



Notice of a public meeting of

Area Planning Sub-Committee

- To:** Councillors Galvin (Chair), S Barnes, Derbyshire, Looker, Shepherd (Vice-Chair), Mercer, Carr, Gillies, Hunter, Orrell and Craghill
- Date:** Thursday, 11 June 2015
- Time:** 2.00 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

A G E N D A

For site visits, the mini-bus for Members of the Sub-Committee will depart from Memorial Gardens on Wednesday 10 June 2015 at 10.00am

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 - 24)

To approve and sign the minutes of the meetings of the Area Planning Sub-Committee held on 5 March and 9 April 2015.

3. Public Participation

It is at this point in the meeting that members of the public who registered their wish to speak can do so. The deadline for registering is by **5.00 pm** on **Wednesday 10 June 2015**.

Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the Committee.

To register please contact the Democracy Officer for the meeting, on the contact details at the foot of this agenda.

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Please note this meeting may be filmed and webcast or audio recorded and that includes any registered public speakers, who have given their permission. The broadcast can be viewed at <http://www.york.gov.uk/webcasts> or, if sound recorded, this will be uploaded onto the Council's website following the meeting.

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4. Plans List

To determine the following planning applications:

- a) **Royal Masonic Benevolent Institute, Connaught Court, St Oswalds Road, York. YO10 4QA (13/03481/FULM)**
(Pages 25 - 74)

Erection of 14no. dwellings following demolition of existing bowling clubhouse and garage block [Fulford and Heslington]
[Site Visit]

- b) The Cottage, Eastfield Farm, Moor Lane, Acomb, York (14/02966/FUL)** (Pages 75 - 90)
Change of use of outbuildings to form additional residential accommodation for The Cottage with associated alterations [Rural West York] [**Site Visit**]
- c) The Coach House, Eastfield Farm, Moor Lane, Acomb, York (14/02967/FUL)** (Pages 91 - 106)
Change of use of outbuildings to form additional residential accommodation for The Coach House with associated external alterations [Rural West York] [**Site Visit**]
- d) West Cottage, Eastfield Farm, Moor Lane, Acomb, York (14/02968/FUL)** (Pages 107 - 122)
Change of use of outbuildings to form additional accommodation for West Cottage with link extension and associated external alterations. [Rural West York] [**Site Visit**]
- e) Eastfield Farm, Moor Lane, Acomb, York, YO23 3QX (14/02964/FUL)** (Pages 123 - 140)
Change of use of outbuildings to form additional accommodation for The Dovecote, alterations to Byre House and the conversion, alteration and extension of outbuildings to form 5 no. dwellings with associated gardens and parking [Rural West York] [**Site Visit**]
- f) The Malt House, Lower Darnborough Street, York YO23 1AR (15/00114/FUL)** (Pages 141 - 176)
Conversion of Malt House into 6no. residential units [Micklegate] [**Site Visit**]
- g) The Malt House, Lower Darnborough Street, York YO23 1AR (15/00115/LBC)** (Pages 177 - 190)
Conversion of Malt House into 6no. residential units [Micklegate] [**Site Visit**]

- h) Lord Deramore's Primary School, School Lane, Heslington, York YO10 5EE (15/00125/FULM)**
(Pages 191 - 210)
Erection of replacement primary school building followed by part-demolition of existing school building [Fulford and Heslington] **[Site Visit]**
- i) Lord Deramore's Primary School, School Lane, Heslington, York. YO10 5EE (15/00126/LBC)**
(Pages 211 - 220)
Part demolition of existing school building. [Fulford and Heslington] **[Site Visit]**
- j) 8 Pinewood Hill, York YO10 5HR (15/00209/FUL)**
(Pages 221 - 234)
Change of use from dwelling (use class C3) to House in Multiple Occupation (use class C4) including single storey rear extension and alterations to garage [Hull Road] **[Site Visit]**
- k) 47 The Leyes, Osbaldwick, York YO10 3PR (15/00213/FUL)**
(Pages 235 - 242)
Change of Use from dwelling (use class C3) to House in Multiple Occupation (use class C4) [Osbaldwick and Derwent] **[Site Visit]**
- l) 14 Livingstone Street, York YO26 4YJ (15/00311/FUL)**
(Pages 243 - 252)
Conversion of dwelling into 2no. self contained flats. [Holgate]
- m) 39 Goodramgate, York YO1 7LS (15/00727/FUL)** (Pages 253 - 258)
Change of use from public highway to customer seating area in connection with existing cafe use at 39 Goodramgate (resubmission) [Guildhall] **[Site Visit]**

5. Urgent Business

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

Democracy Officer:

Name: Judith Betts

Contact Details:

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

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

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

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 (01904) 551550

AREA PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 10 June 2015****The mini-bus for Members of the sub-committee will depart
Memorial Gardens at 10.00**

TIME (Approx)	SITE	ITEM
10:10	The Malt House, Lower Darnborough Street	4f) and 4g)
11:00	Eastfield Farm, Moor Lane, Acomb	4b)-4e)
11:35	Royal Masonic Benevolent Institute, Connaught Court, St Oswalds Road	4a)
12:15	Lord Deramore's Primary School, Heslington	4h) and 4i)
12:50	8 Pinewood Hill	4j)
13:15	47 The Leyes, Osbaldwick	4k)
13:40	39 Goodramgate	4m)

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City of York Council

Committee Minutes

Meeting	Area Planning Sub-Committee
Date	5 March 2015
Present	Councillors Watson (Chair), Galvin (Vice-Chair), Douglas, Cuthbertson, Hyman, Fitzpatrick, Gunnell, Looker, McIlveen, Merrett and Watt

Site	Visited by	Reason for visit
Carr Infant School, Ostman Road	Councillors Galvin, McIlveen, Merrett, Watson and Watt.	As the recommendation was for approval and objections had been received.
York St John University Sports Centre, Haxby Road	Councillors Galvin, McIlveen, Merrett, Watson and Watt. Councillor Orrell (as Ward Member)	As the recommendation was for approval and objections had been received.
550 Huntington Road	Councillors Galvin, McIlveen, Merrett, Watson and Watt. Councillor Orrell (as Ward Member)	As the recommendation was for approval and objections had been received.
Land to south of 26 Pottery Lane	Councillors Galvin, McIlveen, Merrett, Watson and Watt.	As the recommendation was for approval and objections had been received.
Turpin Smithy, 83C Main Street, Fulford	Councillors Galvin, McIlveen, Merrett, Watson and Watt.	As the recommendation was for approval and objections had been received.

48. Declarations of Interest

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

Councillor Hyman declared a personal and prejudicial interest in plans item 5a (550 Huntington Road) as he had already declared that he was against approving the application. He addressed the committee as Ward Member then left the room for the debate and vote on this application.

Councillor McIlveen declared a personal non prejudicial interest in plans item 5a (550 Huntington Road) as he managed another house in multiple occupation (HMO) on behalf of his brother in law.

Councillor Cuthbertson declared a disclosable pecuniary interest in plans item 5i (26 Earswick Chase, Earswick) as the application was for his own property at which he was resident and joint owner of. He left the room for this application and took no part in the debate or vote on this item.

49. Minutes

Resolved: That the minutes of the meeting of the Area Planning Sub Committee held on 5 February 2015 be approved and signed by the Chair as a correct record.

50. Public Participation

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

51. Plans List

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

51a) 550 Huntington Road, York, YO32 9QA (14/02613/FUL)

Members considered a full application from Mr D Russell for a change of use from a dwelling (use Class C3) to a house of multiple occupation (HMO) (use Class C4) and a single storey extension to the rear.

Officers advised the committee that six further objections had been received. These raised concerns that the proposals would cause harm to the area through loss of vegetation and would pose a risk to the safety of children walking along the road. Concern had also been raised in relation to the boundary fencing being inadequate, and officers advised that condition 8 would be amended to require fencing around the front garden as well as around the parking area in the rear garden.

Ms Holly Firth Davies, a local resident, addressed the committee on behalf of a number of local residents. She raised the following issues:

- this was the wrong location for a HMO due to concerns over traffic, parking and general safety.
- accidents had occurred on that stretch of road which had not been reported to the police.
- this area had a strong identity as an area of family homes and the local community were fearful that introduction of an HMO would spoil the area.

Mrs Conyers, another local resident, spoke in objection to the application and raised the following concerns:

- Huntington Road was very busy and the property was located on the brow of a hill. It did not have adequate parking and on street parking would endanger road users, cause an obstruction to the cycle lane and increased the risk to children walking to school.
- Noise from cars leaving the property would impact on neighbours.
- An HMO would be detrimental to the area and the property was not maintained to a good standard.

Diane Geogheghan-Breen addressed the committee as Chair of Huntington Parish Council and raised the following points:

- the proposed extension would constitute overdevelopment of the site and five double bedrooms could potentially mean 10 residents living in the property.

- Three resident parking spaces and one visitor space was not sufficient. This would lead to on street parking raising safety concerns.
- There was a need for family homes in the area.
- There were concerns over issues with drains becoming blocked to the rear of Huntington Road, these proposals could add to the problem.

Melissa Madge, the agent, addressed the committee and responded to concerns which had been raised by previous speakers. She stated that:

- the application complied with thresholds set out in the supplementary planning documents on concentration of HMOs (with less than less than half a percentage of properties in the neighbourhood being HMOs). It would not therefore destroy the area as stated.
- the intention was to carry out full refurbishment of the property and garden.
- the property would be occupied by a maximum of five working professionals, no different to a large family.
- it would not create an additional strain on drainage network.
- There would be sufficient parking for residents. The additional parking space at front of property was at request of officers (this was originally proposed to be garden). No on-street parking would be required.
- Fencing was proposed to prevent car headlights shining into the adjacent property.

Councillor Hyman addressed the meeting as Ward Member for Huntington and New Earswick on behalf of local residents. He made the following comments:

- There was not sufficient space for a five bedroom property on the site. The property would be fundamentally changed through use as an HMO.
- Additional traffic movements would create danger to pedestrians and cyclists using Huntington Road.
- The plan to have professional people occupying the property was not enforceable.
- Visitors to property will have to park on road outside property which was on brow of hill.
- Concern that advice from highways was incorrect.

Members acknowledged the concerns raised by speakers with regard to the potential number of residents at the property but noted that the applicant had agreed to limit the number of occupants to a maximum of five and it was agreed that this be added as a condition. They noted that although the agent had advised that the tenants would be “professional people” it was impossible to restrict occupancy of HMO to certain group of people but that a management plan was due to be put in place.

With regard to concerns over road safety, while Members acknowledged that this part of Huntington Road was busy at peak times, they did not believe that cars exiting from this property would cause any greater problem than any other property on the street and felt that the parking facilities for this HMO were adequate.

Members agreed there were no serious planning grounds on which to refuse the application.

Resolved: That the application be approved subject to the conditions listed in the report and the amended and additional conditions below.

Amended condition 8

Notwithstanding the submitted details, prior to the occupation of the property as a house in multiple occupation, details of the proposed boundary fence to be erected around the front garden, parking and turning area in the rear garden and between the side access and 552 Huntington Road shall be submitted to and approved in writing by the Local Planning Authority. The house in multiple occupation shall not be occupied until the fencing has been erected within the site in accordance with the approved details, and it shall be retained and maintained as agreed.

Reason: To screen the car parking and minimise the impact of glare from vehicle headlights.

Additional Condition

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking or re-enacting that Order), the property when used as a House in

Multiple Occupation shall be occupied by a maximum of 5 residents.

Reason: So that the planning impact of any proposal to further increase the number of residents can be considered, with particular reference to parking and occupier amenity.

Reason: The number of existing HMO's in the surrounding area is well below the threshold at which it is considered there is an excessive concentration of such uses. The property would generally be considered to be one that would cause minimal impact in terms of neighbouring living conditions as it is not attached to any other residential accommodation. In addition, it is located on a wide and well used road and to the front is a bus stop. Visibility from the access of the proposed HMO is good and the parking standards within the site exceed the maximum figures set out in the Local Plan. Based on the Local Plan parking standards it is not expected that the level of vehicular comings and goings would significantly exceed that of a family dwelling or that the pressure for parking would normally force residents to park on the street.

51b) Former Car Repair Garage, to rear of 70 to 72 Huntington Road, York (14/02713/FUL)

Members considered a full application from Dimmack Brothers Limited for the variation of conditions 2 and 20 and the removal of condition 15 of permitted application 13/00349/FUL to amend approved plans to allow previously proposed integral garages to be used as habitable rooms and for the construction of four garages adjacent to the western boundary.

Members were reminded that this application had been reported at the Area Planning Sub Committee meeting on 5 February 2015 at which Members had agreed to defer the application to review the height and roof pitch of the proposed garage block.

Officers advised that the amended plan showed that the garage block had reduced in height by 200mm which had been achieved by lowering the pitch of the roof to 20 degrees (as it slopes from eaves level at the joint boundary), meaning the

ridge of the roof was 500m further from the joint boundary. This had been designed in such a way that would still allow for a slate roof covering, with a waterproof membrane underneath.

Mr Chris Nugent spoke on behalf of the applicant, in support of the application. He stressed the importance of ensuring that the full potential of the site was realised. He advised that they had taken on board the comments expressed by speakers and Members at the last meeting regarding the rear pitch height and angle of the garage roofs and had managed to reduce the rear pitch height to 20 degrees, thus reducing the ridge height and moving it further away from the boundary wall. He confirmed that this change would still enable the use of quality materials for the roof.

Members expressed their appreciation to the applicant for putting forward the proposed changes to the roof design in response to the concerns raised at the last meeting. They agreed that this was a good solution to the concerns raised in relation to the relationship of the garages with adjacent properties.

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

Reason: The amended layout and additional garages are considered to provide an acceptable relationship with the adjacent properties and therefore there is no basis to resist the application on residential amenity grounds. The new garage arrangement provides for the turning and parking of vehicles and is acceptable to Highway Network Management. It is not anticipated that the additional garages will increase the risk of flooding to adjacent properties. This minor material amendment application is considered to be acceptable.

**51c) Turpin Smithy, 83C Main Street, Fulford, York, YO10 4PN
(14/02580/FUL)**

Members considered a full application from Mack and Lawler Builders for a change of use from a coach house to a residential dwelling (Use Class C3) with a single storey extension.

Officers advised that following the site visit, they had reconsidered the materials to be used for the windows which were stated as aluminium on the submitted drawings. The applicant had now agreed that the windows would be timber framed and conservation roof lights would be used, but that the bi-fold doors in the kitchen would remain as aluminium as shown in the plan. Members acknowledged these would be hidden at the back of the site and would reflect the doors at the front of the property. These changes would require an amendment to condition 2 (Plans) to substitute drawing AL(0)01 Rev.D.

Ms Karen De Vries addressed the committee on behalf of Fulford Parish Council. She reminded the committee that development of the site had commenced without consent. She stated that the courtyard had been subject to multiple applications over the years, very little of the original site now remained and these proposals would further urbanise the courtyard and constituted overdevelopment. She also voiced concerns about the safety of vehicles exiting the site due to the narrow entrance and the limited space for parking.

The agent, Shanshan Chen, spoke in support of the application. She acknowledged the concerns expressed by the parish council but assured Members that the proposals would not impact negatively on the established character of Fulford but would secure a new use for an existing structure. She stated that officers had advised that the proposals would not have a detrimental impact on the amenity of neighbours dwellings. With regard to parking, she informed Members that the layout had been amended a number of times and was now considered to be acceptable by officers. She advised that the bat survey had been carried out correctly by a reputable company in consultation with the council's countryside officer.

Members noted the parish council's concerns regarding possible urbanisation of the site and recognised the importance of respecting the character of the area. However they noted the building had been in a very poor condition and the applicant's wish to make the best use of the site, and overall felt that this was a great improvement for nearby residents.

Resolved: That the application be approved subject to the conditions listed in the report and amended condition 2 (Plans) to show updated drawing.

Amended Condition 2

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

M5605 - AL(0)01 Rev B existing plans and elevations

M5605 - 900A proposed site layout plan

M5605 - AL(0)02 Rev D proposed plans and elevations

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

Reason: The proposal, subject to conditions would not cause undue harm to interests of acknowledged importance, with particular reference to the impact of the development on the Fulford Conservation Area, residential amenity, highways, access and parking arrangements and ecology issues relating to bats. As such the proposal complies with advice in the National Planning Policy Framework and Policies of the City of York Development Control Local Plan in as much as these policies are compatible with the National Planning Policy Framework. Consideration of the scheme has had regard to the duty under section 72 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

**51d) Carr Infant School, Ostman Road, York, YO26 5QA
(14/02927/FULM)**

Members considered a full major application by Mr Paul Beattie for the erection of a two storey school building (use class D1) with associated hard surfaced play and circulation areas and the demolition of an existing school building.

Officers advised that since the committee report had been prepared, the applicant had presented minor revisions to the landscaping and location of the proposed cycle parking areas. As a consequence Condition 2 would need to be amended to include amended plans.

Councillor Tracey Simpson-Laing, Ward Member for Acomb, addressed the committee in support of the application. She advised Members that she had been a governor at Carr Infant School for a number of years. In recent years, the head teacher had helped the school to become an excellent school with great teaching staff. However the school buildings had not originally been built to a good standard and, with the school now at capacity, it was suffering from its poor facilities.

Members agreed that the proposals for the replacement school building were much needed and offered their support for the scheme.

Resolved: That the application be approved subject to the conditions listed in the report and the amended condition below:

Amended Condition 2

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

Drawing Refs:- BDP-03(PL)AP-100; BDP-03(PL)AP-101; BDP-03(PL)AP-102; BDP-03(PL)AE-101; BDP-03(PL)AE-102; BDP-03(PL)AS-100;BDP-03(PL)AS-101; BDP-03(PL)AX-100; BDP-03(9-)-LP-001G;BDP-03(9-)-LP-003B; BDP-03(9-)-LP-004A; BDP-03(9-)-LP-005B;BDP-03(9-)-LP-006F; BDP-03(9-)-LP-007A; SK01(6); SK2; 15955-1(Rev A);15955-2(Rev A); 15955-3(Rev A); 15955-4(Rev A); BPD_06(9-)-LP_003B; BDP_C1_L(9-)101_A; BDP_C1_L(9-)102_A; L(9-)103_A; BDP_C1_L(9-)104_A; BDP_C1_L(9-)105_A; BDP_C1_L(9-)106_A; BDP_C1_L(9-)201_A.

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

Reason: Carr Infant School comprises a large single storey brick and prefabricated panel built complex dating from the 1950s. Planning permission is sought for the erection of a two storey replacement School building on land directly to the south east of the existing building. The existing school complex is in poor structural repair and not suited to modern

requirements and so the project is being undertaken under the umbrella of the Government's Priority Schools Building Programme. The proposed replacement would be erected at a significant distance from neighbouring residential property. The proposed pattern of scale and massing would reflect that of the adjacent junior school and is considered to be appropriate in respect of the visual amenity of the wider street scene.

51e) Land to the South of 26 Pottery Lane, York (14/02959/FUL)

Members considered a full application from the City of York Council for the erection of six dwellings to include an ecology park.

Officers advised that an email had been received from the agent requesting that site clearance including the removal of earthworks be excluded from the commencement of development trigger in respect of conditions 3 (Archaeology), 5 (Drainage), 6 (Cycle parking), 9 (Materials), 10 (Means of enclosure) and 11 (Landscaping scheme). Officers advised that they considered this request to be acceptable in the circumstances as it would not adversely impact on the full consideration of the details prior to building works commencing on site. The timing of the removal of trees in relation to nesting birds was covered by the Wildlife and Countryside Act 1981 and so there would be no harm in this respect.

The Council's Housing Development Manager and the architect were in attendance at the meeting in order to answer any queries from Members. In relation to concerns raised in relation to the request to exclude site clearance (including the removal of earthworks) from the commencement of development trigger in respect of condition 3 (Archaeology), officers advised the City Archaeologist was satisfied with this approach.

Resolved: That the application be approved subject to the conditions listed in the report and conditions 3 (Archaeology), 5 (Drainage), 6 (cycle parking), 9 (Materials), 10 (Means of enclosure) and 11 (Landscaping scheme) being amended to include the words "with the exception of site clearance including the removal of earthworks".

Reason: The application is considered to be acceptable in planning terms. Very special circumstances have been identified that are considered to outweigh the harm to the openness of the Green Belt. The site lies in a sustainable and accessible location and would contribute towards meeting the acute affordable housing need in the City. Whilst it would be preferable to retain the trees, their loss needs to be balanced against their condition and long term value, and the benefits offered by the replacement scheme. The impact on bats can be mitigated for by the inclusion of the ecology park. The impact on archaeology can be addressed by the requirement for further archaeological evaluation prior to construction. There is no harm to the amenity of existing and future occupants, nor to highway safety, flood risk or land contamination. The application therefore accords with national and local planning policy subject to conditions.

51f) York St John University Sports Centre, Haxby Road, York, YO31 8TA (14/02836/FULM)

Members considered a major full application (13 weeks) from York St John University for the construction of a sports hall with associated changing, teaching and social facilities following demolition of pavilion.

Officers reported that a consultation response had been received from the council's Sport and Active Leisure Team. They advised that the provision of the sports hall was supported by the city's Built Sports Facilities Strategy. The layout and dimensions of the hall were consistent with Sport England design guidance, and would provide a facility able to accommodate a wide range of sports up to regional competition standard. They noted that the level of community use was unclear and as the sports hall was to be unheated the hall was likely to be cold in winter and hot in summer. This was not consistent with Sport England's sports hall design guide which recommended a hall temperature of between 12 and 20 degrees centigrade.

Officers advised that a response had also been received from Councillor Keith Orrell advising that the additional sports facilities were welcome, however greater consideration should

be given to the impact these facilities were having, and would have in the future, on the residents of Huntington Road in Huntington. Councillor Orrell had stated that Huntington Road residents had suffered from light pollution, excessive noise and the loss of tree coverage and this application should take these concerns into consideration with conditions that would ameliorate the impact on local residents.

Officers advised that an additional condition with regard to the minimum requirement of a BREEAM assessment of “Very Good” after construction was recommended as well as an informative advising that the landscaping scheme should include the provision of six extra heavy standard trees to replace those lost as part of the development proposal

Mr Richard Hirst, Estates Manager at York St John University, addressed the committee in support of the proposals which he explained would create a central hub at the sports centre on Haxby Road. In response to concerns which had been raised about the sports hall being unheated, he advised that this was suitable to meet the needs of its proposed users and would provide a covered sports park suitable for active sport. He explained that the sports hall on Lord Mayor’s Walk was just too warm for some activities. With regard to community use, he confirmed that access would be made available where possible between the University’s commitments for sport, research and teaching.

One Member raised the issue of road safety around the junction to the site, pointing out that the entrance was on a 40mph section of the road and stating that accidents could be caused by motorists/cyclists slowing down to find the entrance to the site. He asked that consideration be given to looking at making road safety improvements on this stretch of road. Officers advised that this was outside the applicant’s control and it was agreed that the member would follow up his concerns with highway safety officers.

Members expressed their support for the proposed scheme.

Resolved: That the application be approved subject to the conditions listed in the report and the additional condition below:

Additional condition

Prior to commencement of development the developer shall submit to the local planning authority a formal pre-design BREEAM assessment for the design and procurement stages of the development. The developer shall submit a further BREEAM assessment after construction, at a time to be agreed in writing by the local planning authority. All assessments shall confirm the minimum 'Very Good' rating anticipated in the preliminary BREEAM assessment submitted with the application.

Reason: To ensure the development complies with the principles of sustainable development in accordance with the Interim Planning Statement on Sustainable Design and Construction.

Additional Informative

You are advised that the landscape scheme should include the provision of six extra heavy standard trees to replace those lost as part of the development proposal

Reason: It is considered that the proposed development is acceptable. The resultant building would be located within a sustainable location where the principle of sporting facilities has previously been established. It would be visible from outside of the site, within the open aspect, but landscaping would reduce the prominence of the development. The loss of the trees can be justified on the basis that replacement planting takes place on site. There would be little additional impact in terms of noise disturbance and highway implications were assessed as part of the original application.

51g) Bert Keech Bowling Club, Sycamore Place, York YO30 7DW (13/03727/FUL)

Members considered a full application from Mr David Brown for the erection of four 2 storey dwellings and one 3 storey dwelling.

Members were reminded that at their committee meeting on 7 August 2014, they had determined to approve the application,

subject to the completion of a unilateral undertaking, to secure contributions towards education provision and open space, and to fund a required traffic regulation order.

Members were advised that as a unilateral undertaking was yet to be completed and the decision had not yet been issued, it was now proposed to grant permission subject to a different undertaking, due to changes in national planning advice, in the National Planning Policy Guidance (NPPG). As such, Members were asked to re-determine the application with a revised recommendation requesting a contribution to fund works to alter the highway but no longer requesting a contribution towards education or open space.

Members attention was drawn to the fact that as the application site was in flood zone 3, further information with regards to the flood risk assessment and the sequential test, were contained within the report.

Philip Homes of O'Neill Associated addressed the committee in objection to the application. He read a statement prepared by Janet O'Neill, who had not been able to attend the committee. He advised the committee that the reasons for objection listed in the original report still remained valid and that there was insufficient provision of play space in the local area

Members agreed that nothing had significantly changed to when they approved the application in August 2014 and the same reasons for approving it still applied.

Resolved: That the application be approved subject to a revised Section 106 Agreement and subject to the conditions listed in the report.

Reason: The scheme would assist with housing supply in the city, which is a Government priority and there are no significant adverse effects which would conflict with planning policy. Although the site is designated as green space in the 2005 Local Plan, it has not been used in such a way for the past 5 years. The scheme has been designed to mitigate against flood risk, and there would not be undue effects upon the character and appearance of the conservation area, residential amenity and highway safety.

51h) 12 Barley View, Wigginton (14/02173/FUL)

Members considered a full application from Mr D Leeper for the erection of a detached dwelling to the side of 12 Barley View with a detached double garage and new vehicular access from Rye Cross.

Members were reminded that this application had been deferred at the meeting held on 8 January 2015 in order to investigate increasing the separation distance between the proposed property and 12 Barley View and creating access from the garage to the rear garden.

Officers advised that the parish council and all other contributors to the initial consultation had been re-consulted about the revised plans and the consultation period had expired on 3 March. Six responses had been received, all from objectors to the initial scheme, which raised no new issues except that the development represented “garden grabbing” and that building on gardens such as this, robbed the area of its green breathing space, which improved and controlled air temperature and provided a haven for wildlife.

Members commented that the boundary to the application site appeared to be slightly different to previously. In comparing the old and new drawings, officers advised that the boundary had altered slightly but this was not a material change warranting a new application.

Members agreed that the proposed changes to the distance between the existing and proposed house would reduce the degree of claustrophobia for the neighbouring property and that 12 Barley View would have a larger (although still relatively small) garden. Some Members however felt that this was still overdevelopment and would not enhance the local area.

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

Reason: The proposals as revised accord with the National Planning Policy Framework and relevant policies of the 2005 City of York Draft Local Plan and are acceptable.

**51i) 26 Earswick Chase, Earswick, York, YO32 9FY
(15/00117/FUL)**

Members considered a full application for a single storey rear extension from Mr and Mrs Cuthbertson.

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

Reason: The proposal would not be harmful to the amenity of neighbouring residents or to the character of the area. Therefore the proposal would not conflict with Local Plan policies CYGP1: Design and CYH7:Residential Extensions, and the SPD (Supplementary Planning Document) on House Extensions and Alterations.

Councillor Watson, Chair

[The meeting started at 2.00 pm and finished at 4.30 pm]

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Meeting	Area Planning Sub-Committee
Date	9 April 2015
Present	Councillors Watson (Chair), Galvin (Vice-Chair), Douglas, Cuthbertson, Hyman, Fitzpatrick, Gunnell, Looker, McIlveen, Merrett and Watt

Site	Visited by	Reason for visit
National Railway Museum, Leeman Road, York. YO26 4XD	Councillors Galvin, Watson and Watt	As the proposed development would result in harm to the setting of a listed building.

53. Declarations of Interest

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

Councillor Cuthbertson declared a personal non prejudicial interest in Agenda Item 3b) (National Railway Museum, Leeman Road, York. YO26 4XD) as a patron and trustee of York Theatre Royal. York Theatre Royal intended to use the events tent.

Councillor Fitzpatrick also declared a personal non prejudicial interest in the same item as a trustee of York Theatre Royal.

Councillor Watt declared a personal non prejudicial interest in the same item as he had recently been accepted as a volunteer miniature railway driver at the National Railway Museum.

No other interests were declared.

54. Public Participation

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme.

55. Plans List

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

55a) Royal Masonic Benevolent Institute - Connaught Court, St Oswalds Road, York YO10 4QA (13/03481/FULM)- DEFERRED

This application was withdrawn from consideration before the meeting on the advice of the Monitoring Officer, and in consultation with the Chair, as it was not considered appropriate for a decision to be made prior to the elections (during the purdah period).

55b) National Railway Museum, Leeman Road, York YO26 4XD (14/02862/FULM)

Members considered a major full application by Fiona Grimshaw for the erection of an events tent to accommodate events for a temporary period of 3 years following the removal of an elevated platform structure.

In an update to the Officer's report, Members were informed that there had been no objections received from the City Archaeologist, and that an additional condition regarding Noise Impact Assessment mitigation measures could be added to permission, if Members were minded to approve the application.

Some Members raised concerns that by granting permission on temporary basis, this might lead to a permanent request. They suggested that it might be better to amend the proposed condition 1 to remove the reference to the renewal of the permission. Officers advised that planning permission would be required to retain the event tent for longer than 3 years and any application to do so would be considered on its merits at that time. They also questioned what the tent's use would be after three years and whether it would just turn into an accessory to the museum. Other Members felt that this was immaterial.

Resolved: That the application be approved with the following additional condition;

3. The mitigation measures set out in paragraphs 5.07 and 6.01 of the Noise Impact Assessment (ref NIA/5825/15/5602/v1/NRM Events Tent received 20 March 2015) shall be in place prior to the first use of the tent and shall be retained for as long as the tent is in place.

Reason: To protect the amenity of neighbouring residents from noise from the proposed events area.

Reason: The proposed development would result in harm to the setting of the listed building, the harm should be afforded significant weight together with the desirability of preserving the building's setting, and features of special architectural or historic interest. The public benefits of the temporary relocation from the Theatre Royal (which is currently undergoing improvements) in addition to the works being reversible and its temporary nature are considered to outweigh the harm even when affording considerable importance and weight to that harm in the planning balance.

Chair's Comments

The Chair offered his thanks to Members of the Committee and Officers for all their work over the past year.

Councillor B Watson, Chair
[The meeting started at 2.00 pm and finished at 2.10 pm].

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COMMITTEE REPORT

Date: 11 June 2015 **Ward:** Fulford and Heslington
Team: Major and **Parish:** Fulford Parish Council
Commercial Team

Reference: 13/03481/FULM
Application at: Royal Masonic Benevolent Institute Connaught Court St Oswalds
Road York YO10 4QA
For: Erection of 14no. dwellings following demolition of existing bowling
clubhouse and garage block
By: RMBI and Shepherd Homes Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 7 November 2014
Recommendation: Approve

1.0 PROPOSAL

1.1 Erection of 14 detached houses on two parcels of land (Area A and Area B) within the grounds of Connaught Court care home. Ten of the houses would have 2.5 storeys; the remaining four houses would have two storeys. The houses would have 4, 5 or 6 bedrooms. All units would have integral or detached garages. An existing internal access road from St Oswald's Road would be widened and the junction improved. A bowling green on the site was recently removed. A bowling pavilion and greenhouse have recently been demolished.

1.2 The application was submitted to the Council in October 2013. On 6 February 2014 the application was deferred by the Area Sub-Committee pending amendments to the design and layout of Area A. The application as amended was returned to the Area Sub-Committee on 8 May 2014. Members resolved, in accordance with the officers' recommendation, to approve the application subject to a Section 106 agreement to secure financial contributions. The application was approved by the Area Sub Committee, and planning permission issued on 7 November 2014 following completion of a S106 agreement. On 17 November 2014 the residents' group Fulford Friends, through Mrs Mary Urmston, sent a pre-action protocol letter to the Council to give notice that they intended to challenge the grant of planning permission on the grounds that:

- The Council failed to take into account the requirement in the National Planning Policy Framework (NPPF) that development within flood zone 2 should be subject to a sequential test; and
- The Council failed in its duty under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing a conservation area; and

- That consequently the decision to grant planning permission was unlawful.

1.3 After careful consideration the Council accepted that a sequential test should have been carried out and that the statutory duty under S72 of the 1990 Act had not been properly applied in the determination of the application. These legal flaws were sufficient to make the decision unlawful. A Consent Order was agreed and the planning permission was quashed by the High Court.

1.4 The same application has therefore been remitted back to the Local Planning Authority for determination. This report applies the correct legal tests in respect of flooding and heritage issues in reaching the Officer recommendation.

RELEVANT PLANNING HISTORY

1.5 In 2007 the council refused outline planning permission for (principally) the erection of housing, extra care accommodation, an extension to the mentally frail unit, relocation of the bowling green on the site, a new access off Main Street and car parking (05/00022/OUTM). The subsequent appeal was dismissed due to impact on the character and appearance of the area, including Fulford Village Conservation Area. In the current proposal there is no access from Main Street, no replacement bowling green, the housing along the southern boundary of the site has been deleted and there are no proposals for extra care flats to the east of the existing care home. The current proposal is confined to the areas south and east of Atcherley Close.

2.0 POLICY CONTEXT

2.1 Draft (2005) Development Plan Allocation:
Conservation Area GMS Constraints: Fulford CONF
City Boundary GMS Constraints: York City Boundary 0001
DC Area Teams GMS Constraints: East Area (1) 0003
Floodzone 2 GMS Constraints: Floodzone 2
Floodzone 3 GMS Constraints: Floodzone 3

2.2 Section 38 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. (The application site is not within the Green Belt). Although there is no formally adopted local plan the City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005.

Whilst it does not form part of the statutory development plan for the purposes of s.38 its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are consistent with those in the NPPF.

2.3 The most relevant Draft (2005) Policies are:

CYGP1 Design
CYGP4A Sustainability
CYGP9 Landscaping
CGP15A Development and Flood Risk
CYNE1 Trees, woodlands, hedgerows
CYNE6 Species protected by law
CYHE2 Development in historic locations
CYHE3 Conservation Areas
CYHE10 Archaeology
CYT4 Cycle parking standards
CYED4 Developer contributions towards Educational facilities
CYL1C Provision of New Open Space in Development

2.4 Following a motion agreed at Full Council in October 2014, the Publication Draft of the York Local Plan (2014) is currently not progressing through its statutory consultation pending further consideration of the Council's housing requirements and how they should be met. The plan policies can only be afforded weight in accordance with paragraph 216 of the NPPF. At the present early stage in the statutory process such weight will be limited. However, the evidence base that underpins the proposed emerging policies is a material consideration in the determination of the planning application. The evidence base includes an assessment of housing requirements undertaken by consultants Arup (Housing Requirements in York: Evidence on Housing Requirements in York: 2014 Update, Arup, 2014), which informed the publication draft of the local plan, as approved by Cabinet in September 2014, and the Council's Site Selection Papers produced to support the emerging Local Plan (Site Selection Paper (2013) City of York Council) in respect of proposed housing allocations.

2.5 Relevant emerging policies are:

Policy DP1: York Sub Area
Policy DP2: Sustainable Development
Policy DP3: Sustainable Communities
Policy SS1: Delivering Sustainable Growth for York
Policy H1: Housing Allocations
Policy D1: Landscape and Setting
Policy D4: Conservation Areas
Policy D7: Archaeology

Policy GI5: Protection of Open Space and Playing Pitches

Policy G16: New Open Space Provision

Policy ENV4: Flood Risk

Policy ENV5: Sustainable Drainage

Policy T1: Sustainable Access

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

- 4 - Promoting sustainable transport
- 6 - Delivering a wide choice of high quality homes
- 7 – Requiring good design
- 8 – Promoting healthy communities
- 10 - Meeting the challenge of climate change, flooding and coastal change
- 11 – Conserving and enhancing the natural environment
- 12 - Conserving and enhancing the historic environment

2.7 The NPPF is the most up-to date representation of key relevant policy issues and it is against this Framework that the proposal should principally be addressed.

2.8 The essence of the Framework is the presumption in favour of sustainable development which, for decision-taking, means approving without delay development proposals that accord with the development plan. Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless: (1) any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole; or (2) specific policies in the framework indicate development should be restricted (paragraph 14). A footnote to paragraph 14 gives examples of policies where the presumption in favour of sustainable development does not apply. They include policies relating to designated heritage assets and locations at risk of flooding. Both of these policy areas are relevant to the current application. Therefore, in this case, the presumption in favour of development does not apply. Instead, the application should be judged against, among other things, policies in sections 10 and 12 of the NPPF, which are specific to these areas (flood risk and heritage assets respectively) and which are considered later in this report.

2.9 In addition to policies in the Framework to protect heritage assets the Local Planning Authority has a statutory duty under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Case law has made clear that when deciding whether harm to a Conservation Area is outweighed by the advantages of a proposed development, the decision-maker must give particular weight to desirability of avoiding such harm.

There is a “strong presumption” against the grant of planning permission in such cases. The exercise is still one of planning judgment but it must be informed by that need to give special weight to maintaining the Conservation Area (E.Northants DC v Secretary of State for Communities and Local Government [2014] EWCA Civ137). This means that even where harm is less than substantial (as in this application), such harm must still be afforded considerable importance and weight, i.e. the fact of harm to the Conservation Area is still to be given more weight than if it were simply a factor to be taken into account along with all other material considerations. The local planning authority has a further statutory duty under s.66 of the same Act to have special regard to the desirability of preserve the setting of listed buildings. These duties are considered later in this report.

2.10 As this is an application for housing development, paragraph 49 of the NPPF applies. It states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. However, the NPPF must be considered as a whole, and in this case, the proposal involves heritage assets and flood risk and therefore the presumption in favour of sustainable development set out at paragraph 14 does not apply. Instead more restrictive policies apply set out in Chapter 10 and 12 of the NPPF.

3.0 CONSULTATIONS

INTERNAL

Highway Network Management

3.1 No objections subject to standard conditions and submission of a construction method of works statement.

Environmental Protection Unit

3.2 Add conditions re: unsuspected contamination, gas emissions from landfill sites, electrical recharging and hours of construction.

Design, Conservation and Sustainable Development (Landscape)

3.3 The building line of properties within Area A is just outside of the recommended root protection area (RPA) of the protected trees located along St. Oswalds Road, however construction operations such as scaffolding and excavations for footings would be within the RPA. The submitted tree protection method statement should be adhered to. Pear trees of the stature of T294, which would be lost, are no longer commonplace so it would be preferable to retain this tree. New tree planting is suggested in the front gardens along the entrance into the site. The planting proposals are fine and include a number of additional trees along the boundary with Area B.

Design, Conservation and Sustainable Development (Conservation)

3.4 The vehicular areas at plots 3 and 4 (Area A) are extensive and prevent the houses being moved further from the trees along St Oswald's Road. Nevertheless the impact on the conservation area is acceptable. The 2 ½ storey gable wall of the house at plot 9 (Area B) would have a rather overbearing impact on the occupiers of No. 26 Atcherley Close. The council's pre-application advice/guidance to the applicant has been consistent in requesting lower massing in this location. Details of the verge to St Oswald's Road and the proposed gates in the existing railings should be made conditions of approval.

Design, Conservation and Sustainable Development (Countryside)

3.5 The development is unlikely to have any significant impact on Fulford Ings SSSI. The main habitats on the application site to be affected by the development are amenity grassland with standard trees, species-poor hedgerow, areas of tall ruderal and two buildings. The buildings that have been demolished (a bowling pavilion and garage block) were assessed as having low or negligible potential to support roosting bats. External daytime inspections and evening emergence surveys found no evidence of roosting bats. All of the trees identified for removal have negligible potential to support roosting bats. Fulford Ings and the adjoining habitats along the River Ouse provide excellent foraging habitat for bats and therefore the loss of these habitats on the site would not significantly impact on bats within the wider area. The grassland, hedgerows and ruderal are of low value; their impact would not be significant.

Communities, Culture and the Public Realm

3.6 As there is no on-site open space commuted sums should be paid to the Council towards off-site provision of amenity open space, play space and sports pitches. Play and amenity open space payments will go toward facilities in Fulford Parish, sports pitch payments will be used within the south zone of the Sport and Active Leisure Strategy. The contribution is to be based on the latest York formula through a Section 106 Agreement. A contribution should also be paid for replacement open space due to the permanent loss of open space at Connaught Court. The contribution should be put towards the improvement of bowling facilities at Scarcroft Green. The investments reflect needs identified by existing and relocated bowlers.

Forward Planning

3.7 In terms of the Council's 5 year housing land the issue is complicated given the current status of the emerging Local Plan and the very recent release of the Department for Communities and Local Government (DCLG) household projections. The Council does not have an NPPF compliant five year housing supply unless the proposed housing sites within the present general extent of the green belt are included. Such sites cannot be included until the defined boundaries of the Green Belt have been identified through the Local Plan process.

Consequently, until the Plan is progressed further, an NPPF compliant 5 year supply cannot be demonstrated. The site at Connaught Court is included as a draft housing allocation within the Publication Draft Local Plan (2014) - Site H47 and therefore is included and required as part of the five year housing supply. It is not within the general extent of the York Green Belt.

3.8 There is a possibility given the current position in terms of the housing demand figure for the Local Plan that the position in relation to the housing supply may change when the Local Plan recommences its passage to adoption.

3.9 In terms of flood risk, as the site is a draft housing allocation within the emerging local plan document (Publication Draft 2014) A level of assessment against flood risk has already been undertaken through the site selection methodology in line with the requirements set out in York's SFRA as outlined as necessary by the NPPF. This site selection methodology is explained further in a later section (Para 4.12) but involves the exclusion of any land within flood zone 3b or greenfield land within flood zone 3a from development. It also applies a net to gross ratio to sites to allow for areas of flood zone 2 to be used as amenity land rather than part of the development.

3.10 The emerging planning policy in relation to flood risk (ENV4) states that new development shall not be subject to unacceptable flood risk and shall be designed and constructed in such a way that it mitigates against current and future flood events.

3.11 This emerging policy recommends that an assessment of whether there will be increased flood risk either locally or within the wider catchment is undertaken. It also asks that the vulnerability of any development be assessed in line with the SFRA to deem what is and isn't appropriate development on areas at risk of flooding. It states that development will be permitted should the authority be satisfied that any flood risk within the catchment will be successfully managed (through the management and maintenance plan for the lifetime of the development) and there are details of proposed necessary mitigation measures subject to a flood risk assessment being submitted. A further flood risk assessment should also be submitted which takes account of the potential effects of climate change. Areas of greater risk of flooding may be utilised for appropriate green infrastructure spaces.

3.12 The NPPF paragraph 103 asks that development be situated in areas of the site with the lowest flood risk and ensure that they are appropriately flood resilient, allow safe access and escape routes and give priority to the use of sustainable drainage systems.

3.13 In terms of Placemaking and Design there are a number of emerging policies which are relevant to this application including policy D1 landscape and setting, policy D2 placemaking, policy D4 conservation areas and policy D5 listed buildings.

3.14 The most relevant is policy D4 as the site lies entirely within a conservation area and close to another. This policy asks that proposals leave qualities intrinsic to the wider context unchanged, and respect important views and that they are also accompanied by an appropriate evidence based assessment to ensure the impacts of the development are clearly understood. Proposals will be supported where the new use would not significantly harm the special qualities and significance of the place. This level of harm would need to be assessed by the council's relevant Landscape/Heritage and Conservation officers.

3.15 As the site includes a designated Local Green Infrastructure Corridor for wildlife it is important for the site to have open space and garden land to allow for the migration of wildlife through the site. This will be helped by keeping the land to the south of the site open in line with the comments received through the site selection/further sites consultation process. The need to keep this land open in terms of the connection between Fulford Road and Fulford Ings is also addressed in the further sites consultation emerging evidence base document in terms of its landscape value.

EXTERNAL

York Natural Environment Panel

3.16 The Panel are glad to see the retention of an open corridor along the southern aspect of the site leading from Main Street down to the Ings. The proposals are contrary to policy GP10, converting what is essentially garden space into building land. The proposals represent a loss of green land when the priority should be for the development of brownfield sites, of which York has a significant provision. There is concern that the build line extends closer to the flood plain, an extent which is likely to expand over time given climate change and the associated increase in flooding incidence.

Police Architectural Liaison

3.17 No concerns or issues.

Natural England

3.18 Does not wish to comment on the details of the application as it does not pose any likely or significant risk to those features of the natural environment for which we would otherwise respond.

Ouse & Derwent Internal Drainage Board

3.19 No objections.

Environment Agency

3.20 No objections subject to conditions requiring adherence to the submitted flood risk assessment, submission of drainage details (including attenuation) and no erection of structures within flood zone 3.

Conservation Area Advisory Panel

3.21 No objection. The panel commends this much improved scheme.

Historic England (formerly English Heritage)

3.22 No comments.

Fulford Parish Council

3.23 Objection on the following grounds:

- The principle of development on the site.
- The proposed housing would have a detrimental effect on Fulford Village Conservation Area, Fulford Road Conservation Area and the parkland setting.
- The s.106 contributions and housing need are not public benefits that outweigh the harm to heritage assets.
- It is not appropriate to build in flood zone 2 and raise gardens in flood zone 3 when other areas are available.
- Allocation as a housing site should be re-evaluated.
- The appearance of the verge would be further changed by the proposed footpaths crossing it.
- The position of houses 1, 3 and 4 forward of the building line formed by Sir John Hunt Homes would harm both conservation areas.
- Houses 1, 2 and 3 are too close to prominent trees that contribute positively to the character of the conservation area.
- The setting of The Cottage, which is a listed building, would be harmed because the house at plot 3 would have an overbearing effect, due to its location and size.
- Several protected trees would be lost
- Several houses within area B are partly in flood zone 2. Sequential testing should be applied to this [Officers' response - A sequential test has since been applied].
- Raising the level of private gardens would obstruct the floodplain, contrary to guidance.
- The houses at plots 10-14 (Area B) would be very conspicuous from the Ings, which is in the green belt
- No affordable homes are provided, contrary to local planning guidance.
- The submitted bat survey is deficient.
- The proposed site is immediately adjacent to Fulford Ings, an Site of Special Scientific Interest (SSSI). The local authority should ensure that it fully understands the impact of the proposal on the local wildlife site, before it determines the application.

- EIA regulations apply to the development site and an EIA should be carried out.
- The site is not allocated for housing in the consultation draft of the local plan.

Fulford Friends

3.24 Objection on the following grounds:

- Substantial harm to Fulford Village Conservation Area, to the setting of Fulford Road Conservation Area and to the historic character and setting of the City.
- The harm to heritage assets is not outweighed by the public benefits of the scheme.
- The iron railings and the verge contribute greatly to the rural character of the conservation area.
- The application should not include the line of trees or any part of the public verge within the curtilage of the new dwellings [Officers' response - The trees and railings will now remain outside the curtilage of the houses].
- Impact on the setting of the listed cottage.
- The number and height of dwellings at Area B should be reduced to minimise the impact on the local and wider environment.
- The sequential test has not been properly applied to these areas [Officers' response - The sequential test has since been applied].
- Loss of important trees/hedges, especially T294, T298 and T299, which have high amenity/wildlife value and contribute to the conservation area.
- Long-term risk to the trees along the St Oswald's Road frontage.
- Impact on bats should be fully assessed before any planning decision is taken.
- The need for the development does not outweigh the loss of the bowling green, which is a local community asset.
- The scale of development is just below that which would require the provision of affordable housing.
- The site should be treated as greenfield land not brownfield.
- The application should not be determined without a response from Yorkshire Water.
- The site should be fully assessed for allocation in the Draft Local Plan.
- The impact of the proposals on public views from or into the conservation area, particularly from the green belt, has not been taken into account.

Trustees for Sir John Hunt Memorial Homes

3.25 No objection providing the boundary trees are not adversely affected and that the distance of the nearest house to our mutual boundary is not reduced, nor the house developed with rooms in the roof space. This support is subject to the Highways Department confirming that there would be no noticeable increase in traffic flows that could not be accommodated within the existing highway network.

Public Consultation

3.26 The initial public consultation period expired on 30 December 2013. A second public consultation exercise was carried out in March/April 2014 following submission by the applicant of revised plans. The public were consulted again following receipt of additional information after the planning permission had been quashed by the High Court. In total, representations have been received from 17 objectors raising the following issues:

- Overdevelopment.
- Impact on the conservation areas.
- Out of keeping with character of the area.
- Increase in traffic.
- Inadequate access.
- Traffic calming required.
- Verge should be kept to prevent kerbside parking in St Oswald's Road.
- Would exacerbate parking problems in St Oswald's Road.
- Loss of attractive open parkland.
- Loss of trees.
- Loss of open views from the river.
- Removal of railings.
- Bowling green should be retained as a community facility.
- There is no oversupply of bowling greens.
- Impact on the adjacent SSSI.
- Increase in flood risk.
- Impact of house 4 on the listed cottage.
- The temporary construction road is unnecessary and would damage protected trees.
- Insufficient mix of housing types.
- Overshadowing and overbearing.
- EIA needed.

4.0 APPRAISAL

4.1 MAIN ISSUES

Principle of Development for Housing

Trees and the Parkland Setting

Heritage

Recreation and Open Space

Highways Issues

Flood Risk and Drainage

Neighbour Amenity

Education Provision

Bio-Diversity
Archaeology
Affordable Housing
Environmental Impact Assessment

CONNAUGHT COURT AND THE APPLICATION SITE

4.2 Connaught Court is a 90-bed care home (4.86ha) in a parkland setting, which includes trees protected by Tree Protection Orders (TPO). The site lies between Main Street, St. Oswald's Road, Atcherley Close, Fulford Park and Fulford Ings. The main vehicular access is from St. Oswald's Road. The site is dominated by a large 2 and 3 storey care home, with associated smaller buildings and dwellings grouped around it. The buildings are mainly grouped towards St. Oswald's Road and Atcherley Close. Most of the remainder of the site is private open space and includes a bowling green. The site contains large number of protected trees, in particular near Main Street.

4.3 The whole of the site lies within the settlement limit of York. The land is mainly flat except at the south-western corner where it falls steeply down towards Fulford Ings and the River Ouse beyond. This part of the site lies in flood zones 3a and 3b (functional flood plain). The whole of the site is in Fulford Conservation Area and abuts, to the north, Fulford Road Conservation Area. The land at Fulford Ings, to the south west (outside the application site) is in an SSSI and the green belt.

4.4 The two parcels of land mainly comprise the current application total 1.28ha of private open space and lie to the east (Area A) and south (Area B) of Atcherley Close. The site area is significantly less than half of the site area of the previous application, which included land to the south and east of the care home buildings.

PRINCIPLE OF DEVELOPMENT FOR HOUSING

4.5 The National Planning Policy Framework requires local planning authorities to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. The application site is in a sustainable location within the settlement limit of York and with good access to public transport and local services.

4.6 In terms of the Council's 5 year housing land supply, the issue is complicated given the current status of the emerging Local Plan and the uncertainty surrounding the Communities and Local Government (CLG) household projections.

4.7 The Publication Draft Local Plan as approved by Cabinet on 25/9/14 put forward the following position in terms of the Local Plan housing requirement drawing on evidence from the ARUP report published as evidence base.

The Publication Draft Local Plan housing requirement was made up of the following components:

- A trend based assessment of household growth to support the Plan's economic ambition of 870;
- Further provision to address the backlog from previous under delivery of 126 dwellings per annum (calculated on a base date of 2004 - RSS start date)
- This equates to an annual housing requirement of 996 dwellings per annum or a total plan requirement of 15,936 dwellings (1 April 2014 to 31 March 2030);
- The application of a 20% buffer for years 1-6 of the Plan. This equates to an additional supply requirement of 174 dwellings per annum for year 1-6 of the Plan.

4.8 This means that the residual annual requirement for years 1-6 of the Plan is 1,170 per annum. The housing supply against this position (based on the Publication Draft Local Plan) is 4,880 dwellings (excluding draft allocations within the draft Green Belt). This equates to a 4.2 year supply, or an undersupply of 969 dwellings/0.8 years in the 5 year supply as correct at the time of the Publication Draft in September 2014.

4.9 The 2012 based household projections were released from CLG (Communities and Local Government) on 27 February 2015. These projections present the latest national statistics on the projected number of households in England and its local authority districts up to 2037. The figures in this release are based upon the 2012-based sub-national population projections, published by the Office for National Statistics (ONS) in May 2014. They replace the 2011-based interim household projections released in April 2013 and will become the starting point for Local Authorities for their calculation of housing requirements for the Objective Assessment of Housing Need (OAHN).

4.10 It should be noted that these household projections effectively provide the demographic starting point for the assessment of housing need. In line with national planning practice guidance an Inspector at examination will expect local authorities when looking at their housing requirement figure to also consider the impact of economic growth and backlog (i.e. under supply in previous years). Work is ongoing on a revised OAHN to incorporate the updated CLG household projections and this will be reported to Members in due course.

4.11 There is a possibility given the current position in terms of the housing demand figure for the Local Plan set out above that the position in relation to the housing supply may also change when the Local Plan recommences its passage to adoption. This response should be seen only in the context of the present application and in the light of the most recently published evidence.

4.12 The proposed site at Connaught Court forms part of the Council's five year supply (draft housing allocation Site H47) and the site assessment is contained within the Council's Site Selection Paper published as evidence base to support the Publication Draft Local Plan in September 2014 (Further Sites Consultation (2014) and Site Selection Addendum (2014) City of York Council). The site is considered to be suitable, available and achievable in accordance with the requirements of NPPF.

4.13 The methodology used to determine the suitability of sites for allocation in the emerging draft Local Plan was set out in the Site Selection Paper (2013) and subsequent addendums (Further Sites Consultation (2014) and Site Selection Addendum (2014) City of York Council). These set out a 4-stage criteria methodology to sieve out sites which did not accord with the criteria. The chosen criteria are based upon the spatial principles for York as set out in the Spatial Strategy in the draft Local Plan. The assessment criteria included:

Criteria 1: Environmental Assets

- Historic Character and setting (The Approach to Green Belt Appraisal, City of York Council, 2003 and Historic Character and Setting Technical Papers 2011 and 2013),
- Regional green corridors (The Local Plan Evidence Base Study: Open Space and Green Infrastructure, Amec (2014)
- Nature conservation sites (City of York Biodiversity Audit, City of York Council (2013),
- Ancient woodland (The Local Plan Evidence Base Study: Open Space and Green Infrastructure, Amec (2014) and
- High flood risk (flood zone 3b)) (City of York Council Strategic Flood Risk Assessment, Revision 2 (2013)

Criteria 2: Existing openspace;

Criteria 3: Greenfield sites in high flood risk (Flood zone 3a);

Criteria 4a: Access to services; and

Criteria 4b: Access to transport.

4.14 Criteria 4 used defined distances to determine access to the facilities and transport services. A minimum scoring threshold was used to sieve out sites with poor accessibility to ensure that there was sustainable access from these sites to aid the creation of a sustainable community. It was also acknowledged that sites over 100 hectares would be required to provide facilities sufficient to make a new sustainable community. In addition to the criteria assessment the sites were also subject to a Technical Officer Group made up of experts from around the Council who provided more site specific advice on the site. Where officers identified showstoppers for development, these sites were discounted from the list of suitable sites.

4.15 In terms of the application site at Connaught Court (Site 298/H47), it is included as a housing allocation subject to there being no built development within (a) with the strategic open space identified within the further sites consultation appendices document which includes areas of flood zone 3 and allows for a buffer to the regional green corridor of the Ouse (b) the open landscape corridor to the south of the site preserving views and biodiversity routes between Main Street and Fulford Ings. The planning application is in accordance with this draft allocation.

4.16 The site assessment in the Site Selection Paper published to support the emerging Local Plan included a detailed technical officer assessment. This assessment of the remaining developable area concluded that the site was considered suitable for development. The publication draft of the York Local Plan is currently not progressing through its statutory consultation pending further consideration of the Council's housing requirement and how it should meet those requirements.

4.17 The Council considers the site to be previously-developed land on the basis that Connaught Court has the character of a residential institution (Use class C2 of the Use Classes Order). Class C2 includes such uses as hospitals, nursing homes and residential schools. The applicant and Fulford Friends on the other hand consider that the application site should be treated as part of the residential garden of the care home. The National Planning Policy Framework defines "Previously Developed Land" within the Glossary, and the definition is clear that not all curtilage land should necessarily be treated as previously developed land. Furthermore the Framework requires local planning authorities to consider policies to resist inappropriate development of residential gardens in any event, for example where development would cause harm to the local area. The exclusion of private gardens from the definition of previously developed land was introduced in 2010 to prevent local authorities feeling forced to grant planning permission for unwanted development on garden land simply to reach the government's target for development on brownfield sites.

4.18 Whatever the designation of the land, it is immaterial in this case and does not change officers' consideration of the site's suitability for housing development. The removal of residential gardens from the definition of previously developed land in the NPPF Glossary has not introduced a general presumption against the development of gardens. It merely removes this as a positive factor in determining such applications. Local Planning Authorities are still expected to seek the efficient use of land, which focuses new residential development on sites in sustainable locations, such as Connaught Court. Any scheme still has to be judged against the impact on the character of an area, the impact on adjacent residents and any other material considerations. In this particular case, the change in the definition of previously developed land (which was introduced since the 2005 planning application) does not change officers' opinion that the principle of the use of the site for housing is acceptable.

4.19 All of the houses comprising the application have 5-6 bedrooms, which are larger than is typical for a housing development. In this case the development of a relatively-small number of large houses is preferable to a greater number of more varied houses because it would have less impact on the conservation areas, particularly the site's parkland setting.

TREES AND THE PARKLAND SETTING

4.20 The National Planning Policy Framework states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland unless the need for, and benefits of the development in that location clearly outweigh the loss (paragraph 118).

4.21 One of the key attributes of the care home's setting is the open swathe of parkland between Main Street and Fulford Ings. It helps to preserve the distinction between Fulford Village and the city suburbs. Unlike the 2005 planning application for Connaught Court, this part of the care home site would be left undeveloped. It does not form part of the current application.

4.22 The second key attribute of the parkland setting is the proliferation of mature trees of high amenity value. Most of these trees are at the eastern end of the Connaught Court site, near Main Street. This area is outside the application site. None of the trees in this part of the parkland setting would be affected by the application.

4.23 The application site does contain some attractive, mature trees, notably along the highway frontage facing St Oswalds Road. Whilst all of these frontage trees would abut plots 1, 3 and 4 of Area A they would all be retained. The application as first submitted had the three houses encroaching into the root protection area of these trees. Construction is likely to have caused them unacceptable damage. Furthermore, such close proximity of trees to houses frequently results in pressure on the local planning authority, from the occupiers of the houses, to agree to the trees' removal. Prior to the February 2014 committee revised plans were submitted showing the houses 2.5m further from the trees. This is the minimum distance that would be acceptable without resulting in damage to the trees. Nevertheless the trees would still have to be properly protected during construction. A condition should be attached requiring adherence to the submitted construction method statement, including details of tree protection.

4.24 The applicant initially included a temporary construction access road between two of the trees for use whilst the existing access road into the site was being widened and improved. The proposed construction route has since been amended to avoid having to pass between the trees.

As now proposed it would enter the site through the front gate before following a new alignment parallel to the internal access road.

4.25 Eight other trees and four sections of hedgerow would need to be removed, mainly along the perimeter of the bowling green. None of the trees are classed as aged or veteran, as described in the National Planning Policy Framework. Most of the nine trees are category C, of 'minor value'. The remaining two trees are category B, of 'moderate value'. The loss of trees would be compensated for by landscaping, including 60 replacement trees.

4.26 The layout as initially submitted included the loss of a further category C tree, a Pear, close to the private road through the site. The alterations to the layout since the application was deferred have enabled the tree to be retained, which is welcomed.

IMPACT ON HERITAGE ASSETS

4.27 The whole of the site is within Fulford Village Conservation Area and abuts the curtilage of The Cottage, a grade II listed building. Immediately to the north of the application site (but entirely outside it) is Fulford Road Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, referred to earlier in this report, imposes a statutory duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Section 66 of the same Act requires that in determining planning applications for development which would affect a listed building or its setting the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4.28 The Courts have held that when a Local Planning Authority finds that a proposed development would harm a heritage asset the Authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the Act. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted. The current application must be judged on this basis.

4.29 In the NPPF listed buildings and conservation areas are classed as 'designated heritage assets'. When considering the impact of proposed development on such assets local authorities should give great weight to the asset's conservation. Any harm or loss should require clear and convincing justification (paragraph 132).

4.30 The Fulford Village Conservation Area Appraisal states that '20th Century development within the park has still left significant large areas of open space, including some fine mature trees and a margin of parkland between Main Street and

Fulford Ings which helps to preserve the distinction between Fulford Village and the city suburbs and the open space which encircles the settlement'. Any proposals for the eastern end of Connaught Court would be likely to have a significant impact on the character and appearance of the conservation area. However, the current application does not include this part of the conservation area, which lies to the east of the main care home buildings. Nor would the proposed houses be visible from Main Street. Furthermore, when viewed from Main Street the application would maintain the functional and visual gap between Fulford village and the city suburbs. The development would cause some harm to Fulford Village Conservation Area by allowing built development where there is currently very little, thereby affecting the openness of the overall site; however the landscape character of the boundaries would be preserved and the relative density of the new development would be low. The houses at Area A would inhibit views into the site from St Oswalds Road but generous spaces between the buildings would allow some views through and the line of mature trees forming the historic boundary would be preserved. Although the houses at Area B would be partially visible from Fulford Ings they would be seen against a backdrop of the main care home buildings, which are taller than the proposed houses and set at a higher level. The harm is assessed as minor but in these circumstances the council's statutory duty under s.72 gives rise to a strong presumption against planning permission being granted, and considerable importance and weight must be given to the harm, despite it being minor.

4.31 None of the application site lies within Fulford Road Conservation Area (the boundary runs along the centre line of St Oswald's Road) but plots 1, 2 and 3 would abut St Oswald's Road. The conservation area appraisal describes St Oswald's Road as a spacious and quiet residential cul-de-sac with a very strong sense of identity, quite different in character to anything else in the area. It goes on to say that the street has considerable townscape and architectural interest and that most of the houses bordering the site are of positive value to the area. The three proposed houses along the St Oswalds Road highway frontage would cause some harm to the setting of the conservation area by increasing the amount of development along the south side of St Oswalds Road and reducing the openness, at this point, between the two conservation areas. However, the houses would be set well back from the highway boundary and the line of mature trees along the boundary would be retained. All three houses would have a traditional design - two storeys high with brick walls, pitched roofs, traditional detailing and front gardens. The setting to the Conservation Area is therefore assessed as minor.

4.32 Area A abuts the curtilage of The Cottage, a grade II listed building. The building lies adjacent to St Oswald's Road. Since submission of the application the house at plot 3 has been moved 2m further away from the curtilage of the listed cottage (from 3.5m to 5.5m). The house at plot 3 would be set back behind the frontage of the listed building by approximately 11m which, together with the increased separation distance, and the intervening 2m-high boundary wall, the proposed position would be sufficient to prevent any significant impact on the setting

of the listed building. Any harm to the setting of the listed building is assessed as minor but the statutory duty under s.66 gives rise to a strong presumption against planning permission being granted. Any harm must be given considerable importance and weight in the planning balance, even where it is minor.

4.33 Whilst harm to heritage assets is assessed as being minor, such harm has been afforded considerable importance and weight in the overall planning balance.

RECREATION AND OPEN SPACE

4.34 The application requires a contribution of £48,856 towards open space in accordance with policy L1c of the local plan. Such contributions are calculated on the basis of each new dwelling approved. The applicant has agreed to make the contribution and is in the process of submitting a unilateral undertaking to that effect.

4.35 The application proposal would require an existing, but unused, bowling green at Connaught Court to be built over. Paragraph 74 of the National Planning Policy Framework allows existing open space to be built on where the land is surplus to requirements or would be replaced by equivalent or better provision or the development is for alternative sports and recreational provision that clearly outweighs the loss. The Connaught Court bowling green was constructed in the 1970s and was in regular use by care home members. More recently it was used by Connaught Court Bowling Club, which had a wider membership. The green has never been open to the public. For the past few years membership has been in decline so the green was opened to other clubs. Usage continued to decline so the green was closed at the end of 2012. By that time the green was in very poor condition. The council's Leisure officers acknowledge that demand for bowling is in general decline and that there is now an oversupply of bowling greens in the York area. However, there is not a surplus of open space per se. Accordingly the permanent closure of the Connaught Court green would be contrary to paragraph 74 of the National Planning Policy Framework unless it were to be replaced by equivalent or better provision of open space elsewhere. To this end the applicant has agreed to pay the council £19,381, in addition to the contribution required under policy L1c. Both open space payments have already been secured in a completed section 106 agreement.

4.36 Despite the general decline in the demand for bowling there is still a need for high quality facilities for the City's remaining bowling clubs. The council's Leisure officers consider that the best way of catering for this need is to improve existing bowling facilities at strategic locations throughout the city. The £19,381 paid by the applicant for the loss of open space at Connaught Court will therefore be used to improve the existing bowling green at Scarcroft Green.

HIGHWAYS ISSUES

4.37 Access to the site would be via the existing access from St Oswalds Road. The care home's internal access road would be improved and widened as part of the proposals. Based upon experience of other sites around the city the level of development proposed can be expected to generate in the region of nine vehicle movements during the AM/PM peak network periods. This level of traffic would not have a material impact on the operation of the highway network and could be accommodated by adjacent junctions without detriment to the free flow of traffic or highway safety. The internal layout proposed is capable of being adopted as publicly maintainable highway and would provide turning facilities for servicing traffic. Car parking would be provided within the curtilage of each dwelling and it is not anticipated that the development would lead to a displacement of parking onto the adjacent highway. Sufficient areas exist within the internal layout to accommodate visitors/casual callers.

4.38 The accessible location of the site would encourage the use of sustainable modes of transport. Fulford Road is serviced by regular bus services to the city centre, and the area is well served by cycle routes along Fulford Road and both sides of the river.

FLOOD RISK AND DRAINAGE

4.39 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). Local plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk by, among other things, applying the sequential test (paragraph 100). The aim of the sequential test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. A sequential approach should be used in areas known to be at risk from any form of flooding (paragraph 101). When determining planning applications local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment (FRA), and following the sequential test, it can be demonstrated that within the site the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location and development is appropriately flood resilient and resistant (paragraph 103). This is the planning policy context within which the application should be judged.

4.40 In the Framework and its associated National Planning Policy Guidance sites in flood zone 2 and 3 are classed as 'areas at risk of flooding'.

Zone 2 has a 'medium probability' of flooding; Zone 3(a) has a 'high probability' while zone 3(b) is functional flood plain. Development should not be permitted in zones 2 or 3 if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. Of the 14 houses proposed 11 are in flood zone 1 and parts of the remaining three are in zone 2. There would be no houses in zone 3. Most of the gardens are entirely in flood zone 1. Of the remainder all usable areas of garden fall within zones 1 and 2.

4.41 Environment Agency guidance advises that the geographic area of search over which the sequential test is to be applied will usually be the whole of the local planning authority area. Approximately 800 parcels of land have been considered through the Site Selection process following the Call for Sites process undertaken in 2012. These sites have all been assessed through the Site Selection Methodology and those that are considered suitable, available and deliverable, as required by NPPF, have been included as draft allocations within the emerging Local Plan.

4.42 In line with the spatial strategy of the Local Plan areas of high flood risk (flood zone 3b and Greenfield land within zone 3a) have been excluded from consideration or the developable area reduced to exclude this area of land as part of the site selection criteria. Technical officer comments have also been gathered for all sites through the process including comments relating to flood risk and drainage.

4.43 There is insufficient land with a lower risk of flooding (i.e. zone 1) than this site that also meets the other tests (i.e. suitable, available and deliverable) when assessed against the Site Selection methodology to meet the identified housing requirement for years 1-5 of the Plan. As described earlier in this report the Council acknowledges that it does not have a NPPF-compliant 5-year supply of land. In the absence of a 5-year supply, whilst there may be other sites that are at lower risk of flooding, there are not enough such sites to address the 5-year supply. The site at Connaught Court is required in order to meet that supply.

4.44 A retaining wall would be built along the general alignment of zone 3a and would separate the occupiers' main amenity area from their garden land in zone 3. The alignment of the proposed retaining wall, which would be straight for most of its length, does not follow exactly the zone 3 alignment. Nevertheless the variations (between the wall alignment and the zone 3 boundary) would balance and have been agreed with the Environment Agency and the council's flood risk officers.

4.45 The applicant proposes that a planning condition be attached to the planning consent preventing the construction of any structures beyond this line (i.e. in zones 3a or 3b) other than the proposed post and rail boundary fencing. Further conditions of approval should be attached to control finished floor levels of all the houses in Area B and to require fencing details to be submitted for approval.

4.46 Surface water run-off would be to the river Ouse via existing connections. The discharge rate would be attenuated to the Greenfield rate of 5l/s as agreed with the Environment Agency and the internal drainage board. The proposals reduce the surface water run-off by 30 percent (in accordance with the council's Strategic Flood Risk Assessment) and provide further betterment by storing more water underground than required and applying further restrictions to its discharge. Levels across the site would be laid out to allow any flood water to flow away from buildings. The minimum level for roads, paths and escape routes would be at, or above current site levels. Most of the development is in flood zone 1. Permitted development rights would be removed for development in flood zones 3a and 3b. In summary, the whole of Area A and the houses at Area B are not at significant risk of flooding. There remains a risk of flooding to the undeveloped, low-lying garden areas of Area B but this residual risk would be managed by the mitigation measures outlined above. Bearing in mind that there are insufficient suitable and reasonably available sites in York to provide a 5-year housing supply and that the proposal includes appropriate flood mitigation measures officers consider that the development satisfies the sequential test and is acceptable in terms of flood risk. Details should be made a condition of approval.

4.47 Officers accept that the part of the site that is in zone 2 could be avoided by locating all 14 houses entirely within zone 1. Such a scheme is not before the council. Moreover, such a scheme would be likely to result in a more cramped form of development that would be out of keeping with the character of the conservation area and provide a lower level of amenity for the occupiers. An alternative would be to avoid zone 2 by building fewer houses. Again, such a scheme is not before the council. It would also provide York with fewer much-needed houses. Neither of these options are necessary bearing in mind that the current scheme includes appropriate flood mitigation measures and is acceptable in terms of flood risk.

4.48 The Environment Agency (EA) was consulted at the pre-application stage and the layout modified to reflect discussions between the EA, applicant and local planning authority. The application as submitted was accompanied by a flood risk assessment (FRA) and had a housing layout that reflected those discussions. The EA was consulted on the application as initially submitted and had no objection to the application. Since the planning permission was quashed the applicant has submitted a revised FRA and a sequential test report. The EA and the IDB have been reconsulted and have no objections to the application.

4.49 Fulford Friends argue that the application should not be determined without the council first having received a response from Yorkshire Water because the drainage of the site is partly within the functional floodplain. In response, Yorkshire Water has no role in the surface water drainage of the site.

NEIGHBOUR AMENITY

4.50 The development of Area A is unlikely to have any significant impact on neighbouring occupiers. The houses in Area B would lie behind houses in Atcherley Close, i.e. nos 11 and 26. Whilst the proposed houses would have two main storeys, additional floorspace would be provided in the roof space, lit by rooflights. Separation distances meet and exceed all normal requirements in relation to distances between habitable room windows, and distances between rear and gable elevations. In response to concern about overbearing raised by residents the house at plot 9 has been moved 6m from the site boundary. The separation distance between the gable wall of the proposed house at plot 9 and the main elevation of the nearest existing house (No.26 Atcherley Close) is now 20.7m. A proposed sewer would run under the 6m strip, requiring an easement which would prevent construction within it - as long as the sewer, as built, follows this alignment. In case it does not, officers recommended that a condition be attached removing permitted development rights in this area.

4.51 There would be no build up of existing ground levels and no significant overshadowing of rear gardens or dwellings.

EDUCATION PROVISION

4.52 The development would generate the need for four additional places at St Oswald's Junior School and two additional places at Fulford Secondary School. These schools are currently at capacity. Financial contributions totalling £84,053 would therefore be required under policy ED4 of the 2005 local plan. The contribution has already been secured in a completed section 106 agreement.

BIO-DIVERSITY

4.53 The NPPF states that when determining planning applications local planning authorities should aim to conserve and enhance biodiversity. 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.

4.54 Fulford Ings Site of Special Scientific Interest (SSSI) is approximately 55m to the south-west of the site at its closet point. Assessed using Natural England's Risk Impact Zones, the development is unlikely to have any significant impact on Fulford Ings SSSI. There are no comparable habitats within the development site, the loss of which could have an indirect impact on the SSSI. However best working practices for construction should be followed e.g. waste water, dust control etc.

4.55 The main habitats on the application site to be affected by the development are amenity grassland with standard trees, species-poor hedgerow, areas of tall ruderal and two buildings a bowling pavilion and garage block (recently demolished). A bat survey was carried out in the Summer of 2012. In 2013 this was supplemented by: a phase 1 habitat assessment of the site; an external visual assessment of the bowling pavilion and garages for roosting bats; and a single nocturnal survey of the bowling pavilion. Due to the construction and condition of the garages they were assessed as having negligible potential to support roosting bats. The bowling pavilion was assessed as having low potential due to limited features which could be used by roosting bats such as a small gap under a ridge tile on western gable end. The bat surveys and inspections in 2012 and 2013 found no evidence of roosting bats. All of the trees identified for removal have negligible potential to support roosting bats and so no further works are necessary. Fulford lngs and the adjoining habitats along the River Ouse provide excellent foraging habitat for bats and therefore the loss of the habitats on site will not significantly impact on bats within the wider area.

4.56 The grassland, hedgerows and ruderal are of low value. The impact on them would not be significant.

4.57 Himalayan balsam was found to be present on site and therefore an informative regarding this invasive species should be attached to any planning permission for the development.

ARCHAEOLOGY

4.58 An archaeological evaluation of the site was carried out in 2004. It recorded a number of ditches, pits and postholes in Area A dating back to the 1st and 2nd centuries AD. Features of a later Roam date were also found but in less quantity. No archaeological features were found in Area B. In mitigation the applicant proposes to excavate a series of trenches (to coincide with the footprints of the new buildings) and record their findings. The remains would largely be preserved in-situ. A condition should be attached requiring a written scheme of investigation for Area A to be submitted for approval. An archaeological watching brief should be applied to Area B.

AFFORDABLE HOUSING

4.59 The National Planning Policy Framework states that local planning authorities should set policies for meeting identified need for affordable housing on site. To that end the council seeks to ensure that new housing development of 15 dwellings or more in the urban area will include affordable housing. The current application is for 14 dwellings, thereby not triggering the need for affordable housing.

Whilst the site is large enough to accommodate a greater number of dwellings a balance has to be struck between the provision of housing and protection of the conservation area, particularly its landscape setting. Officers consider that the application achieves this balance.

ENVIRONMENTAL IMPACT ASSESSMENT

4.60 The local planning authority has carried out a screening opinion and taken into account the EIA regulations, the advice in National Planning Practice Guidance (March 2014), the documentation submitted with the application, consultation responses, the scale and characteristics of the development and knowledge of the site. The authority concludes that the development is unlikely to have significant environmental effects. Accordingly an EIA is not required.

COMMUNITY INVOLVEMENT

4.61 The application includes a statement of community involvement. It sets out how, following the appeal inspector's decision in 2008, the applicant set out its revised intentions for the site. Pre-application discussions were held with council officers followed by a range of public consultation exercises. The public response was lower than the applicant expected and some changes were made.

5.0 CONCLUSION

5.1 The application would provide 14 dwellings in a highly sustainable and accessible location. There would be some minor harm to designated heritage assets, i.e. Fulford Village Conservation Area, the setting of Fulford Road Conservation Area and the setting of the Grade II listed building (The Cottage). Having attached considerable importance and weight to the desirability of avoiding such harm the local planning authority has concluded that it is outweighed by the application's public benefits of providing much-needed housing in a sustainable location. In terms of flood risk the local planning authority has carried out a sequential test and is satisfied that there are no other appropriate, reasonably available sites for the proposed development in areas with a lower probability of flooding. Furthermore that the development would be appropriately flood resilient and resistant. All other issues are satisfactorily addressed. The development would contribute £84,052 towards education, £48,856 towards open space and £19,381 towards improvements to open space (bowling green facilities at Scarcroft Green). These contributions are considered to be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development,

and therefore comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). These contributions have already been secured in a s.106 Obligation. The application accords with national planning policy set out in the National Planning Policy Framework and with the emerging policies in the Draft York Local Plan (2014 Publication Draft).

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out only in accordance with the following plans: Y81.822.02B, Y81.822.03M, Y81.822.05E, Y81.822.10C, Y81.822.11C, Y81.822.12C, Y81.822.13C, Y81.822.14C, Y81.822.15C, Y81.822.16D, Y81.822.17D, Y81.822.18C, Y81.822.19C, Y81.822.20B, Y81.822.21B, Y81.822.22B, Y81.822.23B, Y81.822.24C, Y81.822.25C, Y81.822.26, Y81.822.27A, R/1496/1C and 34511_003F.

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 development hereby approved shall not commence until details of the following matters have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

- i/ Public verge along St Oswalds Road
- ii/ Alterations to the railings and gates along St Oswalds Road frontage
- iii/ Footpaths between the houses at plots 1, 2 and 3 and the public highway at St Oswalds Road
- iv/ Post and rail fencing to plots 9-14.

Reason: In the interests of the character and appearance of the conservation area, protected trees and mitigation of flood risk.

4 HWAY1 Details roads,footpaths,open spaces req.

5 HWAY7 Const of Roads & Footways prior to occup

6 HWAY18 Cycle parking details to be agreed

7 HWAY19 Car and cycle parking laid out

8 HWAY40 Dilapidation survey

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

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

Reason: To ensure that the development can be carried out in a manner that will not be detrimental to the amenity of local residents, free flow of traffic or safety of highway users. The details are required prior to commencement in order to ensure that they are in force during the whole of the construction phase of the development.

10 The tree planting scheme shown on submitted plan numbered R/1496/1C shall be implemented within a period of six months from the completion of the development. Any plants which within a period of five years from the substantial completion of the planting and 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 the Local Planning Authority agrees alternatives in writing.

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

11 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details, which shall include:

- A. Peak surface water run-off from the proposed development to a maximum 5.0 lit/sec.
- B. Consent should be sought from Yorkshire Water to connect additional foul water into their sewers and their easement requirements.
- C. Details of the future management and maintenance of the proposed drainage scheme.

Notwithstanding the drainage details submitted and approved under this condition the drainage works shall be carried out in accordance with the following plans:

- a. Flood Risk Assessment - PR/34511 005A
- b. Drainage Layout - 34511 003F
- c. Plot Drainage Layout - 34511 012B
- d. Catchment Area Plan - 34511 013A
- e. Flow Control Detail-Manhole S5 Sheet 1 of 2 - 34511 015A
- f. Flow Control Detail-Manhole S5 Sheet 2 of 2 - 34511 016A
- g. External Works Plan - Area B Sheet 2 of 2 - 3411 19B
- h. External Works Plan - Area A Sheet 1 of 2 - 3411 14B

The development shall not be raised above the level of the adjacent land.

Reason: So that the Local Planning Authority may be satisfied with the details for the proper drainage of the site. The details are required prior to commencement in order to ensure that groundworks and/or other operations early in the construction process do not prejudice the proper drainage of the site.

12 The finished floor levels on the ground floor of the dwellings hereby approved shall not exceed those shown on plan 34511/019/B received 24 January 2014.

Reason: In the interests of the amenities of neighbouring occupiers and the character and appearance of the conservation areas.

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting that Order with or without modification, no structure shall be erected within Flood Zone 3 (as delineated on drawing no. 34511/004 Rev C) except the 1.2m-high post and rail fencing to plots 9, 10, 11, 12, 13 and 14 shown on approved plan Y81:822.03/M.

Reason: To ensure that there is no loss of flow and storage of floodwater.

14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order), no door, window or other opening shall at any time be inserted in the eastern elevation of the house at plot 3, the northern elevation of the house at plot 4 or the northern elevation of the house at plot 9 without the prior written planning permission of the local planning authority.

Reason: In the interests of the amenities of occupiers of adjacent residential properties.

15 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall 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 shall be prepared, which will be 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 Prior to commencement of development: (a) gas monitoring and/or a risk assessment shall be carried out by a competent person to assess landfill gas generation and migration. The findings shall be submitted to and approved in writing by the local planning authority; (b) based on the results of the gas monitoring and/or risk assessment, the detailed design of a gas protection system shall be submitted to and approved by the local planning authority. Prior to occupation of the development, a verification report that demonstrates the effectiveness of the gas protection system shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from landfill gas to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. The details are required prior to commencement in order to ensure that they are in force during the whole of the construction phase of the development.

17 For each dwelling the applicant shall install a three pin 13 amp electrical socket in the garage which is in a suitable location to enable the charging of an electric vehicle using a 3m length cable.

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

NOTE: Any socket provided must comply with BS1363 or an equivalent standard, Building Regulations, be suitable for charging electric vehicles and should have a weatherproof cover if placed outside. Where charging point is located outside an internal switch should be provided in the property to enable the socket to be turned off.

18 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.	

Reason: In the interests of the occupiers of neighbouring occupiers.

19 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (an archaeological excavation and subsequent programme of analysis and publication by an approved archaeological unit) in accordance with the 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 prior to destruction. The details are required prior to commencement in order to ensure that no archaeological deposits are destroyed prior to them being recording.

NOTE: For Area B a watching brief will suffice.

20 The works hereby approved shall be carried out in accordance with the tree protection measures within the Tree Survey report by CAPITA dated 20 September 2013 (including the construction access alignment shown on plan ref: yfd1404 dated 9 April 2014 and the CAPITA Arboricultural Method Statement revised 28 March 2014 submitted with the application. A copy of each of these documents will at all times be available for inspection on site.

Reason: To protect existing trees which are covered by a Tree Preservation Order and to protect the character and appearance of the Fulford and Fulford Road conservation areas and to enhance the biodiversity of the area.

21 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), development of the type described in Classes A (enlargements or extensions), B (additions or alterations to the roof) or E(a) (garden buildings or structures) of Schedule 2 Part 1 of that Order shall not be erected or constructed within the curtilage of the house at plot 9 without the prior written planning permission of the local planning authority.

Reason: In the interests of the amenities of occupiers of adjacent residential properties in Atcherley Close 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) (England) Order 2015.

7.0 INFORMATIVES: Notes to Applicant

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

In considering the application, the local planning authority implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) by seeking solutions to problems identified during the processing of the application. In order to achieve an acceptable outcome the local planning authority sought amendments to reduce the impact on the conservation area and applied appropriate conditions to the planning approval.

2. HIGHWAY WORKS

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. For further information please contact the officer named: Works to an adopted highway - Section 38 - Michael Kitchen (01904) 551336

3. STATUTORY UNDERTAKERS EQUIPMENT

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

4. CONTROL OF POLLUTION

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) 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".

Application Reference Number: 13/03481/FULM

Item No: 4a

(b) 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.

(c) 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.

(d) 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.

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

5. SECTION 106 OBLIGATION

The planning permission is accompanied by an agreement to contribute £84,052 towards education, £48,856 towards open space and £19,381 towards improvements to bowling green facilities in York.

6. HIMALAYAN BALSAM

The applicant is reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to introduce plant or cause to grow wild any plant listed on Schedule 9 Part 2 of the Act and prevent further spread of the plant which would have a negative impact on biodiversity and existing or proposed landscape features. As Himalayan balsam (*Impatiens glandulifera*) has been recorded on site appropriate measures should be taken to ensure the control of this species within the development area and to prevent its spread.

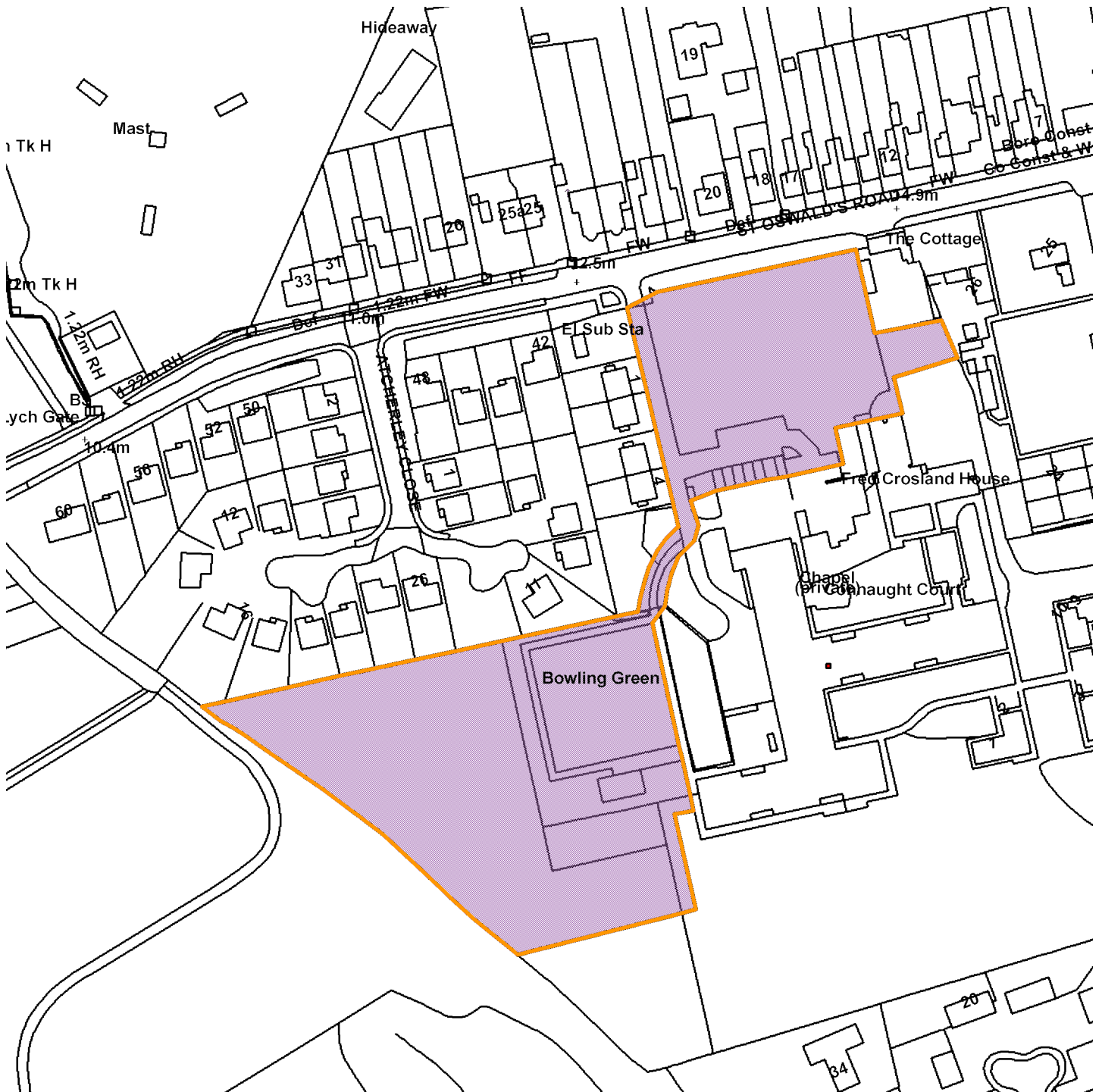
Contact details:

Author: Kevin O'Connell Development Management Officer

Tel No: 01904 552830

Royal Masonic Benevolent Institute Connaught Court

13/03481/FULM



Scale : 1:1695

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Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	02 June 2015
SLA Number	Not Set

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1. View of St Oswald's Road showing two Conservation Areas of different character



2. View from St Oswalds Road across Area A to Fulford Church



3. View across Area A to Fulford Church and parkland trees



4. View through trees across Area A towards St Oswald's Road



5. View from Ings footpath to Area B



6. Area B flood in Sept 2012



7. View across Area B towards the Ouse corridor (green belt)



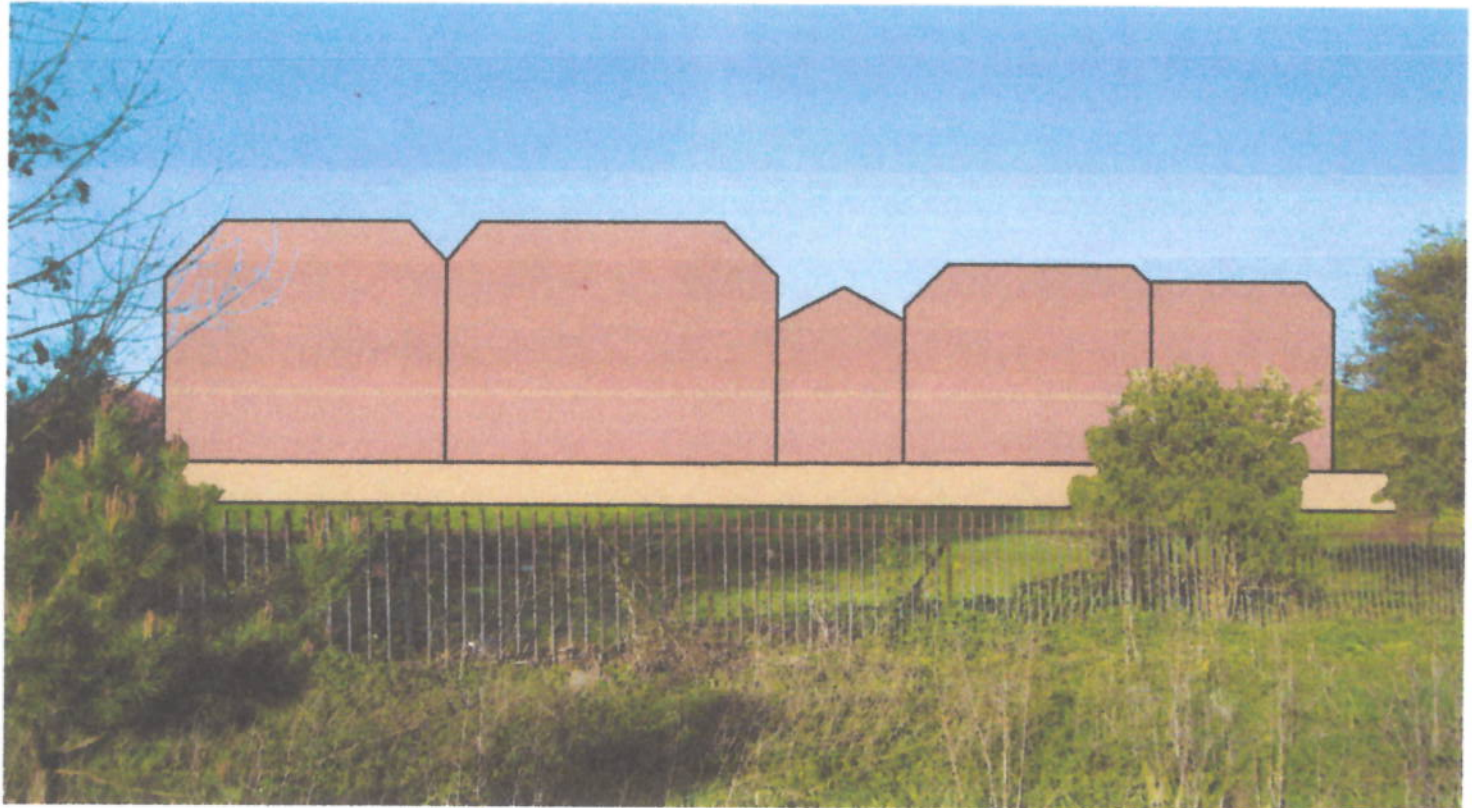
8. View from within the Conservation Area over Area B. Terry's Tower visible.

View of Area B from Millennium Way Footpath on Ings

BEFORE:



AFTER:



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FULFORD PARISH COUNCIL

email: fulfordpc@gmail.com

Date: 10 June 2015

Re: Proposal for 14 houses on historical parkland in Fulford Village Conservation Area.

To: Members of the Area Planning Committee

Fulford Parish Council's comments are not accurately summarised in the Committee Report. Material changes have occurred since permission was granted in May 2014.

Recent case law reinforces the statutory presumption in the NPPF in favour of preservation of the settings of listed buildings and conservation areas. Even in case of "less than substantial harm", the default position should be refusal of permission by the Local Authority unless public benefits clearly outweigh that harm. The harm to Fulford Village Conservation Area is substantial and no public benefits exist that would outweigh this harm.

Substantial harm to Fulford Village Conservation Area and setting of a listed building

In 2008 the Fulford Village Conservation Area was extended by adding the Connaught Court buildings and its historic parkland setting in order to afford more protection to the open character of the whole area and to retain the spaciouly planned parkland setting of the RMBI buildings. Fulford Village Conservation Area Appraisal describes the rural character of Fulford village and the subordinate character of houses behind its Main Street frontage. Please ask why the development proposals instead reflect the adjoining Fulford Road Conservation Area. The proposed 5-6 bed houses are in line with the more urban character of the largest scale houses along St Oswald's Road rather than the Sir John Hunt Memorial Homes at the Main Street frontage. The same scale of houses is planned along the Ings edge which will appear overbearing when viewed from the lower lying green belt Ings. Views from the Ings are a material consideration yet no "streetscape" has been provided for officers and Members to assess this harm. The plans will also cause harm to the setting of a listed building, a gate lodge to the historic parkland. See our letter of 21 May 2015.

Quashing of permission should have led to specialist reassessment.

The previous permission was quashed on grounds of heritage and flooding. York's concession that it 'misapplied the duty pursuant to S 72 of the Planning (Listed Building and Conservation Areas)' should have led to specialist advice and a re-assessment of the harm to Fulford Village Conservation Area in line with advice from Historic England (previously EH). There is no evidence in the committee report that such specialist advice has been sought.

Recent case law reinforces the point that if there is harm to a CA, that extra-ordinary benefits need to exist to outweigh that harm. No such benefits exist.

The applicant tries to reason that the lack of a 5-year housing supply justifies building 14 houses. Recent developments with respect to the local plan mean that the ARUP housing numbers and the presumed lack of 5-year housing supply are now out of date. Moreover, this is not a public benefit as described in recent case law. 5-6 bed houses will also not alleviate local housing need. This should not be used to outweigh the harm to the conservation area.

Thank you for taking our views into consideration. We ask you to refuse this application.

Helen Guest (Mrs) Clerk to Fulford Parish Council

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Item 4(a)

13/03481/FULM – Connaught Court, St Oswalds Road, York

Committee Update

11 June 2015

FULFORD FRIENDS

Further comments have been received from Fulford Friends. They are summarised below (in italics), followed by the officers' response.

The sequential test report fails to include areas of land that are outside the application site but within the RMBI's premises at Connaught Court.

These areas, many of which include buildings, are required and in use by the care home. They cannot be considered reasonably available for housing development and therefore should not be included in the sequential test.

Development is proposed in flood zones 3a and 3b, contrary to NPPF policy and the council's Strategic Flood Risk Assessment (SFRA).

The only development proposed in flood zone 3 is a retaining wall (along the general alignment of the boundary with flood zone 2) and boundary fencing between the gardens of plots 9-13 of Area B. Officers propose that a planning condition be attached to the planning consent preventing the construction of any structures beyond this line (i.e. in zones 3a or 3b) other than the proposed post and rail boundary fencing. A further condition should be attached requiring fence details to be submitted for approval in order to ensure that the fencing does not inhibit the free flow of floodwater..

York's Green Belt appraisal of 2003 makes clear that sites such as this (in conservation areas that abut the urban fringe) contribute to the primary purpose of York's Green Belt, which is to preserve the historic character and setting of York.

The application site boundary abuts the Green Belt at Fulford Ings. However, the nearest of the proposed houses would be 35m from the Green Belt boundary. Furthermore, the houses would be broadly contained within the triangle between the main care home building and the existing housing at Atcherley Close. In officers' view the proximity of the proposed development to the Green Belt/urban fringe would not detract from the historic character and setting of York

The comments of the council's conservation architect [at paragraph 3.4 of the committee report] have not been updated to take account of comments from objectors, changes to the plans or recent case law.

The conservation architect's comments were up-to-date and valid when the committee resolved to grant consent for the application in May 2014. Since then the proposals have not changed. The officer was party to the council's subsequent reconsideration of the application's heritage issues and her comments remain valid.

A condition should be attached requiring details of bat features [bat boxes, etc] should be submitted for approval and implemented.

Accepted. The planning permission approved last year had this requirement as part of a wider condition requiring a bat emergent survey, etc. That work is no longer necessary so the condition is no longer being proposed. Reinstating the requirement for bat features is appropriate. Officers therefore recommend the following additional condition (no.22):

Within three months of commencement of development details of features suitable for bat roosting within the development shall be submitted to the local planning authority, approved in writing and implemented in accordance with the approved details.

Reason: To take account of and enhance habitat for a protected species.

FULFORD PARISH COUNCIL

Members will have a letter dated 10 June from Fulford Parish Council. It raises no new issues except regarding conservation advice, as made by Fulford Friends (officer response above).

ISSUE RAISED AT THE MEMBERS SITE VISIT

Officers were asked whether the proposed garages could be used as living accommodation. Recommended condition 7 requires the garages shown on the submitted plans to be laid out and used solely for the intended purpose. The use of any of the garages as living accommodation would therefore require approval from the local planning authority.

Officers were also asked whether permitted development rights would be removed for extensions, external alterations, etc. The recommended conditions include removal of permitted development rights for these works but only with respect to plot 9 (due to its proximity to residential properties in Atcherley Close) and land in flood zone 3.

A query was raised about the style of fencing along the St Oswalds Road boundary. Notwithstanding that the proposed streetscene drawing shows estate-type fencing the applicant has stated that the existing fencing would be retained and amended to provide pedestrian access to the fronts of plots 1-3. The existing fencing has no particular historic or architectural merit. Officers would have no objection to the estate-type fencing shown on the submitted plans, subject to the details being acceptable. Proposed condition 3 requires details of railings and gates along St Oswalds Road to be submitted for approval.

Kevin O'Connell
Development Management Officer

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COMMITTEE REPORT

Date: 11 June 2015 **Ward:** Rural West York
Team: Major and **Parish:** Askham Bryan Parish
Commercial Team Council

Reference: 14/02966/FUL
Application at: The Cottage Eastfield Farm Moor Lane Acomb York
For: Change of use of outbuildings to form additional residential accommodation for The Cottage with associated alterations
By: Messrs Dodgson
Application Type: Full Application
Target Date: 15 April 2015
Recommendation: Approve

1.0 PROPOSAL

1.1 The application is for the conversion of stables to create an extension of residential accommodation of the Cottage. The site forms part of a larger complex of agricultural buildings, currently used for livery. There are 5 other dwellings within the site. The Cottage is attached to the main farm house. The agent has subsequently advised that it has been used as a separate residence rather than an annex to Eastfield Farm house. The existing dwelling has 7 bedrooms, and has been used as a House of Multiple Occupation (there is no consent for its current use). The accommodation of the dwelling would be reconfigured and the development would result in 1 no. 3 bed roomed dwelling.

1.2 The site lies within general extent of the green belt. The site is within Flood Zone 1. The Askham Bog Site of Special Scientific Interest (SSSI) is within 1km of the site.

1.3 The application was submitted with three other applications for the redevelopment of other buildings within the farm complex:

- 14/02964/FUL - Change of use of outbuildings to form additional accommodation for The Dovecote, alterations to Byre House and the conversion, alteration and extension of outbuildings to form 5 no. dwellings with associated gardens and parking
- 14/02967/FUL - Change of use of outbuildings to form additional residential accommodation for The Coach House with associated external alterations
- 14/02968/FUL - Change of use of outbuildings to form additional accommodation for West Cottage with link extension and associated external alterations

1.4 Pre-application discussions with Council Planning Officers took place regarding the principle of development on the site.

1.5 Cllr Reid has requested that this application together with the three other applications come before committee for the following reasons:

- Would like consideration given to whether the applications would have detrimental impact on the greenbelt from the domestication and intensification of use.
- Increase in traffic movements.
- Reservations about the proposed northern vehicle access to Moor Lane.
- Concerned about the creation of a tarmac road across fields to Moor Lane where traffic is travelling at speed.

POLICY CONTEXT

2.1 Development Plan Allocation:
Airfield safeguarding GMS Constraints

2.2 Policies:

CYGP1 Design

CYGP3 Planning against crime

CYGP4A Sustainability

CYGP6 Contaminated land

CYGP9 Landscaping

CGP15A Development and Flood Risk

CYNE3 Water protection

CYNE6 Species protected by law

CYNE7 Habitat protection and creation

CYGB1 Development within the Green Belt

CYGB3 Reuse of buildings

CYT4 Cycle parking standards

CYE3B Existing and Proposed Employment Sites

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Highway Network Management

3.1 Request that the driveway accommodate two way traffic at the entrance from old Moor Lane. Request 5 metre wide road for first 12 metres. May reduce down to a single width track with passing place as required

3.2 Access from Old Moor Lane will require 43 x 2 metre forward visibility. The first 5 metres of driveway should be a sealed surface and positively drained.

The remaining driveway should be constructed to a standard that is suitable for the development proposed

3.3 Car and cycle parking should be included within the development for CYC Annex E standards - can be condition

3.4 A refuse bin collection point should be provided near the entrance of the driveway. This should be a maximum of 20 metres from the highway but preferable closer

Ecology Officer

3.5 The site falls within Natural England's SSSI risk impact zone for Askham Bog (c.680m). This means that developments requiring their own water supply, or where there is any discharge of water or liquid waste to ground or surface water that is more than 2m³/day (discharges to mains sewer are excluded) triggers the need to consult Natural England on likely impacts.

3.6 Recent great crested newt surveys in the area have identified their presence, in very low numbers, in the pond c.75m east of the site. The majority of proposed development only impacts upon existing buildings and existing hard standing. A precautionary method statement has been produced to ensure there is no risk of harm to great crested newts and no inadvertent loss of habitat. It also includes a proposal for habitat enhancement along an adjacent field boundary. No evidence of barn owl was found in any of the buildings. Two old swallow nests in the western end of the single storey stables nests that will be lost as part of the development, request condition for mitigation. Recommend conditions for newt mitigation and the demolition of buildings.

3.7 The building condition report states that timber treatment for woodworm is needed as will a full roof strip to bring the installation up to building standards. Therefore a precautionary approach to working is required and the timing of the works to be conditioned

Archaeology

3.8 No comments received, comments will be reported at the committee meeting

Flood Risk Management Team

3.9 It is important that there is a drainage strategy that provides a drainage solution for the whole site, for all applications and not piecemeal.

3.10 The information within 'Addendum Rev A Drainage Strategy Report' suggested that there was a network of surface water drains that eventually discharged to the drainage ditch to the east of the site; however following the site visit there is evidence to suggest that the surface water drains and foul water drains are part of a combined system.

This appears to subsequently discharge to the septic tanks on site; the applicant has stated that there are four on site with two that appear to overflow and discharge to the drainage ditch. Inspection of the two outfalls into the ditch provided further evidence to suggest that there is a combined system in place on site with clear signs of foul water discharge. Main concern is that foul water is discharging into a drainage ditch; this is a matter that the applicant should be looking to resolve immediately.

3.11 Agreement has been reached with the Ainsty Internal Drainage Board (AIDB) with regard to the proven connected impermeable areas which equate to 930 m². From this information the permitted surface water discharge rate from the site shall be a maximum of 9.1 l/sec.

3.12 The developer should devise a robust drainage strategy and design including how surface water and foul water will be separated and how surface water will subsequently be attenuated on site before discharge.

3.13 Request conditions to seek the outstanding information

Environmental Protection Unit

3.14 Due to the presence of agricultural buildings, fuel storage, and the range of historic activities which could have been carried out, some concerns that there is potential for land contamination to be present at this site. A site investigation and risk assessment is required in order to determine whether land contamination is present. Seek the information via condition

3.15 request condition to require socket to allow vehicle recharging

EXTERNAL CONSULTATIONS/REPRESENTATIONS

Askham Bryan Parish Council

3.16 The proposal, together with the other three applications at Eastfield Farm, constitutes a change of use from farming/equine to residential. If approved this would result in a loss of amenity for the local community and an increase in residential development considered detrimental to this part of the Rural West Ward of York.

Dringhouses and Woodthorpe Planning Panel

3.17 The change of use will result in a loss of amenity for the local community and encourage residential development considered detrimental to this part of the Rural West Ward

Ainsty Internal Drainage Board (AIDB)

3.18 The information within 'Addendum Rev A Drainage Strategy Report' suggested that there was a network of surface water drains that eventually discharged to the drainage ditch to the east of the site; however following the site visit there is evidence to suggest that the surface water drains and foul water drains are part of a combined system. This appears to subsequently discharge to the septic tanks on site; the applicant has stated that there are four on site with two that appear to discharge directly to the drainage ditch. Inspection of the two outfalls into the ditch provided further evidence to suggest that there is a combined system in place on site with clear signs of foul water discharging.

3.19 Agreement has been reached with the Flood Risk Engineer with regard to the connected impermeable areas; this information will be used to calculate a surface water discharge rate from the site. The Board would note that consent to discharge will be required from the applicant and discussions with the Board should be maintained in order to resolve this.

3.20 The IDB requests conditions to seek further details be submitted. a robust drainage strategy including how surface water and foul water will be separated and how surface water will subsequently be attenuated on site before discharge. At present the main concern of the Board is that foul water is discharging into a drainage ditch; this is a matter that the applicant should be looking to resolve immediately.

Yorkshire Water

3.21 No comments received

Neighbour Notification/Publicity

3.22 Three representations of objection have been received covering the following points:

- Concerned regarding the extent and nature of the four applications within the greenbelt
- Significant change from agricultural character to residential
- Concerned regarding the proposed access to Moor Lane, the removal of the hedges to allow visibility would have significant visual amenity implications. In addition concerned regarding the safety implications of the proposed access. The eastern access to the complex should be retained (Officer note: the proposed northern access has been removed from the applications)

4.0 APPRAISAL

RELEVANT SITE HISTORY

- 8/86/128B/PA (1992) - Conversion of redundant agricultural building to form residential holiday accommodation - Approved
- 8/86/128A/PA(1989) - Erection of an extension to and conversion of vacant cow house to use as 2 holiday units - Approved
- 8/86/128/PA (1985) - Change of use of existing buildings and outline application for the erection of an extension to existing buildings to form residential holiday accommodation at Eastfield Farm - Approved

KEY ISSUES

1. Principle and impact to the Green Belt
2. Ecology
3. Highways
4. Surface Water Drainage

ASSESSMENT

Planning Policy

4.1 The site is within the City of York Green Belt as defined on the City of York Development Control Local Plan Proposals Map (2005), and the saved policies of the Yorkshire and Humber Regional Spatial Strategy (May 2008) sets out the extent of the City of York Green Belt. In the emerging local plan the site is allocated as safeguarded land (SF12). However 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. It is considered that no weight should be given to policy SF12.

4.2 The National Planning Policy Framework (NPPF) sets out the purposes of including land within Green Belts including to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment. The protection of the Green Belt is one of the core planning principles of the NPPF (Para 17). The NPPF states the types of development that are appropriate within Green Belts. All other development is deemed inappropriate and therefore harmful to the Green Belt. The NPPF sets out the situations where development that is not inappropriate development in the Green Belt these include: the re-use of buildings providing that the buildings are of permanent and substantial construction (Para 90). The NPPF states that the local planning authority should ensure that substantial weight is given to any harm to the

Green Belt. The NPPF sets out the 5 purposes of the Green Belt (Para 80) these are: to check unrestricted sprawl of large built up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.3 The NPPF attaches importance to the design of the built environment. Good design is a key aspect of sustainable development, and is indivisible from good planning, and should contribute positively to making places better for people. The planning system should ensure that development functions well and adds to the overall quality of the area over the lifetime of the development. In addition decisions should establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work, and visit, and respond to local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. It should be visually attractive as a result of good architecture. Planning decisions should not attempt to impose architectural styles and particular tastes and they should not stifle innovation, it is however proper to seek to promote or reinforce local distinctiveness. Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area. Local Plan Policy GP1 refers to design, for all types of development. It states that development proposals will be expected to, respect or enhance the local environment. 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.

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

PRINCIPLE OF DEVELOPMENT AND IMPACT TO THE GREEN BELT

4.5 The proposed re-use of the buildings (which appear to be of a permanent and substantial construction) is not inappropriate development in the greenbelt.

4.6 The proposed development would include extending the current residential accommodation into the neighbouring stables. The proposed accommodation would result in a reduction in the number of bedrooms (from 7 to 3). Only two additional openings would be proposed: to create a window (front elevation) and a door (rear elevation). The change of use of the stable accommodation is considered to be minimal, as well as in the context of the 3 other partner applications. The plans show space allocated for vehicle parking within the existing farm yard, and the proposed large store would provide secure cycle parking.

There is a regular bus service running along the adjacent Moor Lane. A garden would be provided to the south of the existing building. The site of the proposed garden is an existing orchard with a tall hedge enclosing it and as such is relatively domestic in character. The proposed plans show the rear garden being enclosed by a hedge, other forms of enclosure such as a fence or wall may increase the prominence of the development as such it is considered prudent to remove permitted development to maintain the character of the buildings and the surroundings. Therefore the proposed development including the garden is not considered to impact on the openness or character of the greenbelt.

ECOLOGY

4.7 The Ecology report states that works are required to the roof of the stables to overcome the woodworm problems as such it is considered prudent to condition that any external material proposed match the existing.

HIGHWAYS

4.8 Highways Network Management have requested a number of alterations to the existing driveway and a refuse bin storage area, as this application is for the change of use of stables to residential use rather than an additional dwelling, and that the level of accommodation (number of bedrooms) is less than existing it is not considered reasonable to request or conditions this through this application.

SURFACE WATER DRAINAGE

4.9 The submitted information regarding the current and proposed foul and surface water drainage scheme has a number of errors. The current disposal methods are not acceptable and to comply with current standards a new drainage scheme is required. It is considered that this can be sought via conditions to ensure a suitable drainage scheme, and that they should be applied to all four applications.

5.0 CONCLUSION

5.1 The change of use of stables to provide an extension of existing residential accommodation is considered to be acceptable. The proposed development would have very limited impact to the openness and character of the greenbelt and it not considered to result in harm. Subject to the submission of satisfactory surface water drainage details approval is recommended subject to the following conditions

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 PLANS1 Approved plans

Application Reference Number: 14/02966/FUL

Item No: 4b

Page 8 of 13

2 TIME2 Development start within three years

3 The part of the roof which requires rebuilding shall use pantiles of the same colour, size, and texture of the existing roof. The infill brickwork shall match the existing brickwork in all respects ie, bonding, size, colour and texture of bricks and the colour and finished treatment of mortar joints, to the satisfaction of the Local Planning Authority.

Reasons: To ensure that the finished appearance is to the satisfaction of the Local Planning Authority.

4 The boundary to the rear/south garden shall be a hedge. Prior to occupation details of number, species, height and position of trees and shrubs to be used shall be submitted and approved in writing by the Local Planning Authority. This scheme shall be implemented prior to first occupation. 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. The boundaries hedge shall remain in place

Informative: Native hedging is recommended, evergreen species such as Leylandi will not be accepted.

Reason: In the interests of the visual amenities, character and openness of the green belt. So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

5 PD6A Removal of Permitted Development Part 2 rights

6 The development hereby permitted shall be implemented strictly in accordance with the details shown in the Great Crested Newt Mitigation Strategy (December 2014) as already submitted in full with the application and agreed with the local planning authority prior to determination.

Reason: To take account of and to enhance the habitat for a protected species. It should be noted that under National Planning Policy Framework the replacement/mitigation proposed should provide a net gain in wildlife value.

7 No removal works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

Reason: To ensure that breeding birds are protected from harm during construction. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended)

8 All contractors and all those involved with timber treatment, roofing and building works to be made aware of the potential presence of bats and the need to follow standard good working practices in relation to bats specifically, roofs which are to be stripped or replaced should be dismantled carefully by hand. Only half of the roof should be removed on the first day and the second half 24 hours later. This will create unfavourable conditions for any bats still roosting within the roof structure and encourage the bats to leave on their own accord. If timber treatment is required, Permethryn type chemicals on the Natural England list of approved safe chemicals should be used - Natural England Bat roosts and timber treatment products (TIN092). Prior to the commencement of development details of what measures are to be provided within the design of the new building to accommodate bats shall be submitted and agreed in writing by the Local Planning Authority. The development shall be constructed in accordance with these approved details. Features suitable for incorporation for this group include the use of special tiles, bricks, soffit boards, bat boxes etc.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and comply with Section 11 of the NPPF.

9 No development shall take place until measures addressing the incorporation of nesting habitat on the building for swallow (e.g. nest boxes) has been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with these approved details.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and comply with Section 11 of the NPPF.

10 Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

- woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

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

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

12 Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

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

13 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, 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.

14 Prior to development details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, shall be submitted to and approved by the Local Planning Authority. The works shall be constructed in accordance with the approved details.

If SuDs methods can be proven to be unsuitable then peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven 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.

The permitted surface water discharge rate from the site shall be a maximum of 9.1 l/sec. This rate should be used as the basis of the proposed surface water drainage design.

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

15 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.

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:

- Request additional information, and revised plans and elevations
- Use of conditions

2. Internal Drainage Board Informative

The developer is advised that the Ainsty Internal Drainage Board'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 proposal to culvert, bridge, fill in or make a discharge to the watercourse will also require the Board's prior consent.

Contact details:

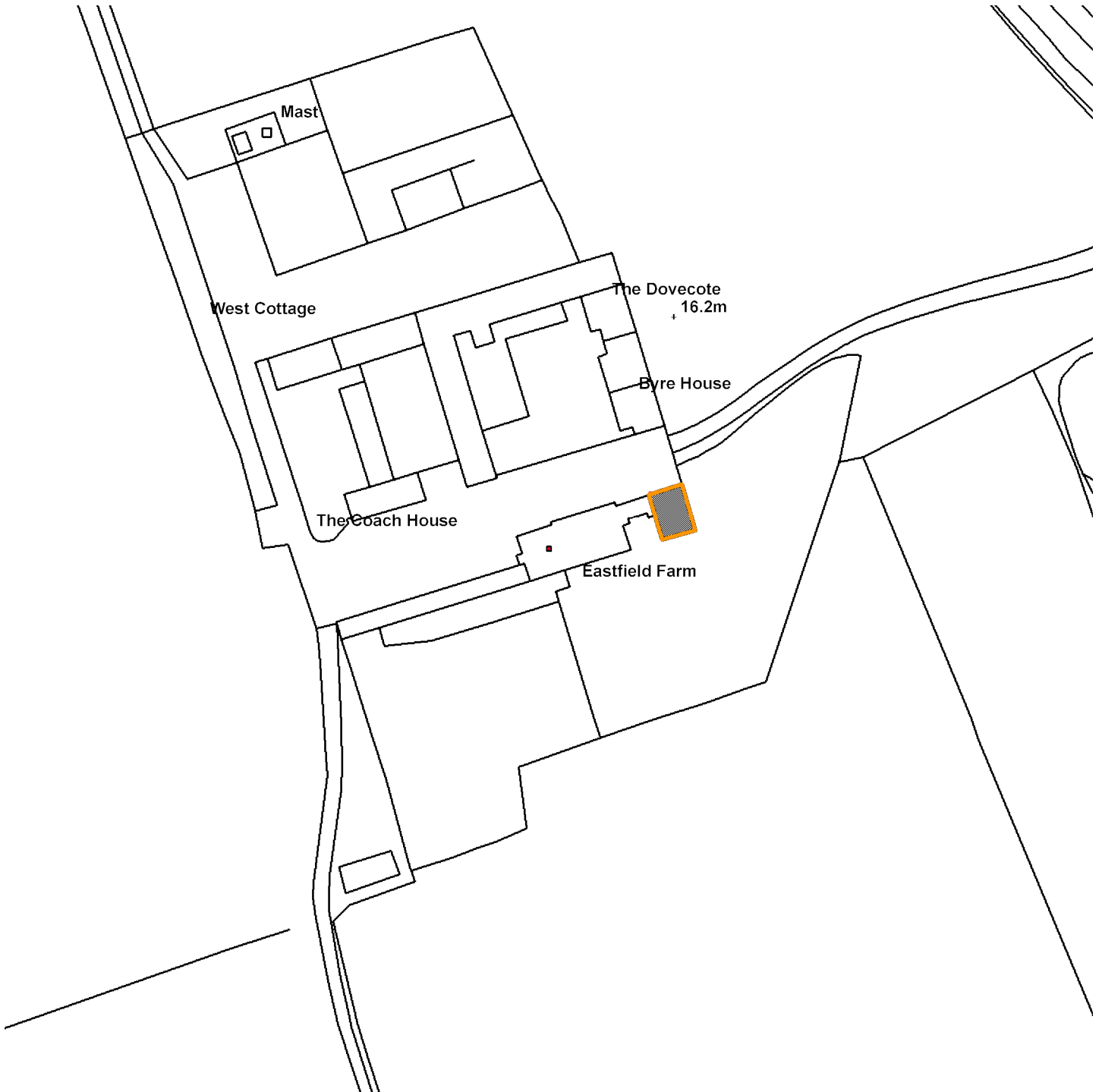
Author: Victoria Bell Development Management Officer

Tel No: 01904 551347

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The Cottage Eastfield Farm Moor Lane Acomb

14/02966/FUL



Scale : 1:1059

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Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	02 June 2015
SLA Number	Not Set

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COMMITTEE REPORT

Date: 11 June 2015 **Ward:** Rural West York
Team: Major and **Parish:** Askham Bryan Parish
Commercial Team Council

Reference: 14/02967/FUL
Application at: The Coach House Eastfield Farm Moor Lane Acomb York
For: Change of use of outbuildings to form additional residential accommodation for The Coach House with associated external alterations
By: Messrs Dodgson
Application Type: Full Application
Target Date: 15 April 2015
Recommendation: Approve

1.0 PROPOSAL

1.1 The application is for the conversion of 4 no. stables to create an extension of residential accommodation and a double garage of the Coach House. The site forms part of a larger complex of agricultural buildings, currently used for livery. There are 5 other dwellings within the site. The existing dwelling has 8 bedrooms, and has been used as a House of Multiple Occupation (HMO) (there is no consent for its current use). The accommodation of the dwelling would be reconfigured and the development would result in 1 no. 3 bed roomed dwelling. It is also proposed to create garden curtilage for the dwelling.

1.2 The site lies within general extent of the green belt. The site is within Flood Zone 1. The Askham Bog Site of Special Scientific Interest (SSSI) is within 1km of the site.

1.3 The application was submitted with three other applications for the redevelopment of other buildings within the farm complex:

- 14/02964/FUL - Change of use of outbuildings to form additional accommodation for The Dovecote, alterations to Byre House and the conversion, alteration and extension of outbuildings to form 5 no. dwellings with associated gardens and parking
- 14/02966/FUL - Change of use of outbuildings to form additional residential accommodation for The Cottage with associated alterations
- 14/02968/FUL - Change of use of outbuildings to form additional accommodation for West Cottage with link extension and associated external alterations

1.4 The proposed development, and that proposed in 14/02964/FUL, and 14/02968/FUL the plans show the metal agricultural sheds within the stack yards being removed, together with the metal shed to the north which houses a vehicle repair business and stables, and a dilapidated pole mounted barn. The development proposed in the 4 applications would result in the loss of the existing livery business. The agent has confirmed that no decision has been made on the future ownership/division of the surrounding fields used in connection with the livery use.

1.5 Revised plans have been submitted showing the proposed vehicle access to Moor Lane removed.

1.6 Pre-application discussions with Council Planning Officers took place regarding the principle of development on the site.

1.7 Cllr Reid has requested that this application together with the three other applications come before committee for the following reasons:

- Would like consideration given to whether the applications would have detrimental impact on the greenbelt from the domestication and intensification of use.
- Increase in traffic movements.
- Reservations about the proposed northern vehicle access to Moor Lane.
- Concerned about the creation of a tarmac road across fields to Moor Lane where traffic is travelling at speed.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:
Airfield safeguarding GMS Constraints

2.2 Policies:

CYGP1 Design

CYGP3 Planning against crime

CYGP4A Sustainability

CYGP6 Contaminated land

CYGP9 Landscaping

CGP15A Development and Flood Risk

CYNE3 Water protection

CYNE6 Species protected by law

CYNE7 Habitat protection and creation

CYGB1 Development within the Green Belt

CYGB3 Reuse of buildings

CYT4 Cycle parking standards

CYE3B Existing and Proposed Employment Sites

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Highway Network Management

3.1 Request that the driveway accommodate two way traffic at the entrance from old Moor Lane. Request 5 metre wide road for first 12 metres. May reduce down to a single width track with passing place as required

3.2 Access from Old Moor Lane will require 43 x 2 metre forward visibility. The first 5 metres of driveway should be a sealed surface and positively drained. The remaining driveway should be constructed to a standard that is suitable for the development proposed

3.3 Car and cycle parking should be included within the development for CYC Annex E standards - can be condition

3.4 A refuse bin collection point should be provided near the entrance of the driveway. This should be a maximum of 20 metres from the highway but preferable closer

Ecology Officer

3.5 The site falls within Natural England's SSSI risk impact zone for Askham Bog (c.680m). This means that developments requiring their own water supply, or where there is any discharge of water or liquid waste to ground or surface water that is more than 2m³/day (discharges to mains sewer are excluded) triggers the need to consult Natural England on likely impacts.

3.6 Recent great crested newt surveys in the area have identified their presence, in very low numbers, in the pond c.75m east of the site. The majority of proposed development only impacts upon existing buildings and existing hard standing. A precautionary method statement has been produced to ensure there is no risk of harm to great crested newts and no inadvertent loss of habitat. It also includes a proposal for habitat enhancement along an adjacent field boundary. No evidence of barn owl was found in any of the buildings. The conversion of the buildings will result in the complete loss of nesting bird habitat. Swallows are birds of habit and return to the same nests year after year. Recommend conditions for newt mitigation and the demolition of buildings.

3.7 Bats were confirmed as roosting in two of the buildings and a European Protected Species Licence is likely to be required to undertake work on these and it is recommended that this is addressed through specific conditions.

3.8 The building condition report states that timber treatment for woodworm is needed as will a full roof strip to bring the installation up to building standards. Therefore a precautionary approach to working is required and the timing of the works to be conditioned

Archaeology

3.9 No comments received, comments will be reported at the committee meeting

Flood Risk Management Team

3.10 It is important that there is a drainage strategy that provides a drainage solution for the whole site, for all applications and not piecemeal.

3.11 The information within 'Addendum Rev A Drainage Strategy Report' suggested that there was a network of surface water drains that eventually discharged to the drainage ditch to the east of the site; however following the site visit there is evidence to suggest that the surface water drains and foul water drains are part of a combined system. This appears to subsequently discharge to the septic tanks on site; the applicant has stated that there are four on site with two that appear to overflow and discharge to the drainage ditch. Inspection of the two outfalls into the ditch provided further evidence to suggest that there is a combined system in place on site with clear signs of foul water discharge. Main concern is that foul water is discharging into a drainage ditch; this is a matter that the applicant should be looking to resolve immediately.

3.12 Agreement has been reached with the AIDB with regard to the proven connected impermeable areas which equate to 930 m². From this information the permitted surface water discharge rate from the site shall be a maximum of 9.1 l/sec.

3.13 The developer should devise a robust drainage strategy and design including how surface water and foul water will be separated and how surface water will subsequently be attenuated on site before discharge.

3.14 Request conditions to seek the outstanding information

Environmental Protection Unit

3.15 Due to the presence of agricultural buildings, fuel storage, and the range of historic activities which could have been carried out, some concerns that there is potential for land contamination to be present at this site. A site investigation and risk assessment is required in order to determine whether land contamination is present. Seek the information via condition

3.16 request condition to require socket to allow vehicle recharging

EXTERNAL CONSULTATIONS/REPRESENTATIONS

Askham Bryan Parish Council

3.17 The proposal, together with the other three applications at Eastfield Farm, constitutes a change of use from farming/equine to residential. If approved this would result in a loss of amenity for the local community and an increase in residential development considered detrimental to this part of the Rural West Ward of York.

Dringhouses and Woodthorpe Planning Panel

3.18 The change of use will result in a loss of amenity for the local community and encourage residential development considered detrimental to this part of the Rural West Ward

Ainsty Internal Drainage Board (AIDB)

3.19 The information within 'Addendum Rev A Drainage Strategy Report' suggested that there was a network of surface water drains that eventually discharged to the drainage ditch to the east of the site; however following the site visit there is evidence to suggest that the surface water drains and foul water drains are part of a combined system. This appears to subsequently discharge to the septic tanks on site; the applicant has stated that there are four on site with two that appear to discharge directly to the drainage ditch. Inspection of the two outfalls into the ditch provided further evidence to suggest that there is a combined system in place on site with clear signs of foul water discharging.

3.20 Agreement has been reached with the Flood Risk Engineer with regard to the connected impermeable areas; this information will be used to calculate a surface water discharge rate from the site. The Board would note that consent to discharge will be required from the applicant and discussions with the Board should be maintained in order to resolve this.

3.21 The Internal Drainage Board (IDB) requests conditions to seek further details be submitted. a robust drainage strategy including how surface water and foul water will be separated and how surface water will subsequently be attenuated on site before discharge. At present the main concern of the Board is that foul water is discharging into a drainage ditch; this is a matter that the applicant should be looking to resolve immediately.

Yorkshire Water

3.22 No comments received

Neighbour Notification/Publicity

3.23 Three representations of objection have been received covering the following points:

- Concerned regarding the extent and nature of the four applications within the greenbelt
- Significant change from agricultural character to residential
- Concerned regarding the proposed access to Moor Lane, the removal of the hedges to allow visibility would have significant visual amenity implications. In addition concerned regarding the safety implications of the proposed access. The eastern access to the complex should be retained (Officer note: the proposed northern access has been removed from the applications)

4.0 APPRAISAL

RELEVANT SITE HISTORY

- 8/86/128B/PA (1992) - Conversion of redundant agricultural building to form residential holiday accommodation - Approved
- 8/86/128A/PA(1989) - Erection of an extension to and conversion of vacant cow house to use as 2 holiday units - Approved
- 8/86/128/PA (1985) - Change of use of existing buildings and outline application for the erection of an extension to existing buildings to form residential holiday accommodation at Eastfield Farm - Approved

KEY ISSUES

1. Principle and impact to the Green Belt
2. Loss of existing business
3. Ecology
4. Highways
5. Surface Water Drainage

ASSESSMENT

Planning Policy

4.1 The site is within the City of York Green Belt as defined on the City of York Development Control Local Plan Proposals Map (2005), and the saved policies of the Yorkshire and Humber Regional Spatial Strategy (May 2008) sets out the extent of the City of York Green Belt. In the emerging local plan the site is allocated as safeguarded land (SF12). However 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. It is considered that no weight should be given to policy SF12.

4.2 The NPPF sets out the purposes of including land within Green Belts including to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment. The protection of the Green Belt is one of the core planning principles of the NPPF (Para 17). The NPPF states the types of development that are appropriate within Green Belts. All other development is deemed inappropriate and therefore harmful to the Green Belt. The NPPF sets out the situations where development that is not inappropriate development in the Green Belt these include: the re-use of buildings providing that the buildings are of permanent and substantial construction (Para 90). The NPPF states that the local planning authority should ensure that substantial weight is given to any harm to the Green Belt. The NPPF sets out the 5 purposes of the Green Belt (Para 80) these are: to check unrestricted sprawl of large built up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.3 The National Planning Policy Framework (NPPF) attaches importance to the design of the built environment. Good design is a key aspect of sustainable development, and is indivisible from good planning, and should contribute positively to making places better for people. The planning system should ensure that development functions well and adds to the overall quality of the area over the lifetime of the development. In addition decisions should establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work, and visit, and respond to local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. It should be visually attractive as a result of good architecture. Planning decisions should not attempt to impose architectural styles and particular tastes and they should not stifle innovation, it is however proper to seek to promote or reinforce local distinctiveness. Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area. Local Plan Policy GP1 refers to design, for all types of development. It states that development proposals will be expected to, respect or enhance the local environment. 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.

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

PRINCIPLE OF DEVELOPMENT AND IMPACT TO THE GREEN BELT

4.5 The proposed re-use of the buildings (which appear to be of a permanent and substantial construction) is not inappropriate development in the greenbelt.

4.6 The proposed development would include extending the current residential accommodation into the neighbouring stables. The proposed accommodation would result in a reduction in the number of bedrooms (from 8 to 3). The proposal would result in the loss of 4 no. stables. The change of use of the stable accommodation is considered to be minimal as an individual application but also in the context of the 3 other partner applications. The plans show space allocated for vehicle parking within the existing farm yard, and the proposed garage or the enclosed gardens would provide secure cycle parking. There is a regular bus service running along the adjacent Moor Lane. A garden would be provided to either side of the converted stables. The plans show the garden to the west being enclosed by a hedge, other forms of enclosure such as a fence or wall may increase the prominence of the development as such it is considered prudent to remove permitted development to maintain the character of the buildings and the surroundings. Therefore the proposed development including the garden is not considered to impact on the openness or character of the greenbelt.

LOSS OF EXISTING BUSINESSES

4.7 The aim of Local Plan Policy E3b is to retain employment sites in employment uses. The NPPF makes clear that the long term protection of sites for employment use when there is no reasonable prospect of a sites being used for that purpose should be avoided (para 22). This application together with the 3 other partner applications would result in the closure of the livery business. It is DIY livery and therefore nobody is employed for the care of the horses. The agent has confirmed that the livery is not a viable business, the rent received does not cover the upkeep of the buildings. The proposal would result in the loss of the metal clad building to the north which currently houses a vehicle repair business; the agent has confirmed that this business will be closing in the near future, not as a result of the applications.

ECOLOGY

4.8 The Ecology report states that works are required to the roof of the stables to overcome the woodworm problems as such it is considered prudent to condition that any external material proposed match the existing.

HIGHWAYS

4.9 Highways Network Management have requested a number of alterations to the existing driveway and a refuse bin storage area, as this application is for the change

of use of stables to residential use rather than an additional dwelling, and that the level of accommodation (number of bedrooms) is less than existing it is not considered reasonable to request or conditions this through this application.

SURFACE WATER DRAINAGE

4.10 The submitted information regarding the current and proposed foul and surface water drainage scheme has a number of errors. The current disposal methods are not acceptable and to comply with current standards a new drainage scheme is required. It is considered that this can be sought via conditions to ensure a suitable drainage scheme, and that they should be applied to all four applications.

5.0 CONCLUSION

5.1 The change of use of stables/agricultural building to provide an extension to the existing residential accommodation is considered to be acceptable. The proposed development would have very limited impact to the openness and character of the greenbelt and it not considered to result in harm. Subject to the submission of satisfactory surface water drainage details approval is recommended subject to the following conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 PLANS1 Approved plans
- 2 TIME2 Development start within three years
- 3 The part of the roof which requires rebuilding shall use pantiles of the same colour, size, and texture of the existing roof. The infill brickwork shall match the existing brickwork in all respects ie, bonding, size, colour and texture of bricks and the colour and finished treatment of mortar joints, to the satisfaction of the Local Planning Authority.

Reasons: To ensure that the finished appearance is to the satisfaction of the Local Planning Authority.

- 4 The development hereby permitted shall be implemented strictly in accordance with the details shown in the Great Crested Newt Mitigation Strategy (December 2014) as already submitted in full with the application and agreed with the local planning authority prior to determination.

Reason: To take account of and to enhance the habitat for a protected species.

It should be noted that under National Planning Policy Framework the replacement/mitigation proposed should provide a net gain in wildlife value.

5 All contractors and all those involved with timber treatment, roofing and building works to be made aware of the potential presence of bats and the need to follow standard good working practices in relation to bats specifically, roofs which are to be stripped or replaced should be dismantled carefully by hand. Only half of the roof should be removed on the first day and the second half 24 hours later. This will create unfavourable conditions for any bats still roosting within the roof structure and encourage the bats to leave on their own accord. If timber treatment is required, Permethryn type chemicals on the Natural England list of approved safe chemicals should be used - Natural England Bat roosts and timber treatment products (TIN092). Prior to the commencement of development details of what measures are to be provided within the design of the new building to accommodate bats shall be submitted and agreed in writing by the Local Planning Authority. The development shall be constructed in accordance with these approved details. Features suitable for incorporation for this group include the use of special tiles, bricks, soffit boards, bat boxes etc.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and comply with Section 11 of the NPPF.

6 No removal works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

Reason: To ensure that breeding birds are protected from harm during construction. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended).

7 PD6A Removal of Permitted Development Part 2 rights

8 The boundary to the north west rear garden shall be a hedge. Prior to occupation details of number, species, height and position of trees and shrubs to be used shall be submitted and approved in writing by the Local Planning Authority. This scheme shall be implemented prior to first occupation. 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. The boundaries hedge shall remain in place

Informative: Native hedging is recommended, evergreen species such as Leylandi will not be acceptable.

Reason: In the interests of the visual amenities, character and openness of the green belt. So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

9 Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

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

intended use of the land after remediation.

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

11 Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

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

12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, 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.

13 Prior to development details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, shall be submitted to and approved by the Local Planning Authority. The works shall be constructed in accordance with the approved details.

If SuDs methods can be proven to be unsuitable then peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven 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.

The permitted surface water discharge rate from the site shall be a maximum of 9.1 l/sec. This rate should be used as the basis of the proposed surface water drainage design.

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

14 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.

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:

- Request additional information, and revised plans and elevations
- Use of conditions

2. IDB INFORMATIVE

The developer is advised that the Ainsty Internal Drainage Board'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 proposal to culvert, bridge, fill in or make a discharge to the watercourse will also require the Board's prior consent.

Contact details:

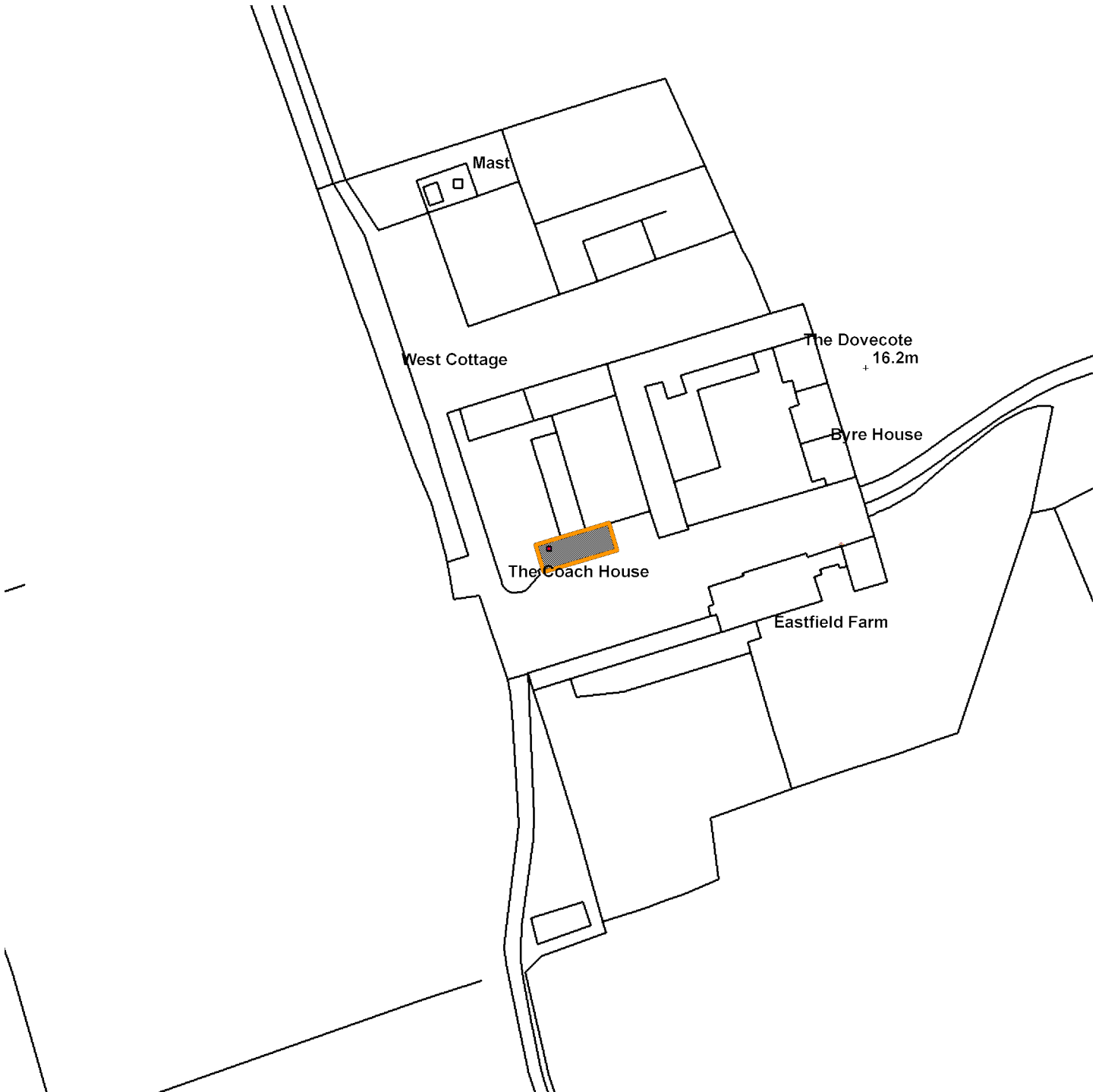
Author: Victoria Bell Development Management Officer

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The Coach House Eastfield Farm Moor Lane Acomb

14/02967/FUL



Scale : 1:1059

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Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	02 June 2015
SLA Number	Not Set

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COMMITTEE REPORT

Date: 11 June 2015 **Ward:** Rural West York
Team: Major and **Parish:** Dringhouses/Woodthorpe
Commercial Team Planning Panel

Reference: 14/02968/FUL
Application at: West Cottage Eastfield Farm Moor Lane Acomb York
For: Change of use of outbuildings to form additional
accommodation for West Cottage with link extension and
associated external alterations
By: Messrs Dodgson
Application Type: Full Application
Target Date: 15 April 2015
Recommendation: Approve

1.0 PROPOSAL

1.1 The application is for the conversion of 6 no. stables together with a link extension to create an extension of residential accommodation (including a double garage) to West Cottage. The site forms part of a larger complex of agricultural buildings, currently used for livery. There are 5 other dwellings within the site. The existing dwelling has 6 bedrooms, and has been used as a House of Multiple Occupation (there is no consent for its current use). The accommodation of the dwelling would be reconfigured and the development would result in 1 no. 3/4 bed roomed dwelling. It is also proposed to formalise the garden curtilage for the dwelling.

1.2 The site lies within general extent of the green belt. The site is within Flood Zone 1. The Askham Bog Site of Special Scientific Interest is within 1km of the site.

1.3 The application was submitted with three other applications for the redevelopment of other buildings within the farm complex:

- 14/02964/FUL - Change of use of outbuildings to form additional accommodation for The Dovecote, alterations to Byre House and the conversion, alteration and extension of outbuildings to form 5 no. dwellings with associated gardens and parking
- 14/02966/FUL - Change of use of outbuildings to form additional residential accommodation for The Cottage with associated alterations
- 14/02967/FUL - Change of use of outbuildings to form additional residential accommodation for The Coach House with associated external alterations

1.4 To allow the proposed development of this application and that proposed in 14/02964/FUL, and 14/02967/FUL the plans show the metal agricultural sheds within the stack yards being removed, together with the metal shed to the north which houses a vehicle repair business and stables, and a dilapidated pole mounted barn. The development proposed in the 4 applications would result in the loss of the existing livery business. The agent has confirmed that no decision has been made on the future ownership/division of the surrounding fields used in connection with the livery use.

1.5 Revised plans have been submitted showing the proposed vehicle access to Moor Lane removed.

1.6 Pre-application discussions with Council Planning Officers took place regarding the principle of development on the site.

1.7 Cllr Reid has requested that this application together with the three other applications come before committee for the following reasons:

- Would like consideration given to whether the applications would have detrimental impact on the greenbelt from the domestication and intensification of use.
- Increase in traffic movements.
- Reservations about the proposed northern vehicle access to Moor Lane.
- Concerned about the creation of a tarmac road across fields to Moor Lane where traffic is travelling at speed.

POLICY CONTEXT

2.1 Development Plan Allocation:
Airfield safeguarding GMS Constraints

2.2 Policies:

CYGP1 Design

CYGP3 Planning against crime

CYGP4A Sustainability

CYGP6 Contaminated land

CYGP9 Landscaping

CGP15A Development and Flood Risk

CYNE3 Water protection

CYNE6 Species protected by law

CYNE7 Habitat protection and creation

CYGB1 Development within the Green Belt

CYGB3 Reuse of buildings

CYT4 Cycle parking standards

CYE3B Existing and Proposed Employment Sites

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Highway Network Management

3.1 Request that the driveway accommodate two way traffic at the entrance from old Moor Lane. Request 5 metre wide road for first 12 metres. May reduce down to a single width track with passing place as required

3.2 Access from Old Moor Lane will require 43 x 2 metre forward visibility. The first 5 metres of driveway should be a sealed surface and positively drained. The remaining driveway should be constructed to a standard that is suitable for the development proposed

3.3 Car and cycle parking should be included within the development for CYC Annex E standards - can be condition

3.4 A refuse bin collection point should be provided near the entrance of the driveway. This should be a maximum of 20 metres from the highway but preferable closer

Ecology Officer

3.5 The site falls within Natural England's SSSI risk impact zone for Askham Bog (c.680m). This means that developments requiring their own water supply, or where there is any discharge of water or liquid waste to ground or surface water that is more than 2m³/day (discharges to mains sewer are excluded) triggers the need to consult Natural England on likely impacts.

3.6 Recent great crested newt surveys in the area have identified their presence, in very low numbers, in the pond c.75m east of the site. The majority of proposed development only impacts upon existing buildings and existing hard standing. A precautionary method statement has been produced to ensure there is no risk of harm to great crested newts and no inadvertent loss of habitat. It also includes a proposal for habitat enhancement along an adjacent field boundary. No evidence of barn owl was found in any of the buildings. Recommend conditions for newt mitigation and the demolition of buildings.

3.7 West Cottage was found to support a common pipistrelle roost. Mitigation proposed includes for the provision of an integral bat box into gable end of the renovated West Cottage. In order to secure this mitigation request condition

3.8 A large number of swallow nests will be lost as part of the development. Request condition for mitigation.

Archaeology

3.9 No comments received, comments will be reported at the committee meeting

Flood Risk Management Team

3.10 It is important that there is a drainage strategy that provides a drainage solution for the whole site, for all applications and not piecemeal.

3.11 The information within 'Addendum Rev A Drainage Strategy Report' suggested that there was a network of surface water drains that eventually discharged to the drainage ditch to the east of the site; however following the site visit there is evidence to suggest that the surface water drains and foul water drains are part of a combined system. This appears to subsequently discharge to the septic tanks on site; the applicant has stated that there are four on site with two that appear to overflow and discharge to the drainage ditch. Inspection of the two outfalls into the ditch provided further evidence to suggest that there is a combined system in place on site with clear signs of foul water discharge. Main concern is that foul water is discharging into a drainage ditch; this is a matter that the applicant should be looking to resolve immediately.

3.12 Agreement has been reached with the Ainsty Internal Drainage Board with regard to the proven connected impermeable areas which equate to 930 m². From this information the permitted surface water discharge rate from the site shall be a maximum of 9.1 l/sec.

3.13 The developer should devise a robust drainage strategy and design including how surface water and foul water will be separated and how surface water will subsequently be attenuated on site before discharge.

3.14 Request conditions to seek the outstanding information

Environmental Protection Unit

3.15 Due to the presence of agricultural buildings, fuel storage, and the range of historic activities which could have been carried out, some concerns that there is potential for land contamination to be present at this site. A site investigation and risk assessment is required in order to determine whether land contamination is present. Seek the information via condition

3.16 request condition to require socket to allow vehicle recharging

EXTERNAL CONSULTATIONS/REPRESENTATIONS

Askham Bryan Parish Council

3.17 The proposal, together with the other three applications at Eastfield Farm, constitutes a change of use from farming/equine to residential.

If approved this would result in a loss of amenity for the local community and an increase in residential development considered detrimental to this part of the Rural West Ward of York.

Dringhouses and Woodthorpe Planning Panel

3.18 The change of use will result in a loss of amenity for the local community and encourage residential development considered detrimental to this part of the Rural West Ward

Ainsty Internal Drainage Board

3.19 The information within 'Addendum Rev A Drainage Strategy Report' suggested that there was a network of surface water drains that eventually discharged to the drainage ditch to the east of the site; however following the site visit there is evidence to suggest that the surface water drains and foul water drains are part of a combined system. This appears to subsequently discharge to the septic tanks on site; the applicant has stated that there are four on site with two that appear to discharge directly to the drainage ditch. Inspection of the two outfalls into the ditch provided further evidence to suggest that there is a combined system in place on site with clear signs of foul water discharging.

3.20 Agreement has been reached with the Flood Risk Engineer with regard to the connected impermeable areas; this information will be used to calculate a surface water discharge rate from the site. The Board would note that consent to discharge will be required from the applicant and discussions with the Board should be maintained in order to resolve this.

3.21 The IDB requests conditions to seek further details be submitted. a robust drainage strategy including how surface water and foul water will be separated and how surface water will subsequently be attenuated on site before discharge. At present the main concern of the Board is that foul water is discharging into a drainage ditch; this is a matter that the applicant should be looking to resolve immediately.

Yorkshire Water

3.22 No comments received

Neighbour Notification/Publicity

3.23 Three representations of objection have been received covering the following points:

- Concerned regarding the extent and nature of the four applications within the greenbelt
- Significant change from agricultural character to residential
- Concerned regarding the proposed access to Moor Lane, the removal of the hedges to allow visibility would have significant visual amenity implications.

In addition concerned regarding the safety implications of the proposed access. The eastern access to the complex should be retained (Officer note: the proposed northern access has been removed from the applications)

4.0 APPRAISAL

RELEVANT SITE HISTORY

- 8/86/128B/PA (1992) - Conversion of redundant agricultural building to form residential holiday accommodation - Approved
- 8/86/128A/PA(1989) - Erection of an extension to and conversion of vacant cow house to use as 2 holiday units - Approved
- 8/86/128/PA (1985) - Change of use of existing buildings and outline application for the erection of an extension to existing buildings to form residential holiday accommodation at Eastfield Farm - Approved

KEY ISSUES

1. Principle and impact to the Green Belt
2. Loss of existing business
3. Ecology
4. Highways
5. Surface Water Drainage

ASSESSMENT

4.1 The site is within the City of York Green Belt as defined on the City of York Development Control Local Plan Proposals Map (2005), and the saved policies of the Yorkshire and Humber Regional Spatial Strategy (May 2008) sets out the extent of the City of York Green Belt. In the emerging local plan the site is allocated as safeguarded land (SF12). However 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. It is considered that no weight should be given to policy SF12.

4.2 The National Planning Policy Framework sets out the purposes of including land within Green Belts including to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment. The protection of the Green Belt is one of the core planning principles of the NPPF (Para 17). The NPPF states the types of development that are appropriate within Green Belts. All other development is deemed inappropriate and therefore harmful to the Green Belt.

The NPPF sets out the situations where development that is not inappropriate development in the Green Belt these include: the re-use of buildings providing that the buildings are of permanent and substantial construction (Para 90). The NPPF states that the local planning authority should ensure that substantial weight is given to any harm to the Green Belt. The NPPF sets out the 5 purposes of the Green Belt (Para 80) these are: to check unrestricted sprawl of large built up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.3 The NPPF attaches importance to the design of the built environment. Good design is a key aspect of sustainable development, and is indivisible from good planning, and should contribute positively to making places better for people. The planning system should ensure that development functions well and adds to the overall quality of the area over the lifetime of the development. In addition decisions should establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work, and visit, and respond to local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. It should be visually attractive as a result of good architecture. Planning decisions should not attempt to impose architectural styles and particular tastes and they should not stifle innovation, it is however proper to seek to promote or reinforce local distinctiveness. Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area. Local Plan Policy GP1 refers to design, for all types of development. It states that development proposals will be expected to, respect or enhance the local environment. 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.

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

PRINCIPLE OF DEVELOPMENT AND IMPACT TO THE GREEN BELT

4.5 The proposed re-use of the buildings (which appear to be of a permanent and substantial construction) is not inappropriate development in the greenbelt.

4.6 The proposed development would include extending the current residential accommodation into the neighbouring stables. The proposed accommodation would result in a reduction in the number of bedrooms (from 6 to 3/4). The proposal would result in the loss of 6 no. stables.

The change of use of the stable accommodation is considered to be minimal as an individual application but also in the context of the 3 other partner applications. The plans show space allocated for vehicle parking, and the proposed garage or the enclosed gardens would provide secure cycle parking. There is a regular bus service running along the adjacent Moor Lane.

4.7 A garden would be provided to the south and north enclosed by a hedge; the proposed garden to the south east would be enclosed by a wall which would not be visible from outside of the farm complex. Enclosure of the gardens to the north or south by a wall or fence has the potential to create harsh, urban appearance and as a result increase the prominence of the development therefore it is considered prudent to remove permitted development to maintain the character of the buildings and the surroundings. The external alterations to create the accommodation use the existing openings although this can not be achieved with the garage doors. The appearance of the garage doors is not considered to result in undue harm and would be viewed in association with the existing dwelling. The proposed development including the garden is not considered to impact on the openness or character of the greenbelt.

LOSS OF EXISTING BUSINESSES

4.8 The aim of Local Plan Policy E3b is to retain employment sites in employment uses. The NPPF makes clear that the long term protection of sites for employment use when there is no reasonable prospect of a sites being used for that purpose should be avoided (para 22). This application together with the 3 other partner applications result in the closure of the livery business. It is DIY livery and therefore nobody is employed for the care of the horses. The agent has confirmed that the livery is not a viable business , the rent received does not cover the upkeep of the buildings. The proposal would result in the loss of the metal clad building to the north which currently houses a vehicle repair business; the agent has confirmed that this business will be closing in the near future, not as a result of the applications. As the business is being removed it removes the potential for disturbance caused by the activities and comings and going from this business. As the dwelling already exists it is not considered reasonable to condition the removal of the vehicle repair business prior to the development of this application

ECOLOGY

4.9 West Cottage was found to support a common pipistrelle roost. The mitigation proposed includes for the provision of an integral bat box into gable end of the renovated West Cottage. This can be secured via condition. A European Protected Species Licence is likely to be required to undertake work this can be addressed through a specific condition.

4.10 The conversion of the buildings will result in the complete loss of nesting bird habitat. Mitigation can be sought via a condition.

HIGHWAYS

4.11 Highways Network Management have requested a number of alterations to the existing driveway and a refuse bin storage area, as this application is for the change of use of stables to residential use rather than an additional dwelling, and that the level of accommodation (number of bedrooms) is less than existing it is not considered reasonable to request or condition this through this application.

SURFACE WATER DRAINAGE

4.12 The submitted information regarding the current and proposed foul and surface water drainage scheme has a number of errors. The current disposal methods are not acceptable and to comply with current standards a new drainage scheme is required. It is considered that this can be sought via conditions to ensure a suitable drainage scheme, and that they should be applied to all four applications.

5.0 CONCLUSION

5.1 The change of use of stables to provide an extension of existing residential accommodation is considered to be acceptable. The proposed development would have very limited impact to the openness and character of the greenbelt and it not considered to result in harm. Subject to the submission of satisfactory surface water drainage details approval is recommended subject to the following conditions

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 PLANS1 Approved plans
- 2 TIME2 Development start within three years
- 3 VISQ6 Infill brickwork to match

4 The development hereby permitted shall be implemented strictly in accordance with the details shown in the Great Crested Newt Mitigation Strategy (December 2014) as already submitted in full with the application and agreed with the local planning authority prior to determination.

Reason: To take account of and to enhance the habitat for a protected species. It should be noted that under National Planning Policy Framework the replacement/mitigation proposed should provide a net gain in wildlife value.

5 No removal works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

Reason: To ensure that breeding birds are protected from harm during construction. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended).

6 No development shall take place, including roof stripping and maintenance work, until a detailed method statement for bats, based on the mitigation measures set out in Section 6.0 Mitigation Strategy for Bats of the Protected Species (Bat) Surveys, BJ Collins, November 2014 and including a monitoring strategy, has been agreed in writing with the Local Planning Authority. This may form part of a European Protected Species Licence application. The works shall be completed in accordance with the approved details prior to the occupation of the accommodation and shall be retained unless otherwise agreed in writing with the Local Planning Authority.

Reason: To take account of and to enhance the habitat for a protected species. It should be noted that under National Planning Policy Framework the replacement/mitigation proposed should provide a net gain in wildlife value.

7 No development shall take place until measures addressing the incorporation of nesting habitat on the building for swallow (e.g. nest boxes) has been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with these approved details.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and comply with Section 11 of the NPPF.

8 PD6A Removal of PD Part 2 rights

9 The boundary to the north/front garden and the south/rear garden shall be a hedge. Prior to occupation details of number, species, height and position of trees and shrubs to be used shall be submitted and approved in writing by the Local Planning Authority. This scheme shall be implemented prior to first occupation. 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. The boundaries hedge shall remain in place

Informative: Native hedging is recommended, evergreen species such as Leylandi will not be accepted.

Reason: In the interests of the visual amenities, character and openness of the green belt. So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

10 Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

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

intended use of the land after remediation.

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

12 Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

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

13 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, 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.

14 Prior to development details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, shall be submitted to and approved by the Local Planning Authority. The works shall be constructed in accordance with the approved details.

If SuDs methods can be proven to be unsuitable then peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven 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.

The permitted surface water discharge rate from the site shall be a maximum of 9.1 l/sec. This rate should be used as the basis of the proposed surface water drainage design.

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

15 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.

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:

- Request additional information, and revised plans and elevations
- Use of conditions

2. IDB INFORMATIVE

The developer is advised that the Ainsty Internal Drainage Board'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 proposal to culvert, bridge, fill in or make a discharge to the watercourse will also require the Board's prior consent.

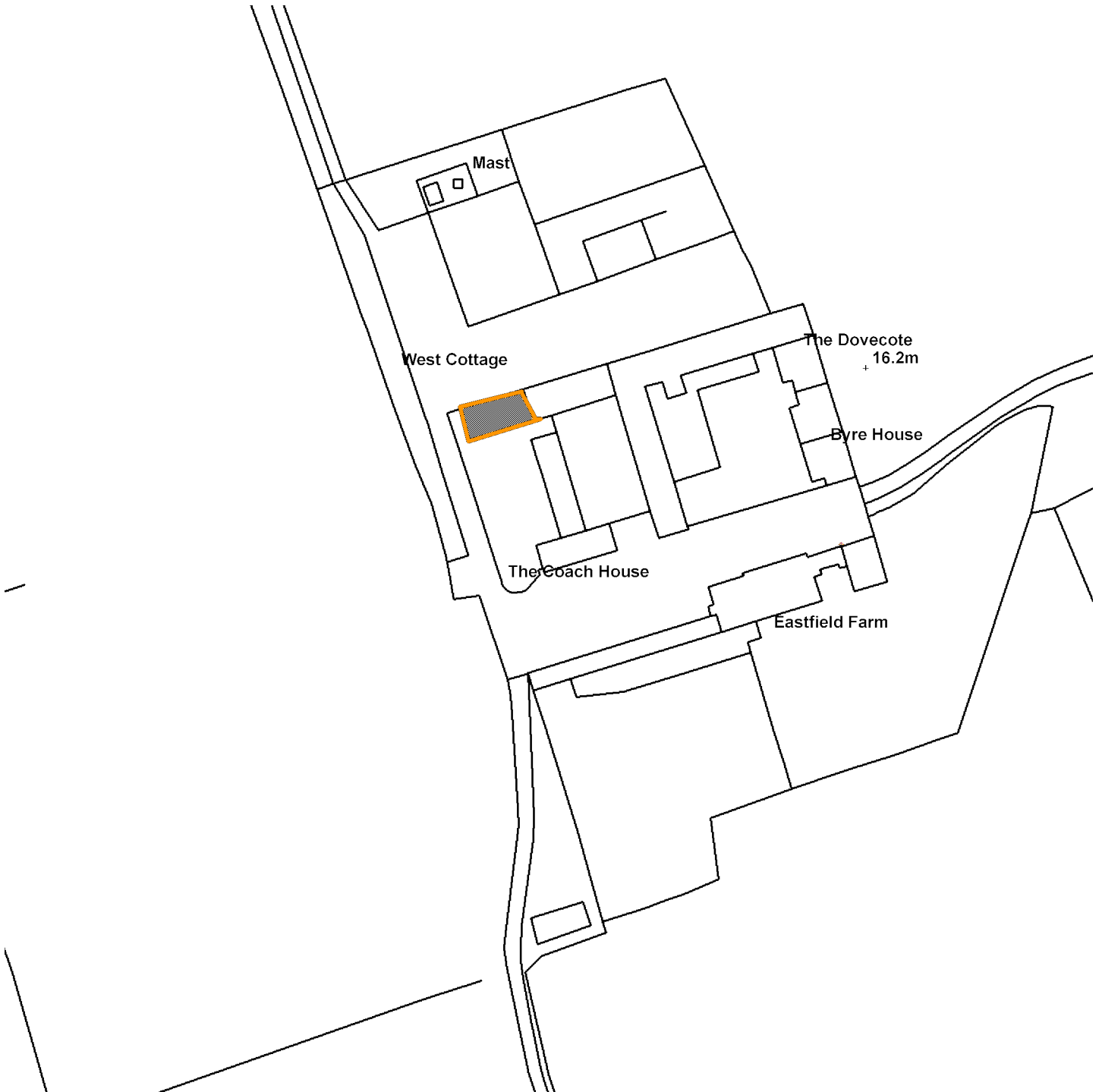
Contact details:

Author: Victoria Bell Development Management Officer
Tel No: 01904 551347

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West Cottage Eastfield Farm Moor Lane Acomb

14/02968/FUL



Scale : 1:1059

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Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	02 June 2015
SLA Number	Not Set

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COMMITTEE REPORT

Date: 11 June 2015 **Ward:** Rural West York
Team: Major and **Parish:** Dringhouses/Woodthorpe
Commercial Team Planning Panel

Reference: 14/02964/FUL
Application at: Eastfield Farm Moor Lane Acomb York YO23 3QX
For: Change of use of outbuildings to form additional
accommodation for The Dovecote, alterations to Byre House
and the conversion, alteration and extension of outbuildings
to form 5 no. dwellings with associated gardens and parking
By: Messrs Dodgson
Application Type: Full Application
Target Date: 15 April 2015
Recommendation: Approve

1.0 PROPOSAL

1.1 Planning permission is sought for the conversion and extension of the southern range of stables to 2 no. 2 bed dwellings (referred to on the plans as Units 8 and 9). A further 3 no. dwellings would be created by converting the northern range of agricultural buildings (unit 2, 3 and 6).

1.2 Within the main block of the farm buildings there are two existing dwellings (units 1 and 7) for which planning permission was granted for 2 no. holiday lets in 1989 (8/86/128/PA) and these works were undertaken. The agent has confirmed that they have not been used as holiday lets. The application seeks to reorganise this accommodation within these units.

1.3 In addition a detached double garage is proposed for Unit 7 within the stack yard, car ports for Units 1 and 2 are proposed to the north of the complex. Unit 9 would be extended to create an integral garage. Minor extensions facing into the stack yard are proposed following the demolition of 2 no. metal clad buildings. Both internal yards would be divided by walls to create private garden areas. The garden curtilages for Units 1 and 7 would extend into the neighbouring field. The applicant has proposed the demolition of the metal clad shed and the dilapidated pole mounted barn to the north of the main farm complex together with the restoration of the land to a field to offset the garden curtilages and the extensions to create Units 8 and 9. Vehicle access to the site would remain as existing - onto the Moor Lane lay-by.

1.4 The site lies within general extent of the green belt. The site is within Flood Zone 1. The Askham Bog Site of Special Scientific Interest (SSSI) is within 1km of the site.

This application together with the partner applications would see a net increase of 5 dwellings and a total of 11 dwellings on site including the original farm house.

1.5 The application was submitted with three other applications for the redevelopment of other buildings within the farm complex.

- 14/02966/FUL - Change of use of outbuildings to form additional residential accommodation for The Cottage with associated alterations
- 14/02967/FUL - Change of use of outbuildings to form additional residential accommodation for The Coach House with associated external alterations
- 14/02968/FUL - Change of use of outbuildings to form additional accommodation for West Cottage with link extension and associated external alterations

1.6 The proposed development, and that proposed in 14/02967/FUL, and 14/02968/FUL would result in the metal agricultural sheds within the stack yards being removed, together with the metal shed to the north which houses a vehicle repair business and stables, and a dilapidated pole mounted barn. The development proposed in the 4 applications would result in the loss of the existing livery business. The agent has confirmed that no decision has been made on the future ownership/division of the surrounding fields used in connection with the livery use.

1.7 Revised plans have been submitted showing the proposed vehicle access to Moor Lane removed.

1.8 Cllr Reid has requested that this application together with the three other applications come before committee for the following reasons:

- Would like consideration given to whether the applications would have detrimental impact on the greenbelt from the domestication and intensification of use.
- Increase in traffic movements.
- Reservations about the proposed northern vehicle access to Moor Lane.
- Concerned about the creation of a tarmac road across fields to Moor Lane where traffic is travelling at speed.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:
Airfield safeguarding GMS Constraints

2.2 Policies:
CYGP1 Design
CYGP4A Sustainability
CYGB3 Reuse of Buildings

CYGB6 Housing devt outside settlement limits
CYGP9 Landscaping
CYGP14 Agricultural land
CGP15A Development and Flood Risk
CYNE3 Water protection
CYNE6 Species protected by law
CYNE7 Habitat protection and creation
CYGB1 Development within the Green Belt
CYGB3 Reuse of buildings
CYT4 Cycle parking standards
CYH3CMix of Dwellings on Housing Site
CYH4A Housing Windfalls
CYE3B Existing and Proposed Employment Sites

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Highway Network Management

3.1 Request that the driveway accommodate two way traffic at the entrance from old Moor Lane. Request 5 metre wide road for first 12 metres. May reduce down to a single width track with passing place as required

3.2 Access from Old Moor Lane will require 43 x 2 metre forward visibility. The first 5 metres of driveway should be a sealed surface and positively drained. The remaining driveway should be constructed to a standard that is suitable for the development proposed

3.3 Car and cycle parking should be included within the development for CYC Annex E standards - can be conditioned

3.4 A refuse bin collection point should be provided near the entrance of the driveway. This should be a maximum of 20 metres from the highway but preferable closer

Ecology Officer

3.5 The site falls within Natural England's SSSI risk impact zone for Askham Bog (c.680m). This means that developments requiring their own water supply, or where there is any discharge of water or liquid waste to ground or surface water that is more than 2m³/day (discharges to mains sewer are excluded) triggers the need to consult Natural England on likely impacts.

3.6 Recent great crested newt surveys in the area have identified their presence, in very low numbers, in the pond c.75m east of the site. The majority of proposed development only impacts upon existing buildings and existing hard standing, only the construction of a garage unit in application 14/02964/FUL will impact on ground vegetation. A precautionary method statement has been produced to ensure there is no risk of harm to great crested newts and no inadvertent loss of habitat. No evidence of barn owl was found in any of the buildings. large number of swallow nests that will be lost as part of the development, condition sought for mitigation. Recommend conditions for newt mitigation and the demolition of buildings.

3.7 Bats were confirmed as roosting in two of the buildings and a European Protected Species Licence is likely to be required to undertake work on these and it is recommended that this is addressed through a specific condition.

3.8 The large two storey threshing barn was found to support a transient Natterer's bat roost and foraging activity by brown long eared bats. The mitigation proposed for this building is the inclusion of a small bat loft within the first floor end of the building with a bat slate installed close to the hip apex of the west facing roof aspect. Request secured via condition.

Archaeology

3.9 No comments received, comments will be reported at the committee meeting

Flood Risk Management Team

3.10 It is important that there is a drainage strategy that provides a drainage solution for the whole site, for all applications and not piecemeal.

3.11 The information within 'Addendum Rev A Drainage Strategy Report' suggested that there was a network of surface water drains that eventually discharged to the drainage ditch to the east of the site; however following the site visit there is evidence to suggest that the surface water drains and foul water drains are part of a combined system. This appears to subsequently discharge to the septic tanks on site; the applicant has stated that there are four on site with two that appear to overflow and discharge to the drainage ditch. Inspection of the two outfalls into the ditch provided further evidence to suggest that there is a combined system in place on site with clear signs of foul water discharge. Main concern is that foul water is discharging into a drainage ditch; this is a matter that the applicant should be looking to resolve immediately.

3.12 Agreement has been reached with the IDB with regard to the proven connected impermeable areas which equate to 930 m². From this information the permitted surface water discharge rate from the site shall be a maximum of 9.1 l/sec.

3.13 The developer should devise a robust drainage strategy and design including how surface water and foul water will be separated and how surface water will subsequently be attenuated on site before discharge.

3.14 Request conditions to seek the outstanding information

Environmental Protection Unit

3.15 Due to the presence of agricultural buildings, fuel storage, and the range of historic activities which could have been carried out, some concerns that there is potential for land contamination to be present at this site. A site investigation and risk assessment is required in order to determine whether land contamination is present. Seek the information via condition

EXTERNAL CONSULTATIONS/REPRESENTATIONS

Askham Bryan Parish Council

3.16 The proposal, together with the other three applications at Eastfield Farm, constitutes a change of use from farming/equine to residential. If approved this would result in a loss of amenity for the local community and an increase in residential development considered detrimental to this part of the Rural West Ward of York.

Dringhouses and Woodthorpe Planning Panel

3.17 The change of use will result in a loss of amenity for the local community and encourage residential development considered detrimental to this part of the Rural West Ward

Ainsty Internal Drainage Board

3.18 The information within 'Addendum Rev A Drainage Strategy Report' suggested that there was a network of surface water drains that eventually discharged to the drainage ditch to the east of the site; however following the site visit there is evidence to suggest that the surface water drains and foul water drains are part of a combined system. This appears to subsequently discharge to the septic tanks on site; the applicant has stated that there are four on site with two that appear to discharge directly to the drainage ditch. Inspection of the two outfalls into the ditch provided further evidence to suggest that there is a combined system in place on site with clear signs of foul water discharging.

3.19 Agreement has been reached with the Flood Risk Engineer with regard to the connected impermeable areas; this information will be used to calculate a surface water discharge rate from the site. The Board would note that consent to discharge will be required from the applicant and discussions with the Board should be maintained in order to resolve this.

3.20 The Internal Drainage Board requests that conditions to seek further details be submitted, such as a robust drainage strategy including how surface water and foul water will be separated, and how surface water will subsequently be attenuated on site before discharge. At present the main concern of the Board is that foul water is discharging into a drainage ditch; this is a matter that the applicant should be looking to resolve immediately.

Yorkshire Water

3.21 No comments received

Neighbour Notification/Publicity

3.22 Three letters of objection have been received covering the following points:

- Concerned regarding the extent and nature of the four applications within the greenbelt
- Significant change from agricultural character to residential
- Concerned regarding the proposed access to Moor Lane, the removal of the hedges to allow visibility would have significant visual amenity implications. In addition concerned regarding the safety implications of the proposed access. The eastern access to the complex should be retained (Officer note: the proposed northern access has been removed from the applications)

4.0 APPRAISAL

RELEVANT SITE HISTORY

- 8/86/128B/PA (1992) - Conversion of redundant agricultural building to form residential holiday accommodation - Approved
- 8/86/128A/PA(1989) - Erection of an extension to and conversion of vacant cow house to use as 2 holiday units - Approved
- 8/86/128/PA (1985) - Change of use of existing buildings and outline application for the erection of an extension to existing buildings to form residential holiday accommodation at Eastfield Farm - Approved

KEY ISSUES

1. Green Belt
2. Loss of existing business
3. Visual Amenity
4. Highways
5. Surface Water Drainage

PLANNING POLICY

4.1 Whilst the Regional Strategy for Yorkshire and Humber (the RSS) has otherwise been revoked, its York Green Belt policies have been saved together with the key diagram which illustrates those policies and the general extent of the Green Belt around York. RSS Policy YH9C “Green Belts” states that the detailed inner boundaries of the Green Belt around York should be defined in order to establish long term development limits that safeguard the special character and setting of the historic city. RSS Policy Y1 states that the City of York LDF, should define the detailed boundaries of the outstanding sections of the outer boundary of the York Green Belt about 6 miles from York city centre and the inner boundary in line with policy YH9C.

4.2 The National Planning Policy Framework (NPPF) was published in March 2012. It sets out government’s planning policies and is material to the determination of planning applications. The NPPF is the most up-to date representation of key relevant policy issues (other than the Saved RSS Policies relating to the general extent of the York Green Belt) and it is against this policy Framework that the proposal should principally be addressed.

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

4.4 The site is within the City of York Green Belt as defined on the City of York Development Control Local Plan Proposals Map (2005) and the general extent of the Green Belt established through the RSS. In the emerging local plan the site is allocated as safeguarded land (SF12). However 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. It is considered that no weight should be given to policy SF12.

4.5 The protection of the Green Belt is one of the core planning principles of the NPPF (Para 17). The NPPF states that the local planning authority should ensure that substantial weight is given to any harm to the Green Belt. The NPPF sets out the 5 purposes of the Green Belt (Para 80) these are: to check unrestricted sprawl of large built up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. The NPPF states the construction of new buildings is inappropriate development in the Green Belt and therefore harmful to the Green Belt.

However certain exceptions include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building (para 89); and the re-use of buildings providing that the buildings are of permanent and substantial construction (Para 90). The NPPF states that inappropriate development is by definition harmful to the greenbelt and should not be approved except in very special circumstances (87). Substantial weight should be given to any harm to the Greenbelt. 'Very special Circumstances' will not exist unless the potential harm to the greenbelt by reasons of inappropriateness, and any other harm, is clearly outweighed by other considerations (88)

4.6 The NPPF attaches importance to the design of the built environment. Good design is a key aspect of sustainable development, and is indivisible from good planning, and should contribute positively to making places better for people. The planning system should ensure that development functions well and adds to the overall quality of the area over the lifetime of the development. In addition decisions should establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work, and visit, and respond to local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. It should be visually attractive as a result of good architecture. Planning decisions should not attempt to impose architectural styles and particular tastes and they should not stifle innovation, it is however proper to seek to promote or reinforce local distinctiveness. Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area. Local Plan Policy GP1 refers to design, for all types of development. It states that development proposals will be expected to, respect or enhance the local environment.

PRINCIPLE OF DEVELOPMENT

4.7 The proposed re-use of the buildings (which appear to be of a permanent and substantial construction) is not inappropriate development in the greenbelt.

- Units 8 and 9

4.6 The works to the southern range of stables to the west of the farmhouse to create a 2 no. dwellings (Units 8 and 9) will result in a significantly larger footprint (increase of 128%) and as such would be a disproportionate addition (para 89 of NPPF) in the greenbelt and therefore conflicts with NPPF greenbelt policy. As such very special circumstances are required to outweigh the potential harm to the greenbelt by reason of inappropriateness. To amount to very special circumstances, the following considerations need to clearly outweigh this identified harm to the green belt. The height of the proposed buildings would be similar to the existing buildings and the appearance reflects the surrounding buildings. The increase in footprint would be offset by the removal of the two large sheds to the north of the farm and the metal sheds within the stack yards.

In addition it is noted that application ref: 8/86/128/PA granted planning permission for the buildings to be converted to holiday lets, including a similar scale extension of these stables . The site of the proposed gardens for Units 8 and 9 has been previously used as an orchard and has an established boundary of mature trees and hedging.

4.7 The fundamental purpose of Green Belt policy is to preserve openness. It is not considered that development would conflict with the other Green Belt purposes set out in paragraph 4.5. The proposed conversion is unlikely to set a precedent for other development within the Green Belt. It is considered that with the demolition of some of the existing agricultural sheds there would not be an overall increase in the built fabric of the complex and together with the other considerations put forward by the applicant, in addition to the mitigation of other harm through planning conditions , they clearly outweigh the potential harm to the greenbelt by reason of inappropriateness and any other harm and thereby are considered to be very special circumstances to allow the inappropriate development in the York Green Belt.

- Units 1,2, 3, 6 and 7

4.8 The existing openings (particularly in the outward facing elevations) of the agricultural buildings has been utilised for windows and doors and there are very few proposed additional openings. The roof of the two storey barn element (Unit 2, and part of Units 1 and 7) would be altered from corrugated sheeting to slate. Planning permission has previously been granted for the conversion of the 2 storey barn to holiday accommodation (8/86/128B/PA). The gardens of Units 2, 3, and 6 would be sited within the existing farm yards and utilise areas that are currently hardstanding. The use of the adjacent fields to provide garden curtilages for Units 1 and 7 would result in harm to the greenbelt however this is offset by the removal of the large agricultural buildings to the north of the main complex and therefore the impact to the openness of the greenbelt is considered to be neutral. Minor extensions are proposed to inward facing elevations and these are considered to be proportionate and in keeping with the original buildings and therefore comply with paragraph 89 of the NPPF. In addition as with Units 8 and 9 and the other partner applications, the boundary treatment of these gardens is considered to be important to the visual success of the development and its impact on the greenbelt. Whilst hedging would clearly define the gardens and would increase the domestic appearance of the development it would also screen much of the domestic paraphernalia, and would be more in keeping than close boarded fencing and walls which would appear overtly urban and thus impacting on the openness of the greenbelt. The plans show garden division as hedging however it is considered prudent ensure that it is hedging and remove permitted development rights for other types of enclosure.

4.9 With regard to criteria (a) to (f) of Policy GB3, it is considered that the residential use of the buildings (of this application as well in the context of the three partner applications) would have a greater impact than the present use on the openness of the Green Belt by virtue of the more clearly defined domestic curtilages. The comings and goings from the proposed development are considered to be similar to the existing uses. However, this is balanced against the loss of the metal clad agricultural buildings to the north of the complex. As such it is concluded that the reduction in physical development would have a neutral impact on the openness of the Green Belt. It is considered prudent to condition that the metal clad buildings are removed prior to development and the land restored to a field. The site is within 800 metres of the settlement envelope of York. There are two further criteria (g) and (h) within Policy GB3, however this part of the policy is considered to be out of date following the introduction of the NPPF.

LOSS OF EXISTING BUSINESSES

4.10 The aim of Local Plan Policy E3b is to retain employment sites in employment uses. The NPPF makes clear that the long term protection of sites for employment use when there is no reasonable prospect of a sites being used for that purpose should be avoided (para 22). This application together with the 3 other partner applications result in the closure of the livery business. It is DIY livery and nobody is employed for the care of the horses. The agent has confirmed that the livery is not a viable business; the rent received does not cover the upkeep of the buildings. The proposal would result in the loss of the metal clad building to the north which currently houses a vehicle repair business; the agent has confirmed that this business will be closing in the near future, not as a result of the applications. As the business is being removed it eliminates the potential for disturbance caused by the activities and comings and going from this business.

HIGHWAYS

4.11 Highways Network Management have requested a number of alterations to the existing driveway. It is not considered that the visibility splay needs to be conditioned, the splay requirement of HNM is currently met and the vehicle access is onto a lay-by rather than a through road. HNM have requested that the access lane be widened at the junction or that a passing place is provided. The comings and goings from the site are not considered to be above that of the existing dwellings and the DIY livery business; as such it is considered that it is not reasonable to request that the road be widened. In addition widening the access road has the potential to impact on the greenbelt. It is considered prudent to condition details of an area adjacent to the access road junction to stand bins on the day of collection.

ECOLOGY

4.12 The large two storey threshing barn (Unit 2 and part of 3 and 1) was found to support a transient Natterer's bat roost and foraging activity by brown long eared bats. The mitigation proposed for this building is the inclusion of a small bat loft within the first floor end of the building with a bat slate installed close to the hip apex of the west facing roof aspect. This can be secured via condition. A European Protected Species Licence is likely to be required to undertake work this can be addressed through a specific condition.

4.13 A precautionary method statement has been produced to ensure there is no risk of harm to great crested newts and no inadvertent loss of habitat. A condition ensuring that the proposed works are carried out in accordance with the report is considered prudent.

4.14 The conversion of the buildings will result in the complete loss of nesting bird habitat. Mitigation can be sought via a condition.

SURFACE WATER DRAINAGE

4.15 The submitted information regarding the current and proposed foul and surface water drainage scheme has a number of errors. The current disposal methods are not acceptable and to comply with current standards a new drainage scheme is required. It is considered that this can be sought via conditions to ensure a suitable drainage scheme, and that they should be applied to all four applications.

5.0 CONCLUSION

5.1 The extensions to Units 8 and 9 are inappropriate development however; this is balanced against the loss of the metal clad agricultural buildings to the north of the north of the main farm complex which is considered to outweigh the potential harm. The proposed development would have very limited impact to the openness, character, and visual amenity of the greenbelt and it is not considered to result in harm. Subject to the submission of satisfactory surface water drainage details approval is recommended subject to the following conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 PLANS1 Approved plans
- 2 TIME2 Development start within three years
- 3 VISQ1 Matching materials

4 The development hereby permitted shall be implemented strictly in accordance with the details shown in the Great Crested Newt Mitigation Strategy (December 2014) as already submitted in full with the application and agreed with the local planning authority prior to determination.

Reason: To take account of and to enhance the habitat for a protected species. It should be noted that under National Planning Policy Framework the replacement/mitigation proposed should provide a net gain in wildlife value.

5 No removal works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

Reason: To ensure that breeding birds are protected from harm during construction. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended).

6 No development shall take place, including roof stripping and maintenance work, until a detailed method statement for bats, based on the mitigation measures set out in Section 6.0 Mitigation Strategy for Bats of the Protected Species (Bat) Surveys, BJ Collins, November 2014 and including a monitoring strategy, has been agreed in writing with the Local Planning Authority. This may form part of a European Protected Species Licence application. The works shall be completed in accordance with the approved details prior to the occupation of the accommodation and shall be retained unless otherwise agreed in writing with the Local Planning Authority.

Reason: To take account of and to enhance the habitat for a protected species. It should be noted that under National Planning Policy Framework the replacement/mitigation proposed should provide a net gain in wildlife value.

7 No development shall take place until measures addressing the incorporation of nesting habitat on the building for swallows (e.g. nest boxes) has been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with these approved details.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and comply with Section 11 of the NPPF.

8 PD6A Removal of Permitted Development Part 2 rights

9 The boundaries to the north/front garden of Unit 2 and 3; the east gardens of Units 1 and 7; and the south/rear gardens of Units 8 and 9 shall be a hedge. Prior to occupation details of number, species, height and position of trees and shrubs to be used shall be submitted and approved in writing by the Local Planning Authority. This scheme shall be implemented prior to first occupation. 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. The boundaries hedge shall remain in place

Informative: Native hedging is recommended, evergreen species such as Leylandi will not be accepted.

Reason: In the interests of the visual amenities, character and openness of the green belt. So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

10 Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

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

12 Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

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

13 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, 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.

14 The metal clad detached shed (currently housing a vehicle repair business and stables) and the pole mounted barn sited to the north of the main farm complex (shown on Drawings Numbers BS3504-01 and BS3504-03) shall be removed and the land restored to a field prior to the construction of the development hereby approved.

Reason: To ensure the development does not have a materially greater impact on the greenbelt.

15 Details of all means of enclosure to the proposed boundaries within the farm/stack yards shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

Reason: In the interests of the visual amenities of the area.

16 EPU1 Electricity socket for vehicles

17 Prior to the occupation of the dwellings hereby approved details of the waste and recycling bin collection point (including surfacing) close to the vehicle junction with Old Moor Lane (the lay-by) shall be submitted to and approved in writing by the Local Planning Authority. No bins shall be sited at the collection point except after 19.00 hours the day before collection and on the day of collection. The approved facilities shall be provided prior to the occupation of the dwellings hereby approved and shall be maintained thereafter.

Reason: To prevent the obstruction of the access road and in the interests of the general amenities of the area and the occupants of the development hereby approved.

18 PD1A – Removal of specific Permitted Development rights – A, B, C, D, and E

19 Prior to development details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, shall be submitted to and approved by the Local Planning Authority. The works shall be constructed in accordance with the approved details.

If SuDs methods can be proven to be unsuitable then peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven 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.

The permitted surface water discharge rate from the site shall be a maximum of 9.1 l/sec. This rate should be used as the basis of the proposed surface water drainage design.

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

20 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.

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:

- Request additional information, and revised plans and elevations
- Use of conditions

2. IDB INFORMATIVE

The developer is advised that the Ainsty Internal Drainage Board'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 proposal to culvert, bridge, fill in or make a discharge to the watercourse will also require the Board's prior consent.

Contact details:

Author: Victoria Bell Development Management Officer

Tel No: 01904 551347

Application Reference Number: 14/02964/FUL

Item No: 4e

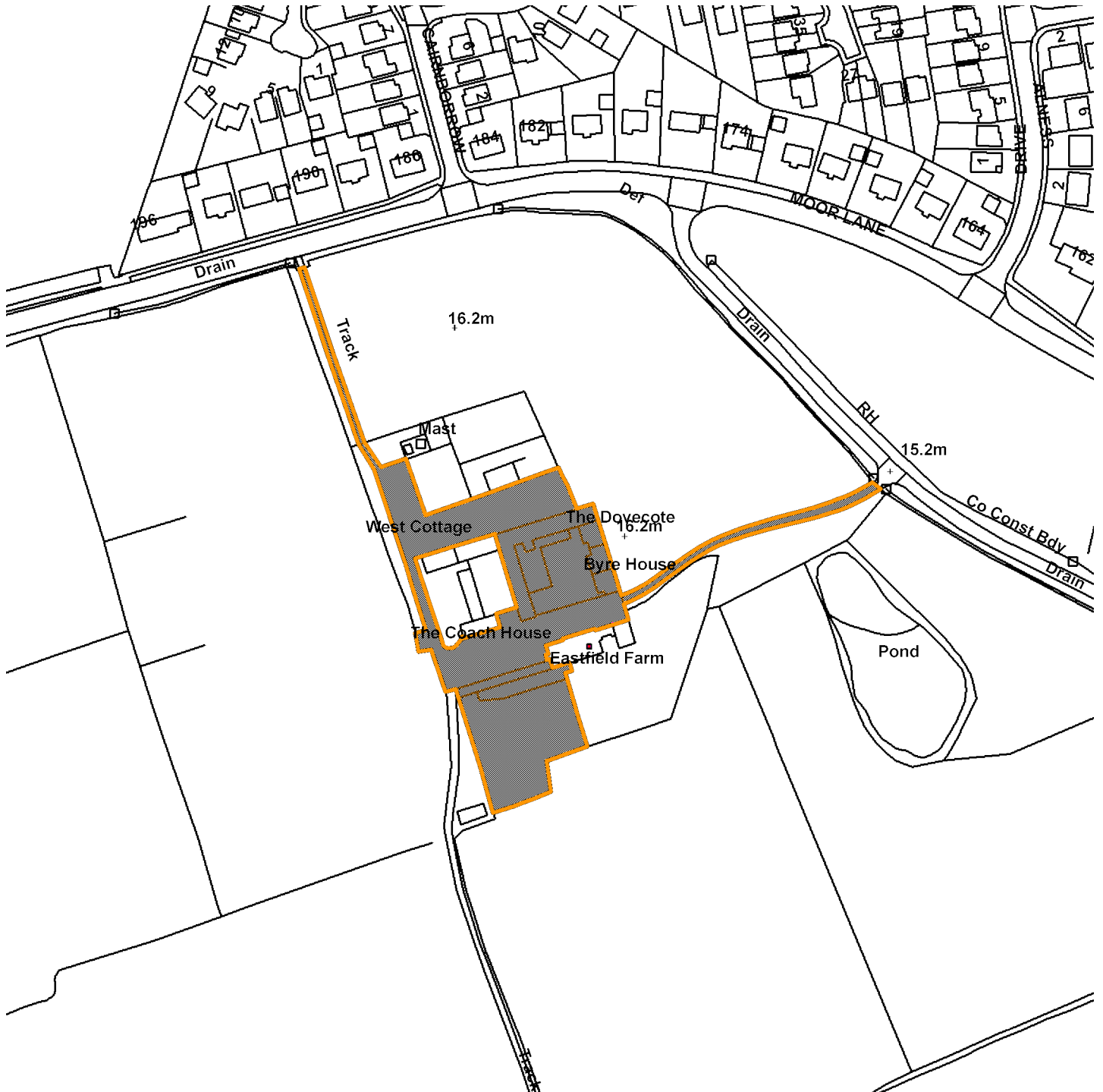
Page 16 of 16

Eastfield Farm Moor Lane Acomb

14/02964/FUL



GIS by ESRI (UK)



Scale : 1:2119

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Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	02 June 2015
SLA Number	Not Set

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COMMITTEE REPORT

Date: 11 June 2015 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
Commercial Team Panel

Reference: 15/00114/FUL
Application at: The Malt House Lower Darnborough Street York YO23 1AR
For: Conversion into 6no. residential units
By: Northminster Limited
Application Type: Full Application
Target Date: 17 June 2015
Recommendation: Delegated Authority to Approve subject to Section 106 Agreement

1.0 PROPOSAL**THE SITE**

1.1 Clementhorpe Maltings is a late 19th century former malt house located between Lower Ebor Street and Lower Darnborough Street in Clementhorpe. It is a three storey rectangular brick building aligned north-south. The tiled pitch roof covers the main section of the building with a pyramidal roof to the drying kiln at the south end, topped by a tall, square kiln cowl. The regular placed timber windows have been blocked up over time.

1.2 An enclosed courtyard is positioned to the front of the building on Lower Darnborough Street but the site itself extends the full width of the plot between the two streets. Small 19th century terraced properties with rear yards line Lower Ebor Street and Lower Darnborough Street to the east. More modern development, St Bridget Court with associated car park, is immediately adjacent to the west. Opposite The Maltings is Clementhorpe community hall and on Cherry Street is a health centre. The area benefits from being a short five minute walk from the Bishopthorpe Road of shops and restaurants, and a 15 minute walk into the city centre with its full range of facilities. Rowntree Park is within five minutes of the property.

1.3 Clementhorpe Maltings is Grade II listed. The National Heritage List for England states the reason for the building's designation as a 'highly legible example of a small, urban late 19th century maltings, both in external appearance and the retention of all the key components of the process, namely barley and malt storage, steep, growing floors and kiln. It retains rare machinery relating to the malting process.'

1.4 A Roman burial ground is identified to the immediate west of the building, currently operating as the car park for St Bridget Court. The site itself is within the city centre area of archaeological importance. The building is not in a conservation area.

1.5 The River Ouse is located approximately 170 metres to the east of the site. The building is predominantly Flood Zone 2, with the north-west corner Flood Zone 1 (and land to the east) and the south-east corner of the building Flood Zone 3.

PLANNING HISTORY

1.6 Clementhorpe Maltings was acquired by the City of York Council in 1963 and is still in the Council's ownership. Since this time it was used by York Museum's Trust for storage until 2007 when it became vacant. In January 2012, it was included as part of the Genius Challenge 1 Community Consultation and whilst some suggestions for the future use were identified, no viable alternative development could be supported. Later in 2012, the conversion of the building into a brewery, visitor centre, exhibition space and small starter units was examined but was also determined to be unviable.

THE PROPOSAL

1.7 A full planning application and a separate listed building consent application have been submitted for the conversion of the building into six town houses, arranged vertically, of two 2-bedroom units and four 3-bedroom units. The scheme seeks to preserve the character of the building and its former industrial use, including preservation of the rare machinery relating to the malting process, in situ where possible, or moved to the lobby for public viewing by residents and their visitors, or used elsewhere in the building. The building has significant structural issues but the proposals will conserve its long term future.

1.8 Units 2, 3, 4 and 5 are accessed from Lower Darnborough Street via an existing first floor entrance in the northwest corner, with a new external platform and steps within the yard. Residents will enter into a large double height lobby displaying the retained cistern steep, dressing machine, hopper and relocated bucket hoist. The units are arranged back-to-back against a central corridor with the accommodation stacked vertically. Units 1 and 6 are accessed from a separate existing entrance on Lower Ebor Street, again into a double height lobby housing the original furnace.

1.9 The original wooden sliding malt bin doors are to be retained as a feature and positioned adjacent to the modern doors at the entrance to each of the flats. Sections of the original floor tiles in the northern lobby will be cleaned and retained. Materials used will reflect the buildings original industrial character and include timber and corten steel.

1.10 The vertical split of accommodation comprises storage space on the ground floor for all units. Kitchen and utility spaces for Units 1 and 6 are also on the ground floor with mezzanine dining space at first floor level for these units (minimising the impact on archaeology and mitigating flood risk).

New partition walls run vertically between east and west sides bracing the structure. The existing frame is retained throughout the building and exposed in the northern lobby. Generally, the most generous head heights are provided in the living areas with lower ceiling heights reserved for the bedroom areas and the ground floor storage.

1.11 The enclosed courtyard will be used as a communal space and for the storage of refuse and recycling with planter beds to soften the scheme and benches. Secure cycle storage with Sheffield Stands will be provided in the ground floor storage areas for each unit, with a ramped cycle run to the right of the stairs to the ground floor level. Parking is proposed on-street within the residents parking zone on Lower Darnborough Street and unrestricted parking on Lower Ebor Street. Negotiation with the developer on means of encouraging non-car modes of transport has resulted in agreement to fund a Traffic Regulation Order to seek to provide a car club bay (probably on Lower Ebor Street), provision of bus passes for six months or cycle vouchers to the value of £160 per dwelling to first occupiers and City Car Club membership and drive time for six months to first occupiers. This can be secured through a Section 106 Obligation.

1.12 Bat emergence surveys are being undertaken and will be reported by the applicant on 9th June ahead of the sub-committee meeting. An officer update will be provided at the meeting.

1.13 The associated listed building consent application (15/00115/LBC) is also reported on this agenda.

1.14 The application has been called-in for determination at sub-committee at the request of Councillor Gunnell as it is a listed building situated in a dense residential area.

2.0 POLICY CONTEXT

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

- Chapter 4 – Promoting sustainable transport
- Chapter 6 – Delivering a wide choice of high quality homes

- Chapter 7 – Design
- Chapter 10 – Flooding
- Chapter 12 – Preserving and enhancing the historic environment

2.2 The NPPF is the most up-to date representation of key relevant policy issues (other than the Saved RSS Policies relating to the general extent of the York Green Belt) and it is against this policy Framework that the proposal should principally be addressed.

Status of the emerging York Local Plan Publication Draft (2014)

2.3 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. 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. However, the evidence base that underpins the proposed emerging policies is a material consideration in the determination of the planning application.

2.4 Relevant emerging policies are as follows:

Policy DP2: Sustainable development
Policy DP3: Sustainable communities
Policy H2: Density of residential development
Policy H3: Balancing the housing market
Policy H9: Affordable housing
Policy D2: Placemaking
Policy D3: Extensions and alterations to existing buildings
Policy D5: Listed buildings
Policy D7: Archaeology
Policy D9: City of York Historic Environment Record
Policy CC2: Sustainable design and construction
Policy ENV4: Flood risk
Policy ENV5: Sustainable drainage
Policy T1: Sustainable access
Policy DM1: Infrastructure and developer contributions

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

2.5 The City of York Draft Development Control Local Plan (incorporating 4th set of changes, April 2005) has been adopted for Development Control purposes, but it

does not have statutory development plan status. Its draft policies are capable of being material planning considerations and are considered to carry some limited weight where they accord with the NPPF.

2005 Draft Development Plan Allocation:

2.6 Relevant allocations include:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006
Floodzone 2 GMS Constraints: Flood Zone 2
Floodzone 3 GMS Constraints: Flood Zone 3
Listed Buildings GMS Constraints: Clementhorpe Maltings Lower Darnborough Street; Grade 2

2005 Draft Development Control Local Plan policies:

2.7 Relevant allocations include:

CYSP3 Safeguarding the Historic Character and Setting of York
CYGP1 Design
CYGP4A Sustainability
CYGP15 Protection from flooding
CYHE4 Listed Buildings
CYT4 Cycle parking standards
CYHE10 Archaeology
CYH4A Housing Windfalls
CYT20 Planning agreements
CYGP9 Landscaping
CYNE6 Species protected by law

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

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

2.9 Case law has made clear that when deciding whether harm was outweighed by the advantages of a proposed development, the decision-maker must give particular weight to desirability of avoiding such harm. There is a “strong presumption” against the grant of planning permission in such cases. The exercise is still one of planning

judgment but it must be informed by that need to give special weight to the desirability of preserving the building. (E.Northants DC v Secretary of State for Communities and Local Government [2014] EWCA Civ137).

2.10 This means that even where harm is less than substantial, such harm must still be afforded considerable importance and weight, i.e. the fact of harm to the listed building is still to be given more weight than if it were simply a factor to be taken account along with all other material considerations.

3.0 CONSULTATIONS

INTERNAL

Planning and Environmental Management Conservation Architect

3.1 In general the requirements for residential use cannot be met in this type of building without a significant change of internal and external character. The particular constraints are lack of light and outlook, sub-standard head height, structural problems, space taken up by machinery, restricted access and little external space.

3.2 These proposals have used the constraints to develop an imaginative proposal which preserves many special qualities of the building, including its equipment and which would achieve good residential amenity. The alterations would enable the external character of the building as a malthouse to be understood, and they would preserve the internal openness of the interior at the north end whilst managing to retain the structure and equipment intrinsic to the building in its current location.

3.3 No other viable use has come forward in the last ten years; therefore the ingenious residential scheme is seen as optimal viable use compatible with the building's long term conservation and as such it has public benefit. Subject to minor alterations suggested, the scheme would be supportable as sustaining the special architectural and historic interest of the building for the future.

City Archaeologist

3.4 The site lies in the Area of Archaeological Importance in an area where significant undesignated heritage assets (Roman burials) have been found. The applicant has carried out a number of small geotechnical investigations on the site, all of which have been observed by an archaeologist. This has revealed no archaeological features, although the area observed amounts to a very small sample of the site. There is a possibility that groundworks for the proposed

development may reveal features and deposits and where uncovered these must be recorded. An archaeological watching brief on all groundworks is necessary. Attach standard condition ARCH2 on any consent that is granted for this application.

Ecologist

3.5 Requested a bat scoping survey which was submitted and reviewed by the Council's Ecology officer. The survey found no evidence of void dwelling species of bat, and confirmed the presence of features suitable for crevice dwelling bats. The report states that as the presence of crevice dwelling bats is not yet known an impact assessment is not possible at this stage and recommends emergence surveys are undertaken. Overall the building is assessed as having 'moderate risk' of bats being present.

3.6 The presence of a protected species is a material consideration when considering a development proposal. The presence or otherwise of protected species must be determined and the extent that they may be affected by the proposed development. In this case, where there is a reasonable likelihood of bats being present, it is not possible to do that without undertaking emergence/re-entry surveys.

3.7 The Bat Conservation Trust Bat Surveys: Good Practice Guidelines (2nd Ed, Hundt, 2012) recommends that for buildings with low to moderate potential, in order to provide confidence in negative preliminary roost assessment results, two dusk emergence and/or pre-dawn re-entry surveys should be undertaken between May and September, with the optimum period being May - August.

3.8 Subsequently, a bat emergence/re-entry survey was requested from the applicant prior to determination of the application.

Environmental Protection Unit

3.9 No objections. A condition is proposed relating to the reporting of unexpected contamination and demolition together with construction informatives.

Highways Network Management

3.10 Highways Network Management have no objections to the development from a highway point of view. No off street parking is proposed, however the applicant has agreed to a number of initiatives relating to promoting low car ownership and the location of the development is situated in a very sustainable location.

3.11 The property is situated in a residents parking zone. There is some capacity within the zone to allow the residents to park which can cater for the maximum number of cars allowed under CYCs Annex E standards. To mitigate the need for parking as a result of this application, funding has been agreed to substitute one residents parking bay with a car club bay, to expand use of this scheme in lieu of car ownership.

We have secured funds from the developer to pursue the traffic order associated with the change of bay and agreement to supply the first occupants with 6 month car club membership and drive time to establish travel patterns from the outset. The car club car will be available to other residents in the vicinity.

3.12 The development is in a sustainable location close to the city centre, local shops, and amenities and is within walking distance of good public transport links. Secure cycle parking within the building for two bikes per apartment is proposed. To establish non car based travel patterns from occupancy, the developer has agreed to provide a 6 month bus pass or cycle vouchers to the value of £160/dwelling for the first occupants of each dwelling.

3.13 The developer is required to reinstate kerb outside double gates to full height kerbs and footway to remove redundant vehicle crossover as there is no longer room to accommodate a parked vehicle within the site. This may be conditioned. Two other standard conditions are proposed together with a non-standard condition on highway management during construction works.

Flood Risk Management

3.14 The development is predominantly in low and medium risk Flood Zones 1 and 2 and with a small corner to the south east of the building in high risk Flood Zone 3. The main access and egress points are within Flood Zones 1 and 2.

3.15 This development will only meet the National Planning Policy Framework's requirements if the attached planning condition is secured relating to: flood proofing/resilience measures, the layout is as in the drawings with no sleeping accommodation at ground floor level, future occupants sign up to the Environment Agency's flood warning service and the courtyard is constructed with permeable material.

EXTERNAL

Environment Agency

3.16 The Environment Agency has advised that the planning authority be satisfied that the Sequential Test and where relevant the Exception Test have been undertaken and passed. If either test is failed planning permission should be

refused. Provided that the development is in accordance with the submitted Flood Risk Assessment they have no objections. You should formally consider the emergency planning and rescue implications of new development.

3.17 All surface water arrangements must be agreed with Yorkshire Water as the proposals state that the development will continue to discharge to the public sewer. Foul drainage arrangements should also be agreed with Yorkshire Water as a mains connection is proposed and alternative means of disposal may need to be investigated. There should be capacity in the receiving sewer and sewage treatment works to accommodate the discharge proposed. This should be resolved prior to the grant of planning permission.

Yorkshire Water

3.18 Any comments will be reported verbally.

Historic England

3.19 Historic England has been consulted on the listed building consent application (ref. 15/00115/LBC). Historic England welcomes the proposal to convert the Maltings into six residential units. Although there would be some harm to significance they consider this would be outweighed by the benefit of providing a viable future for the building, thus sustaining its significance into the future, in accordance with paragraphs 131 and 132 of the National Planning Policy Framework. More detailed comments, including some revisions to the design are discussed in the accompanying listed building consent.

3.20 Given the nature of the building Historic England recognise the need for a relatively high degree of alteration in order to achieve a meaningful and economically sustainable re-use of this building. We are comfortable with the insertion of the internal walls, which will divide the living units and at the same time will stabilise this structure. We are also comfortable in principle with the introduction of extra window openings.

Micklegate Planning Panel

3.21 Supports the application.

Neighbour Notification and Publicity

3.22 One letter in support of the application, and a further letter supporting the principle of the conversion but raising some concerns over details. Four letters of objection have been received. The following concerns have been raised:

- Bats have been observed living in the building; a bat survey should be submitted;
- Objection to residents parking within the residents parking zone as there isn't sufficient capacity. There have been incidents of vigilante vandalism to cars over parking issues.
- Objection to the loss of two existing parking spaces proposed through the creation of access to the Maltings;
- Can parking be provided within the site?
- The large number of roof lights will reduce privacy of neighbouring properties;
- A request that the ground floor windows to the storage areas be non-opening particularly towards parked cars in Bridget Court car park?
- A request that the window at ground floor level looking into the garden of No. 11 Bridget Court be opaque glass and non-opening
- Concerns raised over the impact of any building work on neighbouring properties and the operation of Bridget Court car park, including in particular the use of scaffolding, skips and the storage of materials for long periods of time, impacting on the use of the car park.

Clementhorpe Residents Association

3.23 Objections received with the following concerns raised:

- Car parking and congestion on the surrounding streets;
- Biodiversity and the presence of bats which should be confirmed by a bat survey; and
- Provision for the public to still view the internal workings of the maltings following the residential conversion.

4.0 APPRAISAL

4.1 The main planning issues with this application are:

- The residential conversion of the listed malt house
- Design
- Archaeology
- Highways
- Amenity issues for nearby residents
- Flood risk
- Ecology
- Sustainability

THE RESIDENTIAL CONVERSION OF THE LISTED MALT HOUSE

4.2 The National Planning Policy Framework (March 2012) (NPPF) sets out the Government's overarching planning policies, making a presumption in favour of

sustainable development. However, as this proposal involves a listed building, the presumption in favour set out in paragraph 14 does not apply, and the more restrictive policies at Chapter 12 of the Framework, together with the statutory duty under S66 of the 1990 Act applies.

4.3 Section 66 requires the Local Planning Authority when determining planning applications for development that affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Case law has made clear that when deciding whether harm was outweighed by the advantages of a proposed development, the decision-maker must give particular weight to desirability of avoiding such harm. There is a “strong presumption” against the grant of planning permission in such cases. The exercise is still one of planning judgment but it must be informed by that need to give special weight to the desirability of preserving the building. This means that even where harm is less than substantial, such harm must still be afforded considerable importance and weight, i.e. the fact of harm to the listed building is still to be given more weight than if it were simply a factor to be taken account along with all other material considerations.

4.4 The NPPF at Chapter 12 states that heritage assets should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations. Heritage assets are an irreplaceable resource. Local planning authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets and put them to viable uses consistent with their conservation and the desirability of new development making a positive contribution to local character and distinctiveness. Great weight should be given to the asset's conservation. Any harm or loss requires clear justification and substantial harm should be exceptional. Where a development proposal will lead to less than substantial harm, the NPPF at paragraph 134 says that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Caution is advised when carrying out this balancing exercise, in that any harm (even where less than substantial) must be given considerable weight and importance by virtue of the statutory duty imposed on the Local Planning Authority by Section 66 of the 1990 Act.

4.5 The detailed response from the Council’s Conservation Architect and English Heritage identifies the specific harm to the listed malthouse as being:

- the loss of openness on each of the floors (three floors plus the loft floor);
- the removal of the timber storage bins which comprise most of the second floor;
- the relocation of double bucket hoist to the lobby from its original position; and

- The additional window openings on the building's exterior elevations and the impact on the character of the external and internal building envelope and roofscape.

4.6 Considering each issue identified as harmful in turn, whilst proposals comprise the loss of openness on each of the floors, the two lobby entrances preserves the internal openness of the interior at the north end and retains the existing machinery in this section in situ including the cistern steep, the dressing machine, hopper and hoist doorway. The large rooflight and other openings will draw in natural light to display and highlight the buildings special features. At the southern end, the entrance lobby similarly retains a double height lobby and the retention of the kiln in situ. Therefore whilst there is some harm, it is minimised.

4.7 The timber storage bins will need to be removed, however the original doors are to be retained in the corridor to the flats in a similar location in the building to their original position and this again mitigates for the loss of the bins as reference is made to the original details. The bucket lift cannot be retained in its present location for maintenance reasons but is relocated in the entrance lobby in the north part of the building. Again this mitigates against some of the harm to the original building.

4.8 Finally, the alterations to the external and internal building envelope created by the additional window openings will change the character of the listed building. However, the original openings, design and details will be replicated in the new timber windows. The additional new openings will be clearly identifiable in style and character being single pane and having aluminium frames. As a result, the harm that may be afforded is mitigated by the clear differentiation in window style so that the original character can still be identified and appreciated and the final number of window openings (alterations were made to the south elevation) retain the strong sense of mass of the building. Therefore, whilst some harm is identifiable to the listed building, it is clearly recognised that no viable alternative can be found and there are also clear and a very positive approach to the conversion which also retains the special character and features of the building and its reasons for listing.

4.9 Overall, the harm to the listed building is considered to be less than substantial having regard to the proposed mitigation measures.

4.10 A proposed condition has been attached to the planning permission and listed building consent requiring a record of the building to be submitted to the City of York's Historic Environment Record which will therefore record the original building prior to the conversion. (Policy D9 City of York Historic Environment Record in the Publication Draft 2014 specifically requires this).

4.11 Paragraph 49 of the NPPF seeks to bring empty buildings back into use. The building is Grade II listed but has some structural issues of concern with associated

significant costs for repair. As confirmed in the applicant's submitted 'Structural Feasibility Report', the building has suffered substantial lateral movement and currently lacks cross walls which would provide resistance to the lateral forces. Whilst the timber floors represent a substantial contribution to the stability of the structure, some decay is evident.

4.12 Considering other material planning issues, twelve core planning principles are identified in the NPPF including proactively driving and supporting sustainable economic development to deliver the homes, business and infrastructure needed; seeking high quality design and a good standard of amenity for future occupants of buildings; and to promote the vitality of urban areas. The different roles and character of different areas should be taken into account. Heritage assets should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations.

4.13 Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. Local planning authorities should identify and bring back into residential use empty house and buildings. However, as this application concerns the conversion of a listed building, in considering the NPPF as a whole, the more restrictive policies apply to this proposal at section 12 of the NPPF.

4.14 The City of York Draft Development Control Local Plan (incorporating 4th set of changes, April 2005) has been adopted for Development Control purposes, but it does not have statutory development plan status. Its draft policies are capable of being material planning considerations and are considered to carry some limited weight where they accord with the NPPF. 2005 Draft Policy H4a Housing windfalls in the 2005 Draft Development Control Local Plan states that proposals for residential development not identified on the proposals map will be given planning permission where the site is in the urban area and (amongst other specifications) includes the conversion of an existing building, and has good accessibility to jobs and other services.

4.15 Policy H2: 'Density of residential development' in the Local Plan Publication Draft (2014) states that to ensure the efficient use of land and help maintain local services and public transport provision, housing developments within the York urban area should achieve densities of 50 units/ha. Policy H3 seeks to achieve a balanced housing market by achieving a mix of dwellings within the site. Policy D5 on listed buildings explains that proposals affecting the special architectural or historic interest of listed buildings (designated heritage assets) will be supported where they sustain the significance and heritage values of the building and are accompanied by an evidence based heritage statement and justification.

4.16 Clementhorpe is a popular residential neighbourhood, within walking and cycling distance of the city centre and all its amenities, the local facilities on Bishopthorpe Road, the river and walkways and Rowntree Park.

In the Development Control Draft Local Plan 2005 Policy H4a supports the conversion of existing buildings in urban areas with good accessibility to jobs and services. The principle of residential development in this location is therefore acceptable.

4.17 The building has been vacant and underused for some time. Since 2012, various options have been examined for the reuse and conversion of the building. The residential conversion of the building has been determined to be the only viable option.

4.18 The scheme is considered to be an imaginative residential conversion which preserves the many special qualities of the building, including the malting machinery and other features (discussed further in the listed building consent application). The construction of cross walls will stiffen the building and enhance the resistance to lateral movement. The provision of additional strapping to the floors and roof, repointing, stitch repairs and structural timber repairs will further strengthen the building integral to the conversion will further ensure the long-term life of the building and its special qualities and significantly improve the street scene by removing blight caused by the derelict building and creating an exciting conversion of a historic and valued building. In this context, the proposal constitutes sustainable development and brings an empty building into residential use, both of which are referred to as positive benefits in the NPPF.

DESIGN

4.19 Great importance is attached to the design of the built environment (Section 7 of the NPPF). Good design is a key aspect of sustainable development and should contribute positively to making better places for people. Planning decisions should aim to ensure that developments will function well and add to the overall quality of the area; establish a strong sense of place; optimise the potential of the site to accommodate development; respond to local character and history and reflect the identity of local surroundings and materials while not preventing or discouraging appropriate innovation. Developments should create safe environments and should be visually attractive.

4.20 The Development Control Plan 2005 Policy GP1 'design' states that development proposals should respect and enhance the local environment; 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; include landscape design proposals where they will have an impact on the quality and amenity of the development; retain and enhance public views and

skyline and other townscape features which make a contribution to the character of the area.

4.21 Policy D2: 'Placemaking' in the Publication Draft 2014 particularly addresses design considerations as well as drawing in other themes.

It states 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. On character and design standards development should ensure appropriate building materials are used, demonstrate the use of best practice, integrate car parking and servicing within the design of development so as not to dominate the street scene, create active frontages to public streets, spaces and waterways, create buildings and spaces that are fit for purpose but are also adaptable to respond to change and create places that feel true to their intended purpose.

4.22 Policy D3 of the Publication Draft Plan supports the conversion of existing buildings where development responds positively to its immediate architectural context and local character, sustains the significance of a heritage asset, positively impacts on the setting, wider townscape, landscape and views and protects the amenity of current and neighbouring occupiers.

4.23 Responding to the principles of good design in Section 7 of the NPPF and 2005 Development Control Draft Local Plan Policy GP1, consideration has been given to whether the proposals establish a strong sense of place; respond to local character and history and reflect the identity of local surroundings and materials. Developments should be visually attractive. In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

4.24 The Maltings is located in a dense residential area comprising of small two storey 19th century terraces built to the back of pavement, with rear yards and alleys to the north east and south. To the west, the residential area is more varied with modern development juxtaposed alongside larger two storey Victorian and Edwardian terraces house, set back from the pavement with small forecourts. The Maltings stands out within the neighbourhood as industrial in scale and appearance, with its plot and malt house filling the full width of the plot between Lower Darnborough and Lower Ebor Streets. Taking into consideration that many of the original windows have been bricked or boarded up, the building still presents a strong sense of mass with its simple blocky form, distinctive roofline and elevations with minimal fenestration. The proposals seek to maintain this character but also to convert the building into a comfortable residential environment. As such, the original windows on all four elevations are reopened with a series of new windows also proposed. Overall, four types of timber casement windows are proposed, varying in style or size, but reflecting the original window they are replacing in style and size. Additional window openings are proposed in the elevations to bring daylight and

outlook for the residents of the properties from all rooms. New window openings are distinct, identifiable as new openings through single pane modern style aluminium windows with pressed metal surrounds and reveals.

4.25 Additional daylight is drawn into the residential accommodation through the insertion of rooflights on all facades to improve amenity and reduce the need for artificial lighting. A large long rooflight is proposed at the south end of the building over the lobby which contains the majority of the original machinery. The entrance from Lower Ebor Street to the south of the building will be through contemporary powder coated aluminium glazed doors.

4.26 This additional fenestration in the elevations and roofscape will have a significant impact on the appearance of the buildings, but is considered to be positive. The Maltings no longer performs its original function and the building will clearly demonstrate that it is a residential conversion of a former industrial building. It is considered appropriate and that the varying window styles are used to identify the original position and style of the fenestration and serves to add interest and detail to the street scene.

4.27 The choice of materials, including the replacement of windows to the original style (with deep casements and shutters) the use of timber and corten steel and the retention of machinery in situ where possible, and the reuse of the original malt bin doors and drying floors in the landscaping sets a precedent for the imaginative, high quality reuse of a historic industrial building and great weight should be given to this consideration. The design is considered to be compatible with the original character of the building, neighbouring buildings and the character of the area with its varying historic styles, history and gentrification.

ARCHAEOLOGY

4.28 Section 12 of the NPPF relates to the conservation and enhancement of the historic environment. Heritage assets are an irreplaceable resource and they should be conserved in a manner appropriate to their significance. Where development is proposed which includes or has the potential to affect heritage assets with archaeological significance, developers should submit a desk based, and where necessary a field evaluation. Great weight should be given to the asset's conservation.

4.29 The application site lies next to a Roman burial ground and is within the City Centre Area of Archaeological Importance. The 2005 Draft Local Plan explains that the city possesses a wide range of archaeological deposits, some of which are of outstanding importance. York is one of five historic centres that have been designated as Areas of Archaeological Importance (AAI) under the Ancient Monuments and Archaeological Areas Act 1979 and it is therefore a statutory as well as Draft Local Plan designation. Policy HE10 explains that planning permission

for development within this designation will be granted provided that a field evaluation approved by the Council is submitted to assess the extent and importance of any remains and applicants can demonstrate that less than 5% of any archaeological deposits will be disturbed or destroyed. It is assumed that development is usually acceptable but where there is archaeological data it should be recorded.

4.30 Policy D7 of the Publication Draft 2014 on archaeology supports development proposals where they are accompanied by an evidence based heritage statement that describes the significance of the archaeological deposits affected and that includes a desk based assessment and, where necessary, reports on intrusive and non-intrusive surveys of the application site and its setting and is designed to avoid substantial harm to archaeological deposits.

4.31 An 'Archaeology and Heritage Statement', prepared by York Archaeological Trust, is submitted in support of the application. The Statement explains that Roman buildings of 3rd and 4th Century date, associated with a tessellated pavement, have been identified to the north of the site; whereas only Roman burials have been located in the vicinity of the site. The site may lie within an area of Roman burials and other funerary features situated away from any settlement. Clementhorpe Maltings has a sunken semi-basement level and the building seems to have been constructed on thick levelling deposits. Whilst there is the potential for archaeological deposits to be present on site, they may well be preserved beneath these deposits.

4.32 The Statement explains that ground conditions were investigated using hand-held borehole sampling equipment and shallow trial pits, and an archaeological watching brief was undertaken. Given the proposal for relatively shallow foundations (750mm wide by 1200mm depth) the impact on any archaeological deposits was considered low.

4.33 The report recommends a mitigation strategy including a programme of historic building recording including photographs and written observations prior to any works taking place. An archaeological watching brief is also recommended to monitor the excavation of foundation trenches.

4.34 These recommendations are supported by the Council's Archaeologist. The principle of development in terms of archaeological deposits is considered acceptable, subject to conditions attached to the planning permission on the two elements identified above.

HIGHWAYS

4.35 The NPPF explains that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Opportunities should be taken to maximise sustainable transport options.

4.36 A key transport objective in the Local Plan is to reduce pollution, noise and the physical impact of traffic, by restraining growth in the use of motor vehicles. Policy T4 in the Local Plan on cycle parking standards explains that for all new development, cycle parking provision will be required in accordance with standards set out in Appendix E.

Referring to the relevant table in this appendix, 1 covered cycle parking space per two bedroom dwelling and 2 spaces per three bedroom dwelling is required. This is to maintain and promote cycle usage through ensuring a high standard of parking for bikes is provided. The quality and quantity of cycle parking provision is critical if commuters are to be persuaded to cycle on a regular basis.

4.37 The Development Control Draft Local Plan 2005 Policy T20 on planning agreements is relevant as where traffic could be accommodated by the provision of special facilities or appropriate improvements to the highway network affected, applicants will be expected to enter into a Section 106 Agreement to provide or make an appropriate contribution to such improvements. Measures will only be requested where they are directly and reasonably related to the proposed development scheme. Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and are fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 (paragraph 122) and as policy tests in the National Planning Policy Framework (paragraphs 176, 203 and 204). The obligation can only be a relevant material consideration if it meets these tests.

4.38 Policy DP3: Sustainable Communities in the Local Plan Consultation Draft (2014) also summarises the approach stating new development should promote integration, connectivity and accessibility to, from and within the site by maximising opportunities for walking, cycling and frequent public transport thereby promoting and facilitating a modal shift from the car to more sustainable and healthier forms of travel. Development should minimise the environmental impact of vehicle trips to and from the development and mitigate the impact of residual car trips on the highway network where possible. Policy T1: Sustainable Access is a general policy which supports development where it minimises the need to travel and provides safe, suitable and attractive access for all transport users to and within it, including

those with impaired mobility, such that it maximises the use of more sustainable modes of transport.

4.39 Regarding planning contributions, Policy DM1 of the Local Plan Publication Draft 2014 applies on infrastructure and developer contributions, legitimising appropriate physical, social and economic infrastructure provision.

New development will not be permitted unless the infrastructure required to service the development is available, and the necessary infrastructure to meet the local and wider (strategic) demand generated by the development can be provided and coordinated. The Council will seek contributions from developers to ensure that the necessary infrastructure is in place to support future development in York.

4.40 The site benefits from being located in a residential suburb just south of the city centre. It benefits from being within a short cycle and a 15 minute walk from the town centre and also the mainline railway station. The neighbourhood centre on Bishopthorpe Road is a five minute walk away and the cycle path (and associated networks) along the River Ouse is short distance away to the east. It is considered reasonable to assume that many journeys undertaken by future occupants would be by non-car modes.

4.41 However, residents may have use of a private car. Lower Darnborough Street is a resident parking zone (which currently includes Clementhorpe Maltings) with Lower Ebor Street free of restrictions and therefore on-street parking is often close to capacity. Advice from Highways Network Management is that there is some capacity in the resident parking zone, but not for the full capacity of vehicles that might be generated by the development.

4.42 It is considered acceptable that the new residents can remain in the resident parking zone on Lower Darnborough Street, subject to measures being adopted to encourage travel by more sustainable means, including the use of a car club. A dropped kerb is located outside the northern entrance and it is considered appropriate to ask the developer to reinstate this curb and to ensure that three spaces adjacent to the kerb are not lost in the parking zone and this can be conditioned. However, to mitigate against higher car ownership, the developer has agreed to enable a car club parking bay to be provided on Lower Ebor Street, south of the site. This requires amendment to the traffic order (about £2,000) and financial incentives to join the scheme; £160/dwelling for city car club membership for the first occupants. The developer has also agreed to provide a 6 month bus pass or cycle vouchers to the value of £160/dwelling for the first occupants. These monies would be required to be supplied prior to occupation of the first unit. These benefits can be secured through a Section 106 Planning Obligation. As the Council is both the landowner and Local Planning Authority in this instance, (and the Council cannot enter into an agreement with itself) it is proposed that prior to issuing any planning permission, a preliminary agreement is entered into with the developer pursuant to

S106 and other enabling powers, in which the developer covenants to enter into an agreed form of S106 immediately on transfer of the land.

AMENITY ISSUES

4.43 The NPPF sets out core planning principles which includes the need to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Relating to design, paragraph 58 explains that developments should function well and add to the overall quality of the area. Design goes beyond aesthetic considerations and address connections between people and places.

4.44 The Development Control Local Plan 2005 Policy GP1 Design sets out the need to provide and protect private, individual or communal amenity space for residential developments; provide communal storage for communal waste and recycling; ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures; and accord with sustainable design principles. The 2005 Draft Local Plan Policy GP9 'landscaping' explains a landscaping scheme should be an integral part of the proposals and reflect the character of the locality and surrounding area.

4.45 Since the building was acquired by the Council, it was used for storage until 2007, when it became vacant. Whilst it is listed, its current poor condition creates an eyesore and its conversion is considered a much needed improvement and a significant mitigating factor in considering the application.

4.46 Notwithstanding that the proposals are for the conversion of an existing building, the scheme introduces new activity into a densely populated residential area. The unblocking of existing windows and creation of new window openings might have the potential to raise issues of overlooking. Site visits and consideration of the position of the windows in relation to neighbouring properties has determined that all but one of the windows is considered acceptable. The development is in a dense residential area where residents to the east of the property benefit from small rear yards. Separation distances between the terraces (discounting rear off-shoots) are approximately 20m with individual terraced properties between 4m and 5m in width. In such environments, rear yards generally have more of a functional quality than as a space for relaxation and opportunities for overlooking and noise impact by existing neighbours is already high. The neighbourhood therefore does not have the same level of privacy as might be expected in suburban locations.

4.47 Overlooking by new residents within the Maltings from new windows will be at an oblique angle and generally above the existing dwellings as the primary habitable rooms (living and dining rooms) are at second floor level for Units 2, 3, 4 and 5 (equivalent to third floor level because of the ground floor storage level).

4.48 For Units 1 and 6, dining areas are at first floor level. However, Unit 1 looks onto the blank end of terrace of No. 10 Lower Ebor Street, with the exception of a small obscured kitchen window at ground floor.

The rear yard boundary wall prevents looking into the rear off-shoot. Unit 6 faces towards Bridget Court car park with separation distances to the dwellings on Cherry Street (Nos. 1 to 3 St Bridget Court) of 20m which is considered acceptable.

4.49 Consideration has been given to any impact of the proposals on No. 3 Lower Darnborough Street which has a rear conservatory. No windows are proposed in the north end of the east elevation and therefore no concerns are raised.

4.50 All windows at ground floor provide light into the storage areas and being non-habitable rooms this is acceptable and no issues of overlooking are raised. However, on the west elevation, the first floor window of the northern bedroom of Unit 3 looks directly into the garden of No. 11 St Bridget Court. The applicant has agreed to provide obscured glazing in the lower part of this window with the top panes clear. As a bedroom this is a less intensively used habitable room and this is appropriate and acceptable. A condition is recommended.

4.51 In summary, the amenity issues are considered acceptable both for residents of the proposed dwellings and existing neighbours.

FLOOD RISK

4.52 The NPPF at Section 10 considers flood risk. Local planning authorities, when determining planning applications, should ensure flood risk is not increased elsewhere. Paragraph 105 to the NPPF states that applications for changes of use (as with the conversion of The Maltings) should not be subject to the Sequential or Exception Tests but should meet the requirements for site-specific flood risk assessments (further confirmed in the Planning Practice Guidance: Flood Risk and Coastal Change, paragraph 33 and the notes to Table 3, paragraph 67). Buildings used as dwelling houses as identified as “more vulnerable” and in Flood Zone 2 it is “appropriate development”. This classification is relevant when considering the flood risk assessment below. Within the site, the most vulnerable development should be located in areas of lowest flood risk and development should be appropriately flood resilient and resistant including safe access and escape routes where required. Any residual risk must be safely managed. Sustainable urban drainage systems should be prioritised.

4.53 The Development Control Draft Local Plan 2005 Policy GP15 on 'development and flood risk' states that planning applications for proposals in low to medium, and high risk flood areas should submit a Flood Risk Assessment providing an assessment of the additional risk presented by the proposals. Developers must demonstrate that any additional flood risk will be successfully managed to ensure that the site can be developed, serviced and occupied safely. The use of sustainable drainage systems is encouraged in all development to reduce surface water run-off. Discharges from new development should not exceed the capacity of existing and proposed receiving sewers and watercourses and long term run-off from development sites should always be less than the level of pre-development rainfall run-off.

4.54 Policy ENV4 on flood risk in the Local Plan Publication Draft 2014 states that new development should not be subject to unacceptable flood risk and shall be designed and constructed in such a way that it mitigates against current and future flood events. Policy ENV5 relates to sustainable drainage commenting that for all development on brownfield sites, surface water flow shall be restricted to 70% of the existing runoff rate (i.e. 30% reduction in runoff), unless it can be demonstrated that it is not reasonably practicable to achieve this reduction in runoff.

4.55 The site is predominantly in low and medium risk Flood Zones 1 and 2 and with a small corner to the south east of the building in high risk Flood Zone 3. The main access and egress points are within Flood Zones 1 and 2.

4.56 A flood risk assessment has been submitted with the application. It explains that risk vulnerability of the site will increase from a 'less vulnerable' to a 'more vulnerable' use. The development would not experience flooding under design flood conditions which are considered to be a flood with a 1% annual percentage chance of occurrence with consideration for climate change. A residual flood risk to the site is associated with the extreme fluvial flood which has a 0.1% annual percentage chance of occurrence. Residual risk from this perspective is mitigated through flood resistant design (including detachable flood gates, flood resilient materials and fittings, floor finishes, closed cell insulation for pipes and wired and non-return valves in the drainage system. Water, electricity and gas meters and heating systems and electric ring mains will all be at first floor level).

4.57 Units 2 to 5 benefit from dry access with the northern entrance within Flood Zone 1. Units 1 and 6 access from the south end of the building onto Lower Ebor Street extends into Flood Zone 2. Advanced evacuation of these dwellings is recommended within the report with fall-back position of safe refuge at first floor level.

4.58 The report considers that the risk of pluvial flooding appears to be low from the wider area although surcharge on site of a combined sewer remains a residual risk. Surface water drainage of the building through the proposals would be largely

unaltered. The provision of both permeable and porous surfaces within the garden would achieve a reduction in impermeable site area by approximately 25%.

4.59 The development will only meet the National Planning Policy Framework's requirements if a planning condition is secured relating to: flood proofing/resilience measures, the layout is as in the drawings with no sleeping accommodation at ground floor level, future occupants sign up to the Environment Agency's flood warning service and the courtyard is constructed with permeable material. This is in line with the recommendations in the submitted flood risk assessment and it considered reasonable to condition this report to the grant of planning permission. However, it has been determined through consultation with colleagues in flood risk management and conservation that it will not be necessary to incorporate flood gates and this will be noted. The requirement is to have an alternative means of escape from Flood Zone 3 and both entrances are outside of this zone (the south one is just outside). Alterations (including attachments) to listed buildings require justification and in this instance there is inadequate justification to add flood-gates.

ECOLOGY

4.60 Section 11 of the NPPF seeks to conserve and enhance the natural environment. The planning system should minimise impacts on biodiversity. The Development Control Draft Local Plan 2005 Policy NE6 'species protected by law' states that where a proposal may have a significant effect on protected species or habitats, applicants should undertake appropriate assessment and demonstrate appropriate mitigation measures. Planning permission will only be granted for development that would not cause demonstrable harm to animal species protected by law or their habitats. The translocation of species will be a last resort.

4.61 Clementhorpe Maltings has been identified as having potential to accommodate bats. All bat species are protected under the Wildlife and Countryside Act (WCA) 1981 (as amended), the Countryside and Rights of Way Act 2000 and the Habitat Regulations 2010.

4.62 The Bat Scoping Survey reported that a visual survey was carried out and internal conditions were ideal (dry and undisturbed, open with exposed timbers throughout) but no evidence of bats was found. It concluded that there are no species of bat present which generally fly within the roof space (brown long-eared bats and Myotis species). It did however identify that there was suitable roofing conditions to support crevice dwelling bat species that do not normally fly in roof voids, such as pipistrelle bats as these would be hibernating at the time of the survey. Emergence surveying is required to make this assessment. The season begins in mid-May. Two surveys are being undertaken late May and early June 2015. Should crevice dwelling species be present, mitigation measures (for example using bitumastic felt, using bat access slates, replacing wooded fascias, and / or by

installing bat boxes) should be considered but these are unlikely to require significant amendment to the development proposals.

4.63 Planning sub-committee will be updated on the emergence bat surveys at the meeting. As bats are a legally protected species and as their presence or otherwise has not been confirmed, the application cannot be recommended for approval but that sub-committee consider all the other issues and refer the application back to officers for final delegated approval subject to only minor modifications to the scheme design should bats be found.

4.64 If the emergence surveys confirm that bats are not present, sub-committee is requested to approve the grant planning permission subject to the completion of the S106 agreement and attached conditions.

SUSTAINABILITY

4.65 The National Planning Policy Framework (March 2012) (NPPF) sets out the Government's overarching planning policies, making a presumption in favour of sustainable development. However, as previously explained, the presumption in favour does not apply as this application concerns a listed building. Sustainability is however a positive benefit to be considered in the planning balance. 2005 Draft Local Plan Policy GP4a 'sustainability' explains that development should be accessible by means other than the car; minimise the use of non-renewable resources and re-use materials already on the development site and make adequate provision for the storage and collection of refuse and recycling.

4.66 Policy DP2: 'Sustainable development' in the Local Plan Publication Draft (2014) summarises the key principles has underpinned discussion throughout this section. The policy states that Development will help get York moving through delivering a fundamental shift in travel by ... managing travel demand and modal choice. Development will help protect the environment through conserving and enhancing York's special character setting, character and heritage by ensuring development is in acceptable locations and of the highest quality standards in design and urban design, reducing flood risk by ensuring that new development is not subject to or does not contribute to flooding. Similarly, Policy DP3: 'Sustainable communities' sets out an overarching approach to development including respect and enhance the historic character of York, deliver high quality design and appropriate density, layout and scale whilst ensuring appropriate building materials are used, create a high quality, locally distinctive place which relates well to the surrounding area and its historic character, and ensuring the highest standards of sustainability are embedded at all stages of the development.

4.67 Policy CC2 'Sustainable design and construction' explains that all new development will be expected to consider the principles of sustainable design and construction and to make carbon savings through reducing energy demand, using

energy and other resources efficiently and by generating low carbon/renewable energy in accordance with the energy hierarchy.

4.68 Sustainable principles are now embedded in planning policy and have therefore been discussed in various sections of this report. In summary, the proposal is considered to be sustainable development as it involves the conversion of a redundant building (brownfield development) bringing it back into active use. The new residents will be living in an accessible location, within a short walk or cycle ride of the city centre and facilities on Bishopthorpe Road.

4.69 Methods of encouraging non-car means of travel have been agreed with the developer and are ensured through appropriate conditions and entering into a legal agreement to secure a legal agreement following site acquisition.

This will involve monies towards establishing a car club bay close to the site on Lower Ebor Street, requiring the developer to fund the process of seeking a traffic order (about £2,000) prior to occupation of any unit, a commitment to provide contributions to the value of £160/dwelling for city car club membership and agreement to provide a 6 month bus pass or cycle vouchers to the value of £160/dwelling for the first occupants. Ramped bike access on the stairs and secure stands within each of the ground floor storage units will encourage travel by bicycle. These can be secured by condition.

4.70 The development is therefore considered compliant with principles of sustainable development.

5.0 CONCLUSION

5.1 The building is a listed building with various constraints including structural issues, the desire to retain key machinery and other features associated with the malting process, lack of height between floors, minimal fenestration amongst others but also opportunities such as the special historic character and the location in an accessible, vibrant neighbourhood. Following a prolonged period of underuse and vacancy, a highly imaginative and good quality residential conversion is proposed. Alternative uses have been previously examined and proved unviable. The proposals will remove dereliction and create a long-term use for the building, whilst also preserving as far as possible, the valued qualities of the building and its character, including the display, preservation and retention in situ where appropriate of rare machinery and other features associated with the malting process.

5.2 The proposal is considered acceptable with regard to all but one of the matters identified, subject to the signing of a legal agreement on transport related impacts. The issue still outstanding at the time of writing was the confirmation or otherwise of crevice dwelling species of bat within the building. An emergence survey is being undertaken and will be reported at committee. Should the presence of bats be confirmed, the recommendation is that provided Members are satisfied in respect of all other issues, delegated authority is given to Officers to approve the application

subject to the legal agreement and conditions, with any modifications required to the proposal to protect the bats. Should the results of the survey show bats are not an issue, then the recommendation is to grant planning permission subject to the following attached conditions and the completion of a legal agreement to ensure the development is acceptable in terms of transport impact by securing the provision of a car club bay, and financial contributions to the value of £160/dwelling for city car club membership and an agreement to provide a 6 month bus pass or cycle vouchers to the value of £160/dwelling for the first occupants.

5.3 Section 66 requires special regard to be had to the preservation of a listed building and any features of special architectural or historic interest which it possesses.

Even where harm is less than substantial, any harm must be given considerable importance and weight. The specific harm to the malthouse through the conversion was identified as being the loss of internal openness, the removal of the timber storage bins, the relocation of the double bucket hoist and the impact of the additional openings on the external and internal appearance of the building and has been assessed as being less than substantial having regard to the mitigation measures proposed. . It is considered that having given this harm considerable importance and weight in the planning balance the positive benefits of the proposal achieving the retention and re-use of the building in a viable use outweighs the harm to the listed building. It is a high quality, imaginative scheme which will secure the long-term life of the building, remove visual blight from the neighbourhood and retain and enhance the industrial character of the building. The proposals are considered to have an acceptable impact on all other matters including flooding issues, introduction of residential use to the site, archaeology, transport and highways and ecology (subject to further surveys) and are in compliance with the policies of the Local Plan and with guidance contained within the National Planning Policy Framework.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Delegated Authority to APPROVE the application following the receipt and consideration of an emergence bat survey and subject to:

- i. The satisfactory completion of a Section 106 Obligation to secure £2000 to seek a Traffic Regulation Order to provide a City Car Club Bay, and provision of sustainable transport incentives as set out within this report, and
- ii. any appropriate conditions or amendments required to accommodate bats, and
- iii. the following conditions:

1 TIME2 Development start within three years -

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

- Location plan 133-PL-101 (dated 21.01.15) logged 22.01.2015
- Proposed ground floor plan 118-PL-113B (dated 15.01.2015) logged 18.05.2015
- Proposed first floor plan 118-PL-114A (dated 15.01.2015) logged 13.03.2015
- Proposed second floor plan 118-PL-115A (dated 15.01.2015) logged 13.03.2015
- Proposed third floor plan 118-PL-116A (dated 15.01.2015) logged 13.03.2015
- Proposed south elevation 118-PL-117A (dated 15.01.2015) logged 13.03.2015
- Proposed west elevation 118-PL-118 (dated 15.01.2015) logged 22.01.2015
- Proposed east elevation 118-PL-119 (dated 15.01.2015) logged 22.01.2015
- Proposed north elevation 118-PL-120 (dated 15.01.2015) logged 22.01.2015
- Proposed site plan 118-PL-112A (dated 21.01.2015) logged 18.05.2015
- Proposed window schedule (1) 118-PL-124A (dated 15.01.2015) logged 13.03.2015
- Proposed window schedule (2) 118-PL-125A (dated 15.01.2015) logged 13.03.2015
- Proposed door schedule (1) 118-PL-127 (dated 15.01.2015) logged 22.01.2015
- Proposed sectional elevation AA BB 118-PL-121 (dated 15.01.2015) logged 22.01.2015
- Proposed sectional elevation CC 118-PL-122 (dated 15.01.2015) logged 22.01.2015
- Proposed sectional elevation DD 118-PL-123 (dated 15.01.2015) logged 22.01.2015
- Detailed section 118-PL-130 (dated 21.01.2015) logged 22.01.2015

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

3 ARCH2 Watching brief required -

4 Prior to the commencement of the development the building should be recorded in accordance with an Historic England level 2 photographic and drawn record (ref "Understanding Historic Buildings: A guide to good recording practice" English Heritage 2006. The record should be lodged in the local Historic Environment Record. External and internal attachments of historic significance should be identified on plans for retention including the metal stay at the north east corner.

Reason: To retain a record of the special interest of the listed building. This is required prior to the commencement of development in order because of the need to retain a record of the building before development.

5 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, 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.

6 The development shall be carried out in accordance with the submitted flood risk assessment (AAH Planning Consultants, dated December 2014, ref: AAH/0211/14FRA) and the following mitigation measures it details:

- i. The flood - proofing / resilience measures detailed in Section 8 of the FRA are incorporated into the development. Note: The floodgates are not required as there are means of exit from the building into Zones outside Flood Zone 3 and there is insufficient justification therefore for the attachments to the listed building. All other measures should be incorporated.
- ii. The layout of the proposed dwellings is to be in accordance with the submitted drawings, with no sleeping accommodation located on the ground floor.
- iii. Future occupants sign up to the Environment Agency flood warning service.
- iv. The proposed courtyard area is to be constructed with permeable material.

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

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

7 Prior to the first occupation of the building obscure glazing shall be installed in the lower panes of the northern bedroom window at first floor of Unit 3.

Reason: To protect the privacy of occupants of No.11 St Bridget Court and to minimise any opportunity for overlooking.

8 The development shall not be occupied until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerb to match adjacent levels. This is in relation to the existing dropped curb identified within the redline application site on Lower Darnborough Street (reference: Location plan 133-PL-101 (dated 21.01.15) logged 22.01.2015)

Reason: In the interests of good management of the highway, to ensure existing parking spaces are not lost and for road safety.

9 HWAY18 Cycle parking details to be agreed -

10 HWAY19 Car and cycle parking laid out -

11 A detailed method of works statement identifying the programming and management of site clearance/excavation/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The statement shall include at least the following information:

- i. Measures to prevent the egress of mud and other detritus onto the adjacent public highway
- ii. A dilapidation survey jointly undertaken with the local highway authority
- iii. The routing for construction traffic that will be promoted including a scheme for signing the promoted construction traffic routing.
- iv. Where contractors will park
- v. How large vehicles will service the site
- vi. where will materials be stored

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. This is required prior to the commencement of development because of the nature of the impacts that it is seeking to control.

12 Noise 7 Restricted hours of 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:

- Minor corrections to submitted drawings
- Amendments to southern elevation in line with Heritage England and Conservation Officer's recommendations to reduce the number of windows
- Agreement to obscured glazing in one bedroom window on the west elevation
- Amendments to the scheme to promote cycle use through ramped access to storage areas, inward opening doors and secure cycle stands in each of these storage areas
- Amendments to plans to relocate the bucket hoist to the northern lobby and retention of the original tiled floor
- Confirmation of the need to enter into a legal agreement to secure a legal agreement to encourage to provide a new car club bay, provide a contribution to membership of the car club for residents and a contribution towards a bus pass or cycle vouchers for residents

2. CONTAMINATED MATERIALS AND CONSTRUCTION

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction 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 IIA of the Environmental Protection Act 1990.

The developer's attention should also be 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 attached to any planning approval, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

i. 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.

ii. 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".

iii. All plant and machinery to be operated, sited and maintained in order to minimise disturbance.

All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

iv. 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.

v. 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.

vi. There shall be no bonfires on the site.

Contact details:

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UPDATE TO PLANNING SUB-COMMITTEE, THURSDAY 11TH JUNE 2015
AGENDA ITEMS 4F AND 4G, REFS. 15/00114/FUL AND 15/00115/LBC
THE MALT HOUSE, LOWER DARNBOROUGH STREET, YORK. YO23 1AR

1. BAT SURVEY

The applicant has submitted a Bat Scoping Survey (March 2015) and an updated Bat Survey (June 2015). The first has been reported to committee within the Agenda Item 4g. The Bat Survey received on Monday 8th June 2015 includes the results of dusk and dawn surveys undertaken on 28th May and 8th June 2015 and an unmanned recorder in the roof of the building which were requested by the Council's Ecology officer following the results of the Bat Scoping Survey.

The Bat Survey conclusively found that no bats roost within the building and that there was no evidence of the use of the interior of the building by bats. The dusk and dawn activity surveys confirmed the presence of pipestrelle species of bats commuting over and past the site most likely to a roost site somewhere north of the site but not using the building itself. Bats were recorded foraging in the courtyard.

Swifts were observed nesting in the eaves on the southern elevation on Lower Ebor Street.

The report has been reviewed by Design, Conservation and Sustainable Development who support the findings and recommendations of the report, including habitat enhancement. Habitat features to benefit bats could very easily be installed on the building to provide new roosting habitat as recommended in section 9.2 of the report. The inclusion of swift boxes would maintain the biodiversity interest of the development.

A condition is proposed as follows:

Condition: Bat habitat creation

No development shall take place until full details of what measures for bat mitigation and conservation are proposed and what reasonable measures are to be taken to avoid any possible impact on bats and other species during the construction phase. These should be submitted to and approved in writing by the Council prior to any work commencing.

The measures should include:

- i. Details of how the work is to be implemented including what assessments, protective measures (if any) and sensitive work practices are to be employed prior to and during construction to take account of the possible presence of bats.
- ii. Details of what provision can be made within the development to enhance the features suitable for bat roosting. Features suitable for incorporation include the use of special tiles, bricks, soffit boards, bat boxes and bat lofts.
- iii. No development shall take place until details have been submitted to and approved by the Council as to how Swifts are to be taken into account within the development to enhance the habitat suitable for this species.

The works shall be implemented in accordance with the approved details and timing unless otherwise approved in writing by the Council.

Reason: To take account of and enhance habitat for a protected and declining species.

If bats are discovered during the course of the work, then work should cease and Natural England consulted before continuing.

Informatives

Design, Conservation and Sustainable Development have also requested two informatives be added to any planning permission relating to limiting external lighting to minimise impact on bats foraging activity and that it is an offence to disturb breeding birds.

2. CONSERVATION AREAS ADVISORY PANEL (CAAP) COMMENTS

The Maltings have been empty for some considerable time, have remained undeveloped and have survived relatively intact. However in view of the fact that the building could only deteriorate the Panel applauded the re-use of the building and the intention to retain many of the original features. The Panel felt a scheme was required to ensure the features are retained and managed. Historic England's comments were noted and endorsed.

3. FURTHER OBJECTIONS RECEIVED

Since preparing the committee report, 21 further objections have been received. Those issues that have not already been identified in the committee report relate to:

- Lack of community consultation on the application or on proposals for potential alternative uses of the building.
- Concerns that the disposal of the building have not met with principles of 'natural justice' where decision making by the Council should be open and transparent.
- Concerns that the car-club bay, bus passes and funds towards purchase of a bicycle for each of the first occupiers of the units is tokenistic and will not fully resolve the anticipated parking issues.
- The desire to preserve a unique historical, cultural and archaeological building whilst retaining sufficient public access for York residents.
- Preference for a community use for the building, supported by museum use, creative industry space and business start-up units.
- Objection to alterations to the listed structure and rare machinery.
- The need to consider the application for the building to be listed as an asset of community value.
- Desire for a review of the contract of sale of the property.
- Desire for more detailed plans.
- Questioning of some assessment within the Archaeology and Heritage Statement.
- Preference for affordable housing rather than market housing.

The Malt House Lower Darnborough Street

15/00114/FUL



GIS by ESRI (UK)



Scale : 1:529

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Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	02 June 2015
SLA Number	Not Set

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COMMITTEE REPORT

Date: 11 June 2015 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
Commercial Team Panel

Reference: 15/00115/LBC
Application at: The Malt House Lower Darnborough Street York YO23 1AR
For: Conversion of Malt House into 6no. residential units
By: Mr Martin Burgess
Application Type: Listed Building Consent
Target Date: 20 March 2015
Recommendation: Delegated Authority to Approve

1.0 PROPOSAL

1.1 Listed Building Consent is sought for alterations in connection with the proposed conversion of Clementhorpe Maltings to residential use (6 flats). Associated planning application reference (15/00114/FUL) is also being reported to this sub-committee.

1.2 Clementhorpe Maltings is Grade II listed. The National Heritage List for England states the reason for the building's designation as a 'highly legible example of a small, urban late 19th century maltings, both in external appearance and the retention of all the key components of the process, namely barley and malt storage, steep, growing floors and kiln. It retains rare machinery relating to the malting process.' It is a three storey rectangular brick buildings aligned north-south between Lower Ebor Street and Lower Darnborough Street in Clementhorpe, with a drying kiln at the south end. It is a solid brick structure of simple vernacular form with few penetrations for windows. The large slated roof is in two parts with the distinctive pyramidal roof and vent towards Lower Ebor Street. There has been substantial rebuilding of walls at the north and northeast end of the building but in other areas the special windows, shutters and brick shutter boxes remain in place. Internally the original structure supported by cast iron posts has been retained in seven of the ten bays. The north end has suffered loss of floors above first floor level in two full bays and the remaining sections are carried on steel section supports marked with branding from Shotton steelworks indicating a mid 20th century insertion.

1.3 A full planning application and a separate accompanying listed building consent application have been submitted for the conversion of the building into six town houses; two 2-bedroom units and four 3-bedroom units. In the main body of the building four houses would be arranged back to back against a central corridor with accommodation stacked vertically. Storage will be on the ground floor with living accommodation above. The houses would take access from a late 20th century

doorway at first floor level in the northwest corner; so a new external platform and steps would be required within the yard.

Two smaller units would occupy the kiln area at the south end and they would have separate access from the existing entrance off Lower Ebor Street. The reopening of existing blocked-up windows would be supplemented by new windows to a new design and by introducing roof-lights. The courtyard would have new landscape for its proposed use as an amenity space.

1.4 The application has been called-in for determination at sub-committee at the request of Councillor Gunnell as it is a listed building in a dense residential area.

2.0 POLICY CONTEXT

2.1 The National Planning Policy Framework (NPPF) was published in March 2012. It sets out government's planning policies and is material to the determination of planning applications. The sections in the NPPF most relevant to this proposal include Chapter 12: Preserving and enhancing the historic environment. The NPPF is the most up-to date representation of key relevant policy issues (other than the Saved RSS Policies relating to the general extent of the York Green Belt) and it is against this policy Framework that the proposal should principally be addressed.

Status of the emerging York Local Plan Publication Draft (2014)

2.2 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. 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. However, the evidence base that underpins the proposed emerging policies is a material consideration in the determination of the planning application.

2.3 Relevant emerging policies are as follows:

Policy D5: Listed buildings

Policy D9: City of York Historic Environment Record

2.4 The City of York Draft Development Control Local Plan (incorporating 4th set of changes, April 2005) has been adopted for Development Control purposes, but it does not have statutory development plan status. Its draft policies are capable of being material planning considerations and are considered to carry some limited weight where they accord with the NPPF.

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006
Flood Zone 2

Flood Zone 3

Listed Buildings: Clementhorpe Maltings Lower Darnborough Street; Grade 2

2.5 Policies:

CYHE4 Listed Buildings

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development

3.1 This is an imaginative scheme of alteration which preserves many special qualities of the building, including its equipment. The loss of openness in the central section of the building and the removal of the storage bins would cause some harm to significance, though this would be mitigated by the new cross walls providing necessary structural stability and by the storage bin doors being retained. No other viable use has come forward in the last ten years; therefore the current ingenious residential scheme is seen as the optimal viable use compatible with the building's long term conservation and as such it has public benefit. Subject to the minor alterations suggested the scheme would be supportable as sustaining the special architectural and historic interest of the building for the future.

EXTERNAL

Historic England

3.2 Historic England welcomes the proposed conversion and re-use of the redundant malt house. Given the nature of the building we recognise the need for a relatively high degree of alteration in order to achieve a meaningful and economically sustainable re-use of this building. We are comfortable with the insertion of the internal walls, which will divide the living units and at the same time will stabilise this structure.

3.3 They consider that with some minor modifications and clarifications mentioned in their response that the proposal meets the requirements of paragraphs 131 and 132 of the National Planning Policy Framework. Although some harm will be caused by the loss of internal openness, the loss of part of the storage bins and due to the introduction of additional windows, they consider this is outweighed by the retention and re-use of this building in a viable use, thereby ensuring that its significance is sustained into the future. Its communal value would be enhanced by public access into the lobby of the converted building to see the machinery and equipment and to gain a clearer understanding of the purpose of the building and they would welcome this.

3.4 Conditions are recommended relating to details and materials, recording of the building and its equipment in its current state in record quality photographs and drawings. The record should be lodged in the local Heritage Environment Record. Either an archaeological watching brief or other measures considered appropriate by your Council's archaeologist should be conditioned to monitor the foundation trenches to be excavated.

3.5 A second consultation response was received following receipt of revised drawings stating that Historic England welcomed the changes that have been made to the scheme, notably the removal of the previously proposed new outer windows from the first and second floor levels of the south elevation. This greatly improved its appearance, retaining the strong sense of mass which characterised this façade. They are content with the relocation of the hoist (i.e. the double bucket elevator) to the entrance lobby.

Micklegate Planning Panel

3.6 Support the proposals.

Publicity and Neighbour Notification

3.7 One letter received in support.

4.0 APPRAISAL

4.1 The key issue is the impact on the special architectural and historic importance of the listed building.

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

4.2 Section 16 requires the Local Planning Authority when determining Listed Building Consent applications for development that affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4.3 Case law has made clear that when deciding whether harm was outweighed by the advantages of a proposed development, the decision-maker must give particular weight to desirability of avoiding such harm. There is a “strong presumption” against the grant of planning permission in such cases. The exercise is still one of planning judgment but it must be informed by that need to give special weight to the desirability of preserving the building. (E.Northants DC v Secretary of State for Communities and Local Government [2014] EWCA Civ137).

4.4 This means that even where harm is less than substantial, such harm must still be afforded considerable importance and weight, i.e. the fact of harm to the listed building is still to be given more weight than if it were simply a factor to be taken account along with all other material considerations.

4.5 Chapter 12 of the National Planning Policy Framework (NPPF) considered the conservation and enhancement of the historic environment. It explains at paragraph 131 that in determining planning applications for heritage assets, consideration should be given to sustaining and enhancing their significance and putting them to viable uses consistent with their conservation; the positive contribution that their conservation can make to sustainable communities; and the desirability of new development making a positive contribution to local character and distinctiveness.

4.6 Paragraph 132 states that when considering the impact of 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. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. . Caution is advised when carrying out this balancing exercise, in that any harm (even where less than substantial) must be given considerable weight and importance by virtue of the statutory duty imposed on the Local Planning Authority by Section 16 of the 1990 Act.

4.7 It is recognised that the requirements for residential use cannot be met in this type of building without a significant change of internal and external character. The specific harm to the listed malthouse is identified as being:

- the loss of openness on each of the floors (three floors plus the loft floor);
- the removal of the timber storage bins which comprise most of the second floor;
- the relocation of double bucket hoist to the lobby from its original position; and
- The additional window openings on the building's exterior elevations and the impact on the character of the external and internal building envelope and roofscape.

4.8 The particular constraints of the building are identified as a lack of light and outlook, sub-standard head height, structural problems, space taken up by machinery, restricted access and little external space. The proposals have used the constraints to develop an imaginative proposal which would achieve good residential amenity.

The alterations would enable the external character of the building as a malthouse to be understood, and they would preserve the internal openness of the interior at the north end whilst managing to retain the structure and equipment intrinsic to the building in its current location, or moved to the lobby for viewing.

4.9 The biggest impact on the building would be the loss of openness on each of the floors. To take advantage of the potential for top-light and to exploit the quality of space the accommodation in each unit would be stacked vertically with habitable rooms on the upper floor of the deep plan element. The new cross walls, acting as party walls, would provide the necessary lateral bracing to stabilize the structure.

4.10 The openness at the north end of the building would be retained as a shared lobby; so by entering through the wide doorway near the northeast corner the full spatial experience would be available as it is at the moment. From the large lobby floor some of the retained equipment would be visible in its existing location ie the cistern steep, the early 20th century dressing machine, hopper and hoist doorway (with its external canopy). By introducing the continuous roof-light over the new entrance lobby its quality of light would be enhanced and this would be supplemented by glazing the 20th century doorway being used as a main entrance.

4.11 Floor plans show the kiln furnace being retained in-situ and accessible from the smaller entrance lobby off Lower Ebor Street. The double bucket elevator runs full height through the building close to the later inserted wall separating off the drying area. It will be relocated to the main lobby in the north of the building to be more visible and to address concerns over repair and maintenance as if it was retained in situ it would have to be within its own compartment at upper floor levels.

4.12 The timber storage bins would be removed as they take up almost the whole of the second floor. They cannot be converted for use and their retention would lose too much space. The large sliding doors would be retained and relocated adjacent to the main entrances of the four houses in the main part of the building. The numbering system for the houses has been designed to correspond with the numbers on the doors.

4.13 Head height on the lower two floors is inadequate for residential use. On the ground floor this problem would be overcome by locating storage here. On the first floor it would be alleviated by introducing the new structure within the existing beam depths rather than on top of the beams, and by removing the thick build up of coverings.

4.14 The number of new window openings has been kept low by re-opening former blocked windows and by adding natural light through roof-lights. Roof-lights have been aligned with window positions. In addition new windows would have a simple design set deep within the wall. This would help to maintain a solid appearance in the external envelope.

The originally proposed new windows on the south elevation have been removed in line with recommendations from Historic England. The philosophy behind the new elements is that they would be of a contemporary design compatible with the simple robust character of the building.

4.15 The external envelope would require upgrading and this would be achieved by adding wall linings and by inserting insulation in the depth of the roof structure. The windows would also be re-made so that the shutters could be re-fixed in a recessed wall pocket similar to the existing. Existing shutters and catches will be re-used where possible.

4.16 Internally there would be a spatial and a visual inter-relationship between new and existing work. In the kiln area the dining room mezzanine overlooks the entrance/kitchen space. The submitted plans also show internal windows looking into the lobby from residential Units 3 and 4 at second floor level.

4.17 Externally the metal grills of the drying floor would be reclaimed for use in the courtyard. The rusted metal sheets may be brittle and they lack support so it would not be possible to retain them in their current location. The courtyard gates are of poor quality and previous buildings within the courtyard have been demolished. The high walls should be retained but it is desirable to renew the gate-piers and to have some visibility through the new gates.

4.18 It is considered that the proposals, taking into account the mitigation measures discussed in the above paragraphs, would result in less than substantial harm to the special historic and architectural interest of the listed building.

5.0 CONCLUSION

5.1 This is an imaginative scheme of alteration which preserves many special qualities of the listed building, including its equipment. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the preservation of a listed building and any features of special architectural or historic interest which it possess.

5.2 Even where harm is less than substantial, any harm must be given considerable importance and weight. The specific harm to the malthouse through the conversion was identified as being the loss of internal openness, the removal of the timber storage bins, the relocation of the double bucket hoist and the impact of the additional openings on the external and internal appearance of the building.

5.3 It is considered that even when giving considerable importance and weight to the harm to the listed building, the positive benefits of the high quality imaginative scheme, including the retention and re-use of the building in a viable use (after various alternatives were considered and discounted), removal of visual blight from

the neighbourhood and the retention and enhancement the industrial character of the building (including retention of rare machinery in situ) outweighs the identified harm to the listed building. No other viable use has come forward in the last ten years; therefore the current residential scheme is seen as the optimal viable use compatible with the building's long term conservation and as such it has public benefit.

6.0 RECOMMENDATION: Delegated Authority to APPROVE the application following the receipt and consideration of an emergence bat survey and subject to:

- i. any appropriate conditions or amendments required to accommodate bats, and
- ii. the following conditions:

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

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

- Location plan 133-PL-101 (dated 21.01.15) logged 22.01.2015
- Proposed ground floor plan 118-PL-113B (dated 15.01.2015) logged 18.05.2015
- Proposed first floor plan 118-PL-114A (dated 15.01.2015) logged 13.03.2015
- Proposed second floor plan 118-PL-115A (dated 15.01.2015) logged 13.03.2015
- Proposed third floor plan 118-PL-116A (dated 15.01.2015) logged 13.03.2015
- Proposed south elevation 118-PL-117A (dated 15.01.2015) logged 13.03.2015
- Proposed west elevation 118-PL-118 (dated 15.01.2015) logged 22.01.2015
- Proposed east elevation 118-PL-119 (dated 15.01.2015) logged 22.01.2015
- Proposed north elevation 118-PL-120 (dated 15.01.2015) logged 22.01.2015
- Proposed site plan 118-PL-112A (dated 21.01.2015) logged 18.05.2015
- Proposed window schedule (1) 118-PL-124A (dated 15.01.2015) logged 13.03.2015
- Proposed window schedule (2) 118-PL-125A (dated 15.01.2015) logged 13.03.2015
- Proposed door schedule (1) 118-PL-127 (dated 15.01.2015) logged 22.01.2015
- Proposed sectional elevation AA BB 118-PL-121 (dated 15.01.2015) logged 22.01.2015
- Proposed sectional elevation CC 118-PL-122 (dated 15.01.2015) logged 22.01.2015
- Proposed sectional elevation DD 118-PL-123 (dated 15.01.2015) logged 22.01.2015

- Detailed section 118-PL-130 (dated 21.01.2015) logged 22.01.2015

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

3 Large scale details (scale 1:20, 1:5 as appropriate) of the following aspects of the scheme shall be submitted to and approved in writing by the local planning prior to the commencement of the relevant part of the development and shall be implemented in accordance with the approved details:

- External platforms and balustrades
- New external and internal doors, including side screens where appropriate
- New windows (including internal ones)
- Re-made windows, shutters and shutter housings
- Typical sections and plans for one unit in the main body of the building. Larger details should also show connections between the new and old floor, wall and roof structures.
- Typical section and plans for one of the kiln units
- Any adaptations of existing elements in the proposed lobby. A section of the tiled floor covering should be retained.
- New gates and any modifications to the boundary wall

Reason: Because of the special interest of the listed building in accordance with Policy HE4 of the Local Plan.

4 A schedule of internal finishes and fittings and external doors shall be submitted and approved in writing by the local planning authority prior to the commencement of the relevant part of the development and shall be implemented in accordance with the approved details.

Reason: Because of the special interest of the listed building in accordance with Policy HE4 of the Local Plan.

5 Details and the location of any external vents and the location and details of any alterations to rainwater goods shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and the works shall be carried out in accordance with the approved details.

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

6 Full details of landscape proposals, including external lighting, should be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant part of the development and works shall be carried out in accordance with the approved details.

Reason: Because of the special interest of the listed building

7 Prior to the commencement of the development the building should be recorded in accordance with an Historic England level 2 photographic and drawn record (ref "Understanding Historic Buildings: A guide to good recording practice" English Heritage 2006. The record should be lodged in the local Historic Environment Record. External and internal attachments of historic significance should be identified on plans for retention including the metal stay at the north east corner.

Reason: To retain a record of the special interest of the listed building. This is required prior to the commencement of development in order because of the need to retain a record of the building before development.

8 Before any repairs are carried out a schedule of repairs shall be submitted to and approved in writing by the Local Planning Authority, and this should include any measures for cleaning, repairing and presenting the equipment .

Reason: To ensure the preservation of the special character of the listed building

9 An information board shall be provided on the external yard wall to explain the building and illustrate its equipment in the context of the malting process formerly carried out on this site. The design and location shall be submitted to the Local Planning Authority for approval and the approved scheme shall be implemented prior to the first occupation of the building.

Reason: To preserve the special character of the listed building for the long-term appreciation of the public.

7.0 INFORMATIVES: Notes to Applicant

1. OPEN DAY

The Council advises holding an open day prior to occupation and advertising this for the local community and for other interested parties such as industrial archaeology groups and the Council for British Archaeology. This is to enable the general public to view the building for its historical interest prior to private occupation.

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

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

application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Revisions to the south facade comprising the removal of some windows originally proposed to comply with advice from Historic- England and the Conservation Architect
- The addition of partially obscured internal windows in the third floor bedrooms of Units 3 and 4 onto the cistern steep in the lobby
- The agreement to the insertion of obscured glazing in the external northern bedroom window at first floor level of Unit 3 to minimise overlooking of the garden of No. 11 St Bridget Court
- Negotiation over the ramped cycle access into the ground floor storage. A cycle ramp on the stairs was agreed to have the least impact on heritage assets
- Agreement to retain parts of the original tiled floor in the lobby
- Revisions to plans showing the double bucket elevator moved to the lobby
- Agreement to record and identify external and internal attachments to the building of significance and provide an information board for the public

Contact details:

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The Malt House Lower Darnborough Street

15/00115/LBC



Scale : 1:529

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Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	02 June 2015
SLA Number	Not Set

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COMMITTEE REPORT

Date: 11 June 2015 **Ward:** Fulford and Heslington
Team: Major and **Parish:** Heslington Parish
Commercial Team Council

Reference: 15/00125/FULM
Application at: Lord Deramore's Primary School, School Lane, Heslington
York YO10 5EE
For: Erection of replacement primary school building followed by
part-demolition of existing school building
By: Kier Construction on behalf of The Secretary of State
Application Type: Major Full Application
Target Date: 15 June 2015
Recommendation: Approve

1.0 PROPOSAL

1.1 The application site is Lord Deramore's Primary School in Heslington. The school grounds including the buildings are approximately 2.5 hectares in area. The site lies on the north-eastern edge of Heslington Village. The university campuses are located to the north and east although there is a landscaped buffer to the built development. On the opposite side of Field Lane is Heslington Church.

1.2 The school accommodation is contained within a number of buildings on the site. The oldest school building dates from 1856 and is Grade II listed. Extensions and additions have been added in the second half of the twentieth century. The collection of buildings provides a relatively poor environment for schooling and many are in poor repair. It is intended to remove the post war buildings and provide a purpose built school located towards the north east of the site. The school is intended to be 'L' shaped and be single storey with the exception of a open hall space at the north of the development which would be 8 metres to the ridge and 5 metres to the eaves.

1.3 The existing school currently has around 210 pupils and it is not proposed to increase the capacity. The original listed school building that fronts School Lane is excluded from the application and is not proposed to remain as part of the primary school. The existing staff car parking for around 17 vehicles will remain adjacent to the original school building. Covered parking for 48 cycles is proposed close to the new buildings. Two new parking spaces for people with disabilities are also proposed here. The site will retain the two vehicle accesses from School Lane and also the pedestrian access from Field Lane and School Lane.

1.4 The school and its playing fields are located within Helsington Conservation Area. The site is also within the general extent of the Greenbelt.

Application Reference Number: 15/00125/FULM

Item No: 4h

There are a large number of significant trees on and around the site and some boundary hedges. Though the trees are not subject to a Tree Preservation Order they have protection through being located in a Conservation Area.

Planning History

1.5 The planning history of the proposed development site includes minor alterations to the Listed Building, modern additions to the school and a number of applications for temporary class room facilities.

12/00159/GRG3 - Siting of Temporary Class Room
08/02386/GRG3 - Siting of Temporary Re-locatable Building
06/02479/FUL - External Lighting Scheme
06/02480/LBC - Internal Re-Wire and External Lighting Scheme
03/00858/GRG3 - Erection of Single Storey Flat Roofed Link
03/00859/LBC - Erection of Single Storey Flat Roofed Link

2.0 POLICY CONTEXT

2.1 2005 Draft Development Control Local Plan Allocation:

Conservation Area GMS Constraints: Heslington CONF
Listed Buildings: Grade 2; Village School, School Lane, Heslington

2.2 2005 Draft Development Control Local Plan Policies:

CYGP1	Design
CYGP3	Planning against crime
CYGP4A	Sustainability
CYGP9	Landscaping
CYGP11	Accessibility
CYGP15	Protection from flooding
CYHE2	Development in historic locations
CYHE4	Listed Buildings
CYHE5	Demolition of Listed Buildings and Buildings in Conservation Areas
CYHE10	Archaeology
CYHE11	Trees and landscape
CYNE6	Species protected by law
CYT4	Cycle parking standards
CYED1	Primary and Secondary Education
CYED11	Protection of Playing Fields

2.3 Relevant emerging Draft Local Plan (Publication Draft) 2014 policies:

D4 Conservation Areas
D5 Listed Buildings

Application Reference Number: 15/00125/FULM

Item No: 4h

3.0 CONSULTATIONS

INTERNAL

Planning and Environmental Management

Conservation Architect

3.1 Within the constraints of the funding programme, the design concept and details represent a good standard of school design. Demolition of the poor quality ad-hoc additions to the historic school building will improve its setting. (Measures for making goods the scars have been covered under the LBC application, as have discussions about re-establishing the curtilage)

3.2 The new school building would have a neutral impact on the character and appearance of the conservation area by virtue of its location, height and massing and design. The openness of the area would preserve key views.

Ecologist

3.3 No objections subject to the protection of nesting birds during construction and provision of features in the new building to encourage birds and bats. The 1980's and 1915 sections of building which will be demolished as part of the proposals have been found to have negligible potential for roosting bats.

City Archaeologist

3.4 No objections subject to conditions.

Landscape Architect

3.5 No objections subject to conditions regarding additional tree planting adjacent to Field Lane and further details regarding tree protection and methods of construction. The proposals will have a minimal impact on existing trees, though a Cheery Tree will be lost or severely impacted upon due to the new construction access on School Lane.

Highway Network Management

3.6 The travel plan does not meet national guidelines for a travel plan. However, if they do manage to achieve Bronze level award for Modeshift STARS and committed to it in their travel plan, then that will meet the required standard.

Environmental Protection Unit

3.7 As the location is the site of an existing school of the same size there are no significant concerns in respect to the impact on neighbours living conditions. Conditions are required to control construction methods and hours.

Flood Risk Management Team

3.8 The development is in low risk Flood Zone 1 and should not suffer from river flooding.

3.9 The Flood Risk Management Team (FRMT) together with Yorkshire Water (YW) is in agreement to the removal of surface water from the public combined sewer. Assessing the submitted Factual Report on Ground Investigation Re: D3206-13 dated April 2014 by the applicant's consultants, the ground conditions and high water table provides evidence that infiltration methods of surface water discharge are not suitable therefore discharge to the water course would be our preferred option.

3.10 No objections to the development subject to conditions including the restriction of surface water run off rates to Greenfield levels.

EXTERNAL

Sport England

3.11 As the development would not affect land capable of forming a sports pitch do not object subject to a specific condition securing community use of the school's facilities.

English Heritage

3.12 Support the approach taken including the design, siting and use of materials which respect the vernacular character of the conservation area.

Internal Drainage Board

3.13 The applicant intends to stop discharging surface water from the site into the existing Yorkshire Water combined sewer and to instead discharge surface water into an open ditch at the south of the site. The IDB objects to this as the ditch leads to the Germany Beck drainage infrastructure and would increase flood risk.

Environment Agency

3.14 Provided the proposed development is carried out in accordance with the submitted Flood Risk Assessment we have no objections. All surface water drainage details must be agreed with the Council's drainage engineers and the Internal Drainage Board

Heslington Parish Council

3.15 No objections subject to restrictions on construction working hours of 08.00 - 18.00 and no working at weekends and bank holidays and no parking on local roads. Highways should be kept clear of equipment and mud.

Neighbour notification and Publicity

3.16 Comments were received from two residents. The following issues were raised:

- The proposal is sympathetic to the conservation area.
- It is disappointing that more sustainable features are not incorporated into the development.
- The school should be designed taking account of the likely increase in school numbers due to the University's planned extension.
- The pre-school should also be re-generated and incorporated into the main school.

4.0 APPRAISAL

KEY CONSIDERATIONS

4.1 Key considerations include:

- Green Belt
- Appearance of the conservation area and setting of the listed school building
- Impact on neighbours living conditions
- Transport issues
- Flooding and drainage

PLANNING POLICY

4.2 Whilst the Regional Strategy for Yorkshire and Humber (the RSS) has otherwise been revoked, its York Green Belt policies have been saved together with the key diagram which illustrates those policies and the general extent of the Green Belt around York. RSS Policy YH9C "Green Belts" states that the detailed inner

boundaries of the Green Belt around York should be defined in order to establish long term development limits that safeguard the special character and setting of the historic city. RSS Policy Y1 states that the City of York LDF, should define the detailed boundaries of the outstanding sections of the outer boundary of the York Green Belt about 6 miles from York city centre and the inner boundary in line with policy YH9C.

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

Chapter 9 – Protecting Green Belt Land

Chapter 12 – Preserving and Enhancing the Historic Environment

4.4 The NPPF is the most up-to date representation of key relevant policy issues (other than the Saved RSS Policies relating to the general extent of the York Green Belt) and it is against this policy Framework that the proposal should principally be addressed.

4.5 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.

4.6 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. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

4.7 The York Development Control Local Plan was approved for Development Control purposes in April 2005; its policies remain material considerations in respect of Development Management decisions although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework.

GREEN BELT

4.8 Whilst the Regional Strategy for Yorkshire and Humber (the RSS) has otherwise been revoked, its York Green Belt policies have been saved together with the key diagram which illustrates those policies and the general extent of the Green Belt around York. These policies comprise the development plan for York. The site is located within the general extent of York Green Belt and is treated as being within Green Belt for the purposes of this application.

4.9 The National Planning Policy Framework (NPPF) at paragraph 89 states that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt. However, the NPPF goes on to state that exceptions to this rule include, limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

4.10 It is considered that the school grounds are part of the curtilage of a previously developed site, however, this does not imply that the whole curtilage of the school can be developed and care should be taken to ensure that development would not have a greater impact on openness. The new school buildings are single storey with the exception of the hall. The footprint of the new school (1227 sqm) is slightly smaller than the existing school accommodation on the site (1389sqm). However, the total coverage of buildings on the site will increase by around 200sqm as the listed school building is intended to be retained, albeit that it will not be part of the primary school accommodation. It is considered that although some of the buildings incorporated within the school complex are of a pre-fabricated construction, because of the length of time that they have been integrated into the site they should be considered permanent for the purposes of assessing the application.

4.11 It is not considered that the increase in development within the curtilage is significant. The new development is set off the site boundaries by a minimum of 20 metres and is modest in height. The northern part of the site slopes gently to the north. To level the site of the school buildings the land's height will be reduced rather than raised which will mean that the buildings will be set around 1m lower than the land immediately to the north.

4.12 Most of the areas where buildings will be removed will be soft landscaped and the increase in hard surfacing within the site will be around 500 sqm (500sqm equates to around 2% of the overall school site). The modern buildings will be located further to the north within the school grounds than the existing post war buildings to be demolished. The changes will increase the prominence of school buildings when viewed from Field Lane as they will stand apart from the historic buildings fronting School Lane. However, the change in location of the school buildings will lessen the impact on the openness of the Greenbelt when viewed from School Lane.

4.13 Lighting of footpaths and the car park is very low key with only two 5 metres columns proposed within the site and the rest of the area lit by bollards or wall mounted lighting. Proposed light levels have been controlled by condition. All cars are proposed to be located in the existing car park adjacent to School Lane with the exception of two spaces for disabled users close to the school frontage.

4.14 Although the proposal will lead to a slight increase in the footprint of development on the site it is considered that the change is so modest that it would not have a material impact on the openness of the Green Belt and the purpose of including land within it than the existing development. As such the development is considered to fall within the exception in the NPPF at paragraph 89 in that it is not considered inappropriate within the Greenbelt and preserves the land's openness.

APPEARANCE OF THE CONSERVATION AREA AND SETTING OF THE LISTED SCHOOL BUILDING

4.15 The school buildings fronting School Lane are listed as is the original school building (now a dwelling) opposite the site. The school grounds are contained within the Heslington conservation area.

4.16 The NPPF (chapter 12, paragraph 132) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. 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. Caution is advised when carrying out this balancing exercise, in that any harm (even where less than substantial) must be given considerable weight and importance by virtue of the statutory duties imposed on the Local Planning Authority by Section 72 and 66 of the Listed Buildings Act 1990, in relation to the conservation area and setting of the listed building respectively. 2005 Draft Local Plan Policy HE2 and HE3 states that proposals in Conservation Areas will only be acceptable where there is no adverse impact on the character and appearance of the area including having regard to the impact on urban spaces, views and landmarks. 2005 Draft Policy HE4 states that development should not harm the setting, character or appearance of listed buildings.

4.17 Heslington has an approved Village Design Statement. This document contains a number of recommendations setting out a framework for future development in the village. The school site is classified as a valued open space. Paragraph 3.2.1 of the document states that such spaces are integral to the village's character. It is stated that "it is however recognised that the school may need to expand to meet its educational need". The document outlines the importance of design issues including the retention of important views, the appropriate use of materials and the importance of scale and density.

4.18 The school is set away from trees around the boundary of the site and will have a limited impact on existing vegetation. A condition has been included relating to the protection of trees and new tree planting.

4.19 The proposed demolition works would enhance the appearance of the Conservation Area and also the setting of the listed building. The new school building is dug into the landscape and will not compete with the height of the listed building. It has a subdued yet interesting form and the proposed palette of materials (including brick and timber cladding) is considered appropriate to the agricultural heritage of the area. There is therefore no harm in this case to either the setting of the Conservation Area or the listed building.

IMPACT ON NEIGHBOURS LIVING CONDITIONS

4.20 Policy GP1 of the York Development Control Local Plan sets out the requirement to ensure that neighbours living conditions are not unduly affected by for example disturbance or overshadowing. The proposal will not increase the scale of the school or introduce new traffic. The separation distances to housing is acceptable. Issues relating to avoiding undue harm from construction are covered by conditions and informatives.

TRANSPORT ISSUES

4.21 The proposals will have no significant impact on travel to and from the school. The school has submitted a travel plan seeking to encourage sustainable travel modes. An issue is the impact of construction vehicles. Construction vehicles will enter the site at the northern end of School Lane. The car park, cabins and material storage related to construction is proposed to be on open land at the north of the school grounds.

FLOODING AND DRAINAGE

4.22 The development lies in Flood Zone 1 which has a low risk of flooding and the school is a compatible use in such an area.

4.23 In respect to the use of sustainable drainage methods, tests have indicated that the high water table makes soakaways unpractical. The use of open water features is considered inappropriate on safety grounds.

4.24 The existing school buildings discharges surface water to the combined Yorkshire Water sewer. This is the least preferred option for disposing surface water from a sustainability and flood risk perspective. In respect to the new school, the applicant proposes to discharge foul water to the sewer and discharge surface water into a drainage ditch at the south of the site. This approach accords with best practice in terms of sustainable and environmentally friendly drainage methods for the site. The Internal Drainage Board have objected to this drainage method because of flooding concerns resulting from an increased discharge into the ditch. The Council's Flood Risk Management Team and Yorkshire Water consider that the

applicant's proposals are the most appropriate way to address flood risk in the city and local area, providing surface water run-off rates into the ditch from the new development are attenuated to Greenfield run-off rates. The attenuation of run-off rates is covered by condition.

5.0 CONCLUSION

5.1 Many of the existing buildings on the school site are relatively run down and the proposals will enhance the facilities for children's education. At paragraph 72, the NPPF stresses that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. It states that Local Planning Authorities should give great weight to the need to create, expand or alter schools.

5.2 The proposals will not lead to an increase in school children. The key issues in assessing the proposal are the acceptability in respect to Green Belt policy and the impact on the character and appearance of the conservation area and the setting of the listed building.

5.3 The alterations will slightly increase the developed area of the school grounds; however, the overall increase is very modest and in scale and impact is considered to fall within the parameters considered as an exception to "inappropriate" development within advice in paragraph 89 of the NPPF. The proposals will not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

5.4 It is considered that the changes will enhance visual amenity and allow the setting of the original listed school building to be better appreciated. There is therefore no harm to the setting of the conservation area or listed building.

SUB-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 received by the Local Planning Authority on 24 January 2015.

BDP04A (PL) AE100 GA ELEVATIONS - NORTH AND SOUTH
BDP04 (9-) LP-001_C SITE MASTERPLAN
BDP04 (9-) LP-005_D SITE GENERAL ARRANGEMENT
BDP04 (9-) LP-006_B SITE SECTIONS
BDP04A (PL) AE100 GA ELEVATIONS - NORTH AND SOUTH

BDP04A (PL) AE101 GA ELEVATIONS - EAST & WEST
BDP04A (PL) AP101 ROOF PLAN
SITE LOGISTICS PLAN SK01

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 the submitted lighting proposals a new lighting scheme shall be designed and approved by the Local Planning Authority which demonstrably respects the character of the rural village location, in luminaire type and control of light levels.

The development shall be carried out in accordance with the approved details.

Reason: To protect the appearance of the Conservation Area.

4 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 construction. 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.

5 Large scale details of the following shall be provided for approval by the Local Planning Authority prior to the construction of the relevant part of the development:

- i 1:20 sections and plans through main elevations of the building at typical locations to show the relationship between different elements ((eg window to wall and eaves/parapet to wall)
- ii Roof-lights
- iii Ventilation shafts
- iv Gable louvers
- v New fencing and external compounds
- vi The development shall be carried out in accordance with the approved details.

Reason: To protect the appearance of the Conservation Area

6 The building 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.

7 The construction of buildings shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, the works shall be completed and maintained in accordance with these approved details.

Details shall include:

- a) Calculations and invert levels to ordnance datum of the existing foul and surface water system together with details to include calculations and invert levels to ordnance datum of the proposals for the new development.
- b) A topographical survey showing the proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development shall not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.
- c) As there are no existing connected areas discharging to the existing watercourse then In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the Ouse & Derwent Internal Drainage Board, peak surface water run-off must be attenuated to that of a Greenfield run off rate based on 1.40 l/sec/ha. Storage volume calculations, using computer modelling, must be provided that 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.

Please note that a maximum surface water discharge rate of 5 l/sec is agreed.

- d) Site specific details of the flow control devise manhole limiting the surface water to the 5.0 lit/sec.

e) Site specific details of the storage facility to accommodate the 1:30 year storm and details of how and where the volume above the 1:30 year storm and up to the 1:100 year storm will be stored.

f) Details of maintenance and management of the proposed drainage system.

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

8 HWAY19 Car and cycle parking laid out

9 During and following the construction of the replacement school sustainable travel initiatives shall be implemented in accordance with the School Travel Plan received by the Local Planning Authority on 31 March 2015.

Reason: To encourage sustainable modes of travel.

10 Except in the case of emergency, no construction operations which are audible beyond the boundary of the site shall take place on site other than between the hours of

08:00-18:00 Monday to Friday

09:00-13:00 on Saturdays.

There shall be no working on Sundays or Public Holidays. The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason: To protect neighbours living conditions.

11 During the construction process heavy goods vehicles shall only enter or leave the site between the hours of

08:00-18:00 on weekdays

09:00-13:00 Saturdays

There shall be no such movements on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).

12 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible at the boundaries of the nearest residential properties when in use, shall be submitted to the local planning authority for approval. These details shall include maximum sound levels (LA_{max} (f)) and average sound levels (LA_{eq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority.

The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect neighbours living conditions

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed 5dB(A) below the background noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 1997 or exceed the background noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, including any acoustic correction for noises which contain a distinguishable, discrete, continuous note (whine, hiss, screech, hum, etc.); noise which contain distinct impulses (bangs, clicks, clatters, or thumps); or noise which is irregular enough to attract attention. In order to demonstrate compliance with this condition the applicant should submit a noise report with the findings of such investigations.

13 Before the commencement of development, including demolition, installation of utilities, building operations, the importing of materials and any excavations, a method statement regarding protection measures for the existing trees, boundaries and buildings shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include phased locations of protective fencing in relation to the phasing of demolition and construction operations; site access during demolition/construction; type of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading); parking arrangements for site vehicles; storage of materials; location of site cabin. It shall also include a methodology for demolition and site clearance within close proximity to trees and buildings; and construction details and methodology where a change in surface material is proposed within the canopy spread and likely rooting zone of a tree; and any essential tree works that are required to implement the development; and a programme of inspections by the operator's arboriculture consultant.

Reason: To protect existing trees which are considered to make a significant contribution to the amenity of the development and the surrounding area this element should be addressed before development commences.

14 The demolition of those buildings shown for demolition on the approved plans shall take place within 1 year of the completion of the new school building.

Reason: To preserve the openness of the Greenbelt.

15 ARCH1 Archaeological programme required

16 ARCH2 Watching brief required

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

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

18 The developer shall submit a post construction BREEAM certificate no later than 6 months after the occupation of the school. The certificate shall confirm the minimum 'Very Good' rating anticipated in the preliminary BREEAM assessment submitted with the application

Reason - To ensure the development complies with the principles of sustainable development

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

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and comply with Section 11 of the NPPF.

20 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-school 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 and to accord with Policy ED1 of York Development Control Local Plan.

7.0 INFORMATIVES: Notes to Applicant

1. Section 1 of the Wildlife and Countryside Act 1981

All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended). To ensure that breeding birds are protected from harm during construction, works that would impact on building features or vegetation that would be suitable for nesting birds should be undertaken outside of the breeding bird season between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period. There are opportunities for the development to provide enhancement for birds without detriment to the building by the addition of bird boxes, examples of which can be found on the RSPB website

http://www.rspb.org.uk/makeahomeforwildlife/advice/helpingbirds/roofs/internal_boxes.aspx.

2. 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

3. Boundary to listed school building

It is recommended that the masterplan is amended to show the proposed new rear and side curtilage of the listed building as agreed with Education and Property Services. The curtilage is based on the 1908 conveyance with the addition of access strip to each side where practical. For further information in respect to this please contact the City of York Council Development Management section.

4. Statement of the Council's Positive and Proactive Approach

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

Additional information sought in respect to drainage of the site, travel arrangements and the curtilage.

Contact details:

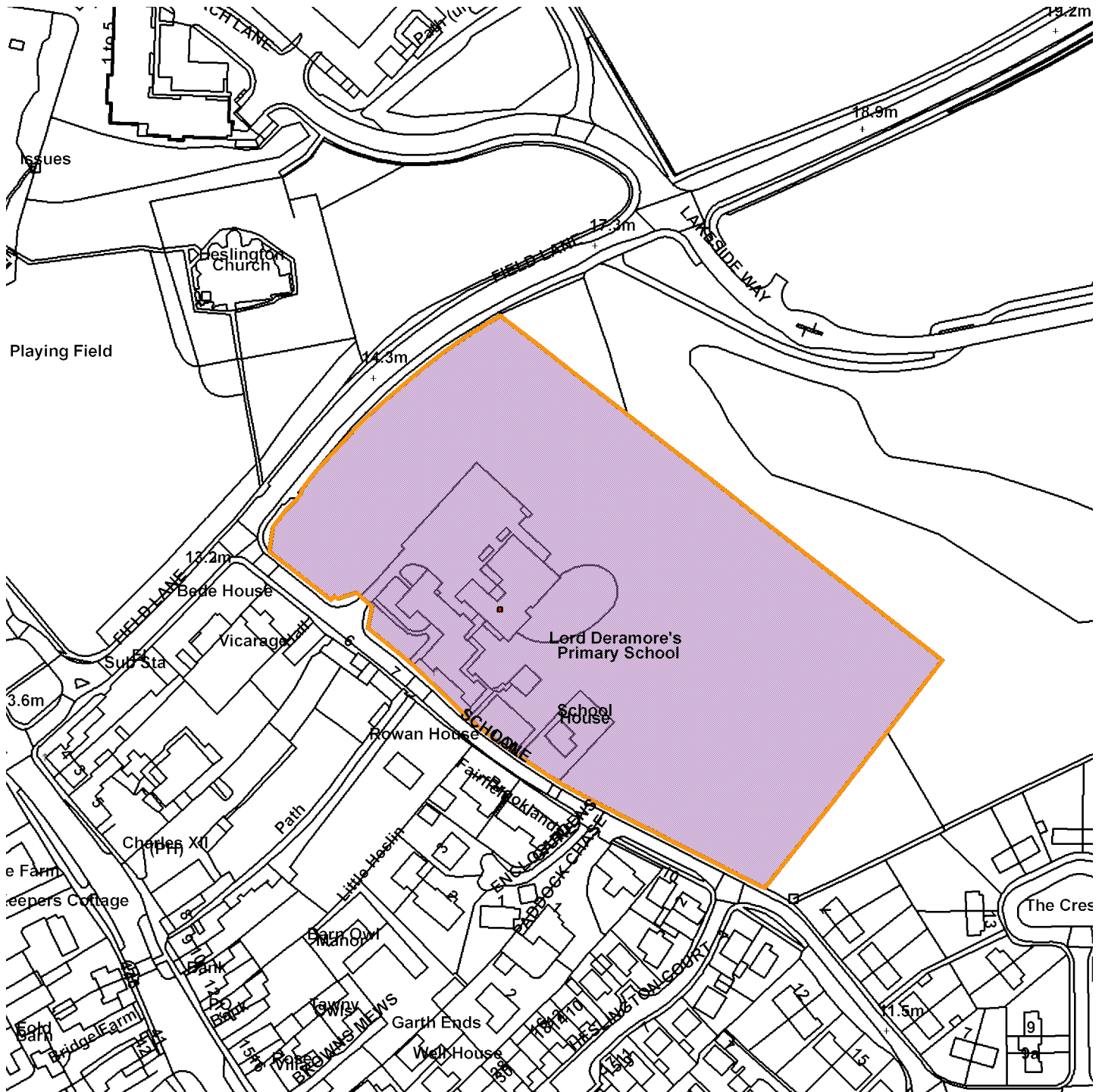
Author: Neil Massey Development Management Officer (Mon/Wed/Fri)

Tel No: 01904 551352

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Lord Deramores Primary School School La.Heslington

15/00125/FULM



Scale : 1:2119

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Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	02 June 2015
SLA Number	Not Set

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COMMITTEE REPORT

Date: 11 June 2015 **Ward:** Fulford and Heslington
Team: Major and **Parish:** Heslington Parish
Commercial Team Council

Reference: 15/00126/LBC
Application at: Lord Deramore's Primary School School Lane Heslington
York YO10 5EE
For: Part demolition of existing school building
By: Kier Construction on behalf of The Secretary of State
Application Type: Listed Building Consent
Target Date: 15 June 2015
Recommendation: Approve

1.0 PROPOSAL

1.1 The application site is Lord Deramores Primary School. The village school relocated to this site in 1856. The school building is listed at grade II. The 1856 portion of the school building is significant as an example of an early purpose built school developed through local patronage; it also has a high standard of design and materials expressed in its Victorian gothic architecture. As the village has grown the school has expanded through a series of linked extensions to the north and northeast. An early classroom extension of 1908 by WH Brierley is of some architectural merit and historically significant. The more recent additions, though part of the listed school building, are of little architectural importance.

1.2 It is proposed to build a new school in the grounds. This application is for Listed Building Consent to demolish all buildings that form the primary school accommodation with the exception of the 1856 building and the 1908 extension. All of the buildings attached to the 1856 school building are part of the site's Grade II listing. In considering the Listed Building Consent application the key issue relates to the treatment and future retention of the pre World War II buildings.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Heslington CONF
City Boundary GMS Constraints: York City Boundary 0001
Listed Buildings: Grade 2; Village School, School Lane, Heslington

2.2 Draft Development Control Local Plan (2005) Policies:

CYHE4 Listed Buildings

Application Reference Number: 15/00126/LBC

Item No: 4i

Page 1 of 7

2.3 Emerging York Local Plan Publication Draft (2014) Policies

D5 Listed buildings

D9 City of York Historic Environment Record

3.0 CONSULTATIONS

INTERNAL

Planning and Environmental Management

Conservation Architect

3.1 Heslington Village School has been identified as in need of renewal under the Priority School Building Programme. Investment by the Education Funding Agency allows only for new building in order to maximize resources for educational purposes. In spite of making a strong case for retention and reintegration of the historic school on School Lane, additional funds have not been forthcoming. We therefore support moth-balling the building pending a suitable new use being found in this highly popular village.

3.2 The measures put forward for securing and weather-proofing the building are adequate at this stage but they would need to be reviewed in detail once demolition commences; so a condition will be required to cover agreement of details in the areas revealed. Similarly site plans fail to identify a suitable rear and side curtilage for the retained building and this omission should be addressed as a condition of approval. Lack of a suitable curtilage could put the future of the building in jeopardy.

3.3 By removing the later extensions the immediate setting of the historic school building would be improved. The intermediate measures proposed for security purposes and to guard against the weather would be reversible and they would not be harmful to the special architectural and historic interest of the building.

EXTERNAL

English Heritage

3.4 Are content with the principle of the proposed demolition as it is confined to later additions which do not contribute to the significance of the listed building, or the character and appearance of the conservation area. Although outside the scope of the current application it is recommended that a new use for the building is found as soon as possible and that security and maintenance measures are put in place in the interim.

Council for British Archaeology

3.5 Strongly object to the proposal as it entails no provision for the long term future of the listed building and is therefore contrary to paragraphs 126 and 131 of the NPPF. In addition, the proposed arrangements will limit the future viable use of the building. The application fails to show how the demolition of other buildings will impact upon the setting of the listed building and does not show how the listed buildings will be treated in respect to repair and maintenance.

4.0 APPRAISAL

STATUTORY DUTY

4.1 Section 16 of the Planning (Listed Buildings and Conservation Areas Act 1990 requires the Local Planning Authority when determining Listed Building Consent applications for development that affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4.2 Case law has made clear that when deciding whether harm was outweighed by the advantages of a proposed development, the decision-maker must give particular weight to desirability of avoiding such harm. There is a “strong presumption” against the grant of planning permission in such cases. The exercise is still one of planning judgment but it must be informed by that need to give special weight to the desirability of preserving the building. (E.Northants DC v Secretary of State for Communities and Local Government [2014] EWCA Civ137).

4.3 This means that even where harm is less than substantial, such harm must still be afforded considerable importance and weight, i.e. the fact of harm to the listed building is still to be given more weight than if it were simply a factor to be taken account along with all other material considerations.

PLANNING POLICY

4.4 The National Planning Policy Framework (NPPF) was published in March 2012. It sets out government’s planning policies and is material to the determination of planning applications. The NPPF is the most up-to date representation of key relevant policy issues and it is against this policy framework that the proposal should principally be addressed.

4.5 Paragraph 131 of the NPPF states that in determining planning applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. The National Planning Policy Framework (NPPF) Chapter 12, Paragraph 132 states that considering the impact of a proposed development on the significance of a designated heritage asset, great weight should

be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting.

4.6 The NPPF, Chapter 12, Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Caution is advised when carrying out this balancing exercise, in that any harm (even where less than substantial) must be given considerable weight and importance by virtue of the statutory duty imposed on the Local Planning Authority by Section 16 of the 1990 Act.

4.7 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. 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.

4.8 The City of York Draft Development Control Local Plan (incorporating 4th set of changes, April 2005) has been adopted for Development Control purposes, but it does not have statutory development plan status. Its draft policies are capable of being material planning considerations and are considered to carry some limited weight where they accord with the NPPF. 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.

IMPACT ON SPECIAL ARCHITECTURAL OR HISTORIC INTEREST OF THE LISTED BUILDING

4.9 The proposals will lead to the removal of around 75% of the existing footprint of buildings on the site. No parts of the 1856 or 1908 school building which are still in place would be removed and there would be no alteration to the interior at this point. It is considered that the demolition of the modern additions will enhance the setting of the building.

4.10 A key issue to consider are whether the works required to separate the historic buildings from the later additions will be done in a sympathetic manner and if leaving the historic buildings without a new use will leave them vulnerable to vandalism or decline.

4.11 Following concerns being raised by the Council for British Archaeology, additional drawings and information was submitted by the applicant indicating how the historic building would be made good following the removal of the attached modern structures.

The further details indicate that essential protection works would be carried out as part of this application to safeguard the building. Further details in respect to specifications and recording can be required as a condition prior to demolition commencing.

4.12 In respect to the future vacancy of the historic buildings it is regrettable that a new use for the buildings is not in place. It had been hoped that the historic buildings could be retained in use by the primary school. This was not considered practical by the applicant in terms of achieving a smooth transition of pupils from the existing to the new school buildings and also because of the impact it would have on the effective use of the site and financial issues relating to the continued use and maintenance of the historic buildings.

4.13 The submitted application does not show a rear or side curtilage to the historic buildings proposed to be retained. It is considered important that a curtilage is defined to ensure that this does not limit possible future uses of the buildings. A condition is suggested that would require a curtilage to the building to be retained that would no longer form part of the school grounds. It is recommended that this accords with a 1908 plan indicating the extent of the playgrounds at the time (equivalent to a rear garden length of around 25m) as well as a margin to each side of the building for access where practical. The applicant has confirmed that they are agreeable to this and that this requirement would not prejudice the future use of the proposed school site.

4.14 It is considered that the additional information received in respect to securing the exterior of the historic buildings and providing a suitable curtilage, provides a high level of comfort that the changes on site will not undermine the viability or integrity of the historic buildings. Although it would be preferable if they were not left without a use, it is considered that their existing state of repair, accessible location and adaptable form is such that it could not be reasonably envisaged that they would be left to decline because they have no viable economic use.

5.0 CONCLUSION

5.1 This Listed Building Consent application relates to the demolition of post-war school buildings of little architectural merit. Therefore no harm results to the listed building by this proposal. The works are proposed to take place following the erection of a replacement school on the site.

5.2 It is considered that the demolition works will enhance the setting of the historically important buildings fronting School Lane that are to be retained. No replacement use for the retained historic buildings has been agreed. In accordance with NPPF advice, it is important to ensure that the works do not compromise the future viability, or maintenance of the buildings. To ensure this is addressed

conditions have been suggested requiring the external fabric of the newly exposed parts of the buildings to be protected and a suitable curtilage provided and retained.

6.0 RECOMMENDATION:

1 TIME L2 Development start within 3 yrs (LBC/CAC) -

2 PLAN S1 Approved plans and other submitted details

3 Prior to the demolition of any buildings on site, a site plan shall be submitted to and agreed by the Local Planning Authority showing the proposed curtilage of the historic buildings to be retained. Following demolition work the curtilage(s) shall be clearly defined on site and thereafter such land shall be retained for the occupants and users of the protected buildings.

Reason: To protect the setting of the historically important buildings and ensure that their future viability is not impeded through them retaining insufficient curtilage land.

4 Within a maximum period of 4 weeks after demolition works have taken place that make it possible to see the nature of scarring and its effect on architectural elements of the protected buildings, details shall be submitted to the Local Planning Authority for approval showing how the protected buildings are to be safeguarded and repaired and setting out a timetable for the works. The works shall be completed in accordance with the approved details and timescales.

Reason: To ensure that the works do not harm the historic buildings or their future wellbeing.

5 Prior to the commencement of the demolition the building shall be recorded in accordance with an Historic England level 2 photographic and drawn record (ref "Understanding Historic Buildings: A guide to good recording practice" English Heritage 2006. The record should be lodged in the local Historic Environment Record.

Reason: To retain a record of the special interest of the listed building. This is required prior to the commencement of demolition because of the need to retain a record of the building before demolition.

7.0 INFORMATIVES:

1. CURTILAGE

In respect to condition 3, when providing a curtilage for the historic buildings no longer in school use it is expected that regard will be had to the boundaries of the

building's curtilage shown on the 1908 map of the site and also the benefits from providing side access strips.

Contact details:

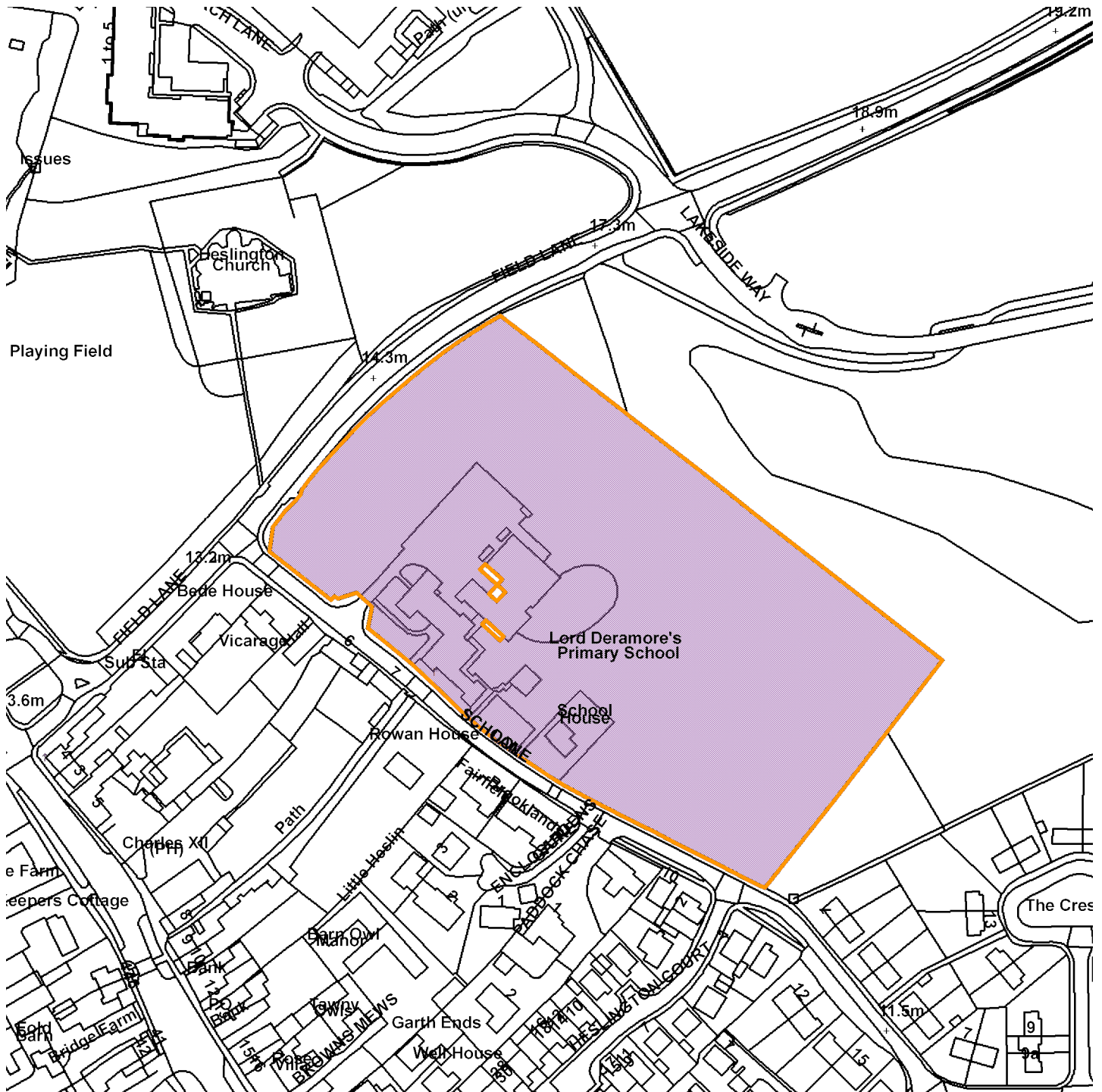
Author: Neil Massey Development Management Officer (Mon/Wed/Fri)

Tel No: 01904 551352

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Lord Deramores Primary School School La.Heslington

15/00126/LBC



Scale : 1:2119

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Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	02 June 2015
SLA Number	Not Set

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The Council's Approved Supplementary Planning Document 'Controlling the Concentration of Houses in Multiple Occupation' states (paragraph 5.7) that permission for additional C4 uses will only be granted where less than 10% of properties within 100 metres of street frontage of the site are shared houses. A further HMO would be likely to have a detrimental impact on the character of the area. As such to allow the proposal would be contrary to Development Control Local Plan policy H8: 'Conversions', the city council's "Controlling the Concentration of Houses in Multiple Occupation" Supplementary Planning Document (April 2012) and also paragraph 50 of the National Planning Policy Framework which requires Local Planning Authorities to create sustainable, inclusive and mixed communities.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

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

2.2 Policies:

CYH7	Residential extensions
CYGP1	Design
CYH8	Conversion to flats/HMO/student accom
CYT4	Cycle parking standards

3.0 CONSULTATIONS

INTERNAL

Planning & Environmental Management

3.1 As stated in the Draft HMO SPD, a threshold of 20% of all properties being HMOs across a neighbourhood and 10% at street level have been established as the point at which a community can tip from balanced to unbalanced. At the neighbourhood level there are currently 117 known HMO's out of 878 properties, 13.3%. Within 100m of 8 Pinewood Hill there are currently 2 known HMOs out of 22 properties, 9.09%. As such, in accordance with the provisions of the Draft HMO SPD neighbourhood and street level thresholds have not been breached and further change of use to a HMO is likely to be acceptable. Albeit an assessment of residential amenity (bin storage, parking etc.) and the ability of the area to absorb further change of use should also be undertaken.

EXTERNAL

Hull Road Planning Panel

3.2 Comment that the HMO threshold may already be breached.

Neighbour Notification and Publicity

3.3 Twelve letters of objection have been received from neighbours. A petition opposing the planning application signed by 47 people has also been received.

3.4 The issues raised are as follows:

- The 100m threshold has been breached as there are 3 HMO's within this area rather than the 2 stated by the Council's Planning and Environmental Management Unit. The figure for the estate should also be 13.3%.
- HMO's often create excessive noise and anti-social behaviour and can be poorly maintained.
- Concerns regarding parking problems. Parking has the ability to obstruct access to the adjacent bungalow.
- The property was previously occupied by 2 students and they created concerns regarding anti-social behaviour.
- The proposal will lead to the loss of privacy.
- Will harm property values.
- The property could be occupied by 6 people.

4.0 APPRAISAL

4.1 The key issues in assessing the proposal are the principle of development and whether:

- The proposal complies with the HMO threshold standards.
- The dwelling is large enough to be a HMO.
- There is sufficient space for storage and car and cycle parking.
- The proposal will not have an adverse impact on noise levels and the level of amenity neighbouring residents can reasonably expect to enjoy.
- The change will not harm the streetscene.

4.2 The National Planning Policy Framework 2012 (NPPF) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. The framework states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

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

4.3 Paragraph 187 states that Local Planning Authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible. The NPPF states that there are three dimensions to sustainable development - an economic role, a social role and an environmental role.

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 NPPF.

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

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

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

4.8 Policy H8 relates to conversions including changes to Houses in Multiple Occupation. The specific requirements of the policy are that:

- 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.

It is considered that the four bedroom size criteria are not applicable to small HMO's as at the time the policy was written there was no small HMO use class (3-6 residents) and a HMO was defined as a property containing 7 or more bedrooms

4.9 A supplementary planning document (SPD) entitled 'Controlling the concentration of Houses in Multiple Occupancy' was approved by the Council on 15th April 2012 (and reviewed 2014). The document expands upon policy for assessing applications for new small and large HMO's. The new SPD states that the change of use from dwellings to HMO's will 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.

4.10 Policy T4 sets out cycle parking standards. The Appendix E standard for homes in multiple occupation accommodation is 1 space per bedroom.

4.11 The maximum car parking standard contained in Appendix E of the Local Plan for a proposed 3-6 bed HMO is 3 spaces (i.e. 1 space per 2 bedrooms). The standard for the existing 3 bedroom dwelling is 2 spaces.

Compliance with the HMO threshold standards.

4.12 Some neighbours have expressed concerns in respect to the accuracy of the council's figures regarding the number of HMO's in the neighbourhood and within 100m of the property. No figures have been put forward as an alternative to the 13.3% figure for the neighbourhood.

The neighbourhood calculation includes the Badger Hill estate but also some residential areas north of Hull Road and some rural areas to the south of the estate. As the threshold figure for the neighbourhood is 20% a significant number of unknown HMOs would be required for the target to be breached.

4.13 Some neighbours have stated that the number of HMO's within 100m is 3 rather than 2 and as such the 10% threshold has been breached. The council's information regarding which properties are HMO's has been re-checked and the number of individual properties that fall within a 100m walking distance re-measured. The information available to the council indicates that only two properties within 100m are HMO's (9.09%).

4.14 The details of 3 properties known to be HMO's were submitted by neighbours, however, only 2 fell within the 100m zone. The 100m catchment for number 10 Pinewood Hill (where a change of use was refused) is slightly different than for 8 Pinewood Hill. For data protection reasons the Council does not publish information from Council Tax records indicating which homes in an area are HMO's.

4.15 The method for measuring the 100m catchment is set out on page 12 of the HMO SPD. This methodology has been followed when assessing the application.

4.16 Paragraph 5.7 of the HMO SPD states that the change to a HMO will only be permitted where less than 10% of properties within 100m are HMO's. This implies that if the threshold has been breached a change will be unacceptable. It is not considered to indicate that a change will not be allowed if that change would then take the threshold beyond 10%.

Size of the dwelling

4.17 The HMO use class indicates that a property can be shared by between 3-6 residents. The property can comfortably accommodate over 3 residents. The plans indicate that the owner intends to have three bedrooms upstairs and one bedroom downstairs. The car parking and cycle parking has been laid out on the basis of the home being occupied by 4 people. It is unlikely that the home would be occupied by more than 4 adults without needing to be further extended. It is considered that the intensity of the proposed use is not excessive, even taking account of the relatively quiet location. It is recommended that permitted development rights are removed for further extensions and for the conversion of the garage to living accommodation. This will allow the impact of any future enlargement of the property to be assessed on its merits.

Storage and cycle parking

4.18 Within the garage, space is available for 4 cycles to park and for the storage of bins. It has been conditioned that this is retained. The plans indicate practical

parking for two cars within the front garden. It is noted that there is minimal on-street car parking and as such it is important that this element is addressed. Two parking spaces would meet the maximum parking standard for a four bedroom HMO. The provision and retention of the additional car parking is recommended to be controlled by condition.

Residential amenity

4.19 The extensions to the property are modest in scale and will not have a significant impact on neighbours' living conditions.

4.20 The property is at the head of a quiet cul-de-sac and as such background noise levels are relatively low. It is not considered however, that the occupation of the home on the basis set out by the applicant (with permitted development rights removed for further extensions) would be expected to create noise levels and levels of comings and goings significantly beyond that of a family home. It is noted that noise concerns relating to HMO's set out in the approved SPD relate to the concentration of such uses rather than the impact of individual homes.

Harm to the streetscene.

4.21 The addition of a pitched roof to the garage is typically permitted development. The garage is set back slightly from the front elevation of the house. It is not considered the changes would detract from the character or general openness of the cul-de-sac.

4.22 It is proposed to create off-street parking for 2 to 3 cars by hard surfacing part of the front garden. It will be conditioned that the surfacing is permeable. It is noted that some other properties in the cul-de-sac have created additional parking within their front gardens and it is not considered that the change would appear incongruous in the context, or harm the character of the area.

5.0 CONCLUSION

5.1 The property is located in a neighbourhood where less than 20% of homes are existing HMOs and within a local area where less than 10% of homes within 100m are currently HMOs. Because of the quiet location and constrained on street parking situation the applicant has agreed to the removal of permitted development rights to further extend the property or convert the garage to living accommodation.

5.2 It is considered that the proposal accords with the Council's policies regarding HMOs and subject to the suggested conditions is acceptable in its context.

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: - Proposed elevations 642/2002 dated April 2015, proposed site plan 642/203 dated April 2015 and proposed floor plans 642/201 rev 'c' dated April 2015.

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

3 VISQ1 Matching materials -

4 Notwithstanding the submitted details, prior to the House in Multiple Occupation being occupied, details of the proposed permeable surfacing of the parking area within the site shall be submitted to and approved in writing by the Local Planning Authority. The HMO shall not be occupied until the surfacing has been provided within the site in accordance with the approved details, and it shall be retained as agreed for the parking of vehicles.

Reason: To avoid increasing flood risk and to minimise noise from vehicle movement.

5 The use and development shall be implemented in accordance with the approved plans and thereafter notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), no development of the type described in Class A (extensions) or Class B and C (roof addition/alterations) and Class E (outbuildings) of Schedule 2 Part 1 of that Order shall be undertaken at the House in Multiple Occupation without first gaining planning permission.

Reason: In the interests of the amenity of the occupants of the House in Multiple Occupation and neighbouring properties, the Local Planning Authority considers that it should exercise control over the erection of any future extensions and outbuildings that, without this condition, may have been carried out as "permitted development" under the above class of the Town and Country Planning (General Permitted Development) Order 2015.

6 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 area of garage shown on the approved plans for the storage of cycles and bins shall be retained for that purpose.

Reason: To ensure that the property retains adequate storage.

7 Prior to the dwelling being occupied as a House in Multiple Occupancy, a management plan shall be submitted to and agreed in writing by the Local Planning Authority and shall be implemented as agreed. The Management plan shall relate to the following areas:

- i) Information and advice to occupants
- ii) Garden maintenance
- iii) Car parking and refuse and recycling facilities
- iv) Property maintenance

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

7.0 INFORMATIVES: Notes to Applicant

1. Statement of the Council's Positive and Proactive Approach

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

Revised drawings submitted to clarify parking provision and bin storage and agreement reached regarding the removal of permitted development rights.

Contact details:

Author: Neil Massey Development Management Officer (Mon/Wed/Fri)
Tel No: 01904 551352

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Councillor Neil Barnes
Councillor for Hull Road Ward

3 Cromwell House
Cromwell Road
York
YO1 6DU

Email: cllr.nbarnes@york.gov.uk

7th June 2015

RE: Planning application ref: 15/00209/FUL – 8 Pinewood Hill

Dear members of the committee,

Firstly I would like to apologise for not being able to provide my representation in person. It would usually be my default position to attend and reiterate the case I made for calling in this application to committee. However, my daytime work commitments mean I have a 'three line whip' from my employer to be away from York on the 11th June.

I have already made representations on behalf of local residents, and from reading the report to committee, I can see that these have largely been conveyed accurately. However, I wish to pick up on two key points for your consideration.

1) Has the 10% street level for Houses in Multiple Occupation (HMO) – as set out by an 'Article 4' direction – been breached? If not, should it be allowed to be breached?

A) Has the level been breached?

The question of whether the 10% street level has been breached is a key one. Local residents have identified the properties they believe to be within the 100 metre walking distance and concluded that 3 out of 24 houses are HMOs – putting the current level at 12.5% and therefore this application would be unacceptable.

But the opposing view put forward in the report you have states the calculation as 2 out of 22 properties – indicating the current level of HMOs to be 9.09%.

So which is the correct calculation? This is an important point that the committee needs to be clear on before it can make a determination. I couldn't see in the reports or on the planning portal any drawings that would indicate which properties are to be included within the 100 metres being used. I'm aware that the council would not be able to indicate the exact HMOs themselves due to data protection, but we could see the total properties to be included in the calculation? Having this verified would be a good evidence base.

However, should the conclusion then remain that the current level is 9.09%, then should the committee allow the level to then be breached by this application? If 8 Pinewood Hill were to be a HMO then the street level would become 13.6% (if you accept the 9.09% original figure).

B) Should the level be allowed to be breached?

The officer's report at paragraph 4.16 describes how the wording of the Article 4 direction/Supplementary Planning Document (SPD) on HMOs is not explicit on whether a street level should be allowed to be breached if an application were to do so.

Therefore, I think that because the main principle of the introduction of an Article 4 direction on HMO was to prevent neighbourhoods from becoming 'unbalanced', it is grossly unfair on the neighbourhood that further potential HMO applications would be rejected only after the street level of HMOs has been deemed 'unbalanced'.

We should be refusing planning applications on a principle of protecting the neighbourhood from becoming unbalanced.

2) Why be a House in Multiple Occupation?

Looking at the correspondence between officers and the planning agent, it is clear that an application would only be approved with conditions preventing further expansion. The planning agent has accepted this view – stating, in their opinion, that the impact would be no more than that of a small family.

My question to the applicant then is this – why not test the rental market for a family first? York is sorely in need of family housing and young families are finding it difficult to get a foot on the housing ladder. Therefore many will turn to the rental market. Badger Hill is a lovely place to live – it could be very attractive to a modest sized family to rent this house. I would hazard a guess that should this be advertised as a family house for rent, the landlord would end up with a long term tenant that would care for the house and offer a similar return on investment.

Considering the level of objection and the potential resentment towards the landlord – why not go for the more amenable option?

I appreciate that is not a question for the committee to use, but I felt it was necessary to make the point in writing.

Thank you for taking the time to read this representation.

Yours sincerely,

Neil Barnes

Councillor for Hull Road Ward

8 Pinewood Hill

15/00209/FUL



Scale : 1:529

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Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	02 June 2015
SLA Number	Not Set

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2.2 Policies:

CYH8Conversion to flats/HMO/student accomm

3.0 CONSULTATIONS

INTERNAL:

Planning and Environment Management Team

3.1 No. 47 The Leyes falls within a neighbourhood area where 66 out of 1,215 properties are HMOs (5.43%) and within 100m of the property 1 out of 50 properties is an HMO (2.00%) As such, in accordance with the provisions of the Draft HMO SPD the neighbourhood and street level threshold have not been breached.

Highway Network Management

3.2 The lack of off street parking for three unrelated people would have no impact on highway grounds.

EXTERNAL

Osbaldwick Parish Council:

3.3 Object in principle to the loss of anymore residential properties to student let HMOs.

Neighbour Notification and Publicity

3.4 Three letters of objections received on the following grounds:

- Additional noise.
- The rooms should be sound proofed.
- No available off street parking
- Street is very busy when there is an event at the sports club and at the beginning and end of the school day
- Increase in cars, taxis and antisocial behaviour.
- Reduction in family homes due to more HMO properties.

4.0 APPRAISAL

4.1 KEY ISSUES

- Principle of development and compliance with the SPD

- Impact on the character and appearance of the area;
- Impact on the amenities of local residents;

4.2 The National Planning Policy Framework (NPPF) sets out the Government's overarching planning policies. As one of 12 core planning principles, it states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17). It states that to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should plan for a mix of housing based on current and future demographic trends and the needs of different groups in the community.

4.3 Supplementary Planning Document - Controlling the concentration of Houses in Multiple Occupancy. This document was approved by cabinet members on 15 April 2012. This guidance has been prepared in connection with an Article 4 Direction that City of York Council placed on all houses within the defined urban area, bringing within planning control the change of use of dwellings (Class C3) to small HMO's occupied by between 3 and 6 people (Class C4). The new SPD advises applications for change of use from dwellings to HMO's will 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.

4.4 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 NPPF.

4.5 Policy H8 relates to conversions including changes to Houses in Multiple Occupation. The specific requirements of the policy are that:

- 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.

It is considered that the four bedroom size criteria are not applicable to small HMO's as at the time the policy was written there was no small HMO use class (3-6 residents) and a HMO was defined as a property containing 7 or more bedrooms

PRINCIPLE OF CHANGE OF USE

4.6 No. 47 The Leyes falls within a neighbourhood area where 66 out of 1215 properties are HMOs (5.43%) and within 100m of the property 1 out of 50 properties are HMOs (2%). The application is in accordance with the provisions of the Draft HMO SPD as the neighbourhood and street level threshold have not been breached. As such the change of use to an HMO at this property is considered to be acceptable avoiding a harmful concentration of HMOs in the area and maintaining a balanced and mixed community.

ACCEPTABILITY OF ACCOMMODATION

4.7 The host dwelling provides accommodation for up to three unrelated people. There are two bedrooms proposed on the first floor with one bathroom. The ground floor provides one further bedroom and living room/ kitchen. There is a detached shed outbuilding that would remain and could be used as a store for cycles and wheeled bins/ recycling boxes. There is an ample sized enclosed rear garden, which is adequately screened from the adjacent neighbouring properties at 46 and 48 The Leyes and the playing fields associated with Osbaldwick Primary School on the rear boundary by a close boarded fence. As such it is considered that the facilities provided are of a sufficient standard to accommodate three individual occupants on a shared basis. However, in terms of managing the number of occupiers and future occupiers to the property and its potential effect on the neighbourhood, a condition has been recommended to remove "permitted development rights" for rear extensions, detached buildings and roof alterations from this property in order to exercise control over any future extensions or alterations. Without this condition further extensions to the house could be erected without the need for planning permission. Clearly, if the overall number of occupants within the dwelling exceeded six, then the local planning authority would need to determine whether a material change of use had occurred taking the property outside Use Class C4 into a "sui generis" use and in those circumstances a further application for planning permission would be required.

IMPACT ON NEIGHBOUR AMENITY AND THE CHARACTER OF THE AREA

4.8 This property is a mid-terraced house within a block of three identical houses situated in an area of similar house styles. The location of the property is in close proximity to York University and local public transport links into the city centre, together with an ample supply of local shops. However, in order to safeguard the visual appearance of the dwelling and the amenities of the adjacent residents, the implementation of a management plan should be controlled by condition on any planning approval. The management plan would assist in such issues as providing information and advice to the residents on garden maintenance, refuse and recycling collections and property maintenance issues.

4.9 In terms of addressing issues raised in relation to noise and disturbance it is noted that there is a low concentration of HMOs in the area. There is no specific evidence to suggest that the occupation of the property as an HMO would result in additional noise or disturbance or would adversely affect the character of the area. Issues relating to untidy land, rubbish and late night noise from students could be dealt with under separate legislation and a management plan for the property could be secured by condition.

CAR PARKING/ HIGHWAY SAFETY

4.10 There is no off street car parking connected to this property and the width of the grass verge to the front of the dwelling would mean it would be difficult for a cross over to be installed so that off street parking could be created. The maximum car parking standard contained in Appendix E of the Local Plan for a proposed 3 bed HMO is 2 spaces. The maximum standard for the existing 2 bedroom dwelling is 1 space. In this location the width of the highway allows cars to be parked on the roadside whilst also allowing cars to pass. It is not considered that there would be a harmful impact on highway safety.

5.0 CONCLUSION

5.1 The property is within the urban area, well served by local facilities and close to public transport routes. The dwelling is considered to be a sufficient size, and with an adequate internal layout to accommodate three unrelated individuals. The thresholds within the Council's Supplementary Planning Document have not been exceeded. As such the proposal is considered to comply with Policy H8 of the Draft Local Plan and subject to conditions is recommended for approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

Application Reference Number: 15/00213/FUL

Item No: 4k

Page 5 of 6

2 A management plan shall be agreed in writing with the Local Planning Authority to demonstrate the control of the following:

- i) Information and advice to residents
- ii) Garden maintenance
- iii) Refuse and recycling collections
- iv) Property maintenance issues

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

3 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A,B and E 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 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 1995.

7.0 INFORMATIVES: Notes to Applicant

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

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

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47 The Leyes Osbaldwick

15/00213/FUL



Osbaldwick



Scale : 1:1059

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Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	02 June 2015
SLA Number	Not Set

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COMMITTEE REPORT

Date: 11 June 2015 **Ward:** Holgate
Team: Major and **Parish:** Holgate Planning Panel
 Commercial Team

Reference: 15/00311/FUL
Application at: 14 Livingstone Street York YO26 4YJ
For: Conversion of dwelling into 2no. self contained flats
By: Mrs Angela Hunter
Application Type: Full Application
Target Date: 30 June 2015
Recommendation: Approve

1.0 PROPOSAL

1.1 The application property is a two storey semi-detached three bedroom dwellinghouse located in the Leeman Road area of the city. It has a smallish front garden (7m x 7m) with a rear garden that is 12m long and 7m wide. There is a small single storey rear extension, currently used as a cloakroom, circa 2.5m wide by 2.5m long, attached to which is a timber shed 2.5m wide by 2m long.

1.2 The area is predominantly residential. The application property is located on the west side of the street in a row of semi-detached houses and there are two storey terraced houses on the east side of the street.

PROPOSAL

1.3 This application seeks permission to convert the property into two 1 bed flats.

SITE HISTORY

1.4 There is no planning site history relevant to the consideration of this application.

1.5 This application has been called in by Councillor Crisp on the grounds that the proposal is in conflict with the Council's Subdivision of Dwellings SPD (4th December 2012) in terms of protection of small family housing stock and not meeting minimum internal space and layout standards.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001
DC Area Teams GMS Constraints: West Area 0004

Application Reference Number: 15/00311/FUL

Item No: 4I

Schools GMS Constraints: St. Barnabas' CE Primary 0224

York North West Boundary GMS Constraints: York North West Boundary CONF

2.2 Policies:

CYH8 Conversion to flats/HMO/student accomm

3.0 CONSULTATIONS

INTERNAL

Highway Network Management

3.1 No objections. The proposal is for a conversion of a 3 bed dwelling into a pair of 1 bed apartments with secure cycle parking. The levels of car parking would not materially change from that assumed for the existing dwelling. No off street parking is proposed. Parking is available in the area. Parking restrictions in the vicinity of the site will prevent indiscriminate parking that would otherwise impede traffic. The development is served by a regular bus service and is close to local facilities, and good cycle links in to the city centre. Please apply the following condition: HWAY 18

EXTERNAL

Holgate Planning Panel

3.2 The application is supported

Publicity and Neighbour Notifications

3.3 No comments have been received.

4.0 APPRAISAL

KEY ISSUES

4.1 The key issues in assessing the proposal are:

- Whether the change would lead to an unacceptable impact on the City's small housing stock
- Whether the accommodation is of an appropriate standard

POLICY BACKGROUND

4.2 The National Planning Policy Framework 2012 (NPPF) sets out the overarching roles for the planning system. In Paragraph 14 it advises that there is a presumption in favour of sustainable development at the heart of the Framework, which should be seen as a golden thread running through both plan-making and decision-taking.

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

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

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

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

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

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

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

4.8 In respect of this current application the following paragraphs within the SPD are considered to be relevant.

4.9 In Paragraph 3.2 it advises that in order to protect the existing small family housing stock and to allow for adequate residential space standards, the subdivision of properties with less than 4 bedrooms will not be permitted.

4.10 In terms of space standards, Paragraph 3.11 advises that 1 bedroom flats should have a minimum floor space of 51sqm with 72sqm being the minimum for a 2 bedroom flat.

4.11 Paragraph 3.13 advises that the standards are intended to help ensure that subdivided homes are comfortable, convenient and able to accommodate the appropriate amount and level of furniture and fittings in line with the number of people resident in the property. Paragraph 3.14 advises that the 'habitable' floor area is the 'useable' floor area of a bedroom, living room or kitchen; it excludes the bathroom, staircase, landing, passageway and access lobby. Where additional soundproofing is required, any reduction in space to facilitate this must be deducted from the calculation of habitable area.

4.12 Paragraph 3.15 advises that all rooms should be accessed from a corridor and rooms should not be entered from one another. Paragraph 3.16 advises that all bathroom/shower rooms should be of an adequate size to incorporate a bath, even if a shower only is initially installed.

4.13 Paragraph 3.21 advises that provision should be made for general storage, particularly for bulky items which aren't used regularly - for example, suitcases or sports gear. This would be within the minimum net unit area. Paragraph 3.22 advises that general storage should be additional to kitchen units and bedroom furniture but it is accepted that some items may be stored in these rooms.

ASSESSMENT

Proposals

4.14 The proposals involve providing a 1 bedroom flat with lounge/kitchen and bathroom on the ground floor and another 1 bedroom flat with lounge/kitchen and bathroom on the first floor.

The flats would have separate entrances; the ground floor flat gains access from a side door towards the rear of the property and the first floor gains access from the front door. The proposed plans show that the existing shed would be used to store bicycles.

4.15 Using the criteria in Paragraph 3.14 of the SPD re 'habitable' floor area, the ground floor flat is approximately 28sqm and the first floor flat is 30sqm.

Evaluation

Protection of Housing Stock

4.16 The background to consideration of this application is the need to provide for the wide range of residential accommodation needs within the City and ensure that the accommodation provided is of an acceptable standard. In addition to the SPD this needs to be assessed in the light of Government advice in Paragraph 50 of the NPPF, which emphasises the need to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

4.17 In this respect the most up to date information on the housing market in the City (i.e. the North Yorkshire Strategic Housing Market Assessment 2011 - Appendix 7: York Specific SHMA) advises that there is a demand for all property sizes and a high level demand for smaller properties. Although there is also a healthy demand for three bed properties there is no indication of a particular need to resist the loss of three bed houses to conversion.

4.18 In addition, although in the early to mid 2000's concerns were raised that there was an excess of flatted developments in the City and not enough family housing, there is recent evidence to suggest that the balance is changing in terms of supply. Recent figures for unimplemented and part implemented permissions for the City (the bulk dating from between 2011 and 2014) indicate that there is now a broader supply of housing types across the market, with fairly similar numbers for the provision of one and two bed flats (1340) and two and three bed houses (1220).

4.19 In addition, it should be noted that 650 of the 1340 approved flats are actually within purpose built student accommodation schemes. The increased provision of purpose built student accommodation combined with the Council's 'Controlling the Concentration of Houses in Multiple Occupation' Supplementary Planning Document (amended 2014)', which seeks to avoid an overconcentration of HMO's aims to ease pressure on three bed housing stock in the City.

4.20 For these reasons it is not considered that the evidence exists to support refusal of the application on the grounds of the need to protect small family housing stock.

Standard of Accommodation

4.21 Space Standards - With regard to the size of accommodation being provided, the following outlines the size of habitable rooms proposed (nb. where the room is not a regular shape the dimensions outlined below are the longest):

- ground floor flat total habitable floor area 28sqm - (lounge/kitchen 5.8m x 4.1m, bedroom 3.6m x 2.6, bathroom 2.1m x 1.8m)
- first floor flat total habitable floor area 30sqm - (lounge/kitchen 5.8m x 3.5m, bedroom 3.6m x 2.6m, bathroom 2.1m x 1.4m)

4.22 The habitable floorspace of each flat is below the standard outlined in the SPD, however, the property has been inspected internally and it is considered that the proposed layout will be reasonable and useable and will provide an acceptable level of amenity for occupants. In particular, the bedrooms are exactly the same size as existing bedrooms in the property and it is also considered that the lounge/kitchen areas would provide a comfortable living space.

4.23 Although the SPD was produced as guidance for residential sub-division schemes rather than conversion of commercial to residential or new build housing developments, recent decisions by the Planning Committee (outlined below) in relation to these latter types of development indicate an acceptance by the Authority that one and two bed flats with floor areas considerably below the 51sqm and 72sqm thresholds can provide acceptable levels of accommodation.

- Conversion of hotel to 11no. flats at Blue Bridge Hotel, 39 Fishergate, York - this scheme included 5 one bed flats all below 34sqm - approved June 2014 (CYC ref: 14/00169/FULM)
- New build scheme at the Pack of Cards PH in Lyndsey Avenue - this scheme included 4 one bed flats below 39sqm and 6 two bed flats below 46sqm (CYC ref: 14/00763/FUL)
- Additional floor to accommodate 6 no. roof top apartments at 1 - 12 Kensal Rise, York - this scheme included 2 one bed flats below 29sqm and 4 two bed flats below 34sqm (CYC ref: 14/01857/FUL)

4.24 SPD requirements in relation to corridor access, provision of a bath and general storage can be addressed as follows.

4.25 Corridor Access - In respect of the first floor flat all rooms can be accessed from a corridor. This is not the case for the ground floor flat. The side entrance door

gives access to a small lobby area which has a door into the bathroom but is open into the kitchen/lounge area. There is an archway on the opposite side of the kitchen/lounge which gives access to another small open lobby area in which there is a door to the bedroom. However, it is not considered that this would mean that the level of amenity in the flat would be unacceptable nor is it considered that it would justify refusal of the application.

4.26 Provision of Bath - The size of a standard bath is 1.68m x 0.68m and the first floor bathroom could accommodate a bath together with a toilet and wash basin. The ground floor bathroom would only be able to accommodate a shower along with a toilet and wash basin, however, for some people a bath is not essential, some prefer a shower and again it is not considered that the lack of ability to provide a bath in one of the flats would justify refusal of the application.

4.27 General Storage - The ground floor flat has a small cupboard in the open lobby area next to the bedroom; this area also provides access to an understairs storage area. The first floor flat has a fairly large cupboard near to the entrance in the ground floor lobby area. Overall it is considered that there is adequate provision for storage within the scheme.

External Amenity Space, Bin/Cycle Storage and Parking

4.28 There is adequate external amenity space around the property and it is considered that it will provide a pleasant environment for occupants. A lean-to timber rear extension will provide for storage of cycles and there is adequate space for storage of refuse bins at the rear. No off-street car parking is provided but it is not envisaged that either an increase in parking or a material increase in traffic generation would result if the development goes ahead. In addition, the flats will be attractive to tenants who do not possess their own car as it has space to park cycles and has good access to local facilities and frequent local bus services.

5.0 CONCLUSION

5.1 The proposal will provide flats with an internal layout that is both reasonable and useable, sufficient external space for storage purposes and an acceptable level of amenity for occupants. It is considered that the application is acceptable, complies with national guidance in the NPPF and will provide two small residential units for which the North Yorkshire Strategic Housing Market Assessment 2011 indicates there is a high demand in the City.

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:

Drawing no. 02-615-02A

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:

Certain inaccuracies on the submitted proposed layout plan were pointed out to the applicant's agent and concerns over the proposed level of internal storage were also discussed. A revised drawing was secured in which the layout inaccuracies were rectified and the level of internal storage improved.

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:

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14 Livingstone Street

15/00311/FUL



Scale : 1:529

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Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	02 June 2015
SLA Number	Not Set

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COMMITTEE REPORT

Date: 11 June 2015 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 15/00727/FUL
Application at: 39 Goodramgate York YO1 7LS
For: Change of use from public highway to customer seating area in connection with existing cafe use at 39 Goodramgate (resubmission)
By: Ms F M Abelidis
Application Type: Full Application
Target Date: 2 June 2015
Recommendation: Approve

1.0 PROPOSAL

1.1 The application relates to part of the highway in front of 39 Goodramgate, the ground floor of which is occupied as a cafe. The premises are situated between another coffee shop next door at 41 and Boyes retail premises.

1.2 The site is within the Central Historic Core Conservation Area and Goodramgate is one of the City Centre Footstreets, which are pedestrianised through the daytime with vehicle access for certain permit holders.

1.3 The application is for a pavement cafe which would be situated on the carriageway. The area would be approx 1.5m by 3m and the plans show it would accommodate two tables. The pavement cafe would only operate during footstreet hours.

1.4 This application was called in by Councillor Watson, on highway safety grounds. The application is a resubmission. Application 14/01089/FUL was refused by Members at planning committee in July 2014 because the proposed development would have an undue detrimental impact on highway safety and would also impede pedestrian movement. Officers had recommended that permission be granted.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006
Conservation Area GMS Constraints: Central Historic Core CONF

2.2 Policies:

S6: Control of Food & Drink Uses

HE3: Conservation Areas

T1: Pedestrians

3.0 CONSULTATIONS

GUILDHALL PLANNING PANEL

3.1 The panel object on the grounds that this is a very busy street at all times and would prove to restrict access to pedestrian and would set a precedence for other restaurants/cafes in the area

HIGHWAY NETWORK MANAGEMENT

3.2 No response. Previous comments were – no objection provided a 3m wide road width is maintained for vehicles to pass. A pavement cafe licence from Highway Network Management will also be required.

PUBLICITY

3.3 The deadline for comment was 13 May. No representations have been made.

4.0 APPRAISAL

4.1 KEY ISSUES

- Impact on the Central Historic Core Conservation Area
- Highway safety
- Amenity of surrounding occupants

IMPACT ON THE CENTRAL HISTORIC CORE CONSERVATION AREA

4.2 The site is within a designated conservation area (Central Historic Core). Within such areas, the Council has a statutory duty (under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to consider the desirability of preserving or enhancing the character and appearance of the area.

4.3 It is proposed to locate two tables on the road. The seating area would be enclosed on 3 sides by black posts, linked by a rope. There are cycle racks, protected by 2 bollards, located on the carriageway outside Boyes. The cycle racks are coloured black, and the additional furniture proposed would not detract from the streetscene.

Typically the furniture would also be screened in views along the street by the presence of parked vehicles. A condition is recommended that would require the prior approval of any alternative furniture.

HIGHWAY SAFETY

4.4 The pavement cafe would be located in an area which could otherwise be used for car parking by holders of a blue badge permit. The road markings are indicative only; badge holders may park anywhere along Goodramgate. The road is 6m wide and there would be adequate space for vehicles to pass (approx 4.5m) if the proposed seating area were in-situ. The footpath would not be unduly affected. A-boards or similar features positioned on the pavement can be required to be removed under Highways or Planning legislation. Whilst it is acknowledged that customers and waiting staff will cross the pavement to access the proposed seating area, given the size of the proposed seating area any conflict would be limited. Since the last application cycle parking spaces have been re-instated on the road outside the Boyes unit next door.

4.5 Goodramgate is a city centre foot-street. These areas, according to Local Plan policy T1, are pedestrian priority zones. The policy advises that within foot-streets, where re-paving has occurred, conditions for pedestrians and shoppers have been greatly enhanced.

4.6 National guidance within Manual for Streets advises that the public highway serves a variety of functions. It is not only for vehicular movement. It states that *'streets and the public realm should be designed to encourage the activities intended to take place within it. Streets should be designed to accommodate a range of users, create visual interest and amenity, and encourage social interaction. The place function of streets may equal or outweigh the movement function'*.

4.7 The proposals are only to operate the pavement cafe when the street is pedestrianised; at times when the aspirations of the council and planning policy are to create a vibrant and attractive place for shoppers and pedestrians. The use would be consistent with these aspirations, and potentially improve vitality.

AMENITY OF SURROUNDING OCCUPANTS

4.8 The site is within the city centre where commercial uses are expected and the pavement cafe would only operate during the daytime. Overall there are no amenity issues.

5.0 CONCLUSION

5.1 The only change in situation since the application was refused last July is the re-installation of the cycle stands, located on the road outside Boyes. Officer's recommendation is as with the previous application.

The proposed use is consistent with aspirations for the type of environment the council is looking to create on the city centre foot-streets, and as the space where the seating area is proposed could be parked on by vehicles, there would be no undue effect on pedestrian and highway safety.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 PLANS1 Approved plans - 836/3

3 The pavement cafe shall only operate during foot-street hours (10.30 - 17.00 Monday to Sunday). Outside the permitted hours all furniture shall be stored within the premises.

Reason: In the interests of highway safety and the character and appearance of the Central Historic Core Conservation Area.

4 The furniture used shall be as per the approved plans only; tables, chairs and if a means of enclosure is used it shall be black upright posts linked by a rope (as shown on the approved plan).

Reason: In the interests of highway safety and the character and appearance of the Central Historic Core Conservation Area.

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39 Goodramgate

15/00727/FUL



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