employment land which indicates that the site has been marketed positively for approximately 10 years during which time McDonalds and Cloverleaf pubs were identified as occupiers of part of the site. There has been no other interest from owner occupiers or speculative developers. In light of the appeal decision at Arabesque House, the other non-employment uses previously approved on the Southern section of Plot 5 and the recent approval of the Herbert Todd site further down Monks Cross Drive then officers feel that it would be unreasonable to resist this current proposal. In addition officers note that the hotel will result in the creation of 17 FTE new jobs on site.

### Sequential Test

4.24 The proposals are for some 2,412 sqm of hotel floorspace at Monks Cross. Hotel use is a main town centre use as set out in government guidance. In accordance with national and local guidance a sequential test is required to accompany the application which has been submitted by the applicant. On review of the submitted sequential test, officers agree that the sequential test has been satisfied and that there are no sequentially preferable sites.

4.25 In accordance with government guidance, which states that not all main town centre uses are subject to an impact test, such a test is not required in this instance as hotel development does not fall within retail, leisure or office uses.

### Design, layout and landscaping

4.26 The proposal is for a three storey building with a buff brick ground floor and alternating dark and light clad panels on the upper floors. The entrance is highlighted by a projecting section which will also accommodate the Travelodge signage (subject to a separate future application). The area is one of modern office and commercial buildings with no defined character and as such the proposal is considered acceptable in terms of its design and materials.

4.27 The building is sited on the Northern side of the site with parking to the front and side. The restaurant is identified by floor to ceiling glazing and is situated on the South-western corner of the site.

4.28 In terms of its height the building, which is flat, roofed, will be of a similar height as the ridgeline of the adjacent office buildings. Its height is approximately 10m which compares to the new Herbert Todd premises further along Monks Cross Drive which measures 11m to the ridge and the McDonalds at the front of the site which measures 6m in height. While the building is located on the Northern side of the site adjacent to the Green Belt there is a buffer strip containing the new mitigation ponds and hedging between the building and Green Belt which will provide some screening of the building. Additional hedge planting is proposed on the boundary to improve screening and make ecological enhancements. In time, and with the growth of the hedging, the impact is anticipated to be similar to that of the Aviva building at the end of Monks Cross Drive. This is also a 3 storey building abutting the Green Belt with a well matured hedge boundary providing screening. It is noted that views of the current proposal from the public highway will be significantly more distant than those of the Aviva building further reducing its impact.

### Highways access and parking arrangements

4.29 The site will access off the existing access road serving McDonalds and Pear Tree Farm. The road is considered adequate to accommodate additional traffic flows

which are not considered likely to cause any detrimental to the safe and free flow of the highway network.

4.30 Parking provision is adequate. A small amount of cycle parking is provided around the side of the building. Cycle parking should be provided in a location close to the entrance with natural surveillance. Officers are satisfied this can be achieved and therefore it is to be secured via condition.

4.31 There is a bus service with bus stops along Monks Cross Drive and the site is within reasonable distance of the park and ride facility on the south side of Monks Cross. The site is considered to be a sustainable location and the detail of the design satisfactorily incorporates the needs of cyclists and pedestrians.

### Ecology

4.32 Much of the Great Crested Newt mitigation works were carried out for the previous development on the neighbouring areas of Plot 5. A method statement has been submitted detailing the measures which should be taken for this site and it is sufficient to secure the implementation of this method statement via condition.

### Sustainability

4.33 The application is supported by a sustainability statement which sets out the principle to be applied to the building in order to ensure maximum energy efficiency. The document also looks at the potential sources of energy efficiency but the document does not commit to a particular source of renewables for the site. In accordance with the Sustainable Design and Construction Interim Planning Statement, commercial development over 1000sq.m. should provide BREEAM assessment (which assesses the sustainable credentials of the built environment of the development) to show that the building can achieve a 'very good' rating. An appropriate planning condition is proposed.

### Drainage

4.34 The site is located in flood zone 1 (low risk) and should not suffer from river flooding. The IDB and FRMT both agree that the site should be classed as Greenfield given that the current hardcore surface is not impermeable. The applicant's proposed run-off rate of 13l/s is therefore not acceptable however FRM officers are confident that acceptable levels can be achieved and conditions are therefore suggested to submit further drainage details.

## **5.0 CONCLUSION**

5.1 The site is identified as an employment allocation within the 2005 Local Plan and draft Publication Local Plan (2014). However evidence has been provided to show

that the site has been advertised for 10 years without any interest and that there is other vacant office space at Monks Cross. The proposal would create new employment for 8 full time staff and 18 part time staff (17FTE in total) in the restaurant and hotel.

5.2 The submitted sequential test has shown that there are no sequentially preferable development sites within or in an edge of York City Centre location that are both suitable and available at the present time.

5.3 Overall it is considered that the development represents sustainable development and is in principle supported by relevant policies in the NPPF.

## **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 and other submitted details:-

Location plan

A989.PL.01F Master plan

A989.PL.02B Ground floor plan

A989.PL.03B First and second floor layout

A989.PL.04A Proposed elevations

A989.PL.10 Proposed site layout

Travel plan Dated 24/04/17

SF1820 LL01 Landscape design plan

Great Crested Newt Method Statement Dated April 2017 SF 1820 Rev B

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 Prior to the commencement of construction details of the junction between the internal access road and the highway shall be approved in writing by the Local Planning Authority, and the development shall not come into use until that junction has been constructed in accordance with the approved plans.

Reason: In the interests of road safety.

5 Prior to the commencement of construction, details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the

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Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

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

6 HWAY35 Servicing within the site

7 HWAY40 Dilapidation survey

8 ARCH1 Archaeological programme required

9 All ecological measures and/or works shall be carried out in accordance with the details contained in the Great Crested Newt Method Statement (Rev B) produced by Smeedon Foreman and dated April 2017 as submitted with this planning application and already agreed in principle by the Local Planning Authority.

Reason: To avoid harm to a species protected under the Conservation of Habitats and Species Regulations 2010 and Section 9 of the Wildlife and Countryside Act 1981 (as amended).

10 Notwithstanding the submitted details, the development shall not be occupied until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

11 Prior to the commencement of construction full details for the disposal of foul and surface water drainage, including details of any balancing works and off site works, shall be submitted and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to first occupation of the development hereby approved.

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

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

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

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

Reason: To protect the amenity of hotel residents and guests

14 LC1 Land contamination - Site investigation

15 LC2 Land contamination - remediation scheme

16 LC3 Land contamination - remedial works

17 LC4 Land contamination - unexpected contam

18 Before the occupation of the hotel accommodation two (2) Electric Vehicle Recharging Points shall be provided in a position to be first approved in writing by the Council. Within 3 months of the first occupation of the accommodation, the owner will submit to the Council for approval in writing (such approval not be unreasonably withheld or delayed) an Electric Vehicle Recharging Point Maintenance Plan that will detail the maintenance, servicing and networking arrangements for each Electric Vehicle Recharging Point for a period of 10 years

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

appropriate cable provision should be included in the scheme design and development in agreement with the Local Planning Authority. This ties in with a key theme of the NPPF, in that developments should enable future occupiers to make green vehicle choices and it explicitly states that 'developments should be located and designed where practical to incorporate facilities for charging plug in and other ultra low emission vehicles'

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

19 The development hereby approved shall be constructed to a BREEAM standard of 'very good'. A formal Post Construction assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate shall be submitted to the Local Planning Authority within 6 months of first occupation (unless otherwise agreed). Should the development fail to achieve a 'very good' BREEAM rating a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a 'very good' rating. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.'

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction'

## **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 an economic statement from the applicant.

#### **2. SUPPLY OF FOOD**

As this application relates to a business that will sell or supply food and/or drink (including alcohol), the proprietor of the business should contact by email at [public.protection@york.gov.uk](mailto:public.protection@york.gov.uk) or by telephone on 01904 551525 at their earliest opportunity to discuss registering the business as a food premises (a legal requirement) and to obtain advice on food hygiene & standards, health & safety,

odour extraction etc.

### 3. DESIGN CONSIDERATIONS FOR DRAINAGE SCHEME

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

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

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

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

If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha or if shall be used for the above. For the smaller developments where the Greenfield run-off rate is less than 1.4 l/sec/ha and becomes impractical and unsustainable then a lowest rate of 2 l/sec shall be used.

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

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

#### 4. INTERCEPTORS

Surface water run-off from car parking and service areas shall be passed through a suitably designed oil separator prior to discharge offsite.

Foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewer network.

5. INF17 - Disposal of Commercial Waste

6. INF11 - Control of Pollution Act 1974

**Contact details:**

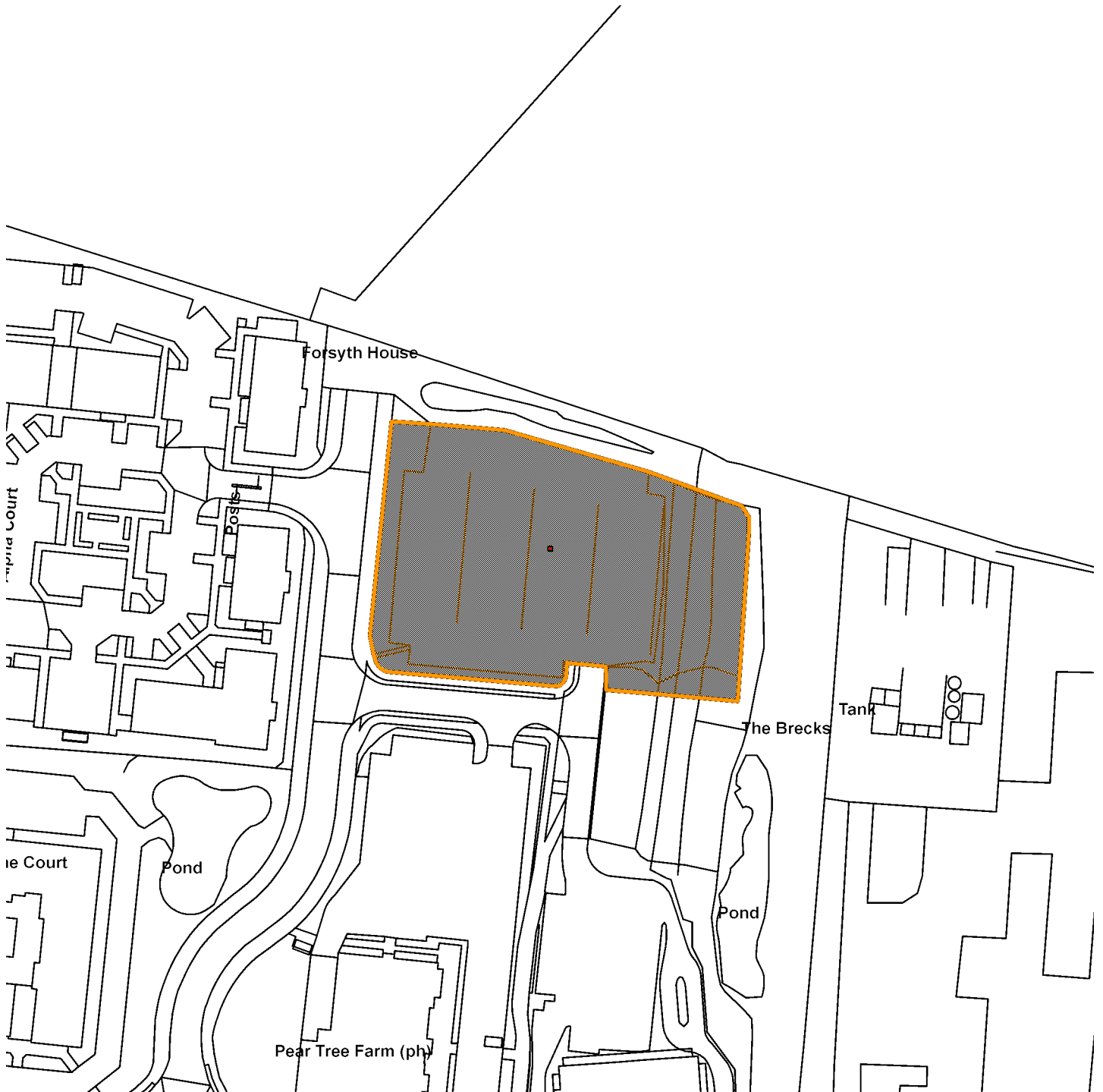
**Author:** Alison Stockdale, Development Management Officer (Wed - Fri)

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# Northern Part Plot 5 Monks Cross Drive

17/01181/FULM



Scale : 1:1371

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site plan
<b>Date</b>	31 July 2017
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 10 August 2017      **Ward:** Hull Road  
**Team:** Householder and      **Parish:** Hull Road Planning Panel  
Small Scale Team

**Reference:** 17/00343/FUL  
**Application at:** 64 Newland Park Drive York YO10 3HP  
**For:** Change of use from dwelling (Use class C3) to a 6 bed  
House in Multiple Occupation (Use Class C4)  
**By:** Mrs Fereshteh Hurst  
**Application Type:** Full Application  
**Target Date:** 8 May 2017  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 This application seeks planning permission to change No.64 Newland Park Drive, from its existing use as a dwelling (Use Class C3) to a small house in multiple occupation (HMO) (6 bedrooms) within Use Class C4.

1.2 The application was originally submitted for the change of use to a large house in multiple occupation. However bedroom No.5 has now been omitted from the proposal because of its size and will now be used as a store room. The application property now consists of an entrance hall, lounge, kitchen, dining room/kitchen, shower room and 3.no bedrooms at ground floor and; 3.no bedrooms; a shower room; a bath room; and store room at first floor. There is a carport (accessed through gates) and a rear garden.

Relevant Property History

1.3 Application Ref. 13/00902/FUL - Single storey side and rear extension forming a 'Granny Annexe.' - Approved 12.06.2013. Condition 4.of this consent stated: 'The proposed additional accommodation shall only be occupied and used in conjunction with the occupancy of the existing main dwelling, and shall not be used as an independent residential unit.'

1.4 Application Ref. 16/01416/CLU - Certificate of lawfulness for use as a House in Multiple Occupation (use Class C4) - Withdrawn - 06.02.2017.

Call-in

1.5 The application was called in for determination by sub-committee at the request of Cllr N Barnes because of the planning history of the site and the level of public interest.

## 2.0 POLICY CONTEXT

2.1 Policies: CYH8 Conversion to flats/HMO/student accom

## 3.0 CONSULTATIONS

### INTERNAL

#### Planning and Environmental Management (Forward Planning)

3.1 Within the street level area 21% of houses are currently in multiple occupation. Within the wider neighbourhood area, 47 % of properties are currently in multiple occupation. Therefore both the street level threshold of 10% and the neighbourhood level of 20% have already been breached and a further change to an HMO is unlikely to be acceptable.

### EXTERNAL

#### Neighbour Notification / Publicity

3.2 Fifteen letters of objection received - summarised below.

- Owner has flaunted the rules regarding the 'granny annexe' which has been advertised for separate occupation
- Threshold limits for HMO's already breached
- Problems with rubbish, re-cycling, noise, anti-social behaviour
- Why has it been allowed to operate in multiple occupation, when no consent was ever granted
- Property has been marketed as a (5.no bedroom) HMO
- Newland Park Drive already saturated with student accommodation
- Parking problems
- Reduction in the number of bedrooms does not affect original objections
- 

## 4.0 APPRAISAL

### 4.1 KEY ISSUES

- Principle of development
- Impact on the amenities of local residents
- Impact on the character and appearance of the area
- Amenity of future occupants of the property

4.2 The National Planning Policy Framework (2012) states that Local Planning Authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities (paragraph 50). Paragraph 17 advises 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.

#### City of York Council Development Control Local Plan

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

4.4 Policy CYGP1 requires development to respect or enhance the local environment, be of a design that is compatible with the character of the area and neighbouring buildings, protect private, individual or community amenity space and ensure residents are not unduly affected by overlooking, overshadowing or dominated by overbearing structures.

4.5 Policy CYH8: Conversions sets out the criteria by which conversions of houses to HMO's should be assessed. On this basis planning permission will only be granted for the conversion of a house to a HMO where:

- the dwelling is of sufficient size (min 4 bedrooms) and the internal layout is shown to be suitable for the proposed number of households or occupants and will protect residential amenity for future residents;
- external alterations would not harm the appearance of the area;
- adequate on and off road parking and cycle parking is incorporated;
- it would not create an adverse impact on neighbouring amenity through noise disturbance or residential character by virtue of the conversion alone or cumulatively with a concentration of such uses;
- adequate provision is made for the storage and collection of refuse and recycling

#### City of York Council Draft Supplementary Planning Document: Controlling the Concentration of Houses in Multiple Occupancy

4.6 Draft Supplementary Planning Document (SPD): Controlling the Concentration of Houses in Multiple Occupancy was approved by cabinet on 15 April 2012 (Amended 2014). This Guidance was prepared in connection with an Article 4 Direction which the Council made in respect of houses within the defined urban area. It has the effect of bringing the change of use of dwellings to small HMO`s, which would otherwise be permitted development, within planning control.

4.7 Paragraph 5.7 of the SPD advises that applications for change of use from dwellings to HMO's will only be permitted where:

- a) The property is in a neighbourhood area where less than 20% of properties are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and
- b) Less than 10% of properties within 100 metres of street length either side of the application property are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and
- c) The accommodation provided is of a high standard which does not detrimentally impact upon residential amenity.

4.8 Paragraph 5.17 advises that in assessing planning applications for HMOs the Council will seek to ensure that the change of use will not be detrimental to the overall residential amenity of the area. In considering the impact on residential amenity attention will be given to whether the applicant has demonstrated the following:

- the dwelling is large enough to accommodate an increased number of residents;
- there is sufficient space for potential additional cars to park;
- there is sufficient space for appropriate provision for secure cycle parking;
- the condition of the property is of a high standard that contributes positively to the character of the area and that the condition of the property will be maintained following the change of use to HMO;
- the increase in number of residents will not have an adverse impact on noise levels and the level of amenity neighbouring residents can reasonably expect to enjoy
- there is sufficient space for storage provision for waste/recycling containers in a suitable enclosure area within the curtilage of the property; and
- the change of use and increase in number of residents will not result in the loss of front garden for hard standing for parking and refuse areas which would detract from the existing street scene

#### Principle of development

4.9 The principal aim of the Council's SPD is to avoid situations where existing communities become unbalanced by an overconcentration of HMO's within a particular street or the wider area. Paragraph 5.2 of the SPD states a 'threshold based policy approach' is considered most appropriate method for controlling the number of

HMO's across the City, as this tackles concentrations and identifies a 'tipping point' when issues arising from concentrations of HMO's become harder to manage and a community or locality can be said to tip from balanced to unbalanced.

4.10 As noted in paragraph 3.1 above, the number of shared houses in the immediate area of the application site is significantly above the threshold set out in the SPD, with 47% of properties in the neighbourhood area being shared houses (threshold 20%), and within 100m of the property 21% are shared houses (threshold 10%). The proposal therefore breaches this aspect of the SPD.

4.11 Records indicate that the property has been subject to student exemption for Council Tax since October 2011. Tenancy agreements submitted with the withdrawn Certificate of Lawfulness application indicate that the use has 5 residents, but that when the annexe was built (2013) the property (house and annexe) operated with up to 7 occupants. Visits to the premises by planning enforcement officers confirm this use. The Article 4 Direction, removing permitted development rights for changes of use from class C3 dwellinghouses to class C4 HMOs, came into force in April 2012.

4.12 The evidence shows that the use of the property was changed to a house in multiple occupation prior to the Article 4 Direction and that an HMO use has existed at the property since. The proposed use is the same as the lawful use that existed in April 2012, it is considered that the impact of the application would be neutral as it would not intensify the number of properties in multiple occupation in the street or neighbourhood area.

#### Impact on the amenities of local residents and the character of the area

4.13 There is nothing inherent in the proposal that will result in any significant loss of neighbour amenity. However, it is recognised that occupation as an HMO can have a different dynamic to that of a dwellinghouse occupied under class C3. The thresholds applied in the SPD aim to limit concentrations of HMOs that could lead to harmful changes in the character of residential areas. In terms of adjacent residents (and particularly the concerns raised in the 14.no letters of objection) it is considered that the implementation of a management plan should be required by condition on any planning approval. The management plan would relate to maintenance of external areas, refuse and re-cycling collections, property maintenance and any other relevant issues.

4.14 It is recognised that the 'granny annexe' had been advertised as a separate residential unit, though it is not clear that it has been let as such. The removal of what had been 'bedroom 5' lessens the intensity of the use.

4.15 The Council's maximum car parking standards within the draft 2005 local plan are for 3 parking spaces to be provided for a 6 bed HMO. This compares with 2 spaces for a class C3 dwellinghouse. There is 1.no off-road parking space on the front

driveway. There are no parking restrictions on Newland Park Drive. The car port does not meet highway standards, in terms of its internal dimensions, although it is currently used as a bin store. As there is no external access to the rear garden it is recommended that the use of the car port area is secured for bin and cycle storage by planning condition.

### Amenity of Future Occupants

4.16 The application property now consists of an entrance hall, lounge, kitchen, dining room/kitchen, shower room and 3.no bedrooms at ground floor and; 3.no bedrooms; a shower room; a bath room; and store room at first floor. There is a carport (accessed through gates) and a rear garden. The car port can be used for bin and secure cycle storage subject to conditions. The internal layout and room size are considered to be acceptable and the property is considered to be large enough for a 6 bedroom HMO operation.

## **5.0 CONCLUSION**

5.1 The application site was in use as an HMO prior to the making of the April 2012 Article 4 Direction which brought changes of use from a C3 dwellinghouse to a C4 HMO within planning control. The HMO use has existed since October 2011 at which time it was occupied by 5 residents. The construction of the annexe in 2013 increased the number of bedrooms at the property to 7. This change to the number of residents meant that the 2016 Certificate of Lawful Use application could not be granted in its submitted form, however it is clear that an HMO use has existed at the property since before the Article 4 Direction.

5.2 The removal of a letting bedroom from the proposal means that this application seeks permission for a 6 bedroom HMO within the C4 use class. It is acknowledged that the thresholds in the SPD are significantly exceeded at both street and neighbourhood level. However, given that this use class is the same as the lawful use that existed in April 2012 it is considered that the impact of the application would be neutral as it would not intensify the number of properties in multiple occupation.

5.3 The application is considered to comply with the relevant provisions of the NPPF the guidance contained within the Supplementary Planning Document: Controlling the Concentration of Houses in Multiple Occupancy.

## **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 ground floor / first floor plans - received 21st July 2017.

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

3 Prior to the development hereby approved being brought into operation, a management plan shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority. The Management plan shall relate to the following areas:

- i) Information and advice to occupants about noise and consideration to neighbours
- ii) Garden maintenance
- iii) Refuse and recycling facilities
- iv) Property maintenance

Reason: In the interests of the proper management of the property and the amenity of adjacent residents.

4. Within one month of the date of this planning permission details of secure cycle parking for 6 cycles within the car port shall be submitted to the local planning authority for written approval. The cycle parking shall be provided in accordance with the approved details within one month of their approval and the cycle parking shall not be subsequently removed or altered without the prior written planning permission of the local planning authority.

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

5 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) the car port shall not be externally altered (with the exception of replacement gates) or converted into habitable accommodation without the prior written planning permission of the local planning authority.

Reason: Conversion of the car port would result in the loss of bin and cycle storage facilities to the detriment of the appearance of the street scene and to the detriment of the promotion of sustainable transport.

**7.0 INFORMATIVES:**

**Contact details:**

**Author:** Paul Edwards, Development Management Assistant

**Tel No:** (01904) 551642



# 64 Newland Park Drive

17/00343/FUL



Scale : 1:1267

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site plan
<b>Date</b>	31 July 2017
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 10 August 2017      **Ward:** Haxby and Wigginton  
**Team:** Householder and      **Parish:** Haxby Town Council  
 Small Scale Team

**Reference:** 17/01403/FUL  
**Application at:** 31 Sandringham Close Haxby York YO32 3GL  
**For:** Single storey side and rear extensions, canopy to side, replacement bay window to front, installation of solar panels to side roofslope and replacement windows and doors in grey aluminium.  
**By:** Mr & Mrs Brown  
**Application Type:** Full Application  
**Target Date:** 18 August 2017  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 This application seeks planning permission for a single storey side and rear extensions, replacement bay window to front, installation of solar panels to side roof slope and replacement windows and doors in grey aluminium. The property is a detached bungalow within a row of 5 similar houses.

1.2 The application has been called-in to Sub-Committee by Cllr Richardson for the reasons outlined in paragraph 3/1 below.

**2.0 POLICY CONTEXT**

2.1 Policies:

CYGP1 Design  
 CYH7 Residential extensions

**3.0 CONSULTATIONS**

EXTERNAL

Ward Councillor

3.1 Cllr Richardson raises the following issues;

- External alterations including windows and doors, and skylight to garage will be out of keeping with the streetscene
- Overdevelopment

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- Reduce the open vista to the rear
- Incorporating the land to rear as residential will break the 9m leeway for the foss drainage board
- Indicates an change of use/multiple occupancy at a later date
- Prevent access to bins or cycle store
- Risk of flooding
- Overlooking to the south side (no. 29)
- Encroachment onto the boundary with no. 33 Sandringham Close with foundations and overhanging. Failure to serve the correct notice.

### Haxby Town Council

3.2 No objection, but the Town Council would like to draw attention to the extension is being built up to both boundaries with neighbouring properties.

### Foss Internal Drainage Board

3.3 This application sits within the Foss Internal Drainage Board district and the Board does have assets adjacent to the site in the form of Westfield Beck; this watercourse is known to be subject to high flows during storm events. Any approved development should not adversely affect the surface water drainage of the area and amenity of adjacent properties. The net increase in the footprint of the development is relatively modest and will make minimal difference to the surface water drainage requirement for the site. The Board has no objection the principal of this application provided that the integrity of the Board maintenance strip can be maintained and provided the Local Authority is satisfied that suitable arrangements are to be made for the disposal of the surface water.

### Neighbour Notification and Publicity

3.4 One objection has been received from the occupier of No. 33 Sandringham Close raising the following issues;

- Encroachment onto the boundary with No. 33 Sandringham Close with foundations and overhanging. Failure to serve the correct notice.
- External alterations including windows and doors, and failure to install pitched roof will be out of keeping with the streetscene
- Prevent access to the rear for bins or cycle store
- Maintenance would require access onto neighbour's land
- Exterior cavity wall to garage will lead to change of use at later date
- Loss of 50% of the garden which raises question of access during times of flood

## **4.0 APPRAISAL**

## KEY ISSUES

- Effect upon neighbouring properties and street scene
- Flood Risk

## SITE AND PLANNING HISTORY

4.1 No. 31 Sandringham Close is a detached bungalow located in a predominately residential area. There is a driveway to side leading to an attached garage on the northern elevation adjacent to No. 33. There is an alleyway to the side providing access to the rear of the site on the southern side. There is an enclosed garden to rear, with access to land which extends up to the Westfield Beck, which runs behind the properties to the west.

4.2 This application seeks consent for additional living accommodation in the form of wrap around extension to side and rear incorporating a replacement attached garage and store and a kitchen/dining room. A canopy to side over the front entrance door is also proposed. There is adequate off-road parking within the garage and on the front driveway, which shall be retained. There is a store to the rear of the garage and space along the southern side to accommodate cycle parking and refuse storage.

## POLICY CONTEXT

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

4.4 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 Draft Local Plan Policy CYGP1 states that development proposals will be expected to (i) respect or enhance the local environment; (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.6 Draft Local Plan Policy CYH7 states that planning permission will be granted for residential extensions where: (a) the design and materials are sympathetic to the main dwelling and the locality of the development; and (b) the design and scale are appropriate in relation to the main building; (d) there is no adverse effect on the amenity which neighbouring residents could reasonably expect to enjoy; and (e) proposals respect the spaces between dwellings; and (g) the proposed extension does not result in an unacceptable reduction in private amenity space within the curtilage of the dwelling.

## ASSESSMENT

### IMPACT ON THE STREET SCENE

4.7 As the extension will be built up to both boundaries, it will be visible from Sandringham Close, however its visibility will be limited given its set back position from the front elevation of the property. The open character of the bungalows along this part of Sandringham Close would be maintained. In addition, beyond the rear elevation of the extension, the garden would maintain its open character. The design, scale and choice of materials means it will not impact adversely on the street scene.

4.8 An objector raises concern that the extension does not include a pitched roof; however, a flat roof is reflective of the majority of the properties along Sandringham Close and the existing situation. A pitched roof could result in amenity impacts to neighbouring properties and the retention of a flat roof for the garage is considered acceptable in this regard.

4.9 An objection has been received in respect to the appearance of a skylight serving the garage. The skylight would serve the kitchen/dining room extension and is located to the rear of the property, and would have little impact upon the streetscene.

4.10 Ten solar panels are proposed to the existing south facing pitched roof of the main property, which are considered acceptable in this location and would not harm public views.

### IMPACT ON NEIGHBOURING PROPERTIES

4.11 An objection has been received citing that the application would result in increased overlooking towards No. 29 to the south. There would be some internal re-arrangement of rooms within the property, with windows serving bedrooms on the southern boundary; however internal alterations, such as these can be undertaken with planning consent. The extension on the southern elevation does not provide any additional windows, however an additional window will be inserted into the existing southern elevation of the existing property. This could be carried out under permitted development. On the southern boundary is a 1.7m high close boarded fence and

given that the windows would not be any closer to No.29, the proposals would not increase the levels of overlooking in this direction.

4.12 All other additional windows to the proposed extension are contained within its rear elevation and would have an outlook over the rear garden. The privacy of the occupiers at No. 33 would be maintained.

4.13 Whilst being built up to the boundary with No.33, the extension will be 0.3m higher than the existing flat roof garage and as such, the extension is likely to have a minimal impact in respect to dominance and overshadowing.

4.14 In consequence, no significant issues arise in terms of overshadowing, over-dominance, or loss of privacy.

#### ACCESS TO REAR

4.15 The plans indicate that access to the rear will be maintained thorough the property, including through the garage and store. Objections have been received in respect to the proposals preventing access to the rear for bin and cycle storage. The store is most likely the suitable place for the storage of bikes and can be accessed through the garage. In addition, a 1m gap would be retained between the side elevation of the dwelling and the shared boundary with No. 29. This could provide a suitable place to store refuse bins or alternatively there is space within the garage/store or driveway.

#### FLOOD RISK

4.16 There are two areas to the rear garden; an 8.5m enclosed rear garden leading to a 9m open grassed area beyond associated with the Westfield Beck. The extension will be wholly retained within the immediate enclosed garden, whilst retaining a private amenity area with a depth of 4.5m. Given the position of the extension, it is not considered that the strip of land associated with the Beck will be impacted upon in this regards. The Foss Internal Drainage Board has not raised any objections however it does request a condition regarding the 9m strip of land, however, given that this area is not impacted upon by the proposed extension, this condition is not considered necessary in this regards and an informative shall advise the applicants of the restrictions on the development of this strip of land. The net increase in the footprint of the development is relatively modest and will make minimal difference to the surface water drainage requirement for the site.

4.17 The applicant has addressed the flood risk with an accompanying statement setting out that the floor levels of the extension will be the same as the existing finished floor levels of the host property.

#### OTHER ISSUES

4.18 The plans show that the extensions will be built up to the boundary with both neighbouring properties. None of the extension including the guttering are shown to overhang the shared boundary. It is the applicant's responsibility to ensure that during the construction, the development does not encroach onto land outside their control without permission from the owners and the development is contained wholly within the application site.

4.19 The objectors suggest that the extension (with exterior cavity wall) to the garage would lead to a change of use at a later date. Building the extension with cavity wall insulation is a decision by the applicant and will ensure the extension is more sustainable and environmentally efficient. The plans indicate that the bungalow will be maintained as a three bedrooms; however any internal alterations to room use is beyond planning control. Any future sub-division may require planning permission; however this is not part of the current application.

## **5.0 CONCLUSION**

5.1 The proposal is considered to be acceptable in terms of its impact on the appearance of the streetscene, the living conditions of neighbours and flood risk. As such it complies with the National Planning Policy Framework (2012), local plan policies GP1 and H7 and advice contained within Supplementary Planning Document (SPD) 'House Extensions and Alterations.' December 2012.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve

- 1 TIME2 Development start within three years
- 2 PLANS1 Approved plans - 1000-01A and 1000-02A

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

### **1. INTERNAL DRAINAGE BOARD**

Under the terms of the Land Drainage Act. 1991 and the Board's Byelaws, the prior written consent of the Board is required for any proposed works or structures in, under, over or within 9 metres of the top of the bank of any watercourse. Ground levels must not be raised within this area. Access arrangements should be agreed with the Internal Drainage Board.



2. INF9 - Party Wall Act 1996
3. INF12 - Proactive statement 1

**Contact details:**

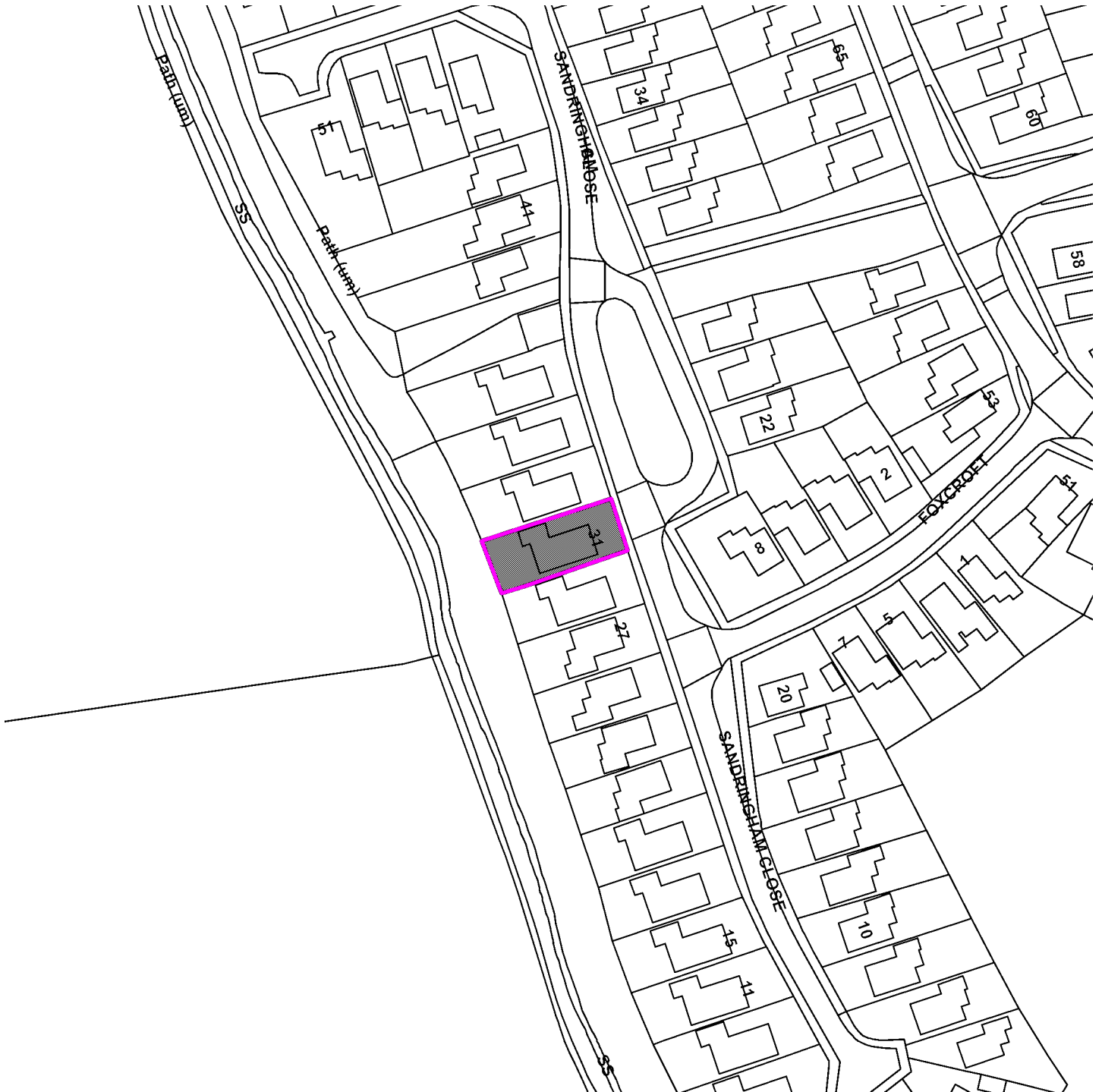
**Author:** Lindsay Jenkins, Development Management Officer

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# 31 Sandringham Close

17/01403/FUL



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site plan
<b>Date</b>	31 July 2017
<b>SLA Number</b>	Not Set

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## COMMITTEE REPORT

**Date:** 10 August 2017      **Ward:** Holgate  
**Team:** Householder and      **Parish:** Holgate Planning Panel  
Small Scale Team

**Reference:** 17/00966/LBC  
**Application at:** 39 St Pauls Square York YO24 4BD  
**For:** Installation of handrail with railings on steps to front door  
**By:** Mr James Cannon  
**Application Type:** Listed Building Consent  
**Target Date:** 10 July 2017  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application site is no. 39 St. Paul's Square, York, a grade II listed building of special architectural or historic interest located in St. Paul's Square/Holgate Road Conservation Area. The statutory list entry includes two houses at no. s 38 and 39 St. Paul's Square dating from the mid nineteenth century, finished in brick with some painted stone dressings and a slate roof. The front entrance doorways, at the left of each house, have doorcases with panelled pilasters, panelled reveals, modillioned cornices, and four panelled doors with overlights. The significance of the listed building is illustrated in the aesthetic, historical and evidential value of the fabric.

1.2 The proposals relate to the installation of a handrail with railings on the steps to the right of the front entrance door.

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

### 2.0 POLICY CONTEXT

2.1 Policies:

2005 Draft Development Control Local Plan

CYHE4      Listed Buildings

### 3.0 CONSULTATIONS

INTERNAL

Planning and Environmental Management (Conservation)

3.1 The proposed handrail installation has been designed to have minimal impact on the fabric of the listed building, avoiding contact with the timber pilaster to the door surround. The construction of the plinth into which the bars are fixed appears to be relatively modern. The design is of simple, traditional form therefore the Conservation Officer has no objection to approval of this application.

## EXTERNAL

### Holgate Planning Panel

3.2 No objections.

### Neighbour Notification and Publicity

3.3 No responses received.

## **4.0 APPRAISAL**

### 4.1 Key Issues

- Impact on special architectural or historic interest of the listed building

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.

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

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

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

4.6 Development Control Local Plan Policy HE4 states that with regard to listed buildings, consent will only be granted for internal or external alterations where there is no adverse effect on the character, appearance or setting of the building.

## ASSESSMENT

4.7 With reference to Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant listed building consent for any works, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

### IMPACT ON SPECIAL ARCHITECTURAL OR HISTORIC INTEREST OF THE LISTED BUILDING

4.8 It is proposed to install a handrail to the right side of the existing steps to the front entrance to the listed dwelling house. The proposed handrail has been designed to have minimal impact on the fabric of the listed building, avoiding contact with the timber pilaster to the door surround. The construction of the plinth into which the bars are fixed appears to be relatively modern. The design of the handrail and supporting vertical bars are considered to be of a simple, traditional form. The applicant has confirmed that the vertical bars supporting the handrail would be of a circular profile, with a black gloss finish.

4.9 With regard to the impact of the proposals on the special interest of the listed building, it is considered that the design, materials and finish of the handrail and supporting vertical bars would be acceptable and would not harm the setting of the adjoining listed building within the context of this part of the conservation area.

## 5.0 CONCLUSION

5.1 It is considered that the proposals would preserve the special architectural or historic interest of the listed building and its setting and would accord with guidance contained in the NPPF, Policy HE4 (Listed Buildings) of the Development Control Local Plan and Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## 6.0 RECOMMENDATION: Approve

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

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

Drawing no. ABL 3287 Issue A Handrail, including side elevation, front elevation and plan view, dated 12.04.2017

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

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3 Notwithstanding the approved plans, the vertical metal bars supporting the handrail shall have a circular profile and shall be thus maintained.

Reason: To preserve the special architectural or historic interest of the listed building and its setting.

4 Notwithstanding the approved plans, the handrail and supporting vertical bars shall have a black coloured painted finish and shall be thus maintained.

Reason: To preserve the special architectural or historic interest of the listed building.

## **7.0 INFORMATIVES:**

### **Contact details:**

**Author:** Sandra Duffill, Development Management Assistant

**Tel No:** (01904) 551672



# 39 St Pauls Square

17/00966/LBC



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site plan
<b>Date</b>	31 July 2017
<b>SLA Number</b>	Not Set

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