

COMMITTEE REPORT

Date: 21 June 2018 **Ward:** Rawcliffe And Clifton
Without
Team: Major and **Parish:** Clifton Without Parish
Commercial Team Council

Reference: 17/03004/FULM
Application at: Proposed Self Storage Facility Water Lane York
For: Erection of self storage facility, with associated access and
landscaping
By: MJ McCarthy Holdings Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 9 August 2018
Recommendation: Approve

1.0 PROPOSAL

1.1 The application site is located at the former Grain Stores off Water Lane, Clifton and comprises a large derelict area of hard standing forming part of a former military airfield. The site has been subject to an outline planning permission for a mixed use development granted on appeal in 2011 (reference 11/00860/OUTM). The housing element of the proposal has been partially implemented and planning permission is now sought for the construction of a curtain wall clad self-storage unit to be accessed from the previously constructed access to the Aldi grocery supermarket directly to the east. The proposal was amended subsequent to submission in terms of its design, location and parking and turning arrangements to address concerns in respect of the impact upon the residential amenity of neighbouring properties and to take account of a the siting of a recently approved care home to the north west of the site.

1.2 Consideration of the application was deferred at the meeting of the Area Planning sub-Committee held in July to allow for further consideration of amendments to the proposed roof height of the development to address concerns in respect of the impact on the amenity of neighbouring properties. Revised drawings have now been submitted incorporating a reduction in the eaves height of the proposed building by 1metre to 9.5 metres. In addition, it is now proposed to incorporate a “green wall” planting system to be adopted in respect of the elevation facing neighbouring residential properties.

2.0 POLICY CONTEXT

2.1 (Emerging) Publication Draft City of York Local Plan (2018)Policies:

D1 Place making

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EC3 Business and Industrial Uses in Residential Areas

2.2 City of York Development Control Local Plan (2005) Policies:

CGP15A	Development and Flood Risk
CYE3B	Existing and Proposed Employment Sites
CYGP1	Design

3.0 CONSULTATIONS

INTERNAL

Highway Network Management

3.1 We have no objections to the proposed development of a self storage facility in this location. The site will be accessed via a bellmouth junction, taken perpendicularly from the vehicular access for the Aldi development. This is on the northern side of the proposed development site. This junction has already been constructed as part of the adjacent development infrastructure and is approximately 20m west of the Water Lane junction.

Based on nationally recognised TRICs trip rates, the proposed development is envisaged to generate five vehicle movements (two-way) in the AM Peak and four vehicle movements (two-way) in the PM Peak and 62 total daily vehicle movements. This equates to a maximum of 1 vehicle every 12 minutes in the peak traffic hour, which is negligible when compared to the traffic flows encountered on Water Lane.

Parking and turning reflect the needs of the proposed development.

Staff will have access to good methods of sustainable transport. Customers are expected to arrive/ depart in motorised private transport.

Condition recommended requiring the car and cycle parking to be laid out prior to occupation

Public Protection

3.2 Raise no objection to the proposal subject to any permission being conditioned to require the submission and approval of a detailed lighting scheme, restriction of construction working hours, the provision of an electric vehicle charging point and the remediation of any unexpected contamination.

Strategic Flood Risk Management

3.3 No objection in principle providing the foul and surface water drainage is carried out in accordance with the submitted details.

Planning and Environmental Management (Landscape)

3.4 Raise no objection in principle to the proposal but express concerns in relation to the proposed boundary fencing which, subject to condition attached to any planning permission should be relocated. An appropriate maintenance regime for the hedge planting is also recommended to be dealt with by condition attached at any planning permission.

EXTERNAL

Clifton (Without) Parish Council

3.5 Object to the proposal on the grounds that a building of the proposed height and scale is not felt to be in keeping with a predominantly residential area.

The Ainsty(2008) Internal Drainage Board

3.6 Wish to make no observations in respect of the proposal.

Yorkshire Water Services Limited

3.7 Following receipt of further information, no objections are raised..

Neighbour Notification and Publicity

3.9 Sixty six letters of objection have been received raising the following planning issues:

- harm caused by the excessive height and scale of the proposal
- increased traffic levels on unsuitable local roads
- increased noise from comings and goings to the site within the operating hours
- loss of daylight to adjacent residential property
- lack of new employment creation
- harm to the visual amenity of the wider street scene
- overdevelopment of the site
- lack of scope for appropriate landscaping and boundary treatment
- the development is inappropriate in a predominantly residential area
- more appropriate sites exist for the development elsewhere in the locality.

3.10 Subsequent to the most recent amendments to the scheme a further re-consultation exercise has taken place. Seven responses have been received raising the following issues:-

- Concern that the recent amendments would do nothing to reduce the harm caused by the proposal to the visual amenity of the wider street scene;
- Concern that the residential location remains fundamentally unsuitable for the location of the proposal;
- Concern that the proposal would give rise to conditions harmful to the safety and convenience of highway users in the locality.

3.11 The operator of the adjacent approved care home has further objected to the proposal on the grounds of:-

- adverse impact on the amenities of residents using both the lounge and the garden area by virtue of the oppressive bulk and proximity of the building;
- impact on the amenities of residents by virtue of loss of aspect as a result of overshadowing of the garden area and lounges and the monotonous, insensitive elevational treatment of the building;
- impact on the amenities of residents by virtue of the harsh and insensitive nature of the boundary treatment;
- the possibility of significant noise nuisance in the locality by virtue of the premises being operational until 23.00 hours.

4.0 APPRAISAL

4.1 KEY ISSUES

- Principle of Development;
- Impact on the residential amenity of neighbouring properties;
- Impact on the residential amenities of the approved care home to the north west;
- Impact on the visual amenity of the wider street scene;
- Impact on the safety and convenience of highway users.

STATUS OF THE EMERGING (PUBLICATION) DRAFT YORK LOCAL PLAN

4.2 On 21 February 2018 the Publication Draft York Local Plan 2018 ("2018 Draft Plan") was published for the final six week consultation. The emerging Local Plan policies contained within the 2018 Draft Plan can only be afforded limited weight at this stage of its preparation, and subject to their conformity with the NPPF and the level of outstanding objection to the policies in accordance with paragraph 212 of the NPPF(2018). However, the evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications.

STATUS OF THE DEVELOPMENT CONTROL LOCAL PLAN

4.3 The Development Control Local Plan was approved for development control purposes in April 2005; its policies remain material considerations in respect of Development Management decisions but any weight will be very limited except where in accordance with the National Planning Policy Framework.

PRINCIPLE OF DEVELOPMENT

4.4 The application site comprises part of the former Clifton Grain Stores site. Outline planning permission was granted on appeal ref:- 11/00860/OUTM for a mixed use development of the site. The approved indicative master plan set out the general principles of development on the site. The majority of the site, Zone A was allocated for residential development (Class C3). Zone B within the northern section of the site allowed for a variety of potential uses which would create a sustainable development which relates to the existing residential and commercial development within the surrounding area. These included Class B1/B8 (Business/Storage and Distribution), C1 (Hotel), C2 (Residential Institutions) and or D1 (non residential Institutions) uses. Indeed planning permission has recently been granted for construction of a three storey care home to the north west ref:- 17/02420/FULM. The application site lies within Zone B and as such the permission for employment related development has already been granted in principle. Policy EC3 of the Publication Draft Local Plan is of relevance in considering the proposal. This seeks to ensure the compatibility of employment related development with residential areas by the provision of appropriate landscape screening and the improvement of the appearance of existing buildings.

IMPACT ON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES

4.5 Central Government guidance as outlined in paragraph 127(f) of the National Planning Policy Framework (2018) states that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Policy GP1 of the Development Control Local Plan sets out a presumption in favour of new development which respects or enhances the local environment, is of a scale, layout and design that is compatible with neighbouring buildings, spaces and the character of the area and ensures that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.6 The application site together with the residential development and adjoining supermarket formerly lay within the airfield apron of the Clifton Moor military airfield and the hangers which covered much of the site and were subsequently used as intervention grain stores. The whole of the site was granted outline planning permission for re-development as a mixed use scheme incorporating residential

development, care home and employment uses at appeal ref:-11/00860/OUTM. The residential elements of the scheme are in the process of construction. The current proposal seeks planning permission for the erection of a self-storage unit lying between the now operational supermarket and the residential development with access shared with the supermarket. The proposal falls within Class B8 (Storage and Distribution) of the 1987 Town and Country Planning(Use Classes) Order with all activities taking place within the confines of the building. The structure would have a ridge height of 12.5 metres and a reduced eaves height of 9.5 metres. The separation distance to the boundary with neighbouring gardens to the south west has been increased to approximately 10 metres with the closest residential property approximately 24.2 metres to the south west.

4.7 Objections have been raised by neighbours in terms of the impact of the proposal upon the residential amenity of neighbouring properties through noise, loss of sunlight within garden areas, loss of aspect and above all the physically overbearing impact of the building itself. The proposal relates to the erection of a large industrial unit for secure storage with all activities taking place within the confines of the building itself with access shared with the supermarket at some distance from the nearby residential properties. The nature of the development by virtue of activity being undertaken internally within the building would not result in any material harm to residential amenity through noise. In terms of lighting it is proposed to use low level security lighting, details of which may be conditioned as part of any planning permission. It is also proposed to plant a substantial hedge incorporating native species including hawthorn, hornbeam and holly along the boundary with the adjacent residential properties, which when mature would provide a degree of mitigation for the impact of any lighting.

4.8 In terms of the impact of the building itself and associated loss of outlook it is proposed to use a lighter cladding colour for the elevation adjacent to the residential properties. However, it is not considered that the cladding colour, together with the landscape planting which would take a significant length of time to mature, would overcome the overbearing presence of the building relative to the adjacent dwellings. The applicant has subsequently proposed a 1 metre high brick plinth but that of itself would not take away from the sheer unrelieved mass of the building. In terms of the further amendments, a green walling system which would be hung on a light weight frame from the adjacent elevation is proposed. At the same time the incorporation of fixed root barriers within the area of the adjacent sewer easement would enable a greater degree of landscape planting to take place than had previously been anticipated. However, even with the landscaping at full maturity, it is considered that the loss of outlook to neighbouring properties would give rise to substantial harm. The applicant has subsequently agreed to the lowering of the eaves height of the building by 1 metre. The lowering of the eaves height would enable the proposed green walling system to cover the entire mass of the building elevation when mature. It would also reduce the impact of the overall scale and massing of the building and it would reduce the overall roof height to be more in line

with that of the adjacent care home. It is considered, on balance, that the scheme has been amended sufficiently to address the concerns in respect of the residential amenity of neighbouring properties.

4.9 The proposed building would be positioned to the north of the adjacent residential properties and as a consequence it is considered that any direct overshadowing of the rear gardens would be limited and not so severe as to warrant a recommendation for refusal.

IMPACT ON THE AMENITIES OF PROSPECTIVE OCCUPANTS OF THE CARE HOME

4.10 The site of the recently approved care home lies to the north and north west of the application site. The building itself would lie predominantly to the north separated from the proposed building by the adjacent grocery store and service yard. The care home would be aligned north east - south west and would be three stories with a ridge height of 11.9 metres. There would be a distance of approximately 25 metres between the south western bay window containing a lounge area on each floor of the care home and the site boundary with a further three metres from the western elevation of the proposed building. The location of the building has been amended since the scheme was submitted to provide a further two metres of separation with a further six metres subsequently. The proposal would not give rise to any overshadowing of the building itself but will give rise to some overshadowing of the garden area associated with the care home. The amended scheme has modified the proposed boundary treatment to allow for a 1.8 metre high close boarded timber fence. The proposed blue branded advertising panel has been removed from the associated elevation and tree and shrub planting including semi-mature specimens are proposed for the intervening space.

4.11 It is considered that the further amendments allowing for the relatively short section of exposed gable wall have successfully addressed the previous concerns in terms of impact upon the residential amenity of prospective occupants of the care home.

IMPACT ON THE VISUAL AMENITY OF THE WIDER STREET SCENE

4.12 Central Government Planning Policy as outlined in paragraph 127 (c) of the National Planning Policy Framework indicates that planning policies and decisions should ensure that new development is sympathetic to local character including the surrounding built environment and landscape setting. At the same time policy D1 of the Publication Draft Local Plan "Place making" indicates that new development should not cumulatively dominate surrounding buildings and spaces.

4.13 The application site has previously been granted outline planning permission for a mixed use scheme incorporating an element of employment related

development. It is furthermore located within a broadly mixed use area with a range of employment including general industrial uses directly to the north along Green Lane and employment and retail uses some of which takes place in very large units along Clifton Moorgate directly to the east. Concerns have been expressed in terms of the scale and height of the building. It is unusually large within the context of the immediate surroundings, however, it does find some reference within the general pattern of development of properties associated with Clifton Moorgate further to the east.

4.14 Objections have been raised in terms of the development representing an over-development of the plot. The design and layout of the unit is, however, highly dependent upon the nature of the specialised use taking place in terms of the loading and unloading machinery and the size and configuration of each storage container. The layout and plot coverage again reflect the situation with a number of sites within the employment area associated with Clifton Moorgate. The proposal is therefore considered to be acceptable in street scene terms.

IMPACT ON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS

4.15 Objections have also been raised in terms of the impact of the proposal upon the safety and convenience of highway users on the local network, specifically in relation to increased traffic levels at the heavily utilised junctions between Water Lane and Green Lane and Water Lane and Clifton Moorgate a short distance away. The proposal is however for a relatively low intensity use. The nationally recognised TRICS traffic forecasting model indicates that the proposal would generate a maximum of 62 vehicle movements per day with an average of one vehicle movement every 12 minutes at peak times. When compared with existing traffic levels in Water Lane, it is considered that the impact of additional traffic movements would be negligible in terms of the safety and convenience of users of the local highway network. Notwithstanding the modest level of vehicle movements to and from the site the applicant does propose to plant part of the landscape buffer to mitigate for the impact of the building within the highway boundary. That may in the long term when mature have some detrimental impact upon the visibility at the point of access to the shared access road with the adjacent grocery supermarket and is therefore unacceptable.

5.0 CONCLUSION

5.1 The application site is located at the former Grain Stores off Water Lane, Clifton and comprises a large derelict area of hard standing forming part of a former military airfield. The site has been subject to an outline planning permission for a mixed use development granted on appeal. The housing element of the proposal has been partially implemented and planning permission is now sought for construction of a 12 metre high curtain wall clad self-storage unit to be accessed via the previously constructed access to the supermarket directly to the east. The

proposal has been amended subsequent to submission in terms of its design, location and parking and turning arrangements to further address concerns in respect of the impact upon the residential amenity of neighbouring properties and to take account of a the siting of a recently approved care home to the north west of the site. The scheme has been amended further to reduce the eaves height of the building by 1 metre to 10 metres, and it is considered that this would, when combined with the proposed planting measures, satisfactorily address the outstanding concerns in terms of the impact of the proposal upon the residential amenity of neighbouring properties.

COMMITTEE DECISION

6.0 RECOMMENDATION: Approve

1 The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

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

Drawing Refs:- 17008-00-001E; 17008-10-200E; 17008-00-002D; 17008-10-201F; 17008-10-100D; 17008-10-202-F; 17008-10-101D; 17008-10-203D; 17008-10-102D; 17008-10-104E.

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

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

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

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 the commencement of the construction of the development. The development shall be carried out using the approved materials.

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

Reason: So as to achieve a visually cohesive appearance.

5 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscape scheme which shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants; seeding mix, sowing rate and mowing regimes where applicable. It will also include details of ground preparation. This scheme shall be implemented within a period of six months of the practical completion of the development. Any trees or plants that within the lifetime 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 the Local Planning Authority agrees alternatives in writing.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the entire site, since the landscape scheme is integral to the amenity of the development.

6 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a construction detail for the means of supporting the climbing plants proposed to grow against the southern and western elevations. The development shall be undertaken in strict accordance with the approved details and retained as such thereafter.

Reason: The climbing plants are part of the visual mitigation and are integral to the appearance of the building as viewed from neighbouring properties.

7 The boundary hedge planting illustrated within the approved site plan shall be retained at a height of no less than 1.5 metres in perpetuity.

Reason: To safeguard the residential amenity of adjoining properties.

8 Surface water drainage from the site shall be undertaken in strict accordance with the following documents:-

- (i) Foul and surface water drainage statement Re:- 1727/01 (undated) by ARP Associates
- (ii) Surface Water Drainage Appraisal drawing no 1727/01/SK01 Rev B Nov 2017 by ARP Associates.

Reason: To ensure that the site is drained efficiently and to comply with Policy ENV5 of the Publication Draft City of York Local Plan 2018.

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

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

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

Reason: In the interests of highway safety.

11 Except in case of emergency no demolition and construction works or ancillary operations, including deliveries to and dispatch from the site 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 and between 09:00-13:00 on Saturdays. 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 the amenity of local residents.

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

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

14 Prior to the commencement of development beyond foundation level a detailed external lighting scheme for the premises hereby authorised shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, height, luminance and hours of operation for each fitting. The development shall thenceforth be undertaken in strict accordance with the details thereby approved prior to first occupation and shall be so maintained thereafter.

Reason: To safeguard the residential amenity of neighbouring properties.

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:

- i) Sought an adjustment to the site of the building to addressing concerns in respect of impact upon the amenity of prospective residents of the adjacent care home presently under construction;
- ii) Sought submission of a comprehensive boundary treatment to the boundary with the care home presently under construction;
- iii) Sought provision of a comprehensive landscaping scheme for the boundaries of the site with the adjacent residential development and care home presently under construction
- iv) Sought alteration to the roof form of the proposed building in order to lessen the impact of the proposal upon the residential amenity of neighbouring properties.

2 DEMOLITION AND CONSTRUCTION INFORMATIVE:-

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

- (i) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228-1:2009 + A1:2014 and BS 5228-2:2009 + A1:2014, a code of practice for "Noise and Vibration Control on Construction and Open Sites".
- (ii) Best practicable means shall be employed at all times in order to minimise noise, vibration, dust, odour and light emissions.
- (iii) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.
- (iv) There shall be no bonfires on the site.

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