

## COMMITTEE REPORT

**Date:** 5 January 2017      **Ward:** Rawcliffe and Clifton Without  
**Team:** Major and Commercial Team      **Parish:** Clifton Without Parish Council

**Reference:** 16/01533/FUL  
**Application at:** Clifton Technology Centre Kettlestring Lane York  
**For:** Erection of a terrace of 3no. dwellings on land previously used as car park to the south of the existing building  
**By:** Mr Max Reeves  
**Application Type:** Full Application  
**Target Date:** 15 January 2017  
**Recommendation:** Refuse

### 1.0 PROPOSAL

1.1 The application site comprises land to the south of Clifton Technology Centre on Kettlestring Lane. This building is a two-storey former office building with single storey wings on either side of the main entrance. It is currently being converted by the applicant from office into residential use (15no. flats) through the prior approval provisions of the General Permitted Development Order (ref. 16/00100/ORC). The application site forms an area currently providing 16no. car parking spaces for the Clifton Technology Centre. The application site also includes a section of planting east of the site.

1.2 The site is located in a cul-de-sac off Kettlestring Lane providing shared access to two other offices. The three existing buildings each have their own area of dedicated parking. The site is located within the mixed industrial/business/retail estate lying to the north-east of Clifton Moorgate in the Clifton Moor area to the north of the city centre. Kettlestring Lane is the principal road through this part of the estate. There are a number of trade centres and showrooms accessed via Kettlestring Lane, as well as further office buildings including immediately to the north, east and south of the site. The area has recently seen the conversion of a number of two storey office buildings centred around Pioneer Business Park and Aviator Court into residential use through permitted development rights. Recently planning permission has been granted for a development of two pairs of semi-detached dwellings in the surplus car parking area associated with Unit 7, Pioneer Business Park (ref. 16/00313/FUL).

1.3 The site is not in a conservation area. It is in Flood Zone 1 (low risk of flooding). A Tree Preservation Order protects the two silver birch trees within the southern boundary of the site and the maple tree in the south-eastern corner.

1.4 Three two-bedroom terraced properties are proposed with 1no. car parking space per dwelling plus 1no. shared visitor space. Cycle storage is provided in the rear gardens which are enclosed by 1.8m high timber close boarded fences. To the front a small soft landscaped space is proposed. The 4no. car parking spaces are within the parking area and refuse storage space associated with the host property and if planning permission were granted, revised plans would be required for the development to the north.

1.5 A contemporary design is proposed with large deep framed grey windows finished in three separate bright colours. The walls would be rendered white and each unit would have a flat roof. The front elevation would include timber panelling. The design and access statement advises south facing solar photo voltaic panels would be placed on the roof but these are not shown on the plans. There are no windows in the side elevations. At the rear, minimal fenestration is proposed with narrow horizontal windows at ground floor and a projection first floor with narrow vertical openings facing north. The dwellings are relatively small in size with a gross internal floorspace of 52 sq.m. They are intended to be starter homes.

1.6 The application was called in for determination by sub-committee by Councillor Dew on the grounds that there is a fundamental consideration about whether (excepting the aforementioned permitted development) additional development should be allowed within what is currently an area of commercial properties.

## **2.0 POLICY CONTEXT**

### 2.1 Policies:

#### City of York Draft Local Plan incorporating the 4<sup>th</sup> set of changes adopted for development control purposes (2005)

CYE3A Standard Employment Allocations  
CYE8 Non conforming uses  
CYGP6 Contaminated land  
CYNE1 Trees, woodlands, hedgerows  
CYGP1 Design  
CYGP9 Landscaping  
CYGP10 Subdivision of gardens and infill development  
CYH4A Housing Windfalls

#### City of York Emerging Local Plan – Publication Draft (2014)

DP2 Sustainable development  
DP3 Sustainable communities  
EC3 Loss of employment land  
D2 Placemaking

## **3.0 CONSULTATIONS**

### **INTERNAL**

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

3.1 At present the Council is unable to demonstrate an NPPF compliant five year housing supply. Whilst recognising that there is a residential conversion adjacent to the site, the remaining uses in the vicinity of the application site are predominantly commercial. National policy is clear that planning should support the delivery of homes but equally should ensure that the conditions for economic success are created and maintained. Due consideration should be given to the health and well-being of residents living within the proximity of industrial/commercial areas. Concerns are expressed about the cumulative effect of residential development in this predominantly commercial location and the likely negative effect on the attractiveness of the area for commercial purposes. Residential development in this location is likely to put further constraints on existing commercial uses in relation to noise, vibration etc, especially if this results in greater restrictions on their operations.

3.2 National and local policy aims to create socially inclusive communities with access to amenities. Whilst the site is in proximity to facilities at Clifton Moor Gate, the terrace of three houses is separate from both the adjacent conversion and the existing community at Clifton Moor. The proposals are for an isolated development and as such it does not comprise sustainable development.

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

3.3 The landscape infrastructure at Clifton Moor retail park is important to the identity, amenity, and quality of environment in an area where there is an ongoing threat of incremental removal of planting and trees resulting in a gradual deterioration of an already limited quality of environment. Amenity, identity, orientation and significant landscape features are lacking throughout the area. The quality of environment is more critical to residential use than commercial or business use. If residential use is to be located within a commercial/business district it should have an appropriate landscape setting.

3.4 The established trees make a valuable contribution to the streets and buildings from a public perspective and they also help provide separation and definition of the boundaries between various courtyards, and cul-de-sacs. There are five trees that will be directly affected by the proposed development. The two silver birch are highly visible from Kettlestring Lane and the maple is the most prominent with good future potential. The cherry and rowan within the site are of less importance. However, the

trees and other shrubby vegetation along this boundary are an important element of Clifton Moor landscape infrastructure.

3.5 The landscape of Clifton Moor is in danger of becoming incrementally eroded, resulting in a reduced quality of environment and the proposals further threaten this. Any development should enable the practical retention or replacement of the functional vegetation between plots and maintain a suitable quality of outlook from both sides of the 'fence'. The proposed rear yards are so short they would be unlikely to support any significant planting. Due to the proximity of the proposed residential units, there is also a potential conflict with the long term retention of the Oak in the adjacent site into full maturity.

#### Highway Network Management

3.6 No objections to the proposals subject to the attachment of conditions. It is noted however that alterations to the car parking arrangement and refuse store previously advised through the planning application ref. 16/00853/FUL appear to have been revised in this current application.

#### Flood Risk Management

3.7 No response to date.

#### Public Protection

3.8 No objections to the proposed development subject to conditions to ensure internal noise levels are achieved. These mitigation measures as set out by Dragonfly Acoustics include details of the building envelope, glazing and ventilation. A compliance condition is also recommended on the reporting of any unexpected contamination found during the construction process. Standard conditions on a socket for charging electric vehicles and development informatives are proposed.

### **EXTERNAL**

#### Clifton without Parish Council

3.9 No response.

#### Yorkshire Water

3.10 No response.

#### Kyle and Upper Ouse Internal Drainage Board

3.11 No objections.

## Neighbours and Publicity

3.12 One objection has been received from a neighbouring business. The comments included the negative impact on the business's image, the harm caused to the business environment, loss of outlook from the offices, loss of normal office functions, loss of property value, negative impact on safety and privacy for both the officer workers and new residents. However if the scheme is approved, it also may also enable them to develop housing on their own surplus car parking.

## **4.0 APPRAISAL**

4.1 The key issues are considered to be:

- Principle of development
- Impact on business/industrial park
- Loss of landscape structure
- Loss of amenity - business and future occupiers
- Design

## **PLANNING POLICY**

### National Planning Policy Framework (2012)

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. Twelve core planning principles are set out at paragraph 17. These include proactively driving and supporting sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Planning should always seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It should take account of the different roles and character of areas. Reusing brownfield site and promoting mixed use developments is encouraged.

4.3 Section 1 sets out the Government's commitment to securing sustainable economic growth to create jobs and increase prosperity. The NPPF recognises the importance of proactively encouraging an environment wherein business and sustainable economic growth is supported and addressing potential barriers to investment. It notes commercial "development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established" (Para 123).

4.4 The development of healthy communities is stressed in section 8. There should be an integrated approach to considering the location of housing, economic uses and community facilities and services. Paragraphs 58 and 61 of section 7 on design states that planning decisions should ensure that developments function well and add to the overall quality of the area, establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. Development should be visually attractive as a result of good architecture and landscaping. The connection between places and integration of new development into the existing environment is important. Permission should be refused for development of poor design that does not improve the character and quality of an area and the way it functions.

City of York Draft Local Plan incorporating the 4th set of changes, adopted for development control purposes (2005)

4.5 The City of York Draft Local Plan incorporating the 4th set of changes was approved for development control purposes in April 2005 (DCLP 2005). Its policies are material considerations although it is considered that their weight is limited except where in accordance with the content of the NPPF.

4.6 Policy GP1 Design explains 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. They should avoid the loss of important gaps within development, vegetation and other features that contribute to the quality of the local environment. Proposals should provide and protect private, individual or communal amenity space for residential and commercial developments, ensuring residents are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. Policy GP9 requires appropriate development to include a landscaping scheme as an integral part of the proposals.

4.7 Infill development will only be granted planning permission where it would not be detrimental to the character and amenity of the local environment (Policy GP10). For housing windfalls, Policy H4a states that planning permission will be granted if the site is within the urban area and is vacant, derelict or underused and comprises infill, redevelopment or conversion and it has good accessibility. However it must also be of an appropriate scale and density to surrounding development, and not have a detrimental impact on existing landscape features.

4.8 Whilst this is an application for residential use, the employment policies within chapter 8 of the 2005 Local Plan should also be considered. Schedule 2 of policy E3a allocated sites within Clifton Moor for business use (B1, B2, B8 uses) recognises the area's commercial function. Accompanying text underlines the Council's desire to preserve the current stock of employment land.

4.9 Policy NE1 protects trees, woodlands and hedgerows which are of landscape or amenity value and refusing development proposals which will result in their loss or damage. Tree preservation orders should be made for individual or groups of trees which contribute to the landscape or local amenity.

#### Emerging plan policies

4.10 The emerging Local Plan (Publication Draft 2014) carries little weight given its initial stages, but the evidence base behind the plan is a material consideration.

4.11 At paragraph 2.24, the emerging plan notes that to achieve sustainable development the aim is to create communities that are well connected, well served, environmentally sensitive and considerate of the local environment, that are thriving economically, well designed and built and active, inclusive and safe. Policy DP2 seeks amongst other objectives to ensure development will help create jobs and grow the economy through supporting strategic employment locations. Key facets of sustainable communities are set out at Policy DP3 and how development should deliver high quality design and appropriate density, layout and scale, create a sustainable, balanced community through provision of an appropriate range of housing and ensure that social infrastructure requirements of the new community are met through provision of accessible facilities and services in a planned and phased manner which complements and integrates with existing facilities and create a people friendly environment which promotes opportunities for social and community interaction.

4.12 Policy EC3 protects employment land, requiring justification for any change of use. The accompanying text recognises that where there have been changes to adjacent uses e.g. new housing development, which are creating an incompatibility with employment uses, this can cause problems and may lead to the employment use being less viable /unviable.

4.13 The plan states that the Clifton Moor Retail Park as one of the largest in the country comprising a large supermarket, retail warehouses, trade counters, restaurants, cinema and leisure club. Surrounding the park are a number of office and industrial units. No reference is made to this surrounding area becoming mixed use residential/business/industrial and the applicant has not promoted the area as such through the local plan process.

4.14 Policy D2 on 'placemaking' states that development proposals that cause damage to the character and quality of an area will be refused. Development proposals should enhance and compliment the character and appearance of the landscape... open space, planting boundaries and treatment. In terms of its density and massing, proposed development should be appropriate for its proposed use and neighbouring context.

## ASSESSMENT

### Principle of development and creation of sustainable communities

4.15 The application site is within the urban area and on previously developed land. Following the permission and subsequent implementation of the office to residential conversion of the host building (ref. 16/00100/ORC) it forms an area of car parking which is over the maximum standards for Annex E of the DCLP (2005). The submitted 'proposed site plan' shows 15no. parking spaces are retained for the host building but any visitor parking spaces are lost as is the refuse storage area. This should be resolved through a new application relating to the host property. There is no objection to principle of the loss of surplus car parking spaces.

4.16 The site is within a 10 minute walk from local schools, jobs, shops and recreational amenities associated with Clifton Moor, and off-road cycle routes close by and a frequent bus service. Notwithstanding the flats to the north of the site, it is an isolated housing development in a predominantly commercial area. The walking and cycling route along Clifton Moorgate does not benefit from having human scale and 'eyes on the street' being a predominately retail/business/industrial location and therefore becomes much less attractive as a walking route, particularly in the evening when residents are at home at weekends in the evening but when commercial occupiers have left.

4.17 However, it is recognised that recently a number of medium size office buildings centred on Pioneer Business Park, Aviator Court and the host property on Kettlestring Lane have approval to be converted to residential use as one and two-bedroom flats through the prior approval process of the GDPO (as amended 2015) but these are coming forward in a piecemeal ad hoc manner, without promotion by the applicants through the Local Plan process. In total, 92no. apartments are being provided in the business/industrial park to the south of the retail/leisure centre through implementation of six prior notification approvals where only the highways impacts of the development, contamination and flooding could be considered. No provision is being made for contributions to social/community facilities and generally very little amenity space is provided for residents associated with each block other than at ground floor level. The NPPF, DCLP and Publication Draft Local Plan are all clear that development should be integrated into existing communities and that adequate amenity space and social infrastructure to support new communities should be planned for.

4.18 A key facet of planning is the development of sustainable communities that provide high quality environments, pleasant and attractive places for people to live and work. The scheme is an isolated scheme in a commercial area and this together with the office to residential conversions, are coming forward in an ad hoc, unplanned manner without a masterplan or development brief that sets out



requirements for social infrastructure or recreational facilities and open space that should be planned into the development of new communities.

It is understood that the applicant has not made any representations to the emerging Local Plan about changing the mix of uses in this predominantly commercial area. It is understood that more piecemeal infill residential development is in the pipeline and this application is thus considered a precedent for future similar infill residential schemes in the area.

### Harm to the commercial environment

4.19 The NPPF sets out the Government's commitment to securing sustainable economic growth to create jobs and increase prosperity and the need to protect existing businesses. National policy is clear that planning should support the delivery of homes but equally should ensure that the conditions for economic success are created and maintained.

4.20 Whilst some buildings at Clifton Moor have been underused and become vacant for some period of time, other parts of the estate remain occupied and the area is seen as an important employment area for the city. A variety of space is provided including larger office buildings occupied by national chains and government organisations, medium and smaller office units occupied by smaller local businesses and charities. There are also warehouses, research centres, trade centres and suppliers. Buildings are generally set with back from the street in smaller cul-de-sac business parks off Kettlestring Lane, within a strong mature landscape framework comprising deep hedges, shrubs and trees. The core principles of the NPPF seek to ensure a good standard of amenity for any occupants of land and buildings should be sought together with creating and protecting the quality of the business environment. By implication this would mean that an established landscape structure should be protected for its value to the quality of the area and for visual amenity and this is set out at Policy NE1 of the DCLP.

4.22 Clifton Moor is an important business location for the city. The piecemeal and incremental insertion of short lines of residential terraces into this business environment is not considered compatible with the surrounding mix of uses. Whilst there is little opportunity to control the conversion of redundant office units to residential, the insertion of new dwellings can be properly and fully considered through the planning system. This application is seen as a precedent for further infill development in this part of the city. Paragraph 123 of the NPPF identifies that there can be conflict between business/industrial users and residential communities. There is a need to protect operational requirements and the insertion of residential development into a business location potentially threatens the viability and attractiveness of the location for businesses by introducing incompatible uses at very close proximity.

4.23 Consultation has also identified that the building to the south, and likely others, benefit from CCTV and therefore possibly security lighting. With dwellings at

such close proximity (7.5m), such CCTV and glare from lighting could be considered a harm to residential amenity, however it is reasonable that existing businesses are able to protect themselves in this way highlighting a further conflict between the adjacent uses.

### Design and amenity

4.24 Regarding the design of the revised proposals, the terrace of houses is positioned between two existing buildings on an area of surplus car parking. The host building to the north is being converted to residential flats through the prior approval process. The building to the south is occupied by JMD Railtech Limited who purchased the building in 2014. Floorplans of this building show the ground and first floors organised around a central atrium with a rooflight. The floorplan is then subdivided into rooms. A further office building occupied by legal firm Harrowells also shares the same business park location. Immediately to the east of the site is Clifton Moor Business Village which is set out on a 'X' shape and is visually domestic in scale and appearance.

4.25 The revised proposals have sought to address concerns over separation distances and loss of privacy and outlook. Separation distance between the host residential development and the new terraces is just 11.5m from the front to side elevation and the terraces sit in front of the principal elevation. However as the dwellings are small, the residents of the host property will still have a reasonable level of outlook. Separation distances between the office (JMD Railtech) and the terraces is 7.5m. As the height of the dwellings has been reduced and a flat roof now been proposed, there would be minimal loss of light and outlook to occupiers in the first floor offices which look towards the site. At the rear, separation distances have been increased and a minimum of 15.8m is achieved to the rear elevation, less in the garden areas. Existing occupiers would have a reduced quality of outlook but not to an extent that it is considered harmful. However, it is still considered that there would be some loss of amenity for both the existing office occupiers of units 14-17 Clifton Moor Business Village and the new residents in their rear garden areas as there is a level of direct overlooking from a height into these amenity spaces. This would be exacerbated in winter with the removal of the rowan and cherry trees.

4.26 The revised design of the scheme seeks to address loss of outlook and privacy issues, but in so doing, presents a development that is not considered to be in scale with its surrounds. The surrounding existing and former office buildings are bulky in scale and mass and are set within landscaped open settings and car parks areas. The proposals increase the density of development in this part of the estate and the small units will appear dwarfed by its neighbours in terms of the width of each unit (just 3.5m) and strong vertical emphasis. Similarly the proposed flat roof, rather than pitched, will contrast with neighbours and emphasise the lower eaves height for the residential dwellings when compared with its neighbours (measuring at 5.75 and 7m). The submitted 'Proposed site sections' clearly demonstrates this.

Overall the development would appear out of character and scale in the street scene.

### Loss of landscape structure

4.27 The established trees within and adjacent to the site make a valuable contribution to the streets and buildings from a public perspective and they also help provide separation and definition of the boundaries between various courtyards, and cul-de-sacs. Generally the character of Clifton Moor is significantly enhanced by the landscape structure and officers are not supportive of its removal.

4.28 Whilst the applicant has submitted an arboricultural report in support of the proposals, the maple and birch are attributed greater value by the Council officers and this is reflected by the TPO that was made when it was clear they were under threat. The revised proposals retain these three trees; maple and birch, but remove other trees (cherry and rowan) and the 2.5m wide 17m long section of hedge. It is acknowledged that a younger mixed species hedge is retained to the rear but still substantial elements of the existing landscape structure within the site are removed and the new boundary treatment is of 1.8m high fencing rather than landscaping which is at odds with the character of this part of the estate. The cherry and rowan provide a soft screen between the offices to the rear and the residential properties and their loss is still identified as a harm to visual amenity. Further, the crown measurements of the birch and maple are as existing, rather than the full crown at maturity and the position of the dwellings will not allow the trees to develop to their full potential. There is also a potential conflict with the long term retention of the Oak in the adjacent site into full maturity.

## **5.0 CONCLUSION**

5.1 The proposals do not comprise sustainable economic development in that they harm the quality of the business environment by inserting a line of three dwellings on a small site of surplus car parking in a business park. The development does not respect the established urban grain nor relate well to the massing and scale of adjacent properties and will thus appear incongruous in the street scene. Whilst the revised scheme moves the development footprint away from the two birch and maple being the subject of tree preservation orders, it still removes key elements of landscaping structure to the rear of the site and will not allow the TPO trees to develop to maturity. The proposals are thus found to be contrary to key principles in the NPPF, particularly those in Section 1 and at paragraphs 17, 51, 58 and 123, policies GP1, GP10, H4a and NE1 of the DCLP (2005) and emerging policy D2 of the Publication Draft Local Plan.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Refuse

1 The proposals are contrary to key principles set out at paragraph 17 and section 1 of the NPPF. Planning should support the delivery of homes but also ensure that the conditions for economic success are created and maintained.

Clifton Moor is an important business location for the city. If approved this application would set a precedent for future infill residential development on existing car parking areas. The development of dwellings and a new residential community in a predominantly commercial location on a small site which does not allow for appropriate separation distances is considered to be harmful to the quality of the commercial environment. This is further exacerbated by the loss of landscape structure and the addition of timber fencing rather than soft boundary treatments.

Further the scheme is an isolated development and proposals to introduce residential development into this planned commercial location should be made through the local plan process to enable the provision of social infrastructure, recreational and amenity facilities to support the new residents.

As such the proposals are considered to be contrary to the core planning principles at paragraph 17, key principles in sections 1 of the NPPF, and in particularly paragraphs 58, 70 and 123. They are also contrary to GP10 on infill development and H4a housing windfalls in the DCLP (2005) and emerging policy EC3 'loss of employment land' in the Publication Draft 2014.

2 The revised design for the line of terraces is considered to be incongruous in the street scene and out of scale and character with surrounding development. Neighbouring buildings are commercial in appearance and scale, with large horizontal bulk and mass. In contrast, the line of short terraces and small units is domestic in scale and footprint having short plot widths and horizontal emphases. Overall, they will appear dwarfed by their neighbours and this is emphasised by the choice of materials and colours and flat roof design.

The proposals are therefore found to be contrary to paragraphs 58 and 61 of section 7 in the NPPF, GP1 Design and H4a Housing windfalls in the DCLP (2005) and emerging Policy DP3 Sustainable communities and Policy D2 on 'placemaking' in the Publication Draft (2014).

3 The landscape infrastructure is important to the identity, amenity, and quality of environment in an area where there is an ongoing threat of incremental removal of planting and trees resulting in a gradual deterioration of an already limited quality of environment. The landscaping provides visual relief and structure to the business park and is considered to have amenity value, provide privacy and screening and soften the built fabric. Whilst it is noted that the trees subject to the tree preservation order have been retained, the proposed scheme would not allow them to grow to their full potential. Further, on the eastern rear boundary, the deep hedge and rowan and cherry are removed, to be replaced by timber fencing which is out of character in this part of Clifton Moor where soft boundary treatment sets the character of the area. The estate was designed with this strong landscape structure

and its removal and setting of buildings within this structure should be resisted.

The proposals are therefore found to be contrary to policies H4a Housing Windfalls and NE1 Trees and Hedgerows of the DCLP (2005) and emerging policy D2 Placemaking in the Publication Draft Local Plan (2014).

## **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 an attempt to achieve a positive outcome:

Advised the applicant that the proposals were not to be supported and the reasons why, thereby giving opportunity for the application to be withdrawn. However the applicant advised they wished to submit a revised scheme with the intention of resolving all areas of concern such that any appeal would be on the principle of development only.

The officer agreed an extension of time for the determination of the application to enable a revised scheme to be submitted and for the application to be determined at planning sub-committee.

#### **Contact details:**

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