



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

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

**Date:** Wednesday, 5 August 2020

**Time:** 4.30 pm

**Venue:** Remote Meeting

**AGENDA**

Please note there will be no site visits ahead of this meeting.

**1. Declarations of Interest**

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

**2. Minutes**

(Pages 1 - 10)

To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee held on 16 July 2020.

### 3. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

**Please note that our registration deadlines have changed to 2 working days before the meeting, in order to facilitate the management of public participation at remote meetings. The deadline for registering at this meeting is 5:00pm on Monday, 3 August 2020.**

To register to speak please contact Democratic Services, on the details at the foot of the agenda. You will then be advised on the procedures for dialling into the remote meeting.

### Webcasting of Remote Public Meetings

Please note that, subject to available resources, this remote public meeting will be webcast including any registered public speakers who have given their permission. The remote public meeting can be viewed live and on demand at [www.york.gov.uk/webcasts](http://www.york.gov.uk/webcasts).

During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates ([www.york.gov.uk/COVIDDemocracy](http://www.york.gov.uk/COVIDDemocracy)) for more information on meetings and decisions.

### 4. Plans List

To determine the following planning applications:

- a) **8 Harcourt Close, Bishopthorpe, York, YO23 2SW [19/02653/FUL]** (Pages 11 - 28)

This application seeks permission for the erection of a detached bungalow in the side garden of the host dwelling with shared access from the existing drive. [Bishopthorpe]

- b) **Dean Court Secure Car Park To Rear Of Portland Street York, [20/00505/FUL]** (Pages 29 - 54)

This application seeks permission for the erection of two storey block of 9no. apartments with associated cycle and refuse stores. Part retention of existing car park. [Guildhall]

- c) **Grimme (Uk) Ltd. Kilnfield House, 45 Common Road, Dunnington, York [20/00525/FULM]** (Pages 55 - 72)

This application seeks permission for the change of use of premises comprising a combined industrial or storage and office building with yard and car parking to business, general industry and storage or distribution use (Use Classes B1, B2 and B8). [Osbalwick and Derwent]

- d) **Corby (No.1) Unit Trust, Sovereign House, Unit 5, Kettlestring Lane, York, YO30 4XF [20/00146/FULM]** (Pages 73 - 92)

This application seeks permission for the erection of building for light industry or general industry or storage/distribution or storage/distribution with ancillary trade counter use (use classes B1(c), B2, B8) and associated car parking and landscaping [Rawcliffe and Clifton Without]

## 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](mailto: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
- For receiving reports in other formats

**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**



City of York Council

Committee Minutes

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Meeting	Area Planning Sub-Committee
Date	16 July 2020
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Cullwick, Fisher, Galvin, Craghill, Melly, Orrell, Waudby, Webb and Perrett

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There were no site visits due to COVID-19 restrictions.

### 63. Declarations of Interest

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

Cllr Waudby declared a non-prejudicial interest in Agenda item 4b) Crescent Nursery [19/01986/FUL] in that she had visited the Crescent Working Men's Club, next door to the site, in preparation for this meeting and had held a brief conversation with the Manager.

Cllr Crawshaw declared a prejudicial interest in Agenda Item 4b) Crescent Nursery [19/01986/FUL], in that he had previously registered an objection to the application and had therefore predetermined his position. He left the meeting during consideration of that item and took no part in the debate or decision thereon.

### 64. Minutes

Subject to the following amendment:

From: Cllr Perrett was present for Agenda items: 1,2,3,4 and 4a,  
to: Cllr Perrett was present for Agenda items 1,2,3 and **item 4a only, and was not present at the meeting thereon.**

It was therefore:

Resolved: That the minutes of the Area Planning Sub-Committee meeting held on 18 June 2020 be approved and then signed by the Chair at a later date.

## **65. Plans List**

Members considered a schedule of reports of the Assistant Director, Planning and Public Protection, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

Agenda items were considered in the following order: 4a, 4c then 4b.

### **65a) 7 Elm Tree Avenue, Upper Poppleton York, YO26 6HL, 19/02546/FUL**

Members considered a full application from Ms Kate Messenger for the erection of a dwellinghouse following the demolition of the existing dwellinghouse.

Officers gave a presentation based upon the slides at pages 29 - 34 of the Agenda and reported that:

- an additional representation had been received requesting that the application be deferred until a pecculation test is undertaken.
- Condition 2 should relate to a later drawing than the one referred to as dated March 2020, and this should therefore refer to the same drawing updated at **7 July 2020**.

Cllr Hook, Ward Member for Rural West York, spoke in objection, on behalf of the elderly residents on all three sides of the proposed property, on the grounds that she considered that the re-build proposal was an overdevelopment of the site, being significantly wider, longer and higher than the existing property, resulting in an overly dominant property which would be out of keeping with the surrounding area. She expressed further concern regarding; potential drain blockage at no. 5 resulting from an increased surface area of the property; overshadowing at No.9 due to increased proximity and concern that the creation

of an upstairs would reduce the privacy of nearby residents particularly at No. 22 Dikelands.

In response to questions from Members, officers confirmed that:

- it was likely there were some bungalows with stairs in the immediate vicinity of the proposal;
- there were stairs in the plans for the new rebuild proposal;
- the properties original footprint was 71 square meters. The new rebuild proposal was 150 square meters.

After debate, Cllr Webb moved, and Cllr Galvin seconded, that the application be approved, in accordance with the officer recommendation, with one amended and one new condition and an additional informative. Members voted unanimously in favour of this motion, and the motion was declared CARRIED. It was therefore:

Resolved: That the application be APPROVED, subject to the conditions listed in the report and the following amended / additional conditions and informative:

Amended Condition 2

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

Proposed Plans & Elevations – Drg No. 485-04D (**Dated 7 July 2020**).

Additional Condition 8

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

Reason: To protect the living conditions of nearby residential properties.

Additional Condition 9

The development would need to ensure provision of electric vehicle charging points.

Reason: To assist in providing the infrastructure to help reduce emissions and improve air quality.

Additional Informative 4

The developer is urged, where possible, to re-use materials from existing property in the development of the new property.

Reason: In order to create less waste and reduce the use of raw resources.

*[There was a short comfort break from 5.10 pm until 5.20 pm]*

**65b) Crescent Nursery, 7 The Crescent York, YO24 1AW,  
19/01986/FUL**

Members confirmed that in the event that the Chair was unable to Chair this item (such as a technical problem), Cllr Webb would act as Vice-Chair in the Chair. It had been necessary to confirm this position as the Vice-Chair, Cllr Crawshaw, would be leaving the meeting having declared a prejudicial interest in this application.

Cllr Crawshaw left the meeting having declared a prejudicial interest in this item.

Members considered a full application from Planusual Projects Ltd for the conversion of a former nursery to form 4 holiday lets comprising 2 x 1 bedroom, 1 x 2 bedroom apartment and 1 studio apartment, with dormer window to rear and associated works.

Officers gave a presentation based upon the slides at pages 57 - 64 of the Agenda and provided an update which had been circulated via email prior to the meeting, reporting;

- Nine further objections had been received since the publication of the committee report. Officers confirmed that the additional information had been assessed and the planning balance and the recommendation remained unchanged from that in the published report.
- A correction at paragraph 5.8 of the officers report which should now state that **all the majority** of the attending children were relocated within ~~1.5 miles~~ **a mile** of this provision.

Mr Harkirit Singh Boparai, Venue Manager at the Crescent Working Men's Club, spoke in objection on the grounds that those using the proposed holiday lets could potentially make complaints regarding noise levels at the Crescent, which could pose a threat to the late night club show events for which they apply for a Temporary Events Notice. Were the application to be approved, he requested that it be subject to a 'deed of easement' agreement between the Crescent and the developers.

Mr Chris Sherrington, on behalf of York Music Venue Network, and in his capacity as a Regional Co-ordinator for the Music Venue Trust, spoke in objection to the application echoing the points raised by the previous speaker. He considered that making use of a deed of easement, would ensure a long term future for both properties by providing protection against any future noise issues irrespective of the ownership or uses for the property.

Mr Lee Vincent of Vincent & Brown, Agent for applicant stated that the applicant had prepared a statement for the Early Years' Service of the Local Authority who agreed that the building was not suitable for use as a nursery. The applicant had committed to extensive noise mitigation measures, far exceeding other residential properties in the vicinity and considered that this proposal could co-exist with the next door music venue. The applicant would agree to a deed of easement to protect the club and prevent noise complaints from those using their holiday let.

Cllr Kilbane, Ward Member for Micklegate, spoke in objection on the grounds that there was a shortage of nursery provision in this ward. The closure of the nursery had meant that service users were dispersed across the ward necessitating a car journey to access provision. He urged members to refuse the application on the grounds that it was contrary to policy HW4 of the Local Plan, in place to protect nurseries from closure. He considered that there was no evidence that the nursery was not viable. If the application were to be approved it should be with a proviso for a S106 agreement from the developer towards childcare provision.

Cllr Kallum Taylor, Ward Member for Holgate, spoke in objection to the application urging Members not to approve the application until a deed of easement had been put in place to

protect the Crescent, in line with the Full Council October 2019 motion unanimously supported by Members, to support and protect community music venues such as this; particularly in instances where development brings community/music venues into conflict with their neighbours.

In response to questions from Members, officers confirmed that:

- The council's Childcare Team had no objection to this scheme, it would be unlikely that a childcare provider would find the building suitable for starting up a childcare provision given that there were concerns regarding the single entrance and exit point to the building.
- The council's Environmental Officer would undertake checks to ensure that the applicant had achieved the conditioned noise and sound insulation standard required.
- If the applicant wanted to apply for change of use for the property this would be subject to the usual call in process.
- A deed of easement is a private agreement between the Crescent music venue and the applicant.

After debate, Cllr Webb moved, and Cllr Orrell seconded, that the application be refused, overturning the officer recommendation, on the grounds that the proposed scheme would result in: an unacceptable loss of a children's day nursery provision without justification, contrary to policy HW4 of the Local Plan; an unacceptable impact on the operation and viability of the adjacent music venue contrary to paragraph 182 ("agent of change") of the NPPF which contravenes the Full Council October 2019 motion, unanimously supported by Members to protect community music venues; a failure to protect those using the proposed holiday lets who may be unaware that they would be booking to stay next door to a music venue playing music until 3am.

Cllrs: Craghill, Melly Orrell, Perrett, Waudby and Webb all voted in favour of this motion. Cllrs: Cullwick, Fisher, Galvin and Hollyer voted against this motion and the motion was declared CARRIED. It was therefore:

Resolved: That the application be REFUSED.

Reason: The proposed scheme would result in: an unacceptable loss of a children's day nursery provision without justification, contrary to policy HW4 of the Local Plan; an unacceptable

impact on the operation and viability of the adjacent music venue contrary to paragraph 182 (“agent of change”) of the NPPF which contravenes the Full Council October 2019 motion, unanimously supported by Members to protect community music venues; a failure to protect those using the proposed holiday lets who may be unaware that they would be booking to stay next door to a music venue playing music until 3am.

**65c) York City Living Limited 22 – 26 Blossom Street York YO24 1AJ, 19/01588/FULM, 19/01589/LBC**

Members considered a full application from York City Apartments Ltd. for the conversion of a building to form 7no. apartments and 1no. studios with redevelopment of land to the rear to include the erection of detached three storey building to create 5no. apartments and 3no. studios (16 units in total) with external alterations including dormer window to the front of the main dwelling and associated landscaping, cycle parking and refuse storage. In addition, Listed Building Consent in relation to internal and external alterations to convert building to form 7no. apartments and 1no. studios including dormer window to front and part demolition.

Officers gave a presentation based upon the slides at pages 113 to 125 of the Agenda and provided an update which had been circulated via email prior to the meeting, reporting the following amendment to paragraph 1.4 of the officers report:

1.4 Additionally, the lower ground floor windows in the front elevation of the building at partly street level will be reinstated and railings installed in front of the windows, as ~~well as the reinstatement of the pavement lights on Blossom Street.~~

Mr Graeme Holbeck, Agent for Applicant, O’Neill Associates, explained that the former Working Men’s Club on Blossom Street had been vacant for around 18 months, following a vote taken by its members to close the venue in September 2018 due to dwindling membership numbers. The proposed development offered the opportunity to: return the Grade II listed properties to their original residential use; deliver 16 new flats on a brownfield site in close proximity to the city centre and offer

low cost homes and a contribution to affordable housing provision in the city of £54,000.

Mark Andrews, Architect, Vincent & Brown, explained that he had worked closely with the council's conservation team to develop a sensitive approach to incorporating the new dwellings, stripping away unsympathetic additions and re-instating key elements that had been lost. The construction would work towards meeting the climate change policies within the emerging local plan, taking a fabric-first approach to achieving carbon and energy reductions.

In response to questions from Members, officers:

- confirmed that the property had met the criteria for the vacant building credit, which is determined by the relevant Local Authority, and would therefore not be required to meet the 20% affordable housing criteria; and
- explained the test for policy HW1 as referred to at paragraph 5.13 of the officers.

After debate, Cllr Galvin moved, and Cllr Orrell seconded, that the application be approved, in accordance with the officer recommendation with the addition of an informative seeking to encourage additional cycle parking spaces and provision for electric bike charge points. Cllrs: Craghill, Cullwick, Fisher, Galvin, Orrell, Waudby and Hollyer all voted in favour of this motion. Cllrs: Crawshaw, Melly, Perrett and Webb voted against this motion and the motion was declared CARRIED. It was therefore:

Resolved: That the application be APPROVED, subject to the conditions listed in the report and an additional informative:

Additional Informative 11

The developer is encouraged to add further additional cycle parking spaces and uncovered visitor cycle parking as well as provision for electrical bike charging points.

Reason: To encourage sustainable travel.

A further motion was proposed to approve the Listed Building Consent, 19/01589/LBC, in relation to internal and external



alterations to convert building to form 7no. apartments and 1no. studios including dormer window to front and part demolition. Cllrs: Craghill, Cullwick, Fisher, Galvin, Orrell, Waudby and Hollyer all voted in favour of this motion. Cllrs: Crawshaw, Melly, Perrett and Webb voted against this motion and the motion was declared CARRIED. It was therefore:

Resolved: That Listed Building Consent be APPROVED.

Reason: No. 22-26 Blossom Street is a Grade II listed building and its significance derives from its historical and aesthetic values. The internal and external alterations, including the removal of c20th extensions and the re-introduction of the original plan form and layout and reinstatement of features, such as staircases and the carriageway are considered to be of better and better reveal the significance of this heritage asset. The public benefits demonstrated by the application are considered to outweigh the less than substantial harm to this heritage asset. The application is considered to comply with the requirements of NPPF and Policy D5 of the Publication Draft Local Plan (2018).

*[There was a short comfort break from 6.45 pm until 7.00 pm]*

Cllr Hollyer, Chair

[The meeting started at 4.30 pm and finished at 8.45 pm].

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**COMMITTEE REPORT**

**Date:** 5 August 2020      **Ward:** Bishopthorpe  
**Team:** West Area      **Parish:** Bishopthorpe Parish  
Council

**Reference:** 19/02653/FUL  
**Application at:** 8 Harcourt Close Bishopthorpe York YO23 2SW  
**For:** Erection of bungalow  
**By:** Mr Frank Norbert  
**Application Type:** Full Application  
**Target Date:** 30 June 2020  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 This application seeks permission for a detached bungalow in the side garden of the host dwelling with shared access from the existing drive.

1.2 The host dwelling is part of a pair of semi-detached bungalows which sits at the head of a small cul-de-sac in an established residential area which is comprised of similarly styled properties. The corner location of the site results in a plot which is larger than the surrounding houses. The host property shares its vehicle access with no.7 to the north and this will remain unchanged. Two car parking spaces are provided to the front of the existing bungalow, which is used as a holiday let, and the existing garage is to be demolished and 2no. car parking spaces provided for the new bungalow.

1.3 The application has been called to committee by Cllr Galvin over concerns of over-development and amenity issues for neighbouring residents.

**2.0 POLICY CONTEXT**Publication Draft Local Plan 2018

2.1 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. 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).

## 2.2 Relevant Policies:

D1 Placemaking

CC1 Renewable and Low Carbon Energy Generation and Storage

CC2 Sustainable Design and Construction of New Development

ENV5 Sustainable Drainage

### Development Control Local Plan 2005

2.3 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 their weight is very limited except when they are in accordance with the NPPF.

## 2.4 Relevant Policies:

GP1 Design

GP10 Subdivision of gardens and infill development

## **3.0 CONSULTATIONS**

### Public Protection

3.1 No objections subject to conditions relating to contaminated land and the inclusion of an electric vehicle charging point.

### Yorkshire Water

3.2 No comments received.

### Ainsty Internal Drainage Board

3.3 No objections subject to the submission of foul and surface water drainage details.

### Bishopthorpe Parish Council

3.4 The Parish Council object to the proposal on the grounds of loss of privacy/overlooking to the properties to the rear, that the proposal would be out of keeping with surrounding properties due to the second level of accommodation and foul and surface water drainage issues.

#### **4.0 REPRESENTATIONS**

4.1 The application was advertised by site notice and neighbour notification letter. 5 letters of objection have been received by, and from relatives on behalf of, immediate neighbouring properties. The following issues have been raised:

- disturbance/damage to roads during construction
- parking and access during construction
- the proposal would exacerbate existing parking and access issues
- issues relating to shared driveway
- demolition of garage attached to garage of no. 7 would cause remedial issues
- new bungalow not the same design as existing development, would look out of character and would be higher than existing properties due to 2 levels of accommodation
- foul and surface water drainage issues
- no consultation from applicant
- the proposal would result in terracing
- loss of sunlight to properties in De Grey Place
- new dwelling will appear cramped
- loss of garden area will affect the appearance of the street and wildlife

#### **5.0 APPRAISAL**

##### **KEY ISSUES:-**

- Principle of development
- Design and appearance
- Impact on neighbouring property
- Highway issues
- Drainage
- Climate change

##### Principle of Development

5.1 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision taking this means where there are no relevant development plan policies planning permission should be granted unless any

adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. The NPPF seeks to support the Government's objective of significantly boosting the supply of homes.

5.2 The NPPF requires local planning authorities to seek the efficient use of land in sustainable locations, focus development towards previously developed land and to deliver a wide choice of high quality homes. Whilst the NPPF definition of previously developed land does not include residential gardens, policy GP10 of the 2005 Draft Local Plan states that subdivision of gardens is acceptable subject to the proviso that there would be no detriment to the character and amenity of the local environment. Policy D1 of the 2018 Publication Draft Local Plan states that development proposals which cause damage to the character and quality of an area will be refused and requires that proposals are appropriate for its proposed use and neighbouring context.

5.3 The site lies within an established residential area within the village of Bishopthorpe in a sustainable location close to local shops and with public transport links into the centre of York. The principle of an infill house in this location is considered to be acceptable, subject to consideration of its impact on the character of the area.

### Design and Appearance

5.4 Section 12 of the NPPF sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 127 seeks to ensure that developments function well and add to the overall quality of the area while being visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Developments should be sympathetic to local character and history and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

5.5 Policy D1 of the 2018 Draft Plan states that proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment. Development proposals that fail to take account of York's special qualities, fail to make a positive design contribution to the city, or cause damage to the character and quality of an area will be refused.

5.6 The new detached bungalow would be located in the side garden of the existing property, sharing drive access with the host dwelling and no. 7. The bungalow has been designed to reflect the form and design of existing bungalows in the cul-de-sac and would provide accommodation across two floors.

5.7 The bungalow has been designed to match the general scale and appearance of the existing neighbouring bungalows with a similar eaves height. However it is noted that the bungalow would widen towards the rear and has been designed with a second floor and as such would be about 0.5m higher than dwellings either side of it, although because of a change in levels the ridge height would be similar to the adjacent dwelling at no.15 De Grey Place.

5.8 The property would infill the side garden which is part of a larger plot than the neighbouring dwellings. The site is currently open to the street and would retain a similar layout to the neighbouring cul-de-sac which bounds the side boundary of the host site. Objectors consider that the infill development would appear cramped and out of character within the cul-de-sac, however it is considered that the additional dwelling with some further boundary treatment would not appear at odds with the general layout of the cul-de-sac, or development in the wider area. The proposal retains space to each side boundary and the front and rear gardens would be similar to those surrounding the site.

#### Impact on neighbour amenity

5.9 The NPPF states that developments should create places with a high standard of amenity for all existing and future users. Policy D1 of the 2018 Draft Plan states that development proposals should ensure design considers residential amenity so that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing.

5.10 The bungalow would be situated in close proximity to 15 De Grey Place which has previously been extended along the side boundary with the application site. An obscure glazed window (serving an en-suite bathroom) overlooks the site, facing west. It is possible that there may be some loss of light to this room during the afternoon however given the use of the room, it is not considered that there would be significant impact on the habitable spaces of this neighbouring dwelling and as such the impact to the occupants of the property would be limited. The site is overlooked by the rear windows of no. 24 Ramsey Avenue to the rear of the site, although the existing boundary fence largely obscures these windows and prevents significant loss of privacy. The addition of a property in this location would

reciprocate the overlooking towards no. 24, however it is not envisaged that there would be a significant loss of privacy.

5.11 Objections have been raised regarding overlooking to the rear from the first floor rear facing roof lights that serve a bedroom. The position of the proposed rooflight windows in the roof slope results in a reasonable separation distance to the house to the rear. Furthermore the rooflights would be about 1.5m above the first floor floor level such that it is not considered that they would give rise to significant overlooking to the rear facing ground floor room and garden of no. 24 Ramsey Avenue. The applicant has suggested that the roof lights could be relocated to the front elevation if this element was considered harmful.

5.12 The proposed bungalow does not significantly project beyond the rear of the existing bungalow and as such it is not considered that it would appear unduly dominant in views from neighbouring dwellings.

5.13 It is proposed to remove the existing garage, which is attached to the garage of no. 7. The applicant has stated that any remedial works to the remaining garage will be undertaken so that there is no impact on the neighbouring resident at no. 7. The loss of the garage in this location is unlikely to impact on the streetscene or residential amenity.

#### Highway Matters

5.14 It is proposed to provide two car parking spaces for both the existing and new property with use of a shared drive. The drive would be shared by no. 7, no. 8 and the new property. The front garden to no. 8 is already gravelled and therefore the use of this area for parking would not require any changes to the existing layout. Similarly parking in place of the existing garage would appear to be acceptable for the new property and would not have a negative impact on the appearance of the street. Neighbour comments have been made that the existing drive is not wide enough to serve three properties, and was not designed for the amount of use generated by three separate dwellings, however the site plan indicates that the new dwelling would be able to utilise the drive access without detriment to the existing bungalows either side of it.

#### Drainage

5.15 The applicant's drainage strategy proposes that permeable paving is used for driveways and that the use of a soakaway is investigated for draining the roof areas. Should a soakaway be proved to be unsuitable, the drainage strategy proposes draining to the surface water sewer with an attenuated discharge rate and surface



water storage provided on site. This would be in accordance with the sustainable drainage hierarchy in the Draft Local Plan (2018) and should be secured by planning condition.

### Climate Change

5.16 Policy CC1 of the 2018 Draft Plan states that new buildings must achieve a reasonable reduction in carbon emissions of at least 28% unless it can be demonstrated that this is not viable. This should be achieved through the provision of renewable and low carbon technologies in the locality of the development or through energy efficiency measures.

5.17 Policy CC2 of the 2018 Draft Plan states that proposals for new residential buildings will be supported where they achieve the following at least a 19% reduction in Dwelling Emission Rate compared to the Target Emission Rate and a water consumption rate of 110 litres per person per day.

## **6.0 CONCLUSION**

6.1 The proposal is for an infill house in a sustainable location. The design is compatible with its surroundings and it would not significantly harm the living conditions of adjacent dwellings. The proposals comply with the National Planning Policy Framework and with Publication draft Local Plan (2018) policies D1, CC1, CC2 and ENV5, the draft Local Plan (2005) policies GP1 and GP10.

## **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:-

Plans, Elevation and Section - Drg No: NF/19/1 received 20 January 2020

Scheme for site- Drg.No: NF/19/2

Site Plan - Drg. No: N-X-X received 16 March 2020

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

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. The development shall be carried out using the approved materials.

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

Reason: So as to achieve a visually cohesive appearance.

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

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

5 The development shall incorporate sufficient capacity within the electricity distribution board for one dedicated radial AC single phase connection to allow the future addition of an Electric Vehicle Recharge Point (minimum 32A) within the or parking area.

Reason: To ensure future electric vehicle charge points can be easily added to the property in line with the NPPF and CYC's Low Emission Strategy.

#### Notes

- Any future Electric Vehicle Charging Points need to be professionally installed. The installation process routinely involves wall mounting a charge point on an exterior wall or garage and connecting it safely to the mains electricity supply. All electrical circuits/installations shall comply with the electrical requirements in force at the time of installation

- In the UK, there is a government-grant scheme available to help reduce the cost of installing a home EV charge point. For more information on the scheme see the OLEV website <https://www.gov.uk/government/collections/governmentgrants-for-low-emission-vehicles>

- The above requirement does not preclude the installation of an Electric Vehicle Charge Point from the outset, if desired.

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

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

Reason: In the interests of highway safety.

8 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

9 The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

10 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: use of planning conditions

#### **2. INFORMATIVE:**

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(b) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturer's instructions.

(c) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(d) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(e) There shall be no bonfires on the site

### 3. 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).

### 4. DRAINAGE DESIGN DETAILS

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 (SuD's). 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 SuD's.

If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself.

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 then In accordance with City of York Council's Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, 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 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha or if shall be used for the above. For the smaller developments where the Greenfield run-off rate is less than 1.4 l/sec/ha and

becomes impractical and unsustainable then a lowest rate of 2 l/sec shall be used.

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.

**Contact details:**

**Case Officer:** Elizabeth Potter

**Tel No:** 01904 551477

# 8 Harcourt Close, Bishopthorpe, YO23 2SW

19/02653/FUL



GIS by ESRI (UK)



Scale : 1:1051

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<b>Organisation</b>	City of York Council
<b>Department</b>	Economy & Place
<b>Comments</b>	Site location plan
<b>Date</b>	23 July 2020
<b>SLA Number</b>	

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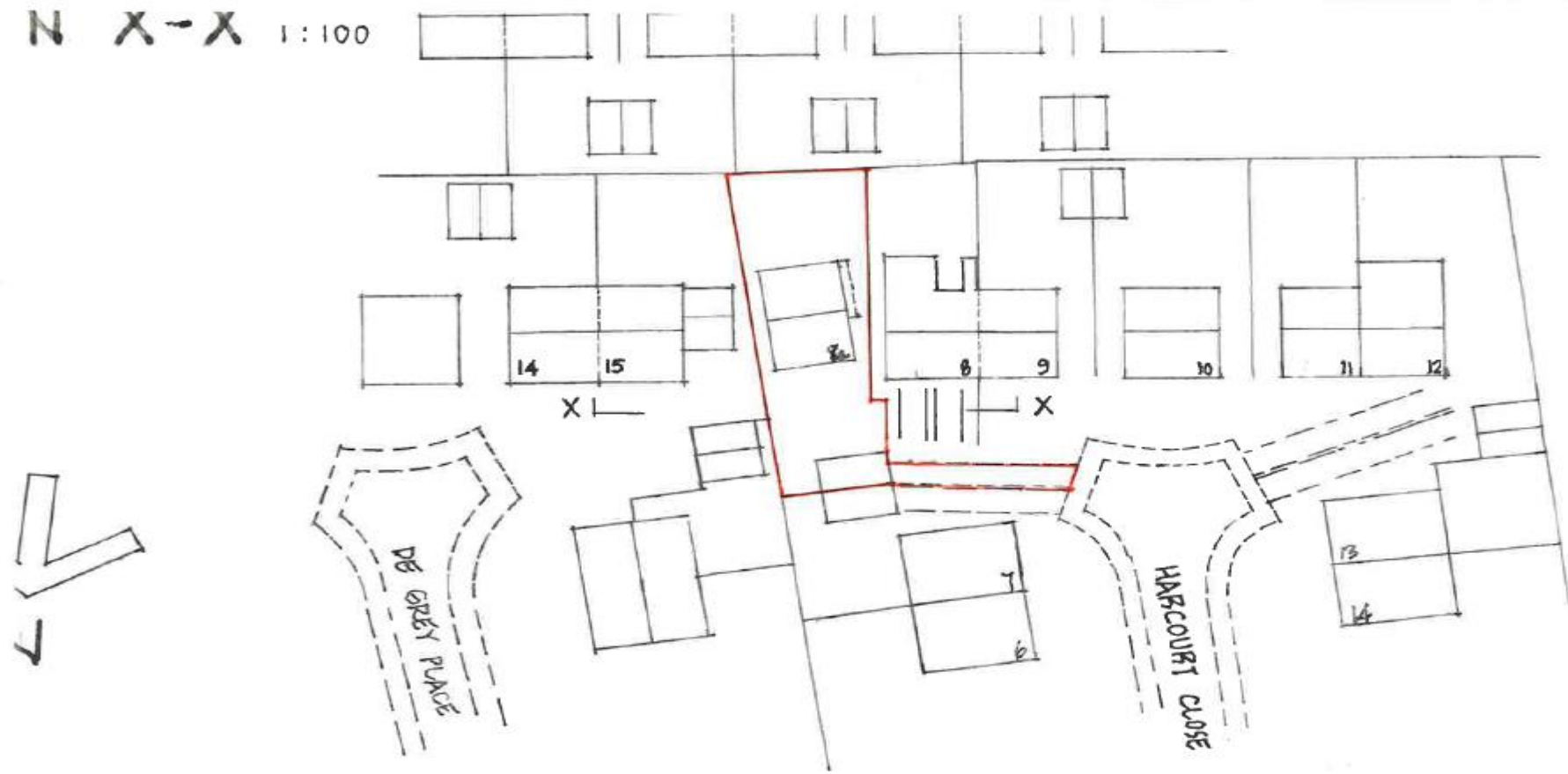


## Area Planning Sub-Committee

19/02653/FUL

8 Harcourt Close, Bishopthorpe

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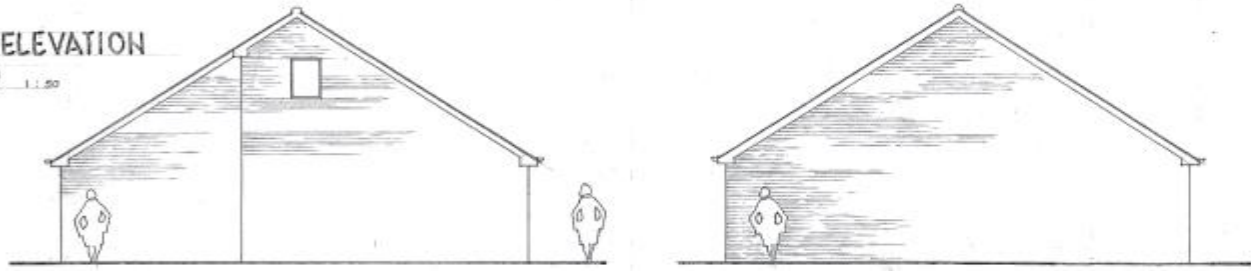


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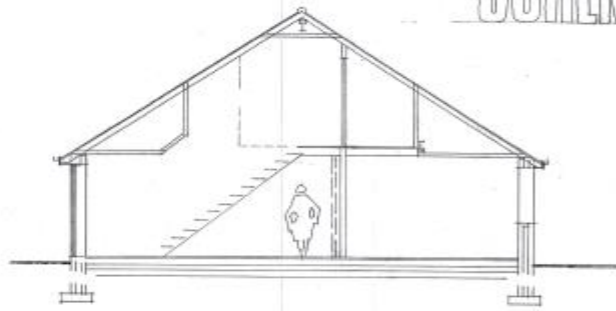
BLOCK PLAN 1/500<sup>TH</sup>

# PROPOSED DWELLING at No 8 HARCOURT CLOSE BISHOPTHORP

SIDE ELEVATION (WEST) 1:50

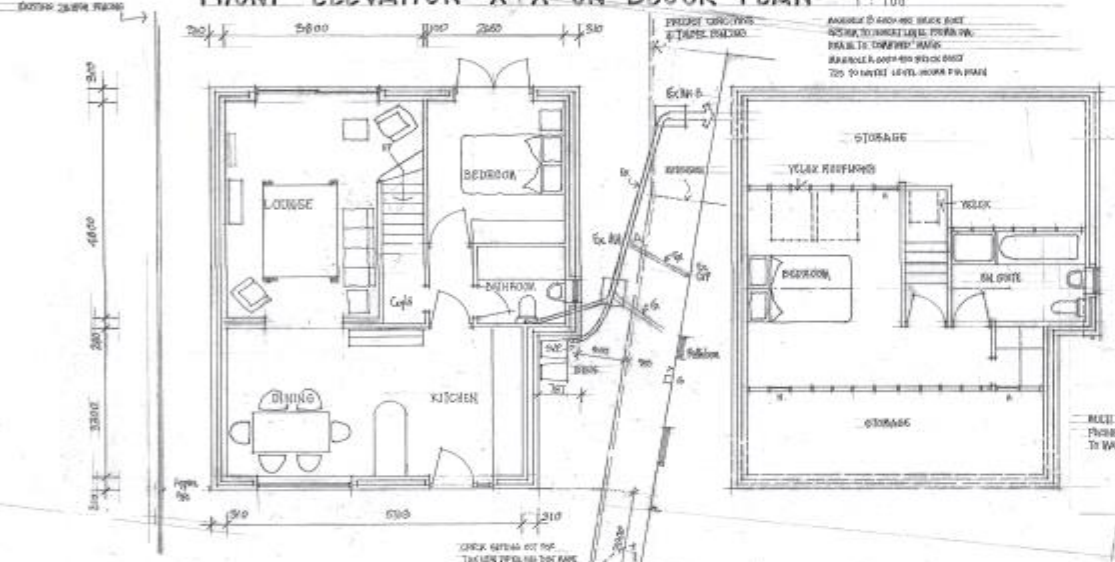


SIDE ELEVATION (EAST) 1:50



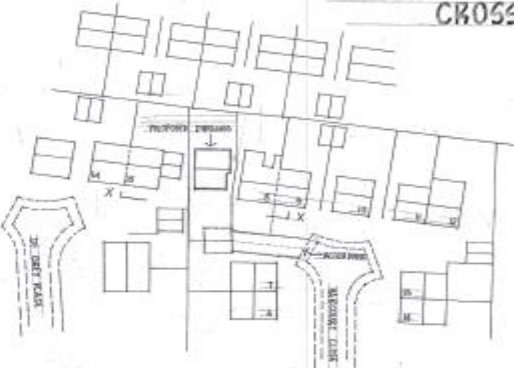
CROSS SECTION

FRONT ELEVATION X-X ON BLOCK PLAN 1:100

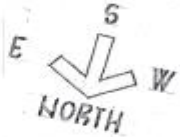


GROUND FLOOR PLAN 1:50

FIRST FLOOR PLAN 1:50



BLOCK PLAN 1/600



FRONT ELEVATION (NORTH) REAR ELEVATION (SOUTH) 1:50



PROPOSED BUNGALOW AT No 8 HARCOURT CLOSE BISHOPTHORPE YORK. YO23 2S W for M.C. & MRS. NORBERT FRANK





**COMMITTEE REPORT****Date:** 5 August 2020**Ward:** Guildhall**Team:** East Area**Parish:** Guildhall Planning Panel**Reference:** 20/00505/FUL**Application at:** Dean Court Secure Car Park To Rear Of Portland Street York  
**For:** Erection of two storey block of 9no. apartments with associated cycle and refuse stores. Part retention of existing car park.**By:** Mr B White**Application Type:** Full Application**Target Date:** 24 August 2020**Recommendation:** Approve**1.0 PROPOSAL****APPLICATION SITE**

1.1 The application site is located at the northern end of Bootham Row. It accommodates an overspill car park used for private/contract parking. The site is surrounded by walls which are approximately 3.7m high.

1.2 There are 2-storey houses set within landscaped grounds to the southwest; Bootham Square and a terrace of houses along Portland Street (ranging in scale and height from 2-3 storey) to the north-east. The grounds of Bootham School are to the western side of the site.

1.3 The site occupies an area of approx. 675 sq m. It is within the Central Historic Core Conservation Area. There are no Listed Buildings immediately surrounding the site and the development would not affect the setting of any Listed Buildings. The site is in an area where there is a low probability of flooding.

1.4 The application has been called-in by Cllr Craghill on residential amenity grounds. Specifically around the height of the building and overlooking.

**PROPOSALS**

1.5 The scheme has been revised since the original submission and has been subject to a second round of public consultation. In the superseded scheme all apartments were at upper floor level, above the ground floor car park.

1.6 The application is for 9 apartments, contained within a two storey building which, along with its courtyard would utilise around half of the car park. The building would be behind 13, 14, 15 Portland Street. The dwellings would have a bin storage building by the site entrance and a cycle store. The remaining half of the site would

continue to operate as a private car park (i.e. it is not intended to be parking for future residents).

1.7 Of the apartments 8 would be studios; 1 unit would be larger. The building would be clad in brick, it would have a mono-pitched, almost flat roof that would receive sedum planting.

## RELEVANT SITE HISTORY

1.8 A building of similar height and vernacular, which utilised the entire site and would have provided 16 dwellings, was assessed at planning committee in June 2019. The decision was to approve subject to completion of a S106 agreement. The application was withdrawn as the applicants have instead decided to proceed with this alternative scheme. The previous application was 18/02853/FULM.

## 2.0 POLICY CONTEXT

2.1 The Publication Draft City of York Local Plan 2018 ('2018 DLP') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019.

2.2 Key relevant Publication Draft Local Plan 2018 Policies are as follows -

- SS1 Delivering Sustainable Growth for York
- H2 Density of Residential Development
- H3 Balancing the Housing Market
- D1 Placemaking
- D4 Conservation Areas
- D6 Archaeology
- CC1 Renewable and Low Carbon Energy Generation and Storage
- CC2 Sustainable Design and Construction of New Development
- ENV5 Sustainable Drainage

2.3 Relevant policies of the Draft Local Plan 2005 are as follows -

- GP1 Design
- HE2 Development in Historic Locations
- HE3 Conservation Areas
- HE10 Archaeology
- H2a Affordable Housing
- H4a Housing Windfalls
- L1c Provision of New Open Space In Development

### 3.0 CONSULTATIONS

#### CITY ARCHAEOLOGIST

3.1 This site lies within the central Area of Archaeological Importance and the Central Historic Core Conservation Area in an area that has produced significant undesignated archaeological heritage assets. It lies close to the Roman fortress and medieval city wall, close to the line of a major Roman road, in an area known to contain Roman burials.

3.2 An archaeological evaluation was carried out nearby in Bootham School in May 2011. Natural deposits were recorded at a depth of 1.65m below the modern ground level. Due to the location of the site and evidence from investigation at nearby sites it is probable that this site will contain a similar profile of deposits, and that Roman archaeology may survive on the site in the form of features cut into the natural, truncated by medieval ploughing at a depth of between 1.3 and 1.7m below current ground surface.

3.3 In order to mitigate the impact of the development and to record the loss of significance that will arise if the development is approved, it will be necessary to carry out an archaeological watching brief on all ground disturbances.

#### PUBLIC PROTECTION

3.4 Ask for conditions to provide -

Construction management plan

Electric Vehicles - passive provision to allow installation of an electric vehicle charging facilities in future.

Land contamination – a set of standard conditions is recommended to ensure the site is suitable for residential use.

Noise – it is required that the dwellings achieve internal noise levels as follows –

- Habitable rooms - no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) at night (23:00-07:00 hours).
- LAFMax level during the night should not exceed 45dB(A) on more than 10 occasions in any night time period in bedrooms and should not regularly exceed 55dB(A).

## YORKSHIRE WATER

3.5 Satisfied with the proposed site drainage details which restrict surface water run-off to 5 litres / second.

## GUILDHALL PLANNING PANEL

3.6 Objected to the original scheme on the following grounds – overdevelopment of the site. The units are too cramped with insufficient outside green open space, offer the risk of overlooking and do not appear to be of a quality that we would welcome in York.

## CIVIC TRUST

3.7 The trust opposed the intention to accommodate car parking with residential units above and considered this overdevelopment that would be impractical operationally.

## 4.0 REPRESENTATIONS

4.1 The following objections (8 objectors) were raised over the original scheme -

- Objections to the height of the building (that would exceed the boundary wall) and consequently lead to loss of light over housing Portland Street.
- Overlooking and light pollution due to the proposed access corridor.
- Future resident's amenity – lack of internal and external amenity and poor quality of life due to being in such proximity to a commercial car park.
- Building design and type out of keeping with local character.

4.2 Three further comments (from 9, 12, 14 Portland Street) on the revised scheme:

- Appreciate the removal of the corridor overlooking Portland Street, and the removal of parking spaces from underneath the dwellings.
- The building height will have a significant impact on both the residential and conservation area.
- It is directly behind no.14 and will cause loss of privacy due to two overlooking windows.
- Continue to object to the inadequate size of the dwellings; do not believe that these provide suitable living space for permanent residents and are likely therefore to be limited only to short-term/ holiday lets. It would seem more appropriate, and in-line with the council's commitment to provide affordable homes for city-living, to create 4 duplex properties rather than the 9 tiny bedsits.



- Loss of light to surrounding property.

4.3 Cllr Fitzpatrick objected to the original scheme on the following grounds:

- The loss of light into the small gardens at the rear of houses on Portland St.
- The long corridor at the back of the proposed units overlooks the back gardens and will have lights that could cause both lack of privacy and light disturbance.
- Unlike the previous application, this one does not sit sympathetically or unobtrusively within its setting,
- The 9 units are cramped and as well as offering little space internally, there is no outside amenity. This is not the sort of housing that's acceptable by CYC's usual high standard. What is needed is more affordable, quality family housing. In no way does it contribute to this.

## 5.0 APPRAISAL

5.1 The Keys Issues are as follows

- Principle of the proposed use
- Character and appearance of the Conservation Area
- Amenity of surrounding occupants
- Amenity of future occupants
- Drainage
- Archaeology
- Sustainable design and construction
- Highways

## ASSESSMENT

### PRINCIPLE OF THE PROPOSED USE

5.2 According to section 5 of the NPPF the Government's objective is to significantly boost the supply of homes. Section 11 promotes the effective use of land. It states "Planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions". It goes on to state that planning decisions should "promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively".

5.3 The section on Promoting Sustainable travel, in paragraph 103, states "significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of

transport modes. This can help to reduce congestion and emissions, and improve air quality and public health".

5.4 The site currently is underused and accommodates a private car park; this itself facilitates a method of travel which is not sustainable. The city has demonstrable housing need and this is an accessible, central, sustainable location. Policy is strongly in favour of the proposed re-use of the site in principle.

5.5 Policy H3 states that "proposals for residential development will be required to balance the housing market by including a mix of types of housing which reflects the diverse mix of need across the city. This includes flats and smaller houses for those accessing the housing market for the first time, family housing of 2 to 3 beds and homes with features attractive to older people". This scheme provides small dwellings which would be low cost. Consequently the proposals do not conflict with the approach proposed in policy H3.

## CHARACTER AND APPEARANCE OF THE CENTRAL HISTORIC CORE CONSERVATION AREA

5.6 The site is within the Central Historic Core Conservation Area. The Council has a statutory duty (under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to consider the desirability of preserving or enhancing the character and appearance of designated conservation areas.

5.7 The NPPF in section 16 explains how to assess the impact on heritage assets and when identified harm can be out-weighed by public benefits. It states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Local policies on conservation areas are HE2 and HE3 in the 2005 Draft Local Plan and D4 of the 2018 Publication Draft Local Plan.

5.8 The building footprint is essentially half of what was deemed acceptable in the 2018 application. The massing/height, form, detailing and materials are the same. The building would be approximately 1.3 m higher than the surrounding boundary wall. Soft landscaping including tree planting will be introduced which is beneficial.

5.9 The buildings rectangular shape and its orientation follows the urban grain. Given that the depth of the building is roughly half of the houses on Portland Street a mono-pitched roof form would be of suitable shape and scale for this plot. The building would differ from its neighbours in that it would have a planted sedum roof rather than being of slate or tile, these being the prevalent roof materials in the locality. This approach was approved previously and has sustainability credentials; consistent with the environmental objectives of the NPPF. On a low lying building such as that proposed, in a discreet location, with the impact on the townscape

being limited to private views from surrounding houses only, the approach is considered not to cause harm to the conservation area.

## AMENITY OF SURROUNDING OCCUPANTS

5.10 The NPPF states that developments should create places with a high standard of amenity for all existing and future users. It goes on to state that decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

### Daylight / sunlight

5.11 The building is concentrated towards the north (Portland Street) side of the site. It would exceed the height of the boundary wall by approx. 1.3 m, and spaced almost the same distance from the boundary wall. Beyond the wall there is an alleyway behind the houses on Portland Street. Applying the Building Research Establishment (BRE) guidelines "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" (2011) and its 25 degree guideline for assessment of daylight, it can be concluded that there would not be a material impact on sunlight or daylight within surrounding houses and their rear gardens.

### Overlooking

5.12 Neighbours originally objected to the corridor proposed at first floor level that was adjacent the boundary. This is no longer part of the scheme. Only the end dwelling has windows on its rear elevation and this section of the building is beyond the western extent of Portland Terrace. The roof-lights are primarily for natural light gain and ventilation. Due their location and orientation they will not allow for overlooking.

5.13 On the south side of the proposed building there would not be views into the communal gardens in Bootham Square because of the boundary wall. 1st floor windows between dwellings would be some 14m apart. The windows at the rear of houses on Bootham Square serve bedrooms. The level of separation would be acceptable for an inner city location such as this. Buildings on Gillygate for example are less than 12m apart in places.

### Overbearing / Over-dominance

5.14 The building would predominantly be contained by the boundary walls. It would be the same height as the scheme previously assessed by members and deemed acceptable. It is not considered to be over-bearing or over-dominant.

## AMENITY OF FUTURE OCCUPANTS

5.15 The outlook from the dwellings would be south towards the proposed private courtyard. The scheme would create an intimate development with a secure and fairly tranquil setting, in particular for a city centre site. Such a space would

encourage social interaction, which is promoted in section 8 of the NPPF. The levels of amenity for future residents is considered to be acceptable.

## DRAINAGE

5.16 National policy on drainage / flood risk is to ensure developments are reasonably safe from flood risk and do not increase such risk elsewhere. Local policy in the Strategic Flood Risk Assessment explains drainage and flood risk requirements, including to allow for climate change and to avoid increased flood risk off site.

5.17 The site is not at risk of river flooding. The surface water run-off will be restricted to prevent increased flood risk elsewhere. Run off rates will be in accordance with local requirements (a reduction of 30%); secured through condition. The use of storage onsite and restricted connection into the public sewer is appropriate, being the most sustainable option, because there is not space for a soakaway system at this site and there is no watercourse to directly connect into. Building Regulations dictate that a soakaway cannot be used within 5m of a building or road, 2.5m of a boundary.

## ARCHAEOLOGY

5.18 Policy D7 of the Emerging Local Plan requires an understanding of archaeology affected, to avoid substantial harm (preserve 95% of deposits) or where there would be harm, undertake adequate mitigation.

5.19 An understanding of archaeology in the area in part derives from investigation at the neighbouring Bootham School where evaluation was carried out by On-Site Archaeology in May 2011. Natural deposits were recorded at a depth of 1.65m below the modern ground level. Based on understanding of archaeology in the locality officers are content that a watching brief on groundworks (followed by submission of an evaluation of the works) is adequate and can be secured through condition.

## SUSTAINABLE DESIGN AND CONSTRUCTION

5.20 Publication Draft Local Plan Policy CC2 states all new residential buildings should achieve:

- 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 2013); and
- a water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations).

5.21 The policies should be given moderate weight given the advanced stage of the emerging Plan's preparation, and the lack of significant objection to these emerging policies.

5.22 The applicants have provided an energy statement specific to the scheme. This predicts that through design of the building fabric (thermal performance, air permeability) and by reducing demand for lighting and restricting water use, the scheme can achieve a reduction in energy use of up to 15% compared to current building regulations. In addition low/zero carbon technology could be incorporated in the form of PV panels on the roof. The energy efficiency measures can be secured through condition.

## HIGHWAYS

5.23 The NPPF states that in assessing applications for development, it should be ensured that:

- appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

5.24 The NPPF goes on to state that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.25 The scheme is acceptable on highways grounds due to the following -

- Due to the central location, the size/type of dwellings proposed and availability of alternative and sustainable means of travel low parking provision is acceptable here.
- Secure covered cycle parking for each dwelling is proposed and will be secured through planning conditions.
- The bin store has been located at the front of the site and is therefore practical for waste collection.
- The scale and type of development means there would be a negligible impact on the highway network.

## 6.0 CONCLUSION

6.1 This scheme is similar to the 2018 application which members recommended for approval. The difference is that 9 rather than 16 dwellings are proposed and the building would not be as long. It is concentrated towards the end of the site and some car parking would remain.

6.2 This is an underused urban site where in principle the NPPF recommends redevelopment, in particular development for which there is demonstrable need. The scheme would not have an adverse effect on the Central Historic Core Conservation Area and have no undue detrimental impact on neighbouring amenity. It does not raise any highway safety issues and other technical matters can be addressed through planning conditions.

## **7.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

2 Approved Plans

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

Revised Plans - CLE-309-005 10E, 11F, 12E

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 approved plan shall be adhered to throughout the demolition/construction period. The plan shall provide for:

### Noise

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

### Vibration

Details of any activities which may result in excessive vibration, e.g. piling, details of any monitoring, details of standards used for determining the acceptability of any vibration undertaken.

## Dust

A site specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) is required and a package of mitigation measures commensurate with the risk identified in the assessment.

Mitigation, measures may include, but would not be restricted to, on site wheel washing, 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/>.

## Lighting

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

## Complaints

The CEMP shall provide a complaints procedure, so the site manager has a clear understanding of how to respond to complaints received. The procedure shall 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](mailto:public.protection@york.gov.uk) and [planning.enforcement@york.gov.uk](mailto:planning.enforcement@york.gov.uk)

Reason: To protect the amenity of the locality, given the close proximity of the development site to residential property.

## 4 Archaeology

A) No groundworks shall take place until a written scheme of investigation (WSI) 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 shall 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 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: In accordance with Draft Local Plan (2018) policy D6 as the site is considered to be an area of archaeological interest. Therefore, the development may affect important archaeological deposits which must be recorded prior to destruction.

## 5 Land contamination - Site investigation

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

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

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

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



property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

## 6 Land contamination - remediation scheme

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

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

## 7 Land contamination - remedial works

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

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

## 8 Tree Protection

Prior to any groundworks on site details of tree protection measures for the Lime tree to the south-west of the application site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

The details shall include consideration of groundworks, including drainage, the installation of services, and the re-surfacing works. (It is noted that the previously submitted arboriculture report recommends that to ensure tree roots are not damaged during any resurfacing, the parking area will be surfaced over a cellular

confined system which is to be specified within a separate Arboricultural Method Statement).

Reason: In the interests of good design as required by paragraph 127 of the NPPF; to avoid damage to any trees which have amenity value and make a positive contribution to the character and appearance of the conservation area.

## 9 Materials

A schedule of external materials, to include manufacturer's details and colour finish, shall be submitted to the Local Planning Authority for approval prior to commencement of construction of the development. In addition to the schedule, a panel of the brickwork to be used shall be erected on the site, which shall illustrate the colour, texture and bonding of brickwork and the mortar treatment. The development shall be carried out using the approved materials.

Reason: In the interests of good design and the character and appearance of the conservation area, in accordance with NPPF paragraphs 127 and 185.

## 10 Large scale details

Large scale details, illustrating typical sections of the proposed apartments building and its cycle store shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction and the works shall be carried out in accordance with the approved details.

Reason: In the interests of good design and the character and appearance of the conservation area, in accordance with NPPF paragraphs 127 and 185.

## 11 Sustainable design and construction

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 first occupation and the development shall be carried out in accordance with the approved details.

The details shall explain how this will be achieved either through efficient building fabric and/or low or zero carbon technology. Where low or zero carbon technology is proposed details of any visual impact on the building shall be included in the details. The details are expected to demonstrate at least a 19% reduction in dwelling emission rate (DER) compared to the target fabric energy efficiency rates (TFE).

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.

## 12 Noise

Prior to construction of the building envelope a detailed scheme of noise insulation measures for protecting the approved dwellings from externally generated noise (in particular the retained car parking area) shall be submitted to the Local Planning Authority for approval in writing. The development shall be constructed in accordance with the approved details.

The scheme shall demonstrate the building envelope shall be constructed so as to achieve the following internal noise levels -

- Habitable rooms of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) during the night (23:00-07:00 hours)
- LAFMax level during the night should not exceed 45dB(A) on more than 10 occasions in any night time period in bedrooms and should not regularly exceed 55dB(A)

These noise levels shall be observed with all windows open in the habitable rooms or if necessary windows closed and other means of ventilation provided.

Reason: To protect future residents amenity in accordance with DLP 2018 policy D6 and paragraphs 127 and 170 of the NPPF.

## 13 Land contamination - unexpected contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

#### 14 Electric Vehicle Charging facilities

The development shall incorporate sufficient capacity within the electricity distribution board to allow for the future addition of an Electric Vehicle Recharge Point (minimum 32A) on-site. There shall be provision for cabling to supply the relevant space(s). The provision shall be provided prior to first occupation of the apartments hereby permitted.

Reason: To ensure future electric vehicle charge points can be accommodated in line with the NPPF and CYC's Low Emission Strategy.

#### 15 Drainage

The development hereby permitted shall incorporate the drainage principles as shown on the proposed drainage strategy drawing 103 P2 prepared by Dudleys. Surface water run-off from the site shall be restricted to 5 litres/second.

Reason: In the interests of good design and to reduce flood risk, in accordance with DLP 2018 policy ENV5.

#### 16 Landscaping

The development shall not be occupied until the species and stock size of the proposed trees (as shown on the approved plans) have been approved in writing by the Local Planning Authority.

The approved details and the landscaping scheme, as shown on the approved plans, shall be implemented within a period of six months of the completion of the development.

Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of the character and appearance of the conservation area and residential amenity.

#### 17 Storage facilities (cycles and waste)

The covered and secure cycle parking facilities and waste storage facilities shall be provided in accordance with the approved plans prior to first occupation of the development hereby approved. The cycle storage shall have lockable doors and the

internal space shall have facilities for locking cycles (using Sheffield type stands or similar).

External doors to the cycle store and refuse/recycling store, shall be illuminated with vandal resistant security lighting, operated by a photocell sensor.

Reason: In the interests of visual and residential amenity and to promote sustainable travel in accordance with paragraphs 108 and 127 of the NPPF.

## **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: sought revised plans to address objections and through the use of conditions.

#### **Contact details:**

**Case Officer:** Jonathan Kenyon

**Tel No:** 01904 551323

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# Dean Court Secure Car Park To Rear Of Portland Street

20/00505/FUL



Scale : 1:1051

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<b>Organisation</b>	City of York Council
<b>Department</b>	Economy & Place
<b>Comments</b>	Site location plan
<b>Date</b>	23 July 2020
<b>SLA Number</b>	

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## Area Planning Sub-Committee

20/00505/FUL

Dean Court Secure Car Park To Rear Of Portland Street



**GENERAL NOTE**  
 This plan is a proposed site plan for the development of the site. It is not a final plan and should not be used for construction purposes. The plan is subject to the approval of the local planning authority and the relevant statutory bodies. The plan is intended to provide a general indication of the proposed development and is not intended to be a final plan.

**LEGEND**  
 E: EXISTING BUILDINGS  
 D: DEVELOPMENT PROPOSED  
 C: CURBS  
 S: SITE LINES

**The Planning & Design Associates**  
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**The Chisney Farm Studio,**  
 The Old Rectory, Moor Lane, Stamford Bridge,  
 York, The East Riding Of Yorkshire, YO11 1JG.

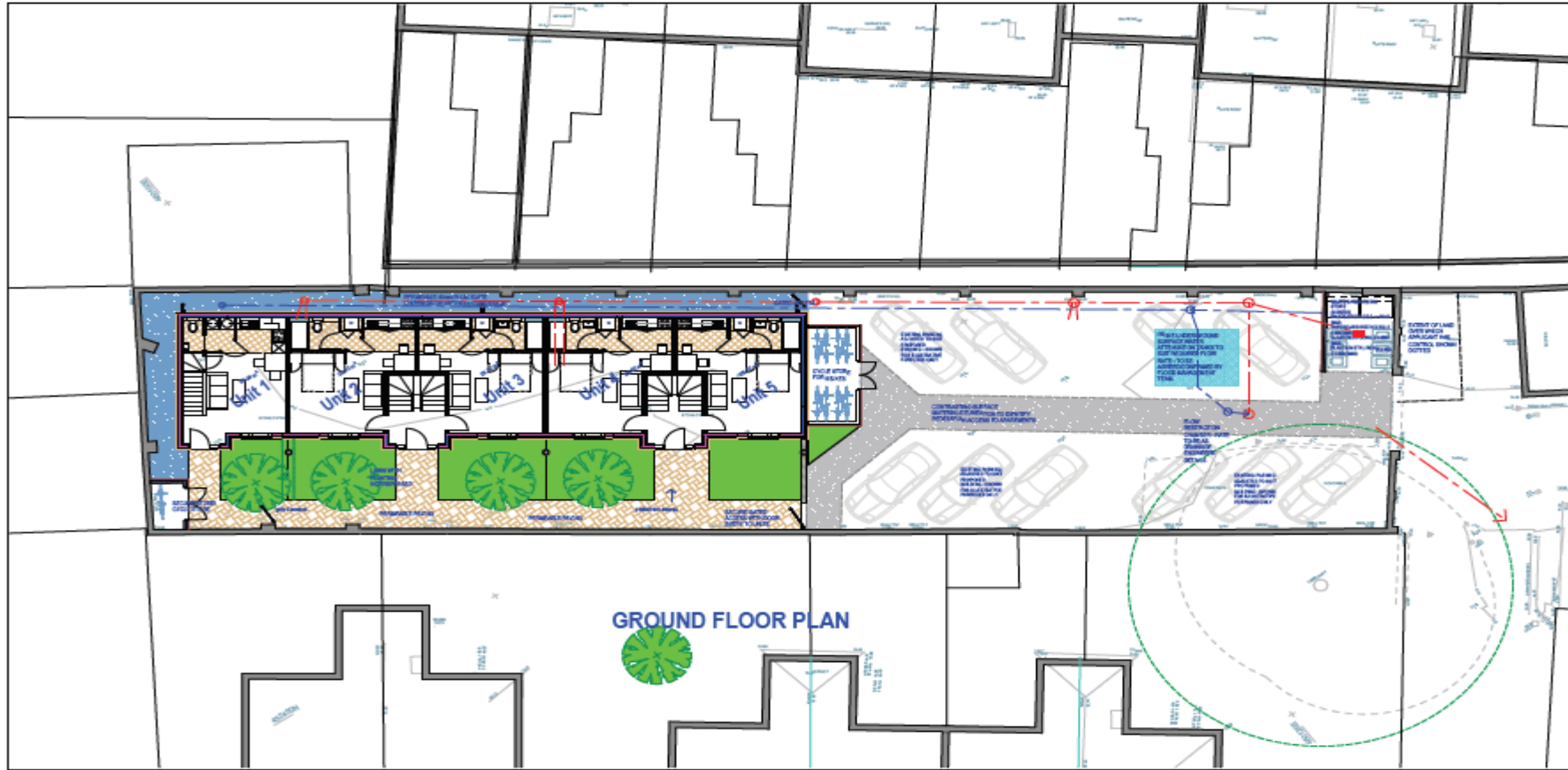
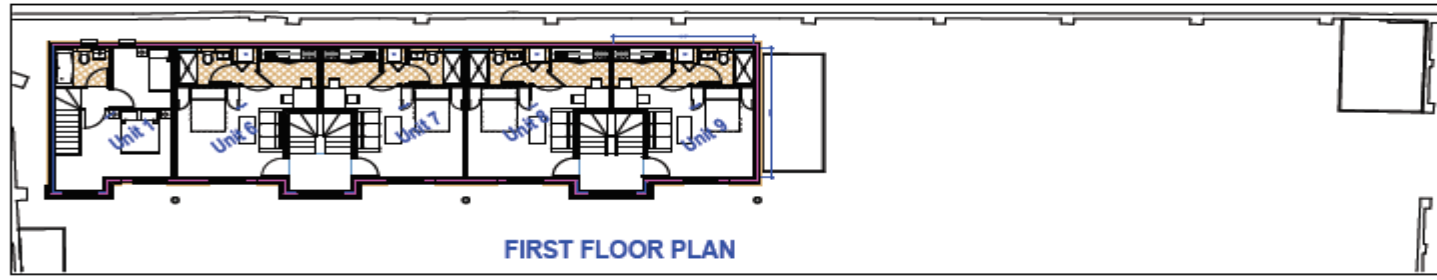
Telephone: 01739 373636 Fax: 01739 371839  
 E-mail: chisneyfarm@the-pda.co.uk www.the-pda.co.uk

**Client:**  
**ST CATHERINES DEVELOPMENTS LTD**  
 St Catherine's Farm, Woodside Road, Gilsdon, York, YO30 1YB.

**Project:**  
**PROPOSED DEVELOPMENT**  
 DEAN COURT CAR PARK, BOOTHAM ROW, YORK

**Drawing:**  
**PROPOSED SITE PLAN**

Date: APRIL 16	Drawn:
Scale: 1:100 @ A1	Rev:
Disc: <b>PLANNING</b>	<b>E</b>
Proj. No: <b>CLE-001-005 10</b>	



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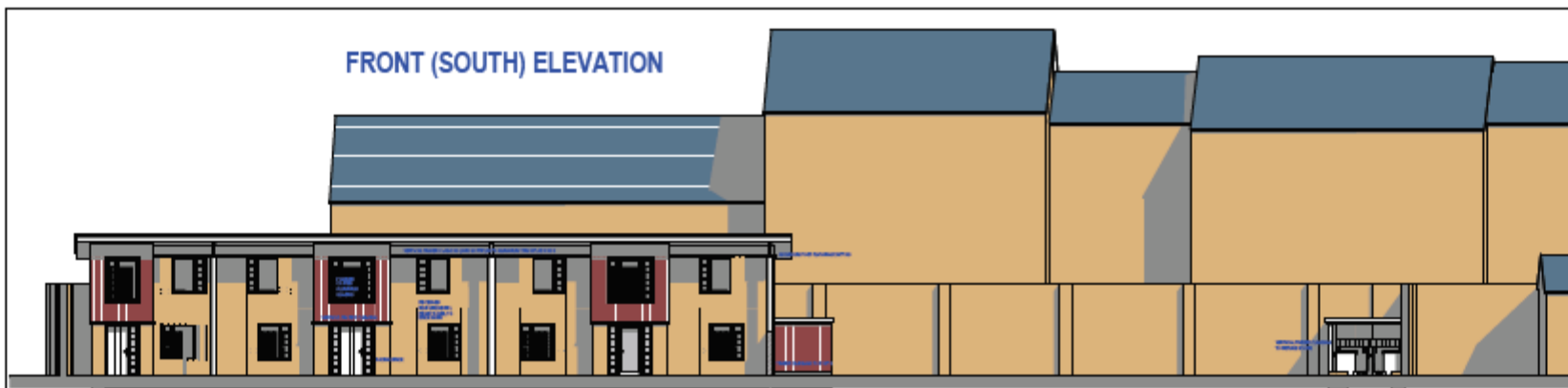
F	EXISTING BUILDING
B	EXISTING BUILDING WITH PROPOSED MODIFICATIONS
D	EXISTING BUILDING
E	EXISTING BUILDING
F	EXISTING BUILDING

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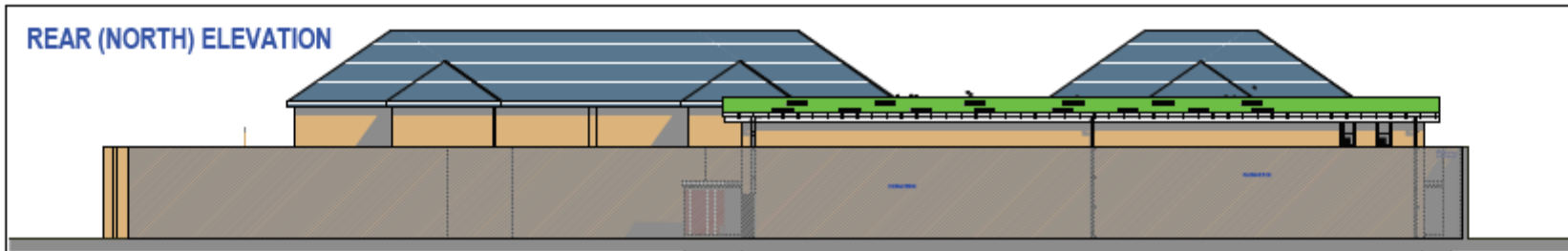
**The Cherry Barn Studio**  
 The Old Rectory, Stone Lane, Stamford Bridge,  
 York, The East Riding Of Yorkshire, YO41 1JH.

Telephone 01729 272636 Fax 01729 271810  
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<b>SI CATHERINES DEVELOPMENTS LTD</b> 21 Catherine Farm, Moorlands Road, Skilton, York, YO30 1YB	
Project <b>PROPOSED DEVELOPMENT</b> DEAN COURT CAR PARK, BOOTHAM ROW, YORK	
Drawing <b>PROPOSED PLANS</b>	
Date <b>APRIL 18</b>	Scale <b>1:100 @ A1</b>
Drawn <b>PLANNING</b>	Rev <b>F</b>
Drawing No. <b>CLE-309-005 11</b>	



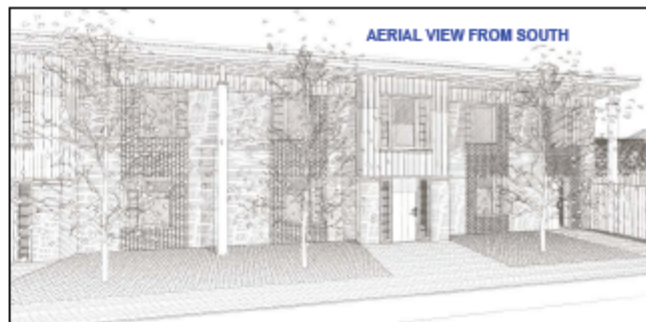
FRONT (SOUTH) ELEVATION



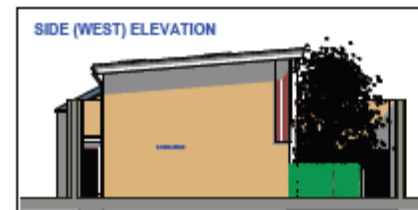
REAR (NORTH) ELEVATION



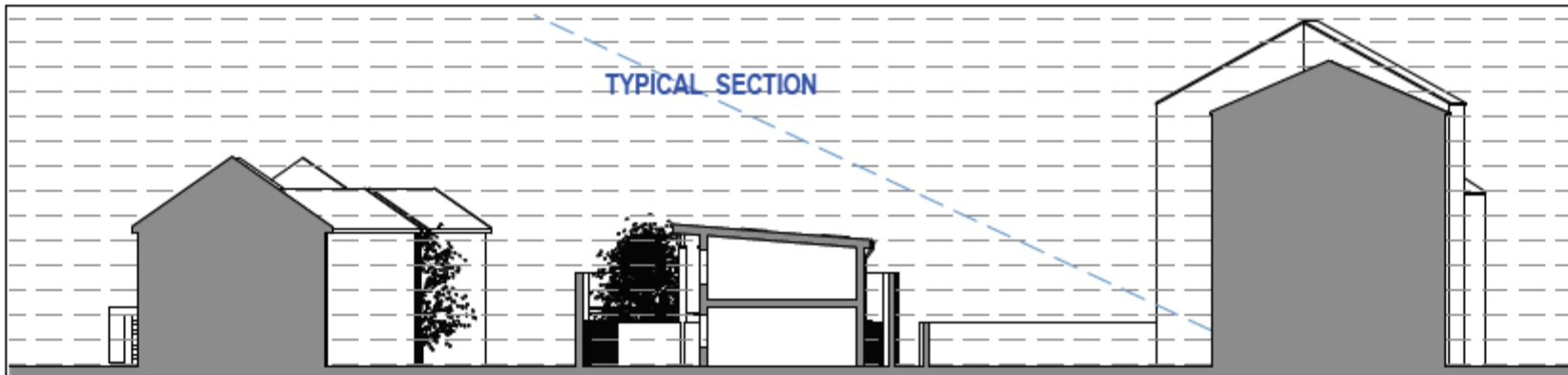
SIDE (EAST) ELEVATION



AERIAL VIEW FROM SOUTH

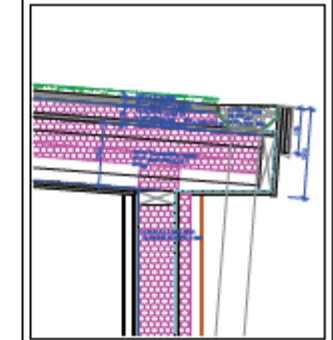


SIDE (WEST) ELEVATION



TYPICAL SECTION

**GENERAL NOTES**  
 1. The drawings are prepared on the basis of the information provided by the client and are not to be used for any other purpose without the written consent of the architect.  
 2. The drawings are prepared on the basis of the information provided by the client and are not to be used for any other purpose without the written consent of the architect.  
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 4. The drawings are prepared on the basis of the information provided by the client and are not to be used for any other purpose without the written consent of the architect.  
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TYPICAL ROOF/GUTTER DETAIL

E  
 01/20  
 D  
 01/20  
 C  
 01/20

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 Project  
**PROPOSED DEVELOPMENT**  
 DEAN COURT CAR PARK, BOOTHAM ROW, YORK  
 Drawing  
**PROPOSED ELEVATIONS**  
**TYPICAL SECTION & VIEW**  
 Date: APRIL 16 Drawn:  
 Scale: 1:10, 1:50 @ A1 Rev:  
 Status: **PLANNING** E  
 Drawn By:  
**CLE-309-005 12**









**COMMITTEE REPORT**

**Date:** 5 August 2020      **Ward:** Osbaldwick and Derwent

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

**Reference:** 20/00525/FULM

**Application at:** Grimme (Uk) Ltd Kilnfield House 45 Common Road Dunnington  
York

**For:** Change of use to business, general industry and storage or  
distribution (Use Classes B1, B2 and B8)

**By:** Mr Alistair Kelly

**Application Type:** Major Full Application

**Target Date:** 12 August 2020

**Recommendation:** Approve

## 1.0 PROPOSAL

1.1 Change of use of premises comprising a combined industrial/storage and office building with yard and car parking to business, general industry and storage or distribution use (Use Classes B1, B2 and B8). The existing consent restricts the use of the rear part of the site (the industrial/storage building and yard) to the importation and distribution of agricultural machinery. The current proposal would broaden the permitted use by providing a B1 (office/light industrial), B2 (General Industrial) and B8 (Storage and Distribution) permission for the whole site. No external alterations are proposed to the buildings or the site.

## RELEVANT PLANNING HISTORY

1.2 01/00286/FUL - Erection of a single storey office and storage building (i.e. the existing building) with access, parking and landscaping. Condition 4 of the permission restricted the use of the site to landscape contracting or horticulture/agriculture and for no other purpose, including any other purpose in class B2 (The use appears to have been classed as B2 due to the predominance of repairs to agricultural plant, equipment and vehicles). The reason for the condition was to ensure that the use would remain acceptable given its Green Belt location and proximity to a residential dwelling.

1.3 03/02811/FUL – Variation of condition 4 of 01/00286/FUL to allow the whole of the site to be used for any B1 or B2 use. Planning permission was refused because, if approved, the use would have been inappropriate development in the Green Belt, harmful to the Green Belt and to the amenity of adjacent residential occupiers.

1.4 09/01758/FUL – Variation of condition 4 of 01/00286/FUL to allow the use of the office building to be unrelated to a landscape contracting or horticulture/agriculture. The application was approved because the character of the site and the impact on the openness of the Green Belt was unlikely to materially change. The re-use of the offices would not prevent the shed and yard being used in accordance with condition 4.

1.5 10/00536/FUL - Variation of Condition 4 of 01/00286/FUL to allow Class B2 general industrial use of approved workshop and yard unconnected with landscape contracting business or horticultural/agricultural use. The applicant was a manufacturer, importer and supplier of large agricultural plant and equipment. The site at Dunnington would serve customers across Yorkshire providing sales, spare parts and service backup for machines out in the field. The LPA considered that an unrestricted B2 use would be unacceptable due to the possible impact on the openness of the Green Belt and neighbour amenity. However, the proposed use by an importer of agricultural machinery was considered to be acceptable subject to conditions. Planning permission was granted subject to a condition (agreed with the applicant) restricting the use to the importation and distribution of agricultural machinery.

1.6 The current application includes the whole of the premises, as does the 2001 permission (including condition 4). The 2009 permission relates only to the offices and the front car parking. The 2010 permission relates only to the shed and the rear yard.

## **2.0 POLICY CONTEXT**

2.1 Section 38(6) of the Planning and Compensation Act requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for the site comprises the saved policies of the Regional Spatial Strategy (RSS) - relating to the general extent of the York Green Belt. The application site lies within the general extent of the Green Belt as shown on the Key Diagram of the RSS.

2.2 The Publication Draft Local Plan 2018 (the emerging plan) was submitted for examination in May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. The policies of the emerging plan can be afforded limited to moderate weight at this stage of preparation, and subject to their conformity with the NPPF and the extent to which there are unresolved objections to the relevant policies the less significant the unresolved objections, the greater the weight that may be given). The evidence base underpinning the emerging plan is capable of being a material consideration in the determination of planning applications. The main policies of relevance to this application are:



DP4 – Approach to Development Management  
GB1- Development in the Green Belt  
GB3 – Reuse of Buildings  
D1 – Placemaking

2.3 The draft Dunnington Neighbourhood Plan is at an early stage of development and carries very little weight.

2.4 In the absence of a formally adopted local plan for the site the most up to date representation of key planning policy is the National Planning Policy Framework, February 2019 (NPPF). It is against the NPPF and the saved policies of the RSS policies that the application should principally be assessed. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11) which means granting permission unless:

- i. the application of policies in the Framework that protect areas of particular importance (ie Green Belt) provides a clear reason for refusal, or
- ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF taken as a whole.

2.5 The NPPF does state that local planning authorities should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area (paragraph 38).

2.6 The Development Control Local Plan Incorporating the Fourth Set of Changes was approved for development management purposes in April 2005. It does not form part of the statutory development plan for the purposes of s.38(6) and its policies carry very limited weight.

### **3.0 CONSULTATIONS**

INTERNAL

#### Highway Network Management

3.1 There is no collision on record for this stretch of Common Road. Considering the current use, with very large agricultural machinery, it is unlikely that a different use (B1, B2, B8) within the same buildings would have a significant impact on traffic levels and/or road safety so we have no concerns.

3.2 There is parking and machinery display happening on the highway verge. It would need to be made clear to any new users that vehicles parked on the verge are likely to reduce visibility to and from the site. Add an informative drawing the applicant's attention to the highway authority's enforcement powers and a condition requiring provision of enclosed cycle parking, if it is not provided already.

## Public Protection

3.3 No objections in principle. The site has been running for years with part use of the above classes and Public Protection have received no complaints about noise, dust or odour from the site. Maintain conditions of previous planning permissions on the site, i.e. those relating to hours of operation, noisy machinery and extraction plant.

## EXTERNAL

### Dunnington Parish Council

3.4 Objection. The application:

- is inappropriate development in the Green Belt, would encroach into the countryside and would reduce its openness for which there are no exceptional circumstances.
- is contrary to, and would undermine national, local and neighbourhood planning policies, in particular those relating to the Green Belt, landscape character, road safety and residential amenity.
- would detract from the generally attractive landscape character and appearance of the rural area.
- would erode the buffer between the industrial area and the residential properties on Common Road causing significant harm to the residents of nearby dwellings.
- would worsen existing concerns about noise, disturbance and loss of privacy arising from the existing activities and hours of the use of the site.
- would result in a significant increase in the nature and amount of vehicular traffic to and from the site, which would have a negative effect on the safety and the free flow of traffic and road safety.

## **4.0 REPRESENTATIONS**

### Cllr M. Rowley

4.1 The site is in the Green Belt land and the use is restricted to maintaining agricultural/horticultural machinery. The proposed use would increase the number of HGV vehicles along Common Road, and potentially in Dunnington Village.

Cllr M.Warters

4.2 Fully supports the objection by Dunnington Parish Council.

Neighbour Notification and Publicity

4.3 No responses received.

## **5.0 APPRAISAL**

### MAIN ISSUES

Local economy  
Impact on the Green Belt  
Highway issues  
Neighbour amenity  
Landscape character

### APPLICATION SITE

5.1 The site is dominated by a single integrated building comprising a 2-storey office building and a large L-shaped storage/workshop building. To the front of the site is a car parking area and an area used for the display of agricultural equipment. To the rear is a large, secure yard for the open storage of plant and the parking of vehicles. Access is from Common Road. The whole site is bounded by security fencing and a mature hedge.

5.2 The site lies between the village of Dunnington and Derwent Valley Industrial Estate. It is in the Green Belt and outside any settlement limit. There is one residential dwelling in the vicinity, approximately 45m to the north of the site.

### LOCAL ECONOMY

5.3 The NPPF states that local planning authorities should 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 (paragraph 38). 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 (paragraph 80).

5.4 Policy DP4 (Approach to Development Management) of the emerging plan states that when considering future development the council will take a positive approach that reflects the presumption in favour of sustainable development in the NPPF.

5.5 The existing business on the site has outgrown its premises, as can be seen by the open storage of plant and equipment which frequently occupies every available space including the highway verge. The business proposes to move to alternative premises outside the district. The premises are suitable for many other commercial uses outside the category specified in the 2010 permission (importation and distribution of agricultural machinery). The broad-use planning permission now being sought would support the local economy by, in effect, making the site available to a much wider range of potential businesses than the existing restricted permission allows.

## IMPACT ON THE GREEN BELT

5.6 The site is in the general extent of the Green Belt. Paragraph 133 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy GB1 of the emerging local plan reflects Green Belt policy in the NPPF. The re-use of buildings is not inappropriate provided they are of permanent and substantial construction, preserve the openness of the Green Belt and do not conflict with the purposes of including land within it (paragraph 146 of the NPPF and policy GB3 of the emerging plan).

5.7 The application is solely for the re-use of the building and its curtilage; no external alterations are proposed. At present the site is intensively used with a large volume of vehicles parked in the rear yard and to the front of the property. It is unlikely that any of the uses for which consent is now being sought would have a materially greater impact than the present use on the openness of the Green Belt. In summary, the proposal complies with all of the requirements of paragraph 146, does not constitute inappropriate development and would not be harmful to the Green Belt.

## HIGHWAY ISSUES

5.8 The existing access is good with unobstructed visibility in both directions along Common Road. The nature of the occupier's business and its intensive use of the site has resulted in large machinery and vehicles, including low loaders, entering and leaving the site in both directions. Nevertheless the council's records show no collisions along this section of public highway. Bearing in mind this current use, with very large agricultural machinery, it is unlikely that a different use of the site (whether B1, B2 or B8) would have a significant impact on traffic levels and/or road safety on Common Road. The highway authority has no objection to the application.

5.9 A condition should be attached requiring provision of cycle parking and the applicant should be reminded, in an informative, of the council's enforcement powers against the parking of vehicles on the public verge.

## NEIGHBOUR AMENITY

5.10 Paragraph 127(f) of the NPPF advises that decisions should ensure that developments provide a high standard of amenity for existing and future users. Paragraph 180 of the NPPF indicates that planning decisions should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development.

5.11 Policy D1 (Placemaking) of the emerging plan states that design should consider residential amenity so that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing.

5.12 The nearest residential dwelling is about 45m to the north of the application site. It is the only residential dwelling in the vicinity. The existing business generates noise from the coming and going of large vehicles and their repair on site but Public Protection have received no complaints. Of the uses now proposed B2 could cause some local disturbance, e.g. due to noise or odour, but this would depend on the nature of the occupier's business. Such disturbance could be mitigated by planning conditions (as apply to the current use), particularly regarding hours of operation, odour and noisy equipment. Further controls exist under public protection legislation in terms of statutory nuisance.

## LANDSCAPE CHARACTER

5.13 Paragraph 130 states that permission should be refused for poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Policy D1 (Placemaking) of the emerging plan states that development proposals that, among other things, cause damage to the character and quality of an area will be refused.

5.14 The application is for change of use only, it includes no external alterations to the existing building or site. The only visible change would be to the use of the external areas, which are currently used mainly (and intensively) for the storage of large plant and equipment for display or repair. The site is screened along all boundaries by a mature hedge and does not abut any sensitive uses, such as residential. It is unlikely that any of the proposed uses would have a greater visual impact than the existing use on the visual character of the area.

## 6.0 CONCLUSION

6.1 The site already has planning permission for office (B1) use and general industrial (B2) use. The B2 use is currently restricted to the importation and distribution of agricultural machinery. The application seeks to broaden the consent to all office/light industry (B1), general industry (B2) and storage/distribution (B8) uses. No external alterations are proposed. The application complies with Green Belt policy and would support the local economy. Potential impact on local residents should be mitigated by conditions. The application complies with national planning policy in the NPPF and relevant policies of the emerging plan.

## 7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the un-numbered site plan and the survey plan numbered HU-RJH-BSP-870-18-D03, both received 13 March 2020.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the local planning authority.

3 The use hereby permitted in relation to use classes B8 and B2 shall be confined to the following hours: 07.00-19.00 Mondays-Sundays.

Reason: To safeguard the amenity of local residents and the surrounding environment.

4 The use hereby permitted in relation to use class B1 shall be restricted to 05:30 - 22.30 Monday-Sundays.

Reason: To safeguard the amenity of local residents and the surrounding environment.

5 Details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, shall be submitted to the local planning authority for approval in writing. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The approved machinery, plant or equipment and any noise mitigation measures shall be fully installed and operational before the uses hereby permitted commence and shall thereafter be permanently retained.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of

23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area.

6 Details of any extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for approval in writing before such equipment is installed. This shall also include details of the location in relation to the building, the make, model and its suitability for removing odours caused by any proposed use.

Reason: To Protect the amenity of nearby residents and the environmental qualities of the area.

7 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 F, H and I of Schedule 2 Part 7 of that Order shall not be erected or constructed.

Reason: In the interests of the openness of the Green Belt and the amenities of 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.

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

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

## **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.

## 2. VERGE PARKING

The applicant is reminded of the highway authority's enforcement powers regarding the parking of vehicles and the storage/display of plant and equipment on the grass verge of the public highway in front of the application site.

**Contact details:**

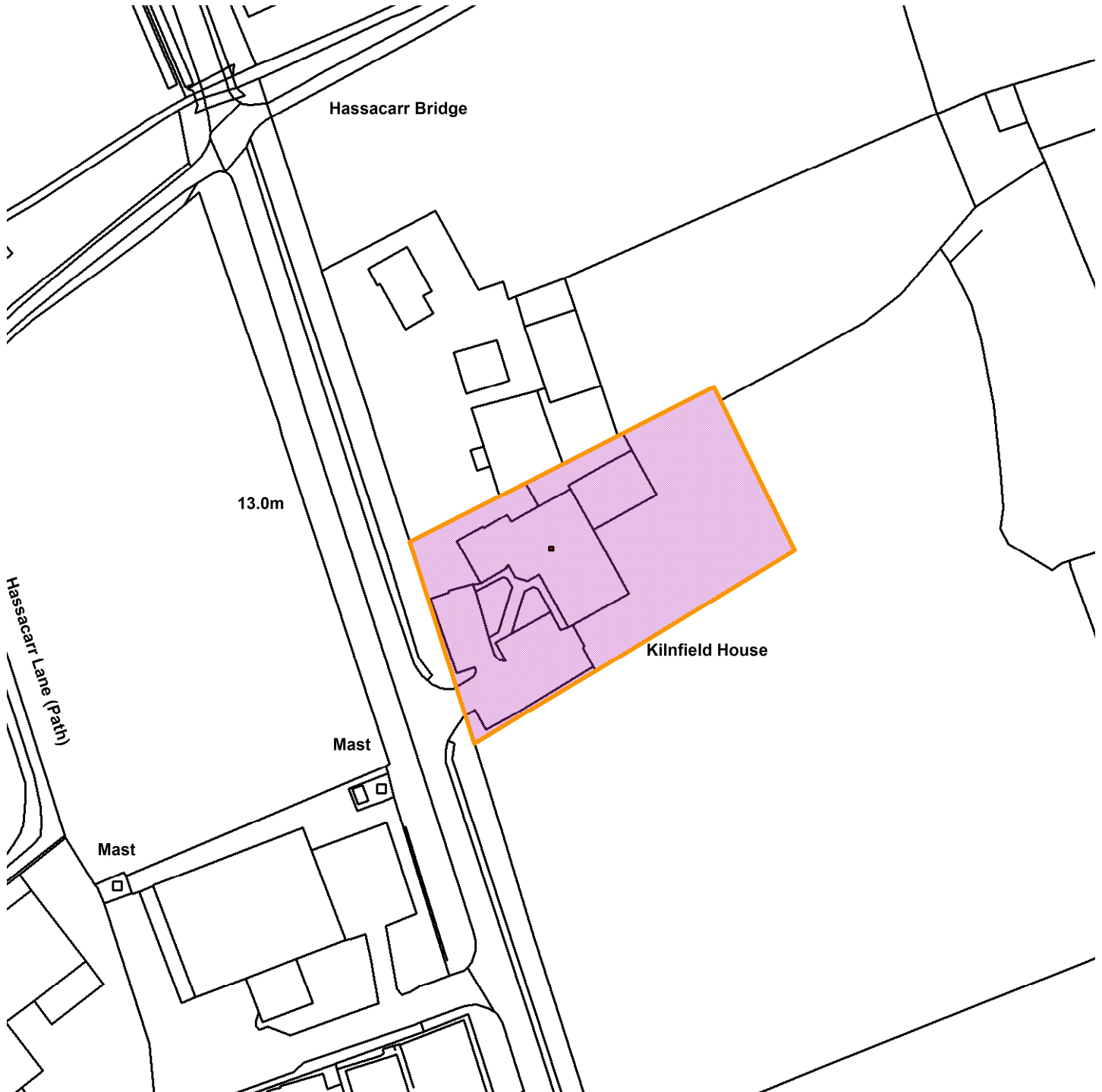
**Case Officer:** Kevin O'Connell

**Tel No:** 01904 552830



# Kilnfield House, 45 Common Lane, Dunnington

20/00525/FULM



Scale : 1:1314

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<b>Organisation</b>	City of York Council
<b>Department</b>	Economy & Place
<b>Comments</b>	Site location plan
<b>Date</b>	23 July 2020
<b>SLA Number</b>	

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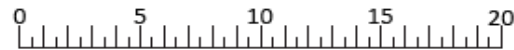
## Area Planning Sub-Committee

20/00525/FULM

Grimme (UK), Kilnfield House 45 Common Road Dunnington

Application site



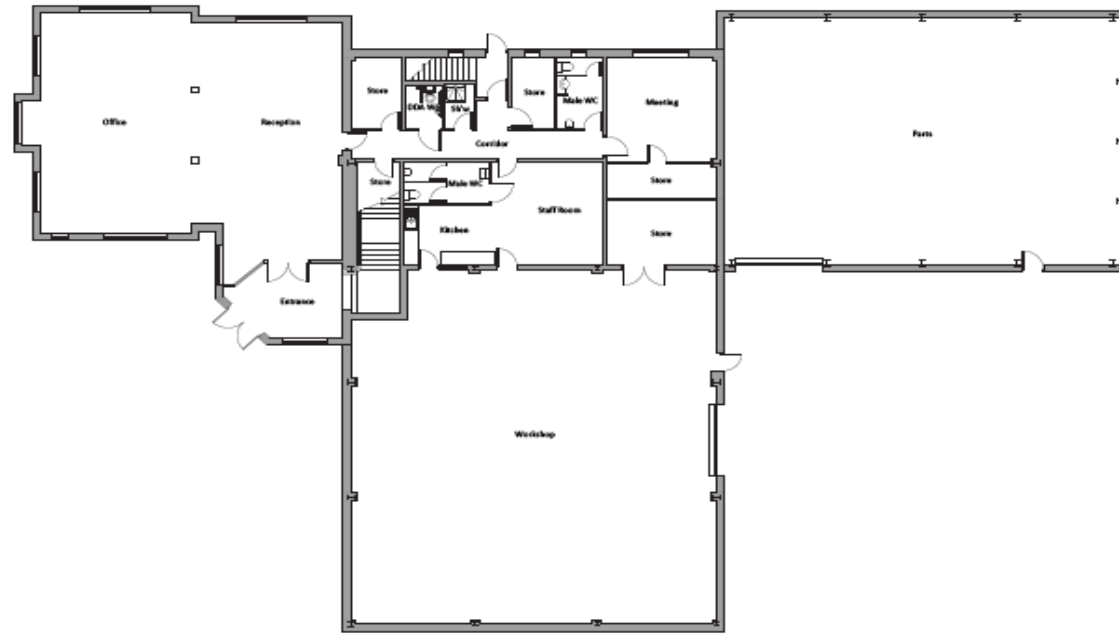


**HAZARD / ACTIVITY LEADING TO UNUSUAL, SIGNIFICANT OR UNEXPECTED RISKS DURING CONSTRUCTION ARE IDENTIFIED ON THE DRAWINGS AS:**

The following description indicates the location of all possible unusual situations which may be encountered during the construction process. It is the contractor's responsibility to identify any further risks / hazards and take appropriate action.

Note / If the work is particularly difficult, dangerous or should require specialist resources, please refer to any specialist sub-contractors for further details.

**N/A - Existing Survey**



Existing Ground Floor Plan

Rev	Date	Drawn	Description	Checked
<b>Existing Survey</b>				
Client	Orionex (UK) Ltd	Project	Orionex, 48 Cornhill Rd, Dunnington, York YO18 8PA	Rev
Project	Orionex, 48 Cornhill Rd, Dunnington, York YO18 8PA	Date	Feb 2018	Rev
Title	Building Ground Floor Plan	Scale	1:100 @ A1	Rev
Drawn/Author	JR	Checked	JR	Rev
Project/Reference	HU-RJH-BSP-870-18-003	Revision	-	Rev

LHL Group Property and Construction Services Ltd  
 The Old Swan Works, 1000 St. James Street, London, E1 6JF  
 020 7461 1000  
 www.lhlgroup.co.uk









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**COMMITTEE REPORT**

**Date:** 5 August 2020      **Ward:** Rawcliffe and Clifton  
Without

**Team:** West Area      **Parish:** Clifton Without Parish  
Council

**Reference:** 20/00146/FULM  
**Application at:** Corby (No.1) Unit Trust Sovereign House Unit 5 Kettlestring  
Lane York YO30 4XF  
**For:** Erection of building for light industry or general industry or  
storage/distribution or storage/distribution with ancillary trade  
counter use (use classes B1(c), B2, B8) and associated car  
parking and landscaping  
**By:** Mr George Cornwall-Legh  
**Application Type:** Major Full Application  
**Target Date:** 13 August 2020  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 Erection of a single-storey, portal-framed, commercial building measuring approximately 52m x 37m giving a total floorspace of 1858sqm. The building would be 8m to the parapet and 9.2m to the ridge. The application seeks permission for a range of use options comprising light industry or general industry or storage/distribution or storage/distribution with ancillary trade counter use (use classes B1(c), B2, B8). The proposal includes car parking and landscaping. Access would remain as existing, from Kettlestring Lane.

**APPLICATION SITE**

1.2 A commercial plot of 0.4ha within Clifton Moor Industrial Estate. The site has been cleared in readiness for redevelopment. It was previously occupied by three inter-linked office buildings. Access is direct from Kettlestring Lane. The adjacent uses on all sides are commercial.

**2.0 POLICY CONTEXT**

2.1 The National Planning Policy Framework (NPPF). Local planning authorities should seek to approve applications for sustainable development where possible and work with applicants to secure developments that improve the economic, social and environmental conditions of the area (paragraph 38).

2.2 The Publication Draft Local Plan 2018 (the 'emerging plan') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. In accordance with paragraph 48 of the NPPF the emerging 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).

2.3 The evidence base underpinning the emerging plan is capable of being a material consideration in the determination of planning applications. Relevant policies of the emerging plan are:

- DP2 Sustainable Development
- DP4 Approach to Development Management
- D1 Placemaking
- D2 Landscape and Setting
- ENV2 Managing Environmental Quality
- ENV5 Sustainable Drainage
- T1 Sustainable Access
- CC1 Renewable and Low Carbon Energy
- CC2 Sustainable Design and Construction

2.3 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005. It does not form part of the statutory development plan and its policies carry very limited weight.

## **3.0 CONSULTATIONS**

### INTERNAL

#### Forward Planning

3.1 Given the advanced stage of the emerging plan's preparation, the lack of significant objection to the emerging policies relevant to this application and the consistency with the Framework, we would advise that the policy requirements of the relevant emerging plan policies should be applied with moderate weight. The application seeks to provide employment use on a vacant brownfield. The location of the development and the proposed use is supported, subject to the conditioning of

the trade counter not exceeding 10% of the net floorspace of the building and demonstration of the carbon reduction/sustainable design and construction measures to be used to meet policy requirements.

### Highways Network Management

3.2 The access, site layout and car parking provision proposed are generally acceptable. Vehicle tracking shows that access and egress by large vehicles will require the on street parking currently available opposite the site entrance to be removed. This will require a change to the Traffic Regulation Order and the cost of this change should be borne by the applicant. The new location for the cycle parking is acceptable. Provision for 10 cycles as proposed is acceptable. This needs to be done according to the council's standards.

### Public Protection

3.3 The submitted phase 1 geo-environmental appraisal is acceptable. A phase 2 site investigation should be carried out. If contamination is found remedial action will be required to ensure that the site is safe and suitable for its proposed use. No objection subject to standard conditions regarding land contamination, submission of a construction environmental management plan, electric vehicle recharging points and extraction equipment.

## EXTERNAL

### Clifton Without Parish Council

3.4 No response.

### Kyle and Upper Ouse Internal Drainage Board

3.5 If the surface water were to be disposed of via a soakaway system, percolation tests must be undertaken to establish if the ground conditions are suitable for it. If surface water is to be directed to a mains sewer system the water authority must be satisfied that the existing system will accept this additional flow. This should be made a condition of planning permission. If the surface water is to be discharged to any ordinary watercourse within the IDB's district consent from the IDB would be required in addition to planning permission, and would be restricted to 1.4 litres per second per hectare or greenfield runoff rate.

## **4.0 REPRESENTATIONS**

4.1 None received.

## 5.0 APPRAISAL

### MAIN ISSUES

- Principle of the development
- Local economy
- Character and appearance
- Landscaping
- Access and parking
- Impact on surrounding occupiers
- Drainage
- Climate Change

### PRINCIPLE OF THE DEVELOPMENT

5.1 The site is in a well-established commercial area. The proposed uses are acceptable in principle subject to other material planning considerations.

5.2 The application specifically seeks approval for a trade counter, ancillary to the proposed storage/distribution use. Extensive trade counter use would reduce the employment floorspace (contrary to policy EC2 of the emerging plan) and could have a detrimental impact on existing centres (contrary to policy EC1 of the emerging plan). To avoid this harm the applicant has accepted a 20% limit on the amount of floorspace to be occupied by the trade counter. Although Forward Planning officers suggest that the trade counter occupy no more than 10% of the total floorspace the council has accepted up to 20% in comparable cases elsewhere. This higher maximum figure should be made a condition of approval.

### LOCAL ECONOMY

5.3 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 (paragraph 80). The proposal would increase the quantity and quality of commercial floorspace to the general benefit of the local economy and support the sustainable development policy DP2 of the emerging plan. The amount of employment that the building would provide will depend on the end use and user, neither of which are known at present because the development is speculative. The applicant estimates that if the building were occupied by a B2 use it would create approximately 51 jobs. Current employment is zero because the previous building has been demolished.

### CHARACTER AND APPEARANCE

5.4 Paragraph 130 of the NPPF states that permission should be refused for 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. The scale, design, appearance and external materials (mainly grey profiled metal cladding) are in keeping with the character of the area. They comply with policy D1 of the emerging plan and relevant paragraphs in section 12 of the NPPF. A condition should be attached requiring materials to be submitted for approval.

## LANDSCAPING

5.5 The site has some landscaping along the perimeter, notably unprotected trees along the front and rear boundaries. A landscaping scheme has been provided as part of the application. The existing trees along the rear boundary are outside the site and would be retained. The existing trees and shrubs along Kettlestring Lane would be removed and planted with new trees and native species hedgerows. Implementation of the landscaping details should be made a condition of approval.

## ACCESS AND PARKING

5.6 The access would remain largely as existing and is adequate. Vehicle tracking shows that ingress and egress by large vehicles would require the existing on-street parking opposite the site entrance to be removed. This would require a change to the Traffic Regulation Order and the cost of this change should be borne by the applicant. 25 car parking spaces would be provided including one to disabled standard and three with vehicle recharging. Cycle parking provision (for ten cycles) complies with council standards. The proposals comply with policy T1 of the emerging local plan.

## IMPACT ON SURROUNDING OCCUPIERS

5.7 Policy ENV2 (Managing Environmental Quality) states that development will not be permitted where future occupiers and existing communities would be subject to significant adverse environmental impacts without effective mitigation. The site is in an industrial/commercial area with no residential dwellings in the vicinity. In order to protect the local environment Public Protection officers are recommending various conditions including submission of a construction environmental management plan (CEMP). Bearing in mind the area's commercial character, the scale of the proposed building, its relatively straightforward construction and/or the safeguards provided by existing public protection legislation, officers consider that submission of a CEMP would, in this case, be inappropriate and unnecessary. The other conditions, namely those relating to extraction equipment, land contamination and provision of electric vehicle recharging points, are necessary and reasonable.

## DRAINAGE

5.8 Paragraph 155 of the NPPF states that in determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Policy ENV4 (Flood Risk) of the emerging plan states that new development shall not be subject to unacceptable flood risk and shall be designed and constructed in a way that mitigates against flood events. Development will only be permitted when flood risk within the catchment will be successfully managed and there are details of proposed necessary mitigation measures. The site is in low-risk flood zone 1. Although the site has already been developed the proposal would increase surface water run-off. The ground is not suitable for soakaways therefore the applicant proposes to provide attenuation on site and to discharge to public sewers. The application includes drainage calculations, attenuation and a schematic drainage layout. A condition should be attached requiring the submission of drainage details of their proposals, including attenuation, to be submitted for approval.

## CLIMATE CHANGE

5.9 In accordance with policies CC1 and CC2 of the emerging Local Plan the applicant has agreed to conditions requiring compliance with BREEAM Excellent and a 28% reduction in carbon emissions.

## 6.0 CONCLUSION

6.1 The redevelopment would support the local economy by providing employment floor space in keeping with the character of the area and in a sustainable location. The application complies with national planning policy in the NPPF and relevant policies of the emerging local plan.

## 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 approved plans:

- Location Plan 1862 PL 100
- Proposed Site Plan: 1862 PL 102P
- Proposed Ground Floor Plan and Roof Plan: 1862 PL 105D
- Proposed Elevations: 1862 PL 106C
- Proposed Cycle Storage: 1862 PL 107A
- Landscape Plan: 803/1/LA1A

- Bed Planting Plans: 803/1/LA2A

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the local planning authority.

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. The development shall be carried out using the approved materials.

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

Reason: So as to achieve a visually cohesive appearance.

4 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended or any order amending, revoking or re-enacting that Order, or the description of development associated with this permission, no more than 20% of the net floor space of the unit(s) hereby created shall be devoted to a 'trade counter' use.

Reason: To safeguard the vitality and viability of York City Centre and the defined District Centres and to secure compliance with Policy R4 of the Publication Draft City of York Local Plan (2018).

5 The development shall be carried out to a BRE Environmental Assessment Method (BREEAM) standard of 'Excellent'. A post-construction stage assessment shall be carried out and a post-construction stage certificate shall be submitted to the Local Planning Authority prior to occupation of the building (or in the case of the certificate as soon as practical after occupation). Where it can reasonably be demonstrated that an excellent is not feasible, full justification for the lower rating shall be submitted to and agreed by the Local Planning Authority prior to occupation. Should the development fail to achieve a BREEAM standard of 'excellent' or the agreed alternative rating, a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve the agreed standard. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of Policy CC2 of the Publication Draft Local Plan 2018.

6 No above ground works shall take place until 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) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. 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 when compared to the Target Emission Rate (calculated using Standard Assessment Procedure methodology as per Part L2A of the Building Regulations).

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

7 Prior to first occupation of the development hereby approved secure, covered cycle parking for a minimum of 10 cycles shall be provided in accordance with the approved plans unless otherwise previously approved in writing by the local planning authority.

Reason: In the interests of sustainable transport.

8 The development shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles have been constructed and laid out in accordance with the approved plans. Thereafter these areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: In the interests of highway safety.

9 Within 6 months of first occupation of the development a travel plan shall be submitted to the council for approval in writing. The development shall subsequently be occupied in accordance with the aims, measures and outcomes of the travel plan as approved in writing by the local planning authority.

Reason: To ensure that the development complies with national and local transportation guidance and to ensure that adequate provision is made for the movement of vehicles, pedestrians, cycles and other modes of transport to and from the site together with parking on site for these users.

10 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with the approved plans, or arrangements entered into which ensure the same: To remove on-street parking opposite the site access.

Reason: In the interests of the safe and free passage of highway users.



11 The trees shown on the approved plans as being retained shall be protected during construction in accordance with the tree protection measures set out in the submitted Arboricultural Impact Assessment and Tree Survey dated December 2019 by Brooks Ecological.

Reason: In the interests of the character and appearance of the area.

12 Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) shall be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be produced and submitted to the local planning authority for approval in writing. The report of the findings shall include:

(i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

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

14 Prior to first occupation or use, the approved remediation scheme shall be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out shall be produced and submitted to the local planning authority for approval in writing.

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

15 In the event that unexpected contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be prepared and submitted to the local planning authority for approval in writing. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the local planning authority for approval in writing.

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

16 Prior to first occupation of the development 2 Electric Vehicle Recharging Points shall be provided in a position and to a specification previously agreed in writing by the local planning authority.. In addition, a minimum of 2 additional parking bays shall be identified for the future installation of additional Electric Vehicle Charging Points. Such additional bays shall be provided with all necessary ducting, cabling and groundwork to facilitate the addition of Electric Vehicle Recharging Points in the future, if required. The locations of these additional bays shall be agreed in writing by the local planning authority. All charging points shall be located in a prominent position on the site and shall be for the exclusive use of zero emission vehicles.

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

Notes:

Electric Vehicle Charging Points should incorporate a suitably rated 32A 'IEC 62196' electrical socket to allow 'Mode 3' charging of an electric vehicle. The exact specification is subject to agreement in writing with the council. The location of charging points should be identified by parking bay marking and signage. All electrical circuits/installations shall comply with the electrical requirements in force at the time of installation.

17 Details of any extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for approval in writing. This shall include details of the location in relation to the building, the make, model and its suitability for removing odours caused by any proposed use.

Reason: To protect the amenity of nearby residents.

18 Prior to commencement of development details of foul and surface water drainage, including attenuation, shall be submitted to the Local Planning Authority for approval in writing, and thereafter implemented in accordance with the approved details.

Reason: In the interests of sustainable drainage.

## **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, in seeking solutions to problems identified during the processing of the application, the local planning authority agreed the proportion of trade counter use, negotiated changes to cycle parking provision and discussed appropriate planning conditions, particularly regarding low carbon/renewable energy.

#### **2. AINSTY INTERNAL DRAINAGE BOARD**

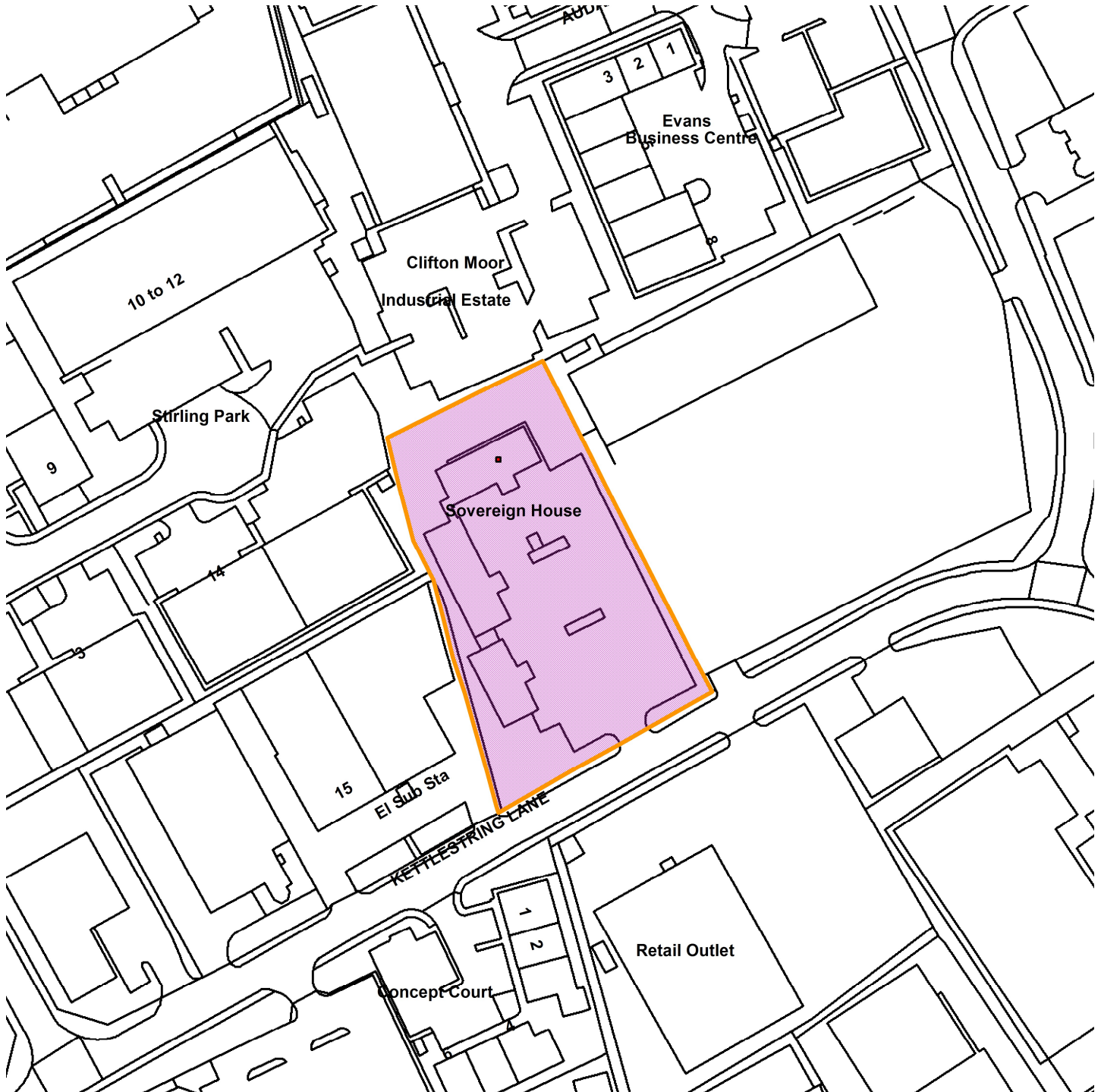
Any surface water discharge into any watercourses in, on, under or near the site requires consent from the Drainage Board. For further guidance, pre-application advice & consent form visit: [www.shiregroup-idbs.gov.uk](http://www.shiregroup-idbs.gov.uk), and select 'Kyle & Upper Ouse IDB'. For direct enquiries e-mail: [planning@shiregroup-idbs.gov.uk](mailto:planning@shiregroup-idbs.gov.uk). No obstructions within 7 metres of the edge of an ordinary watercourse are permitted without consent from the Internal Drainage Board. If surface water or works are planned adjacent to a Main River within the Drainage District, then the Environment Agency should be contacted for any relevant Permits.

**Contact details:**

**Case Officer:** Kevin O'Connell **Tel No:** 01904 552830

# Sovereign House Unit 5, Kettlestring Lane, YO30 4XF

20/00146/FULM



Scale : 1:1314

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<b>Organisation</b>	City of York Council
<b>Department</b>	Economy & Place
<b>Comments</b>	Site location plan
<b>Date</b>	23 July 2020
<b>SLA Number</b>	

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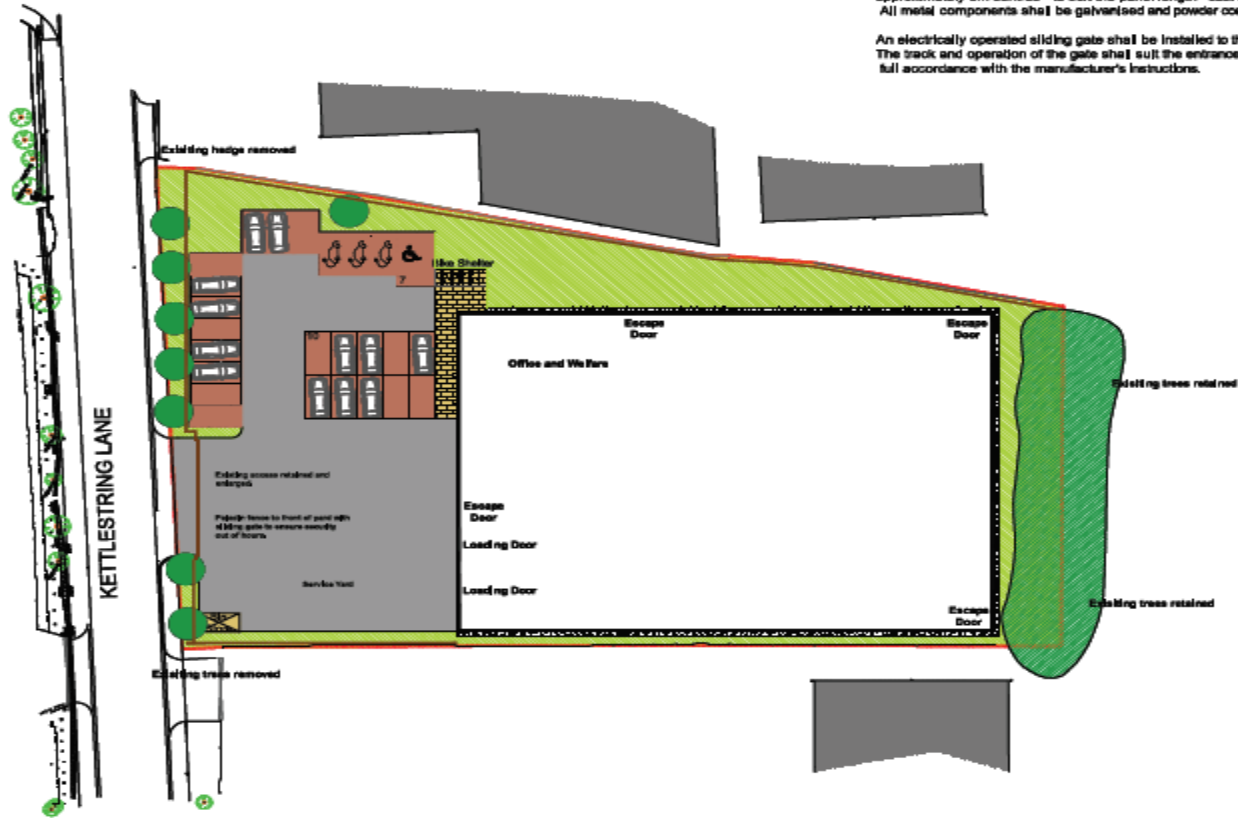


## Area Planning Sub-Committee

20/00146/FULM

Sovereign House Unit 5 Kettlestring Lane

Site GIA	Height	Technical Considerations
26,000 sq ft (1000 sq m)	6.5m	21 no. Standard spaces 1 no. Disabled space 3 no. EVCP 10 no. Covered Cycle parking spaces



**Cycle parking**

Proprietary galvanised steel cycle hoops are to be installed where indicated. Broxap 'Sheffield Extra' or similar. Bike shelters shall be Broxap 'New Sheffield'. Hoops and shelters are to be installed in accordance with the manufacturer's instructions cast into appropriate concrete footings.

**Fencing**

The site shall be fenced to the extent indicated on the plans. The fence shall be 2000mm high palad in type proprietary weldmesh panels with posts at approximately 3m centres - to suit the panel length - cast into concrete bases. All metal components shall be galvanised and powder coated black.

An electrically operated sliding gate shall be installed to the entrance of the site. The track and operation of the gate shall suit the entrance width and installed in full accordance with the manufacturer's instructions.

All dimensions and bearings shall be verified by the contractor on site prior to construction.  
Do not construct site boundary until notified by the contractor.  
The existing building footprint of the existing building and structure to be removed shall be indicated on the plans. The existing building footprint shall be indicated on the plans. The existing building footprint shall be indicated on the plans. The existing building footprint shall be indicated on the plans.



Item	Quantity	Unit	Value
1	1000	m	1000
2	500	m	500
3	200	m	200
4	100	m	100
5	50	m	50
6	25	m	25
7	10	m	10
8	5	m	5
9	2	m	2
10	1	m	1
11	1	m	1
12	1	m	1
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98	1	m	1
99	1	m	1
100	1	m	1

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**PLANNING**

PROPOSED DEVELOPMENT FOR THE PROPOSED INDUSTRIAL DEVELOPMENT AT KETTLESTRING LANE, CROFTON YORK

T/A PROPOSED SET PLAN

DATE: 10/11/2019

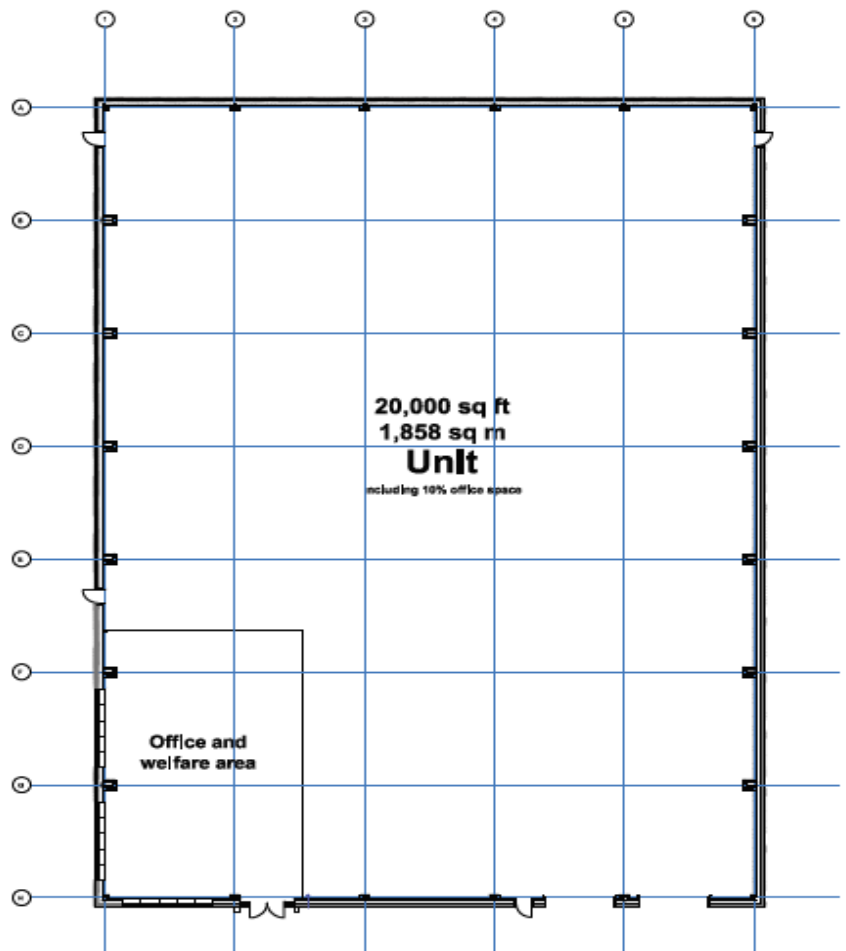
PROJECT: A76 SITE: NOV 2019

NO: 010

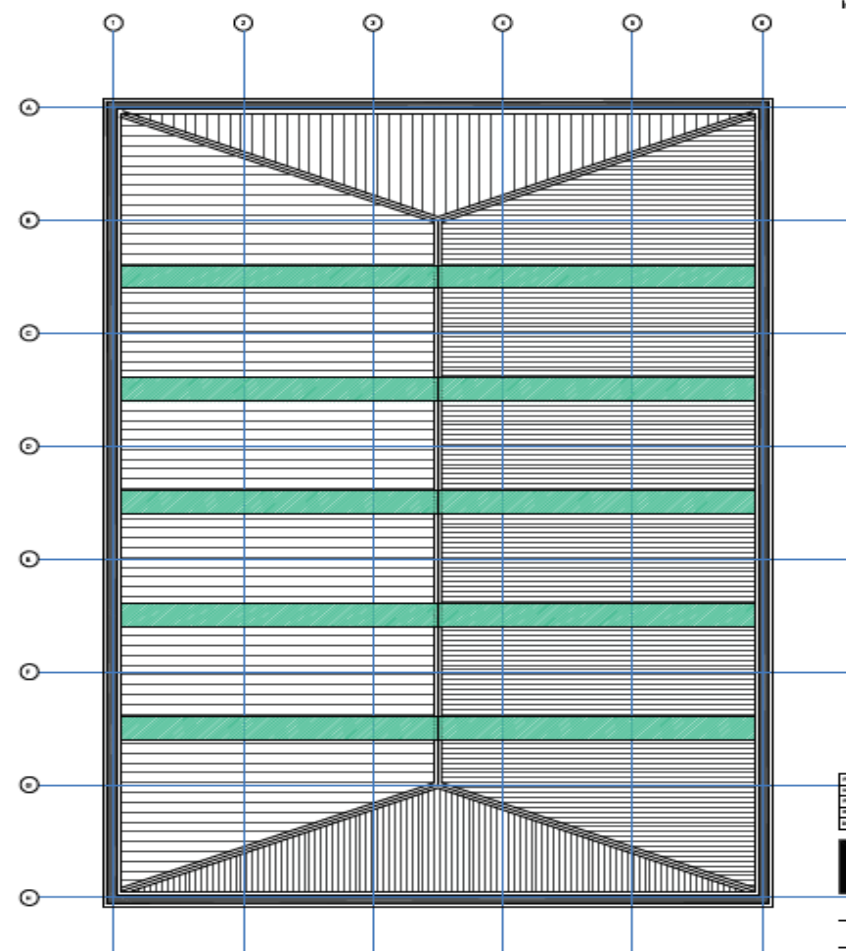
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Ground Floor Plan



Roof Plan

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Rev 0	Issued for tender	12/04/2019	EH
Rev 1	Issued for tender	12/04/2019	EH
Rev 2	Issued for tender	12/04/2019	EH
Rev 3	Issued for tender	12/04/2019	EH
Rev 4	Issued for tender	12/04/2019	EH

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architecture

**PLANNING**

PROJECT: PROPOSED DEVELOPMENT OF 100 PL 100, SYDNEY NSW 2000

TITLE: PROPOSED SECOND FLOOR AND ROOF PLANS

DATE: 100 PL 100

DESIGNER: EHA  
DRAWN: EHA  
CHECKED: EHA

Site looking west





