



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

- To:** Councillors Galvin (Chair), Shepherd (Vice-Chair), Cannon, Craghill, Crawshaw, Dew, Fenton, Flinders, Gillies, Hunter, Mercer
- Date:** Thursday, 9 August 2018
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

The mini-bus for Members of the sub-committee will leave from Memorial Gardens at 10:00am Wednesday 8 August 2018.

1. Declarations of Interest

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

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

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

2. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is at **5.00 pm on Wednesday 8 August 2018**.

Filming, Recording or Webcasting Meetings

Please note that, subject to available resources, this meeting will be filmed and webcast, or recorded, including any registered public speakers who have given their permission. The broadcast can be viewed at <http://www.york.gov.uk/webcasts> or, if sound recorded, this will be uploaded onto the Council's website following the meeting.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officers (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at http://www.york.gov.uk/download/downloads/id/11406/protocol_f_or_webcasting_filming_and_recording_of_council_meetings_20160809.pdf

3. Plans List

To determine the following planning applications:

- a) **Proposed Self Storage Facility, Water Lane, York [17/03004/FULM]** (Pages 3 - 18)
Erection of self storage facility, with associated access and landscaping [Rawcliffe And Clifton Without Ward]

- b) **Quickslide Windows Direct,1 Redeness Street, York, YO31 7UU [17/03027/FULM]** (Pages 19 - 48)
Erection of 32no. Apartments following demolition of existing commercial unit with associated car parking, landscaping cycle and bin storage [Guildhall Ward] **[Site Visit]**

- c) **Grove House, 40-48 Penleys Grove Street, York, YO31 7PN [18/00337/FULM]** (Pages 49 - 62)
Variation of condition 2 of permitted application 17/01129/FULM (conversion part demolition and alteration of former care home to provide 32 no. apartments) to reduce number of units from 32 to 29 [Guildhall Ward] **[Site Visit]**
- d) **Land to The West Of 1 Rose Avenue, Nether Poppleton, York [18/00201/FULM]** (Pages 63 - 88)
Erection of 3no. buildings for light industrial, general industrial or storage and distribution uses (class B1c, B2 and B8) on sites west of 1 Rose Avenue and north of Evans Business Centre, Rose Avenue [Rural West York Ward] **[Site Visit]**
- e) **St Joseph's Convent Of Poor Clare Collentines, Lawrence Street, York, YO10 3EB [18/00638/FULM]** (Pages 89 - 110)
Conversion, alteration and part demolition of existing buildings (the Lodge and Extern House) to provide 10no. apartments and erection of 4no. dwellings. [Fishergate Ward] **[Site Visit]**
- f) **St Joseph's Convent Of Poor Clare Collentines, Lawrence Street, York, YO10 3EB [18/00639/LBC]** (Pages 111 - 124)
Conversion, alteration and part demolition of existing buildings (the Lodge and Extern House) to provide 10no. apartments and erection of 4no. dwellings. [Fishergate Ward] **[Site Visit]**
- g) **Wall To Wall Ltd, 71 East Parade, York, YO31 7YB [18/00933/FUL]** (Pages 125 - 136)
Conversion and extension of existing single storey building to 1no. dwelling with associated parking, cycle and refuse storage [Heworth Ward]

- h) **Orchard Cottage, 21 Water Lane,** (Pages 137 - 148)
Dunnington, York, YO19 5NP
[18/00934/FUL]

Single storey side extension, front porch and 2no. ground floor bay windows to front [Osbalwick And Derwent]

4. **Urgent Business**

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

Democracy Officer:

Chris Elliott

Contact details:

- Telephone – (01904) 553631
- Email - christopher.elliott@york.gov.uk

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

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

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی میا کی جا سکتی ہیں۔ (Urdu)

 **(01904) 551550**

AREA PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 8 August 2018****The minibus for Members of the sub-committee will leave from
Memorial Gardens at 10:00**

TIME (Approx)	SITE	ITEM
10:15	Rose Avenue, York Business Park	
11:00	St Josephs Convent, Lawrence Street	
11:30	Quickslide Windows, 1 Redeness Street	
12:00	Grove House Penlys Grove Street	

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COMMITTEE REPORT

Date: 21 June 2018 **Ward:** Rawcliffe And Clifton
Without

Team: Major and **Parish:** Clifton Without Parish
Commercial Team Council

Reference: 17/03004/FULM

Application at: Proposed Self Storage Facility Water Lane York

For: Erection of self storage facility, with associated access and
landscaping

By: MJ McCarthy Holdings Ltd

Application Type: Major Full Application (13 weeks)

Target Date: 9 August 2018

Recommendation: Approve

1.0 PROPOSAL

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

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

2.0 POLICY CONTEXT

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

D1 Place making

Application Reference Number: 17/03004/FULM

Item No:

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EC3 Business and Industrial Uses in Residential Areas

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

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

3.0 CONSULTATIONS

INTERNAL

Highway Network Management

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

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

Parking and turning reflect the needs of the proposed development.

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

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

Public Protection

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

Strategic Flood Risk Management

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

Planning and Environmental Management (Landscape)

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

EXTERNAL

Clifton (Without) Parish Council

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

The Ainsty(2008) Internal Drainage Board

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

Yorkshire Water Services Limited

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

Neighbour Notification and Publicity

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

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

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

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

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

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

4.0 APPRAISAL

4.1 KEY ISSUES

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

STATUS OF THE EMERGING (PUBLICATION) DRAFT YORK LOCAL PLAN

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

STATUS OF THE DEVELOPMENT CONTROL LOCAL PLAN

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

PRINCIPLE OF DEVELOPMENT

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

IMPACT ON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES

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

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

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

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

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

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

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

IMPACT ON THE AMENITIES OF PROSPECTIVE OCCUPANTS OF THE CARE HOME

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

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

IMPACT ON THE VISUAL AMENITY OF THE WIDER STREET SCENE

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

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

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

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

IMPACT ON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS

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

5.0 CONCLUSION

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

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

COMMITTEE DECISION

6.0 RECOMMENDATION: Approve

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

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

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

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

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

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

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

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

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

Reason: So as to achieve a visually cohesive appearance.

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

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

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

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

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

Reason: To safeguard the residential amenity of adjoining properties.

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

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

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

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

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

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

Reason: In the interests of highway safety.

11 Except in case of emergency no demolition and construction works or ancillary operations, including deliveries to and dispatch from the site which are audible beyond the boundary of the site shall take place on site other than between the hours of 08:00-18:00 Monday to Friday and between 09:00-13:00 on Saturdays. The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason: To protect the amenity of local residents.

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

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

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

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

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

Reason: To safeguard the residential amenity of neighbouring properties.

7.0 INFORMATIVES: Notes to Applicant

1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in an attempt to achieve a positive outcome:

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

2 DEMOLITION AND CONSTRUCTION INFORMATIVE:-

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

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

Contact details:

Author: Erik Matthews Development Management Officer

Tel No: 01904 551416

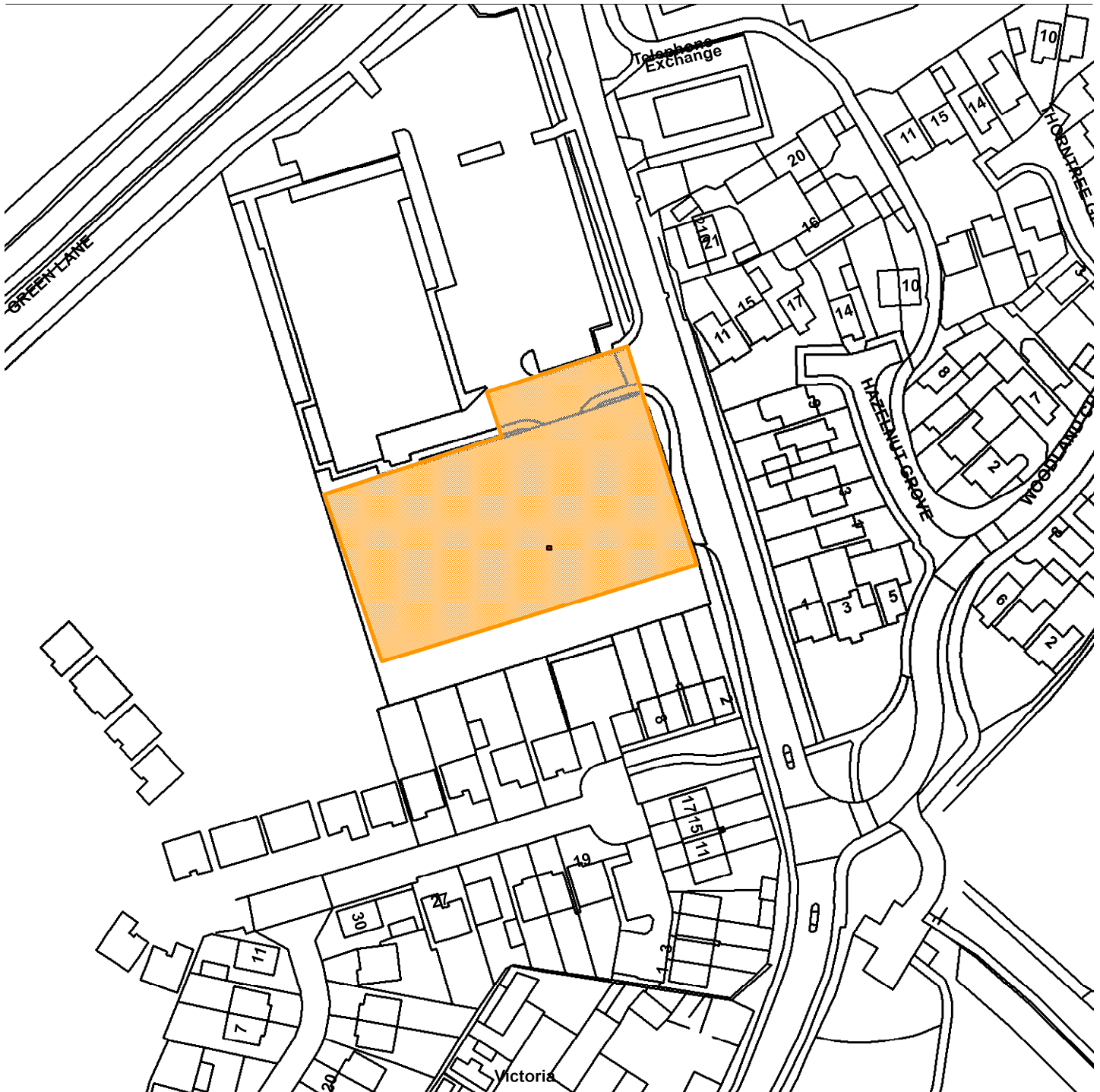
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Proposed Self Storage Facility, Water Lane

17/03004/FULM



GIS by ESRI (UK)



Scale : 1:1290

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	30 July 2018
SLA Number	Not Set

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COMMITTEE REPORT

Date: 9 August 2018 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 17/03027/FULM
Application at: Quickslide Windows Direct 1 Redeness Street York YO31
7UU
For: Erection of 32no. Apartments following demolition of existing
commercial unit with associated car parking, landscaping
cycle and bin storage
By: Mr Marc Black
Application Type: Major Full Application (13 weeks)
Target Date: 13 August 2018
Recommendation: Approve subject to prior completion of S106 agreement

1.0 PROPOSAL

1.1 The application site is located on the western side of Hallfield Road, with Redeness Street forming its northern boundary. There is a large development of flats on the eastern side of Hallfield Road, and a development of student accommodation to the immediate south east. A leisure use is accommodated to the west and commercial garage to the north. The site is occupied by a window sales company with associated parking. The wider area has previously been more commercial in character however it is in an area that has undergone significant change, with the student accommodation increasing the residential element.

1.2 Planning permission is sought for the erection of a 5 storey building fronting Hallfield and Redeness Street. The top floor is set back from the main frontage of the building. The accommodation would incorporate 8 no. 1 bedroom flats and 24 two bedroom flats. 32 cycle spaces would be provided in an enclosed store on the ground floor. Access would be from Redeness Road with an enclosed bin store near the entrance. A total of 16 car parking spaces would be provided.

1.3 The building is set back 7m from the edge of Hallfield road, reducing to 6m near the corner with Redeness Street. The middle three floors each have a balcony. The building would be constructed from brick, with standing seam cladding to the fifth floor, and powder coated coping. An amenity area will be provided on the roof serving the top floor flats.

1.4 The Environment Agency website identifies that the site lies within Flood Zone 1 (low risk).

Environmental Impact Assessment.

1.5 The proposed development does not comprise 'Schedule 1' development where an Environmental Impact Assessment is always required. The proposed development is however of a type listed at 10 (b) in column 1 of Schedule 2 (Urban Development Projects) of Regulations. However it does not exceed the relevant threshold, or meet the criteria in the second column of Schedule 2. Furthermore the site is not an environmentally sensitive area as defined in Regulations. Projects which are described in the first column of Schedule 2 but which do not exceed the relevant thresholds, or meet the criteria in the second column of the Schedule, or are not at least partly in a sensitive area, are not Schedule 2 development. Thus an Environmental Impact Assessment is not required in this case.

Relevant Planning History

1.6 06/01994/FUL Change of use from workshop (use class B1) to retail (use class A1) (bulky goods).

2.0 POLICY CONTEXT

2.1 Publication Draft York Local Plan 2018 ('2018 Draft Plan'):

Policy D1 Placemaking
Policy D2 Landscape and setting
Policy G12 Biodiversity
Policy G14 Trees and Hedgerows.
Policy CC2 Sustainable Design and Construction
Policy ENV1 Air Quality
Policy ENV2 Managing Environmental Quality.
Policy ENV 4 Flood Risk
Policy ENV 5 Sustainable Drainage
Policy H3 Balancing the Housing Market
Policy H10 Affordable Housing

2.2 Development Control Local Plan (DCLP) 2005

Policy GP1 'Design'
Policy GP4a 'Sustainability'
Policy GP9 Landscaping
Policy H3c Mix of Dwellings on Housing sites
H4a Housing Windfalls

3.0 CONSULTATIONS

INTERNAL

Highway Network Management

3.1 No objections to the proposed development of 32 apartments in this sustainable location. Access is to be taken from Redeness Street. Covered secure cycle parking would be provided within the building with generous access arrangement. The provision is to a level of 1 cycle space per unit. This meets CYC minimum standards. The site is well served by local cycle links and routes.

3.2 The development is close to public transport, amenities and within reasonable walking distance from the city centre. Located in Guildhall, the number of cars per household is the lowest in the city, with 51% of households only owning no car and only 40% owning 1 car. For a development of 1-2 bedroom flats lower levels of parking than larger apartments of 3-4 bedrooms are anticipated. Parking restrictions are widespread in the locality, with some availability of parking space on Redeness Street after 6pm on a first come first served basis. City centre car parks are within walking distance of the site.

Public Realm

3.3 No requirement for off-site play and amenity open space due to pooling restrictions. There would be an off site contribution for the provision of outdoor sports facilities, as there is no provision on site. Based on the housing mix of 8 x 1bed properties and 24 x 2 bedroom properties and the published open spaces commuted sum calculations we would expect an off site contribution of £11,928. This will be spent at Heworth Rugby Club to improve the facilities for players and to allow junior and female players to use the facilities.

Public Protection

Noise

3.4 A noise assessment has been submitted. The area is dominated by traffic noise. Whilst there is potential for noise from the student accommodation there is no evidence of this. The report recommends standard double glazing and acoustic trickle vents on the Hallfield Road façade and standard double glazing and standard vents on the other facades to ensure traffic noise levels are reduced to an acceptable level within the building. (In line with the standards detailed in BS8233:2914 and the World Health Organisation Guidelines on Community Noise). This would offer a substantial reduction in internal noise, however most of the noise is from traffic and therefore would expect to have seen a glazing standard which specifically includes a traffic noise weighting.

3.5 The initial report made no reference to the potential for tonal noise or similar arising from plant and machinery the area. The applicants consultants responded to concerns and explained how the glazing they propose will meet the internal levels without the specific need to address low frequency noise. Having reviewed their position their assertions are accepted and would request that revised condition is imposed. Based on the findings of the noise report do not consider that noise will be a barrier to residential development in this location subject to conditions requiring a detailed scheme for noise insulation.

ii Land Contamination

3.6 The Stage 1 Desk Study Report shows that the site has been used for a number of different uses, including brickworks, terraced housing, warehousing and car body repairs. A gas works, railway line and refuse destructor depot were also previously located nearby. These uses could have given rise to land contamination, so a site investigation is required to find whether contamination is present. If contamination is found, remedial action together with verification will be required.

iii Air Quality

3.8 There is limited parking associated with the proposal, and it is unlikely to impact significantly on local air quality concentrations. A full quality impact assessment is therefore not required. Current air quality is considered suitable for residential development although a further multi storey building in this location will further reduce opportunity for pollution dispersal in what is currently quite an open area. Would not want the building brought any further towards Hallfield Road. Would not wish to see the use of Biomass in this location. An electric vehicle charging point should be provided prior to occupation.

Design Conservation and Sustainable Development (Urban Design)

3.9 Based on the revised plans that include the set back from the road and landscape setting, the visual impact of the bulk on the street scene is just within acceptable limits. Confirm that the proposal does not impact on the setting of the listed chimney and therefore does not affect its significance. Whilst some views of the listed chimney from the site and its vicinity will be affected by the development, these are not key views and also, because the visual impact of the proposal from the chimney at ground level will also not be significant. The development does not impact on the setting of adjacent conservation areas (Central Historic Core and Heworth/Heworth-Green/East Parade).

Design Conservation and Sustainable Development (Landscape Architect)

3.10 James Street, Hallfield Road, and more recently Eboracum Way, and the retail development on Foss Islands Road, form an evolving street scene in which street

trees play a defining role in the character of the area. Young street trees are now well established. This proposed development sets the building block back from the road a sufficient distance to sustain a line of substantial street trees, which should be of a scale fitting for the proposed building height. This is also applicable to the trees along the southern boundary. If a development of this form is deemed acceptable, it would be appropriate to have a mixed hedge and a row of trees along the road front using a narrow variety of a sizeable species such as Lime, Hornbeam, Maple. The tree in the centre of the car park could make a very valuable feature of the development, given the right growing conditions. As this is currently an area of hard standing, which would in turn be surrounded by hard standing, it is paramount that all construction material is excavated and removed from the entire shrub bed. To be sure of this please request a specification under condition.

3.11 It would be appropriate to create some openness and a sense of space in front of the ground floor apartments with the introduction of a wildflower lawn, such as Emorsgate EL1 Flowering Lawn Mixture. The planting scheme should also employ the use of climbers and semi-climbing ground cover to soften boundaries and walls.

Flood Risk Management

3.12 Initial concerns regarding the lack of evidence provided to discount the use of infiltration methods of surface water disposal. On the basis of the additional information, The Flood Risk Management Team has no objections to the development in principle subject to conditions to protect the local aquatic environment and Public Sewer network.

Waste Management

3.13 The bin store looks well located. A development of 32 flats would need the amount of bins below;

- 5 x 1100 litre refuse bins
- 4 x 1100 litre recycling bins (2 x paper/ card 2 x plastic / cans)
- 2 x 660 litre recycling bins (glass)

The bin store should be built to accommodate this amount of bins.

Housing Strategy Team

3.14 It was reported by the District Valuer (DVS) in March that the initially proposed scheme could provide 20% affordable housing in line with current CYC policy.

Following submission of revised costings the developer viability appraisal was again referred to the DVS who agreed a number of revisions, with a concluding

recommendation that the proposed site development could provide 10.66% affordable housing, at current CYC transfer values. The applicant accepts the findings of the DVS appraisal and CYC Housing Development Officers also concur.

The revised scheme now has a substantially higher build cost, which the DVS accepts, and these costs are also reflected in the unit values as the quality of the building and individual units is superior to that first envisaged.

At 10.66% the submitted proposal would generate 3.4 affordable affordable homes (3 on site plus a commuted payment in lieu of 0.4 units). It is reported that, where the 20% policy target cannot be met, CYC planning policy allows us to consider making up the shortfall through public subsidy or revisions to tenure and/ or transfer price.

These options have been investigated with Registered Providers and Homes England, and a commuted payment in lieu of provision on site is preferred in this instance. The applicant reports that service charges will initially be set at £1,100 per annum and ground rent at £250 pa. This would add £112.50 per month to tenant rent charges, which would not be affordable.

On balance, and without compromising the key aim to provide affordable housing on site, officers recommend that a commuted sum be accepted in this instance. That sum will be calculated as open market value minus transfer price, and will be available to spend on emerging affordable housing projects in York.

EXTERNAL

Yorkshire Water

3.16 Foul water will discharge to public combine water sewer. Surface water will discharge to public water sewer via storage with restricted discharge. Recommend a condition to secure compliance with Submitted Flood Risk Assessment.

Foss Internal Drainage Board

3.17 There are no Board maintained watercourses in the vicinity.

Police Designing Out Crime Officer

3.18 An analysis of police recorded incidents covering a 300m radius of the proposed development highlights the presence of crime and anti-social behaviour in the area which could impact upon the security of the scheme. In summary, there were 221 crimes and 70 anti-social behaviour incidents recorded during this twelve month period. Crime and anti-social behaviour levels within the vicinity of the proposal can be described in context for North Yorkshire as being at a high level.

However, a high number of thefts in the area mainly relate to shoplifting and are not relevant to this proposal.

3.19 It is desirable for each property to have its own defensible space. Building for Life 12 (2016) recommends clearly defining private and public spaces with clear vertical markers, such as railings, walling or robust planting. Unrestricted access around apartment blocks can lead to nuisance and casual intruders being able to look for crime opportunities such as thefts through open ground floor windows/doors etc. It is recommended that where possible, the landscaping create a buffer zone of 'defensive' planting alongside the building line, to create 'defensible space'. This will ensure privacy and security for ground floor apartments.

3.20 It is not clear from the submitted drawings as to whether there will be a physical barrier around the parking court. Without one there is the potential for a 'desire line', described as a path that pedestrians take informally rather than taking a footpath or set route, from Hallfield Road to Redeness Street,

3.21 It is noted that the communal entrance, bike store entrance and bin store are contained within the tunnel of the bridging unit. The dark secluded positioning of these entrances does not make it ideal from a security and safety perspective. Very poor natural surveillance and light levels will make users of this space vulnerable. Consequently, I cannot support this application unless the positioning of these entrances is addressed. External lighting is recommended to each elevation that contains a doorset. This lighting should be switched using a photo electric cell (dawn to dusk), as a constant level of illumination is more effective than PIR lamp activations which can increase the fear of crime particularly for the elderly.

Publicity

3.22 Eleven letters of objection received which include the following comments:

- Scale and size will be very dominating. It is higher than apartments on Layerthorpe and also the new student development. Single storey developments to other side. Taking account of proposal and the existing Brickworks will create a nearly continuous high wall and will therefore seriously impact on sunlight and views towards the city.
- Adverse impact on privacy.
- Welcome new development but too large. Should be limited to three stories. York quite rightly keeps its buildings low.
- Will have significant impact on outlook from existing apartments on Hallfield Road as the building is barely set back.
- Building of this size must have some impact on daylight/sunlight contrary to what is stated, especially in the evenings.

- The 3D images are misleading and show surrounding buildings with a flat roof. This is not the case. The design should be more sympathetic to the apartments opposite and have a sloping roof.
- Concerned regarding lack of parking. Council's standards are one space per flat and one per four visitors. Proposal is way under this. Losing existing parking on the site. Already inadequate parking in the area.
- Insufficient EV charging. Government have mandated that from 2040 will require electric propulsion. So installing one charging point is insufficient. Retrofitting will be expensive and disrupting. Cabling should be provided to each parking space.
- If only one electric parking space it will have to be reserved for that purpose and not assigned to a flat.
- Concerned regarding air quality for the residents and question whether an air quality assessment should be completed unless the developer is installing mechanical ventilation on the side.
- Currently enjoy a view of York Minster., which will be lost. The view is a key part of the value, attraction and standard of living of the properties on the east side of the road. Property values will be affected. Consideration should be given to reducing the height of the building.
- The proposed building will overpower the existing ones and should lose at least one floor.
- Looking from Layerthorpe along Hallfield Road will start to look alike a valley with the shadow caused by this new development. Consider that three stories is the ideal height. Object to the height of the revised proposed building plan, due to restrictions on light it would cause to the apartments' opposite on Hallfield Road. Although some alterations have been made, the height from the original plan remains the same.
- Hallfield Road has not benefitted from any of the greenery/trees. It would be of value to all residents on either side of Hallfield Road if some garden area actually was planted to a reasonable depth, to provide less of a tunnel impact and be aesthetically pleasing surroundings.

4.0 APPRAISAL

KEY ISSUES:

- Principle of the use
- Design
- Impact on Heritage Assets
- Neighbour amenity
- Landscape
- Open Space
- Crime and safety
- Highways

- Drainage
- Air quality/ Land contamination and noise considerations
- Contributions

LEGISLATIVE FRAMEWORK

4.1 Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990

includes a duty to have special regard to the desirability of preserving the setting of listed buildings in exercise of planning functions.

PLANNING POLICY

National Planning Policy Framework (NPPF) July 2018

4.2 The National Planning Policy Framework (NPPF) sets out the Government's overarching planning principles. Paragraph 59 affirms the Government's objective of significantly boosting the supply of homes. At paragraph 121, to make effective use of land, it states that local planning authorities should support proposals to use retail and employment land for homes in areas of high housing demand provided that this would not undermine key economic sectors or sites or the vitality and viability of town centres and would be compatible with other policies in the Framework. To ensure the vitality of town centres, the NPPF states that planning decisions should take a positive approach to their growth management and adaptation.

Publication Draft York Local Plan 2018

4.3 The Publication Draft Local Plan ("2018 Draft Plan") was submitted for examination on 25 May 2018. The emerging Local Plan policies contained within the 2018 Draft Plan can be afforded some weight at this stage of its preparation subject to their conformity with the NPPF and the level of outstanding objection to the policies in accordance with paragraph 48 of the NPPF. The evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications. Policy D1 supports developments that take account of local distinctiveness and make a positive design contribution. Policy D2 relates to landscape and setting. Policy D4 relates to development within or affecting the setting of a conservation area. Policy G12 seeks to conserve and enhance York's biodiversity. Policy G14 relates to the value of trees and hedgerows. Policies CC1 and CC2 relate to sustainable design and energy efficiency. Policy T1 supports development where it minimises the need to travel and provides safe suitable access. Policy H3 seeks to balance the housing market across the plan period and work towards a mix of housing identified in the Strategic Housing Market Assessment. Policy H10 seeks to maximise affordability by supporting residential schemes which provide affordable housing. Policy SS3 states that the city centre is

fundamental to delivering the plan's economic vision and remains the focus for main town centre uses.

4.4 It is considered that in accordance with paragraph 48 of the NPPF, taking account of the stage of preparation of the 2018 Draft Plan, the lack of significant objection and the degree of consistency with the NPPF these policies carry moderate weight.

The Development Control Local Plan 2005

4.5 The Development Control Local Plan (Incorporating the Fourth Set of Changes) was approved for development management purposes in April 2005 (DCLP). 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 but are of very limited weight. Policy HE2 relates to development in Historic Locations. Local Plan policy L1c requires developments to make provision for the open space needs of future occupiers. The type of open space required is dependent upon whether the existing open space in the locality is adequate, and whether it has the capacity to accommodate the proposed development.

THE PRINCIPLE OF THE USE

4.6 The site is currently occupied by a double glazing sales operation (Quick Slide Windows Direct) and operates as an A1 'bulky goods' use class (planning permission Ref: 06/01994/FUL). The applicant has stated that Quick Slide Windows Direct have confirmed that the continued use of this A1 'Retail' premise is no longer a viable option for the following reasons:-

- i. Location is busy/congested which complicates the receipt/delivery of bulk goods;
- ii. The location has been a key catalyst for a decrease in footfall.

4.7 The retail element of the site is constrained by a condition to restrict the sale of non-bulky goods. The reason for the condition was to minimise the impact of comparison goods sold at these stores competing with York City Centre retail outlets selling the same goods. At the time of the permission the unit was outside the defined city centre. The restriction on sales is such that it limits the scope for other retail uses occupying the building.

4.8 The site now falls within the city centre as identified in the Publication Draft Local Plan. The plan identifies both primary and secondary shopping areas. Whilst the site is within the defined city centre it is towards the periphery and is not within a primary or secondary shopping area. Policy SS3 states that ' Change of use of existing Use

Class A will be resisted'. Nevertheless, given the location of the site on the periphery of the city centre Area, it is not considered that the loss of this retail use will impact on the vitality and viability of the city centre.

4.9 Furthermore, the land opposite the site is in residential use, with student accommodation to the rear, and an allocation in the Publication Draft plan for residential development to the front of the site. Taking together these immediate uses, there is no doubt that it is an area in transition. Accordingly, maintaining the site for retail use for bulky goods sales could result in an incompatibility with this area that has increasing numbers of residential uses. This potential 'incompatibility' is recognised in the commentary that supports Policy EC2: Loss of Employment Land of the Publication Draft Plan.

4.10 NPPF paragraph 121 states that to make effective use of land, local planning authorities should support proposals to use retail and employment land for homes in areas of high housing demand provided that this would not undermine key economic sectors or sites or the vitality and viability of town centres and would be compatible with other policies in the Framework.

4.11 Policy H3 of the Publication Draft Local Plan states that proposals for residential development will be required to balance the housing market by including a mix of housing types which reflects the diverse mix of need across the city. It further states that the housing mix should have reference to the Strategic Market Housing Assessment (SHMA). The SHMA demonstrates a particular need for 2 and 3 bedroom accommodation, however there is still a need across a spectrum of house types. In this context it is considered that the provision of 8 no. 1 bedroom apartments and 24 no. 2 bedroom apartments is acceptable. It is further considered that the quality of the accommodation provided is acceptable. SS3:York City Centre states that housing is considered an appropriate use in the city centre.

4.12 On balance, it is not considered that the loss of the site for retail use would have an adverse impact on the vitality and viability of the city centre and that the use of the site for residential purposes is in accordance with paragraph 121 of the NPPF and the stated aim of boosting the supply of housing. The development of the site for housing will help to deliver a wide choice of housing whilst resulting in the effective use of land by re-using land that is previously developed.

AFFORDABLE HOUSING

4.13 The NPPF states that where local planning authorities have identified that affordable housing is needed, they should set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified.

4.14 Policy H10: Affordable Housing, of the Publication Draft Plan requires 20%

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provision on brownfield sites. The application was accompanied by a viability statement which was assessed by the District Valuer who concluded that the site is capable of delivering the required provision. Following on from a more detailed consideration of build costs, the developer submitted a revised viability statement. This was re-assessed by the District Valuer who concluded that 10.66% affordable housing was a viable contribution. This equates to 3.4 units (i.e. 3 on site and 0.4 as a commuted payment). In cases where the 20% policy target cannot be met, CYC planning policy allows us to consider making up the shortfall through public subsidy or revisions to tenure and/ or transfer price. These options have been investigated with Registered Providers and Homes England, and a commuted payment in lieu of provision on site is preferred in this instance.

4.15 On balance, and without compromising the key aim to provide affordable housing on site, officers recommend that a commuted sum be accepted in this instance. That sum will be calculated as open market value minus transfer price, and will be available to spend on emerging affordable housing projects in York.

4.16 The contribution satisfies the tests at regulation 122 of the CIL Regulations, which require obligations to be a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.

DESIGN AND LANDSCAPING

4.17 The NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. This emphasis on good design is detailed at section 12 of the NPPF, and states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

4.18 The area is in transition, with a more traditional four storey block of flats fronting Hallfield Road and directly opposite the site. To the immediate rear is a more contemporary design with a four storey building comprising student accommodation. To the side of the site, the existing building is single storey, with a variety of heights and design of buildings fronting Layerthorpe. The area does not have a cohesive character; however the predominant building material is brickwork. The site is currently occupied by a single storey building situated within a large tarmac parking area. The proposed building will be visible from Hallfield Road and Redeness Street, and in addition from Layerthorpe and Eboracum Way.

4.19 During the consideration of the application a number of objections from neighbouring occupiers raised concern that the building was too tall, and should be no greater than three stories. Officers also raised concern regarding the scale of the building, and its impact on this area. Negotiations were carried out with the

applicant, and a number of changes were made to the plans to take account of the concerns raised. The changes include:

- Increase in the width of the landscape buffer
- Continuation of building along Redness Street, to continue the street frontage, and screen the car parking.
- Bike store revised to provide external access.
- Maintenance strip around the building provided.
- Roof top amenity area revised to provide better security.
- Top floor set further back on the corner to reduce the dominance of the fifth floor.

4.20 The site is in an area where there are other large scale buildings. The top of the fourth floor is slightly higher than the recent student accommodation to the rear, and slightly lower than the ridge height of the flats that are opposite the site on Hallfield Road. The fifth floor however adds a greater height than both these buildings. Nevertheless it has been designed as a subservient structure by virtue of the variation in materials, and the set back from the edge of the main part of the building.

4.21 Officers have taken account of the concerns raised by objectors in carrying out these negotiations. However the building has been set behind a landscape buffer of a meaningful size which varies in depth between 6m and 7m from the footpath alongside Hallfield Road. It is intended that the area will be planted with low level shrubs/wildflower mix together with a row of trees. The layout also shows a narrower strip along the frontage with Redness Street, along the boundary with the existing building to the south west, and along the boundary with the student accommodation to the south. There is also a proposal for a large tree to be sited within the parking area, and visible from Redness Street. The Council's Landscape Architect has advised that the proposed development sets the building block back from the road a sufficient distance to sustain a line of substantial street trees, which should be of a scale fitting for the proposed building height. This is also applicable to the trees along the southern boundary. It would be appropriate to have a mixed hedge and a row of trees along the road front using a narrow variety of a sizeable species such as Lime, Hornbeam, Maple.

4.22 The landscaped setting of the building will provide a continuation of the existing landscaping along St James Street, and lead to an enhancement in an area that is becoming more residential in character. It is considered, therefore, that the more subservient design of the upper floor of the building, the set back of the building from the edge of Hallfield Road, together with the proposed landscaping is such that the scale of the building is appropriate in this location.

HERITAGE CONSIDERATIONS

4.23 Officers have assessed the impact of the development in relation to the Foss Islands chimney. It is not considered that the development will impact on the setting of the listed chimney and therefore does not affect its significance. This is because, whilst some views of the listed chimney from the site and its vicinity will be affected by the development, these are not key views and also, because the visual impact of the proposal from the chimney at ground level will also not be significant.

NEIGHBOUR AMENITY

4.24 The NPPF at paragraph 127 states that planning should ensure a high standard of amenity for existing and future users. A number of objections in relation to amenity have been received from neighbouring occupiers that live opposite the site. Their objections relate principally to loss of view of the Minster, overlooking, overbearing impact and impact to daylight/sunlight. In relation to views of the Minster, views over private land carry very little weight as a material planning consideration.

4.25 However, "outlook" is a different concept and differs from a view in that it relates to the openness enjoyed by occupants of a property. This includes, for example, having a reasonable sight of the sky through windows and being able to look an appropriate distance beyond a property. In this case, the site is previously developed land situated in a very urban part of the city. It is an area where significant change has occurred. This includes in particular the student accommodation to the rear, and the area on the other side of Layerthorpe which includes the Travelodge Hotel, together with the new link road. The flats on the north eastern side of Hallfield Lane comprise a large building that is located close to the edge of the footpath. It is therefore considered that the context of the site lends itself to a development of a similar scale. Whilst it is acknowledged that the proposed building includes an additional storey in comparison to the flats opposite the site, the bulk has been reduced to a certain extent by the top storey being set back. It is further considered that there will be significant benefits in terms of the proposed landscaped setting to the building. At a depth of between 6m and 7m, it is considered that subject to details, the landscaping would improve the streetscene, and a softening of the building that will be of benefit to residents opposite the site. The set back from the road would reduce any feeling of 'tunnelling' that could occur if the proposed building is located close to the edge of the footway.

4.26 The applicant has also submitted drawings demonstrating that the proposed development accords with the '25 degree rule', in respect of the residential properties fronting Hallfield Road. This is a commonly accepted rule of thumb devised by the Building Research Establishment. It works on the principle that suitable daylight for habitable rooms is achieved when a 25 degree vertical angle taken from the centre of the lowest windows remains unobstructed. This

demonstrates sufficient 'sky visibility'. A daylight study carried out for the month of June shows that the buildings opposite the site are not overshadowed by the development. The plans also show that the building will cause some over shadowing during the afternoon in the winter months. However the separation of the site to those houses on Hallfield Road is such that any impact is not considered to be sufficiently detrimental to warrant refusal.

4.27 In terms of privacy the building is separated from those residential properties opposite by a distance of between just under 25m at the southern extent of the site, increasing to approximately 28.6m. In the context of the site, fronting a public highway, it is considered that separation is acceptable. It is acknowledged that the inclusion of balconies can increase the perception of overlooking, but again in this context it is considered that the separation is acceptable, and will not result in a significant adverse impact on the amenity of neighbouring occupiers.

4.28 There is a closer relationship in terms of the proximity to the student accommodation to the south. The proposed building is only 8m away at this point. This is a distance that would not usually be considered acceptable in relation to proximity to residential property. However given the transitory nature of the occupation of the student accommodation, it is not considered that the proposed building will have a significant adverse impact on amenity, by virtue of its bulk or overbearing impact. Furthermore, this close relationship only relates to the north eastern end of the student building.

4.29 In relation to privacy, the flats at the south eastern corner of the proposed building have windows that face towards the student accommodation. There is also glazing on the corner of the stairwell. The stairwell will be used for those in transit with only glimpsed views outside. However the elevations show that the corner windows are obscure glazed to reduce the potential for impact on privacy. It is also recommended that the balconies on the rear of the building on floors 1, 2 and 3 nearest to the student accommodation should have privacy screening on the elevation that faces towards that building. These elements are shown on the revised elevations and floor plans.

4.30 Given the non residential use of the other neighbouring buildings, it is not considered that there will be an adverse impact on the occupants.

HIGHWAYS AND SUSTAINABLE TRANSPORT

4.31 The National Planning Policy Framework states that in assessing applications it should be ensured that:

- Appropriate opportunities to promote sustainable transport modes can be taken up given the type of development and its location
- safe and suitable access to the site for all users

- any significant impacts from the development on the transport network or on highway safety can be mitigated to an acceptable degree.

4.32 The development will be accessed from Redeness Street. Covered secure cycle parking is provided on the basis of 1 cycle space per unit. This meets CYC minimum standards. There are good local cycle links and routes in the vicinity. The development provides 16 parking spaces, which is one space for every two apartments. A number of objections have been received that express concern regarding the loss of parking on site, and the inadequate provision on the site. The objections further state that in surrounding streets there is already an issue with people parking and walking into town, although they advise that in such cases they vacate the parking spaces overnight. Another comment states that the building could provide further parking spaces by providing an underground car park. The current CYC parking standards are maximum and require one space per dwelling plus one visitor space per four dwellings. The NPPF advises that in setting parking standards, policies should take into account the accessibility of the development, the type, mix and use of the development, the availability of public transport and local car ownership levels.

4.33 Reflecting its central and accessible location, Guildhall has one of the lowest car ownership levels in the city with 51% of households owning no car and only 40% owning 1 car, and furthermore that surrounding roads and junctions are protected by parking restrictions. In addition, it is of particular importance that the site is located in a very sustainable location. There are very regular local buses running in close proximity to the site, with further buses to more distant places of employment and recreation. The city centre and places of work, amenity, and schools are all within walking and cycling distance of the site. Given the sustainability of the location, it is considered that the parking provision is acceptable and is appropriate for this location.

4.34 One objection has been submitted in relation to the limited number of electric parking spaces, and furthermore states that if the proposed space is allocated to a particular unit it would not be available for use by anyone else. The site is in a location that encourages use by sustainable modes of transport such as public transport, bike or walking. On that basis it is not considered that there is a requirement for additional charging points.

DESIGNING OUT CRIME

4.35 Designing out crime and designing in community safety should be central to the planning and delivery of new development. Section 17 of the Crime and Disorder Act 1998 requires all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder. The prevention of crime and the enhancement of community safety are matters that a local authority should consider when exercising its planning

functions under the Town and Country Planning legislation. In this case, there is a high level of natural surveillance around the building due to its location on a well trafficked road, with flats and student accommodation adjacent to two boundaries, and the internal courtyard overlooked by the building itself.

4.36 The Police Designing Out Crime Officer has raised concerns regarding certain aspects of the scheme. Most areas of concern can be addressed by additional boundary treatment, and security lighting. However the communal access that is set back from the road under the upper stories of the building is not supported. The applicant has advised that security lighting will be provided in this area, and furthermore vehicular and pedestrian access gates can be provided to the front line of the recess, together with good levels of lighting within. It is further noted that the site is within an area of change with increasing numbers of residential properties in the area. Indeed the land directly opposite the application site is allocated in the 2018 emerging plan for residential use. Such changes will increase pedestrian movement and natural surveillance around the site. It is considered that the imposition of a condition requiring precise details of crime prevention measures to be submitted for approval will address the need take account of community safety.

OPEN SPACE AND AMENITY FOR FUTURE OCCUPIERS

4.37 Policy G16: “New Open Space Provision” of the 2018 Draft Plan requires that all residential development proposals should contribute to the provision of open space for recreation and amenity. Open space is divided into 3 separate typologies; amenity open space, play space and sports provision. However, due to pooling restrictions imposed by Central Government, there are no requirements for off-site play and amenity open space in this case. There would, however, be a requirement for an off site contribution for the provision of outdoor sports facilities, as there is no provision on site. Based on the housing mix of 8 x 1bed properties and 24 x 2 bedroom properties and the published open spaces commuted sum calculations, there would be a requirement of £11,928 for outdoor sport provision. This will be available for Heworth Rugby Club to improve the facilities for players and to allow junior and female players to use the facilities. The contribution satisfies the tests at regulation 122 of the CIL Regulations, which require obligations to be a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. This can be secured through a Section 106 Agreement.

4.38 In terms of on site provision, whilst there are no outside seating areas within the site, there is a small area on the roof of the building, with access for all flats, together with balconies for the flats on all floors (other than the ground floor). The site lies in an area where there is a park and tennis courts in easy walking distance on East Parade, Cycle and footpaths are situated nearby, and there is also a private gym in close proximity. In view of this it is considered that the amenity provision is acceptable.

SUSTAINABILITY

4.39 The site is considered to be in a sustainable location with good pedestrian and cycle facilities in the local area. Local facilities and bus stops served by frequent public transport services are within very close walking distance of the site. The development would also benefit from covered and secure cycle parking.

4.40 In terms of building sustainability, Ministerial Guidance states that decision takers should only require compliance with the new national technical standards where there is a relevant current Local Plan policy. The applicant has, however, advised that appropriate and efficient forms of heating and powering of the building will be adopted to meet with the requirements of Part L2 of the Building Regulations. At least 1 free-standing weatherproof outside electric car recharging point will be provided within the development.

CONTAMINATION, NOISE AND HEALTH AND SAFETY CONSIDERATIONS

4.41 The application is accompanied by a Stage 1 Desk Study Report. This shows that the site has been used for a number of different uses, including brickworks, terraced housing, warehousing and car body repairs. A gas works, railway line and refuse destructor depot were also previously located nearby. These uses could have given rise to land contamination, so a site investigation is required to find whether contamination is present. If contamination is found, remedial action together with verification will be required. In relation to the gas holder, this is no longer operational, and its Hazardous Substances Consent has been revoked.

4.42 In terms of noise, paragraph 180 of the NPPF states that decisions should avoid noise giving rise to significant adverse impacts on health and the quality of life. Based on the findings of the submitted noise report, and details of the type of windows, it is not considered that noise will be a barrier to residential development in this location subject to conditions requiring a detailed scheme for noise insulation. Conditions have also been recommended to restrict hours of construction and demolition work. A recommended condition restricting deliveries post development is not considered to be reasonable, enforceable, or necessary to make the development acceptable.

4.43 In terms of air pollution, Public Protection have advised that current air quality is considered suitable for residential development. A letter of objection has raised concerns regarding air quality for the residents of the flats and questions whether an air quality assessment should be completed, unless the developer is planning on installing mechanical ventilation vented to the west side of the building for all flats. Public Protection Officers have advised that whilst a further multi storey building in this location will reduce opportunity for pollution dispersal in what is currently quite an open area, there is limited parking associated with the proposal and it is unlikely

to impact significantly on local air quality concentrations. A full air quality impact assessment is therefore not required in this instance.

DRAINAGE

4.44 Planning applications for major developments are required to provide Sustainable Drainage Systems (SuDS) for the management of surface water run-off, unless demonstrated to be inappropriate or disproportionately expensive. SuDS aim to mimic natural drainage and can achieve multiple objectives such as removing pollutants from urban runoff at source, controlling surface water runoff from developments, and ensuring that flood risk is not increased downstream. The application is accompanied by a drainage report indicating that the surfaces of the site are 100% impermeable, and furthermore that it is unlikely that infiltration will be acceptable. There are foul, combined and surface water sewers on three sides of the site. The nearest watercourse to the site is 127m away. The site is positively drained as evidenced by downspouts from the roof and there are road gullies in the surrounding streets. Given this, the expected ground conditions, and the fact that there are no watercourses near the site, it is proposed that post development surface water runoff is directed to the surface water sewer which follows the hierarchy of surface water disposal set out in the NPPF. The Council's Lead Flood Officer has raised no objection to the proposal subject to conditions to require separate system drainage, and surface water attenuation.

5.0 CONCLUSION

5.1 The site is previously developed land and the loss of the retail use is unlikely to adversely impact on the vitality and viability of the city centre. The development of the site would support housing growth within proximity to a range of facilities and jobs, together with the supply of affordable housing. It is not considered that the element of harm to the existing amenities of neighbouring occupiers is so great as to outweigh the benefits of the development. The development is in a sustainable location which will enable those living there to walk to work, shops and other facilities. There are regular local and regional bus services in close proximity. It is not considered that the objections raised outweigh the benefits of the delivery of housing on previously developed land in a sustainable location.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to the prior completion of a Section 106 Agreement to provide a contribution of £11,928 towards off-site sports provision in the city (index-linked) and the provision of affordable housing. Delegated authority to be given to the Assistant Director (Planning and Public Protection) to negotiate a commuted sum in lieu of the on site provision of affordable housing, calculated as open market value minus transfer price.

1 TIME2 Development start within three years

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

Proposed Site Plan 2965-100-E

Site Location Plan 2965-1250

Block Plan 2965-103

Proposed Site Plan Showing Indicative Visibility Lines 2965-104

Proposed Plans 2965-200-F

Proposed Site Sections Demarcating Visibility Lines 2965-300

Proposed Elevations and 3D Views 2965-400-F

Proposed Streetscene Elevations 2965-401-D

Section to Show Line of Sight from Proposal To The Brickworks 2965-301

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

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

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

Reason: So as to achieve a visually cohesive appearance with surrounding development.

4 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the building hereby approved, and the development shall thereafter be carried out in accordance with the approved details.

Eaves details

Window details including profile, method of opening and depth of reveal.

Rainwater goods and soil pipes

Details of balconies

Bin store elevations

Top floor balustrade at wall edge

Top floor cladding and glazing

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the visual amenities of the area.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order), the windows and balconies shown to be obscured glazed on the submitted drawings titled Proposed Plans 2965-200-F and Proposed Elevations and 3D Views 2965-400-F shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 3 or above.

Reason: In the interests of preserving the amenities of occupiers of The Brickworks.

6 Notwithstanding the details included within the application, prior to the commencement of the development, a statement of crime prevention measures to be incorporated in to the design of the scheme together with a detailed method statement for the implementation of the measures shall be submitted to and approved in writing by the local planning authority. The scheme shall include (but is not restricted to):

- Details of security measures for the entrance lobby
- A CCTV security camera system covering the lobby and other areas identified as vulnerable as part of the crime prevention statement.
- Details of security of the cycle parking and the locking mechanism for doors within the cycle parking.

Reason: In the interests of crime prevention.

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

Reason: In the interest of satisfactory and sustainable drainage.

8 No development (excluding demolition and site clearance) 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. Unless otherwise agreed in writing with the Local Planning Authority, the information shall comply with the details shown in the submitted Flood Risk Assessment 3979/DA/Final/v1.0/2017-12-15 prepared by Weetwood, and shall provide site specific details of:

- i) the means by which the surface water discharge rate shall be restricted discharge to 1 in 1 = 7.2 l/s, 1 in 30 = 20.1 l/s and 1 in 100 = 23.3 l/s, 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.

iii) future management and maintenance of the proposed drainage systems.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site. It is necessary to require this information prior to commencement of any ground works on site as the provision of drainage is fundamental to the delivery of the scheme and the drainage works may result in an adverse impact on planned landscaping.

9 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.

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

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

11 No construction work shall take place until a detailed scheme of noise insulation measures for protecting the approved residential from externally generated noise has been submitted to and approved in writing by the Local Planning Authority. Upon completion of the insulation scheme works no part of the development shall be occupied until a noise report demonstrating compliance with the approved noise insulation scheme has been submitted to and approved in writing by the Local Planning Authority.

INFORMATIVE: The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels in habitable rooms of no greater

than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) and LAFMax level during the night (23:00-07:00 hours) 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 ensure a satisfactory standard of residential amenity for future occupants. Such works are required prior to construction work as any such insulation will be integral to the structure of the building.

12 Prior to the installation of any machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, details shall be submitted to, and approved in writing by the local planning authority. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

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

13 Except in the case of an emergency, no demolition and construction works or ancillary operations, including deliveries to and dispatch from the site which are audible beyond the boundary of the site shall take place on site other than between the hours of 08:00-18:00 Monday to Friday and between 09:00-13:00 on Saturdays, excluding bank holidays. The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason: To protect the amenity of local residents.

14 Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of

the Local Planning Authority. The report of the findings must include:

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

(ii) an assessment of the potential risks to:

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

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Such work is required pre-commencement because such an assessment could impact on all parts of the development include site preparation.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Such work is required pre-commencement because such an assessment could impact on all parts of the development include site preparation.

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

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

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

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

18 Before the occupation of the development an Electric Vehicle Recharging Point shall be provided in a position and to a specification to be first approved in writing by the local planning authority. The Electric Vehicle Charging Points should incorporate a suitably rated 32A 'IEC 62196' electrical socket to allow 'Mode 3' charging of an electric vehicle. They should also include facilities for 'Mode 2' charging using a standard 13A 3 pin socket. Each Electric Vehicle Charge Point should include sufficient cabling and groundwork to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point of the same specification, should demand require this in this future. Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles. Parking bay marking and signage should reflect this. All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015)."

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

19 With the exception of security/emergency lighting, there shall be no external lighting on the building or within its curtilage, unless details have first been submitted

to and approved in writing by the Local Planning Authority. Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E3 contained within the Institute of Light Professionals Guidance Notes for the Reduction of Obtrusive Lighting.

Reason: In the interests of neighbour and visual amenity.

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

Reason: In the interests of highway safety.

21 The development hereby permitted shall not be brought 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:

- Reconstruction of tarmac footpath including full height kerbs, edging kerbs to rear of footpath adjacent to Redness Street up to tactile crossing at James Street. Heavy duty vehicular crossing serving as access to the development.

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

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

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

23 The building shall not be occupied until the cycle parking area including 32no. Sheffield type stands has been provided within the site in accordance with drawing no. 200 Rev F, 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.

24 The building shall not be occupied until the bin store has been provided within the site in accordance with drawing no. 200 Rev F and the further approved details required under condition 4. The store shall thereafter be retained and shall not be used for any purpose other than the storage of waste and recycling.

Reason: In the interests of the amenities of occupiers of the development and the environmental qualities of the area.

7.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Requested revised details to address design, amenity, drainage and highway considerations.

2. DRAINAGE WORK – ADVANCE NOTICE

The applicant is advised that The Flood Risk Management Team require two weeks notice prior to drainage work starting in order to oversee the installation of the flow control device and associated attenuation measures.

3. WORKS WITHIN THE HIGHWAY

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Special Permission Contact Streetworks (unless covered by Section 62)
Section 62 Contact Tom Forrest

4. 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 manufacturer's 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:

Author: Rachel Smith Development Management Officer

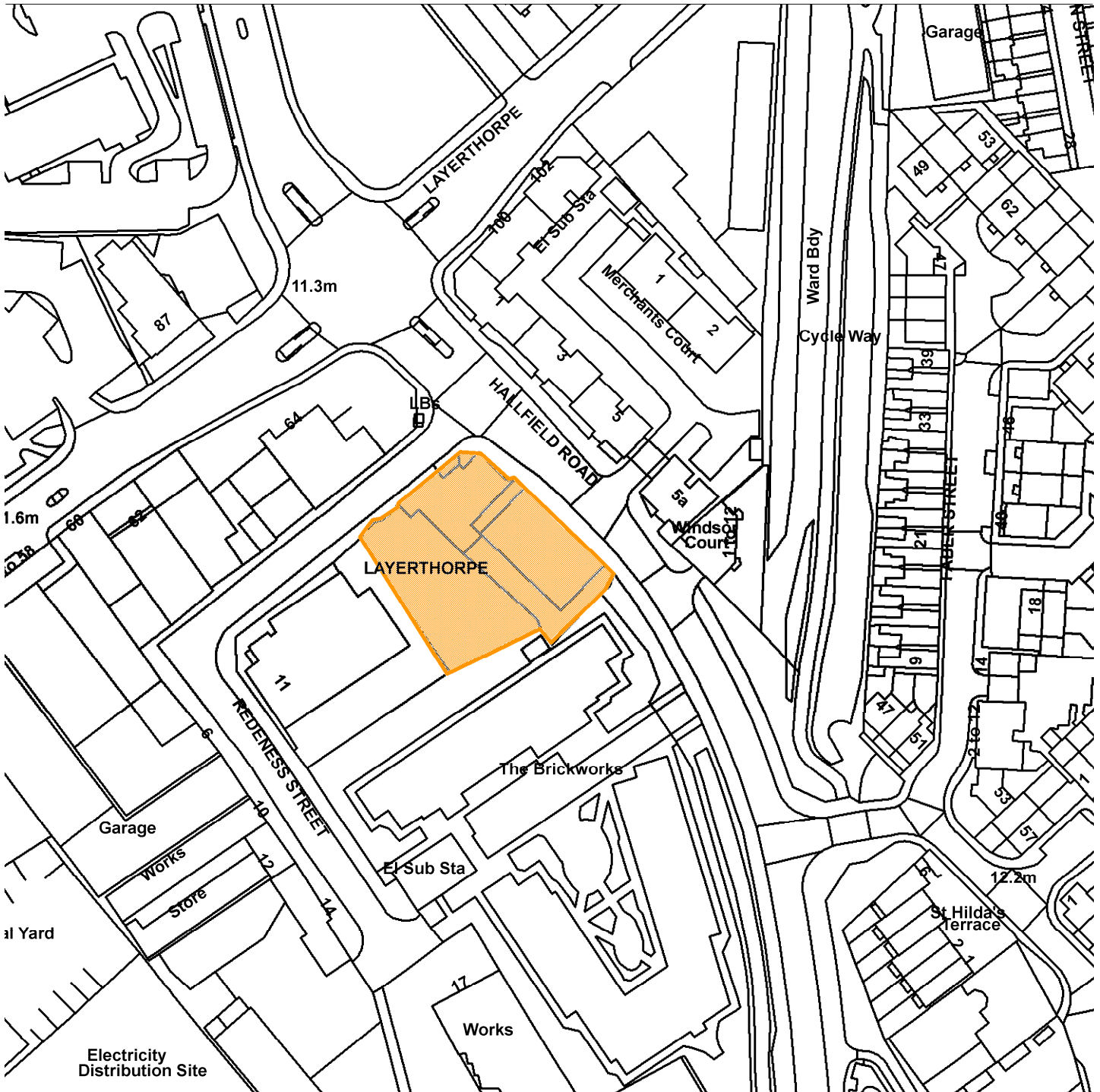
Tel No: 01904 553343

Quickslide Windows Direct, 1 Redeness Street

17/03027/FULM



GIS by ESRI (UK)



Scale : 1:1290

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	30 July 2018
SLA Number	Not Set

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COMMITTEE REPORT

Date: 9 August 2018 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 18/00337/FULM
Application at: Grove House 40 - 48 Penleys Grove Street York YO31 7PN
For: Variation of condition 2 of permitted application 17/01129/FULM (conversion part demolition and alteration of former care home to provide 32 no. apartments) to reduce number of units from 32 to 29
By: Mr Rufus Salter
Application Type: Major Full Application (13 weeks)
Target Date: 15 August 2018
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

PROPOSAL

1.1 The current application seeks to vary the previous approval 17/01129/FULM which granted permission for a change of use of the vacant care home to 32 flats, and alterations and extensions to the existing building. The previous application was determined at sub committee on 30th November 2017.

1.2 The changes proposed are:

- An increase in height of between 0.34m and 0.49m;
- A reduction in flat numbers from 32 to 29 (a mix of studio, 1, 2 and 3 bed units);
- A change in internal layout to remove the internal communal corridor at ground floor and replace it with external access doors to ground floor apartments as far as possible; and
- An increase in the number of roof lights and dormer windows.

1.3 The application is reported to sub-committee as it has been called in by Cllrs Craghill and Looker. This report details the changes proposed and assesses their impact; the full report relating to the original application is appended to this report.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006
City Boundary York City Boundary 0001
DC Area Teams Central Area 0002
Schools St. Wilfrid's RC Primary 0230

2.2 Policies:

Emerging Local Plan

Policy H3 Balancing the Housing Market
Policy H10 Affordable Housing
Policy D2 Landscape and setting
Policy D4 Conservation
Policy D5 Listed Buildings
Policy D6 Archaeology
Policy D11 Extensions and Alterations to existing buildings
Policy GB3 Reuse of Buildings
Policy CC2 Sustainable Design and Construction of New Development
Policy ENV3 Land Contamination
Policy ENV5 Sustainable Drainage
Policy CC2 Sustainable Design and Construction of New Development

DCLP (2005)

GP1 Design
GP3 Crime Prevention
GP4A Sustainability
GP9 Landscaping
L1c Provision of new open space in developments
T4 Cycle parking standards
NE1 Trees Woodlands and Hedgerows
HE10 Archaeology
HE2 Development in Historic Locations
HE3 Conservation Areas
HE4 Listed Buildings
C3 Change of use of community facilities
CYH4A Housing Windfalls
CYH2A Affordable Housing

3.0 CONSULTATIONS

INTERNAL

Environmental Protection Unit

3.1 No comments about revisions to approved scheme.

Design, Conservation and Sustainable Development (Conservation Architect)

3.2 Revisions have been received which show acceptable window proportions and pattern. The projecting eaves are also now acceptable. Details have been provided which indicate an appropriate method of dealing with the juxtaposition of old and new bricks above the first floor windows.

Design, Conservation and Sustainable Development (Landscape)

3.3 Minor revisions are required to correctly indicate the boundary treatment and tree pit details. There should be no sub-division of the landscaped area around the site. Conditions are recommended to secure an acceptable landscaping scheme and the Arboricultural Method Statement, tree planting details and boundary details.

PFI/ Schools Contract Officer

3.4 An education contribution is not required for a small flatted development of this size if completed within the next 5 years.

Flood Risk Management

3.5 No significant changes from previous scheme. Impose same condition.

Public Realm (Strategy and Contracts)

3.6 Response will be reported at committee regarding revised off-site outdoor sports contribution.

EXTERNAL

Yorkshire Water

3.7 No comments

Neighbour notification and publicity

3.7 3 letters making general comments and 13 letters of objection have been received from local residents. The issues raised are:

Parking issues

Greater mix of units better reflects character of area

Concern that the plans do not clearly show whether trees are to be retained

Concern that external space may be subdivided - impact on Conservation Area

Window detail is not appropriate

Proposed materials need detailing

Concern that utilities and services cannot cope with extra demand

Building does not warrant retention and conversion and should be demolished

Accommodation is cramped and concern about future occupants' amenity - creation of sub-standard housing stock

No lifts - accommodation does not provide lifetime homes standard

Overlooking to properties on Penleys Grove Street

Impact on future maintenance of trees if site sub-divided

Revised plans showing communal external areas welcomed

Concern about increase in height resulting in an over-bearing and overshadowing effect on neighbouring properties

Loss of outlook and light

Detracts from Conservation Area

3.8 1 letter has been received from a local resident who welcomes changes to show the external space retained in communal use.

3.9 Councillors Craghill and Looker have asked for the application to be called-in as a result of resident concerns about the additional height causing an overbearing impact; additional windows in the roof resulting in overlooking; loss of light; changes to the access points to the building altering the external appearance and the landscaping facing St John's Crescent.

4.0 APPRAISAL

KEY ISSUES

4.1 The main considerations relevant to the determination of this Section 73 application to vary condition 2 are as follows:

- Design and character, impact on the Conservation Area;
- Impact on residential amenity;
- Impact on trees;
- Highways considerations

LEGISLATIVE BACKGROUND

4.2 Section 73 of the Town and Country Planning Act 1990 (as amended) allows for development of land that has planning permission without compliance with conditions attached to the previous approval. It makes provision for modification of approved proposals where these changes are not fundamental or substantial.

POLICY CONTEXT

4.3 The National Planning Policy Framework (NPPF) 2018 indicates a strong presumption in favour of sustainable development 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; or specific policies in the NPPF indicate development should be restricted. Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted (paragraph 11). Paragraph 38 advises that local planning authorities

should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Chapter 16 (Conserving and Enhancing the historic environment) says in paragraph 190 that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal. They should consider the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 192 a) says that when determining planning applications, local planning authorities should take account of sustaining and enhancing the significance of any heritage asset.

4.4 Planning Practice Guidance notes that new issues may arise after planning permission has been granted which require modification of the approved proposals. A minor material amendment (Section 73 application) has the effect of issuing a new planning permission which sits alongside the original permission which remains intact and unamended.

4.5 The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. The emerging Draft Local Plan policies can be afforded limited weight at this stage of preparation, and subject to their conformity with the NPPF. The evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications.

4.6 Although there is no formally adopted local development plan, the City of York Draft Local Plan (incorporating 4th set of changes, April 2005), has been approved for development control purposes. Whilst it does not form part of the statutory development plan for the purposes of S38, its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF. However, such policies can be afforded very limited weight. The site is identified on the proposals map as lying within the main built-up area of the City, but has no specific allocation.

APPRAISAL

Design and character

4.7 The proposals result in minor changes to the elevational detail of the previously approved scheme. These have been brought about as a result of internal changes which have changed the mix of units and removed the need for an internal access corridor at ground floor. The changes include an increase in height of between 0.34m and 0.49m above the height already approved. This height is added above the first floor windows such that the eaves are approximately 0.5m higher than was approved.

4.8 Window detailing has been amended to give a more vertical emphasis which gives a better solid to void ratio than the approved scheme. The glazed box at ground floor facing on to St John's Crescent has also been removed resulting in a more uniform appearance to this elevation. Balconies have been simplified on the elevation facing out of the courtyard and are now an inset box style rather than the dormer style previously approved.

4.9 The external space will be retained as a communal area and not subdivided into private garden areas. More individual paths are required to access the flats which are now not accessed via a communal entrance. These have been kept to a minimum around the outside of the building to retain the landscaped area as an open space as far as possible.

4.10 The site is located adjacent to Character Area 6 Lord Mayor's Walk, York's Central Historic Core Conservation Area (CHCCA). The boundary includes the eastern side of St John's Crescent and includes all of St Johns Street. Nos. 29 and 31 Penley's Grove Street is Grade II listed. The site also lies within the Area of Archaeological Importance. The impact on the setting of the Conservation area is a material consideration.

4.11 The report for the approved scheme noted that the existing building has a neutral impact on the setting of the Conservation Area due to its scale and complimentary materials. The approved scheme was considered to result in harm to the character and appearance to the Conservation Area as a result of the two small dormer windows that front St John's Crescent and the artificial slate to be used on the majority of the roof. The roof facing St John's Crescent and the Conservation Area is to be natural slate. Given the small scale of the dormers and set back from the highway it was considered that the harm was less than substantial. Similarly the use of natural slate on the roof facing St John's Crescent preserved important views into the city. Para. 196 of the NPPF states that where less than substantial harm to a designated heritage asset is identified then this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The public benefits from the redevelopment of the site and provision of additional housing are considered to outweigh the less than substantial harm to the designated heritage asset (the Central Historic Core Conservation Area). This has not changed as a result of the current proposals which show no significant changes to the St John's Crescent elevation beyond the 0.49m increase in height which is not considered to impact on the character and appearance of the Conservation Area.

4.12 The general duty with respect to listed buildings in the exercise of planning functions is contained in Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the

building or its setting or any features of special architectural or historic interest which it possesses. The proposal is not considered to impact on the setting of the listed building at 29/31 Penleys Grove Street.

Impact on residential amenity

4.13 Concern has been raised by local residents in relation to the increase in height of the building particularly in relation to Penleys Grove Street. The increase in height here is 0.34m at the ridge and 0.5m at the eaves. The impact on amenity of the increase in height is considered minimal beyond that resulting from the previously approved scheme because of the small increase in height. The separation between the new property and existing properties is not unreasonable for an urban location and is also appropriate to the local character.

4.14 Windows in the Penleys Grove Street elevation are similar to the approved. The number of openings at ground floor remains the same but two of the approved doors are now windows. The number of windows at first and second floors remains the same although the second floor windows in the gable become larger.

4.15 The previous scheme included a condition to obscure glaze the lower half of the second floor windows on the gables facing Garden Street and Abbot Street. This was as a result of the low sills and concern about the potential for overlooking because of the low sills, the height of the elevation, distance to neighbouring properties and lack of windows in the existing building at this location. This obscure glazed panel has been removed from the current scheme. This is because internal changes have resulted in window sills sitting approximately 0.5m higher than the approved scheme. In the approved scheme the top of the obscure glazed panel was approximately 1.2m above the floor level whilst in the current proposed scheme the window sill of the proposed scheme is approximately 1.1m above floor level. It is considered that residents are less likely to sit in the windows of the current scheme as a result of their higher sill height and the impact on amenity of neighbouring residents is therefore not significantly different to the approved scheme.

4.16 More balconies are proposed at second floor level in the elevation facing across the courtyard to the almshouses than were approved but the distance is considered to sufficient to prevent overlooking.

4.17 Amenity for future residents is considered acceptable. Flats are of a reasonable size to provide for residents' amenity and there is a mix of sizes to cater for different occupiers. There are no lifts to the upper floors but some ground floor flats provide level access. The level of external amenity space is similar to the approved scheme which was considered acceptable for the scale of development and location.

Impact on trees

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4.17 The current scheme does not bring development closer to the trees than was previously the case. The new paths avoid impact on the root systems of the trees. Additional information is to be supplied regarding the landscaping scheme and details of the new tree planting. If this is not received prior to determination then the details will be secured by planning condition.

Highways considerations

4.18 The approved scheme allowed 16 parking spaces for 32 flats. The current scheme shows 17 spaces for 29 flats. No objections are raised to the parking layout, provision or access. Cycle provision is now 24 spaces within the building and 10 within a separate outbuilding. While the provision is acceptable, no details have been provided of the separate cycle store, so a condition is suggested to secure these.

Public Realm (Strategy and Contracts)

4.19 The applicant has made the payment for £8520 for off-site sports provision. This was to be used towards the improvement and expansion of facilities at Heworth Rugby Club to attract women in to sport. The contribution associated with the revised scheme is £8733, therefore the difference of £213 is to be sought via a deed of variation. This is also to be used towards the facilities at Heworth Rugby Club.

Other issues

4.20 An off-site contribution for affordable housing of £210,246.00 has already been paid.

5.0 CONCLUSION

5.1 When considering the planning balance, as some harm is identified to the setting of the adjacent Conservation Area, the more restrictive policies in the NPPF relating to conservation of heritage assets apply, rather than the 'tilted balance' in favour of sustainable development in paragraph 11 of the NPPF. In the planning balance, the site is previously developed land within a sustainable location. The provision of 29 flats will contribute towards City of York Council's housing supply.

5.2 It is considered that the proposed scheme represents only minor amendments beyond the approved scheme and that the increase in height will not result in any significant impact on neighbouring residential amenity.

5.3 Great weight has been given to conservation of the designated heritage asset in accordance with paragraph 193 of the NPPF. The harm identified is less than substantial and is not materially different to that identified in the approved scheme,

and it is considered that the public benefits of the delivery of residential development, in a sustainable location, outweigh that harm. (para196)

5.4 Accordingly, the recommendation is one of approval subject to a deed of variation to link the current application to the approved scheme to ensure the continued provision of a financial contribution towards off-site sport provision.

COMMITTEE TO VISIT

6.0 RECOMMENDATION:

Approve subject to the prior completion of a Section 106 Agreement (or deed of variation as appropriate) to provide a contribution of £213 (the difference between the contribution payable on the previous scheme and the current scheme) towards off site outdoor sports provision.

CONDITIONS

- 1 TIME2 Development start within three years
- 2 Approved plans and other submitted details
- 3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any construction work. The details shall include natural slate on the elevation fronting St John's Crescent.

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

Reason: So as to achieve a visually cohesive appearance and in the interests of the character and appearance of the adjacent conservation area.

- 4 LAND1 IN New Landscape details
- 5 Prior to the commencement of any invasive work on site, including demolition, excavations, and building operations, an 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 other information, this statement shall include details and locations of protective fencing, site rules and prohibitions, phasing of works, site access and means of demolition/construction, 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, locations and means of installing utilities, location of site compound. The document shall also include methodology and construction details and existing and proposed levels where a change in surface material and/or boundary treatments is proposed within the root protection area of existing trees. A copy of the document shall be available for inspection on site at all times.

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

6 The containment, control and removal of Japanese Knotweed on site shall be carried out in accordance with details approved under AOD/18/00127.

Reason: To ensure that an adequate means of eradicating or containing the spread of Japanese knotweed is considered and thereafter implemented to prevent further spread of the plant which would have a negative impact on biodiversity and existing or proposed landscape features.

7 The development shall not be occupied until the junction between the internal access road and the highway has been constructed in accordance with a scheme which has previously been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety.

8 The development shall not be brought into use until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerb and footway to match adjacent levels.

Reason: In the interests of good management of the highway and road safety.

9 No part of the site shall come into use until the turning areas have been provided in accordance with the approved plans. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

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

10 HWAY19 Car and cycle parking laid out

11 The bollards within the access to the site shown on the proposed site plan 8079 P(000)007 Rev P shall be so located as to enable access for refuse and recycling bins.

Reason: In the interest of satisfactory waste management.

12 Foul and surface water drainage shall be carried out in accordance with the details submitted and approved under AOD/18/00127.

Reason: To ensure the proper drainage of the site.

13 LC4 Land contamination - unexpected contamination.

14 Prior to the development hereby approved coming into use, electric vehicle charging points in line with the details submitted and approved under AOD/18/00127 shall be installed and brought in to use.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles. To promote the use of low emission vehicles on the site in accordance with paragraph 35 of the National Planning Policy Framework.

15 The programme of archaeological work shall be undertaken in accordance with the Written Scheme of Investigation for a Watching Brief submitted and approved under AOD/18/00127.

Reason: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be recorded during the construction programme.

16 NOISE7 Restricted hours of construction

17 Prior to first occupation, full details of the any new tree planting shall be submitted and approved in writing by the Local Planning Authority. Where trees are to be located within paved areas, the planting details shall accommodate such suitable soil volumes underneath porous surfaces as is required to provide sufficient capacity for the proposed trees to survive and thrive. The tree shall then be planted in accordance with the approved details.

Reason: To ensure that the trees are able to perform as intended within the approved landscape scheme and to improve the visual amenity of the site.

18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order), the windows on flat 1.03 shown to be 'coated glazed side blank panels' on the submitted elevations (8079 P(000)008 M); shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 3 or above and remain fixed shut.

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

properties.

19 HWAY18 Cycle parking details to be agreed

20 The window sill heights of units 2.01 and 2.07 (North West facing elevation only) and 2.02 (South West facing elevation only) shall not be lower than 1.1m above the finished floor level.

Reason: In the interests of residential amenity.

7.0 INFORMATIVES:

STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Revised details requested in relation to site layout and elevational details.

Contact details:

Author: Alison Stockdale Development Management Officer (Tues - Fri)

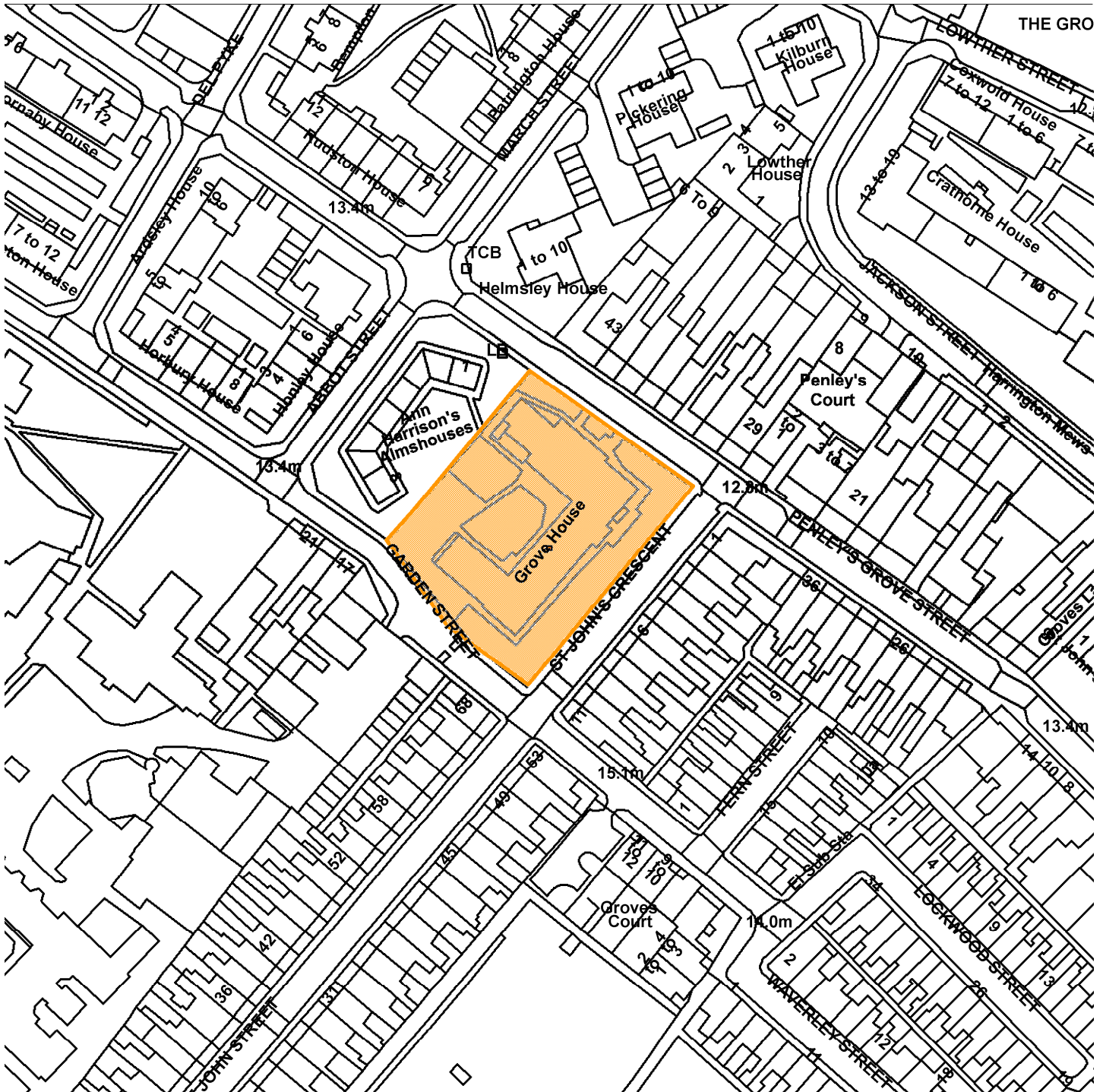
Tel No: 01904 555730

Grove House, 40 - 48 Penleys Grove Street

18/00337/FULM



GIS by ESRI (UK)



Scale : 1:1290

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	30 July 2018
SLA Number	Not Set

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RELEVANT PLANNING HISTORY

- 17/00830/FUL - Use of land for storage of up to 60 cars for a period of 5 years and erection of 2.1m boundary fence - Approved (Temporary Planning Permission) (Officer Note location of Unit 1)
- 06/01036/FUL - Non-compliance with condition (i) of the planning permission T/APP/C2741/A/99/1023645 (LPA Ref: 05/ 2181/FUL) for extension of time period for submission of reserved matters for development of York Business Park until 31.10.2013 - Approved
- 06/00518/FUL - Variation of condition 1 of planning permission 99/01777/OUT (for proposed mixed use development comprising cycle and car park to proposed rail halt, office/light industry/research and developments (B1), general industrial (B2) and storage or distribution (B8) uses) extend the time to the period for the submission of reserved matters application until 01.04.2013 - Approved
- 05/02181/FUL - Non-compliance with condition (i) of the planning permission T/APP/C2741/A/99/1023645 (LPA Ref: 02/02533/FUL) for extension of time period for submission of reserved matters - Approved
- 05/02148/REMM - Reserved matters application to which planning application 99/01777/OUT relates for proposed mixed use development comprising (B1), general industrial (B2) and storage or distribution (B8) uses at Plot 13 - Approved
- 02/02533/FUL - Non-compliance with condition (i) of the planning permission T/APP/C2741/A/99/1023645 (LPA Ref: 99/00238/OUT) for extension of time period for submission of reserved matters - Approved
- 99/01777/OUT - Proposed mixed use development comprising cycle and car park to proposed rail halt, business (B1), general industrial (B2) and storage or distribution (B8) uses - Approved
- 99/00238/OUT - Renewal of planning permission 6/116/164Q/OUT for a mixed business, commercial and industrial employment park - Approved
- 6/116/164Q/OUT (1996) - Outline application for mixed business, commercial and industrial employment park, land at Grid Ref. 457000/453900 Millfield Lane - Approved

- 6/116/164/OUT (1987) - Outline application for Business Park including new buildings for high technology use including industrial office warehousing and ancillary uses, land at Millfield Lane - Approved

2.0 POLICY CONTEXT

2.1 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005:

- CYGP1 Design
- CYGP3 Planning against crime
- CYGP4A Sustainability
- CYGP6 Contaminated land
- CYGP9 Landscaping
- CGP15A Development and Flood Risk
- CYT4 Cycle parking standards
- CYT7C Access to Public Transport
- CYT8 Promotion of passenger rail services
- CYE3B Existing and Proposed Employment Sites

2.2 The Publication Draft York Local Plan 2018:

- DP2 Sustainable Development
- DP3 Sustainable Communities
- DP4 Approach to Development Management
- SS1 Delivering Sustainable Growth for York
- D1 Placemaking
- D2 Landscape and Setting
- ENV1 Air Quality
- ENV2 Managing Environmental Quality
- ENV3 Land Contamination
- ENV4 Flood Risk
- ENV5 Sustainable Drainage
- T1 Sustainable Access
- T2 Strategic Public Transport Improvements
- T6 Development at or Near Public Transport Corridors, Interchanges and Facilities
- T8 Demand Management

2.3 Please see the Appraisal Section (4.0) for national and local policy context.

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS/REPRESENTATIONS

Highway Network Management

3.1 No comments received

Design, Conservation and Sustainable Development (Landscape Architect)

3.2 No comments received

Design, Conservation and Sustainable Development (Ecology Officer)

3.3 No objection. Units 2, 3 and 4 are planned on a raised area of managed amenity grassland which is considered to have very low ecological value. Unit 1 is planned on an unmanaged area of grassland, trees and scrub (bramble, willow species and silver birch) adjacent to the railway line and comments are focused on this area.

3.4 None of the trees on site are suitable for roosting bats although the trees and scrub as a whole group would provide suitable foraging habitat, likely to be of low value. The vegetation is suitable for nesting birds. A nearby pond (on Great North Way) is known to support a population of great crested newts however there is little habitat connectivity between the site and the pond and therefore it is considered that they will not be impacted. It is indicated in the proposals that trees along the boundary of Unit 1 will be retained and additional tree planting undertaken. An appropriate planning condition should be used to secure a landscaping scheme.

3.5 Overall the scheme is unlikely to result in a significant impact on biodiversity.

Flood Risk Management Team

3.6 Object to the proposed surface water discharge rate of 5 l/sec, would remove objection if as per CYC Flood Risk and Drainage Design Requirements the surface water discharge rate was no greater than 2 l/sec.

3.7 The submitted Flood Risk Assessment and Drainage Report PO1(1) Rev A dated 18th January 2018 by Dudley's does not provide evidence that soakaways do not work in this location therefore infiltration testing should be carried out to discount their use.

Public Protection

3.8 Unit 1 is directly adjacent to residential dwellings on Severn Green and request the following conditions in order to protect the amenity of these nearby residential dwellings:

Details of machinery and extraction equipment;
Restriction of hours of work;
Restriction of hours of deliveries and despatch;
Restriction of the hours of waste removal;
Details of illumination;
Noise management plan if outside area is to be used for storage

3.9 Unit 2 is further away from the residents at Severn Green (approximately 40 metres), therefore request following conditions:

Details of machinery and extraction equipment;
Hours of work

3.10 Units 3 and 4 are further still from Severn Green, which are protected by other buildings that would act as natural barriers. There are, however, a number of offices in the area and request the following conditions in order to protect the amenity of the office users:

Details of machinery and extraction equipment.

3.11 Request standard demolition and construction informative be attached.

Planning and Environmental Management

3.12 This application is for class B1c, B2 and B8 uses and therefore this application would not result in the loss of employment land at York Business Park.

3.13 The application site in relation to Unit 1 on Rose Avenue is on land shown as Land Safeguarded for Potential Future Transport Schemes in the Local Plan Publication (draft) February 2018 (Regulation 19 Consultation), Policies Map (North). This safeguarding is in accord with Policy T2: Strategic Public Transport Improvements criterion (vi) and the council's aspirations for a potential new rail halt.

3.14 The background to emerging Local Plan Policy T2 iv) and the evidence base (i.e. the Policies Map (North)) dating back to when reports investigating the potential for a station in this location were commissioned over 20 years ago indicating where a new station (rail halt) could be located and that there was a commercial case for a new station at York Business Park, provided that a developer contributes 50% to the capital costs of the new station. The Council has not yet been able to secure

developer funding for the station and is, therefore, not included in the Local Plan Infrastructure Delivery Plan, as there is, currently, no reasonable prospect of funding being secured for its delivery, but it does still remain an aspiration for the Council to provide more sustainable access to York Business Park and the proposed residential allocations (Site ST1 and Site ST2). A recent report entitled 'New Railway Stations in North and West Yorkshire, Feasibility Study Final Report, 2014 (ARUP) commissioned by the West Yorkshire Combined Authority offers some optimism for this aspiration to be realised, in that although it states that 'The assessment suggests that based upon the current situation[...][it][...]would [not] generate enough trip demand to make it sustainable' it also states that ' It is recommended that a new station at Acomb [York Business Park on York-Harrogate line] is linked to development and potential upgrade of Harrogate line.' This anticipates the nearby British Sugar site (ST1) as potential location for over 1,200 dwellings creating a larger catchment for passengers, but does not take account of the additional catchment created by site ST2 (Civil Service Sports Ground) and any existing/additional office to residential conversions within York Business Park. The study concludes that it is recommended that these sites should be kept under review and considered in the future should any opportunities arise which might boost the trip demand potential.

3.15 The location of the station as indicated in the Polices Map (North) by that area shown hatched as 'Land Safeguarded for Potential Future Transport Schemes' is the optimal position for the station and there is minimal flexibility for the potential new station to be located elsewhere.

3.16 Allowing the development of Unit 1 would significantly reduce the opportunity of being able to serve York Business Park by rail and thus realise the Council's long term ambition to provide more sustainable access to York Business Park. However, this must be considered as part of the wider planning benefits of the proposal. The provision of a rail halt in this location is not considered to be commercially viable at this current time and on this basis it is not considered that a policy objection can be sustained.

Public Rights of Way

3.17 No comments

EXTERNAL CONSULTATIONS/REPRESENTATIONS

Nether Poppleton Parish Council

3.18 Object, would prevent the proposed railway halt. This proposed railway halt is set out in the transport policies of the 2005 Local Plan and in the emerging Local Plan (2018) as being an important for future transport needs. The construction of Unit 1 would prevent the proposed railway halt for the future.

Network Rail

3.19 No objection. Request method statements, lighting and landscaping through a condition. Request a condition to require that method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works shall be submitted to the Network Rail Asset Protection Project Manager. The conditions are requested on the grounds of safety, operational needs and integrity of the railway. For the other matters request the applicant is advised by informative.

Yorkshire Water

3.20 No objections

Ainsty Internal Drainage Board

3.21 Request drainage scheme details by condition.

Publicity and Neighbour Notification

3.24 Two representations received:

- The quantity of the proposed parking spaces is very low and will result in the same issues seen elsewhere within the business park. Concerns for highway safety
- No objection to the principle of the units
- Proposed Unit 1 would be too close to the objectors dwelling and garden, resulting in loss of privacy

4.0 APPRAISAL

KEY ISSUES

- Planning policy
- Allocation for Future Transport infrastructure
- Design and landscape considerations
- Drainage
- Highways
- Impact to residential amenity
- Impact to neighbouring businesses

PLANNING POLICY

4.1 The National Planning Policy Framework (NPPF) indicates a presumption in favour of sustainable development unless specific policies in the NPPF indicate development should be restricted. The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Achieving sustainable development means that the planning system has three overarching objectives (economic, social, and environmental), which are interdependent and need to be pursued in mutually supportive ways. The NPPF sets out that they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

4.2 Paragraph 127 of the NPPF states that decisions should aim to ensure that development, amongst other things, will function well and add to the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, be sympathetic to local character and history, including the surrounding built environment and landscape setting, and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks.

4.3 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for the site comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt (the application is not within the Green Belt) and the Upper Poppleton and Nether Poppleton Neighbourhood Plan, which came into effect from 19 July 2017.

DEVELOPMENT CONTROL LOCAL PLAN (2005)

4.4 The Development Control Local Plan (Incorporating the Fourth Set of Changes) (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.

4.5 The application site is allocated for employment uses on the Proposals Map.

PUBLICATION DRAFT YORK LOCAL PLAN (2018)

4.6 The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. The emerging Draft Local Plan policies can be afforded limited weight at this stage of preparation, and subject to their conformity with the NPPF. The evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications.

4.7 The site of Unit 1 is allocated as Land Safeguarded for a Potential Future Transport Scheme on the Proposals Map.

POPPLETON NEIGHBOURHOOD PLAN (2017)

4.8 Policy PNP7 of the Neighbourhood Plans states proposals for new business development on established business parks in the Plan Area will be supported where they provide car parking for staff and customers to City of York Council standards at the time of the determination of the applications.

4.9 The supporting text of the plans sets out the following: The experience of York Business Park trading estate has shown that business and houses may not always be a good mix. It creates traffic congestion, road side parking and difficult egress onto the A1237 Ring Road at peak times. (8.4). York Business Park is adjacent to a housing development Poppleton Park which has 200 houses. There is the potential to expand sections of this site either for further business premises or housing. The change of use to C2 residential land would be supported by the Parish Council if a suitable proposal came forward and was supported by the City of York Planning(8.8). As employment is the key function of this area, it should be noted that there exists at the present time a critical shortage of parking facilities for cars. There is no bus route round the Business Park so most employees of the 70 businesses arrive by car. Parking currently occurs on a daily basis parking on the cycle paths, pavements and fire roads and makes it difficult for traffic to enter and exit the site. Evidence would suggest that at the present time there is a shortage of around 100 car parking spaces(8.11) . There is no reference in the Neighbourhood Plan to the future provision of a rail halt within the Business Park.

POPPLETON VILLAGE DESIGN STATEMENT (2003)

4.11 The Poppleton Village Design Statement has a number of policies relevant to this application, specifically guidelines 11, 14, 16, 29.

ALLOCATION FOR FUTURE TRANSPORT INFRASTRUCTURE

4.12 The application site was allocated as an employment site in the Proposals Map for the Draft Local Plan (2005)

4.13 The site of the proposed Unit 1 is allocated as “Land Safeguarded for Potential Future Transport Scheme” in the Proposals Map of the Publication Draft Local Plan

2018. This site has been allocated as a rail halt through the various stages of the Local Plan over a long period of time. The site is the optimal position for the station and there is minimal flexibility for the potential new station to be located elsewhere.

4.14 Policy T2 'Strategic Public Transport Improvements' of the Publication Draft Local Plan 2018 states improvement of rail access and connectivity, including but not limited to new railway stations / halts for heavy or light rail services, and capacity improvements and other enhancements on rail lines running into or through York will be supported

4.15 The NPPF states that planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan: (a) they should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and (b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.

4.16 The Planning Policy team advise that the background to the allocation and emerging Local Plan Policy T2 dates back to reports investigating, over 20 years ago, where a new station (rail halt) could be located and that there was a commercial case for a new station at York Business Park, provided that a developer contributes 50% to the capital costs of the new station. Officers understand that the Council has not yet been able to secure developer funding for the rail halt and it is, therefore, not included in the Local Plan Infrastructure Delivery Plan, as there is currently no reasonable prospect of funding being secured for its delivery. However it does still remain an aspiration for the Council to provide more sustainable access to York Business Park and the proposed residential allocations (Site ST1 and Site ST2).

4.17 A recent report entitled 'New Railway Stations in North and West Yorkshire, Feasibility Study Final Report, (2014) commissioned by the West Yorkshire Combined Authority states that there would be both construction and operational issues with a station at York Business Park. It states that the York Business Park site *"would [not] generate enough trip demand to make it sustainable. Given the business park location, the catchment has a low resident population which accounts for the low trip forecasts. However, a desktop assessment of the site and its use suggests that rail mode share would be expected to be low for the types of businesses at the business park and so trips attracted to the site (rather than originating from the site) would also be low."*

4.18 The report then goes onto say:

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"Although the current catchment population is low, the City of York SHLAA identifies the nearby British Sugar site as potential location for over 1,200 dwellings. This would boost catchment population within 800m of the station site by almost 3,000. If the Harrogate line was to benefit from enhanced levels of service (2tph to York), then the case for a station at Acomb [York Business Park] would be considerably stronger. It is recommended that a new station at Acomb [York Business Park] is linked to development and potential upgrade of the Harrogate line."

4.19 The study concludes that it is recommended that these sites should be kept under review and considered in the future should any opportunities arise which might boost the trip demand potential.

4.20 If permitted, the siting of Unit1 would remove the opportunity of being able to serve York Business Park by rail and would also prevent the Council's long term ambition to provide more sustainable access to York Business Park. However the provision of a rail halt in this location is not considered to be commercially viable at this time and is considered to be aspirational rather than a realistic proposition, certainly in the short to medium term. There is also the additional issue of whether sufficient developer funding could be secured in order guarantee its delivery. The proposals for residential development at the British Sugar site, which if carried out have the potential to increase the viability of a future rail halt, do not make any provision for a financial contribution towards a future rail halt. Thus the deliverability of such a facility, in financial terms, is by no means secure.

DESIGN AND LANDSCAPE CONSIDERATIONS

4.21 In order to accommodate Unit 1 the earth bund to the front of the site would be removed together with a number of trees. For the site of Units 2, 3, and 4 the levels would be reduced to a similar level as Great North Way which is adjacent to the site. The removal of bunds and the reduction in land levels are not considered to result in harm to the character of the area, as replacement landscaping would be sought by condition.

4.22 The design of the proposed buildings is considered to be in keeping with the surrounding business units. At the time of writing the report, officers had requested plans which require the fencing to be moved into the site to allow for sufficient landscaping to be provided. The soft landscaping boundaries are typical of this business park. Further details were also requested regarding the type of fencing. The agent has been advised that palisade fencing would not be appropriate. Whilst there are some examples of this fencing within the business park, it is not considered to be successful. As yet there appears to be little justification for this type of fencing when there are other means of enclosure which are visually more appropriate and still provide security. It is considered necessary to condition a landscaping plan to ensure sufficient soft landscaping boundaries are secured.

4.23 It is considered that further details of the cladding could be sought by condition to ensure that it co-ordinates with the current muted colour palette of the surrounding units. In addition the details of any proposed external lighting could also be conditioned.

4.24 There is an existing mixture of unit sizes within the business park. The units are relatively small and would add to the variety of accommodation within the business park and the wider York Area.

RESIDENTIAL AMENITY

4.25 The NPPF states planning policies and decisions should ensure that new development is appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts including noise, and limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

4.26 Unit 1 would be constructed close to the dwellings on Severn Green to the east. The proposed unit would be 8.4 metres in height and would be 4.4 metres from boundary and 15.6 metres from the nearest dwelling. The proposed building by being to the east of 64 Severn Green would result in some overshadowing during the late morning hours to the garden area however it is not considered to be so severe as to warrant refusal. The overshadowing of the garden areas 62 and 60 Severn Green would be slight, much of the light in the early morning hours already being blocked by the existing neighbouring industrial buildings.

4.27 The relationship of Unit 1 to the neighbouring gardens and dwellings is not considered to be unduly overbearing. Whilst it will result in a slight change in the outlook from the dwellings in Severn Green it does not change the nature of the outlook, which is already characterised by industrial buildings.

4.28 However given the close proximity of Unit 1 to the adjacent dwellings it is considered necessary to condition details of machinery and extraction equipment, hours of work, hours of deliveries and despatch, waste removal and external illumination. It is also considered prudent to control the outside storage of materials by condition, as this could otherwise take place adjacent to the boundary with the neighbouring dwellings resulting in harm to residential amenity..

4.29 Units 2, 3, and 4 are set further away from the residential dwellings as such would not result in loss of light and overshadowing. However Unit 2 is still relatively close to the dwellings (approx 38 metres) and as such it is considered necessary to

condition the hours of work and details of machinery in order to protect residential amenity. Public Protection considers that Units 3 and 4 would require fewer restrictions as they are further away from the residential dwellings.

IMPACT TO NEIGHBOURING BUSINESSES

4.30 The NPPF states that planning decisions should aim to avoid noise giving rise to significant adverse impacts on health and quality of life. Policy GP1 of the Development Control Local Plan (2005) and ENV2 of the Publication Draft Local Plan (2018) require that there should be no undue adverse impact from noise disturbance.

4.31 Paragraph 182 of the NPPF is relevant. It states that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

4.32 A landscaped boundary has been retained together with some retaining walls between units 2, 3, and 4 and the units to the south. The neighbouring units all form part of the business park and within this area most of the units are within Class B uses. The proposed units are not considered to negatively impact on the neighbouring business uses and their operation.

HIGHWAYS

4.33 The NPPF advises that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. 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

4.34 Planning decisions should ensure:

- appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users; and

- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

4.35 The business park is not served by public transport, the nearest bus route (no. 10) operating approximately every 30 minutes. The nearest bus stop is approximately 900 metres from the proposed development. However the wider area has already been developed as a business park without the provision and benefit of public transport. It is not considered that the refusal of the units on the grounds of lack of access to public transport would be defended at appeal given the surrounding development.

4.36 At the time of writing, officers are awaiting revised plans providing cycle storage areas that comply with CYC cycle standards in terms of quantity and quality. Officers have also requested the relocation of gates to prevent smaller vehicles from overhanging the highway.

4.37 At the time of writing the report a response from the Highways Network Management team was still awaited, upon receipt of which further amendments may be required.

AIR QUALITY

4.38 No facilities for the re-charging of electric vehicles have been incorporated. The requirement for electric vehicle recharging facilities is in line with guidance contained within the NPPF and the Councils low emission strategy. It is considered that they can be sought by condition.

DRAINAGE

4.39 The NPPF requires that suitable drainage strategies are developed for sites so there is no increase in flood risk elsewhere. Policy GP15a of the Development Control Local Plan (2005) and Policy ENV5 of the Publication Draft Local Plan (2018) advise discharge from new developments should not exceed the capacity of receptors and water run-off should, in relation to existing runoff rates, be reduced.

4.40 The proposed surface water runoff rate (5 l/sec), which would far exceed the CYC Flood Risk and Drainage Design Requirements of 2 l/sec. At the time of writing the applicant had been requested to revise their drainage design however no response had been received. If the applicant agrees to 2 l/sec then a suitable drainage scheme can be sought via condition. Members will be updated on this issue at the committee meeting.

5.0 CONCLUSION

5.1. The proposed units are considered to be acceptable in this business park location and would not result in undue harm to the residential amenity of the occupants of the nearby dwellings subject to conditions. The proposed would be in character with the surrounding development. It is considered that there is no reasonable prospect of the rail halt coming forward on the site of Unit 1 in the short to medium term. Therefore, it is considered that subject to resolution of the outstanding issues that the proposed development can be recommended for approval.

5.2 It is recommended that the decision is delegated to officers to approve the following:

- the submission of acceptable plans regarding landscaping and boundary treatment;
- the provision of cycle storage areas in accordance with CYC standards;
- the agreement of an acceptable surface water drainage disposal rate.
- on receipt of comments from Highway Network Management team further amendments may be required, as such the delegated authority is sought to allow the submission and approval of any revisions.
- any associated conditions required in respect of the aforementioned issues.

If these matters cannot be overcome in a positive manner the application will be returned to Committee for further consideration.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Delegated Authority to Approve to be given to the Assistant Director (Planning and Public Protection) to approve the proposal subject to agreement being reached in respect of layout, cycle parking, surface water drainage, highway matters and any associated conditions that may be required in respect of these issues.

1 TIME2 Development start within three years

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

To be confirmed

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

3 VISQ8 Samples of exterior materials to be app

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

INFORMATIVE: Palisade fencing is unlikely to be acceptable

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

5 The development shall not be occupied until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

6 Details of all machinery, plant and equipment to be installed in or located on Units hereby permitted, which is audible outside of the site boundary when in use, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include maximum (L_{Amax} (f)) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written agreement of the Local Planning Authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of nearby residents.

7 Details of any extraction plant or machinery and any filtration system required shall be submitted to and agreed in writing by the Local Planning Authority. This should also include details of the location in relation to the building, the make, model and its suitability for removing odours caused by any proposed use.

Reason: To Protect the amenity of nearby residents.

8 The hours of operation for Units 1 and 2 shall be restricted to the following

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hours:

Monday - Friday 08.00 hours to 18.00 hours

Saturday 09.00 hours to 13.00 hours

Sunday and Bank Holidays - no work at all

Reason: To protect the amenity of nearby residents.

9 Details of any scheme for illumination of all external areas of the site shall be submitted to and approved in writing by the Local Planning Authority prior to its installation and operation on the site.

Reason: To protect the amenity of the nearby residential properties and to prevent light pollution.

10 No raw materials, finished or unfinished products or parts, crates, materials, waste, or any other item shall be stacked or stored outside any building on the site without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of visual amenity of the area and the amenity of adjacent residents.

11 HWAY18 Cycle parking details to be agreed

12 HWAY19 Car and cycle parking laid out

13 Prior to the commencement of the development hereby approved, details of surface water drainage including discharge rates shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with these approved details.

Reason: Further information is required so the Local Planning Authority may be satisfied with these details for the proper drainage of the site. The information is sought prior to commencement to ensure that drainage details are approved in advance of the carrying out of any groundworks on the site, which may compromise the implementation of an acceptable drainage solution for the development.

Informative: Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort. If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to except surface water discharge, and to prevent flooding of the surrounding land and the site itself. City of York Council's Flood Risk Management Team should witness the BRE Digest

365 test.

If SuDs methods are proven to be unsuitable then in accordance with City of York Councils Strategic Flood Risk Assessment, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha connected impermeable areas). Storage volume calculations, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling shall use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

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

14 One electric vehicle recharge point shall be provided with the parking area for each unit (a total 4 no. electric vehicle recharge points). The recharge point should be installed prior to first occupation of the unit to which it relates. The location and specification of the recharge point shall be approved in writing with the Local Planning Authority prior to installation.

INFORMATIVE: The installation of a freestanding PAYG solution is recommended. Optionally, a suitable 'IEC 62196' electrical socket (minimum rated output of 3.7kw /16A) can be provided in addition to a standard 13A 3 pin socket to allow 'Mode 3' charging of an electric vehicle. Mode 3 charging, using a suitable cable and charging point, allows faster charging of electric vehicles. Further advice can be provided by City of York Council's Public Protection team on request. All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015)."

Reason: To promote the use of low emission vehicles on the site in accordance with the Council's Low Emission Strategy, Air Quality Action Plan and paragraph 110 of the National Planning Policy Framework.

15 All deliveries and dispatch other than waste removal from the site for Unit 1 shall be restricted to the following hours:

Monday - Saturday 07.00hours to 19.00hours
No deliveries or dispatch on Sundays or Bank holidays

Reason: To protect the amenity of nearby residents.

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7.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Request additional information
- Request revised plans and drainage information
- Use of conditions

2. YORKSHIRE WATER INFORMATIVE

If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact Yorkshire Water Developer Services Team (tel 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption and diversion 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.

3. INFORMATIVE: NESTING BIRDS

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

4. DEMOLITION AND CONSTRUCTION INFORMATIVE

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

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

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Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(ii) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228-1:2009 + A1:2014 and BS 5228-2:2009 + A1:2014, a code of practice for "Noise and Vibration Control on Construction and Open Sites".

(iii) Best practicable means shall be employed at all times in order to minimise noise, vibration, dust, odour and light emissions.

(iv) 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.

(v) There shall be no bonfires on the site.

(vi) In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be undertaken and where remediation (clean-up) is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part 2A of the Environmental Protection Act 1990.

5. NETWORK RAIL INFORMATIVE

Drainage - All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. All soakaways must be located so as to discharge away from the railway infrastructure.

Fail Safe Use of Crane and Plant - All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Excavations/Earthworks - All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.

Security of Mutual Boundary - Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Method Statements/Fail Safe/Possessions - Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

OPE - Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

Vibro-impact Machinery - Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall

only be carried out in accordance with the approved method statement

Scaffolding - Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

ENCROACHMENT - The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Trees/Shrubs/Landscaping - Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. A comprehensive list of permitted tree species is available upon request.

Lighting - Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

Access to Railway - All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. In particular, the railway access point off Great North Way should remain clear and unobstructed at all times during the construction and subsequent operation of units 2-4 of the site north of Evans Business Centre.

The method statement will need to be agreed with:

Asset Protection Project Manager

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Network Rail (London North Eastern)
Floor 3B
George Stephenson House
Toft Green
York
Y01 6JT

Email: assetprotectionlneem@networkrail.co.uk

6. INFORMATIVE:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Streetworks Special Permission - Steve Parry - streetworks@york.gov.uk

7. INFORMATIVE:

You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

Contact details:

Author: Victoria Bell Development Management Officer

Tel No: 01904 551347

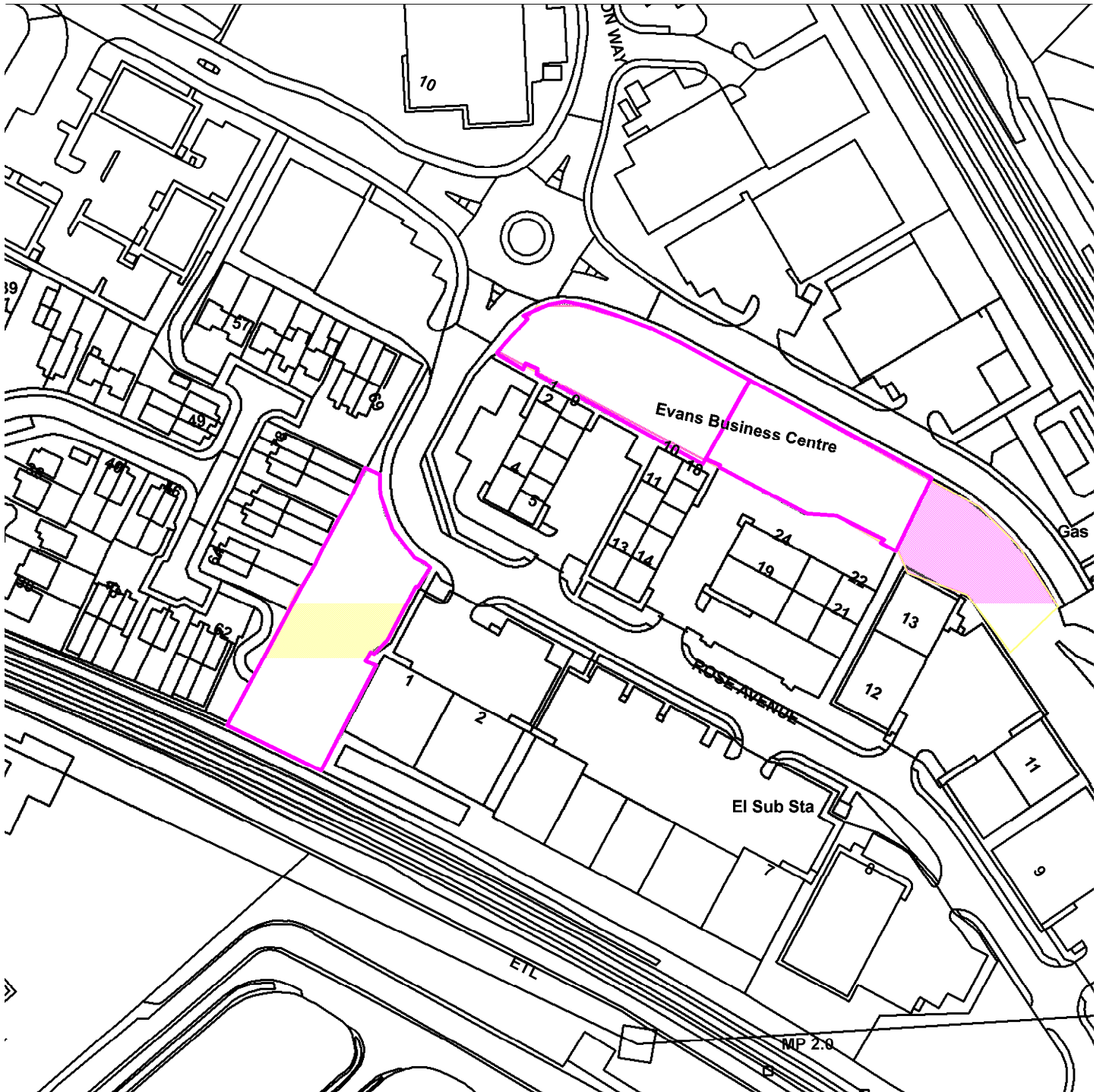
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Land To The West Of 1 Rose Avenue, Nether

Dunblaton
18/00201/FULM



GIS by ESRI (UK)



Scale : 1:1592

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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	30 July 2018
SLA Number	Not Set

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COMMITTEE REPORT

Date: 9 August 2018 **Ward:** Fishergate
Team: Major and **Parish:** Fishergate Planning
Commercial Team Panel

Reference: 18/00638/FULM

Application at: St Josephs Convent Of Poor Clare Collentines Lawrence Street
York YO10 3EB

For: Conversion, alteration and part demolition of existing buildings (the
Lodge and Extern House) to provide 10no.apartments and erection
of 4no. dwellings

By: Mr Burgess

Application Type: Major Full Application (13 weeks)

Target Date: 21 June 2018

Recommendation: Approve

1.0 PROPOSAL**APPLICATION SITE**

1.1 The application relates to part of the St Joseph's Convent site. The convent was vacated in 2012; at that time, the convent buildings and the boundary walls were listed at grade II. Subsequently permission was granted for re-development of the site for student accommodation (application 14/02404/FULM). The scheme included demolition of non-listed 'workshop' buildings, conversion of the Lodge/Priest's House and the Extern House (which are the subject of this application) into student accommodation and new blocks of accommodation within the grounds. The main convent building was to provide ancillary space for the students.

1.2 The student accommodation is now in operation. However the Lodge/Priests House, which fronts Lawrence Street and the Extern House behind have remained vacant and have not been refurbished. These buildings date from 1875 and are both grade II listed.

PROPOSALS

1.3 This application proposes sub-division of the convent site and the redevelopment of the Lodge and Extern House as dwellings. It is also proposed to erect 4 new dwellings within the grounds, to the eastern side of the existing buildings. This would create 14 dwellings overall.

1.4 There would be a new pedestrian access created through the listed wall to the front and vehicular access reinstated through the arch on the lodge (the access

previously in this location was removed as part of the student scheme). Internal and external alterations to the Lodge and Extern House are also required; these are detailed and assessed in the companion application for listed building consent, ref: 18/00639/LBC.

2.0 POLICY CONTEXT

2.1 Relevant Policies of the 2018 Publication Draft Local Plan:

- H2 Density of Residential Development
- H3 Balancing the Housing Market
- H10 Affordable Housing
- D1 Placemaking
- D2 Landscape and Setting
- D4 Conservation Areas
- D5 Listed Buildings
- D6 Archaeology
- ENV1 Air Quality
- T1 Sustainable Access
- DM1 Infrastructure and Developer Contributions

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development

- Archaeology

3.1 The nature and depth of the below ground archaeology of the site can be ascertained from the large scale evaluation and subsequent excavation which has recently taken place on the rest of the Convent site. The areas excavated immediately outside of the eastern boundary of the proposed development area just south of Lawrence St. Archaeological features were found to exist at c.0.8m below ground level.

3.2 Officers recommend planning conditions to require a programme of post-determination archaeological mitigation, specifically an archaeological excavation of the proposed new build units and a watching brief on drainage and other works.

- Ecology

3.3 Further to officers original comments a bat activity survey has been undertaken on 14th May 2018. No bats were recorded emerging from any part of the buildings surveyed. There was low level bat activity throughout the survey, with a few

common pipistrelles recorded foraging on site. There will be no impact on bats from the proposed development; there are no objections on ecological grounds.

Education

3.4 As this application only has 7 x 2 bed flats an Education contribution is not requested (bearing in mind pooling restrictions in the regulations).

Highway Network Management

3.5 Officers requested further information regarding the vehicle access, i.e. swept paths (because of the proximity of the pedestrian crossing to the entrance) and details of visibility at the entrance. These have been provided by the applicants and they demonstrate that the access can function in a satisfactory way. Officers have looked further at the safety of the access and concluded it would be preferable for visibility if cars did not park in the lay-by to the east of the entrance as they may present a danger to approaching cyclists.

Public Protection

3.6 Officers recommend conditions related to noise, air quality and land contamination. The site is affected by traffic noise from Lawrence Street and the road and the Extern House (which faces the road) fall within an Air Quality Management Area.

- Noise

3.7 With regard to noise significant mitigation measures will be needed in terms of upgraded glazing standards and provision of acoustic ventilation to make the proposal acceptable. At the Lodge building double glazing or secondary glazing would be required on the elevation facing Lawrence Street and alternative ventilation ducted away from Lawrence Street.

- Air Quality

3.8 Due to the presence of the AQMA there is potential for this development to increase exposure to traffic based air pollutants on Lawrence Street. As the acoustic report has indicated that non-opening windows and ventilation from the rear will be required on unit 1 the potential for new exposure is considered negligible (assuming non-opening windows are provided). The remainder of the site is set back from the road and shielded by the wall that surrounds the site.

3.9 The application has a reference to the provision of wood burning stoves within the development. As wood burning appliances give rise to significantly higher emissions of NO_x and particulate matter than conventional gas equivalents we

would strongly recommend that the use of wood burning should not be encouraged at this location. If wood burning stoves are to be provided they must be compliant with the requirements of the smoke control order.

3.10 Electric vehicle recharging points - In line with paragraph 110 of the NPPF, developments should be designed to incorporate facilities for charging plug-in and other ultra low emission vehicles. City of York Council's draft Low Emissions Supplementary Planning Guidance requires 2% of all car parking spaces to be provided with electric vehicle charge points.

EXTERNAL

North Yorkshire Police

3.11 The Designing Out Crime Officer has recommended that the following should be incorporated into the scheme:

- appropriate lighting of communal car park
- details of secure cycle storage for each dwelling
- provision of security lighting for each dwelling

These measures could be secured through a planning condition requiring details of crime prevention measures to be incorporated into the development to be submitted and approved by the local planning authority.

Internal Drainage Board

3.12 No comments

Yorkshire Water

3.13 The Flood Risk Assessment prepared by AAH Planning Consultants (Report 96546 dated February 2018) is acceptable. In summary, the report states that foul water will discharge to public combined sewer. In terms of surface water disposal, sub-soil conditions do not support the use of soakaways and a watercourse is remote from the site. Therefore surface water will discharge to public combined sewer via storage with restricted discharge of 8 litres/second.

Publicity

3.14 One comment has been received which makes the following points -

- Regret that Vita Student's proposals to re-use the Lodge building and for the former entrance to become redundant have not been carried out. Instead the building has been allowed to decay, alternative entrances into the site have been

allowed but now it is proposed also to provide a vehicle entrance through the arch.

- As residents immediately facing the Lodge, neighbours feel that they must now support any development that prevents the building from falling into further disrepair, but there are serious reservations due to the extra traffic that would result and associated issues with parking, congestion and air quality.
- One major concern is the number of cars that will be required and where they will park. Some 18 dwellings are proposed with only 7 car parking spaces. Permit parking spaces along Lawrence Street are limited while, in 'unregulated' streets such as Granville Terrace, both sides are fully parked during most of the working day with just a narrow gap in between.
- Lawrence Street is a busy road, used for various bus companies and emergency services, especially ambulances. There is a concern increased traffic and associated congestion will compromise the function of the highway and lead to further decreases in air quality.

4.0 APPRAISAL

4.1 The key issues in assessment of the application are as follows –

- Principle of the proposed use
- Impact on the listed buildings the subject of this application
- Setting of listed buildings within the convent site
- Design
- Residential amenity
- Highway safety
- Planning Obligations
- Archaeology

Policy Background

4.2 The National Planning Policy Framework (NPPF) sets out the Government's overarching planning policies, and has recently been redrafted (July 2018).

4.3 The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. The emerging Draft Local Plan policies can be afforded limited weight at this stage of preparation, and subject to their conformity with the NPPF. The evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications.

Principle of the proposed use

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4.4 The listed buildings the subject of this application have now been vacant for over 5 years. In particular the lodge building which fronts Lawrence Street appears neglected and is in need of repair works to avoid further damage (due to water ingress for example). These buildings were to be converted to student accommodation as part of the previous scheme. The developers looked at multiple options for restoration before deciding against carrying out the works.

4.5 The buildings were formally used as residential accommodation and so the re-use proposed in principle is consistent with the approach to managing designated heritage assets in the National Planning Policy Framework (NPPF), specifically putting them to a viable use consistent with their conservation.

4.6 The city has a demonstrable housing need and this site is previously developed/brownfield land and in a sustainable location, within the urban area, within walking distance of the city centre and on a road served by buses. To restore the buildings and introduce private housing onto the site is consistent with the aims of the NPPF, specifically paragraph 118 which states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.

Impact on listed buildings / Design

4.7 Section 66 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 advises that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4.8 The existing buildings were previously occupied in a communal manner. The proposed use is acceptable in principle and would bring the buildings back into use. Officers acknowledge that in order to accommodate the proposed use, which subdivides the buildings into separate private spaces, some intervention and alteration of the historic plan form would be required. Also there is justification for works to address considerable noise from traffic on Lawrence Street (the existing single glazed windows do not provide adequate attenuation to allow internal noise levels to meet national and local standards) and it is in the interests of viability to bring the roof spaces into use.

4.9 The companion listed building consent report assesses the impact on heritage assets and concludes that whilst the works do involve changes which cause 'less than substantial harm', that the public benefits outweigh this harm and therefore the scheme is compliant with the NPPF and can be permitted giving due consideration to the requirements of the Act.

4.10 The impact of the proposed new buildings in the grounds of the convent is also assessed in the listed building consent report. The report concludes that the proposed buildings, due to their location, scale, form and materials, would not harm the setting of the listed buildings.

4.11 The works are acceptable considering the design principles in the NPPF for the following reasons –

- The works respect heritage assets on site. The new additions are of contemporary appearance and have a consistent architectural language with the other new additions over the convent site. This creates an attractive and distinctive scheme with clear a distinction between new and old, giving legibility to the history and function of the site.
- The development accommodates further development of the site whilst retaining an appropriate amount of openness, landscaping and space between buildings.
- The site is safe and secure – the enclosure which defines the site is retained. Cycles can therefore be stored safely on site and waste storage will not harm visual amenity. Cycle storage is in various locations through the site and is illustrated on the revised plans. The applicants will be informed about recommendations from the police about providing lighting to main entrances and the car parking area.

Residential amenity

4.12 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.

4.13 Minor modifications to the Publication Draft Local Plan were made 25 May 2018. One of the changes was the inclusion of the following text to policy D1: Place-making – Ensure design considers residential amenity so that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing.

4.14 The proposed development would provide an acceptable environment for future users. In particular there is adequate outlook, amenity space, discreet bin storage and secure and covered cycle storage. A noise assessment has been carried out and the recommended upgrade to windows facing Lawrence Street can be secured through condition, as can alternative ventilation in the interests of air quality. It is noted that the secondary glazing proposed will not have an undue impact on the listed building.

4.15 The development would be contained within the convent site and is of a design and nature that it will not have a material effect on surrounding occupants.

Highway safety

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

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

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

4.18 Cycle parking, which is covered and secure, and electric charging points can be secured through planning condition.

4.19 The application relates primarily to the conversion of existing buildings for residential use and has acceptable access provision for pedestrians and servicing.

4.20 Off street car parking (7 spaces) is proposed which requires reinstatement of the vehicle access through the arch that was removed as a consequence of the overall highway works relating to the Vita Student development. Outside the entrance arch the dropped kerb has been removed and within the highway the pedestrian crossing has been widened and street trees added.

4.21 The applicants transport consultants have provided swept path drawings which demonstrate that the proposed access represents a practical arrangement.

4.22 With regard to visibility at the access, Manual for Streets (which is national guidance) advice is as follows -

- Parking in visibility splays in built-up areas is quite common, yet it does not appear to create significant problems in practice. Ideally, defined parking bays should be provided outside the visibility splay. However, in some circumstances, where speeds are low, some encroachment may be acceptable.
- The impact of other obstacles, such as street trees and street lighting columns, should be assessed in terms of their impact on the overall envelope of visibility. In general, occasional obstacles to visibility that are not large enough to fully

obscure a whole vehicle or a pedestrian, including a child or wheelchair user, will not have a significant impact on road safety.

4.23 At the entrance to the site, visibility is obstructed by the street trees, car parking and a bus stop. However, due to the cobbled areas on this side of the road it is common for visibility at access points to be impeded by street furniture. The street trees and bus stop would not unduly impede visibility. Officers concern is that cars parked in the lay-by between the bus stop and street trees would limit visibility of approaching cyclists. As such the recommendation is that if the access is to be re-introduced, two car parking bays are removed in the interests of highway safety.

4.24 The impact on the highway network has been modelled using the TRICS database. The modelling predicts 6 trips at morning and afternoon peak periods. As such, the proposed development would not have a material impact on the volume of traffic using the highway network.

Planning Obligations

4.25 Section 15 of the Publication Draft Local Plan (2018) states that the Council will seek contributions from developers to ensure that the necessary infrastructure is in place to support future development in York.

4.26 Policy DM1: Infrastructure and Developer Contributions states that the Council will seek contributions from developers to ensure that the necessary infrastructure is in place to support future development in York. Contributions will be sought to fund strategic infrastructure that helps to deliver the Vision, Spatial Strategy and Objectives of the Local Plan, as well as specific infrastructure that is necessary to deliver an individual site. Relevant to this development, 'essential infrastructure' could potentially include affordable housing, education, and green infrastructure, including open space and built sports facilities.

- Affordable housing

4.27 Affordable housing policy is detailed in Local Plan policy H10. However as this application was made prior to the submission of the Local Plan for examination (18 May 2018) the policy requirements have not been applied to this application. In addition, the scheme involves the re-use of vacant buildings and therefore in considering paragraph 63 of the NPPF (which supports re-using brownfield land and reducing any associated affordable housing requirements proportionately) no affordable housing is sought.

- Open space & Education

4.28 The scheme proposes 7 x 2-bed flats and has been assessed as to whether contributions are required, considering local capacity and CIL regulations (which only allow up to 5 pooled obligations towards any one project).

4.29 Education officers have advised that they do not wish to request a contribution in this instance.

4.30 With regard to open space, based on the “Commuted Sum Payments for Open Space in New Developments” supplementary planning guidance, contributions are required for a development of the type and amount proposed. In addition the Open Space and Green Infrastructure Update (September 2017), which is the evidence base for the 2018 Publication Draft Local Plan, identifies a shortfall of outdoor sports facilities in the Fishergate Ward. However, officers have not provided details of CIL compliant projects toward which any contribution could be sought. For this reason, no contribution has been sought as without an appropriate project, any such contribution would fail the national tests as set out in the NPPF and associated Planning Practice Guidance.

Archaeology

4.31 In accordance with Local Plan policy D6, a written scheme of archaeological investigation (and subsequent publication) will be secured through condition.

5.0 CONCLUSION

5.1 Whilst the alterations to listed buildings have been identified as causing a low level of harm (which is regarded as ‘less than substantial’ in NPPF terms) the public benefits of bringing the buildings back into a viable use, which is, in principle consistent with the conservation, outweighs this harm. The scheme would have no further impact on visual amenity and subject to conditions there would be no undue harm considering amenity, impact on heritage assets, and highway safety. Approval is therefore recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Location Plan - 035(PL) 001

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Site Plans - 035(PL) - 002, 003A
Block Plan - 035(PL) 014A
Landscaping Plan - 035(PL) 057A

Floor plans (with listed building notes)

Lodge
035(PL) - 040A, 041A, 042B, 043A

Extern House
035(PL) - 044A, 045A, 046B, 047A

Garden houses
035(PL) - 052A, 053A

Sectional Elevations
026A, 027A, 028A, 029A, 030A, 031A, 032A, 033A, 034A, 035A, 036A, 037A, 038A, 039A

Indicative Details
035(PL) 060 (secondary glazing)
035(PL) 061 (garden houses)

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

3 Materials

Samples of the external materials to be used on the scullery and garden houses and the timber clad external staircases shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction. The development shall be carried out using the approved materials.

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

Reason: So as to achieve a visually cohesive appearance.

4 Large scale details of garden & scullery houses

Large scale details of the items listed below for the garden and scullery houses shall be submitted to and approved in writing by the Local Planning Authority prior to the

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commencement of their construction and the works shall be carried out in accordance with the approved details.

- Eaves (if different to as shown indicatively on approved drawing 035 (PL) 61
- Typical window and surrounds (shown windows set within their reveals)

Reason: In the interests of good design and the setting of listed buildings.

5 Crime Prevention Measures

Prior to first occupation of the development, a statement of crime prevention measures to be incorporated in to the design of the scheme together with a detailed method statement for the implementation of the measures shall be submitted to and approved in writing by the local planning authority. The scheme shall include (but is not restricted to):

- Details of security measures, including lighting for main entrances
- Lighting to car park area
- Details of security of the cycle parking and the locking mechanism for doors within the cycle parking.

Reason: In the interests of crime prevention.

INFORMATIVE: North Yorkshire Police recommendation that all external doors, should be illuminated with vandal resistant security lighting, operated by a photocell sensor with manual override switch and fitted at a height that makes them not easily accessible.

6 Highway works

The vehicle access hereby approved 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.

Highway works required –

- Details of the proposed access
- Removal of two on-street car parking spaces to the east of the entrance (between the entrance and the bus stop)

Reason: To provide adequate visibility at the entrance and in the interests of the

safe and free passage of highway users.

7 Electric vehicle charging facilities

Prior to first use of the on-site car parking area at least one of the car parking spaces shall incorporate facilities for charging electric vehicles.

INFORMATIVE: Charge points should be weatherproof, outdoor recharging units for electric vehicles with the capacity to charge at up to 7kw (32A). Groundworks and cabling should be sufficient to upgrade that unit and to provide for an additional recharging unit of the same specification in a nearby location. All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015)."

Reason: To provide facilities for charging electric vehicles in line with the NPPF and CYC's Low Emission Strategy and Air Quality Action Plan.

8 Cycle and bin storage

The areas shown as cycle and bin storage on the approved drawings shall be retained for such use at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reasons: To ensure adequate space for waste recycling and litter collection in accordance with policy GP1 of the City of York Draft Local Plan and design guidance for housing in the National Planning Practice Guidance. To ensure adequate space for, and to encourage, cycle use, in accordance with the National Planning Policy Framework.

9 Landscaping

The approved landscaping scheme (as shown on drawing 035(PL) 057A) shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

10 Protection of street trees

Any trees within the highway adjacent to the site which within a period of five years from the commencement 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 (including facilities for tree roots), unless alternatives are agreed in writing by the Local Planning Authority.

Reason: To protect street trees which are considered to make a significant contribution to the amenities of this area.

11 Archaeology

A programme of post-determination archaeological mitigation, specifically an archaeological excavation of the proposed new build units and watching brief (on drainage and other works) is required on this site. The archaeological scheme comprises 3 stages of work. Each stage shall be completed and approved by the Local Planning Authority before details can be approved.

A) No demolition or groundworks shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI. The WSI shall 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 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: In accordance with Section 16 of the NPPF as the site lies within an Area of Archaeological Importance and the development may affect important archaeological deposits which must be recorded prior to destruction.

12 Construction Environment Management Plan

Prior to commencement of the development, a Construction Environment Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development

shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must include a site specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and include a package of mitigation measures commensurate with the risk identified in the assessment. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of the locality.

INFORMATIVE:

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

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

For dust mitigation, measures shall include, but would not be restricted to, means of keeping the highway clean during works (which could include on site wheel washing, road cleaning), minimisation of evaporative emissions and prompt clean up of liquid spills, prohibition of intentional on-site fires and avoidance of accidental ones, control of construction equipment emissions and proactive monitoring of dust. Further information on suitable measures can be found in the dust guidance note produced by the Institute of Air Quality Management, see <http://iaqm.co.uk/guidance/>. The CEMP must include a site specific risk assessment of dust impacts in line with the IAQM guidance note and include mitigation commensurate with the scale of the risks identified.

13 Construction hours

Except in case of emergency no demolition and construction works or ancillary operations, including deliveries to and dispatch from the site which are audible beyond the boundary of the site shall take place on site other than between the

hours of 08:00-18:00 Monday to Friday and between 09:00-13:00 on Saturdays.

The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason: To protect the amenity of local residents

14 Investigation of Land Contamination

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

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

(ii) an assessment of the potential risks to:

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

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

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

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

15 Remediation Scheme

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

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

16 Verification of any Remedial Works

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

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

17 Reporting of Unexpected Contamination

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

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

18 Site drainage

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The development shall be carried out in accordance with the details shown on the submitted Flood Risk Assessment prepared by AAH Planning Consultants (Report 96546 dated February 2018), including drawing C50 showing the drainage strategy, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage.

19 Noise insulation

Living and bedroom windows in the Lodge building which front onto Lawrence Street shall be fitted with a secondary glazed system comprising a double-glazed unit nominally 4mm glass / 12mm cavity / 6mm glass (or a system providing at least the equivalent attenuation) in well-sealed frames prior to first occupation.

Reason: In the interests of the amenity of future occupants given measured noise levels on Lawrence Street.

20 Mechanical Ventilation

Prior to occupation of the relevant dwellings, details of the mechanical ventilation heat recovery (MVHR) system for living and bedroom windows in the Lodge building which front onto Lawrence Street shall be submitted to and approved in writing by the Local Planning Authority and the system installed in accordance with the approved details.

The details shall include air intake locations, dust filtration and show how noise/vibration created by the ductwork serving the ventilation system will be adequately controlled between and within properties. Details shall include arrangements for long term maintenance and efficiency of the systems which, following installation, shall be maintained in full working order at all times.

Reason: In the interests of residential amenity due to air quality on Lawrence Street.

7.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: sought revised plans and the use of planning conditions in order to make the scheme policy compliant.

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2. BATS

All species of bat are protected by the Wildlife & Countryside Act (1981) as amended, Countryside and Rights of Way Act (2000) and the Conservation of Habitats and Species Regulations (2017).

Because of their protected status, it should be noted that if bats are discovered during the course of the work, all works must cease and Natural England must be informed immediately. It is an offence for anyone to disturb or handle a bat without the appropriate licences. This may cause some delay but should not prevent the work continuing, provided that due account is taken of their presence.

There are opportunities to enhance the new building for bats. This can be done without detriment to the building through bat friendly features which can be designed at the outset and include features such as bat bricks, bat tiles or an adapted fascia. There is more information about this on the Bat Conservation Trust's website http://www.bats.org.uk/pages/bat_boxes.html.

Contact details:

Author: Jonathan Kenyon Development Management Officer

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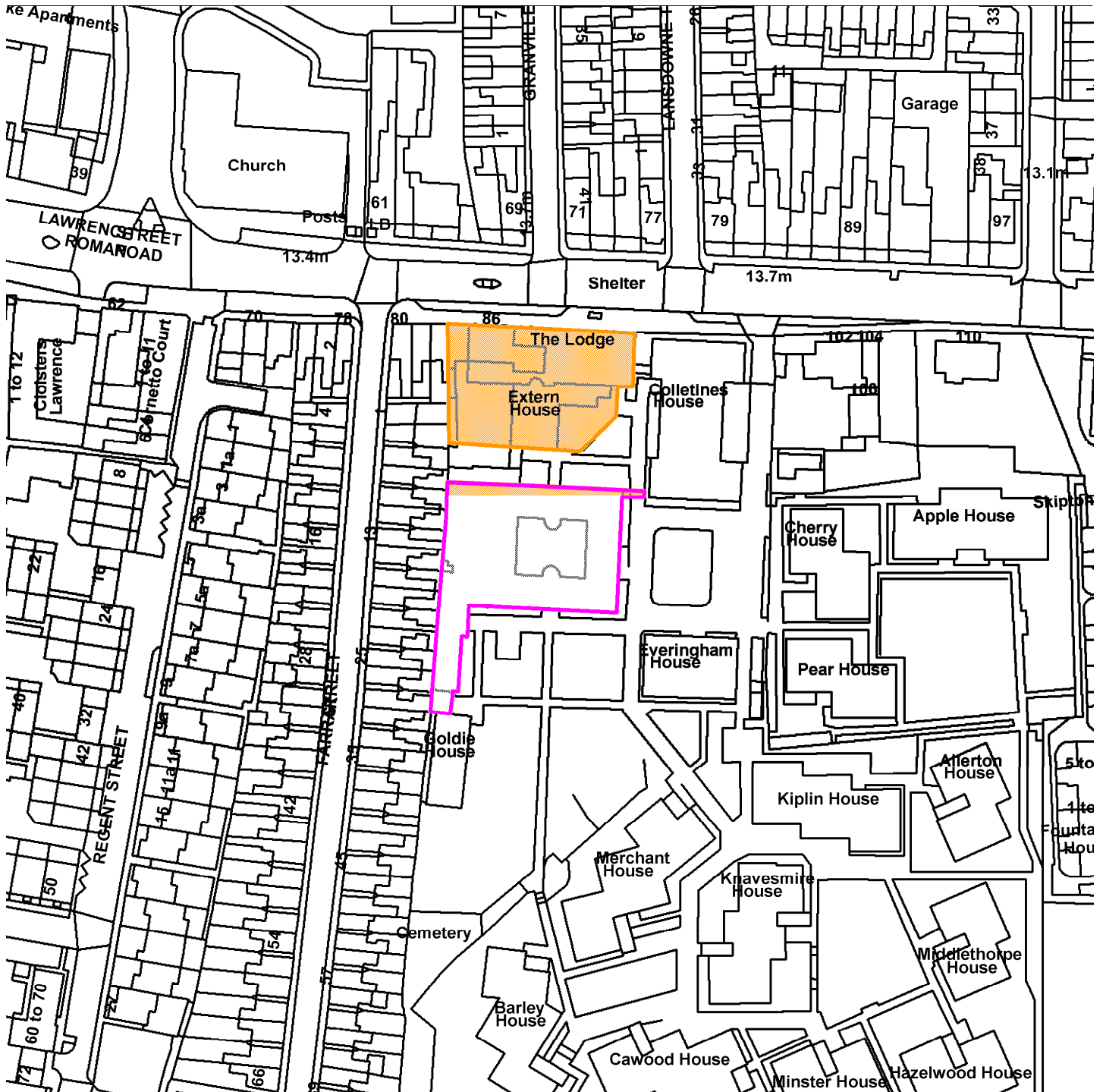
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St Josephs Convent Of Poor Clare Collentines,

Lawrence Street
18/00638/FULM



GIS by ESRI (UK)



Scale : 1:1351

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	30 July 2018
SLA Number	Not Set

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DELEGATED REPORT

Date: 9 August 2018 **Ward:** Fishergate
Team: Major and **Parish:** Fishergate Planning
Commercial Team Panel

Reference: 18/00639/LBC
Application at: St Josephs Convent Of Poor Clare Collentines Lawrence Street
York YO10 3EB
For: Conversion, alteration and part demolition of existing buildings (the
Lodge and Extern House) to provide 10no. apartments and
erection of 4no. dwellings.
By: Mr Burgess
Application Type: Listed Building Consent
Target Date: 17 May 2018
Recommendation: Approve

1.0 PROPOSAL**APPLICATION SITE**

1.1 The application relates to part of the St Joseph's Convent site. The convent was vacated in 2012. At that time, the convent buildings and the boundary walls were listed at grade II. Subsequently, planning permission was granted for re-development of the site for student accommodation (application 14/02404/FULM). The scheme included demolition of non-listed 'workshop' buildings, and the conversion of the main building, the Lodge/Priest's House and the Extern House and new blocks of accommodation within the grounds.

1.2 The student accommodation is now in operation. However the Lodge/Priests House, which fronts Lawrence Street and the Extern House behind have remained vacant and have not been refurbished. These buildings date from 1875 and are both grade II listed.

PROPOSALS

1.3 This application proposes sub-division of the convent site and the redevelopment of the Lodge and Extern House as dwellings. It is also proposed to erect 4 new dwellings within the grounds, to the east side of the existing buildings. This would create 14 dwellings overall. There would be a new pedestrian access created through the listed wall at the front and vehicular access through the arch on the lodge.

1.4 A summary of the alterations and works proposed are as follows –

Lodge

- New gates to vehicle entrance (existing solid timber entrance gates retained and held open)
- Secondary glazing to front windows & replacement bay window at rear
- New roof-lights on both elevations and dormers at rear of lower building
- Internal changes / alterations including removal of stairs & partition walls
- Replace 1st floor rear access
- Extension to east side

Extern House

- Demolition of single storey extension (demolition & rebuild has been approved under previous applications) and entrance porch.
- Internal alterations
- New external access staircase to upper floor

Boundary wall

- New pedestrian entrance created.

1.5 The proposals have been revised since being originally submitted. The changes retain more evidence of historic plan form and the new houses have been moved further from the boundary wall so they would be less prominent within the street scene.

2.0 POLICY CONTEXT

2.1 Relevant 2018 Publication Draft Local Plan Policies:

D5: Listed Buildings

3.0 CONSULTATIONS

Design and Conservation

3.1 The convent was built in 1870-5 for the Order of the Poor Clare Colletines to designs by the Catholic architect George Goldie; the contractors were Weatherley and Rymer of St Leonard's Place, York, who had previously built Goldie's Roman Catholic Church of St Wilfrid, York (1862-4, Grade II). The Priest's House (The Lodge) and Extern House are subject of the current application and are Grade II

listed. These buildings have historical, evidential, aesthetic and communal value and this is exhibited in the survival of historic fabric and plan form.

3.2 After an initial site visit to assess the scheme officers had reservations over the following proposed works –

Extern House

- loss of corridor and cellular plan form
- loss of doors
- sub-division of large ground floor room

The Lodge

- number of roof lights
- loss of front first floor staircase and introduction of new staircase
- loss of plan form

3.3 The applicants have addressed these issues by providing revised plans and further justification for the works. The plan form in both buildings can still be appreciated through the careful positioning of partitions and the introduction of 'pod' bathrooms to allow views of the original ceiling. The sub-division of the large room in Extern House was, on balance, considered acceptable to allow a viable new use for the heritage asset, and the loss of the first floor staircase in the Lodge is supported following evidence provided by the applicant which establishes that it was a later and less significant feature.

3.4 The application is, therefore, supported subject to a range of detailed conditions.

Conservation Areas Advisory Panel

3.5 It appeared that there would be fairly major alterations to/removal of internal walls and staircases although there would be no major alterations to the external appearance other than the introduction of roof-lights. The Panel questioned the need for the extent of the internal alterations and the potential removal of the original fabric.

Historic England

3.6 Advise that the proposals are broadly acceptable subject to detailed treatment. Decorative internal features should be retained in-situ wherever possible. Any changes to windows and all materials and details for the new build should also be approved by the Council, with details secured through condition.

York Civic Trust

3.7 The trust do not object to the proposed re-use of the building and is sympathetic to the difficulty in repurposing historic spaces for C21 uses. However the trust objected to the original scheme due to the loss of historic fabric and plan form and the consequent loss of the integrity and 'readability' of the Extern House and Lodge as historic buildings.

3.8 The trust found it highly disappointing that many aspects of the interior that are referred to in the listing are to be removed, and with no detailed justification given. This includes staircases, handrails and balustrades, most of the six-panelled doors, glazed double inner doors (the Extern). In addition, all the original windows are to be replaced, as are the wooden carriageway doors on Lawrence Street, which again are referred to in the listing.

3.9 Furthermore, the ability to read the original layout of these two convent buildings - which are again detailed in the listing as consisting of rooms connected to a central spine corridor - would be permanently removed in the proposal. This is a particular loss in the Extern House.

Publicity

3.10 No representations have been made.

4.0 APPRAISAL

KEY ISSUES

4.1 Section 16 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 advises that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

RELEVANT POLICY

4.2 The National Planning Policy Framework states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

- the desirability of new development making a positive contribution to local character and distinctiveness.

4.3 The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. The emerging Draft Local Plan policies can be afforded limited weight at this stage of preparation, and subject to their conformity with the NPPF. The evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications. Policy D5: “Listed Buildings” states that proposals affecting a listed building or its setting will be supported where they:

- Preserve, enhance or better reveal those elements which contribute to the significance of the building or its setting. The more important the building, the greater the weight that will be given to its conservation; and
- help secure a sustainable future for a building at risk;
- are accompanied by an appropriate, evidence based heritage statement, assessing the significance of the building.

4.4 The policy goes on to state that changes of use will be supported where it has been demonstrated that the original use of the building is no longer viable and where the proposed new use would not harm its significance.

ASSESSMENT

4.5 The developer did not consider it viable to convert the buildings as part of the student accommodation scheme , and they have been vacant since 2013.

4.6 In accordance with guidance within the NPPF, it is desirable to find a viable new use for these buildings consistent with their conservation. The proposed use as dwellings is akin to the original use of these listed buildings. However the buildings historically were in communal use and it is acknowledged that a degree of sub-division is required to re-use the space as private dwellings.

4.7 To respect the significance and evidence of the former use of the buildings, the following principles have been adopted to allow the buildings historic form to be understood -

- Where corridors / circulation areas are sub-divided or new partitions introduced clerestory windows are typically used to retain evidence of the existing plan form.
- Downstands are kept where walls removed as evidence of the previous plan form.
- Where bathrooms have to be accommodated within rooms they are pods with lower ceilings or use clerestory windows.

4.8 Specific to each of the buildings the proposed alterations are detailed and assessed below.

LODGE

Internal layout and loss of staircases

4.9 The removal of two staircases between the first floor and attic is proposed. Consent to remove one of these (in the rear room above the entrance arch) was granted in the previous (2014) scheme for the site.

4.10 A second stair to be removed was a later addition; it is of low quality architectural detailing, which is evident by the means of construction. The stair is not compatible with the original plan form and the applicant has provided supporting evidence to establish that both the stair and the room it occupies are a later alteration. The staircase causes safety issues due to its narrowness and juxtaposition to the window (guarding would be required).

4.11 There are safety concerns associated with bringing the aforementioned staircase back into use. Also the proposed configuration, which groups the vertical circulation, allows a more efficient and logical sub-division of the building into 1 and 2 bed sized apartments. The staircase is of low importance, in so far as it is characteristic of the way the building has been altered in a somewhat makeshift way over time. There is adequate justification to allow this alteration.

Upgrading windows

4.12 The windows to the front require upgrading due to noise and air quality as a consequence of traffic. Without attenuation, internal noise levels would be significantly higher than World Health Organisation and British Standards. Secondary glazing is proposed to provide adequate attenuation, the specification of which has been informed by a noise assessment. Options for the design have been presented and a condition can be used to approve the details.

Bay window at rear

4.13 The window is a C20 insertion with a glazing pattern of its time which deviates from the sash windows found elsewhere on the building. It is proposed to replace the windows and add a pair of full-height French doors to improve views of the garden area. The modification would not harm the historic or architectural importance of the building.

Access staircase

4.14 Consent was granted to replace the timber access staircase in previous applications for the site. The previous design intent is carried through in this scheme in that contemporary timber cladding is used to make the new works apparent and of its time. There is a theme throughout the scheme of using timber cladding for external works. It is proposed that the structure extends over the rear elevation, forming an entrance via the existing sash window above the ground floor entrance passage. The form would replicate an historic arrangement in this area (evidenced in section 3 of the Design & Access statement). It would be an apparent intervention of its time and in a discreet location at the rear. It would not harm significance.

Later side extension

4.15 The side extension to the lodge, which is set down from the main building, would be given a contemporary appearance (using glass and timber cladding), rooflights and dormer windows at the rear. Rooflights and dormers were approved in a previous scheme; in this scheme there are fewer rooflights on the elevation facing the road. The side extension is required to accommodate a staircase; it would be subtle and appropriate in scale. The works would not cause harm to the heritage asset.

Roof

4.16 Two additional rooflights on the front roof slope of the main building are proposed. This allows the roof space to be utilised. Overall, there would be the same number of rooflights as in the previously consented scheme.

EXTERN HOUSE

Layout

4.17 As existing the Extern House has central corridors and cellular rooms. Due to the layout and room sizes some loss of plan form and alteration is necessary to give access to dual aspect apartments on each floor. The approach taken sub-divides the corridors (at two points at ground floor level, one above) and would accommodate the corridor within the apartments. This allows for the retention of some of the doors into rooms, which would otherwise need to be replaced to meet standards for fire resistance. Where sub-divisions are made they are positioned where there are existing downstands. Also clerestory windows and downstands are used as devices in most cases to allow evidence of the original plan form.

Structures to be removed

4.18 The side wing, which was added at a later date and is in poor condition, would be demolished. This has been allowed previously. It is also proposed to remove

the entrance porch. This is part timber, part plastic and a later addition which detracts from the main facade.

External staircase

4.19 A timber clad access to the upper floor, akin to that found at the Lodge is proposed. The staircase would read as a new intervention and be of the same architectural language as other new work. This approach adheres to Historic England guidance on making changes to heritage assets, as the structure due to its scale and location would be over dominant. The contemporary timber cladding would read as a new intervention whilst using a material which has been used at the site over time, in now demolished buildings, retained buildings and coherently in new additions at the site introduced as part of the student accommodation development.

Roof form

4.20 In the revised plans, one rooflight is proposed on the main elevation and two at the rear. This is a reduction in comparison to the original submission. The rooflights are aligned with the dormers and are fairly small in scale. They do cause less than substantial harm to the appearance of this building. However the harm is justified because a) the roof-space is significant and the works allow a 2-bedroom apartment in this area, which will assist with the building's viability and b) the building is setback from the street and the visual impact of works to the roof is low.

NEW BUILDINGS

4.21 Four new dwellings are proposed within the grounds. Two of these would sit in the position of the demolished wing of the Extern House and the other two within the former enclosed garden between the Lodge and the new Vita Student building which sits behind the front wall. A landscaping scheme has been produced for the garden areas indicating that 8 new trees would be planted.

4.22 The buildings would be timber clad with contemporary detailing. The two which will be seen within the street scene have been positioned and scaled so they relate to the proportions of the new Vita Student building. The proposed buildings are two storey and subordinate in scale to the listed buildings; this can be understood from sectional elevation drawings which show the ridge level of the proposed buildings aligned with the top of the first floor windows of the Lodge.

4.23 The proposed buildings would not be overdominant and would be a sympathetic addition to the family of buildings that presently exist on the site..

5.0 CONCLUSION

5.1 The buildings the subject of this application have been vacant since 2013 and are in need of a new use. Although less than substantial harm has been identified as a consequence of the internal changes to the plan form and addition of roof-lights, this harm is justified to enable bringing the buildings back into viable use. As such to grant consent for the works would be consistent with guidance in the NPPF.

5.2 Special regard to the desirability of preserving the building and features of special architectural or historic interest which it possesses has been undertaken as required by the Act. The harm is justified on the basis that the changes are required to enable re-use of the building. In addition a sympathetic approach has been utilised which leaves evidence where required of the historic layout.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIMEL2 Development start within 3 yrs (LBC/CAC)

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

Location Plan
035(PL) 001

Site Plans
035(PL) - 002, 003A

Block Plan
035(PL) 014A

Landscaping Plan
035(PL) 057A

Floor plans (with listed building notes)

Lodge
035(PL) - 040A, 041A, 042B, 043A

Extern House
035(PL) - 044A, 045A, 046B, 047A

Garden houses

035(PL) - 052A, 053A

Sectional Elevations

026A, 027A, 028A, 029A, 030A, 031A, 032A, 033A, 034A, 035A, 036A, 037A, 038A, 039A

Indicative Details

035(PL) 060 (secondary glazing)

035(PL) 061 (garden houses)

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

3 Large scale details

Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on the relevant building and the works shall be carried out in accordance with the approved details.

Lodge

- Typical section of internal walls where downstands retained
- Clerestory to 'pod' bathrooms
- Upgrading of internal doors
- New skirting/ architrave
- New staircase to second floor
- Door ironmongery
- Bay window at rear
- New access staircase at rear and landing and works to accommodate access into unit 3
- Secondary glazing
- Dormers and roof-lights

Extern House

- Making good to main entrance following removal of porch
- Clerestory to 'pod' bathrooms
- Upgrading of internal doors
- New skirting/ architrave
- Door ironmongery
- New access staircase at rear and landing and works to accommodate access into unit 9
- Secondary glazing

Application Reference Number: 18/00639/LBC

Item No:

Boundary wall

- New timber gates (to include their relationship with the existing gates which are to be retained)

Reason: In the interests of the historic and architectural importance of the listed building.

4 Materials

A sample of the timber cladding to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant works. The development shall be carried out using the approved materials.

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

Reason: So as to achieve a visually cohesive appearance and in the interests of the setting of listed buildings.

Contact details:

Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323

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St Josephs Convent Of Poor Clare Collentines,

Lawrence Street
18/00639/LBC



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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	30 July 2018
SLA Number	Not Set

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COMMITTEE REPORT

Date: 9 August 2018 **Ward:** Heworth
Team: Major and **Parish:** Heworth Planning Panel
Commercial Team

Reference: 18/00933/FUL
Application at: Wall To Wall Ltd 71 East Parade York YO31 7YB
For: Conversion and extension of existing single storey building to
1no.dwelling with associated parking, cycle and refuse
storage
By: Mr Freedman
Application Type: Full Application
Target Date: 15 August 2018
Recommendation: Delegated Authority to Approve

1.0 PROPOSAL

1.1 The application seeks permission for the conversion and extension of the existing single storey office building at the rear of 71 East Parade to residential accommodation with associated parking, cycle and refuse storage. Planning permission was previously granted in March 2016 for its conversion to a two bedroom residential unit. This application seeks amendments to that approval.

1.2 The application is brought to committee as the applicant is employed in Design, Conservation and Sustainable Development.

1.3 Officers seek Delegated Authority to Approve due to revised plans being submitted and a reconsultation of the neighbour being required.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Heworth Green/East Parade CONF
City Boundary York City Boundary 0001
DC Area Teams East Area (1) 0003

2.2 Policies:

Emerging Local Plan 2018

D11 Extensions and Alterations to Buildings
D4 Conservation Areas

Draft Local Plan 2005

CYGP1 Design
CYH4A Housing Windfalls
CYHE2 Development in historic locations

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 No objection but recommend a condition securing a vehicle recharging point

EXTERNAL

Heworth Planning Panel

3.2 No objections

Neighbours and Publicity

3.3 One letter of objection from 69 East Parade. They do not object to the scheme in principle but are concerned that the extension will overhang their boundary. The gutter and roof of the existing building overhangs the airspace of number 69 by approximately 450mm in places. It is noted that as originally submitted the proposal would follow this building line and may prevent number 69 from developing their site in future.

3.4 Revised plans have since been received indicating a box gutter preventing any overhang onto the neighbour's property. The neighbour at number 69 East Parade is currently being reconsulted on the revision and Members will be updated accordingly.

4.0 APPRAISAL

4.1 Key Issues

- Principle of the development
- Impact on neighbouring dwellings
- Impact upon the character of the conservation area
- Highway implications

PLANNING POLICY

4.2 The National Planning Policy Framework (NPPF 2018) indicates a presumption in favour of sustainable development unless specific policies in the NPPF indicate development should be restricted. The purpose of the planning system is to contribute to the achievement of sustainable development. The objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Paragraph 38 advises that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. The presumption in favour of sustainable development does not apply where policies relating to preserving designated heritage assets are not met.

Paragraph 127 states that planning policies and decisions should ensure that developments will achieve a number of aims including:

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

4.3 Chapter 16 (Conserving and Enhancing the historic environment) says in paragraph 190 that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal. They should consider the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 192 a) says that when determining planning applications, local planning authorities should take account of sustaining and enhancing the significance of any heritage asset. Paragraph 193 states that considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 195 says that where a proposed development will lead to substantial harm to or the total loss of significance of a designated heritage asset, local

planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

4.4 Paragraph 200 goes on to state that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. However, not all elements of a Conservation area will necessarily contribute to its significance (Para 201).

EMERGING LOCAL PLAN.

4.5 Paragraph 47 of the NPPF 2018 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

4.6 The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. The emerging Draft Local Plan policies can be afforded limited weight at this stage of preparation, and subject to their conformity with the NPPF. The evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications.

4.7 The relevant policies in this document are D11- Extensions and Alterations to Existing Buildings and D4 - Conservation Area.

D11 states that proposals to extend, alter or add to existing buildings will be supported where the design:

- Responds positively to its immediate architectural context and local character and history, in terms of the use of materials and detailing, scale, proportion, landscape design and the space between buildings;
- Sustains the significance of a heritage asset and/or its setting and the character and appearance of conservation areas;
- Positively contributes to the setting, wider townscape, landscape and views;
- Protects the amenity of current and neighbouring occupiers, whether residential or otherwise.
- Contributes to the function of the area and is safe and accessible.
- Protects and incorporates trees that are desirable for retention.

4.8 Policy D4 states that development proposals within or affecting the setting of conservation areas will be supported where they:

- are designed to conserve and enhance the special character and appearance of the conservation area;
- leave qualities intrinsic to the wider context unchanged, and respect important views; and
- are accompanied by an appropriate evidence based assessment of the conservation area's special qualities, proportionate to the size and impact of the development and sufficient to ensure that impacts of the proposals are clearly understood.

4.9 It goes on to state that changes of use will be supported when it has been demonstrated that the primary uses can no longer be sustained, where the proposed new use would not significantly harm the special qualities and significance of the place, and where proposed changes of use will enhance its significance.

DRAFT LOCAL PLAN 2005

4.10 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the content of the NPPF. The relevant policies are GP4a, H4a, and HE2.

RELEVANT HISTORY

4.11 The application seeks permission for the conversion of an existing single storey office unit to the rear of 71 East Parade to a one bedroom residential dwelling. The unit was granted consent in 2002 and appears to have been erected in 2003. It was last used as an office but planning permission was granted in March 2016 for its conversion to a two bedroom residential unit. This permission is still valid and capable of being implemented. The revised scheme differs in that the dwelling would only comprise of one bedroom, a window and door are to be repositioned and a single storey rear extension added.

SCHEME

4.12 The alterations proposed are to provide suitable adaptive living accommodation for a wheelchair user. The property is attached to the back of 71 East Parade and comprises of a single storey long narrow building with openings to the north east elevation. Access to the site is off Eastern Court to the rear. As part of the conversion a 2.5m long single storey extension to the end, north facing elevation is proposed. This would run along the shared boundary with number 69 East Parade with a box gutter being provided in order to prevent any overhang. It would be constructed of matching brick, running through at ridge and eaves height, with a predominantly glazed gable end elevation overlooking the proposed garden area. Roof lights are proposed to the side roof slopes.

PRINCIPLE OF THE DEVELOPMENT

4.13 The proposed change of use would result in the loss of an office unit, although the principle of this loss and the buildings conversion into a dwelling has previously been established. The existing shop which fronts onto East Parade would be retained. The area to the rear of the parade of shops has altered significantly since first built and there are now a number of residential properties and accesses to first floor residential accommodation at neighbouring sites and thus the prevailing character to the rear of East Parade has become more residential, with the more commercial uses to the front. Separate access to the dwelling would be provided from the rear via Eastern Court and as such it would not have any detrimental impact upon the running of the existing retail commercial unit.

IMPACT UPON NEIGHBOURS AMENITY

4.14 No windows are currently located to the elevation facing number 69 East Parade and only a single rooflight is proposed within the extension. Six windows and a door are present to the side elevation facing onto the post office at 73 East Parade. This will not alter under the current scheme, although a door and window positioned are swapped around compared to existing. To the rear of number 73 a large gravel area is present which may be used as amenity space by the occupiers of the first floor residential accommodation. A relatively high boundary wall is present which would protect the amenity of these neighbours to a certain degree. There may be a minor loss of privacy to these neighbours if they were using this rear amenity space but it is considered that this would be very limited and it would not be any greater than the existing loss of privacy that arises from the previous office use or from the planning permission granted in 2016, the main fenestration change being to the end elevation.

4.15 The extension would also have limited impact upon neighbours' amenity. There are no side windows proposed and as such no loss of privacy would arise. The elevation adjacent to number 69 East Parade sides onto an existing hard surfaces parking area and as such has limited impact. The design of the extension, incorporating box gutters, prevent any overhang onto neighbours land.

4.16 It is also considered that noise disturbance as a result of the proposed change of use would not substantially increase over what could be generated from an office use on site. The Co-Op operates from number 75 East Parade but no noise associated with extraction systems or air conditioning units were audible at the site visit and as such it is considered that there would be no loss of amenity for the future occupiers of the dwelling from existing nearby uses.

IMPACT UPON THE CHARACTER OF THE CONSERVATION AREA

4.17 In the exercise of its planning functions with regards to development in Conservation areas, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the local planning authority shall pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. The extension to the end elevation is modest in scale and follows the line of the existing building. The rear of the parade has been significantly altered over the years and it is considered that this rear elevation does not contribute positively to the character and appearance of the conservation area. The glazed end elevation would not be readily prominent from outside of the site due to the existing landscaping and the distance to the rear boundary. It is therefore considered that proposed works would have no impact upon the significance of the designated heritage asset and would preserve the character and appearance of the Conservation area.

HIGHWAY IMPLICATIONS

4.18 Direct access to the rear of the site can be gained via Eastern Court. The rear of the site is currently laid out with a gravel surface which is capable of accommodating a number of vehicles. No alterations are proposed to this area. An area for secure cycle parking and refuse storage facilities have been identified within this area but the plans indicate it as being open sided. Whilst this is acceptable for refuse, the cycle store area needs to be covered and secure. This can be secured by condition however.

5.0 CONCLUSION

5.1 It is considered that the application accords with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, national planning guidance in the NPPF, policies D4 and D11 of the City of York Publication Draft Local Plan 2018 and policies GP4a, H4a and HE2 of the Draft Local Plan 2005.

6.0 RECOMMENDATION: Delegated Authority to Approve

1 TIME2 Development start within three years

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

Drawing number 1 dated 15th May 2018; Drawing no. 2 dated 25th July 2018 and drawing number 3 dated 15th May indicating Bin and Cycle Store only.

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

Application Reference Number: 18/00933/FUL

Item No:

- 3 VISQ1 Matching materials
- 4 EPU1 Electricity socket for vehicles

5 Prior to occupation 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.

- 6 PD1A Permitted development rights removed

7.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (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 plans requested to prevent the gutter overhanging onto neighbours land

2. THE PARTY WALL ETC ACT 1996

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

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

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

Contact details:

Author: Heather Fairy Development Management Officer

Tel No: 01904 552217

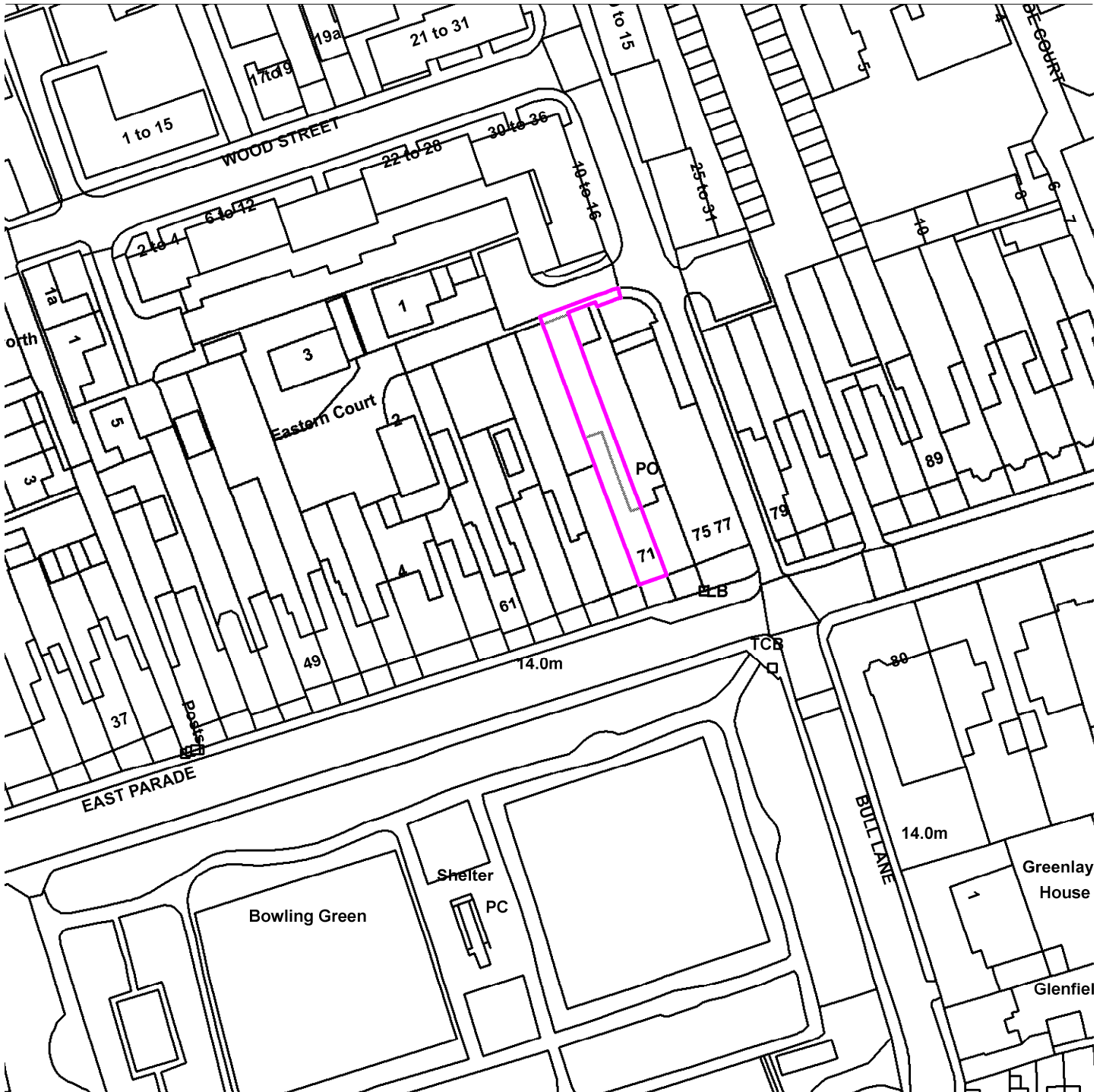
Application Reference Number: 18/00933/FUL

Item No:

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Wall To Wall Ltd, 71 East Parade

18/00933/FUL



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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	30 July 2018
SLA Number	Not Set

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2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Dunnington Conservation Area CONF

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 2018 Publication Local Plan

Policy D11

Alterations and extensions

Policy D4

Conservation areas

2005 Draft Local Plan Policies:

CYGP1

Design

CYH7

Residential extensions

CYHE3

Conservation Areas

3.0 CONSULTATIONS

External:

3.1 Dunnington Parish Council – No objections but wish to ensure that if permission is granted that surface water disposal is attended to. The purpose of these measures being to ensure no further endangerment to Water Lane and the remainder of the village at the bottom of the hill from the threat of further flooding at times of heavy rain and, in particular, during storm events.

Publicity:

3.2 Neighbour, Site Notice and Press Notice consultation – No comments received.

4.0 APPRAISAL

4.1 KEY ISSUES:

- Impact on the character and appearance of the Conservation Area.
- Impact on neighbouring dwellings.

Planning Policy:

4.2 The National Planning Policy Framework (NPPF 2018) indicates a presumption in favour of sustainable development unless specific policies in the NPPF indicate development should be restricted. The purpose of the planning system is to contribute to the achievement of sustainable development. The objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Paragraph 38 advises that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. The presumption in favour of sustainable development does not apply where policies relating to preserving designated heritage assets are not met.

Paragraph 127 states that planning policies and decisions should ensure that developments will achieve a number of aims including:

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

4.3 Chapter 16 (Conserving and Enhancing the historic environment) says in paragraph 190 that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal. They should consider the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 192 a) says that when determining planning applications, local

planning authorities should take account of sustaining and enhancing the significance of any heritage asset. Paragraph 193 states that considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 195 says that where a proposed development will lead to substantial harm to or the total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

4.4 Paragraph 200 goes on to state that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. However, not all elements of a Conservation area will necessarily contribute to its significance (Para 201).

PUBLICATION DRAFT LOCAL PLAN 2018

4.5 Paragraph 47 of the NPPF 2018 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

4.6 The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. The emerging Draft Local Plan policies can be afforded limited weight at this stage of preparation, and subject to their conformity with the NPPF. The evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications.

4.7 The relevant policies in this document are D11- Extensions and Alterations to Existing Buildings and D4 - Conservation Area.

D11 states that proposals to extend, alter or add to existing buildings will be supported where the design:

- Responds positively to its immediate architectural context and local character and history, in terms of the use of materials and detailing, scale, proportion, landscape design and the space between buildings;
- Sustains the significance of a heritage asset and/or its setting and the character and appearance of conservation areas;

- Positively contributes to the setting, wider townscape, landscape and views;
- Protects the amenity of current and neighbouring occupiers, whether residential or otherwise.
- Contributes to the function of the area and is safe and accessible.
- Protects and incorporates trees that are desirable for retention.

4.8 Policy D4 states that development proposals within or affecting the setting of conservation areas will be supported where they:

- are designed to conserve and enhance the special character and appearance of the conservation area;
- leave qualities intrinsic to the wider context unchanged, and respect important views; and
- are accompanied by an appropriate evidence based assessment of the conservation area's special qualities, proportionate to the size and impact of the development and sufficient to ensure that impacts of the proposals are clearly understood.

4.9 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is very limited except where in accordance with the content of the NPPF. Policy H7 - "Residential Extensions" states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours. Policy HE3 reflects the statutory obligation of the Local Planning authority and states that within conservation areas, proposals for external alterations will only be permitted where there is no adverse effect on the character and appearance of the area.

4.10 The Council have an agreed Supplementary Planning Document 'House Extensions and Alterations' dated December 2012 which provides guidance on all types on domestic type development. It offers overarching general advice relating to such issues as privacy, overshadowing, oppressiveness and general amenity as well as advice which is specific to the design and size of particular types of extensions, alterations and detached buildings. A general principle of this guidance is that any extension should be subservient to the existing/original house and in keeping with the appearance, scale, design and character of the house and site. Development should also respect the character and appearance of the road/streetscene the development is located on. Proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing and loss of light, over-dominance and loss of outlook. The underlying objectives of the document are consistent with local and national planning policies and is a material consideration when making planning decisions. Section 7 refers to Character and

Streetscene; Paragraph 7.1 advises that a basic principle is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the streetscene generally. Paragraph 7.4 outlines a series of design principles to be followed to ensure that character and streetscene criteria are met. The siting of an extension should not be detrimental to the pattern of buildings and the spacing between them, extensions should normally appear subservient, yet in keeping with the existing dwelling and area; they should respect the style and detailing of the dwelling and area; external materials should match the colour, size, shape and texture of the materials on the existing dwelling and the use of contrasting materials will be considered case by case and they should have a roof pitch and/or style that reflects that of the existing house. Section 12 deals more specifically with side extensions, with unduly wide extensions being avoided. Section 11 refers to Porches and other front extensions. This says that the fronts of houses and their distance from the pavement are generally important visual features of residential areas. An extension forward of the front wall of a house will not normally be permitted, unless: the house is set well back from the pavement, or is well screened and the extension is small, well designed and would not harm the character of the house/area.

4.11 Dunnington has an approved Village Design Statement (VDS). This document contains a number of recommendations setting out a framework for future development in the village. This document is material to the consideration of this application. It describes the history, visual characteristics and local setting of the village and the surrounding landscape in order to define principles to guide any future development. It identifies distinctive features that give the village its unique character and charm. Design Guidelines for new building developments are listed on page 16 and makes observations in numbers 28, 29, 30 and 31 that any extension should a) avoid the creation of a terraced effect between neighbouring semi-detached/detached properties b) where possible use pitched roofs with complementary roof materials and c) respect neighbours' property, privacy and amenity and consider retention of existing landscaping properties and avoid building that could result in parking outside the curtilage of the property where possible.

Development in a Conservation Area:

4.12 The application site is in the Dunnington Conservation area. In the exercise of its planning functions with regards to development in Conservation areas, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the local planning authority shall pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

4.13 The key issue with this application is the potential impact the extension would have on the historic character and appearance of the Conservation area in line with policy outlines as described above. The proposed development to the principal elevation will replace the two existing "bow" style ground floor windows with two

“bay” windows. Each ground floor window will sit forward of the principal elevation by approx. 500mm depth by approximately 2.9 metres in width. The proposed porch will be to the main entrance which is centred between the two ground floor windows. This structure will measure approximately 800mm in depth by 2.6 metres in width forming a pitched roof of approximately 2.9 metres in height.

4.14 The proposed single storey side extension will be positioned between the main house and the side boundary, removing an existing timber shed. It will be 4 metres in width by approximately 7.5 metres in length. It will be stepped back from the principal elevation by approximately 600mm designed with new glazed openings to the front and rear elevations. The total height will be 4.5 metres forming a mono - pitched roof reducing to approximately 2.4 metres at the eaves height.

4.15 The host dwelling fronts on to Water Lane at its corner with Westwood Mews and is partly screened by the height of the boundary walls around the garden and significant vegetation. The dwellings in this part of the Conservation area are of varied designs and sizes. The extensions will appear compatible with the existing dwelling and are considered to create a cohesive appearance with it, being subservient to it. There will not be extensive public views of the side extension, partly because of the relationship of this elevation with the public highway, and also the extent of boundary treatment in place. The proposed porch and bay windows are relatively modest in scale and are considered appropriate in design, size and scale to the main house. Therefore, with the use of matching materials the proposed development is considered to preserve the character and appearance of the conservation area and would not cause undue harm to the significance of the designated heritage asset.

Neighbour Amenity:

4.16 In relation to the assessment of neighbour amenity, paragraph 13.2 of the Council’s Draft Supplementary Planning Document ‘House Extensions and Alterations’ 2012 advises that the Council will have regard to a number of factors including the impact on sunlight, the relationship to windows and the height of the structure. Paragraphs 5.2 states that an assessment should be made on issues of outlook, regard will be had to the established character of an area and the existing feeling of openness. It is important that neighbours’ do not feel unduly hemmed in by proposals.

4.17 The proposed side extension will be situated approximately 1.5 metres from the shared boundary with the detached bungalow at 6 Kendal Close. The external areas of this house have been inspected. This dwelling is located at the head of Kendal Close and incorporates a double garage situated on the extended driveway to the front of this house. The existing detached annex at the application site forms the boundary wall to the front driveway with this house. This neighbouring dwelling has an ample enclosed west facing rear garden. The depth of the extension would

remain in line with the side wall of this neighbour. It will be set a good distance away from main habitable windows and the outside patio areas serving this dwelling. As such it is not considered the side extension would appear overly dominant to these occupiers, nor would the proposal have a harmful impact on residential amenity in terms of overlooking and loss of privacy.

4.18 No other dwellings would be affected by this development.

4.19 The comments of Dunnington Parish Council about surface water drainage are noted. However, from an engineering perspective it is very difficult to attenuate surface water flows from small extensions such as that proposed. In the absence of an Article 4 Directive bringing all residential extensions within planning control, and in the absence of any such engineering solution, the cumulative impact of small residential extensions on surface water flooding is difficult to manage. Under current legislation, significant areas of side and rear garden, can be hard-surfaced or built upon, using permitted development rights, without planning permission being required. Therefore, it is not possible, at the present time, to apply such recommendations on a consistent basis. In this particular case, taking into account the amount of existing extensions to be removed, It is not considered that the new extension would be likely to result in such a significant amount of additional surface water run-off so as to justify mitigation measures.

5.0 CONCLUSION

5.1 For the reasons stated, the development is considered acceptable, would preserve the character and appearance of the conservation area. With regards to neighbour amenity the development would not create any significant harm in terms of proximity, light or overlooking. For this reason, the proposal is considered to comply with the NPPF, Policy D11 and D4 of the Publication Draft Local Plan 2018, Policies GP1, HE3 and H7 of the 2005 City of York Draft Local Plan, the Dunnington Village Design Statement and the Council's Supplementary Planning Document (December 2012). Approval is recommended.

6.0 RECOMMENDATION: Householder Approval

1 TIME2 Development start within three years

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

Revised floor and elevations plans received on 16 July 2018.

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

3 VISQ1 Matching materials

7.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority advised the agent to submit accurate measurements of the extensions through the submission of revised plans. Thus a positive outcome has been achieved.

Contact details:

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Orchard Cottage, 21 Water Lane

18/00934/FUL



GIS by ESRI (UK)



Scale : 1:1290

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	30 July 2018
SLA Number	Not Set

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