



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

To: Councillors Hollyer (Chair), Crawshaw (Vice-Chair),
Cullwick, Fisher, Galvin, Craghill, Lomas, Melly, Orrell,
Waudby and Webb

Date: Thursday, 9 January 2020

Time: 4.30 pm

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

A G E N D A

Sub Committee Site Visit

The mini-bus for Members of the sub-committee will leave from Tanner Row – adjacent to the gates between the Grand Hotel and West Offices at 10.00am on Wednesday 8 January 2020.

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. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is at **5.00 pm Wednesday 8 January 2020**.

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- 3. Minutes** **To Follow**
To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee held on 5 December 2019.
- 4. Plans List**
To determine the following planning applications:
- a) **Cedar House, York Road, Dunnington, York** (Pages 3 - 12)
YO19 5LF [19/01309/FUL]
Removal of condition 3 (agricultural occupancy restriction) of planning permission reference 8/03/396/PA dated 12 March 1992 [**Osbalwick and Derwent**]
- b) **WLD Textiles Granville Works Lansdowne** (Pages 13 - 42)
Terrace York YO10 3EA [19/01393/FUL]
Erection of 8 dwellinghouses, following demolition of existing business premises. [**Guildhall**] [site visit]

- c) **19 Blakeney Place York YO10 3HZ** (Pages 43 - 52)
[19/02145/FUL]

Two storey side extension and installation of solar panels to front. **[Fishergate]** [site visit]

- d) **9 Oak Tree Close Strensall York YO32 5TE** (Pages 53 - 64)
[19/02130/FUL]

Two storey side and rear extension, re-roof existing side extension, 6no. rooflights to rear, 1 roof light to the front and 2 roof lights to the side. **[Strensall]** [site visit]

5. **Urgent Business**

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

Democracy Officer:

Name – Michelle Bennett

Telephone – 01904 551573

E-mail – michelle.bennett@york.gov.uk

For more information about any of the following please contact the Democratic Services 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 (Polish)
własnym języku.

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 8 January 2020**

The mini-bus for Members of the sub-committee will leave from Tanner Row – adjacent to the gates between the Grand Hotel and West Offices at 10.00

TIME (Approx)	SITE	ITEM
10:25	9 Oak Tree Close Strensall	
11:05	19 Blakeney Place	
11:30	W L D Textiles Granville Works Lansdowne Terrace	

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COMMITTEE REPORT

Date: 9 January 2020 **Ward:** Osbaldwick and Derwent

Team: East Area **Parish:** Dunnington Parish Council

Reference: 19/01309/FUL

Application at: Cedar House York Road Dunnington York YO19 5LF

For: Removal of condition 3 (agricultural occupancy restriction) of planning permission reference 8/03/396/PA dated 12 March 1992

By: Mr And Mrs Barnes

Application Type: Full Application

Target Date: 14 January 2020

Recommendation: Refuse

1.0 PROPOSAL

1.1 The application seeks the removal of condition 3 (agricultural occupancy restriction) from planning permission 8/03/396/PA, granted by Selby District Council on 12 March 1992. The condition states:

1.2 'The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the locality in agriculture as defined in Section 336(1) of the Town and Country Planning Act 1990, or in forestry, including any dependants of such a person residing with him, or a widow or widower of such a person.'

Reason: The development hereby approved would be unacceptable unless justified by the local needs of agriculture.

1.3 The application has been called-in by Councillor Warters who supports the proposal and notes that the property should be brought back in to use.

2.0 POLICY CONTEXT

Publication Draft February 2018

GB1 – Development in the Green Belt

Development Control Local Plan - Approved April 2005

GB1 – Development in the Green Belt

GB8 – Occupancy conditions for agricultural or forestry dwellings

3.0 CONSULTATIONS

Public Protection

3.1 No response received.

Dunnington Parish Council

3.2 No response received.

4.0 REPRESENTATIONS

Neighbours and publicity

4.1 No representations received.

5.0 APPRAISAL

KEY ISSUE: Whether the need for the agricultural occupancy condition remains.

National Planning Policy Framework

5.1 Central Government guidance is contained in the National Planning Policy Framework ("NPPF" – February 2019). Paragraph 11 establishes the presumption in favour of sustainable development, which runs through both plan-making and decision-taking. In decision-taking this means approving development proposals without delay that accord with an up-to-date development plan. In the absence of relevant development plan policies or where they are out-of-date, permission should be granted unless policies in the Framework that protect areas or assets of particular importance, including land designated as Green Belt, provide a clear reason for refusing the proposed development or any adverse impacts of doing so would significantly or demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

5.2 Para.77 of the NPPF states that 'In rural areas, planning policies and decisions should be responsive to local circumstances and support housing development that reflect local needs'. Para.79 refers directly to rural workers' dwellings which, it states, can be a circumstance that justifies the provision of an isolated home in the countryside.

Planning Practice Guidance - Use of planning conditions

5.3 This guidance states that conditions limiting benefits to a particular class of people, such as new residential accommodation in the open countryside for agricultural or forestry workers, may be justified on the grounds that an applicant has successfully demonstrated an exceptional need. Conditions should meet the six tests identified in para.55 of the NPPF, i.e. they should be necessary; relevant to

planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects.

Development Plan

5.4 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York, relevant to the determination of this application, comprises the retained policies in the Yorkshire and Humber Regional Spatial Strategy ("RSS") saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. These policies, YH9(C) and Y1(C1 and C2), relate to York's Green Belt and the key diagram, Figure 6.2, insofar as it illustrates the general extent of the Green Belt. The outer boundary of the Green Belt is defined as being 'about 6 miles' (10km) from the York city centre. As the site is approximately 6km from the city centre, it is considered to fall within the general extent of the Green Belt. It should further be noted that the site was in the Green Belt in 1992 when the dwelling was approved and that Green Belt policy has not fundamentally changed since that time.

Development Control Local Plan Incorporating the Fourth Set of Changes April 2005 (DCLP)

5.5 Policy GB8 of the DCLP states:

'Occupancy conditions will be attached to all new agricultural or forestry dwellings to ensure occupancy is directly related to the continued functioning of agricultural/ forestry units in the locality.

Removal of an occupancy condition will only be granted where it can be demonstrated that there is no longer a need for the accommodation on the holding or in the locality. A detailed assessment will be required to support such an application.

Where a second dwelling has been granted permission on the same holding, the removal of an existing occupancy condition from the original dwelling will only be considered appropriate in exceptional circumstances.'

Emerging Local Plan

5.6 Relevant policies are set out in section 2 above. The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications. The site lies within the general extent of Green Belt on the Proposals Map that accompanies the emerging 2018 Plan.

SITE AND PLANNING HISTORY

5.7 The application relates to a detached property with garden and land extending to 5.8 acres in total located on the edge of Dunnington. The property sits within large

landscaped garden, with an area of Christmas tree plantation to the side and a further area of land on the opposite side of York Road. There is an agricultural building on both parcels of agricultural land.

5.8 On 12 March 1992, planning permission ref: 8/03/116C/PA was granted by Selby District Council for erection of a dwelling on the site. Planning permission was granted subject to an agricultural occupancy condition (condition 3) as detailed in paragraph 1.2 above.

5.9 Condition 3 was originally satisfied by the fact that Mr Paul Barnes, who occupied the property with his family, worked in the associated Christmas tree business. The land pertaining to the business was at Grimston Bar, Dunnington water tower and the plot of land opposite the property on York Road. The property was subsequently occupied by Mr Barnes' widow and dependent, also in accordance with condition 3. The final crop of Christmas trees was harvested in 2018. The agricultural land belongs to Mr Cyril Barnes who operated the business while Cedar House is in the ownership of his daughter in law.

APPRAISAL

5.10 Condition 3 on the 1992 permission restricts the occupation of the dwelling to persons solely or mainly employed or last employed in agriculture or forestry and was imposed to justify development within the Green Belt which would otherwise have been unacceptable. The dwelling was occupied by Mr Paul Barnes and his wife. Following the death of Mr Barnes, Mrs Barnes continued to live in the property while the business was run by Mr Cyril Barnes. Mrs Barnes now wishes to sell the property without encumbrance, and owns the house and garden amounting to land of approximately 1 acre. The land to the side and across York Road is owned by her father in law. The application seeks to remove the agricultural occupancy condition to allow sale of the property on the open market. It has been marketed for a period of approximately 24 months as a property with an agricultural occupancy restriction.

5.11 Appeal decisions normally conclude that a discount of 30-35% of the unencumbered market value is reasonable to reflect the depressant effect of the condition. The application provides details of the marketing exercise that was undertaken. The estate agent initially valued the property free of the agricultural occupancy restriction at approximately £750,000, giving a value with the occupancy condition of around £695,000. This was based on an 8% reduction from the full market value. This is significantly less of a reduction than the normally expected 30-35% reduction, which would give a value of around £525,000. The property was advertised from June 2017 until September 2017 at £695,000, when it was then reduced to £625,000 (a reduction of approximately 17% from the full market value) on the estate agent's website, Right move and On the Market, as well as the agent's offices across Yorkshire and in the Yorkshire Post. A "for sale" board was erected at the property and on the A1079.

5.12 Mr Cyril Barnes then allowed some of his land adjacent to the property to be included in the sale, increasing the total site size to approximately 6 acres, and in January 2018 the property was revalued with the additional land at £860,000 (there is no indication of the reduction included to allow for the agricultural occupancy condition). The price was subsequently reduced in June 2018 to £760,000. Over this 2 year period, data provided from Rightmove indicated that the property had significantly more on-line viewings than would normally be expected and more than 100 direct enquiries. This resulted in 6 offers being made for the property, 5 by people who would have satisfied the agricultural occupancy condition. The offers were:

October 2017 - £390,000 (house at £625,000)

January 2018 - £535,000 (house and land at £860,000)

March 2018 - £600,000 (house and land at £860,000)

July 2018 - £550,000 (house and land at £760,000)

August 2018 - £450,000 (house and land at £760,000)

August 2018 - £560,000 (house and land at £760,000)

5.13 An on-line search would suggest that the valuation for the property would be overly optimistic even given the attractive setting of the property and its size. Only one property within a 0.5 mile radius of the site has ever sold at a comparable price and this would have been without the agricultural occupancy restriction. The reduction in price to allow for the agricultural occupancy condition is also on the low side being only in the region of 17% in September 2017. As such it is considered that the asking price for the property has generally been over-inflated. Based on a more realistic reduction of 30%, the original price would more realistically have been £525,000. It is possible that people who could have complied with the condition did not pursue their interest due to the over-inflated nature of the asking price. It also appears that the addition of the extra parcel of land has merely complicated matters and further inflated the asking price beyond the worth of the site.

5.14 It is noted within the marketing report that issues with the layout of the property may have deterred certain purchasers as the ground floor is not on a single level. This is considered by the marketing agent to have deterred older purchasers who may otherwise have had the funds to purchase the property. It is not indicated within the report how this constraint is reflected in the property's valuation but may be considered as another indication of the over-valuation of the property.

5.15 The marketing agent has also made comment on the economic viability of the land. They note that there is no existing business and so to recreate a business would entail starting from scratch. A crop of Christmas trees takes a minimum of 5 years to become saleable, although the optimum size requires 8 years growth.

During that time the crop incurs planting and maintenance costs before producing any return. Capital equipment, costing in excess of £50,000 is also required. An additional source of income is therefore essential, in the interim, together with sufficient capital to fund stock and equipment. It should further be noted that horticulture and the growing of Christmas trees is undertaken by a relatively small number of operators in any one area. Most will know their competitors and Mr C Barnes has an excellent reputation and is well known in this field of expertise. Despite this he has had no interest from third parties to buy the business, hence the eventual closure. This lack of interest underlines the difficulty of operating such a business on a standalone basis, without a subsidy from other operations. Of more fundamental relevance is the fact that growing any type of crop and most agricultural operations require land. As referred to above Mrs Kerry Barnes does not have ownership or control of any land other than the site of Cedar House or the resources to create a viable economic agricultural unit. Viable economic units on small acreages require a high level of capital investment to create intensive growing conditions.

5.16 Clearly the business which provided the original justification for the dwelling no longer exists and the property does not have a land holding sufficient to run an agricultural business to support future residents. There is therefore no requirement for accommodation for agricultural workers connected with the holding itself. Further, given the current average annual pay for a farm worker based on DEFRA figures of around £25,000-£35,000, the cost of the property, even with the agricultural restriction, is likely to be beyond the means of an agricultural worker based on the traditional mortgage lenders income multiplier. A recently approved planning application 19/00796/FUL for removal of an agricultural occupancy condition on a property in Holtby (Holtby Grange Bungalow) accepted that earnings of £35,000 a year, typical for a farm manager, would equate to a mortgage offer of £140,000 and earnings of £25,000 a year, typical for a farm worker, would equate to a mortgage offer of £100,000. Both sums would be far below that needed to purchase the property even at a more realistic value.

5.17 There is no indication in the emerging Local Plan nor in the NPPF or Planning Practice Guidance on how to assess applications for the removal of agricultural occupancy conditions. It is, however, pertinent to consider whether the condition still meets the 6 tests as described in para.55 of the NPPF. To that extent it should be considered whether the condition is necessary, relevant to planning and to the development, is enforceable, precise and reasonable in all other respects. Clearly the condition is relevant to planning and to the development; a standard wording is used which is precise and enforceable (and has not been challenged since it was imposed in 1992); so the test would be, is the condition still necessary and reasonable.

5.18 When considering the necessity of the condition there is, as stated above no indication in policy as to what considerations are appropriate. There is an established process whereby, as explained above, it is necessary to demonstrate that the process of marketing the property at an appropriate discount, and for an extended length of time, has been followed. It is noted that, on appeal, inspectors have generally upheld that a discount of 30-35% of the unencumbered market value is reasonable to reflect the depressant effect of the condition. Inspectors have also found that the quality of the dwelling itself is not sufficient reason to reduce the discount and, in fact, in some instances inspectors have considered that it would be appropriate to increase the discount on such properties to make them more in line with the local agricultural market.

5.19 There is a historical precedent in relation to the applications for the removal of the agricultural occupancy condition at Holtby Grange Bungalow (referred to in para.5.17 above), which were refused for failing to demonstrate a lack of demand for an agricultural workers' dwelling and then for failing to demonstrate marketing at a realistic price. The property was originally marketed with a reduction of 21% from the full market value, which officers considered to be insufficient to reflect the occupancy restriction. It was also noted that offers that had been made by people who would probably have met the restriction, but at approximately 30% reduction from the market price, were considered too low and were rejected. In 2018 the property was subsequently marketed with a more realistic reduction of 25%-29%. No offers were received and it was at this point that permission was granted for the removal of the agricultural occupancy condition. It is considered, therefore, that officers are being entirely consistent in requiring the application property to be marketed at a more realistic price, and with a more realistic reduction, than has so far been undertaken.

6.0 CONCLUSION

6.1 It is considered that the property has not been marketed at a realistic price which reflects the depressant effect of the agricultural occupancy condition, and therefore failed to demonstrate that the condition is no longer necessary or reasonable. At this time it is considered that it would be premature to remove the condition until it has been adequately demonstrated that there is no demand for the property as an agricultural workers' dwelling and it recommended that the application is refused.

7.0 RECOMMENDATION: Refuse

1 The Local Planning Authority considers that the applicant has failed to demonstrate that condition 3 (agricultural occupancy restriction) of planning

permission 8/03/116C/PA, which was considered necessary at that time to justify the erection of a new dwelling within the Green Belt, is no longer necessary. In particular, the applicant has failed to demonstrate a lack of demand for the property with the occupancy restriction by failing to market the property at a realistic price for a sustained period. The proposal is therefore contrary to para.79 of the NPPF, GB1 of the emerging Local Plan and GB8 of the Development Control Local Plan incorporating the 4th set of changes (April 2005).

8.0 INFORMATIVES:

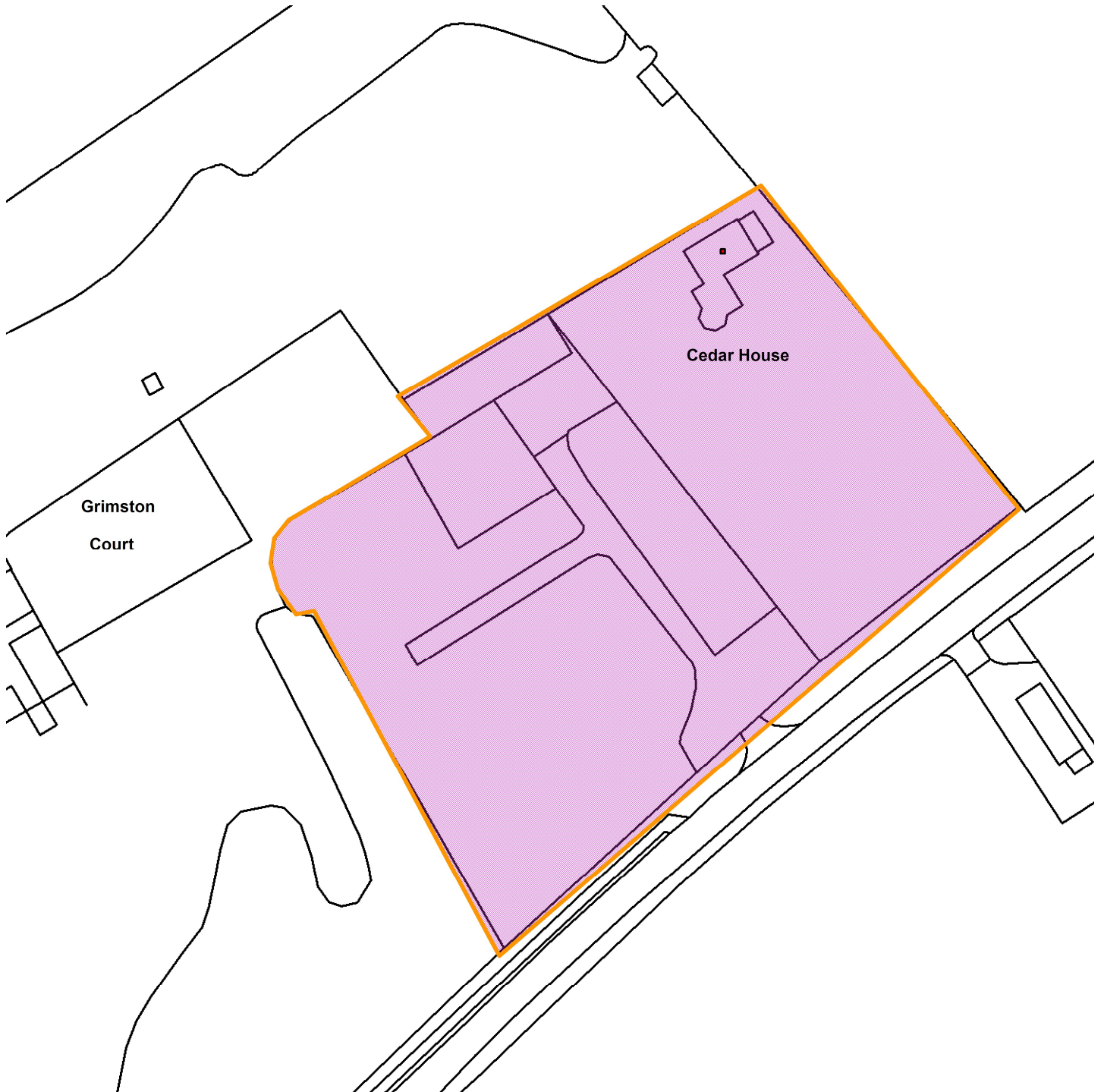
Contact details:

Case Officer: Alison Stockdale

Tel No: 01904 555730

19/01309/FUL

Cedar House York Road Dunnington



Scale : 1:1045

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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	09 December 2019
SLA Number	Not Set

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COMMITTEE REPORT

Date: 9 January 2020 **Ward:** Guildhall
Team: East Area **Parish:** Guildhall Planning Panel

Reference: 19/01393/FUL
Application at: W L D Textiles Granville Works Lansdowne Terrace York YO10 3EA
For: Erection of 8no. dwellinghouses, following demolition of existing business premises.
By: Mr Joe Jackson
Application Type: Full Application
Target Date: 14 January 2020
Recommendation: Approve

1.0 PROPOSAL

1.1 The application site is a site located at the end of Lansdowne Terrace, off Lawrence Street, from where vehicular access is taken. The site is enclosed on all four sides by residential properties, generally comprising of two storey terrace properties. To the north, Arthur Street leads to Emily Mews, with Granville Terrace to the west.

1.2 Whilst the immediate area is primarily residential, the wider area particularly to the north is occupied by commercial and industrial businesses.

1.3 The site contains single storey building associated with an existing operational business, WLD Textiles. WLD Textiles is a distributor of furniture DIY and hardware and curtain tracks and accessories with an associated trade counter. The business appears to have been established at Lansdowne Terrace since 1967. It is operational Monday to Friday 08:30-17:00, Saturdays 08:30-12:00 with no trading on Sundays.

1.4 The building is not listed, nor located within a conservation area; however it is in close proximity to an area of archaeological importance. Additionally, it is located within flood zone 1, where there is a low risk of flooding.

1.5 Planning permission is sought for the demolition of the existing business premises and its replacement with 8no. 2, 3 and 4 bedroom dwellinghouses along with parking and landscaping.

1.6 The dwellings are proposed to be arranged as terrace houses in two opposite lines; units 1-3 along the southern boundary with Lansdowne Terrace and units 4-8

along the northern boundary adjacent to Emily Mews. Vehicular access will be retained as existing from Lansdowne Road, with part of units 1 and 2 built over. This will lead to car parking, with each dwelling other than the 2-bedroom dwelling having two allocated car parking spaces. Additionally this main forecourt area will contain bin stores and cycle parking. Staircases will provide access to the first floor where there will be a cantilevered external amenity space projecting out over the car parking.

1.7 The proposed dwellings are generally all arranged in a similar manner, but the arrangement is subject to the number of bedrooms to be provided; at ground floor level there is secondary bedrooms and bathrooms, first floor is the living accommodation and further main and secondary bedrooms provided at second floor level.

1.8 The application has been called in by Cllr Craghill concerned that the proposal represents overdevelopment in a very crowded area with narrow streets and will have a negative impact upon the amenity of residents in the vicinity.

2.0 POLICY CONTEXT

Publication Draft Local Plan (2018)

EC2	Loss of Employment Land
H2	Density of Residential Development
H3	Balancing the Housing Market
D1	Placemaking
D6	Archaeology
CC1	Renewable and Low Carbon Energy Generation and Storage
CC2	Sustainable Design and Construction of New Development
ENV2	Managing Environmental Quality
ENV3	Land Contamination
ENV5	Sustainable Drainage
T1	Sustainable Access

Development Control Local Plan (2005)

GP1	Design
GP4	Sustainability
T4	Cycle Parking Standards
H4a	Housing Windfalls
E3b	Existing and Proposed Employment Sites

3.0 CONSULTATION

Public Protection Unit (PPU)

3.1 PPU have considered the application in terms of environmental impacts.

3.2 Noise - the site is located adjacent to existing residential premises and therefore as the proposed use of the site will be for residential, no operational issues would arise.

3.3 Construction Noise and Dust - recommend a Construction Environmental Management Plan (CEMP) to minimise noise, vibration and dust during demolition and construction on nearby residential properties.

3.4 Air Quality - recommend passive provision for Electric Vehicle Recharging Point (EVRP) with the development incorporating sufficient capacity within the electricity distribution board for the future addition of an EVRP.

3.5 Contaminated Land - the supporting EnviroSmart Plus report dated May 2019 shows that the site has previously been used as brick and tile works, lemonade works, textile works and DIY hardware store. A number of closed landfill sites are located within 250m of the site. There is therefore potential for land contamination to be present at the site and the supporting report has assigned a moderate overall risk. A phase 2 intrusive site investigation is therefore needed to find out if contamination is present, and if contamination is found, appropriate remedial action would be required.

Highways Network Management

3.6 Concern is raised in respect to vehicle clearance under arch and whether there will be security gates restricting access. A cut through to Bull Lane and St Nicholas Fields is recommended so residents can access cycle ways and open space. Redesign of cycle stores

Design, Conservation and Sustainable Development (DCSD) (Design)

3.7 The site is constrained by its relatively small size and proximity of neighbouring properties. The principle of residential development in this location is appropriate in design terms.

3.8 However, the quantum of development (8 units), is too ambitious for this small constrained site, and has resulted in a form of development which is highly compromised in terms of residential amenity, and does not respect local form and character.

3.9 The proposals fail to respect local character, nor do they create a high quality place to live. It is suggested that the design concept is revisited and the number and / or size of units reduced to allow a design that better reflects the local

distinctiveness of this area to be developed. One suggestion could be the continuation of Lansdowne Terrace as a street, with a notional continuation of the existing terrace to one side of the street and provision of well-designed parking on the other.

Design, Conservation and Sustainable development (DCSD) (Archaeology)

3.10 The site is located outside the Area of Archaeological Importance close to the line of a Roman road and in an area which contains Roman, medieval and post-medieval archaeology. Significant archaeological deposits and features are known to survive on either side of Lawrence Street including the site of St Edwards Church and cemetery at the bottom of Lansdowne Terrace.

3.11 As the site is set back from the line of Lawrence St and has seen a degree of disturbance with the construction of the extant buildings, a watching brief will suffice as mitigation for any impact to archaeological deposits.

3.12 All groundworks and grubbing up of foundations will require archaeological monitoring.

Lead Local Flood Authority (LLFA)

3.13 No objections to the development in principle but suggest conditions in order to protect local aquatic environment and public sewer network.

Yorkshire Water

3.14 The developer is proposing to discharge to surface water to public sewer, however they are required to follow surface water disposal water hierarchy. The drainage details requirements amendments.

Guildhall Planning Panel

3.15 An interesting and imaginative small scale scheme for the area.

4.0 PUBLICITY

4.1 The application was advertised by neighbour notification. A total of 2 letters of support and 8 letters of objection have been received.

Objections

Impact on residential amenity of neighbouring properties

- overlooking/maintaining privacy- will existing boundary treatments be protected?
- loss of light

Design

- buildings are inappropriately high and above ridgeline of neighbouring properties
- out of place in the centre traditional terraced areas
- fails to improve the character and quality of an area

Impact on proposed residents

- no privacy from each other
- properties will overlook bin stores
- does not provide good quality family accommodation
- site is cramped
- provides substandard amenity space for residents
- lack of natural light to some rooms

Use for housing

- density is excessive and inappropriate and exceeds policy requirements
- increase in noise levels
- will use for family housing be imposed as a covenant to avoid houses of multiple occupancy and/or student housing

Access/Highways

- loss of private car parking spaces in Emily Mews- is a private road
- increase in traffic to locality
- are adequate parking spaces provided for the development to serve properties needs
- where will delivery and construction contractors vehicles park?
- review of current parking restrictions (TROS) on Lansdowne Terrace should not inconvenience existing residents

Noise and construction

- increase noise levels from construction
- construction on Saturdays should not be permitted
- method of works statement should be requested as the proposal directly join a number of neighbouring houses

- higher carbon footprint; no mentions of environmentally sustainable construction measures
- question the provision for electric vehicles
- fails to address ecology issues
- fails to address archaeology issues
- fails to evidence that the site has been marketed for employment use prior to approval for residential
- conflict between users to access cycle network should not conflict with designing out crime and anti-social behaviour

Support

- removal of existing buildings would improve the visual appearance of the area; existing buildings in disrepair
- family sized town houses are in great demand and rarely come available so close to York City Centre
- less noise from incoming traffic and reduction to carbon emissions

5.0 APPRAISAL

5.1 Key Issues

- Loss of Employment Land and Principle of Residential Use
- Density
- Design
- Residential Amenity
- Highways and Parking
- Sustainability
- Landscaping and Trees
- Land Contamination
- Ecology
- Archaeology
- Drainage and Flood Risk
- Construction Impacts

POLICY CONTEXT

National Planning Policy Framework (NPPF) 2019

5.2 The revised NPPF (2019) sets out the government's planning policies for England and how these are expected to be applied.

5.3 The planning system should contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives. Paragraph 14 advises that at the heart of the Framework there is a presumption in favour of sustainable development.

5.4 In the absence of a formally adopted Local Plan the most up-to date representation of key relevant policy issues is the NPPF and it is against this policy Framework that the proposal should principally be addressed. The NPPF sets out the presumption in favour of sustainable development.

5.5 Section 5 of the NPPF supports the Government's objective of significantly boosting the supply of homes. The size, type and tenure of housing need for different groups in the community should be assessed and reflected in housing

policies (paragraph 61 of the NPPF). Paragraph 63 of the NPPF states that affordable housing should not be sought for residential developments that are not major developments.

5.6 Section 6 of the NPPF states that significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development.

5.7 Section 12 sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

Publication Draft Local Plan (2018)

5.8 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

5.9 The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications. Of relevant to this application, the evidence base includes:

- Strategic Housing Market Assessment (SHMA) (June 2016)
- Strategic Housing Market Assessment Update (SHMA) (2017)
- Strategic Housing Market Assessment Addendum (June 2016)

5.10 The SHMA provides an assessment of future needs for both market and affordable housing and the housing needs of different groups within the population.

5.11 Contained within the SHMA (June 2016) Table 73 'Need for different sizes of homes across York' (page 207) sets out an indicative need for different sizes of homes across York;

	1-bed	2-bed	3-bed	4+bed
Market	5-10%	35-40%	35-40%	15-20%
Affordable	35-40%	30-35%	20-25%	5-10%
All Dwellings	15%	35%	35%	15%

Development Control Local Plan (2005)

5.12 The Development Control Local Plan (DCLP) was approved for development management purposes in April 2005. Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations and can be afforded very little weight in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

ASSESSMENT

Loss of Employment Land and Principle of Residential Use

5.13 The site is in employment use. The Framework (para 80) places great weight on the need to support economic growth and productivity.

5.14 Draft Policy EC2 states that the Council will expect the applicant to provide evidence that the effective marketing of the site/premises for employment uses for a reasonable period of time. Where the applicant is seeking to prove a site is no longer appropriate for employment use because of its condition, they are expected to provide an objective assessment of the shortcomings that demonstrates why it is no longer appropriate for employment use.

5.15 The applicant states that they are seeking to relocate to a more suitable premises within the York area. A justification statement relating to the proposed loss of employment land has been provided by the applicant that states that there have been discussions between the current operators of WLD Textiles and estate agents, however specific detail relating to these discussions have not been provided. The applicant states that estate agents consider the existing buildings to be in poor condition and are not laid out for a modern business and thus are not attractive as a sellable/lettable premises, only as a plot of land. The applicant also sets out that there is no suitable turning facilities for large delivery vehicles which can cause problems on nearby residential roads and its location within a residential setting means that it is not compatible with any industrial uses/processes that creates noise or fumes.

5.16 Having reviewed the submitted justification statement, and acknowledging that the existing business is located within an area surrounding by residential properties and the impacts that this could have upon the operation of any employment use (noise, fumes, smells and access), it is considered that the site is no longer appropriate for employment use. This is not to say that there can be no appropriate employment use for the site, however finding a suitable business occupier may prove to be difficult. It is considered that on balance the scheme generally accords with draft policy EC2 of the 2018 Draft Plan.

5.17 Further the NPPF (section 11) promotes an effective use of land in meeting the need for homes and other uses. Paragraph 118 (c) of the Framework sets out that substantial weight should be given to the value of using suitable brownfield land within settlements for homes as well as (d) which promotes and supports the development of under-utilised land and buildings which would help to meet identified need for housing where supply is constrained and available sites could be used more effectively. This is in addition to section 5 of the Framework that supports the Government's objection of significantly boosting the supply of homes. Paragraph 68 of the Framework highlights the important contribution that small and medium sized sites can make to meeting housing requirement of an area, and are often built out very quickly.

5.18 Residential uses surround the application site. The site is in a sustainable location with easy access to the city centre. It is considered that residential use would be an appropriate land use that would be compliant with the existing land use surrounding the site with access to transport routes and local shopping facilities.

5.19 The application seeks to provide 5 x 4 bedroom, 2 x 3 bedroom and 1 x 2 bedroom dwellings. The Strategic Housing Market Assessment states there is a requirement for all property sizes, with a greater need for 2 and 3 bedroom properties at market level, however there is still a requirement for 4 bedroom plus properties and one bedroom properties. Consideration has been given to the existing residential use of the area, and the potential to provide outside amenity areas along with the requisite parking for the size of the dwellings and as such the mix of accommodation across the site is considered appropriate in this regards. As the size of development falls below the 10 dwelling threshold, there is no requirement to provide any affordable housing contribution.

5.20 Objections have been raised requesting a covenant to restrict the uses as houses of multiple occupancy and/or student housing. The application specifies the development will be within the C3 dwellinghouse use class and any subsequent material change of use would be subject to separate applications. It is noted however that people living as groups or together as a single household may still be covered within the C3 use class.

Density

5.21 The NPPF sets out in paragraphs 122 - 123 that planning policies and decisions should support development that makes efficient use of land. Developments are expected to make optimal use of the potential of the site. An objector cites that the density provided by this development is excessive and inappropriate, exceeding policy requirements.

5.22 The provision of 8no. dwellings within this site has been calculated as achieving a density of 81.6 unit/ha. The site is located within the 'City Centre and

City Centre Extension Zone' as defined by Figure 5.2 of the 2018 Draft Plan. Draft policy H2 expects housing developments in this density zone to achieve a net density of 100 units/ha. Policy H2 is the Council's up to date density policy which accords with the NPPF. This policy states that delivering densities that support the efficient use of land requires good design that responds to its context, an appropriate mix of house types and should be informed by the local character of the area.

5.23 In terms of the density, the application would fall short of achieving the densities set out in draft policy H2 of the 2018 Draft Plan. Consideration has been given to local context and development type and taking these factors into account the development would make an efficient use of land. Whilst a greater density level could also be sought, this could have implications to the local context and design and neighbour amenity.

Design

5.24 The site is located outside any conservation area and there are no listed buildings present on or adjacent to the application site. NPPF paragraph 127 seeks to ensure that developments function well and add to the overall quality of the area. They should also be sympathetic to local character and history, although this should not be at the expense of preventing or discouraging appropriate innovation or change. Paragraph 131 details that great weight should be given to outstanding or innovative design which promote high levels of sustainability, or help raise the standard of design more generally in the area, so long as they fit in with the overall form and layout of their surroundings.

5.25 To the south (Lansdowne Terrace), west (Granville Terrace) and east (Herbert Street) the existing form of development follows a similar character of terrace houses with varying rear off-shoots and varying degrees of external amenity space and on-street parking. They are generally uniform in appearance however there is slight variation throughout these streets by virtue of varying roof heights and eaves levels, and detailed design to windows and other openings. In contrast, the properties along Emily Mews are more recent and have a more modern appearance, albeit taking the form of semi and terrace properties; however they provide off-street car parking and private rear gardens.

5.26 Concerns have been raised from the Conservation Architect as well as neighbouring occupiers that the site is constrained and too small for a development of this size. However the innovative design, and the internal arrangement of dwellings, illustrate that the proposed development could be accommodated within the site. Additionally, weight is given to the ability to achieve the proposed density whilst providing family sized dwellings with adequate parking and private amenity facilities.

5.27 There has been suggestion that an alternative form of development could be to continue Lansdowne Terrace as a terrace. This would likely provide fewer and smaller dwellings. The applicant has set out that it was their intention to provide an innovative use of the site, creating a new interpretation on the traditional terrace. It is noted that there is a current termination at the end of Lansdowne Terrace with the existing business site providing gated access and an internal courtyard which reinforces the separation from surrounding residential properties, and the continuance of this is acceptable; there is a clear distinction between the existing traditional terrace properties with the new development. It is considered that the approach is innovative and appropriate for this location.

5.28 The plans have been revised so the new dwellings align more appropriately with adjoining properties and dormer windows removed. The eaves levels would be consistent with surrounding properties and reflect the character of the area in this regard; not all the surrounding terrace properties are uniform in appearance. Concern is raised from objectors that the roofs would be dominant feature, whilst roof heights are higher they take an asymmetrical form and propose a slate finish, and the view from street level would be appropriate.

5.29 The view of the termination of the proposed development with Lansdowne Terrace is not one that is typical of the area with its link over the vehicular access. Lansdowne Terrace is a narrow street and there is only 9.5m (approx.) between properties. However, the link over would have a large expanse of brick, with only relief from two windows. The detailing in this elevation is minimal and as it would be positioned close to the first floor front facing windows of No's. 15 and 16 Lansdowne Terrace it presents a more oppressive enclosure to the end of the street. However it is noted that the site is one that is small and constrained and there is already an impact arising from the narrow separation between properties. On balance, the design would be acceptable taking into account a compromise on the wider ability to deliver much needed housing on the site.

Residential Amenity

5.30 NPPF paragraph 127 places a particular focus is upon creating places that are safe, inclusive and accessible with a high standard of amenity for existing and proposed users. Additionally, para. 180 of the NPPF seeks to ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Draft Local Plan Policy D1 Placemaking will support development proposals where they improve poor existing urban and natural environments and ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing..

- Privacy

5.31 The development is arranged with two rows of terraced dwellings; one at the north and one at the southern end of the site. To the north, the 5 dwellings will have their main outlook over Emily Mews. Emily Mews is a private road accessed from Arthur Street leading to a cul-de-sac and 5 semi-detached properties positioned to the north west of the application site. There are no properties on Emily Mews that would be positioned directly adjacent to the proposed dwellings to the northern edge of the site. Beyond Emily Mews is a storage warehouse on Charlotte Street. Given the angle towards existing properties along Emily Mews, it is unlikely that any adjacent properties along Emily Mews would result in a loss of privacy arising from the proposed dwellings in a northerly direction.

5.32 The row of dwellings would be built against the party wall of No. 10 Arthur Street and thus would not give rise to any overlooking in an easterly direction, however to the west, the row of dwellings terminates at the edge of the application site which abuts the gardens of No. 8 and 7 Emily Mews. This dwelling, Plot No. 4 is two storeys in height and the plans do not indicate any side windows or opening within the dwelling, avoiding any privacy issues. Nor are any windows proposed in the western side elevation of Plot No. 5, which as a three storey property would be visible above the lower dwelling (Plot No. 4). A condition will ensure that windows and other openings are restricted in the western side elevation of either Plot 4 or Plot 5. As such the privacy of the occupiers of No's 7 and 8 Emily Mews would be maintained.

5.33 In respect to the proposed dwellings positioned on the southern boundary of the site, these would be attached to the party walls of No's 15 and 16 Lansdowne Terrace; kitchen windows at first floor level would be positioned with an outlook over the public highway of Lansdowne Terrace. Additionally, plot No. 3 contains a side window that would have an outlook over Herbert Street and close proximity to No. 10 Herbert Street. It is acknowledged that given their position and proximity to No's. 15 and 16 Lansdowne Terrace and No, 10 Herbert Street that these windows could create some additional overlooking, however the angles are acute. It is considered that the windows could be obscurely glazed, and the open plan kitchen and living accommodation on the first floor is served by large opening and windows on the northern elevation, overlooking the courtyard/amenity areas and thus would not detrimentally impact upon the residential amenity of occupiers of the proposed units. The applicant has stated that these windows would benefit being opened for ventilation purposes and thus could be bottom hung tilting windows with window restrictors to restrict their opening to 100mm so they would not significantly increase overlooking in this regards. A condition to this effect would be attached to any approval and subject to such condition, it is not considered that the scheme would significantly increase overlooking in this regards.

5.34 Both the row of proposed dwellings have their main windows for light and outlook facing within the site with a separation distance of 18m; over the car parking

and external amenity areas and would result in a mutual level of overlooking, which is considered to be acceptable in this site.

5.35 There is concern that the external amenity areas given their elevated position on the first floor would enable users to overlook rear gardens to properties along Granville Terrace, No. 10 Arthur Street and No. 10 Herbert Street. Part of the buildings associated with the existing site offer substantial boundary treatment to these properties. The application proposes boundary treatment that indicates a replacement wall, up to 2.5m in the area between the garden decks, and would be predominately positioned along the shared boundary with No. 22 Granville Terrace and partially No's. 21 (A, B and C) and 23 Granville Terrace. Where there is the garden decks, there will be a further wall built up to 4.3m high in total. This allows for a high wall of 1.8m high to be positioned above the garden decks, in order to preserve the privacy of neighbouring occupiers. The plans detail that this part of the boundary treatment will be constructed using relief pattered brickwork, in order to reduce its oppressive nature. The boundary treatment proposed along these shared boundaries is considered to be acceptable and would help preserve the privacy of neighbouring occupiers, whilst also offering some benefits in terms of dominance and overshadowing from what is currently experienced.

- Overshadowing/loss of light

5.36 The application is supported by a sun study using the guidelines set out in the BRE document, 'Site Layout Planning for Daylighting and Sunlight: A guide to good practice'. It is considered that the most affected property in terms of overshadowing would be No. 8 Emily Mews. This property has a current separation distance of 6m from the application site boundary. Pedestrian access can be taken from both main elevations of the property, from Emily Mews and Granville Terrace, however vehicular access is taken from Granville Terrace. Internally the property is arranged with the kitchen positioned facing Granville Terrace and living room facing out towards the application site.

5.37 The existing site is occupied by a number of buildings, built up to the site boundaries, so it extends beyond the boundary of No. 8 and across the boundary of No. 7 Emily Mews. The building is single storey with an eaves height of 2.7m. The proposed row of terraces and specifically Plot No. 4 (house type D) has been designed with a setback of 2.5m from the current position of the building and eaves height reduced to 1.8m and a 40 degree pitch rather than a steeper 25 degree pitched roof.

5.38 The sun study has been assessed and the results suggest that No. 8 and to lesser extent No. 7 Emily Mews will be mostly affected in the morning period and it will be the garden area that will be affected. As such, given the results of the sunlight study and the reduction to the extent of massing along this part of the site boundary, it is considered that the impact to No. 7 and 8 Emily Mews would be

acceptable.

5.39 To the west of the site are properties located on Granville Terrace; the site abuts the rear gardens of Numbers 21 (A, B and C), 22, 23, 24 and 25. It is noted that the building at No. 21 Granville Terrace has been extended to form a residential property containing three flats; two x one bedroom flats on the ground floor and 1 x two bedroom flat on the first floor. It is positioned 3.8m (approx.) from the existing boundary wall with the application site. The boundary treatment to the garden deck along this western boundary will be 3.8m high, however the existing buildings positioned along this boundary are higher. The rear elevation of No. 21 Granville Terrace at first floor level contains an obscured window serving a bathroom as well as a bedroom window. Given the relationship with the dwelling to the application site and existing buildings contained within it, there is a neutral impact to this dwelling. The impact to neighbouring rear gardens at Granville Terrace arising from the proposed boundary treatment and the loss of the existing buildings within the site are likely to result in a greater degree of overshadowing in the morning to the rear gardens, but again would result in a neutral impact, given what will be removed.

- Residential amenity of proposed occupiers

5.40 All of the dwellings will provide living accommodation over two or three floors and will provide an adequate internal floorspace.

5.41 The dwellings positioned to the northern edge of the site will be dual aspect, however due to the relationship with adjoining neighbouring properties, the dwellings to the south of the site will primarily have single aspect overlooking the car parking and external areas. Notwithstanding this, each dwelling will have an acceptable level of outlook and benefit from natural daylight and ventilation.

5.42 Most concern in respect to daylight levels relates to the bedroom windows located on the ground floor, which may be partially obscured by access stairs and the cantilever external amenity space. Additional windows have been inserted to serve these bedrooms to improve light levels. Further analysis has been undertaken in respect to Average Daylight Factor, which assesses the level of light inside a building. Each bedroom at ground floor level has been individually assessed in respect to Average Daylight Factor; all the bedrooms would achieve the recommendations set out in the BRE document and therefore all the ground floor bedrooms to the proposed development are likely to receive adequate light levels.

5.43 The design has been able to incorporate both car parking and an external amenity area. This is a particular benefit given the size of the dwellings, which are likely to appeal to families.

- Noise

5.44 Objectors have raised issues in respect to increase in noise to surrounding existing residential occupiers. The application is a relatively small site and as it indicates it will accommodate 8 additional residential dwellings of varying sizes, this is not considered to be such a level that would generate significant noise levels through comings and goings or the use of external spaces. It is considered that as this is primarily a residential area, the use of the external amenity areas in a similar manner to existing neighbouring properties would not be detrimental to their residential amenity.

Highways and Parking

- Accessibility

5.45 Draft policy T1 (Sustainable Access) supports development where it minimises the need to travel and maximises the use of more sustainable modes of transport. The site is in an accessible location.

5.46 The access through to the parking court from Lansdowne Terrace is in line with the highway standards, in terms of width and clearance strips following removal of the visitor parking space. The plans have been amended so the archway provides adequate clearance. The development will not be gated to the entrance off Lansdowne Terrace, satisfying the other concerns raised by the Highways Management Officer.

- Car Parking

5.47 Each three plus bed dwelling would have 2 allocated car parking spaces, two bedroom dwelling will have one allocated car parking space. This is compliant with the guidelines set out in the Council's Parking Standards (Appendix E) accompanying the DCLP 2005. It is unfortunate that a visitor space has been removed from the scheme, however as detailed above the site is accessible by other modes of transport other than the private car.

- Cycle Parking

5.48 In respect to cycle parking, the proposed plans indicate 8 separate cycle stores consisting of Sheffield style racks (providing storage for two bikes each), equating to storage for 16 cycles storage spaces in total. This meets the Council's standards. Whilst this does not comprise of individual cycle stores within the curtilage of the dwellings as recommended by the Highways Officer, these areas are already required to provide other important stores such as waste/recycling facilities which are, on balance, more suitable to be provided for each individual dwelling, rather than as a communal store. Further details can be secured by condition to ensure that the cycle stores are deep enough to accommodate two bikes.

- Access to cycle networks

5.49 All pedestrian access will be through the main entry from Lansdowne Terrace other than individual access to the individual properties on the northern edge of the site (Plots 4, 5, 6, 7 and 8) from Arthur Street. The Highways Officer has raised concerns that there is no access through the northern part of the site for the remaining residents to access the existing cycle network on Bull Lane and the open space at St Nicholas Field. The applicant has advised that the creation of a cut-through alley would result in smaller dwellings, to the detriment of the prospective occupiers, where space in the city centre is at a premium. Additionally, the increase in pedestrian and cycle traffic using the footpaths within the site and adjoining Arthur Street could be detrimental to residential amenity to the occupiers of properties that adjoin the site. Consideration is given to security aspects of providing an alley-way which may conflict with creating a safe development that does not undermine the quality of life for prospective residents.

Sustainability

- Sustainable Construction

5.50 Paragraph 131 of the NPPF sets out that great weight should be attributed to outstanding or innovative designs which promote high levels of sustainability. Publication Draft Local Plan policies CC1 (Renewable and Low Carbon Energy Generation and Storage) and CC2 (Sustainable Design and Construction of New Development) seek to achieve high levels of sustainable design and construction. The applicant have confirmed that the principles of policies CC1 and CC2, the minimisation of greenhouse gas emissions and the use of resources efficiently will be employed during the construction of the development. The applicant has agreed to a condition requiring details to be submitted that sets out how the design and construction of the development will achieve the requirements of policies CC1 and CC2.

- Bin/Waste storage

5.51 Each property will have individual bin stores below the stair access to the first floor and adjacent the car parking spaces. A condition shall ensure that the area is suitable size for the bins and boxes required for each material waste.

- Electric Vehicle Recharging Points

5.52 Paragraph 110 e) of the NPPF states that developments should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. The City Council has an adopted Low Emissions Strategy (2012), which aims to facilitate the uptake of low emission vehicles in York. It identified that development for new houses with allocated off-

street parking should provide 100% passive provision. Passive provision is defined as sufficient capacity within the electricity distribution board for one dedicated radial AC single phase connection to allow the future addition of an Electric Vehicle Recharging Point (EVRP) (minimum 32A) with the garage space or parking area. The application details the location of each future EVRP within the site boundary and are amenable to a condition to secure this and to ensure that necessary trunking/ducting is in place to enable cables to be run to the specified locations.

Landscaping and Trees

5.53 It is welcomed that the scheme can incorporate outside amenity spaces; whilst this will be artificially created and unlikely to support large trees, there would be opportunities for occupiers to provide soft landscaping to these areas. There are trees within the application site, whilst there some trees positioned to northern boundary on Emily Mews, adjacent the turning head, these are located outside the application site and would not be impacted upon by the development. There will be some soft landscaping to the front areas of the properties positioned on the northern boundary and a condition shall ensure that an appropriate scheme is designed and installed.

Land Contamination

5.54 Section 15 of the NPPF seeks to conserve and enhance the natural environment with paragraphs 178 -183 discusses ground conditions and pollution. Paragraph 178 sets out that planning decisions should take into account ground conditions and any risks arising from land instability and contamination with the responsibility for securing a safe development rests with the developer and/or land owner (para. 179).

5.55 Historically, there have been wide ranging different uses for the site and there are closed landfill site located within 250m of the site and thus there is potential for land contamination to be present. A supporting report sets out that there is an overall moderate risk of land contamination being present on site. It is agreed that a more intrusive site investigation (phase 2) is required to established whether contamination is present and remedial action would be required. Conditions are considered appropriate to secure this.

Ecology

5.56 An objector has stated that there has evidence of the presence of bats within the vicinity of the site. The Council's Ecologist advise that whilst the site is located within 200m of St Nicholas Fields Local Nature Reserve where bat activity has been observed in the general area and provides good bat foraging habitat, the construction and condition of the buildings, being in a poor state with damp and broken roof panels would reduce the likelihood of bats using them for roosting. It is

therefore not considered that it would be proportionate to require bat surveys. In order to enhance biodiversity as required by paragraph 175 of the NPP, the development could incorporate biodiversity features and the applicant shall be advised of this via informative.

Archaeology

5.57 Whilst the site is not located within the Area of Archaeological Importance it does lie close to the line of a Roman road and in an area which is known to contain Roman, medieval and post-medieval archaeology. As such, the archaeological features and deposits on the application site are undesignated heritage assets. Paragraph 197 of the NPPF requires the effect of an application on the significance of a non-designated heritage asset to be taken into account in determining an application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

5.58 The site is set back from the line of Lawrence Street and has seen a degree of disturbance with the construction of the extant buildings. A watching brief and archaeological monitoring of all ground works and grubbing up of foundations is recommended in order that any archaeological deposits are recorded during the construction programme. Any harm to non-designated heritage assets (archaeological features and deposits) would be mitigated through the condition and the application is considered to comply with paragraph 197 of the NPPF.

Drainage and Flood Risk

5.59 The site is in Flood Zone 1 where there is a low risk of flooding. The site is already covered by existing buildings and impermeable areas and therefore any increase from surface water is likely to be negligible. The Lead Local Flood Authority (LLFA) do not raise any objections to the development in principle and it is considered that conditions can be imposed to ensure that a drainage scheme can be agreed prior to development commencing.

Construction Impacts

5.60 The site abuts neighbouring residential properties and is located within a predominately residential areas. It is noted that there is primarily two vehicular access points (Lansdowne Terrace and Emily Mews) if the site is opened up, available for construction access, however this requires access through residential streets. There is concern raised by objectors, and Public Protection that the demolition and construction of the proposed development will have a detrimental impact upon neighbouring occupiers. Whilst there are other legislation and specific controls outside planning legislation that can appropriately manage construction impacts, given the above constraints it is recommended that any approval is

supported by a construction environmental management plan (CEMP) in order that noise, vibration and dust can be appropriately minimised and managed during demolition and construction.

6.0 CONCLUSION

6.1 The site is previously developed land, sustainably located close to the city centre and a high frequency public transport corridor. The NPPF promotes the effective use of land in meeting the need for homes and other uses, in addition to the Government's objective of significantly boosting the supply of homes. The dwellings to be provided will provide an appropriate density for this location, and provide family sized homes to meet demand. The proposed dwellings will provide an acceptable standard of residential amenity for the proposed occupiers, including adequate parking, cycle parking, bin and recycling storage areas and external amenity spaces.

6.2 The loss of the employment land is on balance acceptable, due to the existing condition of the site and the compatibility of industrial uses/processes within a residential setting.

6.3 The application has been informed by sunlight assessments and the proposals have been revised to take into account local character and features without providing imitation to surrounding terrace properties. On balance, the development of 8 No. dwellings has taken an innovative approach to a constrained site that does not imitate local character but responds appropriately in design terms.

6.4 The application, subject to appropriate conditions satisfies other aspects in terms of highways and parking, ecology and archaeology. In conclusion, it is considered that the proposed scheme would not have adverse impacts that would significantly and demonstrably outweigh its benefits when assessed against the policies in the NPPF taken as a whole, taking into account the details of the scheme and any material planning considerations. The proposal is thus sustainable development for which the NPPF carries a presumption in favour.

COMMITTEE TO VISIT

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

PL02 A Block Plan- Ground Floor, PL03 A Block Plan- First Floor, PL04 A Block Plan- Second Floor, PL05 B Block Plan- Roof Level, PL06 C Streetscapes/Site Sections, PL07 A Housetype A, PL08 A Housetype B, PL09 A Housetype C, PL10 A Housetype D, PL11 A Housetype E, PL12 A Housetype F, PL13 A Proposed Site Plan, PL14 B Boundary Treatment Drawing, PL18 A Indicative Drainage Layout

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

3 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must include a site specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and include a package of mitigation measures commensurate with the risk identified in the assessment. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The development comprises of demolition and construction in a site that is bounded with residential properties. A CEMP will help to minimise and reduce any construction impacts, protecting the residential amenity of neighbouring occupiers.

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

Monday to Friday	0800 to 1800 hours
Saturday	0900 to 1300 hours
Not at all on Sundays and Bank Holidays	

Reason: The development comprises of demolition and construction in a site that is bounded with residential properties. Construction hours will help to minimise and reduce any construction impacts, protecting the residential amenity of neighbouring occupiers.

5 LC1 Land contamination - Site investigation

6 LC2 Land contamination - remediation scheme

7 LC3 Land contamination - remedial works

8 LC4 Land contamination - unexpected contamination

9 An archaeological scheme comprising of 3 stages of work shall be submitted to and approved in writing by the Local Planning Authority.

A) No groundworks or grubbing up of foundations shall take place until a written scheme of investigation (WSI) for a watching brief has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI. The WSI should conform to standards set by LPA and the Chartered Institute for Archaeologists.

B) The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report (or publication if required) shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 2 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: The site is considered to be an area of archaeological interest and the development may affect important archaeological deposits which must be recorded prior to destruction in accordance with Section 16 of the National Planning Policy Framework (February 2019).

10 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

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

Design considerations.

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

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

If SuDS methods can be proven to be unsuitable and a watercourse is not nearby then In accordance with City of York Councils City of York Councils SuDS Guidance, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 30% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas not proven then Greenfield sites are to limit the discharge rate to the pre developed run off rate. The pre development run off rate should be calculated using either IOH 124 or FEH methods (depending on catchment size).

Where calculated runoff rates are not available the widely used 1.4l/s/ha rate can be used as a proxy, however, if the developer can demonstrate that the existing site discharges more than 1.4l/s/ha a higher existing runoff rate may be agreed and used as the discharge limit for the proposed development. If discharge to public sewer is required, and all alternatives have been discounted, the receiving public sewer may not have adequate capacity and it is recommend discussing discharge rate with Yorkshire Water Services Ltd at an early stage.

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

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

Details of the future management and maintenance of the proposed drainage scheme shall be provided.

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

12 Unless otherwise approved in writing by the local planning authority, there

shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

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

13 Prior to the construction of the development above foundation level, a plan detailing the location of a dedicated radial AC single phase connection to facilitate the future addition of Electric Vehicle Recharging Points (minimum 32A) within the parking areas including any necessary trunking/ducting shall be submitted to and approved in writing by the Local Planning Authority. The connection shall be in place prior to the occupation of any of the residential units.

Reason: To ensure future electric vehicle charge points can be easily added to the properties in line with the paragraph 110 of the National Planning Policy Framework (February 2019) and City of York Council's Low Emission Strategy (2012).

14 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 beyond foundation level. 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.

15 Prior to the occupation of any residential property hereby permitted, details of the proposed cycle storage including their location within the site and store details to accommodate 16 cycles shall be submitted to and approved in writing by the Local Planning Authority. The cycle stands shall be installed as shown on the approved plans and maintained in the approved form for the lifetime of the development.

Reason: In order to promote sustainable transport other than the car.

16 HWAY19 Car and cycle parking laid out

17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order), no door, window or other opening additional to those shown on the approved plans shall at any time be inserted in the western side elevation of the property indicated at Plot 4 or Plot 5.

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

18 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B, C, D 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 2015.

19 Notwithstanding what is shown on the approved plans, details shall be submitted to and approved in writing by the Local Planning Authority prior to construction above foundation level showing the first floor kitchen windows to Plots 1, 2 and 3 as being obscurely glazed and bottom hung and fitted with restrictors (restrict openability to 100mm). The kitchen windows serving these Plots shall be installed as shown on the approved plans and maintained in the approved form for the lifetime of the development.

Reason: In the interests of the residential amenity of adjoining properties.

20 Notwithstanding what is shown on the approved plans, there shall be adequate space with the curtilage of each residential property for the following waste/recycling bins:

180 litre bin for refuse

180 litre bin for garden waste

3 x 55 litre (stackable) boxes for household recycling (one box for each material combination)

The areas set aside for the storing of the waste/recycling bins/boxes shall be kept clear at all times and used solely for such purposes.

Reason: In order that each residential property has adequate waste and recycling facilities.

21 Notwithstanding what is shown on the approved plan PL14 B Boundary treatment, prior to the construction of any of the dwellings above foundation level, details of all means of enclosures to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority.

A sample panel of the relief patterned brickwork comprising of Boundary Treatment A (part) shall be erected on site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample and maintained in the form shown for the lifetime of the development.

Reason: To ensure that the boundary treatment will preserve the privacy of neighbouring occupiers and the visual amenity of the area will be maintained.

22 Details of the reduction in carbon emissions the development hereby approved would achieve when compared against Part L of the Building Regulations (the notional building) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the building and the development shall be carried out in accordance with the approved details.

The details shall demonstrate a reduction in carbon emissions of at least 28% through the provision of renewable or low carbon technologies or through energy efficiency measures and at least a 19% reduction in dwelling emission rate compared to the Target Emission Rate (calculated using Standard Assessment Procedure methodology as per Part L1A of the Building Regulations).

Details shall also be submitted that demonstrate that the development shall also achieve a water consumption rate of no more than 110 litres per person per day (calculated as per Part G of the Building Regulations).

Reason: In the interests of sustainable design and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018.

8.0 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 (paragraph 38) 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:

- negotiation in respect to design, daylight and sunlight, highways, residential amenity and sustainability considerations.

2. CONDITION 3 – CEMP

For noise details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

For vibration details should be provided on any activities which may results in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. Ideally all monitoring results should be recorded and include what was found and mitigation measures employed (if any).

With respect to dust mitigation, measures may include, but would not be restricted to, on site wheel washing, restrictions on use of unmade roads, agreement on the routes to be used by construction traffic, restriction of stockpile size (also covering or spraying them to reduce possible dust), targeting sweeping of roads, minimisation of evaporative emissions and prompt clean up of liquid spills, prohibition of intentional on-site fires and avoidance of accidental ones, control of construction equipment emissions and proactive monitoring of dust. Further information on suitable measures can be found in the dust guidance note produced by the Institute of Air Quality Management, see <http://iaqm.co.uk/guidance/>. The CEMP must include a site specific risk assessment of dust impacts in line with the IAQM guidance note and include mitigation commensurate with the scale of the risks identified.

For lighting details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

In addition to the above the CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be

advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses public.protection@york.gov.uk and planning.enforcement@york.gov.uk

3. YORKSHIRE WATER

The applicant is advised that Yorkshire Water's (as the Statutory Sewerage Undertaker) prior consent is required to make a discharge of foul and surface water to the Public Sewer Network.

4. THE PARTY WALL ETC ACT 1996

The proposed development may involve works that are covered by the Party Wall etc Act 1996. An explanatory booklet about the Act is available at:

<https://www.gov.uk/party-wall-etc-act-1996-guidance>

Furthermore the grant of planning permission does not override the need to comply with any other statutory provisions (for example the Building Regulations) neither does it override other private property rights (for example building on, under or over, or accessing land which is not within your ownership).

5. ECOLOGY

In the UK, due to the decline in bat numbers in the last century, all species of bat are protected by the Wildlife & Countryside Act (1981) as amended, Countryside and Rights of Way Act (2000) and the Conservation of Habitats and Species Regulations 2017 (as amended). Planning consent for a development does not provide a defence against prosecution under this act. There are opportunities to enhance the new buildings for bats. This can be done without detriment to the building through bat friendly features which can be designed at the outset and include features such as bat bricks, bat tiles or an adapted fascia. There is more information about this on the Bat Conservation Trust's website http://www.bats.org.uk/pages/bat_boxes.html.

Contact details:

Case Officer: Lindsay Jenkins

Tel No:

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19/01393/FUL

W L D Textiles Granville Works Lansdowne Terrace



Scale : 1:986

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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	09 December 2019
SLA Number	Not Set

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COMMITTEE REPORT

Date: 9 January 2020 **Ward:** Fishergate
Team: East Area **Parish:** Fishergate Planning
Panel

Reference: 19/02145/FUL
Application at: 19 Blakeney Place York YO10 3HZ
For: Two storey side extension and installation of solar panels to front
By: Mr And Mrs Thompson
Application Type: Full Application
Target Date: 16 January 2020
Recommendation: Householder Refusal

1.0 PROPOSAL

1.1 The application site is no. 19 Blakeney Place, York, an end of terrace two storey dwelling house in a distinctive landscaped residential setting that has a spacious character and quality. The host dwelling dates from the later twentieth century and is of a modern style with a shallow pitched profiled metal roof and a tiled finish to the first floor of the front and rear elevations. The dwelling houses in Blakeney Place share a similar design, materials and external finishes and this contributes to the character of the development.

1.2 The proposals relate to a two storey side extension and the installation of solar panels to the front roof plane of the host dwelling and side extension. The proposals form a revised scheme and re-submission following the refusal of application ref. 19/00925/FUL for a two storey side extension and single storey rear extension,.

1.3 A call-in request was received from Councillor Dave Taylor for the application to be considered by the Area Planning Sub-Committee. Councillor Taylor advised that the grounds for refusal of the original scheme seemed unduly restrictive. The current application is considered to be similar to other extensions in the immediate area which have been given permission in the past. It would be preferable for the applicants to be able to present their design for examination by Members.

2.0 POLICY CONTEXT

Draft Development Control Local Plan 2005

H7 Residential Extensions

Emerging Local Plan Policies

D11 Extensions and Alterations to Existing Buildings

3.0 CONSULTATIONS

Fishergate Planning Panel

3.1 No response received.

4.0 REPRESENTATIONS

Neighbour notification

4.1 No responses received.

5.0 APPRAISAL

KEY ISSUES

- Design and visual impact on dwelling and surrounding area
- Neighbouring amenity

PLANNING POLICIES

National Planning Policy Framework

5.1 In the absence of a formally adopted local plan in York the most up to date representation of key relevant policy issues is the National Planning Policy Framework, February 2019 (NPPF). This sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development.

5.2 In NPPF Chapter 4 Decision-making, Paragraph 38 advises that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

5.3 In NPPF Chapter 12 Achieving well-designed places, Paragraph 127 states that planning policies and decisions should ensure that developments will achieve a number of aims including:

- function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- be visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting;
- create places that are safe, inclusive and accessible and promote health and well-being with a high standard of amenity for existing and future users.

5.4 The NPPF also places great importance on good design. Paragraph 128 says that design quality should be considered throughout the evolution and assessment of individual proposals. Paragraph 130 says that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Publication Draft York Local Plan 2018

5.5 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications.

5.6 2018 Draft Plan Policy D11 (Extensions and Alterations to Existing Buildings) is relevant here. This says that proposals to extend, alter or add to existing buildings will be supported where the design responds positively to its immediate architectural context, local character and history in terms of the use of materials, detailing, scale, proportion, landscape design and the space between buildings. Proposals should also sustain the significance of a heritage asset, positively contribute to the site's setting, protect the amenity of current and neighbouring occupiers, contribute to the function of the area and protect and incorporates trees that are desirable for retention.

York Development Control draft Local Plan 2005

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

5.8 Development Control Local Plan Policy GP1 refers to design, for all types of development. Of particular relevance here are the criteria referring to good design and general neighbour amenity. Development proposals will be expected to 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. Development proposals will be expected to ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

5.9 Development Control Local Plan Policy H7 states that residential extensions will be permitted where; the design and materials are sympathetic to the main dwelling and the locality; the design and scale are appropriate to the main building; there is no adverse effect upon the amenities of neighbours; the proposals respect the spaces between dwellings; and the proposals would not result in an unacceptable reduction in private amenity space.

5.10 The Council has an agreed Supplementary Planning Document 'House Extensions and Alterations' (SPD), dated December 2012, which provides guidance on all types of domestic type development. A basic principle of this guidance is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the road/streetscene where it is located. In particular, care should be taken to ensure that the proposal does not dominate the house or clash with its appearance with the extension/alteration being subservient and in keeping with, the original dwelling. The character of spacing

within the street should be considered and a terracing effect should be avoided where required. Proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing and loss of light, over-dominance and loss of outlook.

ASSESSMENT

DESIGN AND VISUAL AMENITY

5.11 The host dwelling is a two storey, end of terrace house located in a distinctive residential landscaped setting that has a spacious character and quality. The host dwelling is of a modern style with a shallow pitched profiled metal roof and a tiled finish to the first floor of the front and rear elevations. There is an existing single storey offshoot to the side of the host dwelling that has a flat roof and reads as a secondary element. To the front of the dwelling, there is a small scale single storey addition with a flat roof; such forward projecting additions are present to the neighbouring houses in the terrace and appear to form part of the original design. The dwelling is located adjacent to a footpath to the west of the application site.

5.12 The current application is a re-submission of previous proposals that included a two storey side extension as part of householder planning application ref. 19/00925/FUL which was refused consent. In the current proposals, the two storey side extension would be approximately the same width as the existing single storey side extension. The proposed side extension would be approx. 2.1 metres greater in length than the existing side extension. The front elevation of the extension would be aligned with the front elevation of the two storey host dwelling. The eaves of the extension would line through with those of the host dwelling. The ridge level of the extension would be set down approx. 0.35 metres from the ridge of the host dwelling.

5.13 The side extension would have a grey coloured profiled metal roof finish to match that of the host dwelling. At ground floor level, the extension would be finished in brickwork to match that of the host dwelling, whilst at first floor level, the extension would be finished in a stained timber cladding to complement the existing green coloured concrete tile cladding present to the host dwelling. The windows would be composite aluminium and timber framed in a colour to be agreed. To the front roof plane of the extension and host dwelling it is proposed to install a solar panel array. The photovoltaic panels would be attached to the standing seam roof finish with metal clamps. Details of the design and finish of the photovoltaic panels have been submitted by the agent.

5.14 With regard to design and visual amenity, the front elevation and front roof slope of the extension would be aligned with the front elevation of the host dwelling such that the extension would read as a continuation of the original house, rather than as a subservient, secondary addition, contrary to paragraphs 7.4 b) and 12.3 of the SPD. The side extension is proposed to extend to the side garden boundary, yet the first floor or all of the extension is not set back a minimum of 0.5 metres from the front elevation of the original house, contrary to paragraph 12.5 of the SPD. The solar panel array would span the front roof plane of the host dwelling and side extension reading as a continuous form at roof level. Although the side extension would be set down at ridge height, this would not significantly reduce the mass of the extension in public views to the front elevation of the dwelling from the south and south east in Blakeney Place.

5.15 The host dwelling is located at the end of the terrace, with the side gable facing the front elevation of the dwellings to the west at nos 20 and 21 Blakeney Place and open plan gardens between. It is considered that the form and mass of the two storey side extension would detract from the spacious landscape character of the setting of the host dwelling contrary to paragraphs 7.1 and 7.2 of the SPD. It is considered that the extension would detract from the existing pattern of the buildings and the spacing between them in this part Blakeney Place, contrary to paragraph 7.4 a) of the SPD. The two storey side extension would be located adjacent to the footpath to the west. It is considered that the mass of the side extension would appear dominant and overbearing relative to the footpath contrary to paragraph 12.7 of the SPD and would detract from the spaciousness of the area.

5.16 Therefore, it is considered that the proposed two storey side extension would read as a dominant mass that would not appear subservient to the existing house and the extension would be detrimental to the existing pattern of buildings and the spaces between them in Blakeney Place. The proposals are considered contrary to guidance in the SPD are not considered acceptable with regard to design and visual amenity.

IMPACT ON NEIGHBOURING AMENITY

5.17 With regard to the impact of the proposals on neighbour amenity, the side/gable elevation of the extension would be located about 12.0 metres from the front elevations of neighbouring dwelling houses to the west at nos 20 and 21 Blakeney Place. The ground floor front living room windows of these dwelling houses would look out over the open plan gardens onto the west gable elevation of the two storey side extension. It is considered that the scale and mass of the side extension would appear dominant and detract from the outlook of neighbouring

residents from the front living rooms of the houses at nos 20 and 21 Blakeney Place, contrary to paragraphs 5.1 and 6.1 of the SPD. The two storey side extension would lead to an increase in the density of the built form and detract from the existing feeling of openness between the dwellings to the west and the host dwelling in Blakeney Place, contrary to paragraph 5.2 of the SPD.

5.18 It is considered that the form and mass of the two storey side extension would be detrimental to the existing pattern of the buildings and the landscaped spaces between them, contrary to paragraph 7.4 a) of the SPD. The mass of the side extension would appear dominant and overbearing to users of the adjacent footpath and would detract from the spaciousness of the area resulting in harm to the levels of amenity that neighbouring residents could reasonably expect to enjoy, contrary to paragraph 12.7 of the SPD. Therefore, it is considered that the proposals would lead to harm to the amenity of neighbouring residents in Blakeney Place.

6.0 CONCLUSION

6.1 For the reasons stated, the proposals for the two storey side extension are not considered acceptable and would fail to comply with the NPPF, Policy D11 (Extensions and Alterations to Existing Buildings) of the Publication Draft City of York Local Plan 2018, Policies GP1 (Design) and H7 (Residential Extensions) of the Development Control Local Plan and City of York Council's Supplementary Planning Document (House Extensions and Alterations).

COMMITTEE TO VISIT

7.0 RECOMMENDATION: Householder Refusal

1 It is considered that the form and mass of the two storey side extension would fail to read as a subservient addition to the original dwelling house. The form, mass and position of the two storey side extension would be detrimental to the pattern of the existing buildings and the spacing between them in this part of Blakeney Place. The side extension would appear cramped and visually intrusive immediately adjacent to the public footpath and would fail to respect or relate to the well balanced and spacious existing layout in Blakeney Place which remains largely unaltered from its original layout and design. As such the proposals represent poor design which conflict with paragraph 127 c) and paragraph 130 of the National Planning Policy Framework, Policy D11 of the Publication Draft York Local Plan 2018, Policy GP1 (criterion b and i) and H7 (criterion d) of the 2005 Development Control Draft Local Plan and advice contained in the City of York Council House Extensions and Alterations Draft Supplementary Planning Document, approved in

December 2012, in particular paragraphs 7.1, 7.2, 7.4 a) and b), 12.3, 12.5 and 12.7.

2 The mass of the side extension would appear dominant and overbearing to users of the adjacent footpath and detract from the outlook to the principal front elevations of the neighbouring houses to the west at nos. 20 and 21 Blakeney Place resulting in harm to the levels of amenity that these neighbouring residents could reasonably expect to enjoy. As such the proposals result in harm to residential amenity which is in conflict with paragraph 127 c) of the National Planning Policy Framework, Policy D11 of the Publication Draft York Local Plan 2018, Policy GP1 (criterion b and i) and H7 (criterion d) of the 2005 Development Control Draft Local Plan and advice contained in the City of York Council House Extensions and Alterations Draft Supplementary Planning Document, approved in December 2012, in particular paragraphs 5.1, 5.2, 6.1, 7.4 a) and 12.7.

8.0 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 (paragraph 38) 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:

- The agent was advised of the issues relating to the proposals in terms of design and visual amenity and the impact of the proposals with regard to neighbour amenity and the setting of the host dwelling in Blakeney Place.

Contact details:

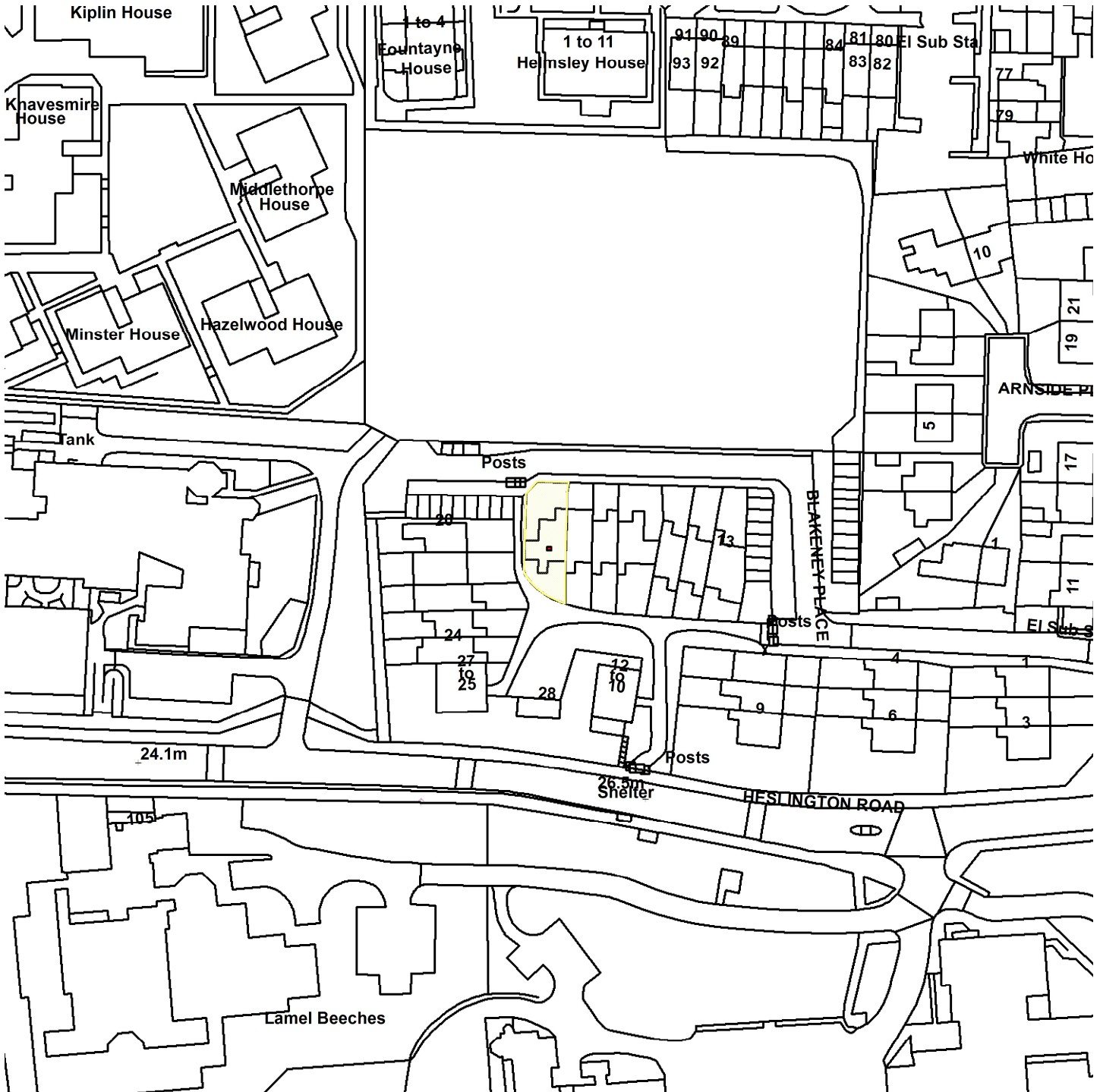
Case Officer: Sandra Duffill
Tel No: 01904 551672

19/02145/FUL

19 Blakeney Place



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Scale : 1:1190

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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	30 December 2019
SLA Number	Not Set

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COMMITTEE REPORT

Date: 9 January 2020 **Ward:** Strensall
Team: East Area **Parish:** Strensall With Towthorpe
Parish Council

Reference: 19/02130/FUL
Application at: 9 Oak Tree Close Strensall York YO32 5TE
For: Two storey side and rear extension, re-roof existing side extension, 6no. rooflights to rear, 1no. rooflight to front and 2no. rooflights to side
By: Mr Darren Baxandall
Application Type: Full Application
Target Date: 13 January 2020
Recommendation: Householder Approval

1.0 PROPOSAL

1.1 This application seeks permission for the erection of a two storey extension to the side and rear of a two-storey detached house, along with the addition of a pitched roof to an existing side extension, associated changes to the fenestration, and the application of a render finish to the property.

1.2 This application has been called in by Cllr. Fisher for consideration by the planning committee on the grounds of the objections made by neighbours at no.11 Oak Tree Close, and Strensall with Towthorpe Parish Council.

2.0 POLICY CONTEXT

Draft Development Control Local Plan 2005

GP1 – Design

H7 – Residential Extensions

City of York Publication Draft Local Plan 2018

D1 – Placemaking

D11 – Extensions and Alterations to Existing Buildings

3.0 CONSULTATIONS

Strensall with Towthorpe Parish Council

3.1 Object to this planning application on the following grounds:

- Visual amenity – the proposal, by virtue of the size and extent of the building footprint, and its excessive scale and massing, would be unduly harmful to the character and appearance of the area.
- Neighbour amenity – the excessive scale and massing of the proposal would adversely affect the amenity and outlook of the occupiers of adjacent residential properties. The inclusion of balconies would cause undue harm to the reasonable enjoyment of neighbouring properties by causing an unduly high level of external overlooking and general intrusion into large parts of the neighbouring gardens.

Foss Internal Drainage Board

3.2 The states that they have assets in the wider area around the site in the form of various watercourses; these watercourses are known to be subject to high flows during storm events. In order to reduce flood risk it has been suggested that the applicant clarifies the drainage strategy to account for the potential additional surface water run-off.

4.0 REPRESENTATIONS

4.1 Two letters of objection were received from the same property, no.11 Oak Tree Close. The following concerns were raised:

- The extensive use of floor to ceiling glass at first floor and second floor (attic) level on the extension, the potential for the inclusion of a balcony, and the felling of trees, would have a serious impact on the enjoyment of privacy in the neighbouring garden.

5.0 APPRAISAL

KEY ISSUES

5.1 Impact on the dwelling and character of the surrounding area; impact on neighbour amenity.

POLICY CONTEXT

5.2 The National Planning Policy Framework (NPPF) February 2019 sets out the Government's overarching planning policies, and at its heart is a presumption in favour of sustainable development.

5.3 Paragraph 38 of the NPPF (Chapter 4, 'Decision-Making') advises that local planning authorities should approach decisions on proposed development in a positive and creative way, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

5.4 Paragraph 127 (NPPF Chapter 12, 'Achieving Well-Designed Places') states that planning policies and decisions should ensure that developments will achieve a number of aims, including: that they will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; that they will be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; that they are sympathetic to local character and history, including the surrounding built environment and landscape setting; that they will help create places that are safe, inclusive and accessible and promote health and well-being with a high standard of amenity for existing and future users.

5.5 The NPPF also places great importance on good design. Paragraph 128 says that design quality should be considered throughout the evolution and assessment of individual proposals. Paragraph 130 says that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

5.6 The Publication Draft Local Plan 2018 for the City of York ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan;
- The extent to which there are unresolved objections to relevant policies;
- The degree of conformity of the relevant policies in the emerging plan with policies in the previous NPPF (published March 2012).

The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications.

5.7 Policy D1 (Placemaking) of the 2018 Draft Plan seeks development proposals to improve poor existing urban and natural environments, enhance York's special qualities, better reveal the historic environment and protect the amenity of neighbouring residents. Development proposals that fail to make a positive contribution to the city or cause damage to the character and quality of an area, or the amenity of neighbours will be refused.

5.8 Policy D11 (Extensions and Alterations to Existing Buildings) states that proposals to extend, alter or add to existing buildings will be supported where the design responds positively to its immediate architectural context, local character and history in terms of the use of materials, detailing, scale, proportion, landscape and space between buildings. Proposals should also sustain the significance of a heritage asset, positively contribute to the site's setting, protect the amenity of current and neighbouring occupiers, contribute to the function of the area and protect and incorporate trees.

5.9 The 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.

5.10 Draft Local Plan policy GP1 states that, with respect to Design, development proposals will be expected to (i) respect or enhance the local environment; (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks, the rural character and setting of villages and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

5.11 Draft Local Plan Policy H7 concerns Residential Extensions, and states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality of the development; (ii) the design and scale are appropriate in relation the main building; (iii) there is no adverse effect on neighbour amenity; (iv) proposals respect the spaces between dwellings; and (v)

the proposed extension does not result in an unacceptable reduction in private amenity space within the curtilage of the dwelling.

5.12 The Council have an agreed Supplementary Planning Document 'House Extensions and Alterations' (dated December 2012), which provides guidance on all types on domestic type development. It offers overarching general advice relating to such issues as privacy, overshadowing, oppressiveness and general amenity as well as advice which is specific to the design and size of particular types of extensions, alterations and detached buildings.

5.13 A basic principle of the above guidance is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the road/street-scene it is located on. Furthermore, proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing and loss of light, over-dominance and loss of outlook.

5.14 Regarding privacy, Paragraph 3.1 makes clear that proposals should not result in direct overlooking of rooms in neighbouring dwellings, or excessive overlooking of adjacent garden areas, and Paragraph 3.2 states that regard should be given to how separation distances relate to the existing character of the area. Paragraph 3.4 advises that balconies can cause particular concern as overlooking of neighbouring gardens or adjacent windows is normally much more direct. It makes clear that balconies and roof gardens will only normally be acceptable where they overlook public or communal areas, or areas of neighbouring gardens that are not typically used for sitting out or already have a low level of privacy. In some instances sensitively designed balcony screens can help to retain adequate levels of privacy, however, care should be taken to ensure that any screening does not detract from the appearance of the area or unduly harm neighbours light and outlook.

5.15 Section 12 provides specific advice relating to side extensions, with Paragraph 12.2 advising that, if not sensitively designed and located, side extensions can erode the open space within the street and create an environment that is incoherent and jumbled. Section 13 contains advice relating to rear extensions; Paragraph 13.4 makes clear that the additional mass of an extension can have an impact on the space around buildings (including gardens) and can have a significant effect on adjoining occupiers. 13.6 states that, on detached properties, a two-storey rear extension may be acceptable subject to the usual area character and amenity principles referred to previously being satisfied.

ASSESSMENT

Impact on the dwelling and character of the surrounding area

5.16 The proposed extension to the rear of the main dwelling would be a significant addition to the existing house, but would be minimally visible from the highway and well screened from any public vantage point. The addition would incorporate two pitched roofs with gabled ends, and would not appear unduly unsympathetic in terms of the design and scale of the existing dwelling. The dwelling sits within a large curtilage, and the additions, although sizeable, would not appear dominant within the plot.

5.17 The proposed extension to the western side elevation of the house would appear clearly subservient and not unduly wide when viewed from the street, and would not appear incongruous in relation to the design of the host dwelling, being of a sympathetic design and scale.

5.18 The addition of a pitched roof above the existing extension to the eastern side elevation of the house would also be considered in keeping with the design of the existing roof, and would again appear adequately subservient and of a reasonable scale.

5.19 The overall visual impact of these additions would not be considered harmful, given the variety of housing styles in existence along the street. With regard to the render finish proposed for the house, it is not considered that this would unduly impact on the character of the house or the streetscene, given the lack of uniformity in the area. Several examples of rendered properties exist nearby. For this reason, the rendered finish proposed as part of this scheme, along with the proposed alterations to the fenestration and roofing material, although a departure from the appearance of the existing dwelling, would not be considered to cause harm to the visual amenity of the wider streetscene. In terms of the character of the dwelling itself, these changes would be considered to contribute to a harmonious and coherent overall appearance that would not be considered harmful.

Impact on neighbour amenity

5.20 The host dwelling is set at an angle to the properties at either side, meaning that the rear of each house faces slightly away from its neighbour. Further to this, each dwelling is set within a large curtilage, and a good separation distance would

exist between the proposals and the houses to either side. The rear extension would be set at least 22 metres away from the closest part of the rear boundary to the curtilage, and approximately 7.5 metres from the nearest extent of the dwelling at no.7. By virtue of these separation distances, as well as its orientation in relation to the neighbouring dwellings, the proposed rear extension, although not insignificant in depth, would not be considered to impact unduly upon the outlook or light enjoyed by the neighbours.

5.21 With regard to the side extension, the depth of the first floor part of this addition would be considered reasonable. The side extension would be approximately 2.25 metres away from the side elevation of no.11 at its closest, with this separation distance rising to approximately 5 metres from the southern corner of the neighbouring dwelling. The furthest rear extent of the first floor side extension would be at least 7.5 metres distant from any opening to the rear of the dwelling at no.11. The side extension would not, therefore, be considered to impact unduly on the outlook or light of any of the rear openings to the house at no.11.

5.22 It is not considered that the additions to the side or rear of the house would have an undue impact on the privacy of any adjacent neighbours. Juliette balconies are proposed to the first floor of the main rear extension; the orientation of these, and the depth of the proposed extension, would mean that any overlooking of neighbouring properties as a result of these openings would affect only the peripheral rear portions of the neighbouring gardens. The nearest Juliette balcony would be over 8 metres from the side boundary with no.11, and no side windows are proposed to the first floor or attic levels of the scheme. The balcony area proposed at first floor level on the side extension would be well screened from the neighbours at no.11, incorporating a glazed side screen at a distance of at around 3 metres from the boundary. This side screen would be at least 7.5 metres from any rear windows at no.11, and would mean that the balcony area would only partially overlook a small portion to the rear of the garden at no.11. Furthermore, there exists a good level of screening between the gardens at each side, even with the removal of the trees at the side boundary with no.11, and this would be considered to further reduce the potential impact on the privacy of the neighbours to the side and rear of the site.

Drainage

5.23 In response to the comments of the Foss Internal Drainage Board, the scale of the extension is not considered significant in drainage terms and any additional

surface water run-off would be difficult to attenuate. A drainage condition is therefore not recommended in these circumstances and drainage details can be adequately dealt with under the Building Regulations.

6.0 CONCLUSION

6.1 The proposal is considered to comply with National Planning Policy Framework (2019), policies D1 and D11 of the City of York Publication Draft Local Plan 2018, policies GP1 and H7 of the 2005 City of York Draft Local Plan, and advice contained within Supplementary Planning Document 'House Extensions and Alterations' (Dec. 2012).

COMMITTEE TO VISIT

7.0 RECOMMENDATION: Householder Approval

1 TIME2 Development start within three years

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

Drawing No.1014/B1 (Received 3rd October 2019) - Block Plan

Drawing No.1014/3 (Received 3rd October 2019) - Plans as Proposed

Drawing No.1014/4 (Received 3rd October 2019) - Elevations as Proposed

Drawing No.1014/5 (Received 3rd October 2019) - Attic Plans

Drawing No.1014/6 (Received 3rd October 2019) - Roof Plan as Proposed

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

3 Prior to the occupation of the first floor of the side extension the obscure glazed screen shall be installed as shown on drawing 1014/3 and 1014/4. The obscure glazing shall be to a standard equivalent to Pilkington Glass level 3 or above and the screen shall thereafter be retained as approved.

The first floor flat roof area to the side of bedroom 4 as shown on drawing 1014/3 shall not be used as roof terrace.

Reason: In order to protect the amenity of the neighbouring dwelling.

8.0 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 (paragraph 38) 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.

Contact details:

Case Officer: Sam Baker

Tel No: 01904 551718

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19/02130/FUL

9 Oak Tree Close



Scale : 1:970

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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	12 December 2019
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