



#### 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:** Thursday, 18 February 2021

**Time:** 4.30pm

**Venue:** Remote Meeting

#### AGENDA

#### 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 - 6)

To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee held on 10 December 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 **Tuesday 16 February 2021**.

To register to speak please visit <a href="https://www.york.gov.uk/AttendCouncilMeetings">www.york.gov.uk/AttendCouncilMeetings</a> to fill out an online registration form. If you have any questions about the registration form or the meeting, please contact the relevant Democracy Officer, on the details at the foot of the agenda.

#### **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 <a href="https://www.york.gov.uk/webcasts">www.york.gov.uk/webcasts</a>.

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

#### 4. Plans List

To determine the following planning applications:

# a) 98B Tadcaster Road, Dringhouses, York, (Pages 7 - 38) YO24 1LT [20/00990/FUL]

Erection of 1no. dwelling and associated carport/garden store following partial demolition of single storey element to front of 98B Tadcaster Road. [Dringhouses and Woodthorpe Ward]

#### b) 1 Duncombe Barracks, Burton Stone Lane, (Pages 39 - 90) York, YO30 6BU [20/01902/FULM]

Erection of 34 dwellings (Use class C3), and a commercial unit (Use Class E), with associated parking, landscaping, access and ancillary works following demolition of existing buildings and structures. [Clifton Ward]

#### 5. Urgent Business

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

#### **Democracy Officer:**

Fiona Young

#### Contact details:

• Telephone: (01904) 552030

• Email: <a href="mailto:fiona.young@york.gov.uk">fiona.young@york.gov.uk</a>

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- · Business of the meeting
- Any special arrangements
- · Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

(Urdu) یه معلومات آب کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔

**T** (01904) 551550



City of York Council	Committee Minutes
Meeting	Area Planning Sub-Committee
Date	10 December 2020
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Cullwick, Fisher, Galvin, Craghill, Melly, Orrell, Waudby, Webb and Perrett

#### 34. 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 Crawshaw declared a personal prejudicial interest in Agenda Item 4b) 54 Scarcroft Hill [20/01561/FUL], in that he had called in this item for consideration at this sub-committee and had therefore predetermined his position. He also lived within the area of the ResPark zone under discussion. He left the meeting prior to consideration of that item and took no part in the debate or decision thereon.

#### 35. Minutes

Resolved: That the minutes of the Area Planning Sub-

Committee meeting held on 25 November 2020 be approved and then signed by the Chair at a later

date.

#### 36. Public Participation

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the Sub-Committee.

#### 37. 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.

#### 2a) Electricity Sub Station, Windmill Lane, York [20/01473/FUL]

Members considered a full application from the University Of York for the erection of 11kv substation with associated infrastructure and landscaping works.

Officers gave a presentation based upon the slides at pages 37 -47 of the Agenda and confirmed that there were no additional officer updates.

Dr S Mason, spoke in objection to the proposal highlighting the ecological importance of the trees, the societal importance of the woodland, and the disturbance that this work will cause to wildlife and residents.

Mr A Champion, spoke in objection to the application echoing the points made by the previous speaker. He considered that alternative site options had not been fully explored and that these green spaces needed to be protected for the benefit of the animals that use it and for peoples mental health.

Cllr George Norman, Ward Member for Hull Road, spoke on behalf of local residents, in objection to the scheme, on the grounds of the proposal's adverse impact on ecology and local amenity. He considered that this proposal had placed cost over the value of this vital TPO woodland and was not forward thinking.

Mr G Holbeck, Agent for the applicant, spoke about the planning balance. He was accompanied by the following panel of experts available to respond to questions from Members:

- Christopher Grantham (Northern Power Grid)
- Phil Dickson (Northern Power Grid)
- Michael Ross (University of York)
- Dan Robinson Arboriculuralist
- Mike Richardson Director of Estates at the University

Key points arising from Mr Holbeck's submission and Members questions included:

- The substation at Windmill Lane is around 50 years old. This proposal is to replace the original switch gear, so it requires a location which is adjacent to the existing transformers.
- The substation is a Northern Power Grid facility. The need to replace the old switch gear has been accelerated by the University as they require a direct supply to campus east in

- order to meet the increasing power demand. However, the benefits of replacing the old switch gear, in terms of reliability of service, will be shared by the local area.
- Regarding alternative options the substation is known as the Windmill Lane primary, so it is one tier up in the supply chain from a distribution substation and a much more significant piece of infrastructure, which serves the south east area of the city.
- To give a measure, the cost of relocating a primary substation would be in the region of £5m. It was established that the cost of this proposal was also around £5m.
- In determining the precise location of the new switch room, the University has worked with Northern Power Grid to investigate the options near to the existing substation, the aim being to reduce its impact. However, the adjacent car park at Smith and Nephew contains a large water trunk main, which runs all the way along the northern boundary and effectively rules out this option. There is less tree cover on the land to the north west of the transformers but this is because it already hosts a significant amount of underground gas and electricity services. This leaves the proposed site to the south.
- The overall number of trees to be removed to facilitate the proposal is 27, all but 3 of them are either young or low-quality specimens. In 2020, the University has already planted over 1000 trees throughout their estate and an additional 30 mainly young trees of varying sizes, shade tolerant, will be planted within the application site to compensate for the losses. The woodland will also benefit from much better management in the future, under the provisions of the University's woodland management plan.
- Mr Holbeck confirmed that replacing the switch gear in-situ could create a vulnerability to the electricity service in that area for around 18 months.

After debate, Cllr Webb moved, and Cllr Melly seconded, that the application be refused, overturning the officer recommendation, for the following reasons: that the need for development does not justify the harm to the woodland through the loss of trees and harm to wildlife due to the loss of this green corridor and is contrary to the following policies of the City of York Draft Local Plan (incorporating the fourth set of changes, April 2005) Policies: NE1, GI1, DP3, GI4 and to section 15 of the National Planning Policy Framework regarding protecting the natural environment.

Cllrs: Craghill, Melly, Perrett and Webb all voted in favour of this motion Cllrs: Crawshaw, Cullwick, Fisher, Galvin, Orrell, Waudby and Hollyer voted against this motion and the motion was declared **lost 4:7.** 

Cllr Galvin then moved, and Cllr Cullwick seconded, that the application be approved in accordance with the officer recommendation as set out in the officer report. Cllrs: Crawshaw, Cullwick, Fisher, Galvin, Orrell, Waudby and Hollyer voted in favour of this motion. Cllrs: Craghill, Melly, Perrett and Webb voted against this motion and the motion was declared carried 7:4. It was therefore:

Resolved: That the application be APPROVED, subject to the conditions listed in the report.

#### Reason for Approval

In considering this application, the presumption in favour of sustainable development does not apply as the scheme involves harm to the woodland TPO through the loss of trees. The University have justified the need for the development through existing supplies being at capacity and to support the further build out of Campus East. Officers are satisfied that the primary substation cannot be relocated elsewhere, because of the significant cost, or the Yorkshire Water pipe and easement to the immediate west. The switchroom will be located in the woodland adjacent to the existing facility and positioned to cause least harm to those trees of value. The minimum number of trees of value would be lost and there are adequate mitigation measures in terms of protecting the surrounding woodland habitat, replanting and ecological mitigation such that the least harm is caused. Therefore giving significant weight to supporting economic growth (Section 6 of the NPPF) and the continued development of the University of York (Policy ED1 of the Publication Draft Local Plan), on balance, the need for the substation extension, and the small degree of harm overall to the woodland, with no loss of amenity for users of the PRoW, it is concluded that planning permission should be granted.

[There was a short break from 6.30pm until 6.45pm in order to enable registered speakers to join the meeting].

#### 2a) 54 Scarcroft Hill, York, YO24 1DE [20/01561/FUL]

Cllr Crawshaw, Vice-Chair, left the meeting having declared a prejudicial interest in this item.

It was proposed and seconded that Cllr Webb act as Vice-Chair for this item only.

Resolved: that Cllr Webb would be Vice-Chair for this item only.

Members considered a full application from Mr Webster for retrospective permission for the change of use of 54 Scarcroft Hill from a dwellinghouse (use class C3) to a 6 bedroom house in multiple occupation (use class C4).

Officers gave a presentation based upon the slides at pages 59 -63 of the Agenda and confirmed that there were no that there were no additional officer updates.

Mr T O'Hagan, a neighbouring resident, spoke in objection to this application on the grounds that the multiple occupancy had adversely impacted upon his amenity in terms of noise nuisance and overcrowded parking.

Mrs P Gill a neighbouring resident, spoke in objection to this application on the grounds that the multiple occupancy had adversely impacted on her amenity in terms of noise levels and disturbance and that local residents had not found the property agent to be forthcoming or communicative regarding their concerns.

Mr A Bennett, Managing Agent for this property was available to respond to Members' questions.

After debate, Cllr Galvin moved, and Cllr Orrell seconded, that the application be approved, in accordance with the officer recommendation, with an amendment to condition 3. Cllrs: Craghill, Cullwick, Galvin, Melly, Orrell, Perrett, Waudby and Hollyer all voted in favour of this motion. Cllrs: Fisher and Webb voted against this motion and the motion was declared **carried 8:2**. It was therefore:

Resolved:

That the application be APPROVED, subject to the conditions listed in the report and the following amended condition (amendment indicated in bold text):

#### **Amended Condition 3**

A management plan shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of this decision and shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority. The Management plan shall relate to the following areas:

- i) Information and advice to occupants about noise and consideration to neighbours, to include a system for responding to complaints from neighbours
- i) Garden maintenance
- ii) Refuse and recycling facilities
- iii) Property maintenance

Reason: In the interests of the proper management of the property and the amenity of adjacent residents.

#### Reason for Approval

On balance and subject to conditions, it is considered that the use of the property as a HMO within the C4 use class is acceptable in terms of the balance of the community, impact on the conservation area, highways impact and local amenity. The application accords with the requirements of the NPPF, Policy H8 of the Publication Draft York Local Plan 2018 and Policies GP1 and H8 of the Development Control Local Plan 2005.

Cllr Hollyer, Chair [The meeting started at 4.30 pm and finished at 7.55 pm].

# Agenda Item 4a

#### **COMMITTEE REPORT**

Date: 18 February 2021 Ward: Dringhouses and Woodthorpe

Team: West Area Parish: Dringhouses/Woodthorpe

Planning Panel

Reference: 20/00990/FUL

**Application at:** 98B Tadcaster Road Dringhouses York YO24 1LT

For: Erection of 1no. dwelling and associated carport/garden store

following partial demolition of single storey element to front of

98B Tadcaster Road

By: Mr Richard Marchant

**Application Type:** Full Application

**Target Date:** 22 September 2020

**Recommendation:** Approve

#### 1.0 PROPOSAL

- 1.1 The application site relates to land at the rear of 98B Tadcaster Road which is a detached dwelling with front garden. There is an existing private tarmac vehicular access that runs down the south side of no 98, which fronts Tadcaster Road, and provides access to two further dwellings (no 98A and 98B). The area is residential and characterised by substantial two storey dwellings fronting Tadcaster Road with long strip gardens heading to the west towards the railway line. Gardens to the north and south of the site have similar backland residential development which are a mix of one and two storeys.
- 1.2 There are two protected trees in the front garden of no 98 adjacent to the front boundary wall by Tadcaster Road. The site lies outside of a conservation area. The application site lies primarily in flood zone 1, although the very back (west of the site is in flood zone 3 due to the proximity of Holgate Beck.
- 1.3 Planning permission is sought for the erection of 1no. dwelling and associated carport/garden store following partial demolition of a single storey element to the front of 98B Tadcaster Road. The proposed dwelling will be wholly sited within flood zone 1. Outline planning permission was granted on the same site as the current application in 2019 for the erection of 1 no. new dwelling house and detached garage with means of access included. A condition was imposed for this permission

requiring the dwelling be no more than 1 storey in height to protect the backland character of the area.

- 1.4 The proposed dwelling will be two storey in height with a basement floor sunk 1.5 metres below existing ground level. The dwelling will have a dual pitched roof with the ridge being 6.3 metres above the existing ground level. The maximum length of the dwelling would be 24.2 metres and the width will be 14.2 metres. The house is to have brick and render walls with a flat tile roof. There will be a detached flat roof car port/store that will be 11.3 metres by 7 metres. The carport will have a green roof.
- 1.5 An existing single storey section of no 98B Tadcaster Road will be demolished to allow for the access to the new dwelling to be created.
- 1.6 The application was called in to sub-committee by Councillor Mason for members to determine the size and scale of the proposal.

#### Planning history

1.7 Outline application for the erection of 1 no. new dwelling house and detached garage with means of access included (19/00165/OUT) – Approved.

#### 2.0 POLICY CONTEXT

#### National Planning Policy Framework

- 2.1 The revised National Planning Policy Framework (NPPF) 2019 sets out the government's planning policies for England and how these are expected to be applied.
- 2.2 The planning system should contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives. Paragraph 11 advises that at the heart of the Framework there is a presumption in favour of sustainable development.

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#### Publication Draft Local Plan 2018

- 2.3 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).
- 2.4 Relevant Policies

D1 Placemaking

D6 Archaeology

GI4 Trees and Hedgerows

**ENV2Managing Environmental Quality** 

**ENV4 Flood Risk** 

ENV5 Sustainable Drainage

T1 Sustainable Access

#### 2005 Development Control Local Plan

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

GP1 Design

GP10 Subdivision of gardens and infill development
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#### 3.0 CONSULTATIONS

INTERNAL

<u>Design</u>, <u>Conservation</u> and <u>Sustainable Development</u> (<u>Archaeology</u>)

3.1 Written scheme of investigation condition required.

<u>Design, Conservation and Sustainable Development (Landscape)</u>

- 3.2 As with most development proposals, the aim should be to retain all category A and B trees, and wherever possible, category C trees, unless they are a hindrance to an otherwise acceptable development, in which case the loss of tree cover should be compensated for with appropriate new planting wherever possible. Similarly, development proposals should respectfully consider the wellbeing of neighbouring trees within influencing distance of the site.
- 3.3 The introduction of the dwelling onto the land at the rear would result in the loss of the majority of trees along the northern boundary of the site, and within the body of the site, including Laurel, early-mature Sycamore, Goat willow, and lines of Leyland cypress. The general tree cover and open space on which they stand, contributes to the green environment supported by the historically long rear gardens of properties on Tadcaster Road. This has been eroded as a result of increased housing density. However none of the trees are particularly worthy of retention on arboricultural merit alone, with the exception of Silver Birch (category B). Efforts should be made to retain the Birch, which appears to be just outside of the site boundary within the remaining grounds of 98B. This would involve the slight relocation of the garage and store.
- 3.4 Conditions proposed regarding tree protection and landscaping.

#### **Public Protection**

3.5 Conditions required for electric vehicle charging and unexpected land contamination.

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#### **Highways Network Management**

3.6 The access road, although very narrow, meets the minimum requires stated in our highway design guide and was approved, with the passing places, under 19/00165/OUT. Please condition the passing places to be kept clear of obstructions. Assume cycle parking is provided as part of the garden store

#### **Local Lead Flood Authority**

- 3.7 It is essential the public sewers crossing the site are protected and the necessary investigation to locate in terms of their line and their level are carried out which they are content can be dealt with via condition if planning permission is to be granted.
- 3.8 The Drainage Strategy Plan prepared by Topping Engineers (Drawing No.19210-DR-C-0100 Revision P11 original dated May 2020, P11 undated) is generally acceptable.
- 3.9 In summary, the Plan states that foul water will discharge to public combined sewer crossing the site. In terms of surface water disposal, sub-soil conditions do not support the use of soakaways and the applicant has not been able to prove title of the watercourse adjacent to the site. As stated on the Plan the existing property has no positive connection to sewer therefore in accordance with our SuDS Guidance for Developers our lowest allowable Greenfield rate shall be used, therefore surface water will discharge to public combined sewer crossing the site via storage with restricted discharge of 0.5 (nought point five) litres/second. This will include the new dwelling, associated garage and driveways.
- 3.10 There is a 150mm public sewer crossing the site which it appears to clash with the building foundation therefore it is important this infrastructure is protected.

**EXTERNAL** 

#### **Dringhouses Planning Panel**

3.11 No response received.

#### Ainsty Internal Drainage Board

3.12 Notes that the applicant is proposing to use the mains combined sewer for both the disposal of surface water and foul sewage. If Yorkshire Water is content with the proposed arrangement and is satisfied that the asset has the capacity to accommodate the flow, then the Board would have no objection to the new proposed arrangement.

#### Yorkshire Water

3.13 Conditions recommended.

#### 4.0 REPRESENTATIONS

- 4.1 The application has been advertised by neighbour notification. One neighbour objection was received. The issues raised are summarised below.
  - Proposal is for a substantial two storey house
  - Officer report for previous permission notes only a single storey is acceptable in this location
  - Larger than the plan area for no 98
  - Significantly larger than no 98B
  - Will dominate surrounding area and not integrate
  - Should be similar to 100C Tadcaster Road, last dwelling constructed in neighbourhood
  - There should be no permitted development rights and no alterations allowed to the roof or height at a later date.
  - Extensive glazing faces towards our property, significant overlooking
  - Impact on drainage, basement will have adverse impact on water flows and surface drainage in area
  - Measures should be put in place to limit disturbance during construction
- 4.2 Following the submission of a revised drainage strategy, a further consultation was undertaken. A further objection was received from no 100B Tadcaster Road.
  - Previous comments still stand.
  - Large amount of spoil increased by drainage attenuation tank. Spoil should be removed from site

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- If spoil is not removed, back garden will be raised resulting in increased flood risk and overlooking

#### 5.0 APPRAISAL

- 5.1 Main Issues
- principle of development
- impact on the character of the area
- impact on amenity and living conditions of adjacent occupiers
- highways and parking
- flood risk
- drainage
- trees
- archaeology

#### PRINCIPLE OF DEVELOPMENT

5.2 The principle for residential development is already established by way of the 2019 outline planning permission in this location.

#### IMPACT ON THE CHARACTER OF THE AREA

Paragraph 127 of the NPPF supports good design for new development that 5.3 fits into the character of an area. Policies D1 of the 2018 Draft Plan holds moderate weight and Policies GP1 and GP10 of the 2005 DCLP. The previous approval at the site in 2019 was subject to a condition restricting the height of the dwelling to no more than 1 storey to take into account the character of the area and that this is a backland, garden plot. The applicant has sought to introduce a second storey by including a sunken section of the ground floor that will be 1.5 metres below the existing ground level. The proposed height of the dwelling will be no higher than the existing adjacent dwelling to the south and is of a similar volume. The materials proposed or brick, render and tiles are generally in keeping with the surrounding area and can be controlled by condition requiring samples of the materials and also for boundary treatment. The dual pitched roof is typical of a building that will appear as a bungalow from exterior views and the flat roof outbuilding is also typical within the curtilage of a dwelling. As such the design of the proposal is considered to be acceptable. The proposal will not appear out of character with the existing backland character and the scale will not dominate the remaining garden.

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5.4 The proposal also involves some demolition work to an existing single storey part of 98B Tadcaster Road to allow for the access to be created. To ensure the infill brick work is acceptable following the demolition, a condition is proposed requesting detailed drawings of the work and of the proposed external materials.

#### IMPACT ON NEIGHBOUR AMENITY

- 5.5 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. Policies D1 and ENV2 of the 2018 Draft Plan consider amenity and hold moderate weight in the planning balance
- 5.6 The proposed residential use is in keeping with the surrounding area. The design and siting of the house, in relation to neighbouring dwellings, will protect daylight and sunlight. While concerns have been expressed over privacy, the closest section of the dwelling to no 100B is a blank gable end. There is glazing to the midsection of the roof, however the proposed elevations show that the glazing will be too high to allow overlooking from inside the house to neighbouring properties. To protect neighbour amenity a condition is proposed restricting permitted development rights for alterations to the roof.
- 5.7 The building is a similar height to the neighbouring dwelling to the south, 100B and as such will not result in an unacceptable loss of daylight or sunlight. Due to the design being primarily set back from the boundary and with a pitched roof, the building will not be overbearing to neighbours. Due to the height and location of the windows, there will be no loss of privacy. Objections have been received with regard to the front facing windows, overlooking the front garden and drive of the neighbouring dwelling, however front gardens and drives are often partially or totally overlooked and due to the height this would be no different to someone standing in the existing garden. As such the proposal is acceptable with regard to amenity.
- 5.8 Given the proximity of the proposal to other dwellings, an informative will be included to remind the developer of noise legislation that covers working hours and other possible disruptions during the construction process.

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#### HIGHWAYS AND PARKING

- 5.9 Para 109 goes onto say 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. Policy T1 of the 2018 Draft Plan is also relevant.
- 5.10 The existing access off Tadcaster Road is to be maintained with a passing place as existing in front of no 98 at the front of the site. The Council's Highways Officer had no objection to the previous approval at the site and does not object to the current proposal. It is assumed cycle parking will be in the proposed store and this will be secured by condition.

#### **TREES**

- 5.11 Emerging Policy GI4 seeks to ensure that proposals do not create conflict between existing trees to be retained and new buildings, their uses and occupants, whether the trees or buildings be within or adjacent to the site. The Council's Landscape Architect was consulted on the previous outline application. They confirmed that the proposed access would not result in an adverse impact on the protected tree and there would be no ground works or works to the boundary wall.
- 5.12 The proposal will result in the loss of trees in the existing rear garden, however the submitted tree survey which has been assessed by the Council's Landscape Architect only one of these a Grade B, i.e normally worthy of retention. The applicant was requested to move the outbuilding to allow for the retention of this tree, however they have requested that alternatively a tree be replanted. While ideally, the tree would be retained, the proposed tree is located in a rear garden of limited public visibility and outside of a conservation area. A condition is proposed for replacement planting and landscaping.

#### DRAINAGE AND FLOOD RISK

5.13 An objection has been received from a neighbour to the south with regard to drainage from a new dwelling. The proposed building will be sited in flood zone 1 and in flood risk terms is appropriate development. A soakaway test has been undertaken and failed. In line with the sustainable drainage guidance, surface water would normally be directed to the nearest watercourse, in this case Holgate Beck to Application Reference Number: 20/00990/FUL Item No: 4a

the west. However, the applicant has noted that there is a strip of land between the development site and the Beck which is outside of their control and is unregistered land. To run drainage pipes under this land would run the risk of the land owner coming forward in the future to prevent this. As such it is not considered reasonable to require the applicant to discharge surface water in this manner. The next stage down the surface water drainage hierarchy is to discharge to the existing drainage systems via the main combined sewer. This has been agreed with the Council's Flood Risk Engineer, the Ainsty Drainage Board and Yorkshire Water subject to the imposition of appropriate conditions. Subject to these conditions, the proposal will comply with national and local planning policies and guidance with regard to flood risk and drainage.

#### SUSTAINABILITY

- 5.14 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. Emerging Policy CC2 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.
- 5.15 Details of the proposed targets can be secured via pre-commencement condition setting out the details of measures that will achieve the required emissions reductions.

#### **ARCHAEOLOGY**

- 5.16 98B Tadcaster Road is situated just off the line of the Roman SW approach road into York from Tadcaster. There are several instances of Roman burials and cemeteries alongside this road in the Dringhouses area. Recent archaeological monitoring for the erection of a garage at 125 Tadcaster Road revealed extensive Roman deposits at shallow depths possible evidence of a building, metal-working or corn drying site.
- 5.17 Although the proposed development site is set back from the line of Tadcaster road, given the potential that Roman burials may exist anywhere throughout this Application Reference Number: 20/00990/FUL Item No: 4a

area, the Council's Archaeologist has recommended that a watching brief should take place to record any archaeological features which may be revealed during groundworks for drainage, foundations and any new areas of disturbance for creation of access. This can be secured via condition.

#### **6.0 CONCLUSION**

6.1 The proposed dwelling is acceptable in principle with an outline permission already in place for a dwelling on site. By sinking the level of the dwelling in part, the proposal will allow for a second internal level to be created. It is also noted that there are other two storey backland dwelling in the immediate area. The design of the dwelling is acceptable in terms of its backland location, its form and the use of materials. The impact on amenity has been considered and due to the height and location of openings there are not considered to be any unacceptable adverse impacts. The loss of a Grade B tree weighs against the proposal, however this harm is limited by the location of the tree in a rear garden and the use of a condition ensuring replacement tree planting. The use of conditions will ensure the proposal is acceptable with regard to drainage, highways and archaeology. Overall, subject to the following conditions the proposal is considered to be acceptable.

#### **7.0 RECOMMENDATION:** Approve

- 1 TIME2 Development start within three years
- The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-

```
151 P00 received 13 January 2021;19210-DR-C-0100-P11 received 16 December 2020; 18011_130 P02 received 24 September 2020; 18011_105_P03 received 9 June 2020; 18011_106_P02 received 9 June 2020; 18011_107_P01 received 9 June 2020; 18011_111_P01 received 9 June 2020; 18011_115_P01 received 9 June 2020; 18011_131_P01 received 9 June 2020; 18011_135_P01 received 9 June 2020; 18011_001_P02 received 9 June 2020; 18011_005_P01 received 9 June 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 A) No development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing.

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For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI. The WSI should conform to standards set by the

Chartered Institute for Archaeologists.

- B) The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.
- C) A copy of a report (or evidence of publication if required) shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: The site is considered to be an area of archaeological interest. Therefore, the development may affect important archaeological deposits which must be recorded prior to destruction to ensure compliance with Section 16 of the National Planning Policy Framework.

Arboricultural Method Statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. Amongst others, this statement shall include details and locations of protective fencing, ground protection, a schedule of tree works if applicable, site rules and prohibitions, phasing of works, types of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles, locations for stored materials and means of moving materials around the site, locations and means of installing utilities, location of site compound. The document shall also include methodology and construction details where a change in surface material and boundary treatments is proposed within the root protection area of existing trees. A copy of the document will be available for reference and inspection on site at all times.

Reason: To protect existing trees which are considered to make a significant contribution to the amenity of this area and/or development.

Within three months of commencement of development a detailed landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include the species, stock size, density (spacing), and position of trees, shrubs and hedging plants. The proposed tree planting shall be compatible with existing and proposed utilities. This scheme shall be implemented within a

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

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species across the site, in order to partly replace the loss of trees which contribute to the general tree cover across the city.

- 6 No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority. The information shall include site specific details of:
- i) the means by which the surface water discharge rate shall be restricted to a maximum rate of 0.5 (nought point five) litres per second, and
- ii) the means by which the surface water attenuation up to the 1 in 100 year event with a 30% climate change allowance shall be achieved

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

7 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works:

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

No construction works in the relevant area(s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the infrastructure for the purposes of repair and maintenance by the statutory undertaker and the means of ensuring that the public sewer will be protected at all times. If the required protection measures are to be achieved via diversion or closure of any sewerage, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been

undertaken.

Reason: In the interest of public health and maintaining the public sewer network.

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

Reason: In the interest of satisfactory and sustainable drainage.

10 Development shall not commence until details have been submitted to and approved in writing by the local planning authority showing the proposed design for the part demolition and making good of the existing side projection of the dwelling currently known as 98B Tadcaster Road.

These details shall include:

- Proposed elevations
- Proposed floorplans
- Proposed materials

The approved works shall be completed prior to the occupation of the new dwelling.

Reason: To ensure a satisfactory final appearance.

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.

Reason: So as to achieve a visually cohesive appearance.

- 12 VISQ4 Boundary details to be supplied
- 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 buildings 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

#### Page 21

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.

The development should 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 car port / parking area if desired. The applicant should identify the proposed location for a future Electric Vehicle Recharge Point within the development curtilage and ensure that any necessary trunking/ducting is in place to enable cables to be run to the specified location.

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.

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

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

- 16 LC4 Land contamination unexpected contam
- A strip of land 9 metres wide adjacent to the top of the bank of all watercourse (Holgate Beck) adjacent to the site shall be kept clear of all new buildings and structures (including gates, walls, fences and trees) unless agreed otherwise in writing with the Local Planning Authority in consultation with the Internal Drainage Board. Ground levels must not be raised within this area. Access arrangements should be agreed with the Internal Drainage Board.

Reason: To maintain access to the watercourse for maintenance or improvements.

No part of the site shall come into use until the passing places have been provided in accordance with the approved plans. Thereafter the passing places shall

be retained free of all obstructions and used solely for the intended purpose.

Reason: To enable vehicles to enter and leave the site safely thereby ensuring the safe and free passage of traffic on the public highway.

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 B and C 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.

# 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:

Revised drainage strategy

#### 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) 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.

- (b) 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".
- (c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.
- (d) 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.
- (e) 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.
- (f) There shall be no bonfires on the site.

**Contact details:** 

**Case Officer:** Tim Goodall 01904 551103

Application Reference Number: 20/00990/FUL Item No: 4a



# 98B Tadcaster Road Dringhouses YO24 1LT

20/00990/FUL





**Scale:** 1:1536

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Organisation	City of York Council
Department	Economy & Place
Comments	Site Location Plan
Date	08 February 2021
SLA Number	

Produced using ESRI (UK)'s MapExplorer 2.0 - http://www.esriuk.com

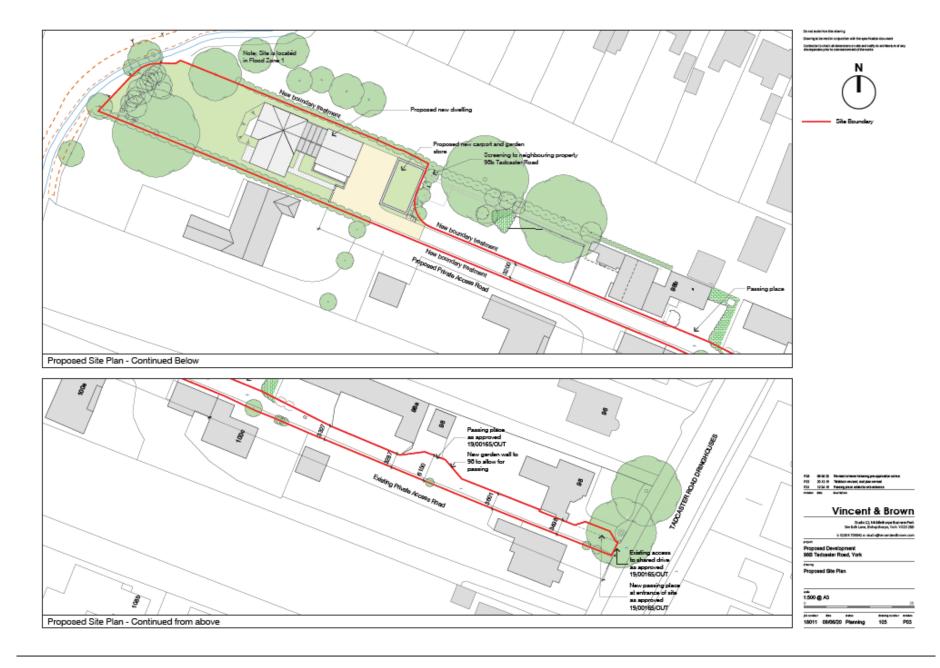




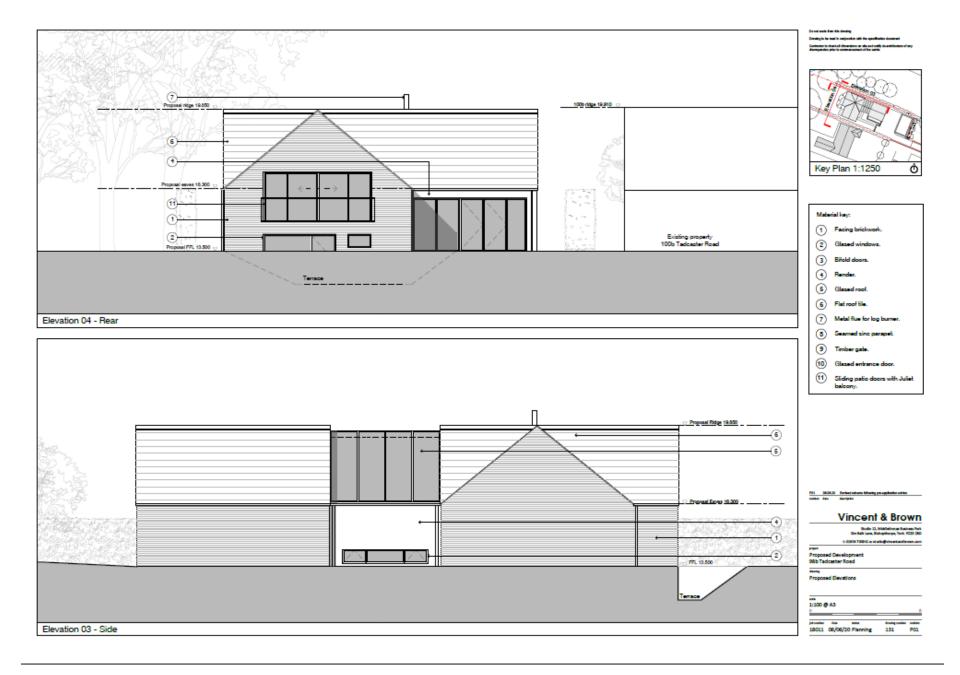
# Area Planning Sub-Committee

20/00990/FUL 98B Tadcaster Road, Dringhouses

## Site layout plan



# Proposed elevations (rear and north side)



# Proposed elevations (front and south courtyard)

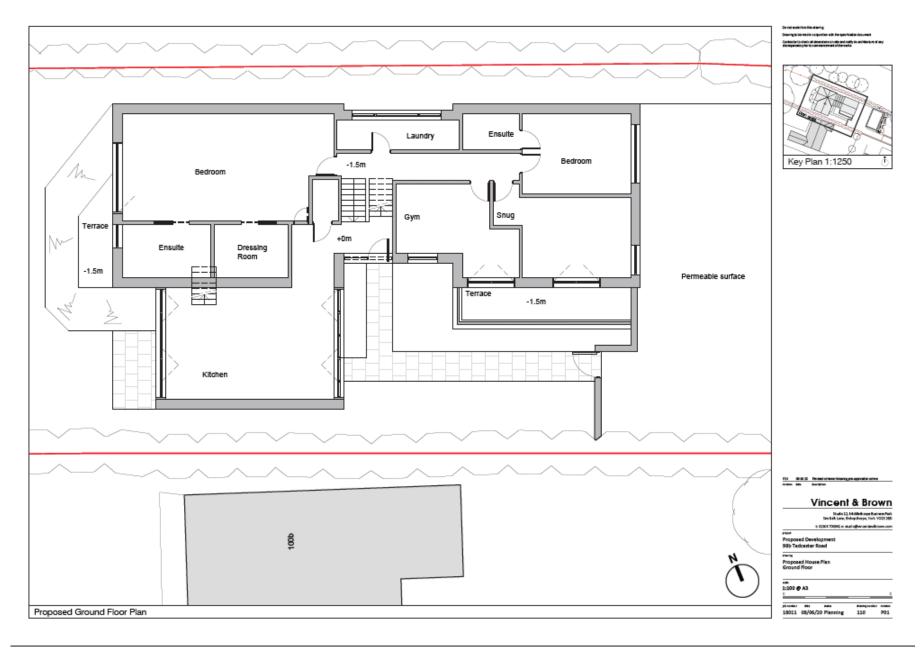


## Proposed sections

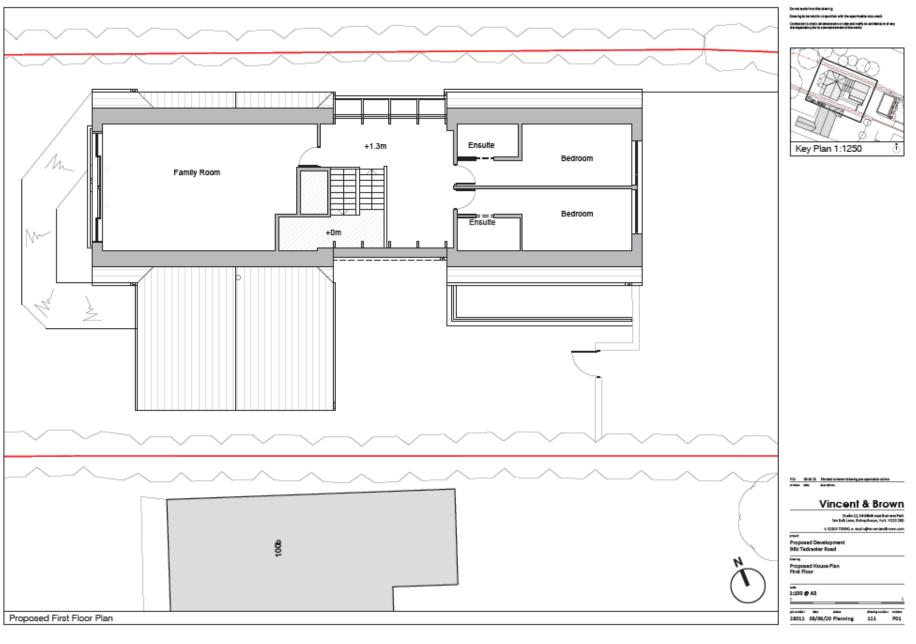




## Lower floor plan



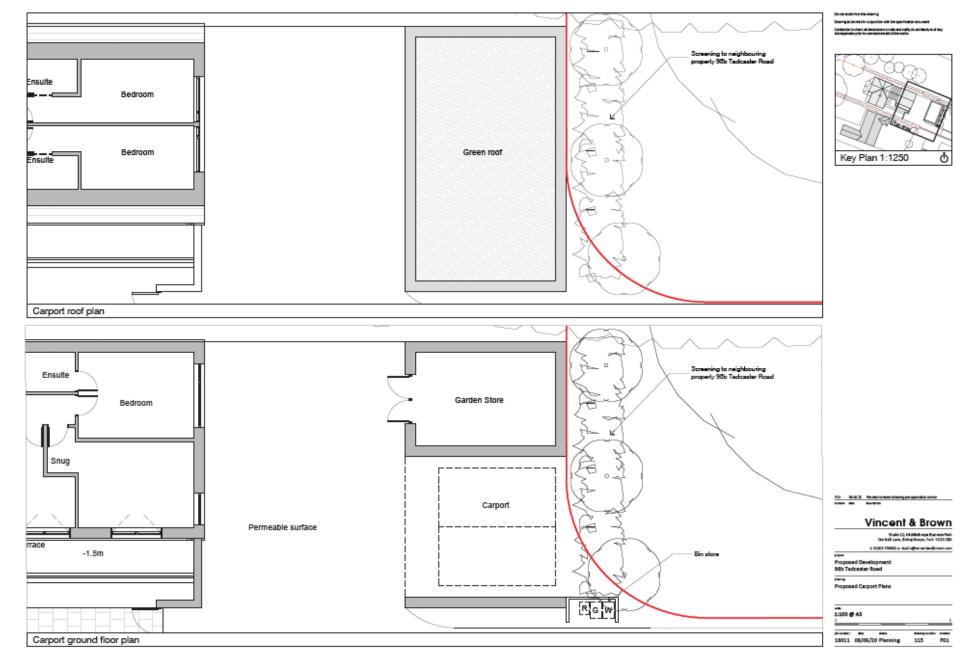
# Upper floor plan



# Proposed car port



# Car Port floor plan



# Site from rear of 98B



Area Planning Sub Committee Meeting - 18 February 2021

# 100B adjacent



Area Planning Sub Committee Meeting - 18 February 2021

Site access (98 Tadcaster Road to right)



Area Planning Sub Committee Meeting - 18 February 2021

#### **COMMITTEE REPORT**

Date: 18 February 2021 Ward: Clifton

**Team:** West Area **Parish:** Clifton Planning Panel

Reference: 20/01902/FULM

**Application at:** 1 Duncombe Barracks Burton Stone Lane York YO30 6BU **For:** Erection of 34 dwellings (Use class C3), and a commercial unit

(Use Class E), with associated parking, landscaping, access and

ancillary works following demolition of existing buildings and

structures

By: City Of York Council
Application Type: Major Full Application
Target Date: 28 February 2021

Recommendation: Approve

#### 1.0 PROPOSAL

#### **APPLICATION SITE**

- 1.1 The application relates to the part of the Duncombe Barracks site which is to the north-eastern side of the existing site access. This part of the site is now vacant and overgrown. The site sits behind landscaping which runs parallel to Burton Stone Lane. This landscaped area incorporates prominent street trees, including lime, cherry and whitebean, which are of high amenity value. There are also ash and ivy trees by the boundary with the football ground which are locally prominent and therefore of high amenity value also. There are three buildings towards the edge of the site which would be demolished; a two storey building of domestic appearance by St Lukes Church, and single storey storage buildings by the almshouses and the shared boundary with the football ground.
- 1.2 The operational remainder of the barracks site (to the south) contains a series of single storey buildings, two of which are setback from the street, behind the aforementioned landscaping strip, and others with are also single storey and which sit against the site boundary.
- 1.3 Houses on the opposite side of Burton Stone Lane are semi-detached, set behind prominent street trees. Street trees are a defining feature of this section of Burton Stone Lane. The trees are Council maintained and are not subject to tree preservation orders.

- 1.4 The football ground bounds the site to the eastern side. The ground is however subject to a current application for housing. The scheme for that site envisages a pedestrian and cycle route running through the application site and providing a more direct route between Burton Stone Lane and the bridge over the railway; providing better connectivity to the hospital and towards St John's University campus.
- 1.5 To the northern side of the site is St Luke's church and single storey almshouses. The almshouses have communal grounds and are arranged around a central landscaped area.
- 1.6 The site is unallocated in the Publication Draft Local Plan 2018. It is not in an area of flood risk and there are no designated or undesignated heritage assets onsite. The nearest listed building is the Grade II former Shipton Street school now converted into housing.

#### **PROPOSALS**

- 1.7 The application is for residential development with a commercial unit towards the front of the site. The scheme would have 34 houses, either 2 or 3 storey high, designed to achieve Passivhaus standards and be accessible (in relation to Building Regulations Part M). There would be two areas of public open space within the scheme and the layout will enable a pedestrian and cycle connection through the neighbouring Persimmon housing site.
- 1.8 The Passivhaus standard requires buildings to have very high levels of insulation and typically includes an efficient mechanical ventilation system. Buildings achieve a 75% reduction in space heating requirements compared to the current Building Regulations.
- 1.9 In terms of being accessible Building Regulations references are as follows –
- M4(2) Category: accessible and adaptable dwellings 23 of the homes intended to achieve this standard.
- M4(3) Category: wheelchair user dwellings 11 of the homes intended to achieve this standard.
- 1.10 The proposals are for a mix of 60% market and 40% affordable housing. The affordable a split of 7 for rent and 7 for affordable home ownership.
- 1.11 The accommodation mix would be as follows -

Total

1-bed 12

2-bed 8

3-bed 8 4+ bed 6

Car parking spaces 19 Cycle parking spaces 141

#### 2.0 POLICY CONTEXT

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise.
- 2.2 The National Planning Policy Framework ('NNPF') is a material consideration in the determination of this planning application. Key policies / sections of the NPPF are as follows –

Section 4 Decision making

Section 5 Delivering a sufficient supply of homes

Section 9 Promoting sustainable transport

Section 11 Making effective use of land

Section 12 Achieving well-designed places

- 2.3 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. The plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.
- 2.4 Key relevant 2018 Draft Plan Policies are as follows -

SS1 Delivering Sustainable Growth for York
H2 Density of Residential Development

H3 Balancing the Housing Market

H10 Affordable HousingHW7 Healthy PlacesD1 Place-making

D2 Landscape and Setting

D6 Archaeology

GI6 New Open Space Provision

CC1 Renewable and Low Carbon Energy Generation and Storage CC2 Sustainable Design and Construction of New Development

ENV1 Air Quality

ENV3 Land Contamination ENV5 Sustainable Drainage

#### T1 Sustainable Access

#### 3.0 CONSULTATIONS

#### ARCHAEOLOGY

- 3.1 Officers seek a watching brief to be secured through condition.
- 3.2 The proposed development site lies outside of the Central Area of Archaeological Importance. However, the modern roads of Bootham and Clifton have Roman origins with Clifton having several known areas of Roman occupation and cemeteries.
- 3.3 Archaeologically the site has been subjected to limited intrusive investigation (YAT 2019) across the central green area. This confirmed the agricultural use of the area during the medieval and post-medieval periods and did not reveal any significant archaeological features or deposits. An archaeological watching brief should be maintained during groundworks as evaluation was limited and any surviving archaeological deposits are likely to be located within undisturbed isolated pockets.

#### **DRAINAGE**

3.4 The overall run-off rate from the site is as required - 16.6 L/sec. However it is noted that a new connection is also proposed into the Yorkshire Water surface water sewer from the site to the south. This proposal will need direct approval from Yorkshire Water.

#### **EDUCATION**

- 3.5 No education contribution for primary and secondary required. Catchment schools are Clifton Green Primary & Vale of York; each have capacity for the foreseeable future.
- 3.6 For early years a contribution is sought towards places within the catchment (1.5km radius). 3 places are required for this development. This equates to a contribution of £56,928 (school based, permanent expansion 2020/21 figures).

#### NORTH YORKSHIRE POLICE

3.7 Support the scheme. The community and stakeholder engagement prior to the submission of this application has been exemplary and is reflected in this planning

application. From a crime prevention through environmental design perspective it is very good. The design and layout is to be commended.

#### PUBLIC PROTECTION

- 3.8 Advice as follows -
- Ask for a construction management plan
- Contamination site investigation required to inform remediation scheme
- Noise houses to be constructed so to achieve adequate internal noise levels / details of any plant / machinery at the commercial unit to be submitted for approval. Following completion of the scheme recommend delivery and waste removal vehicles and opening times of the commercial unit to be subject to restricted times.
- 3.9 Transport officers have advised that rather than providing EV charging facilities on site a £40,000 contribution could be used to support facilities at the following public sites -
- Union Terrace HyperHub (by the Hospital) HyperHub with four 50 kW Rapid and four 150 kW Ultra Rapid chargers
- Union Terrace car park replace the existing fast charge-points and install additional fast charge-points up to 5% of spaces
- Bootham Row car park replace the existing fast charge-points and install additional fast charge-points up to 5% of spaces

#### SPORTS AND ACTIVE LEISURE

3.10 Officers have advised that as there are no facilities proposed on-site, an off site contribution could be used towards the following projects –

Bootham Park –playing fields
Clarence Gardens bowling club
Crombie Avenue – teenagers play and sport facilities
Sports pitches by Burton Green primary school (subject

Sports pitches by Burton Green primary school (subject to further investigation and agreement from the school over the use of ancillary facilities)

**EXTERNAL** 

CLIFTON PLANNING PANEL

3.11 No response.

#### YORK CIVIC TRUST

- 3.12 The trust supports the scheme and the housing delivery programme in general. Specific to this site comments were as follows -
- The low-car use aspiration for the site is admirable and works well with local transport links and walkable distance to the city centre. However this must work in practice to avoid car parking issues elsewhere.
- Overall, the proposal sets a welcome benchmark of how to aspire to create good, green and sustainable place-making.
- Achieving access into and through the (soon to be former) York City Football
  Club site would be strongly supported. It would allow connection to proposed
  public open space on that neighbouring site and, ideally, enhance cycle and
  pedestrian routes and community cohesion across what will be two, new, large
  developments.
- Materials timber shingles or clay tiles are shown as a cladding material on the taller buildings and it was questioned whether these are typical of the local vernacular or will enhance the design.

#### YORKSHIRE WATER

- 3.13 Yorkshire Water raised objection to the strategy originally issued. Without evidence the existing site positively connects to the public sewer network, any surface water connection proposed should be a practical minimum of 3.5 litres/second.
- 3.14 Other comments related to technical design details regarding connections into the sewers. Direct approval from Yorkshire Water is required for new connections.
- 3.15 Yorkshire Water have been re-consulted on the revised proposals. No response received to date.

#### 4.0 REPRESENTATIONS

4.1 Two comments in support of the scheme have been received. These praise the aspirations of the development in respect of community involvement, addressing climate change and providing high quality modern development in the right location.

#### 5.0 APPRAISAL

#### **KEY ISSUES**

- Principle of the proposed use (also commercial use)

- Housing type and tenure
- Design / amenity
- Highway network management
- Drainage and flood risk
- Public Protection
- Sustainable design and construction
- Archaeology
- Biodiversity
- Education
- Open Space

#### PRINCIPLE OF THE PROPOSED USE

- 5.1 This is a development where the presumption in favour of development applies, as set out in paragraph 11 of the NPPF. This means that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 5.2 2018 Draft Plan policy H10 establishes local targets for affordable housing. For Brownfield sites this is 20% overall, with 80% for rent, 20% discount sale. The policy in so far as it relates to major developments (for 10 or more dwellings) can be given moderate weight in decision making.
- 5.3 The scheme intends to provide 40% affordable housing. The amount for affordable home ownership would exceed local requirements in policy H10. Rounded up the policy requirement and proposals for affordable housing are as follows –

	Local policy complian	nt Proposed
Total	7	13
Affordable rent	6	7
Affordable home	ownership 1.4	6

- 5.4 As detailed in section 1 there is a varied mix in house types ranging from 1-bed to 4-bed. The majority of affordable homes will have 1 and 2 bedrooms; the market housing is predominantly 3-bed. This provision broadly accords with local need.
- 5.5 The proposed commercial unit is towards the front of the site overlooking a public amenity space. There would be flexibility to use this space for commercial purposes; currently referred to as Class E in the Use Classes Order 1987 (as amended). Class E uses are normally considered to be compatible with residential areas.

5.6 This arrangement enables an opportunity to provide a facility, along with the public space here, for communal use, within a prominent and public location, of a scale to cater for resident's daily needs. Such a community facility is promoted within NPPF policy and national design guidance regarding healthy communities (NPPF chapter 8), place-making (12) and the provision of mixed-use developments to reduce the need to travel (9).

#### **DESIGN / AMENITY**

- 5.7 NPPF paragraph 127 states that planning decisions should ensure that developments:
- a) will function well and add to the overall quality of the area;
- b) are visually attractive as a result of good architecture, layout and landscaping;
- c) are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space); and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 5.8 The proposed layout comprises of two rows of housing perpendicular to Burton Stone Lane (BSL) and setback to respect the tree lined street. Between the two rows is a single 3-storey block, behind which is a public open space (with play area), central to the site, and a car parking area beyond (at the back of the site). There is a single vehicle entrance, opposite 83 and 85 Burton Stone Lane (BSL). The layout allows a connection into what would be the central open space at the site next door when the football ground is re-developed and for the pedestrian / cycle link from BSL towards the railway bridge.
- 5.9 The row of houses on the northern side are setback furthest from BSL, this allows for a further public space within the site and better reveals the gable end of St Lukes Church. This will be fronted onto by a commercial unit.
- 5.10 The northern row of houses is referred to as block A. The block is 2-storey, bookended by 3-storey sections. Block B, at the opposite end is similar, but also has a 3-storey section in the centre of the row. Block C, positioned in-between is 3-storey and has balconies on the upper floors orientated to overall the central public open space.

- 5.11 Blocks A and B have gated alleyways behind. These will accommodate cycle stores, for larger bikes and include communal spaces for residents to use as amenity space.
- 5.12 The removal of two Ash trees (which are category A graded) are proposed to accommodate terrace A. These are the two tall trees that sit to the side of the existing 2-storey building onsite. The loss is offset by the creation of two landscaped public open spaces and an increase in the number of trees on site overall.
- 5.13 The scheme achieves the aspirations of the NPPF in terms of design; the scheme will be distinctive whilst respecting local character, will deliver extra amenities for the area, makes efficient use of the site and is informed by sustainable design and construction.
- 5.14 The layout is influenced by the following factors and will consequently respect the setting and provide new amenities for the locality –
- Protection of trees along Burton Stone Lane.
- Revealing the gable end of St Luke's Church; this landmark will overlook public open space which would also be fronted by a commercial unit within the site.
- A larger central public open space, which the housing would be grouped around.
- The provision of a pedestrian and cycle route through this site and the Persimmon site next door (at the football ground) providing a more direct connection to the Hospital area on the eastern side of the railway line.
- A prevailing house type of brick, with pitched roof and the use of brick detailing, such as in identifying main entrances.
- 5.15 There are a mix of house types immediately around the site; to the north almshouses, which are single storey and formally arranged around a landscaped courtyard; terraced houses on Shipton Street and semi-detached houses on the opposite side of BSL. The layout respects the positive characteristics of these typologies. The scale and form of the housing is also informed by housing need, making efficient use of the site and achieving Passivhaus levels of energy efficiency.

### Residential amenity

5.16 Block A on the northern side of the site is a mix of 2 and 3 storey high buildings (the 3-storey being at each end). The closest two almshouses to the north, which have rear elevations facing the site are just under 4m from the boundary. There is currently a garage block building within the site, which is around 5m from the almshouses and around 3.7m high. There is also tree cover behind the houses by the boundary.

- 5.17 The proposed houses opposite the almshouses would be around 9m from the boundary and 5m high to eaves level. The proposed arrangement allows for more openness and using Building Research Establishment (BRE) guidelines there would be no loss of sunlight to the almshouses. Given the proposed removal of the garage block, by moving development away from the site boundary, and considering the tree cover at the boundary the impact of the proposed development would have a beneficial effect on neighbours' outlook.
- 5.18 At the end of the proposed terrace the buildings would step up in height to 3-storey. There is also an outside amenity space proposed at second floor level. At this end the proposed elevations face a side elevation and therefore the will be no loss of light or overlooking into the neighbouring houses. The outside area at the almshouses is communal; there are no sub-dividing boundaries and in the pertinent corner of the site is hard-standing and out-buildings used for storage. As such there would be no undue loss of neighbours' privacy. At other site boundaries, the scheme is compatible with the agreed layout for the Persimmon development, proposed for Bootham Crescent and the TA centre next door where there are single storey functional buildings and hard-standing.
- 5.19 With regards future residents amenities although one of the buildings on the TA site has been used as a firing range, it was constructed to provide adequate noise attenuation.

#### HIGHWAY NETWORK MANAGEMENT

5.20 The NPPF states that in assessing applications it should be ensured that:

- Opportunities to promote, and facilitate access to sustainable transport included where appropriate.
- Give priority first to pedestrian and cycle movements.
- Minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.
- Be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- Safe and suitable access for all users.
- 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. Paragraph 111 requires an assessment of
  impacts on the network, when development will generate significant amounts of
  movement.

- 5.21 The NFFPF also states "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".
- 5.22 As advocated in the NPPF the layout and landscape design prioritises the creation of attractive public realm and would minimise the presence of vehicles. The majority of the car parking 16 of the spaces will be in an area at the far side of the site. This means the housing is typically orientated to overlook landscaped areas. The 3 car parking spaces by the main entrance will be to accessible standard.
- 5.23 The layout promotes walking and cycling. A link for pedestrians and cyclists is to be facilitated through the site and the adjoin Persimmon, this will provide a safe and more convenient route for local residents towards the city centre, hospital and university. There are bus stops adjacent the site on Burton Stone Lane, with two services per hour running towards the city centre. There are further services along Clifton to the south, although these are just over the 400m away.
- 5.24 Each of the dwellings would have their own covered and secure cycle storage, accommodating at least 2 cycles. Storage areas would be both at the front of the houses and in secure rear garden areas. There would also be lockers in secure areas for larger and cargo sized bikes. There will be two electric cargo bikes provided at the development for resident's use. Rather than provide EV car charging on site it has been agreed this can be facilitated at local car parks, as part of a council project to deliver enhanced facilities. Measures to promote walking and cycling are detailed in the Travel Plan and this would be secured trough condition.
- 5.25 The impacts on the highway network is not expected to be discernible. Modelling suggests there would be around 13-16 extra car trips at peak times. In any event the impact on the network would not be severe, and the effects on the network are being reasonably mitigated through the sustainable travel measures and aspirations of the scheme overall which seeks to discourage private car use.
- 5.26 A remit of the Housing Delivery programme is to encourage sustainable travel, and its associated benefits around health and well-being. Limited provision is provided for private car parking; viable and practical alternatives are facilitated. This aspiration is consistent with local and national planning policy and sustainability principles. The housing proposed will provide choice in the market, compared to the adjoining site, for example, where there are typically two car parking spaces per dwelling.

#### DRAINAGE AND FLOOD RISK

- 5.27 Relevant NPPF advice on flood risk is not to increase flood risk elsewhere. With regards drainage developments should incorporate sustainable systems, unless there is clear evidence that such would be inappropriate. 2018 Draft Plan policy ENV 5 requires surface water run off at brownfield sites to be restricted to 70% of the existing rate. Sustainable drainage, following the hierarchy in the NPPG, should be facilitated unless this is not feasible.
- 5.28 The site is in Flood Zone 1 where there is a low probability of flooding and where residential development is suitable.
- 5.29 The drainage strategy has followed the required sustainable drainage approach. It is evident surface water cannot either directly run into a watercourse or soak away. Connection into the existing drainage network is therefore proposed. The surface water discharge from the site accords with the local approach of 70% of the existing rate (16.6 litres/second), calculated taking into consideration existing buildings and hard-standing on site. The run off rate, and the general approach, is agreed. However, at least part of the drainage for the barracks site to the south currently runs through the application site, this route needs to be diverted to accommodate the proposed development. The new connections, along with evidence of the existing situation, to justify the proposed approach, will require approval from Yorkshire Water also.

#### PUBLIC PROTECTION

5.30 NPPF policy on land contamination and noise is set out in section 15 of the NPPF. In accordance with the NPPF, conditions are proposed to secure investigation and any required remediation of the site. There will be a condition to deal with construction management, due to the scale of the development and as demolition is involved.

#### SUSTAINABLE DESIGN AND CONSTRUCTION

5.31 National Planning Guidance allows local authorities to require energy performance in housing equivalent to the now abolished Code for Sustainable Homes Level 4 (which is approximately 20% above current Building Regulations). It also allows for a reasonable proportion of energy to be from renewable or low/zero carbon technology. Local requirements are set out in 2018 Draft Plan policies CC1 and CC2. These require a 28% enhancement over Building Regulations overall, secured through energy efficiency and low/zero carbon / renewables.

5.32 This development aims to achieve Passivhaus certification, which will significantly exceed local policy requirements. Through the use of efficient fabric, therefore reducing heating requirements overall, and the use of PV panels, airsourced heat pumps and MVHR (mechanical ventilation and heat recovery) technology Building Regulations requirements will be exceeded by at least 85% (the end terraces being the least efficient).

#### ARCHAEOLOGY

- 5.33 Policy D7 of the 2018 Draft Plan requires an understanding of archaeology affected, to avoid substantial harm (preserve 95% of deposits) or where there would be harm, undertake adequate mitigation.
- 5.34 A watching brief shall be required on groundworks because although the site lies outside of the Central Area of Archaeological Importance, it is close to Roman Roads, and with Clifton having several known areas of Roman occupation and cemeteries. Archaeologically the site has been subjected to limited intrusive investigation (YAT report 2019) across the central open area and any surviving archaeological deposits are likely to be located within undisturbed isolated pockets.

#### **BIODIVERSITY**

- 5.35 NPPF paragraph 170 states decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.
- 5.36 In terms of bats, there have been multiple surveys at the site as buildings are proposed for demolition and trees would be affected, with some removed to accommodate the development. A low level of bat activity was consistently observed at the site. No evidence of bats was observed during the climb-and-inspect surveys of trees, which have consequently been assessed as having 'negligible' bat roost potential. No bats were observed emerging from the buildings on-site.
- 5.37 In mitigation for the tree loss proposed it is recommended bat boxes be attached to new buildings and/or retained trees and that a sensitive lighting regime should be designed which include 'dark corridors' along the site's eastern and northern margins.

#### **EDUCATION**

5.38 NPPF paragraph 94 states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local

planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications". Local supplementary planning guidance explains how the need for extra education spaces are determined and the relevant planning obligations.

5.39 Primary and Secondary schools in the catchment of this site have capacity. Places are required for early years facilities to accommodate anticipated need from the development. Based on the Education SPG (2019 version, but using figures from 2020/21) three places are required. The contribution required is £18,976 per place; £56,928 overall.

#### **OPEN SPACE**

- 5.40 The NPPF advises that planning decision should aim to create healthy and inclusive places. Paragraph 96 states 'access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and upto-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate'.
- 5.41 2018 Draft Plan policy GI6 (new open space provision) of the DLP 2018 states 'all residential development proposals should contribute to the provision of open space for recreation and amenity'.
- 5.42 Amenity and play space is proposed within the site. The area in the centre of the site is landscaped and contains informal play facilities. There is a public garden and seating area towards the front of the site, opposite the gable of St Luke's Church. Behind the two terraces is also communal space, within the ginnels, that will be private to the residents within the relevant row. These areas will be available for residents use and could be used, for example to provide allotments, play, seating and landscaping.
- 5.43 In area the amount of amenity space does not equate to the amount required when applying local recommendations in the Open space and Green Infrastructure update 2017. As such there is a requirement for an off-site contribution, which would need to be made within the catchment area (within 480m which applies for children's play).

5.44 There are no proposed sports facilities proposed on site. There is therefore the need for a contribution towards facilities off-site. An off-site sports contribution can be prioritised towards improvements to the facility at Crombie Avenue and the reprovision of sports pitches on the land around Burton Green School. There is also the potential to use funds at Bootham Park.

#### 6.0 CONCLUSION

- 6.1 The scheme overall would be compliant with the overarching sustainability principles and the policies with the NPPF. The site is vacant and in a sustainable location in terms of access to services. The housing proposed is broadly consistent with local need. The scheme is compliant sustainable design principles in terms of promoting walking and cycling, providing different types of outside amenity space and community uses and in building to Passivhaus standard, which significantly exceeds targets in terms of environmental performance. Technical issues can be addressed, by design, and by condition, considering in particular, residential amenity, archaeology, land contamination, drainage and promoting sustainable travel.
- 6.2 Because the council are landowner and developer, negatively worded conditions limiting the development that can take place, until a planning obligation or other agreement has been entered into, to secure affordable housing, education and open space provision and electric charging facilities, are appropriate in this case. Each requirement is reasonable and necessary and compliant with the 6 tests for using planning conditions, as set out in the NPPF.
- 6.3 Approval is recommended subject to conditions and to the undertaking of a legal agreement to secure the following;
- Affordable housing 7 homes
- Education provision 3 early years/pre-school places
- Open Space off-site public open space and sports –
   Open Space £13,806
   Sports £16,188
- Electric vehicle charging facilities £40,000

### 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 Application Reference Number: 20/01902/FULM 
Item No: 4b

### following plans:-

- (00) 010 P01 Site plan
- (00) 011 P01 Roof plan
- (00) 020 P01 Demolition plan

### Ground floor plans

- (00) 100 P01 Block A
- (00) 110 P01 Block B
- (00) 120 P01 Block C

#### Plans and elevations for flats

#### Flat A

- (00) 130 P01
- (00)131 P01

#### Flat B

- (00) 132 P01
- (00) 133 P01

#### Flat C

- (00) 134 P01
- (00) 135 P01

### Flat D

- (00) 136 P01
- (00) 137 P01

#### Plans and elevations for houses

### House type A

- (00) 140 P01
- (00) 141 P01
- (00) 142 P01
- (00) 143 P01

### House type B

- (00) 144 P01
- (00) 145 P01
- (00) 146 P01
- (00) 147 P01

Item No: 4b

House type C

(00) 148 P01

(00) 149 P01

(00) 150 P01

(00) 151 P01

#### Site elevations

(00) 200 P01

(00) 201 P01

(00) 202 P01

(00) 203 P01

#### **Block elevations**

(00) 210 P01

(00) 211 P01

(00) 212 P01

#### Sections

(00) 300 P01

(00) 301 P01

#### Typical details

SK 001 P01

SK 002 P01

SK 003 P01

SK 004 P01

SK 005 P01 (communal bike stores)

SK 006 P01 (bike ashp)

SK 007 P01 (communal bin stores)

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

### 3 Construction Management

Prior to commencement of development a Construction Management Plan shall be approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period.

The plan shall include: -

a) Vehicle parking arrangements for site operatives and visitors.

- b) Means of access control, and measures to prevent construction/delivery vehicles parking/blocking the highway.
- c) Details of measures to keep the highway clean to include wheel washing facilities for the cleaning of vehicles leaving the site, to include location and type.
- d) Dust A site-specific risk assessment of dust impacts in line with the guidance provided by IAQM (see http://iaqm.co.uk/guidance/) and including a package of mitigation measures commensurate with the risk identified in the assessment.
- e) Air Quality The air quality impacts associated with construction vehicles and non-road mobile machinery (NRMM) and the proposed mitigation measures, commensurate with the identified risk.
- f) Noise Details on types of machinery to be used, noise mitigation, any monitoring and compliance with relevant standards. Hours of working.
- g) Vibration Details on any activities that may results in excessive vibration, e.g. piling, and details of monitoring and mitigation to be implemented.
- h) Lighting Details on artificial lighting and measures to minimise impact, such as restrictions in hours of operation, and the location and angling of lighting.
- i) Complaints procedure The procedure should detail how a contact number will be advertised to the public, investigation procedure when a complaint is received, any monitoring to be carried out, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken shall be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses public.protection@york.gov.uk and planning.enforcement@york.gov.uk

Reason: To ensure before development commences that construction methods will safeguard the amenities of neighbouring properties in accordance with Policy ENV2 of the City of York Publication Draft Local Plan.

### 4 Tree protection

Trees shown as retained on the approved plans shall be protected in accordance with BS: 5837: Trees in relation to construction.

Prior to commencement of development (including demolition, excavations, and building operations) an Arboricultural Method Statement detailing protection measures for the existing trees, shown as retained on the approved drawings, shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include details of means of installing utilities and be informed by the recommendations set out in the Quants Arboricultural Impact Assessment dated August 2020.

The development shall be carried out in accordance with the approved details. A copy of the statement shall be available for inspection on site at all times.

Reason: Details are required prior to commencement, considering NPPF paragraph 55, to ensure protection of existing trees that make a significant contribution to the amenity of the area and to biodiversity and are fundamental to whether the scheme would be acceptable when assessed against policies within the NPPF.

- 5 LC1 Land contamination Site investigation
- 6 LC2 Land contamination remediation scheme
- 7 LC3 Land contamination remedial works
- 8 LC4 Land contamination unexpected contam
- 9 Archaeology
- A) No below ground works shall commence 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 should conform to standards set by LPA and the Chartered Institute for Archaeologists.
- B) The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.
- C) A copy of a report (and evidence of publication if required) shall be deposited with City of York Historic Environment Record to allow public dissemination of results 2 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: In accordance with Section 16 of NPPF. 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.

### 10 Drainage

Surface water run-off from the site shall be no more than 16.6 litres per second. Site specific details of the final drainage strategy shall be approved in writing by the Local Planning Authority prior commencement of the development hereby permitted

(this allows demolition works and other site preparation to commence in advance of approval of details). The development shall be carried out in accordance with the approved drainage strategy.

Reason: In order to avoid increased flood risk elsewhere in accordance with Publication Draft Local Plan policy ENV4 and NPPF paragraph 163.

INFORMATIVE: The final scheme also requires Yorkshire Water approval, in respect of proposed connections associated with this site.

### 11 Affordable Housing

No development shall commence unless and until a scheme for affordable housing provision has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

The scheme shall include the provision of at least seven affordable homes on site and shall include:

- The type / tenure and location of the affordable housing.
- The timing of the construction of the affordable housing.
- The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing.
- The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced.

Reason: In order to meet identified need for affordable housing in accordance with policy H10 of the Publication Draft Local Plan.

#### 12 Education

No development shall commence unless and until a scheme to ensure the provision of adequate additional early years / pre-school places (funding for three places) within the local catchment area has been submitted to and approved by the local planning authority.

Reason: The education provision within the catchment area of the development has insufficient capacity to take more pupils, such that additional places are required in the interests of the sustainable development of the city. The provision is required in accordance with NPPF paragraph 94, Policy DM1 of the Publication Draft Local Plan

and the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated June 2019 update.

#### **INFORMATIVE:**

The provisions of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, The obligation should provide for a financial contribution calculated at £56,928 (3 places, school based, permanent expansion); The basis for this calculation is contained within the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" (dated June 2019 with costs updated 2021).

#### 13 Open Space and Sports Provision

No development shall commence unless and until details of provision for off-site public open space and sports facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The facilities shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy GI6 of the Publication Draft Local Plan which requires that all new housing sites make adequate provision for the open space needs of future occupiers.

#### **INFORMATIVE:**

The requirements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution as follows -

Open Space - £13,806 Sports - £16,188

#### 14 Electric Vehicles

No development shall commence unless and until a scheme to facilitate charging facilities for electric vehicles within the local area has been submitted to and approved by the local planning authority.

Reason: To encourage the use of electric vehicles and reduce emissions, in accordance with paragraphs 110 and 170 the NPPF and policy ENV1 of the

Publication Draft Local Plan.

#### **INFORMATIVE:**

The provisions of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, The obligation should provide for a financial contribution calculated at £40,000; to be used to provide facilities at Union Terrace and Bootham Row.

#### 15 Materials

The external materials to be used shall be as annotated on the approved drawings. Prior to construction of the building envelope of the dwellings hereby approved details of the following items shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details -

- a) Manufacturer's details and colour finish of render.
- b) Sample panels of the brickwork to be used (which shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used). This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.
- c) Manufacturer's details and colour finish of vertical hung clay tiles.

Reason: In the interests of visual amenity and local distinctiveness, in accordance with paragraph 127 of the NPPF.

### 16 Large scale details

Large scale typical details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to construction of the building envelope of the dwellings hereby approved.

The development shall be carried out in accordance with the approved details.

- a) Windows and their surrounds
- b) Eaves

Reason: In the interests of good design, in accordance with NPPF paragraph 127.

#### 17 Habitat creation for bats

Prior to first occupation of the development hereby permitted a strategy to encourage bat activity on site shall be submitted to and approved by the Local

Planning Authority, and implemented in accordance with the approved details. The strategy shall include the provision of bat boxes on trees and buildings and details of lighting to the north and east sides of the site, which shall be designed to encourage commuting.

Reason: To minimise the impacts on and to provide net gains for biodiversity, in accordance with NPPF paragraph 170 and to ensure the favourable conservation status of a European Protected Species can be maintained through retaining bat roosting features on site.

### 18 Landscaping / public realm

The development shall not be occupied until there has been submitted to, and approved in writing by the Local Planning Authority, a detailed hard and soft landscaping scheme (following the principles shown on submitted urbed landscape drawings) which shall illustrate the number, species, height and position of trees and shrubs, details of play equipment, street furniture and surfacing.

The hard-landscaping (including street furniture, cycle and bin storage) shall be installed in accordance with the approved plans and details prior to first occupation of the development hereby permitted, unless an alternative phasing scheme has been approved in writing by the Local Planning Authority, which shall subsequently be implemented in accordance with the approved details.

A phasing scheme for installation of the soft landscaping scheme, as shown on the approved plans, shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby permitted, and subsequently implemented in accordance with the approved details.

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: In the interests of good design, in accordance with paragraph 127 of the NPPF.

### 19 Highways works

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 details which

shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

- a) Bus stop relocation on the eastern side of Burton Stone Lane.
- b) Main (vehicular) entrance onto Burton Stone Lane. This shall include details of the access immediately within the site which shall evidence adequate space for vehicles to pass at the junction (4.5m to 5.5m wide for a distance of 10m recommended) and passing space for vehicles along the access road, without compromising pedestrian safety and movement all as illustrated on Civic drawing "proposed adoptable highways and site access arrangements" contained within the travel plan accessible parking bays at least 2m wide.
- c) clarification of areas to be adopted highway and construction details and materials.

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

#### 20 Connection into Persimmon site

Prior to first occupation of the development hereby permitted details of an access through the east boundary wall (location and design) and an associated footpath (at least 3 m wide) within the application site, connecting into the site to the east, shall be submitted to and approved by the Local Planning Authority.

The access, as detailed above, shall be carried out in accordance with the approved details, prior to first occupation, unless alternative arrangements have been approved by the Local Planning Authority.

Reason: To provide improved public connectivity for pedestrians, and cyclists; to promote sustainable travel in accordance with NPPF paragraphs 102, 108, and 110.

#### 21 Travel Plan

The development hereby approved shall be carried out in accordance with the Travel Plan (Civic Engineers V1.0). The Local Planning Authority shall be informed in writing of the Travel Plan co-ordinator and their responsibilities (as detailed in 2.2 of the Travel Plan) prior to first occupation of the development hereby permitted. The required annual monitoring reports shall be issued to the Local Planning Authority.

Reason: In order to promote sustainable travel, in accordance with section 9 of the NPPF and Publication Draft Local Plan policy T7.

### 22 Cycle and bin storage

The cycle and bin storage, shall be provided prior to first occupation of the relevant buildings, and be as shown on the approved plans. The facilities shall be unobstructed and retained for such use at all times.

Notwithstanding the approved plans prior to the commencement of construction of block C, detailed drawings clarifying the cycle storage facilities and their functionality shall be submitted to and approved in writing. The scheme shall be implemented in accordance with the approved details.

The details shall clarify that a) the outside stores are accessed from within the curtilage (opposed to the path beyond) and that b) there is adequate space for cycles in the internal allocated areas without impeding access.

Reason: To promote sustainable transport and in the interests of good design in accordance with section 9 of the NPPF.

### 23 No alterations to second floor roof terrace - House type C block A

Prior to first occupation the enclosure to the second floor roof terrace at the rear of house type C in block A shall be installed in accordance with the approved plans - as shown on drawings 288 A (00) 148 P01 and 149 P01 - and retained as such at all times.

Reason: In the interests of residential amenity, to avoid undue overlooking of neighbouring land.

### 24 Restricted permitted development rights - block A

There shall be no enlargements/extensions to the houses on block A (as identified on the approved site plan) that would extend beyond the rear of the original dwellinghouse and would exceed 3 metres in height without the prior written planning permission of the Local Planning Authority.

Reason: In the interests of the amenities of the adjoining residents, of the almshouses to the north of the site. The Local Planning Authority considers that it should exercise control over any future extensions 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 (as amended).

#### 25 Commercial unit

The commercial unit hereby permitted shall only be open to customers between the hours of 07:00 and 22:00 each day of the week.

All deliveries and collections to the commercial unit shall only occur during the following times -

Monday to Friday 08:00 to 18:00 hours

Saturday 09:00 to 13:00 hours

Not at all on Sundays and Bank Holidays

Reason: To protect the amenity of occupants of the nearby properties from noise.

#### 26 Noise insulation to dwellings

The building envelope of all dwellings shall be constructed so as to achieve internal noise levels in habitable rooms as follows -

Daytime (07:00-23:00 hrs)

- No greater than 35 dB LAeq (16 hour)

Night (23:00-07:00 hours)

- 30 dB LAeq (8 hour)
- LAFMax level 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 the amenity of people living in the new property from externally generated noise and in accordance with the NPPF paragraphs 127 and 180.

#### 27 Sustainable construction

The dwellings hereby permitted shall achieve a reduction in carbon emissions of at least 28% compared to the target emission rate as required under Part L of the Building Regulations.

Reason: To fulfil the environmental objectives of the NPPF and support the transition to a low carbon future, 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: provided pre-application advice, requested revised details to address identified issues with the scheme and through the use of planning conditions.

#### 2. Yorkshire Water

If the developer requires new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), they should contact the Developer Services Team (telephone 0345 120 84 82, email:technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition as supplemented by Yorkshire Water's requirements.

**Contact details:** 

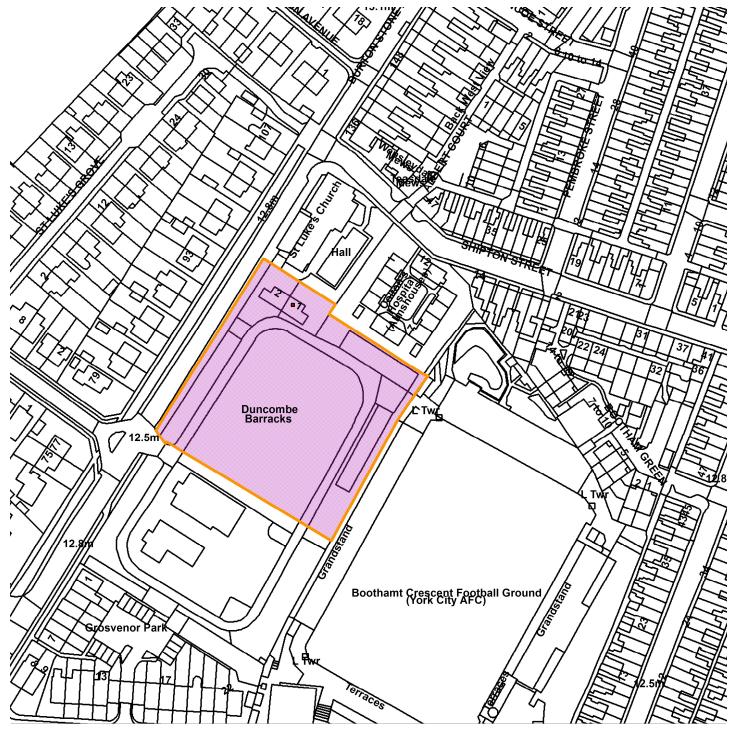
**Case Officer:** Jonathan Kenyon 01904 551323



# 1 Duncombe Barracks Burton Stone Lane YO30 6BU

20/01902/FULM





**Scale:** 1:1536

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Organisation	City of York Council
Department	Economy & Place
Comments	Site Location Plan
Date	08 February 2021
SLA Number	

Produced using ESRI (UK)'s MapExplorer 2.0 - http://www.esriuk.com



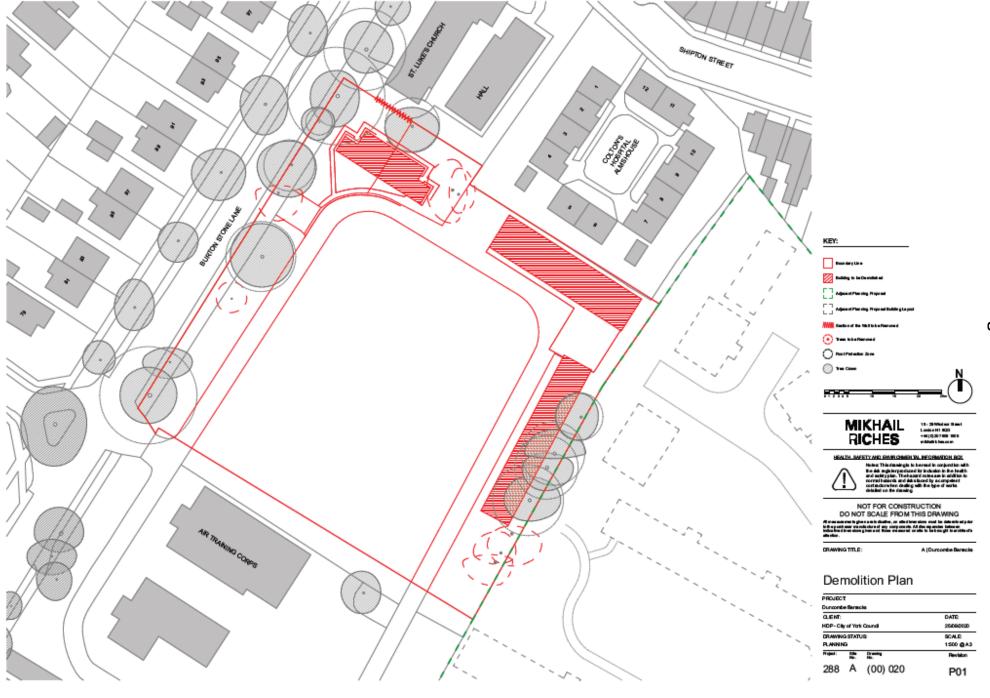


### Area Planning Sub-Committee

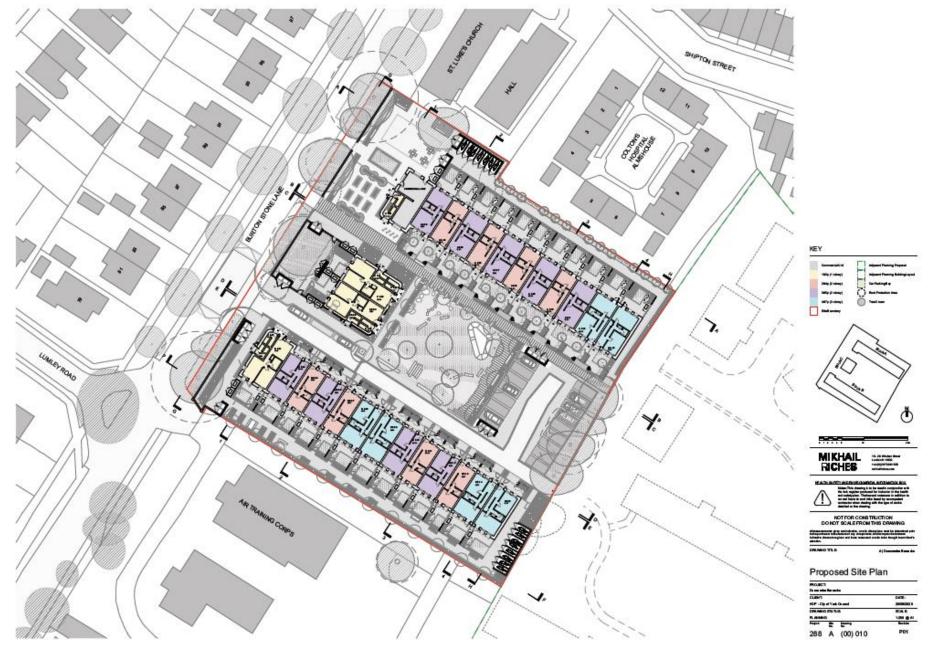
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Duncombe Barracks, Burton Stone Lane

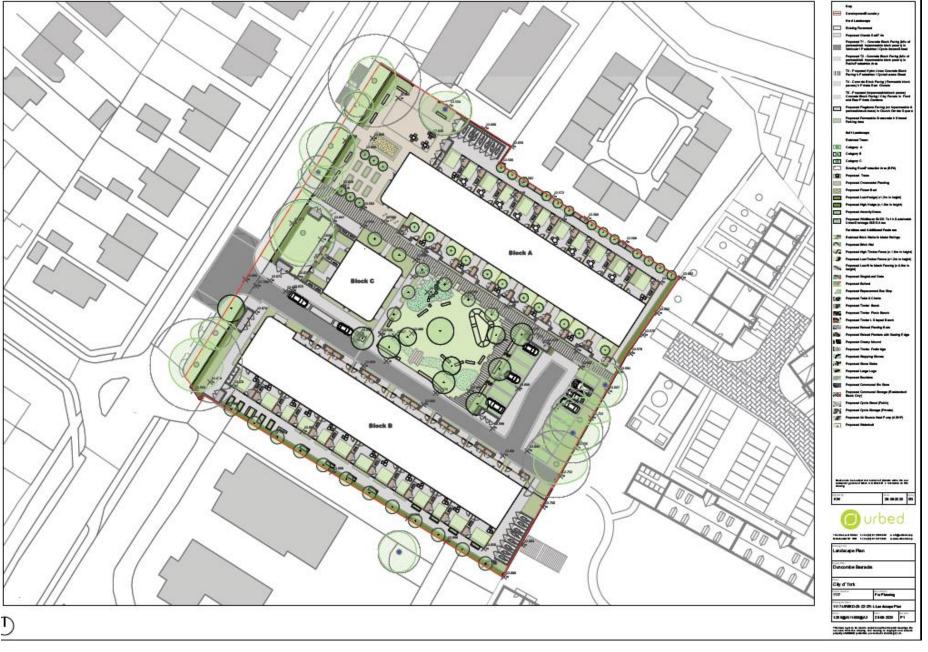
Existing site and demolition plan



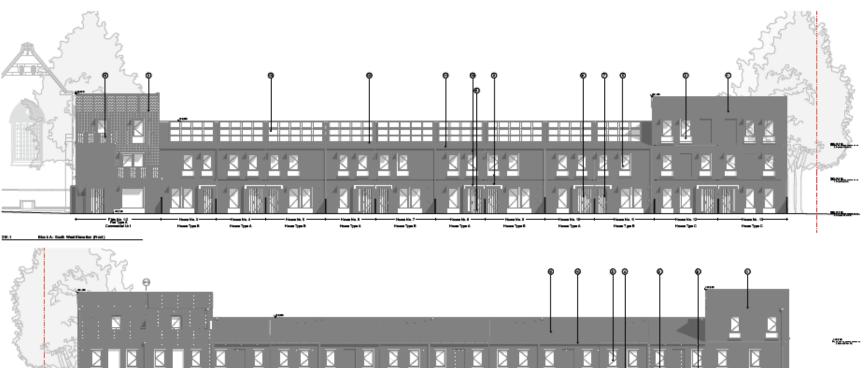
### Site layout

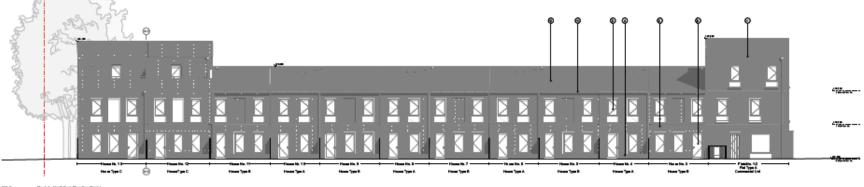


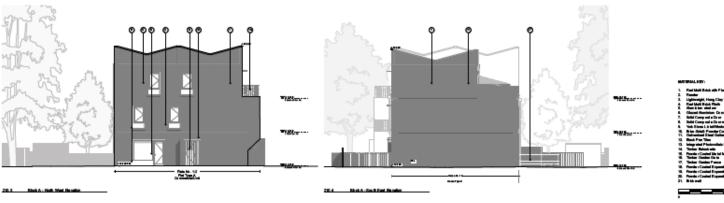
#### Landscape proposals



#### **Block A Elevations**









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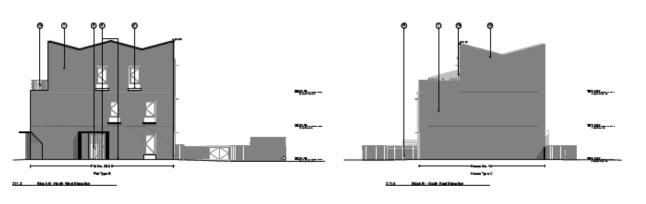
DO NOT SCALE FROM THIS DRAWING

Block A ground floor layout BLOCK C A | Durcombe Baracia MIKHAIL RICHES TO -25 Mindow Street Lands of HT 500 -44 (000 Min Title of helicity on the Block A, Ground Floor Plan EALTH, SAFETY AND ENVIRONMENTAL INFORMATION BOX. Adjacent Planning Proposal Building Layout Holes: This densing is to beread in corporation with the dat register-produced forte-devices the health and safety plan. The hearth or colourse is addition to normal hearth and shis should by a competent cost softer when dealing with the type of north challed on the densing. PROJECT Cuncombe Baracia QUENT: DATE: HDP-City of York Council 25092030 4biTp (3 stores) SCALE

### Block B elevations

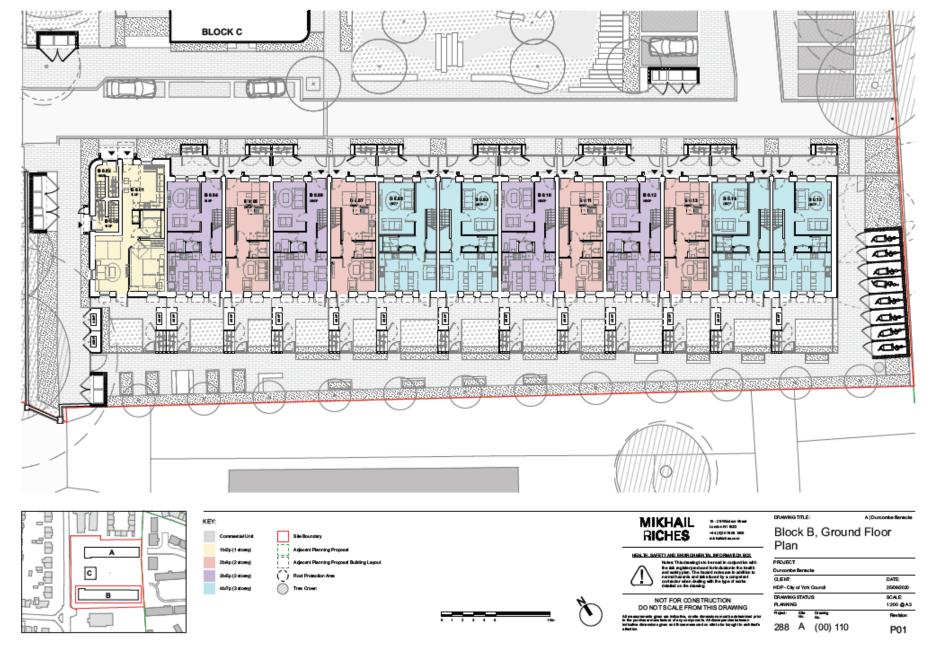




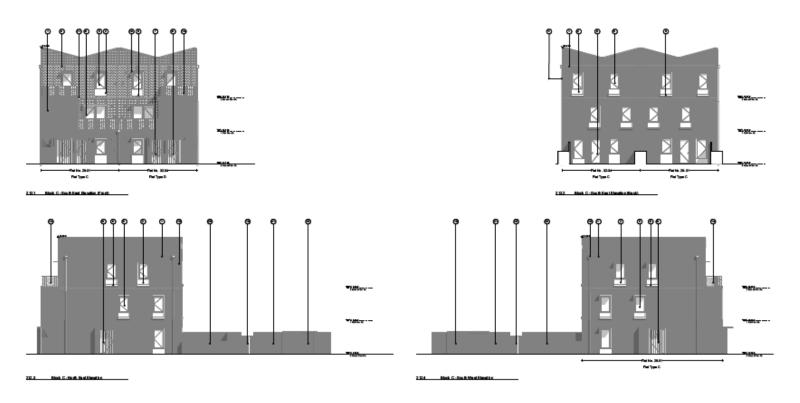




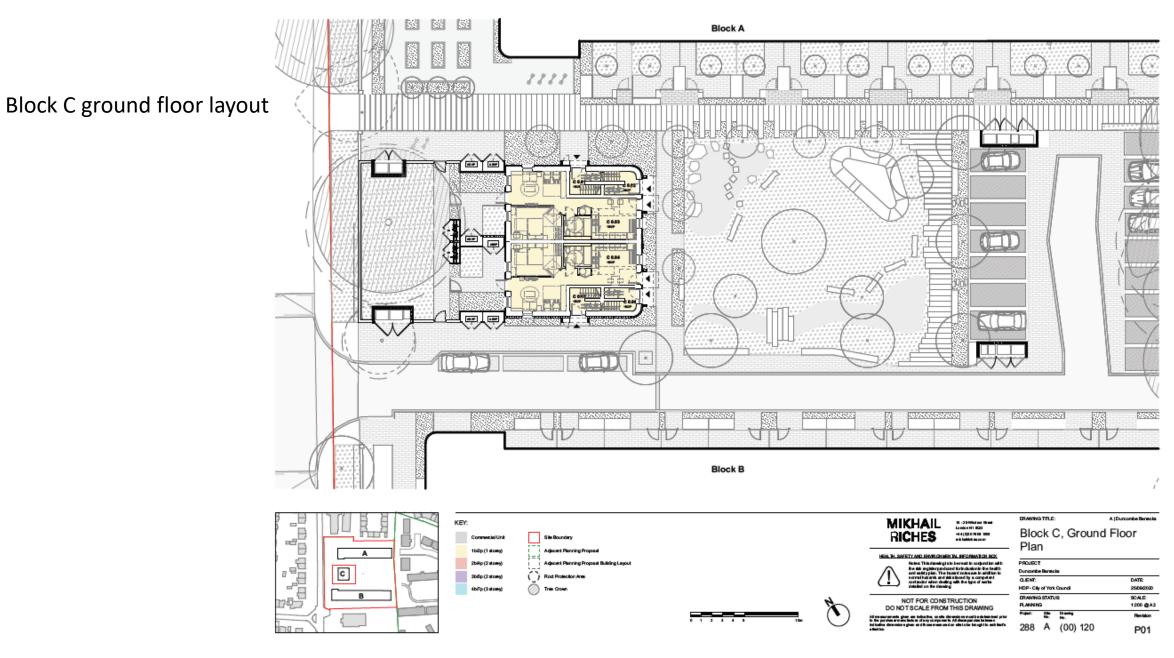
# Block B ground floor layout



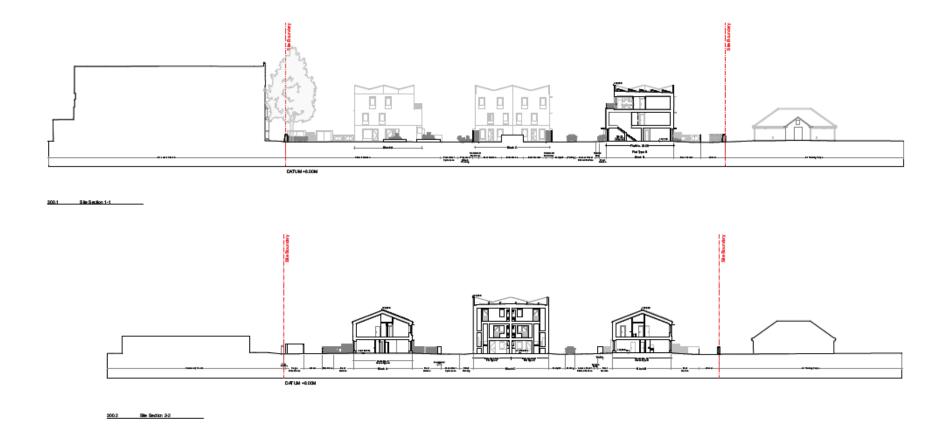
#### **Block C elevations**





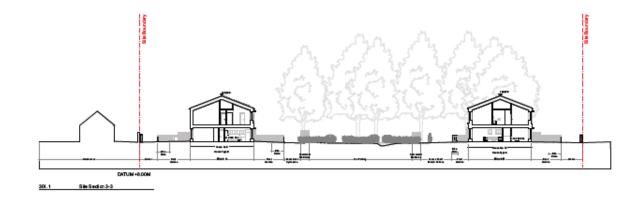


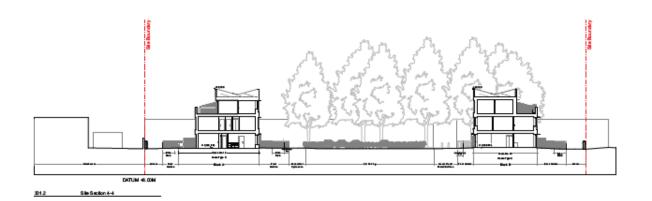
## Site sections 1 and 2

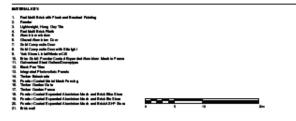




#### Site sections 3 and 4









MIKHAIL :: RICHES ::

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Site Section 3&4

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PROJECT

Committee Families

CASINE

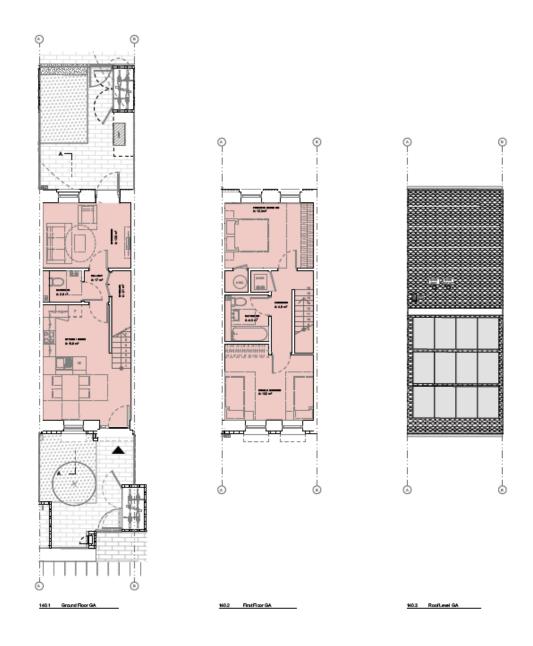
PCP-City of Valle Commit

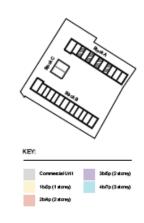
Residue

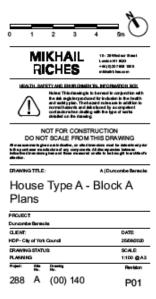
288 A (00) 301

PD1

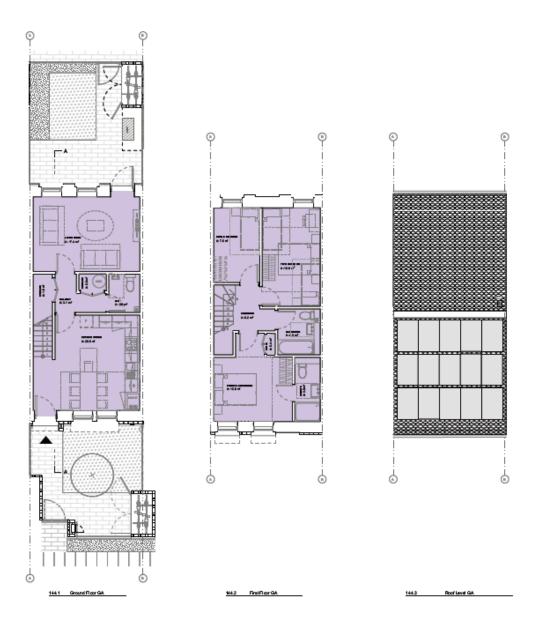
#### House type A Block A

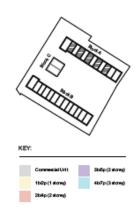






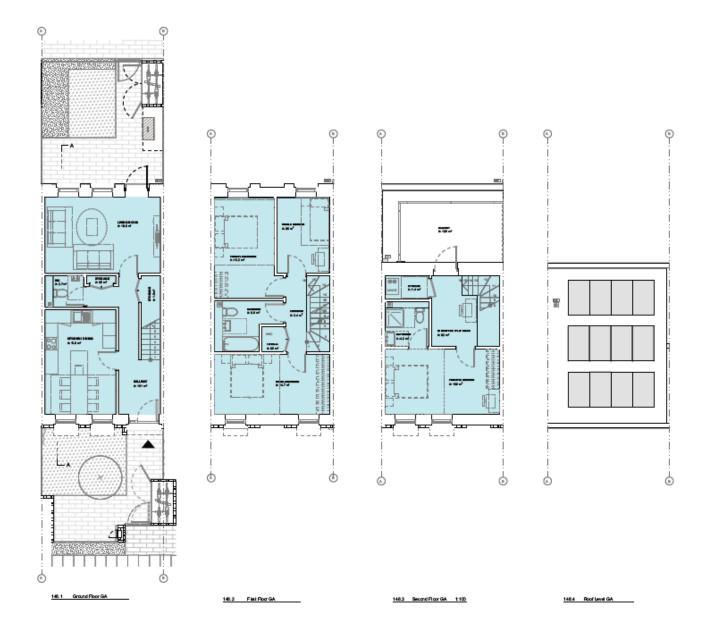
#### House Type B Block A plans

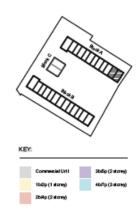


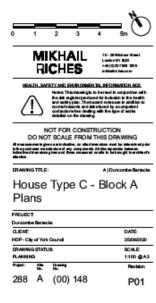




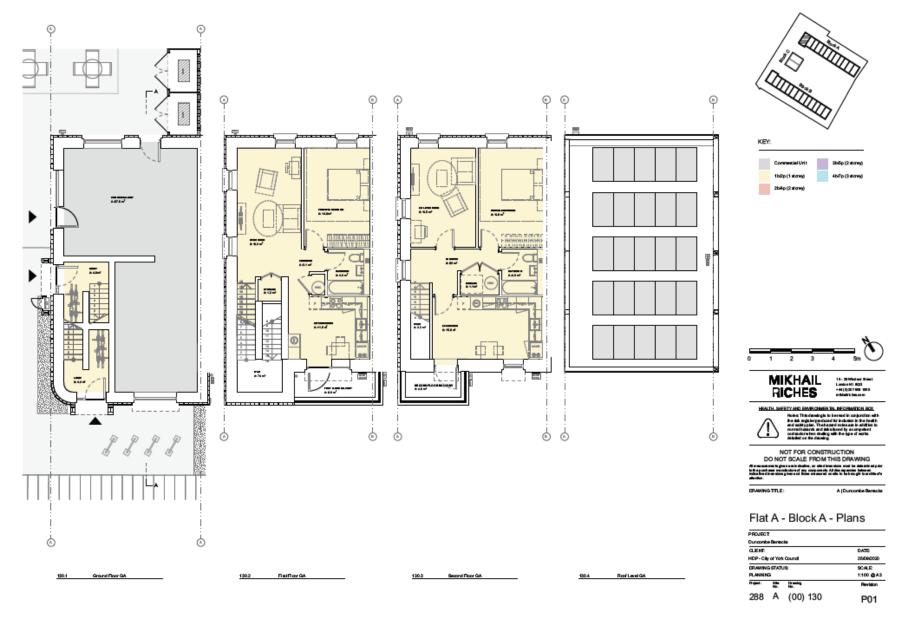
#### House Type C Block A plans



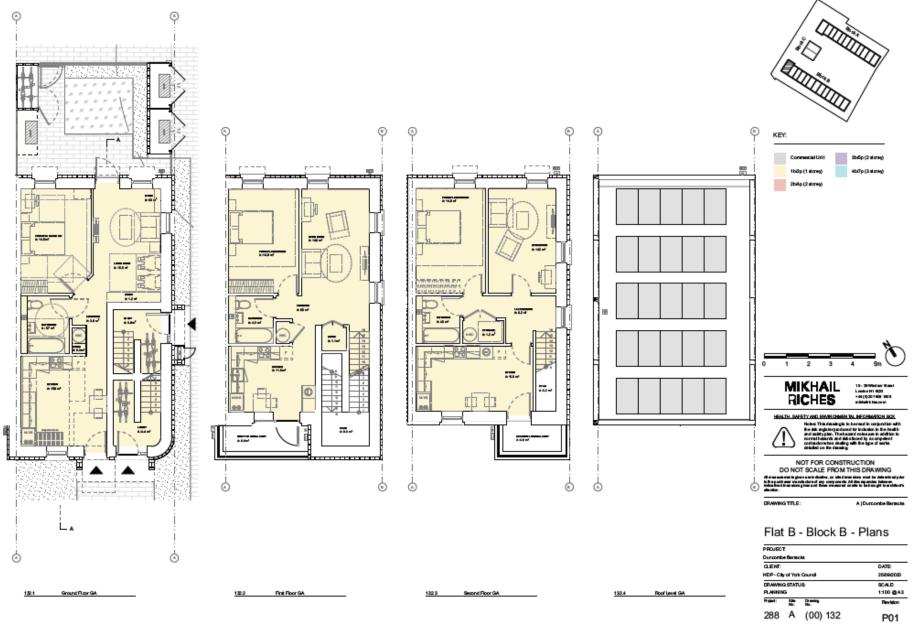




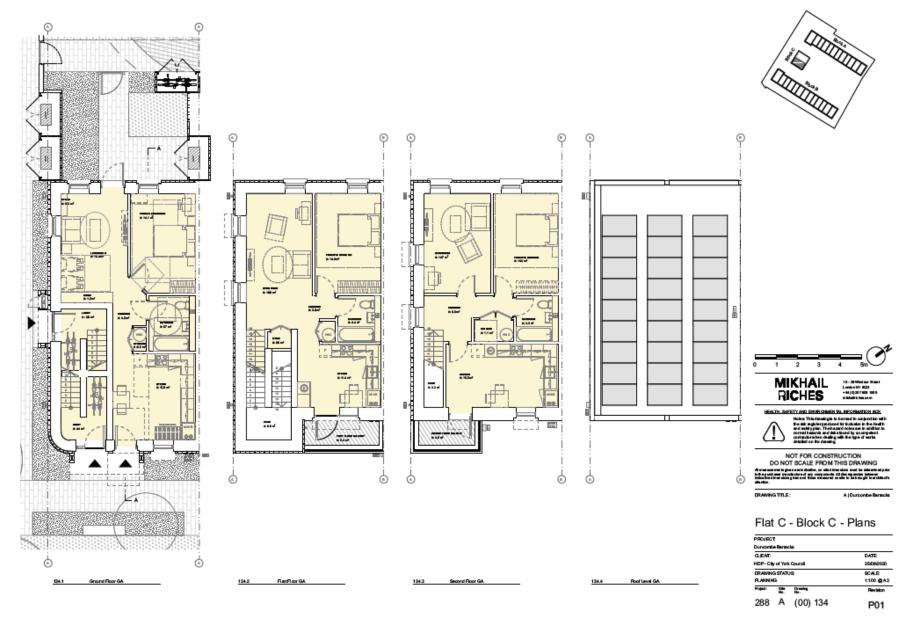
### Flat A Block A plans



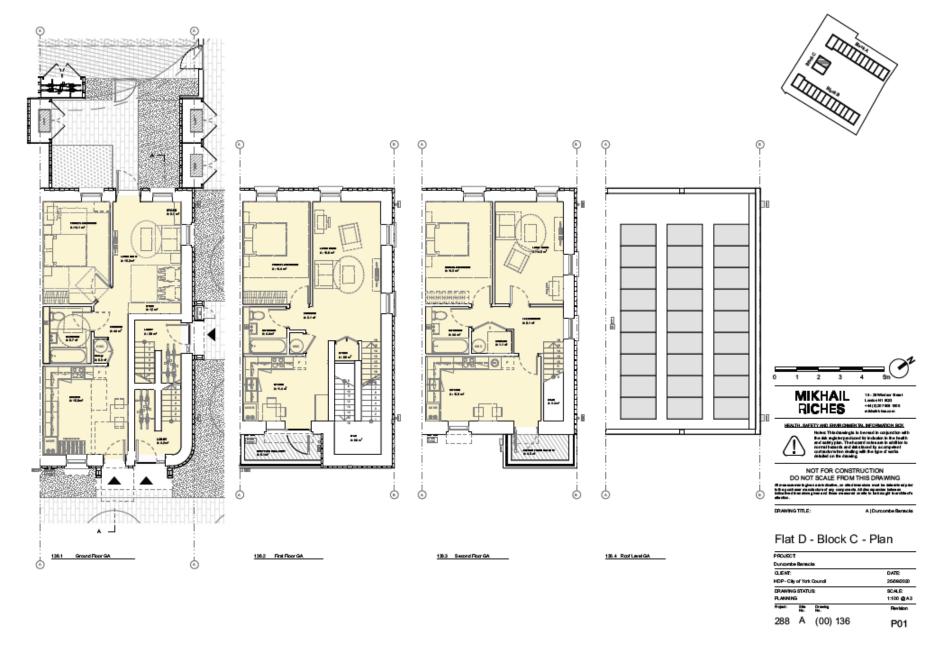
#### Flat B Block B plans



#### Flat C Block C



#### Flat D Block C





Site – looking north east along Burton Stone Lane



Area Planning Sub Committee Meeting - 18 February 2021

Looking south west along Burton Stone Lane

