

COMMITTEE REPORT

Date: 3 May 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: 8 May 2018
Recommendation: Refuse

1.0 PROPOSAL

1.1 The Grain Stores, Water Lane, Clifton comprises a large derelict area of hard standing forming part of a former military airfield which has been subject to an Outline Planning Permission for a mixed use development granted on appeal reference 11/00860/OUTM. 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 Aldi grocery 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 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.

2.0 POLICY CONTEXT

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

D1 Place making
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 Raise no objection to the proposal on the basis of the modest number of total vehicle movements anticipated during the working day.

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 Raise no objection to the proposal.

Planning and Environmental Management (Forward Planning)

3.4 Any comments will be reported orally at the meeting.

Planning and Environmental Management (Landscape)

3.5 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

3.6 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

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

3.8 No objections.

Neighbour Notification and Publicity

3.9 51 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 The operator of the adjacent approved care home has further objected to the proposal on the grounds of:-

- severe impact upon the amenities of residents using both the lounge and the garden area by virtue of the oppressive bulk and proximity of the building;
- impact upon 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 upon 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

KEY CONSIDERATIONS

4.1 KEY CONSIDERATIONS INCLUDE

- Principle of Development;
- Impact upon the residential amenity of neighbouring properties;
- Impact upon the residential amenities of the approved care home to the north west;
- Impact upon the visual amenity of the wider street scene;
- Impact upon 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 216 of the NPPF. 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 YORK DEVELOPMENT CONTROL LOCAL PLAN

4.3 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 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 a section of the former Clifton Grain Stores site. Outline Planning Permission was given at 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 B1/B8, C1, C2 and or D1 uses. Indeed planning permission has recently been given 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 (Emerging) Publication Draft Local Plan is of relevance in considering the proposal. This states that proposals for new business and industrial premises within residential areas will only be permitted where they will not significantly harm the amenity of the surrounding area.

IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES

4.5 Central Government Planning Policy as outlined in paragraph 17 of the National Planning Policy Framework "Core Planning Principles" indicates that Local Planning Authorities should give significant weight to the maintenance and provision of a good standard of amenity for new and existing occupants of land and buildings. At the same time Policy GP1 of the York 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. Policy EC3 of the (Emerging) Publication Draft Local Plan states that proposals for new business and industrial premises within residential areas will only be permitted where they will not significantly harm the amenity of the surrounding area. Policy D1 of the (Emerging) Publication Draft Local Plan states that development proposals should demonstrate that it does not dominate adjacent buildings.

4.6 The application site together with the residential development and grocery supermarket adjoining formerly lay within the airfield apron of the Clifton Moor military airfield and the hangers which covered much of the site were subsequently used as intervention grain stores. The whole site was given 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 permission for erection of a self-storage unit lying between the now operational grocery super market and the residential development with access shared with the supermarket. The proposal falls within Class B8 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, eaves height of 10.5 metres with a distance to neighbouring gardens to the south west of 8.4 metres with the closest residential property some 24.2 metres to the south west. The scheme has subsequently been amended to secure a 10 metre separation between the building and the gardens of the neighbouring residential properties.

4.7 Serious concern has been expressed 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. It is proposed to erect a large industrial unit for the secure storage of a range of personal items with all activities taking place within the confines of the building itself with access shared with supermarket at some remove from the nearby residential properties. The nature of the development by virtue of work being undertaken internally within the building would not lead to 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. At the same time it is proposed to plant the boundary with the adjacent residential properties with a substantial hedge incorporating native species including hawthorn, hornbeam and holly, 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 aspect it is proposed to use a lighter cladding colour for the elevation adjacent to the residential properties. That together with the landscape planting which would take a significant

length of time to mature would not take away from the shear over-bearing 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 shear unrelieved mass of the building. The possibility of planted panels as part of the elevational treatment adjoining the residential properties and the approved care home has been discussed with the applicant but has not been included in the revised drawings. The relationship with the adjoining houses is therefore felt to be unacceptable in terms of its impact and would not comply either with the requirements of Policy GP1 of the York Development Control Local Plan (2005) Policies D1 and EC3 of the (Emerging) Publication Draft Local Plan or paragraph 17 of the NPPF "Core Planning Principles".

4.9 As a consequence of the location of the building relative to the nearby residential properties it is felt that there may be some overshadowing of the very rear portion of several gardens at points during spring and autumn. The harm generated is not on balance to be sufficient as to warrant a recommendation for refusal on that basis though that would not detract from the overbearing elevational treatment of the building.

IMPACT UPON 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 in height 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 2 metres of separation. The proposal would not give rise to any overshadowing of the building itself but will give rise to significant overshadowing of the garden area associated with the care home, the impact of which would be exacerbated by the industrial nature of the proposed boundary treatment comprising a black painted mesh fence. Insufficient space exists within the site to undertake any meaningful landscaping of the boundary with the care home and once again the applicant has refused to consider the use of planting panels on the adjacent elevation to soften its impact. Furthermore the adjacent elevational treatment incorporates a large visually strident blue advertising panel which would significantly harm the amenity of residents by virtue of a loss of aspect from the resident's lounge in which again they would be expected to spend a significant part of the day.

4.11 Furthermore the impact upon the amenity of prospective residents of the care home would be magnified by the fact that ordinarily they would expect to spend a greater length of time making use of the garden area as part of daily activities than those resident in more conventional residential accommodation. It is felt that the harm caused by the height and unrelieved mass of the building relative to the site boundary together with poor quality boundary treatment and the lack of capacity for meaningful landscaping would unacceptably compromise the amenity of prospective occupants of the approved care home contrary to the requirements of paragraph 17 of the NPPF, Policy GP1 of the York Development Control Local Plan (2005) and Policies D1 and EC3 of the (Emerging) Publication Draft Local Plan 2018.

IMPACT UPON THE VISUAL AMENITY OF THE WIDER STREET SCENE

4.12 Central Government Planning Policy as outlined in paragraph 61 of the National Planning Policy Framework indicates that planning policies and decisions should address the connections between people and places and the integration of development into the natural, built and historic environment. 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 an 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 Concern has also been expressed by neighbours 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 within 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 felt to be broadly acceptable in street scene terms.

IMPACT UPON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS

4.15 Concern has been expressed by neighbours 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. It is felt 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 Grain Stores, Water Lane , Clifton comprises a large derelict area of hard standing forming part of a former airfield which 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 grocery 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. It is felt that notwithstanding the submitted amendments that insufficient mitigation has been put in place to relieve the impact on amenity of the large high mass of building adjacent to the common boundary with the newly constructed residential properties. It is felt that the proposal would give rise to substantial harm to the amenities of prospective occupants of the approved care home directly to the north by virtue of overshadowing, over bearing impact and insensitive boundary treatment to the resident's garden and outdoor amenity area. The proposal is therefore unacceptable in terms of the requirements of paragraph 17 of the NPPF in respect of residential amenity together with policy GP1 of the York Development Control Local Plan(2005) and policies D1 and EC3 of the City of York Local Plan – Publication Draft (2018).

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposal by virtue of its physically overbearing presence, poor quality, visually harsh and alien industrial type boundary treatment and lack of scope for appropriate landscaping would give rise to conditions substantially harmful to the amenities of prospective residents of the approved care home to the north and north west of the site contrary to the requirements of paragraph 17 of the NPPF

"Core Planning Principles, policy GP1 of the York Development Control Local Plan (2005) and policies D1 and EC3 of the City of York Local Plan – Publication Draft (2018).

2 The development by virtue of creating a large, high visually undifferentiated building mass in close proximity to the boundary with residential development to the south would create conditions seriously prejudicial to the residential amenity of the neighbouring properties contrary to the requirements of paragraph 17 of the NPPF "Core Planning Principles and policy GP1 of the York Development Control Local Plan (2005) and policies D1 and EC3 of the City of York Local Plan – Publication Draft (2018).

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:

Sought to improve the boundary treatment and elevational treatment for the building adjacent to the approved care home and recently constructed residential development.

Notwithstanding the above, it was not possible to achieve a positive outcome, resulting in planning permission being refused for the reasons stated.

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