



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

- To:** Councillors Galvin (Chair), Cannon, Craghill, Crawshaw, Dew, Fenton, Flinders, Gillies, Hunter and Mercer and 1 x vacancy
- Date:** Thursday, 4 October 2018
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

Sub-Committee Site Visit Schedule

The mini-bus for Members of the sub-committee will leave from Memorial Gardens at **10:00am Wednesday 3 October 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 Officers on the contact details listed at the foot of this agenda. The deadline for registering is at **5.00pm on Wednesday 3 October 2018**.

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3. Plans List

To determine the following planning applications:

- a) **Savills (Uk) Limited, 48 Bootham, York, (Pages 3 - 36)
YO30 7WZ [18/00550/FULM]**

Conversion of existing office buildings at Nos. 46 and 48 Bootham to 13no. residential units with associated external alterations including erection of two storey rear extension, demolition of rear extension and erection of dwelling in rear car park with associated car parking and landscaping and access from Marygate along Galmanhoe Lane **[Guildhall]**

- b) **Acomb Bowling Club, Front Street, York, (Pages 37 - 62)
YO24 3BZ [18/00586/FULM]**

Erection of 10no. dwellings following demolition of existing buildings **[Westfield]**

- c) **14 Hopgrove Lane North, York, YO32 9TF** (Pages 63 - 72)
[18/01878/FUL]

This application seeks permission for a single storey rear extension to 14 Hopgrove Lane North (resubmission)
[Huntington/New Earswick]

- d) **Proposed Lidl Store, James Street, York,** (Pages 73 - 88)
YO10 3DW [18/01218/FULM]

Erection of food store (use class A1) with associated access, parking and landscaping **[Guildhall]**

- e) **Land Adjacent To Cinder Lane Holgate** (Pages 89 - 106)
York [18/01685/FULM]

Siting of a 2 storey modular buildings to accommodate office use for a 5 year temporary period together with associated works to support the implementation of rail infrastructure project.
[Holgate]

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 مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

AREA PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 3 October 2018**

**The mini-bus for Members of the sub-committee will leave from
Memorial Gardens at 10.00**

TIME (Approx)	SITE	ITEM
10.10	48 Bootham	
10:50	Acomb Bowling Club Front Street	
11.40	14 Hopgrove Lane North	
12.10	Proposed Lidl Store James Street	

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COMMITTEE REPORT

Date: 04.10.2018 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 18/00550/FULM
Application at: Savills (Uk) Limited, 48 Bootham, York YO30 7WZ
For: Conversion of existing office buildings at Nos. 46 and 48 Bootham to 13no. residential units with associated external alterations including erection of two storey rear extension, demolition of rear extension and erection of dwelling in rear car park with associated car parking and landscaping and access from Marygate along Galmanhoe Lane
By: The Bootham Syndicate
Application Type: Major Full Application (13 weeks)
Target Date: 9 October 2018
Recommendation: Approve

1.0 PROPOSAL**THE SITE**

1.1 The application site comprises two three-storey terraced buildings (No. 46-48 Bootham) and associated land being the landscaped gardens and car park at the rear. The vehicle access along Galmanhoe Lane from Marygate is also included in the application site, although understood to be outside the ownership of the applicant. Nos. 46 to 48 Bootham are two substantial properties, built in the mid-20th century to a traditional design. They are constructed of dark brown brick with a clay rosemary tiled mansard roof, with timber sliding sash windows, and three entrances from the street. At the rear, No.48 has a slim three storey offshoot extending 1m in depth beyond the main rear elevation. However this offshoot is read from Marygate as extending 4.4m beyond the rear of No.46 as the depth of the property is less than No.48. There is also an existing single storey flat roofed rear offshoot to No. 48 extending a total of 10m beyond the main rear elevation and 6m in width.

1.2 The buildings are both currently in use as offices, although not fully occupied. The car park provides space for parking for 18no. cars and 8no. bicycles in a semi-enclosed timber shelter. Residential properties adjoin the site on all sides, with St Mary's Abbey Walls, the Museum Gardens and Art Gallery positioned to the south-east of Marygate. The site contains two trees; a holly and a cherry of moderate size. However there are two large mature trees, a cherry in the garden of No.14 Marygate and a horse chestnut in the garden of No.50 Bootham, whose canopies extend over the site and are visible from outside the public realm as well as private gardens and thus are relevant to the application.

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1.3 The site is within the Central Historic Core Conservation Area, the City Centre Area of Archaeological Importance and is within the setting of St. Mary's Abbey precinct walls; a scheduled monument and Grade 1 listed building. It is also within the wider setting of the Grade II listed telephone kiosk next to St Mary's Tower. It is within flood zone 1 (low risk of flooding).

PROPOSAL

1.4 The planning application is for the conversion of the existing office buildings at Nos. 46 and 48 Bootham to 13no. residential units with associated external alterations. A new separate dwelling is also proposed in the south-west of the site close to Galmanhoe Lane bringing the total number of units to 14. In total, 3no. one-bedroom units are proposed and 11no. two bedroom units.

1.5 Since the original submission, amendments have been made to the proposals including reducing the overall number of residential units proposed from fifteen to fourteen in total, a reduction in height and length of the rear extension and a reduction in height of the separate dwelling. There has been an increase in car parking spaces and a reduction in the size of the communal garden. Balconies have been removed from the scheme to be replaced by dormer windows. The rest of this report therefore relates to the final scheme presented for consideration.

1.6 The scheme for the existing buildings, No. 46 and 48 Bootham, includes the demolition of the slim three storey rear offshoot and longer single storey flat roofed offshoot and the erection of a new two storey rear extension to No. 48 Bootham. The extension is designed to reflect the design of the host building and would be 7.5m in length and 6.0m in width, and 9.6m to the eaves and 12.0m to the ridge. Windows are positioned on the south-west elevation and on the south-east elevation but only on the ground floor of the north-west elevation. To facilitate conversion of the roof space of the main buildings into two flats, two traditionally designed dormers at the front, and three at the rear are proposed. An orangery is proposed at the rear of No. 46 Bootham for the ground floor apartment (unit 1).

1.7 The separate dwelling is designed in the context of the domestic scale two storey residential dwellings on Galmanhoe Lane. It is set back from the lane and sits adjacent to its neighbour to the west 'The Old Stables'. The dwelling would be one and a half storeys in height, and constructed of traditional materials; brick with a pitched slate roof, timber windows and doors and lead clad oriel window at first floor on its north-east elevation.

1.8 The existing entrance to the car park from Galmanhoe Lane comprises a brick wall 2m in height with inward opening timber gates, and small planting beds. This wall, beds and the gates are to be removed. The proposals show the entrance into the car park repositioned to the right adjacent to No.14 Marygate with a low linear planting

bed, marked by timber bollards within the site and framing the parking space for the cottage. The new entrance would be 5m in width. A further 8no. car parking spaces for the flats will be provided north of the new dwelling. A communal brick built cycle store will provide storage for 10no. cycles. Refuse is in a timber refuse store in the car park and within the garden of the new dwelling.

1.9 The three ground floor flats would benefit from private gardens bounded by metal railings and hedging. Individual secure cycle storage will be provided in the gardens for the three ground floor flats. A small landscaped communal garden for residents is provided. The existing cycle store is to be demolished and the two trees within the site removed; the cherry and a holly. The existing mature horse chestnut in the garden of No.50 is to be crown lifted of branches overhanging the application site.

RELEVANT PLANNING HISTORY

Application site

1.10 On 17.08.2017, permission was granted for the change of use of Nos. 46-48 Bootham from offices to 11no. dwellings (use class C3) under Class O Part 3 Schedule 2 of Article 3 of The Town and Country Planning (General Permitted Development) Order 2015 as amended (reference 17/01541/ORC).

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006
Conservation Area GMS Constraints: Central Historic Core CONF

2.2 Policies:

York Local Plan Publication Draft (February 2018)

DP3 Sustainable communities
EC2 Loss of employment land
D1 Placemaking
D4 Conservation areas
D5 Listed buildings
D10 City walls and St Marys Abbey
D11 Extensions and alterations

City of York Draft Local Plan (incorporating 4th set of changes, April 2005)

GP1 Design
GP10 Infill development

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HE2 Development in historic locations
H4a Housing windfalls
E3b Existing and proposed employment sites

3.0 CONSULTATIONS

INTERNAL

Forward Planning

3.1 The updated memo advises on the relative weight which should be attributed to the NPPF 2018, and the draft and emerging local plans. The application should principally be addressed against the NPPF 2018. Some limited weight can be afforded to draft policies in the 2005 Draft Local Plan where consistent with the revised NPPF 2018. The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018 and can be afforded weight due to its stage, the level of unresolved objections to relevant policies and the degree of consistency of policies with the NPPF 2012.

3.2 However the emerging affordable housing policy H10 in the 2018 Draft Plan is not applicable as the Council has concluded it is only to be applied for applications received after 25th May 2018. This is because it is considered unreasonable and unfair to require a contribution from developers who submitted a pre-application planning enquiry and would have undertaken feasibility work based on the planning policy documents of the time prior to submission of the 2018 Draft Plan. The Council's interim affordable housing targets should therefore be used and in the case when less than 15 units, a contribution is not required. No objections to the loss of employment space as this has been established through the GDPO 2015 and approval reference 17/01541/ORC.

Design, Conservation and Sustainable Development (Conservation)

3.3 The original scheme submitted was not supported by conservation officers. The length and height of the proposed rear extension combined to produce a scale that would be alien to the character of the south-west side of Bootham. The height would block views of the treed backdrop. The area of blank wall above the first windows is uncharacteristic and bulky and the number of rooflights excessive. The applicant was advised to reduce the height of the extension to 1.5 storeys or 2 storeys if the length was reduced and the ridge line should follow the stringer course of the host building. The proposed dormers on the front elevation to Bootham were overly dominant and their scale should be reduced. The lift shaft/chimney feature should be reconsidered, it may not be necessary for a modern lift installations. The inset balconies at the rear should be omitted in favour of rear dormers. Existing windows should be retained and upgraded with discrete secondary glazing. Close boarded fencing is incongruous and finer metal estate type fencing should be considered, reinforced with native hedge

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planting. The design of the proposed new cottage is generally sympathetic and appropriate, however the proposed height sits uncomfortably in relation to the much lower converted Stables building adjacent and both the eaves and ridge should be reduced.

3.4 Following revisions, all of the recommendations above have been incorporated and the scheme can be supported subject to conditions.

Design, Conservation and Sustainable Development (Archaeology)

3.5 The site lies in the central Area of Archaeological Importance and in an area that has produced archaeological features and deposits that are of national, regional and local archaeological significance. The site has the potential to contain archaeological deposits dating from all periods. The earliest features may be covered by garden soil 1-2m thick. Intrusive evaluation trenching must be carried out to confirm the depth of the post-medieval garden soils and whether the proposals will have any impact upon earlier archaeological deposits. This can be conditioned.

3.6 An evaluation trench will also need to be dug in the footprint of the proposed dwelling to the rear of the site. The results of this will inform whether any further mitigation measures are required through monitoring or excavation. A further trench should be dug on the site of the orangery to ascertain the depths of the soils in that area or this can be covered through a watching brief. This can be negotiated between the archaeologist and developer. An archaeological watching brief will be required for the foundation works for the new extension following demolition of the existing. Three conditions are advised.

Design, Conservation and Sustainable Development (Landscape)

3.7 The applicant has submitted a detailed tree survey, and an Arboricultural Impact Assessment (AIA). The mature cherry (T2) and horse chestnut (T5) outside the site but whose canopy and root zones will extend into the site are worthy of TPOs but are protected by being in the conservation area. They, together with other trees, are visible in views from the public art gallery balcony and from Marygate. Whilst crown lifting of the horse chestnut is proposed, it should only be to 2.5m as there will be no large construction vehicles on site. The latest proposal does not pose an unreasonable threat to the retention of the trees. An Arboricultural Method Statement is advised as a condition which should be compiled in collaboration with the contractor to protect the cherry and horse chestnut which extend into the site. The hard and soft landscaping proposals submitted are supported. Some improvements to the design are advised including the planting of two additional trees.

Design, Conservation and Sustainable Development (Ecology)

3.8 An initial ecology survey undertaken in March 2018 found the building to have features suitable for use by roosting bats, including gaps beneath ridge tiles on the roof, and below lead flashing. Overall it was assessed as having low suitability to support roosting bats and no direct evidence of bats were found. One dusk emergence survey was undertaken on 20th July 2018. Very low numbers of common pipistrelle bats were recorded foraging and commuting around the site but no bats were seen to emerge from the building and therefore it is concluded that it is unlikely to support a bat roost. Taking a precautionary approach to works on the building is recommended, and a condition for the provision of bat boxes on the new extension advised.

Highway Network Management

3.9 The applicant has submitted revised plans showing the proposed swept path of a large car. Highways officers have no objections in principle to the development from offices to residential. Indeed, the change of use has already been approved in the application 17/01541/ORC and is of similar impact to this proposal in highway terms. The location is particularly sustainable being so close to central York. Cycle and car parking is proposed as part of this application, and is acceptable in terms of our CYC Appendix E cycle parking standards.

3.10 Officers have some concerns regarding the construction of the proposed development, particularly as the applicant does not appear to have full support of the use of Galmanhoe Lane. This lane has restricted width and concerns relate to the type of construction vehicles expected; however this is a private matter. Highways officers cannot support any construction activity affecting the highway such as footpath closures, construction deliveries, skips etc on Bootham or Marygate. The applicant should be made aware that construction access from Galmanhoe Lane, should it be arranged privately, would be supported by Network Management.

3.11 This is a particularly restricted site and thus a Method of Works condition is advised to ensure minimum impact on the highway during construction.

Flood Risk Management

3.12 The submitted drainage information is not approved as site specific infiltration testing is required to support the proposed permeable paving, attenuation may be required and there are no details of how foul water will be disposed of. However a revised scheme and details can be agreed by condition.

Public Protection

3.13 PP have reviewed the application considering noise, dust, light, odour, land contamination, air quality etc. and have no objections subject to conditions. These include noise insulation for the residential properties to protect them from noise from

the road, restriction on construction hours and the requirement for investigation for land contamination and subsequent remediation if required, due to the past industrial uses of the site. One electric vehicle charging point for the flats, and one for the cottage is also required.

Lifelong Learning and Leisure

3.14 No comments received.

Educational Planning Officer

3.15 No comments received.

Housing Services

3.16 Initially suggested an affordable housing contribution would be required but following amendments to the scheme to reduce the total number of units to 14 in total, agreed that a contribution was not required.

EXTERNAL

Guildhall Planning Panel

3.17 No objections, although Unit 7 (original submission) is very small.

Yorkshire Water

3.18 No response received.

Ouse and Derwent Internal Drainage Board

3.19 The Foss IDB responded stating that the site sits outside of the Board's drainage district and that there are no Board maintained watercourses in the vicinity.

North Yorkshire Police -Designing out crime

3.20 The police officer highlighted the relatively high level of crime and anti-social behaviour in the area which could impact upon the security of the scheme. Whilst not objecting to the proposals, recommendations are made to improve security.

Neighbours/interested parties

3.21 Eleven neighbours/organisations have objected to the application on the following grounds:

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- Loss of employment floorspace for two existing business who have occupied the building in part since 1995 and do not wish to relocate. There is a severe shortage of office space in the city centre as a result of 'permitted development' and despite indications to the contrary, it is believed there is a healthy demand for city centre offices. The loss of office space and conversion to other uses, including short term holiday lets, is having a negative impact on the city centre and particularly 'hen and stag party' culture.
- Overdevelopment of the site with 14 dwellings.
- Ownership of Galmanhoe Lane should have been established prior to the application being submitted and discussions held with the owners regarding access.
- Objections to the proposed cottage, siting, design and height. There is inadequate separation distance to Galmanhoe Mews.
- The proposed cottage will block sunlight to the solar panels on the roof of The Old Stables and to neighbours at Galmanhoe Mews.
- Safety concerns for people using Galmanhoe Lane and property bordering it, both during construction and following occupation. This is based on past experience. The issues over safety and access on the private lane are not outside the planning process but should be considered in the application.
- The swept path does not show how larger vehicles will access the site; construction vehicles, delivery vehicles and refuse vehicles. Galmanhoe Lane is very narrow and visibility poor onto Marygate.
- Refuse should not be stored and collected from Galmanhoe Lane.
- Galmanhoe Lane is privately owned. Whilst the owner has a right of access, what is proposed goes beyond these rights and this issue has not been resolved. The removal of the party wall into the site has not been agreed, nor the shrub beds. New drainage connections have not been agreed. Damage during construction and post occupation should be repaired. Maintenance costs should be agreed.
- Construction access should be from Marygate or Bootham if possible.
- Combined and cumulative impact with harm to residents amenity as a result of the proposed development as well as the various schemes to the south of Galmanhoe Mews at the Post Office Social Club recently approved or in the pipeline.
- Increased air pollution which should be monitored.
- Loss of privacy for residents at No.50 Bootham and No.14 Marygate. Overbearing impact on resident's gardens.
- The extension and cottage will have an over-bearing impact on the neighbours at No.50 Bootham. The rear extension will obstruct views of the Minster and the cottage will block views of the sky.

- The gap between The Old Stables and No.14 Marygate is an important feature in the street scene and the dwelling would infill this gap, comprising town cramming and harming the conservation area.
- The proposed extension harms the conservation area. The revised extension design looks contrived and relates poorly to the host. The revised plans for the cottage introduce further opportunities for looking into No. 14 Marygate from the second bedroom window.
- Loss of light to the rear of the Old Stables.
- Objections to the crown lifting of the horse chestnut by the owner (neighbour).
- Drainage proposals are unclear.
- Noise, dust and traffic during the construction period.
- Insufficient car parking for 14 new dwellings on site.

4.0 APPRAISAL

KEY ISSUES

4.1 The key issues are:

- Principle of development
- Loss of employment floorspace
- Impact on heritage assets and design
- Residential amenity
- Highways and access
- Drainage

The National Planning Policy Framework (July 2018)

4.2 The revised National Planning Policy Framework was published on 24 July 2018 (NPPF) and its planning policies are material to the determination of planning applications. It is against the NPPF (as revised) that this proposal should principally be assessed.

4.3 The NPPF sets out the Government's overarching planning policies. Paragraph 7-10 explains that the purpose of planning is to contribute to achieving sustainable development. Development proposals that accord with an up-to-date development plan should be approved without delay. Where there are no relevant development plan policies or where they are out of date, planning permission should be granted unless policies in this framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed (such as designated heritage assets), or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. As such therefore in this case, as the site is in a conservation area and

within the setting of listed buildings, the presumption in favour of sustainable development may not apply if it is considered that any harm to heritage assets are identified in which case the more restrictive policies are applicable.

4.4 Section 16, conserving and enhancing the historic environment, states that the significance of heritage assets should be sustained and enhance with new development should make a positive contribution to local character and distinctiveness. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation (and the more important the asset the greater the weight should be). This is irrespective of the level of harm from any proposal. Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification (paragraphs 193-4). New development within conservation areas and within the setting of heritage assets should enhance or better reveal their significance. Proposals which preserve those elements which make a positive contribution to the asset should be treated favourably (paragraph 200).

4.5 Section 5 on housing at paragraph 68 highlights how small and medium sizes sites can make an important contribution to the housing requirement of an area, giving support to windfall sites. The revised NPPF is silent on the loss of office space, with section 6 generally supporting a strong and competitive economy.

4.6 Section 9 promotes sustainable transport and in determining applications, appropriate opportunities to promote walking, cycling and public transport use should be taken up, safe and suitable access to the site should be achieved for all users and any significant impact from the development on the transport network or on highway safety should be mitigated. Development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the impact on the road network would be severe. Development should create places that are safe, secure and attractive which minimises scope for conflict between pedestrians, cycles and vehicles.

4.7 Section 11 on making effective use of land gives substantial weight to the value of using suitable brownfield land in settlements for homes and promotes and supports the development of underutilised land and buildings especially for housing. Planning decisions should reflect changes in the demand for land. Support should be given for development that makes efficient use of land in the context of maintaining an area's character and setting and the importance of securing well-designed, attractive and healthy places.

4.8 Section 12 underlines the importance of good design stating that the creation of high quality buildings and places is fundamental to planning. Paragraph 127 states that planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture,

layout and landscaping, are sympathetic to local character and history, establish and maintain a strong sense of place and use appropriate materials.

York Local Plan Publication Draft (February 2018)

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

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

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

4.11 The site lies just outside the city centre boundary and is unallocated on the proposals map. Policy EC2 states that proposals which involve the loss of employment land/buildings will be required to demonstrate that the existing buildings are demonstrably not viable in terms of market attractiveness, business operations, condition or compatibility with other uses or that the loss of the site would not harm the ability to meet employment needs over the plan period.

4.12 The emerging affordable housing policy H10 is considered to carry moderate weight in accordance with NPPF (2018) paragraph 48, as it is backed up by robust evidence base and has not been subject of unresolved objections. However, the Council has concluded that this policy applies to applications received after 25 May 2018. This is because it is considered unreasonable and unfair to require a contribution from developers who submitted a pre-application planning enquiry and would have undertaken feasibility work based on the planning policy documents of the time prior to submission of the 2018 Draft Plan. The Council's interim affordable housing targets should therefore be used in determining the application, as they reflect the Council's position and evidence at the time the application was submitted. In the context of interim targets, the Council would not require an affordable housing contribution from this development as it is only applicable should the scheme have provided 15 units or more.

4.13 Policy DP3 Sustainable communities, sets out general principles including respecting the historic character of York, delivering high quality design and appropriate density layout and scale, whilst ensuring appropriate building materials are used. Policy D1 Placemaking (read together with the schedule of minor modifications 25.05.2018) states that development proposals that fail to make a positive design contribution or cause damage to the character and quality of an area will be refused. Design should consider residential amenity so that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing.

4.14 Policy D11 extensions and alterations, supports proposals that respond positively to their immediate architectural context and local character in terms of use of materials, detailing, scale, proportion and landscape design. The significance of heritage assets and their setting and the character and appearance of conservation areas should be sustained. The amenity of current and neighbouring occupiers should be protected. Trees that are desirable for retention should be.

4.15 Policy D4 conservation areas supports proposals which preserve or enhance the special character and appear and of the conservation area and which would enhance or better reveal its significance and respect important views. Changes of use will be supported where the proposed new use would not harm the conservation area and the primary use of the building can no longer be sustained. Policy D5 explains that proposals which affect the setting of a listed building will be supported where they preserve, enhance or better reveal those elements which contribute to the significance of the building or its setting. Policy D10 conserves and enhances the values and significances of York City Walls and St Mary's Abbey Walls and protects their setting.

City of York Draft Local Plan (incorporating 4th set of changes, April 2005)

4.16 The City of York Draft 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 as revised in July 2018, although the weight that can be afforded to them is very limited.

4.17 Policy HE2 states that within conservation areas proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. Policy GP1 Design requires development to be of an appropriate scale and design, compatible with neighbouring buildings and using appropriate building materials. Residential amenity should be protected. Policy GP10 states that permission will only be granted for infill development where this would not be detrimental to the character and amenity of the local environment.

4.18 Policy H4a states that housing windfalls will be granted planning permission providing the site is within the urban area and is underused, involves infilling, redevelopment or conversion, it has good accessibility, is of an appropriate scale and density and would not have a detrimental impact on existing landscape features.

4.19 Policy E3b protects existing employment sites stating that permission for other uses will only be given where there is a sufficient supply of employment land to meet immediate and longer term requirements, unacceptable environmental problems exist or the development of the site for other appropriate uses will lead to significant benefits to the local economy.

CONSIDERATION

Principle of development: Loss of employment floorspace and provision of housing

4.20 Current planning policy, set out in the NPPF 2018, is clear that housing development is given strong support by government. The site is close to the city centre and its range of facilities, and comprises conversion of an underused building.

4.21 Class O Part 3 Schedule 2 of Article 3 of The Town and Country Planning (General Permitted Development) Order 2015 as amended allows for the change of use of an office building to residential providing that there are no objections on the grounds of transport and highways impact, contamination, flooding or noise from commercial premises. Whether the building is occupied or not, is not a consideration. On 17.08.2017, permission was granted for this change of use through the prior approval process and thus this is the fall back position. The loss of employment floorspace on this site has already been permitted.

4.22 The current application is for planning permission for the change of use as well as more intensive use of the building with subsequent operation development (eg dormer windows, part demolition and extension and new detached dwelling). As a planning application, it must now be determined against the planning policy context which requires evidence of marketing and details of why the space is no longer viable as office space. Clearly the above approval is a material consideration.

4.23 Nos. 46 to 48 Bootham were occupied by Savills who have now relocated within the city centre. No.46 has been sub-let to Taikoo Books and Stapleton Waterhouse for the last 25 years and they are considered long-term tenants of the building, although the latter's lease is due to expire in July 2019. Brownslow Wilson now occupy the ground floor of No.48 on a short lease. The middle floor of No.46 is currently vacant as are the first and second floors of No. 48.

4.24 The applicant has submitted a statement supporting the change of use. Officers are advised that the property has been marketed for over six months and has not been fully let. The offices are classed as 'Grade B', being in need of some

modernisation, are cellular in nature and lacking in facilities such as lifts and air conditioning. The 2016 Employment Land Review states that there is an over-supply of Grade B office space in the city centre. Additional Grade A space has only been provided in purpose built accommodation for specific end users. It is unlikely that the building will be upgraded as no occupier for the full use of the buildings has been found.

4.25 The desire of existing occupiers of No.46 Bootham to remain in the building is noted, and of the reported difficulty in securing alternative accommodation. However, unfortunately it has been government policy to allow this change of use from office to residential without full consideration of the impact of so doing. It is clear that the building has not been fully let for some time, and the risk for any tenant on any lease is that it may not be indefinitely renewed. Whilst officers are sympathetic to the objection of existing occupiers, as the change of use has already been permitted, there can be no objection to the change of use proposed in the current application.

Impact on Heritage Assets, Design and Neighbour Amenity

4.26 Nos. 46 to 48 are mid 20th century buildings, constructed to a traditional design. Whilst in the Central Historic Core Conservation Area they are not listed. To the rear of No. 48 are a slim three storey offshoot and a larger single storey flat roofed offshoot. These together with an external metal fire escape staircase are to be removed. The revised plans in this application propose a two storey extension of reduced length and this has been agreed as a 1.5 storey extension would require an uncharacteristic number of dormer windows/rooflights to provide acceptable living space. The plans show a design and layout that prevents unacceptable overlooking of neighbours property at No. 50 Bootham and No. 14 Marygate. The north-west elevation of the extension has no windows at first floor, but the mass is broken up through mock recessed window openings. The boundary wall prevents any overlooking between ground floor windows and garden areas of No. 50 Bootham. The extension only becomes visible at a distance of 10m and this separation is considered acceptable. The loss of a view (of the Minster and St Mary's Tower) from the garden is not a planning consideration as views are not protected, only a reasonable loss of outlook, which is not the case here.

4.27 The length of the extension has also been reduced from the original submission such that separation distance between the south-west elevation and the garden boundary wall of No.14 Marygate of 3.6m is achieved. Layout has been altered so that the extension is separate from the main building with principle habitable space (lounge, dining and kitchen) at ground floor and bedrooms at first floor. A small window at first floor to the second bedroom would have some oblique views over the northern end of the garden of No.14 Marygate but are not considered to result in a sufficient loss of privacy to warrant an objection to the scheme. In coming to this view, the design and layout of the house and garden have been considered. No.14 benefits from an unusually large garden for a city centre property and an unusually high level

of privacy to date. The back of the house borders the application site and has very few windows. Those that are provided are secondary windows to the kitchen and first floor bedroom and to a long corridor joining the first floor rooms. The main garden spaces are to the south-east of the house, which the lounge opens out on to a formal patio and lawn area. The character of the north-eastern half of the garden is mature with planting beds and mature trees. The proposed extension will be visible in this part of the garden but overlooking will be oblique and from bedrooms at an angle. The existing buildings have been occupied as offices for some time with potential for overlooking of the garden, especially in winter months when the trees are without leaves. The building has been occupied as offices for some time and the conversion to residential is not considered to introduce harmful overlooking of neighbouring property.

4.28 The applicant was advised that the ridge height of the extension should follow the stringer course and that dormers should be small paired side-hung casement windows under a flat lead roof with modest projecting cornice detail. These amendments have been made to the design.

4.29 The extension to would be visible from public viewpoints in the conservation area including from Marygate, and from the balcony of the Art Gallery and its garden at the rear. In this context the proposals are seen in the backdrop of St. Mary's Abbey precinct walls; a scheduled monument and Grade 1 listed building. The height now proposed now enables the treed backdrop to be appreciated and the traditional design to match the host building preserves the character of this part of the conservation area.

4.30 To the south-west of the site, a new one and a half storey dwelling is proposed. The context for this dwelling is the smaller scale, domestic proportioned mews types dwellings on Galmanhoe Lane. Nos. 1 to 4 Galmanhoe Mews are relatively new dwellings (planning permission granted in 2010) to a high quality design. The lane also includes terraced properties along Marygate and converted stables which originally formed ancillary structures to the large properties on Bootham.

4.31 The scale of the dwelling has been reduced since submission so that it is more in keeping with surrounding properties on the lane in terms of design, choice of materials and scale. Whilst the ridge is 0.8m higher than the Old Stables, this is offset back the placing of the dwelling 4.0m from the lane. Whilst the neighbours objection is noted about the solar panels on the south-west roof slope and potential loss of sunlight, it is not considered that the new dwelling would have notable impact at all, or at most for a short period in the very early morning when light is at its weakest. The eaves height match the Old Stables. Greater weight would be given to loss of daylight on neighbour amenity. It is not considered there is any harm to neighbour amenity for residents of the Old Stables nor No.50 Bootham as a result of the introduction of the new dwelling. The position of the dwelling with 12m separation to Galmanhoe Mews does not cause any loss of amenity, outlook or loss of daylight for residents.

4.32 Consideration has been given to the impact of the new dwelling on occupants of No.14 Marygate at a distance of 4m. As explained above, the house is designed to face south-east towards the garden and Marygate. The new dwelling would be a change, particularly to the outlook from the second window to the kitchen but as there are other windows to the same room and a partial low wall restricting outlook and beyond which is the wall of The Old Stables anyway, there is minimal harm which are outweighed by the wider benefits of the scheme. At first floor, the long corridor is a feature of the house with outlook to the north and west but the new dwelling would not restrict this unduly. The dormer bedroom window in the new dwelling is not a main habitable space and its impact is considered acceptable on residents of No. 14 Marygate.

4.33 In terms of potential impact on archaeological deposits, the Council's heritage project officer is satisfied that this can be controlled by condition. A number are recommended as it is thought to be a medium-high risk of significant deposits being encountered in this location.

4.34 It is noted that there have been recent planning permissions at the rear of Galmanhoe Mews associated with Post Office Club and car park. A current planning application being considered is for five units. The proposals for 46-48 Bootham, including the new dwelling are not considered to harm openness or outlook from the front of the mews and thus the proposals at the rear must be considered on their own merits. In terms of disruption and construction noise impact, it is not possible to limit the number of developments occurring at any one time nor the phasing of them. Conditions can be advised on construction hours and informatives on best practice.

4.35 In summary, the proposals are found to maintain and enhance the character of this part of the Central Historic Core Conservation Area and preserve the setting of St Marys Abbey Precinct Walls. Any impact on archaeological deposits that may or may not be identified within the site can be protected by an agreed method for archaeological evaluation, recording and watching brief as necessary. As such the proposals can be supported from both heritage perspective and protection of neighbour amenity.

Highways and access

4.36 The proposal is for 14no. new dwellings within the site through conversion and new build. The scheme provides 8no. car parking spaces for the flats plus one for the separate dwelling. In this city centre location this level of provision is considered acceptable and together with secure cycle storage should encourage more sustainable modes of travel for residents. There is one secure communal store for 10no. bicycles. Individual cycle stores will be provided within the gardens of the ground floor apartments. Refuse storage is in a semi-enclosed timber store close to

the new dwelling. There are direct and attractive walking routes close to the site, for example through the Museum Gardens and along the river.

4.37 Pedestrian access will be from the Bootham frontage with a secondary access from Galmanhoe Lane. Vehicles will enter the site from Galmanhoe Lane. Galmanhoe Lane is not a new entrance and also serves a number of other residential properties, as well as the offices to date. It is likely vehicle movements will be reduced from existing. The existing access into the car park will be altered through the removal of the wall and erection of shrubbery and timber bollards.

4.38 The applicant has provided swept paths to show how the altered access into the car park and from the lane and Marygate could be achieved. Whilst the width of the lane is restricted (3m at its narrowest point) the swept paths illustrate that the car park is accessible. It is noted that there are concerns over conflict between vehicles and pedestrians along this lane, however it has provided access to residential properties as well as the offices on Bootham for some time. Whilst the use of the lane by new residents of the development may be at different times to office workers, overall there is likely to be a similar level of movement, or in fact a reduction with the reduced availability of parking provision (currently 18, reducing to 8 spaces in the proposals for the flats and one for the dwelling). As previously, as a lane bounded by mews type residential properties, care must still be taken to avoid conflict between pedestrians and vehicles, including for more vulnerable users such as children. The bollards in place should prevent encroachment onto the small forecourts in front of the mews.

4.39 Many of the objections from neighbours focus on the rear access to the site from Galmanhoe Lane and Marygate, both during the construction period, and post occupation from refuse lorries and delivery vehicles. At an early stage and in the previous application, highways officers have advised that all construction activity must be from this lane and not from Bootham or Marygate due to the likely disruption and impact on highway safety. Any vehicles parked for skips/ deliveries outside the development would interfere with the flow of vehicles, cyclists and pedestrians and sightlines from Marygate. Permanent skips would not be allowed on Bootham or Marygate. Marygate is used to access a 325 space Local authority car park with a steady flow of cars throughout the day. No vehicles will be able to park on Marygate without obstructing it, due to its restrictive width. These matters during construction are covered by other legislation and the highways officer has proposed a suitable condition to agree method of works during construction to minimise impact on neighbours and highway users.

4.40 Concerns have been raised by neighbours over private ownership of the lane and access rights. Access and ownership is a private legal matter and is for resolution between owners and the developer. Any planning permission does not over ride property rights. Planning permission therefore may not be implementable if the developer does not have rights of access along the lane. This relates to both residents of the new dwelling and during construction. Highways officers have advised that

access and parking for construction vehicles from Bootham and Marygate will not be permitted. Construction vehicles would thus need to either access the site from Galmanhoe Lane (subject to access rights) and/or bring in materials in small vehicles/wheeled from eg. Marygate car park. As part of discussions with the developer, (assuming access is agreed), neighbours have been advised to agree a dilapidation survey before and after any development takes place to ensure that any damage to the private lane by the developer can be rectified. However, the local planning authority cannot condition this on private land.

Other matters

4.41 The drainage details have not been agreed prior to determination and the applicant has agreed to the drainage conditions proposed by the Council's drainage engineer. The request for last minute changes to landscaping; the addition of two trees is not considered fundamental to the scheme and has not been pursued. Adequate refuse storage is provided within the site. The applicant has advised that a commercial waste company will collect the bins from Marygate and will thus not access Galmanhoe Lane.

5.0 CONCLUSION

5.1 The application is for the conversion and extension of Nos. 46 to 48 Bootham and erection of a detached dwelling at the end of the car park. The proposals would not harm heritage assets and the proposals are considered to preserve and enhance this part of the Central Historic Core Conservation Area and the setting of St Marys Abbey Precinct Walls. The site is in a sustainable location close to the city centre and range of facilities. It will provide much needed residential accommodation in an underused office building. It is of an appropriate design and will not cause undue harm to neighbour amenity. Whilst the entrance into the site is widened but relocated closer to the property boundary, submitted swept paths show that adequate space is provided for turning into the site and back out onto Marygate. As such the application is found to be in accordance with relevant sections of the NPPF 2018 including section 16 on conserving and enhancing the historic environment, and section 11 on making effective use of land. It is also found to be in accordance with emerging policies in the Publication Draft 2018 including DP3 Sustainable communities, D1 Placemaking, D4 Conservation areas, D5 Listed buildings, D10 City walls and St Marys Abbey and D11 Extensions and alterations.

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 and other submitted details:-

Location Plan, 001 rev. P03

Proposed demolition site plan, 045 rev. P03

Proposed demolition section, 090 rev. P01

Proposed demolition elevations, 080 rev. P01

Proposed demolition elevations, 081 rev. P01

Proposed demolition section, 090 rev. P01

Proposed site plan - extension and new cottage, 105, rev. P10

Proposed site plan - extension and new cottage, 106, rev. P05

Proposed ground and first floor plan - Renovation and extension, 110 rev P10

Proposed second and third floor plan - Renovation and extension, 111 rev. P10

Proposed ground and first floor plan - new cottage, 112 rev. P08

Proposed elevations - renovation and extension, 131 rev. P10

Proposed elevations - renovation and extension, 130 rev. P10

Proposed elevations new cottage, 132 rev. P08

Proposed section - renovation and extension, 140 rev. P06

Hard landscape proposals - main building, 2808/4 rev. D

Hard landscaping proposals - cottage, 2808/5 rev. D

Detailed soft landscape proposals, 2808/6 rev. B

Colour plan, 2808/7 rev. A

Proposed plans and elevations -Cycle store and refuse store, 133 rev. P01

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

3 Prior to commencement of built development hereby approved samples of the proposed bricks and roofing materials shall be submitted for the written approval of the local planning authority. Thereafter the development shall be carried out and maintained in accordance with the details so approved.

Any infill brickwork in the host building shall be matching in terms of colour, size and surface finish to the satisfaction of the local planning authority.

Reason: To preserve the character of the conservation area and to protect visual amenity.

4 Prior to commencement of the hard landscaping works in the development hereby approved samples of the proposed surface treatments shall be submitted for the written approval of the LPA. Thereafter the development shall be carried out and maintained in accordance with the details so approved.

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Reason: To preserve the character of the conservation area and to protect visual amenity.

5 Prior to commencement of the development hereby approved and notwithstanding the details within the application, sectional drawings shall be submitted at a scale of 1:5 or 1:10 as appropriate of the following details for the written approval of the local planning authority:

- Details of the existing windows and doors where relevant illustrating the proposed arrangement of the proposed slim double glazing units to be retro-fitted.
- Details of all new windows to the development (to the main building and the separate cottage).
- Details of the dormer window construction.

Thereafter the development shall be carried out and maintained in accordance with the details so approved.

Reason: To preserve the character of the conservation area and to protect visual amenity. The details are required prior to commencement so that the full details can inform construction of the scheme from the outset.

6 The windows and doors will have a painted finish in white or off-white colour and maintained as such for the lifetime of the development, unless otherwise agreed with the local planning authority.

Reason: To preserve the character of the conservation area.

7 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 development is first occupied. They shall be in accordance with the details on the approved plans, ie. metal railings and hedging. Thereafter, they shall be provided in accordance with the approved details before the development is first occupied.

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

8 Prior to commencement of the development hereby approved and notwithstanding the details within the application, product details including sizes of the proposed conservation rooflights shall be submitted for the written approval of the local planning authority. Thereafter the development shall be carried out and maintained in accordance with the details so approved.

Reason: To preserve the character of the conservation area. The details are required prior to commencement so that the full details can inform construction of the scheme

from the outset.

9 Prior to commencement of 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) if required.

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. The assessment must be undertaken prior to the construction commences so that necessary remediation can be undertaken.

10 Prior to commencement of development, following the investigation, if required 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. The assessment must be undertaken prior to the construction commences so that necessary remediation can be undertaken before any structures are erected on site.

11 Prior to first occupation or use, any 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.

12 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.

13 Before the occupation of the development 1no. communal Electric Vehicle Recharging Point shall be provided in the shared parking area to 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

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Framework (NPPF).

Notes

- Communal 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 Points 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.
- 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)."

14 Prior to occupation, the parking space adjacent to the cottage shall incorporate a suitably rated electrical socket to allow 'Mode 2' charging of an electric vehicle using a standard 13A 3 pin socket and a 3m length cable.

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

Notes:

- Optionally, a suitable 'IEC 62196' electrical socket (minimum rated output of 3.7kw /16A) can be provided in addition to the 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)."

15 No development 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 so that the development can be constructed in accordance with the required measures. This shall be informed by a noise assessment to be undertaken within the site. 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 50dB(A) on any occasion or 45dB(A) on more than 10 occasions in any night time period in bedrooms. These noise levels shall be observed with all windows shut in the habitable room and other means of ventilation provided.

16 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

17 Prior to first occupation, full written details of crime prevention measures to be incorporated into the development shall be submitted for approval in writing by the Local Planning Authority in consultation with North Yorkshire Police. These measures should include consideration of, but not be limited to:

- External lighting for the car park, refuse and cycle stores;
- Security lighting for the communal entrances; and
- Gated access to the car park.

Thereafter these measures should be fully implemented prior to occupation.

Reason: To satisfy Section 8 National Planning Policy Framework 2018 and Policy HW7 Healthy Place in the City of York emerging local plan Publication Draft 2018.

18 (A) No archaeological evaluation or development shall take place until a written scheme of investigation (WSI) for the trenching has been submitted to and approved by the local planning authority in writing to protect potential remains. The WSI should conform to standards set by the Chartered Institute for Archaeologists. The evaluation must include intrusive evaluation trenching to confirm the depth of the post-medieval garden soils and confirm whether the proposals will have any impact upon earlier archaeological deposits. An evaluation trench will need to be dug in the footprint of the proposed dwelling to the rear of the site, on the site of the proposed orangery and for the foundation works for the new extension following demolition of the existing.

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 on the evaluation and an assessment of the impact of the proposed development on any of the archaeological remains identified in the evaluation shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 6 weeks of completion or such other period as may be agreed in writing with the Local Planning Authority.

D) Where archaeological features and deposits are identified proposals for the preservation in-situ, or for the investigation, recording and recovery of archaeological remains and the publishing of findings shall be submitted as an amendment to the original WSI. It should be understood that there shall be presumption in favour of preservation in-situ wherever feasible.

E) No development shall take place until:

- details in D have been approved and implemented on site
- provision has been made for analysis, dissemination of results and archive deposition has been secured
- a copy of a report on the archaeological works detailed in Part D should be deposited with City of York Historic Environment Record within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

This condition is imposed in accordance with Section 16 of NPPF.

Reason: The site lies within an Area of Archaeological Importance. An investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ.

19 A programme of post-determination archaeological mitigation, specifically an archaeological excavation, may be required on this site and will be confirmed through the site evaluation and assessment. If confirmed as being necessary, the archaeological excavation scheme shall comprise 3 stages of work. Each stage shall be completed and approved by the Local Planning Authority before it can be discharged.

A) No development shall take place until a written scheme of investigation (WSI) for the excavation has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place

other than in accordance with the agreed WSI. The WSI should conform to standards set by the Chartered Institute for Archaeologists. This is to protect potential archaeological remains.

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 part (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.

This condition is imposed in accordance with Section 16 of NPPF.

Reason: The site lies within an Area of Archaeological Importance and the development may affect important archaeological deposits which must be recorded prior to destruction.

20 No groundwork, including but not limited to any resurfacing of the car park, foundations for ancillary structures such as the cycle and refuse stores, installation of gates and railings (or other boundaries), planting etc. shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification approved by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences to ensure that any potential archaeological remains are protected

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.

21 Before the commencement of development including demolition, excavations, building operations, etc. an Arboricultural Method Statement (AMS) 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 to prevent damage to any trees on site. Amongst others, this statement shall include details and locations of protective fencing, ground protection, site rules and prohibitions, phasing of works, site access during 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,

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locations for stored materials, locations and means of installing utilities, location of site compound and marketing suite. The document shall also include methodology and construction details and existing and proposed levels where a change in surface material and boundary treatments is proposed within the root protection area of existing trees. A copy of the document will be available for inspection on site at all times. The development shall be undertaken in complete accordance with the approved AMS.

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.

22 Prior to first occupation or use of the development hereby approved an integral bat box must be installed in the new rear extension, or two woodcrete bat boxes (e.g. 1F Schwegler) must be installed on the building or in a nearby mature tree, under guidance from a suitably qualified ecologist.

Reason: In accordance with Paragraph 175 of the NPPF (2018) to encourage the incorporation of biodiversity improvements in and around developments, especially where this can secure measurable net gains for biodiversity.

23 HWAY19 Car and cycle parking laid out

24 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/excavation/preparatory and construction works shall be submitted to and approved in writing by the local planning authority. Such a statement shall include at least the following information;

- a dilapidation survey jointly undertaken with the local highway authority
- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- how vehicles are to access and egress the site
- how pedestrians are to be safely routed past the site
- details of any implications to the highway of demolition and waste removal vehicle operation
- where contractors will park to avoid affecting the highway
- how vehicles will service the site
- where materials will be stored within the site
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of

highway users prior to construction of the scheme.

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

Reason: In the interest of satisfactory and sustainable drainage.

26 No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority. The information shall include existing and proposed drainage levels and calculations to Ordnance Datum and site specific details of:

- i) the means by which the surface water discharge rate shall be restricted to a maximum rate of 2.5 (two point five) litres per second, this will include the existing and proposed buildings, associated garages and driveways; and
- ii) the means by which the surface water attenuation up to the 1 in 100 year event with a 30% climate change allowance shall be achieved

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site and to agree details prior to construction to inform works undertaken.

Informative - Drainage

The public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must be attenuated to 70% of the existing rate based on 140 l/s/ha in the 1 in 1year storm.

27 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.

28 Within a period of six months of the completion of the development, the approved landscaping scheme shown on the drawings 'Hard landscaping proposals main building' 2808/4 rev. D; 'Hard landscaping proposals cottage' 2808/5 rev. D; 'detailed soft landscape proposals' 2808/6 rev. B, shall be fully implemented. 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.

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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.

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:

- Sought revisions to the submitted scheme including a reduction in length and height of the proposed extension to Nos. 46 and 48 Bootham, a reduction in height of the proposed cottage, removal of balconies and the addition of smaller dormer windows, metal railings and hedging rather than timber fencing and the addition of a more secure cycle store.
- Advised of the need for a supporting statement on the loss of employment floorspace.
- Request swept paths to evidence safe access and egress from the site.

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

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

Monday to Friday 08.00 to 18.00
Saturday 09.00 to 13.00
Not at all on Sundays and Bank Holidays.

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

(c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must

be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

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

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

(f) There shall be no bonfires on the site

3. CRIME PREVENTION

As the site lies in an area known to suffer crime and anti-social behaviour, you are advised by North Yorkshire Police to consider further 'secure by design' features to be incorporated into the detailed design stage including, but not limited to:

- Site security during construction to reduce the risk of theft of plant, equipment, materials, tools and diesel fuel.
- Planting should not obscure sight lines from the development to the car parking area;
- Secure locking mechanisms for the cycle stores as well as ground anchor points;
- All external doors, including those on the cycle and bin stores, 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;
- The parking area should be illuminated, avoiding the use of bollard lighting (as up lighting distorts facial features and recognition, increasing fear of crime)
- Externally placed utility meters, or smart meters with automatic signalling
- External "through the wall" post system, with a lockable internal collection box for each apartment, or should be sited at the primary entrance point within an "airlock" access controlled entrance hall.
- The fitting of any communal entrance doors with an electronic door release mechanism connected to a videophone in each apartment. The door should also have a self-closing mechanism with a lock which engages automatically.

4. THE PARTY WALL ETC ACT 1996

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

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

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

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if not already done so, regarding access during construction and following occupation along Galmanhoe Lane, and in relation to the altered access into the car park and removal of the boundary wall with the car park and Galmanhoe Lane.

5. CONSTRUCTION IMPLICATIONS

Network Management are unable to support highway construction related activities such as footpath closures, construction deliveries, skips etc on Bootham, due to the traffic and pedestrian impact; or Marygate, due to restricted width. You are advised to consider other construction options that would avoid affecting the highway in these locations.

6. STATUTORY UNDERTAKERS EQUIPMENT:

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: Sophie Prendergast Development Management Officer

Tel No: 555138

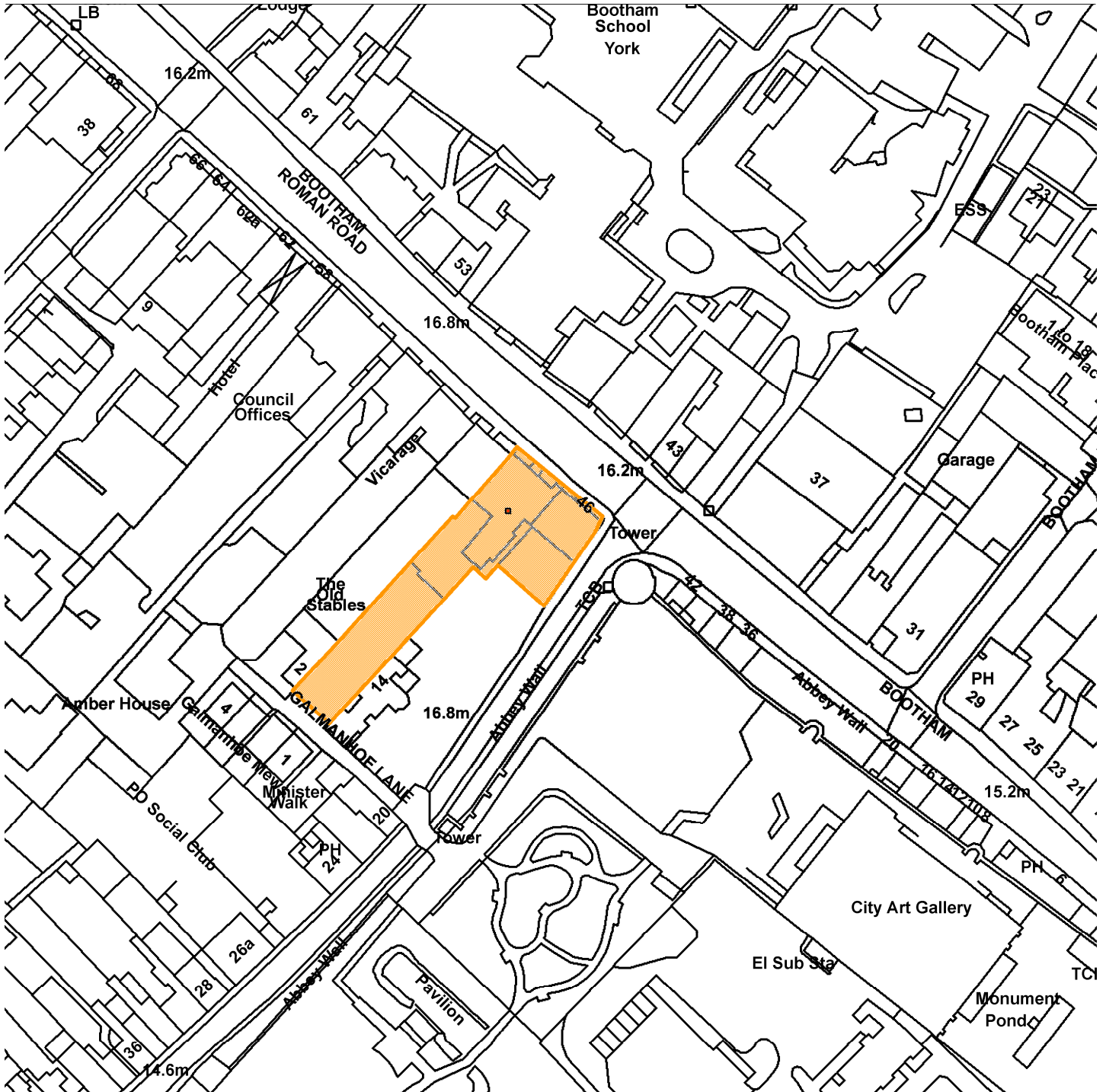
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Savills (Uk) Limited 48 Bootham

18/00550/FULM



GIS by ESRI (UK)



Scale : 1:1290

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	25 September 2018
SLA Number	Not Set

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COMMITTEE REPORT

Date: 4 October 2018 **Ward:** Westfield
Team: Major and **Parish:** No Parish
Commercial Team

Reference: 18/00586/FULM
Application at: Acomb Bowling Club Front Street York YO24 3BZ
For: Erection of 10no. dwellings following demolition of existing buildings
By: York West Developments Ltd
Application Type: Major Full Application
Target Date: 11 July 2018
Recommendation: Approved subject to Section 106

1.0 PROPOSALApplication Site

1.1 The application relates to the bowling club which is located at the rear of the car park serving the Marcia Grey public house, Front Street Acomb. The members of the club have decided to make this application because the club has become unviable due to a decline in membership. There are now only 18 members, 7 of which are no longer active.

1.2 There is staff accommodation for the pub located at the end of the car park. The access road is Council owned and a right of access to the (former allotments, now overgrown and unused) land behind the Library and South View Terrace is in place.

1.3 To the eastern side of the bowling green is Vyner House, a residential development constructed in the 1980's. The complex steps down in height from 2.5 storey to single storey as it approaches Lowfields Drive. The ground levels at Vyner House are elevated some 2 m above the bowling green.

1.4 Houses along Lowfields Drive are to the south of the site. These are semi-detached houses which are set nominally lower (some 200mm) than the bowling green. The houses in line with the application site have gardens which are some 12 m shorter than others on this side of the street.

Proposals

1.5 The application has been amended and the proposed layout shows 10 houses around a T-shaped access. The entrance would be via the Marcia Grey and the right of access behind the library into the neighbouring site is unobstructed. Houses are 2-storey and each have their own parking. Housing mix is 6 x 2-bed, 3 x 3-bed and 1

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x 4-bed. The plans show space at the front of the Marcia Grey to accommodate deliveries for the public house.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest Acomb Area
Air safeguarding Air Field safeguarding

2.2 Relevant Policies of the 2018 Publication Draft Local Plan:

H2	Density of Residential Development
H3	Balancing the Housing Market
D1	Placemaking
D2	Landscape and Setting
D4	Conservation Areas
D6	Archaeology
T1	Sustainable Access
HW1	Protecting Existing Facilities
GI5	Protection of Open Space and Playing Fields
ENV3	Land Contamination
ENV5	Sustainable Drainage
DM1	Infrastructure and Developer Contributions

2.3 Relevant Policies of the 2005 Draft Local Plan:

GP1	Design
GP3	Planning Against Crime
GP4a	Sustainability
GP7	Open Space
HE3	Conservation Areas
HE10	Archaeology
H4a	Housing Windfalls
H5a	Residential Density
L1b	Loss of Local Leisure Facilities

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development - Heritage Officer (archaeology)

3.1 Planning conditions are recommended, for a written scheme of investigation to be prepared and carried out and for an archaeological building recording (a written description and photographic recording of the standing structures and Green) to Historic England Level of Recording 2.

3.2 Archaeological potential for the site to contain deposits and features relating to the Roman period is moderate to high based on previous finds in the area.

3.3 The bowling green is a heritage asset in itself. It is York's oldest bowling green and was founded at the turn of the 20th century. It has high historic and communal value as a recreational venue for local residents.

3.4 Should the scheme go ahead the bowling green should be recorded as a whole with particular attention given to the older, wooden buildings which border the green. A level 2 recording will be required along with relevant background information on the club

Design, Conservation and Sustainable Development - Countryside Officer

3.5 No objections to the scheme. An extended Phase 1 habitat survey has been undertaken and no evidence of bats were found. An informative is recommended which would remind the applicants of the Wildlife and Countryside Act with relation to the protection of nesting birds.

Education

3.6 No contributions are requested due to the size of the development proposed (bearing in mind NPPG requirements).

Flood Risk Management

3.7 No objections in principle but would require detailed foul and surface water drainage design to be sought and secured by way of conditions. We note the basic infiltration testing carried out but would require a condition so that further and more comprehensive and plot specific infiltration testing is carried out and soakaways designed to BRE Digest 365 (2016). In agreement with Yorkshire Waters response dated 17th March 2018 we would also require a condition to secure a drainage design with separate systems of foul and surface water systems on and off site.

Sport and Active Leisure

3.8 As the scheme would lead to the loss of the bowling club and given the current level of membership / use of the site officers ask for a contribution which would be used to improve facilities at York RI bowling club. A figure of 20k has been calculated

which considers recent use of the site; this is 5% of the cost of a bowling green and pavilion based on Sport England figures.

Public Protection

3.9 Officers ask that a noise report be carried out to ensure that noise levels in bedrooms and living rooms are in line with the World Health Organisation Community Noise Guideline standards for habitable rooms, with adequate ventilation provided. The report is required in particular due to the following noise sources -

Library

- ambulance sirens (ambulances use the library car park)
- biomass boiler behind the library

Public house

- customers noise (the beer garden is approx 33 m from the site)
- noise from the mechanical equipment

Waste Services

3.10 Officers have advised that due to the narrow access waste collection services would not enter the site (past the public house).

EXTERNAL

Ainsty Internal Drainage Board

3.11 The board note that surface water run-off should mimic existing rates. If a soakaway is proposed then it must be tested (to BRE guidelines) and able to accommodate run off from the development.

Police Designing Out Crime Officer

3.12 Officers commented on the original scheme. It was recommended that narrow access paths, if proposed to rear gardens, should be gated to prevent burglary; these narrow accesses to back gardens are no longer proposed.

3.13 It was recommended also car parking be located where it can be seen from owners houses. Failure to provide this can result in residents parking their vehicles directly outside their house, where the road is not designed to accommodate this. This can lead to neighbour disputes resulting in a demand for police services. The crime analysis also showed that criminal damage to parked unattended vehicles to be prevalent in the area.

Sport England

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3.14 Non statutory response is as follows –

- As the loss of a sports facility is proposed NPPF paragraph 97 applies which states “Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements or equivalent or better provision is provided”.
- The proposal involves the provision of additional housing therefore it will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in any Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.
- In line with NPPF (Section 8) consideration should also be given to how any new development will provide opportunities for people to lead healthy lifestyles.

Yorkshire Water

3.15 No objection. The Flood Risk and Drainage Strategy Report prepared by MCA (Report 16115-Y-RP-001-R2 dated 12/03/2018) is acceptable. In summary, the report states that foul water will discharge to public combined sewer and curtilage surface water will discharge to soakaways.

3.16 As surface water from the site is not proposed to discharge to the public sewer network, no assessment of the capacity of the public sewers to receive surface water has been undertaken. If, prior to determination of this application, the surface water disposal proposals are amended, further consultation with Yorkshire Water will be required.

3.17 If planning permission is to be granted, the following conditions should be attached in order to protect the local aquatic environment and Yorkshire Water infrastructure:

- Separate systems of drainage for foul and surface water on and off site.
- No piped discharge of surface water from the site to take place until works to provide a satisfactory outfall, other than the existing local public sewerage , for surface water have been approved and completed.

Publicity

3.18 There have been 6 representations made as consequence of publicity, including an objection from Vyner Court (with 24 signatures). Contributors were re-consulted on the revised plans.

3.19 Comments were as follows (note no further comments were received relating to the revised plans) -

Amenity

- Loss of outlook from Vyner House
- Noise disturbance during construction
- New trees should not block light to neighbours gardens
- Overlooking over houses on Lowfields Drive
- Foxes that have been observed on the former allotments site may be diverted elsewhere i.e. into neighbours gardens should the development proceed.

Access issues

- Inadequate access – the access is a narrow single lane and could not serve this scheme and the public house. Front Street is busy in this area, the library is next door and there are bus stops by the entrance

Design

- If the site is re-developed houses should be single storey
- Security – the site has been used as a shortcut in the past, with people travelling through the site and gardens on Lowfields Drive. Residents ask for measures to prevent this in future.
- Re-development of the site should be considered holistically along with the former allotments and the site (further west) behind Chancery Court. The revised plans are however an improvement in so far as they appear to allow an access to the Council owned land (behind the library which was bought by the Council 15 years ago to facilitate the expansion of a public service base in Acomb in association with the Explore Library. The expectation was that some flats could also be provided as the site is well located for the kind of amenities that older people need.

3.20 Westfield Ward Liberal Democrats have also provided the findings of a local survey undertaken with regards re-development of the site. The area surveyed included properties on Front Street including Chancery Court and Vyner House. The survey did not extend into Lowfields Drive In total 32 comments were received.

3.21 The majority of respondents do not object in principle to the development of the Bowling Green site. The majority wanted to see a “holistic” planning solution covering not only the Bowling Green but also the adjacent Council owned land to the rear of the

Library (former allotments) and the disused land to the side of Chancery Court (back of South View Terrace).

3.22 There was strong support for the inclusion of specialist accommodation aimed at older and/or disabled people in any development. Respondents pointed to the nearby location of key services for this group (doctor, dentists, Post Office, Library etc). There are concerns about additional traffic exiting onto Front Street via the pub access road. Traffic and parking on Front Street is already chaotic on occasions

3.23 Individual comments relating to the area, including the former allotments and land beyond were -

- It is important to plan the future of the land behind the library and back Chancery Court now. Accessibility for maintenance machinery is essential.
- Views on the future of the Chancery Court land were mixed. Some liked the overgrown look citing nature conservation reasons, others felt that the area needed to be cleared of weeds and overgrown bushes and trees needed to be loped
- There is strong support for retaining some green space which is at a premium on Front Street and indeed in the Westfield area in general. However, residents felt that any “pocket park” should be capable of being secured at night and several suggested that it should only be accessible during library opening hours.
- It was pointed out that the land to the rear of the library had been acquired by the Council 10 years ago to facilitate the expansion of the library into a “one stop shop”. Residents felt this was an idea that was worth reviving. Residents recognised that selling some of the land might be the only way of funding such an extension.
- Some residents felt that permanent provision for the ambulance station should be made (currently the ambulance parks on the library car park).

4.0 APPRAISAL

KEY ISSUES

4.1 Key issues are -

- Principle of the proposed use and loss of the bowling club facility
- Residential amenity
- Highway network management
- Land Contamination
- Ecology
- Archaeology

- Character and appearance of the conservation area

PRINCIPLE OF THE PROPOSED USE

Loss of the bowling green

4.2 The site currently accommodates a bowling club and is designated as Amenity Greenspace in the 2017 Open Space and Green Infrastructure update. According to the audit the Westfield ward (in which the site is located) has a deficiency of amenity green space and outdoor sports facilities. The study advises that in 2017 there was a lack of space to serve the local population as follows -

	Amenity Greenspace	Outdoor sports
Acomb	- 7.92ha	- 9.23ha
Westfield	- 6.10ha	- 4.98ha

4.3 This application is being made as members have decided to close the bowling club due to a decline in membership. We have been advised of the existing 18 members, 15 are over the age of 80 and 7 are no longer active participants.

4.4 With regards the loss of open space / recreational facilities planning policy either requires re-provision or for it to be demonstrated the facilities are no longer required or are unviable. The NPPF and Local Plan 2018 advise as follows -

NPPF (Section 8 Promoting healthy and safe communities)

4.5 Paragraph 91 states planning policies and decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs - for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

4.6 Paragraph 96 states access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.

4.7 Paragraph 97 states existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Local Plan 2018 Publication Draft

4.8 Policy HW1: Protecting Existing Facilities states that the Council will work with local communities and voluntary sector organisations to help preserve and re-use existing community assets. Development proposals which involve the loss of existing community facilities, or facilities last used for community purposes, will not be supported, unless it can be demonstrated that:

- i. facilities of equivalent or greater capacity and quality (in terms of function, accessibility, adaptability and variety of use) are provided elsewhere on the site; or
- ii. facilities of equivalent or greater capacity and quality (as defined above) are provided off-site, in a location that equivalently or better serves the local community's needs; or
- iii. the facilities no longer serve a community function and demonstrably cannot be adapted to meet other community needs; or
- iv. in the case of commercial facilities, evidence is provided that demonstrates the facilities are no longer financially viable.

4.9 Policy GI5: Protection of Open Space and Playing Fields states that development proposals will not be permitted which would harm the character of, or lead to the loss of, open space of environmental and/or recreational importance unless the open space uses can be satisfactorily replaced in the area of benefit and in terms of quality, quantity and access with an equal or better standard than that which is proposed to be lost. Where replacement open space is to be provided in an alternative location (within the area of benefit) the replacement site/facility must be fully available for use before the area of open space to be lost can be redeveloped.

4.10 The background text to the policy states that open spaces, regardless of ownership, make a significant contribution to the character of York... There is a presumption against the loss of open space of environmental or recreational importance... Loss and replacement sites/facilities should not increase any identified deficiencies in open space in the area of benefit where the original site is located and consideration should be demonstrated as part of the planning process.

4.11 Members have decided to close the bowling club and officers accept the limited need for the existing facility. However there is a shortfall of open space in the locality, for recreation and sport and there are remaining members using the club at the

application site. As such in applying section 8 of the NPPF and Local Plan policy, in particular policy GI5, replacement provision is proposed.

4.12 The level of contribution (5% of the cost of a replacement facility) has been calculated bearing in mind recent use of the bowling club; there are currently 11 active members, and will be used at York RI Bowling Club (which is also in the Acomb area). This would be the first contribution towards this project and would therefore accord with the pooling regulations. The contribution is required in order to make the proposals policy compliant; to account for the loss of open space. This approach accords with NPPF policy which advises planning obligations must be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. The contribution has been agreed with the applicants and will be secured through a S106 agreement.

4.13 Policy GI6 relates to new open space in conjunction with development proposals. It states that all residential development proposals should contribute to the provision of open space for recreation and amenity. It goes on to explain circumstances where off site provision would be appropriate and refers to the supplementary planning guidance on open space dated 2014. An off site contribution to account for future residents is not requested in this case, in line with government policy which states that such tariff-based contributions may only be sought when 11 or more dwellings are proposed.

Principle of housing at the site

4.14 The NPPF weighs in favour of approving residential development, unless either

- the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

4.15 Paragraph 68 of the NPPF identifies that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. It states that to promote the development of a good mix of sites local planning authorities should support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.

4.16 Comments have been provided by the Westfield Ward Councillors that the preference would be for a holistic re-development that also included the overgrown (Council owned) land to the west of the site. Whilst officers are sympathetic to this idea the Council has no firm plans to re-develop these sites, there have been no

discussions with the applicants about such a scheme to our understanding, and there are no proposals related to the sites in the emerging Local Plan. This application has to be assessed on its own merits and national policy. The development would not prevent re-development of the Council owned sites, which could be accessed either through the application site or via the library access road. In this respect the NPPG states arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the NPPF and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan.

4.17 Local policy in policy H2: Housing Density recommends building at some 50 dwellings per hectare at urban sites such as this. This scheme is around 30 dwellings per hectare. The shortfall is though because the site access, via the public house is within the site, as are areas behind the public house and library which have rights of access to neighbouring property. The need to preserve the amenity of surrounding houses (considering their proximity to the existing bowling green) was also a factor in considering the amount of development suitable for the site.

4.18 Of the 10 houses proposed 6 would be two bed and 3 three bed. The mix reasonably meets identified need in policy H3 of the Local Plan which states that “The City of York Council SHMA and Addendum (2016) suggests that the focus of new housing provision should be on two and three bed properties”.

4.19 There is no affordable housing requirement in accordance with national guidance which states that planning obligations should not be sought from development proposing 10 units or less.

ACCESS / HIGHWAY NETWORK MANAGEMENT

4.20 The NPPF states that 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.
- 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.

4.21 A condition is proposed to secure electric vehicle charging facilities and sustainable travel is an option at this site given its location within the Acomb district centre.

4.22 The proposed access is via the side of the public house. Where the access would pass the side of the public house it is typically 3.4 m wide with a pinch point of 3 m. This is an informal access with space for pedestrians and vehicles to pass. It is deemed to be acceptable given the small scale of development proposed and could accommodate emergency services. However waste services have advised their vehicles would not enter the site. As such the applicants have acknowledged they will need to use a private service for waste collection (Building Regulations advice is that residents should not have to transport their waste more than 30 m to a collection point and this distance would be exceeded). This would be secured through condition so it is suitably managed.

AMENITY

4.23 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.

4.24 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.

4.25 The amended plans have addressed initial concerns over neighbour's amenity. The number of houses has reduced which allows a more spacious layout which would provide a sense of openness.

4.26 Sections have been provided which confirm the extent (some 2 m) the proposed houses will be lower than Vyner Court. Plots 8, 9, 10 are between 19 - 21 m from neighbouring buildings in Vyner Court. Plot 7 has been positioned so it does not appear over dominant over the adjacent section of Vyner Court which is single storey.

4.27 Plots 3, 4, 5, and 6 are approximately 20 m from the rear elevations of houses on Lowfields Drive. Whilst this separation is nominally under the 21 m applied as a guide in suburban locations, the proposed houses would be spaced 5 m apart to allow a sense of openness and bedroom windows on the upper floors have a vertical emphasis and are fairly narrow. Overall the proposed houses would not cause undue overlooking, and would not be over-dominant or over-bearing.

4.28 It is considered necessary to prevent 2 storey side or rear extensions to houses on plots 3-7 because any further reduction in the relevant separation distances, or

introducing a terracing effect, would lead to a development which would feel over-bearing over the neighbours.

4.29 A noise assessment can be secured through condition to ensure adequate noise levels on site. Houses are orientated so primary windows face away from the neighbouring library and public house. Houses and gardens are some 30 m from the neighbouring commercial areas and there are intervening buildings between the beer garden and the nearest house - plot 10. It is noted there is a planning condition on the library site that prevents the use of ambulance sirens during the evening.

DESIGN & FUNCTION

4.30 The fundamental design principles are established with section 12 of the NPPF: Achieving well designed places. There is further guidance on design in the NPPG which relates to functionality and distinctiveness and the consideration of layout, form, scale, detailing and materials. Local design advice is contained in Local Plan policies D1: Place-making and D2: Landscape and setting.

4.31 The NPPF states planning decisions should ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- are 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, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- 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; and
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

4.32 The houses have been arranged on site so to protect neighbours amenity. In accordance with Secure by Design principles there is natural surveillance of the public areas, which are clearly defined. Each house would have a private rear garden which will have restricted access. Rear gardens back onto neighbouring gardens which is also recommended practice on security grounds.

4.33 The buildings would be of traditional materials (red brick and slate) and of a scale (2-storey) which would relate acceptably to its surroundings.

4.34 Car parking is suitably dealt with. It would be clearly allocated and spaces would be overlooked by their owners or within each curtilage. The larger (3 and 4 bed) houses have 2 spaces each.

LAND CONTAMINATION

4.35 A desk based assessment with regard to potential land contamination and whether the site would be suitable for houses with gardens has been undertaken.

4.36 The study concludes that the risk from the presence of contamination on the site is Moderate/Low without mitigation. It recommends that ground investigations, followed by a site specific contamination risk assessment should be carried out to allow the design of appropriate remedial measures. Such measures to deal with contamination, including submission of a verification report to demonstrate the site would be suitable for its end use can be secured through planning conditions.

ECOLOGY

4.37 The NPPF states that when determining planning applications if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

4.38 Surveys have been undertaken and it can be confirmed that there are no bat roosts currently on site, or any other protected species.

ARCHAEOLOGY

4.39 The site is in the Acomb Area of Archaeological Importance. Section 16 of the NPPF on Conserving and enhancing the historic environment is applicable.

4.40 Local Policy D6: Archaeology of the Publication Draft Local Plan explains the local policy approach to dealing with designated and undesignated archaeological assets. The background text to the policy advises that understanding the significance of these assets, both designated and undesignated, are fundamental to their conservation, enhancement and management. Development proposals will always need to be accompanied by a heritage statement that is proportionate to the size and impact of development proposals and the nature of archaeological evidence. Where harm to archaeological features and deposits is unavoidable, development proposals will be expected to provide detail on appropriate mitigation measures agreed with the Council.

4.41 Conditions are proposed to deal with archaeology, with respect to both demolition of historic buildings associated with the bowling green (York's oldest) and on groundworks.

CONSERVATION AREA

4.42 The site access and public house building lie within the Acomb Conservation Area. Re-development of the site has potential to affect the setting of the Conservation Area. The Council has a statutory duty (under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to consider the desirability of preserving or enhancing the character and appearance of designated conservation areas.

4.43 The application, as amended, proposes partial removal of the front boundary wall to accommodate delivery vehicles to serve the public house without blocking the access. The front wall is a recent (unauthorised) addition of modern materials and utilitarian appearance. The railings which run from the wall to the public house (also unauthorised and excessive in height) will also be removed. These works will not harm the character and appearance of the Conservation Area.

5.0 CONCLUSION

5.1 Given the decline in use of the bowling green and subject to a S106 agreement to secure upgrades to alternative bowling facilities at York RI alternative uses for the site can be considered. The site is suitable for housing given its location and local housing need. The scheme would provide the housing types for which there is identified need and has been designed so to respect neighbours amenity. Conditions can be used to secure adequate mitigation and that the site functions appropriately in respects of site drainage, highway network management, ground conditions and designated heritage assets.

5.2 Approval is recommended subject to completion of a legal agreement to secure a (regulation compliant) off site contribution of £20,000 towards bowling club facilities at York RI.

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 £20,000 (index-linked) towards replacement/enhanced facilities for bowling at York RI.

1 TIME2 Development start within three years

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

001 P05, 005 P04, 030 P00, 031 P00, 105 P19, 106 P01, 110 P02, 110.1 P02, 111 P02, 111.1 P02, 112 P02, 112.1 P02, 113 P02, 113.1 P02, 130 P02, 131 P00

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

3 Dilapidation survey

Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the Local Planning Authority.

Reason: The condition is required prior to commencement, considering NPPF paragraph 55 in the interests of the safety and good management of the public highway the details of which must be recorded prior to the access to the site by any construction vehicle.

4 Investigation of Land Contamination

Prior to any groundworks commencing 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.

5 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.

6 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.

7 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

8 Archaeology – recording

Prior to demolition and commencement of groundworks a programme of archaeological building recording; a written description and photographic recording of the standing structures and bowling green, to Historic England Level of Recording 2 shall be carried out and submitted to and approved in writing by the Local Planning Authority. A copy of the recording shall be deposited with City of York Historic Environment Record.

Reason: To record and advance understanding of the significance of the heritage assets to be lost (as the site is of archaeological interest) in accordance with Section 16, paragraph 199 of the NPPF.

9 Archaeology - Evaluation

A programme of post-determination archaeological evaluation is required on this site combining a mixture of trial trenching and strip, map and recording.

A) No archaeological evaluation 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. 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 on the evaluation and an assessment of the impact of the proposed development on any of the archaeological remains identified in the evaluation shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 6 weeks of completion or such other period as may be agreed in writing with the Local Planning Authority.

D) Where archaeological features and deposits are identified proposals for the

Application Reference Number: 18/00586/FULM

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preservation in-situ, or for the investigation, recording and recovery of archaeological remains and the publishing of findings shall be submitted as an amendment to the original WSI. (There shall be presumption in favour of preservation in-situ wherever feasible).

Reason: The site lies within an Area of Archaeological Importance. An investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ, in accordance with NPPF section 16.

10 Drainage

Prior to the commencement of construction details of site specific foul and surface water drainage works shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.

The proposed soakaway surface water system shall be shown to work through an appropriate assessment carried out to BRE 365 standards, to prove that the ground has sufficient capacity to accept surface water discharge and to prevent flooding of the site and surrounding land. Should the soakaway test fail an alternative means of drainage, which will demonstrate peak run-off from the site attenuated to 70% of the existing rate, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site, in accordance with the NPPF in particular paragraph 163.

11 Drainage

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, in accordance with the NPPF in particular paragraph 163.

12 Materials

Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, specific manufacturers details of the external materials (including RAL colours for any powder coating where applicable) 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.

Sample panels of the brickwork to be used on the buildings shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of construction. The panel(s) shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

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

13 Noise assessment

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 protect the amenity of people living in the new property from externally generated noise and in accordance with the NPPF paragraphs 127 and 180.

14 Landscaping

The development hereby approved 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 hard and soft measures, including 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.

15 Electric vehicle charging facilities

Each of the dwellings hereby approved shall be fitted with an electric vehicle charging point prior to occupation.

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

INFORMATIVE: The installation of the maximum amount of electric vehicle charging points is recommended. 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)."

16 Cycle storage

The development hereby approved shall not be occupied until details of covered and secure cycle storage for each dwelling has been submitted to and approved in writing by the Local Planning Authority and installed in accordance with the approved details.

Reason: To promote sustainable transport in accordance with section 9 of the NPPF.

17 Waste collection arrangements

The development hereby approved shall not be occupied until details of arrangements for waste collection have been approved in writing by the Local Planning Authority. Waste collection shall be carried out in accordance with an approved waste collection scheme at all times.

Reason: In the interests of good design, in accordance with NPPF paragraph 127, because domestic public waste collection services have advised they would not collect waste from the application site due to the narrow access.

18 Construction of site access

The development hereby approved shall not be occupied until full details of the proposed site access, including any associated works within the highway, details of surfacing materials, the front boundary wall and any other means of enclosure have been submitted to and approved in writing by the Local Planning Authority and installed in accordance with the approved details.

Reason: To provide a safe means of access, in the interests of highway safety and the character and appearance of the conservation area, in accordance with NPPF paragraphs 108, 127 and 192.

19 Construction hours

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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

20 Removal of specific PD rights to plots 3, 4, 5, 6, 7, so no permitted 1st floor extensions to side or rear permitted without permission

There shall be no enlargements to the houses on plots 3, 4, 5, 6, 7 that would extend beyond either the side or rear of the original dwellinghouse and would exceed 3 metres in height without the prior written planning permission of the Local Planning Authority.

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

21 Restricted use of plot 7 flat roof area

There shall be no balcony or other means of enclosure added to the single storey flat roof area of house at plot 7 and the flat roof area shall not be used as an outside amenity space.

Reason: To prevent overlooking over neighbouring houses.

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: sought revised plans to address identified issues and through the use of planning conditions and a legal agreement.

2. LEGAL AGREEMENT

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development

3. WORKS IN 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:

Works in the highway - Section 171 - Vehicle Crossing - Section 184 - (01904) 551550
- streetworks@york.gov.uk

Contact details:

Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323

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Acomb Bowling Club Front Street

18/00586/FULM



Scale : 1:1290

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	25 September 2018
SLA Number	Not Set

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COMMITTEE REPORT

Date: 4 October 2018 **Ward:** Huntington/New Earswick
Team: Householder and Small Scale Team **Parish:** Huntington Parish Council

Reference: 18/01878/FUL
Application at: 14 Hopgrove Lane North York YO32 9TF
For: Single storey rear extension (resubmission).
By: Mr & Mrs Myers
Application Type: Full Application
Target Date: 8 October 2018
Recommendation: Householder Refusal

1.0 PROPOSAL

1.1 This application seeks permission for a single storey rear extension to 14 Hopgrove Lane North. It is a resubmission of application 18/01878/FUL which was withdrawn earlier this year due to officer concerns regarding green belt policy.

1.2 The host dwelling is a detached two-storey house. The property is situated in a semi rural location on Hopgrove Lane North situated within a linear row of different styles of residential dwellings overlooking open fields. The site is located within the City of York Green Belt.

1.3 Relevant Planning History

- 3/66/853/FA - two-storey rear extension - approved
- 3/66/853A/FA - detached garage - approved
- 07/02921/FUL - two-storey rear extension - refused as it was considered it would not constitute limited infilling and thus would detrimentally impact on the greenbelt. Additionally, it was thought the scale of development immediately adjacent to the rear of 15 Hopgrove Lane was excessive and would be overbearing.

1.4 Planning permission was refused in November 2016 for an extension comprising a 30% increase in footprint at no. 7 Hopgrove Lane North. The subsequent appeal was dismissed by the Planning Inspector on the grounds that the extension would result in inappropriate development (due to its scale) and would impact on openness - planning ref: 16/02122/FUL.

1.5 The application has been called to committee by Cllr. Cullwick due to the amount of support from neighbouring residents.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

Draft Development Control Local Plan 2005

CYGP1 Design

CYH7 Residential extensions

CYGB4 Extension to existing dwellings in GB

Emerging Local Plan policies

D11 Extensions and Alterations to Existing Buildings

GB1 Development in the Green Belt

3.0 CONSULTATIONS

Huntington Parish Council

3.1 No comments received.

Neighbour Notification and Publicity

3.2 Ten letters of support have been received from neighbouring properties.

4.0 APPRAISAL

KEY ISSUES

- Visual impact on the dwelling and the area
- Impact on the openness of the Green Belt
- Impact on neighbouring property

PLANNING POLICY

Yorkshire and Humber Regional Spatial Strategy (RSS)

4.1 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS). Policies YH9(C) and Y1 (C1 and C2) establish the general extent of the York Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt about 6 miles from the city centre should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

National Planning Policy Framework (2018)

4.2 National Planning Policy Framework (2018) Paragraph 145 states that the construction of new buildings is inappropriate in the green belt with one of the exceptions being the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original dwelling. Paragraph 143 states that inappropriate development is, by definition, harmful to the green belt and should not be approved except in very special circumstances. Paragraph 144 requires substantial weight is given to any harm in the green belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations.

Publication Draft Local Plan 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 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.

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

4.5 Policy GB1 (Development in the Green Belt) states that within the green belt, development will only be permitted where the scale, location and design of development would not detract from the openness of the green belt, it would not conflict with the purposes of including land within the green belt and it would not prejudice or harm those elements which contribute to the special character and

setting of York. Importantly it should also be for one of the specified purposes which includes limited extension, alteration or replacement of existing buildings.

Development Control Local Plan 2005

4.6 The draft Development Control Local Plan was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications although it is considered that their weight is very limited except when they are in accordance with the NPPF. Draft Local Plan Policies GP1 (Design) and H7 (Residential Extensions) require that residential extensions appear subservient to the main dwelling, do not detract from the street scene and do not cause significant harm to residential amenity with regards to loss of light, privacy or outlook. Policy GB4 (Extensions to Existing Dwellings) supports residential extensions where they would not cause undue visual intrusion, would be appropriate in terms of design and materials and would be small scale compared to the original dwelling. A figure of 25% is given as a guide for the purposes of assessing planning applications, where proposals to extend a dwelling by more than 25% of its original footprint would be considered a large scale edition and resisted accordingly.

Supplementary Planning Document 'House Extensions and Alterations' 2012

4.7 The Council have an approved Supplementary Planning Document 'House Extensions and Alterations' dated December 2012 which provides guidance on all types on domestic types of development. A basic principle of this guidance is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the road/streetscene it is located on. In particular, care should be taken to ensure that the proposal does not dominate the house or clash with its appearance with the extension/alteration being subservient and in keeping with, the original dwelling. The character of spacing within the street should be considered and a terracing effect should be avoided. Proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing and loss of light, over-dominance and loss of outlook.

APPRAISAL

4.8 The proposals seek to construct a single storey rear extension to join the existing two storey rear extension to the detached garage structure. The extension would measure 6.3m in length, 4.9m in width with a total height of 3.2m. The extension would provide an open plan living/dining room. The extension would be constructed in matching materials and would include the provision of a toilet in the existing garage structure including the insertion of a small rear facing window.

4.9 The extension would be located at the rear of the dwelling which is situated within an area of residential dwellings which have long rear gardens with noticeable

extensions, out-buildings and detached structures. From the street frontage the enlargement would be obscured from view behind the garage and existing dwelling. On this basis the size and scale would not be obvious from the street.

Impact On Neighbour Amenity

4.10 Regarding the impact on 13 Hopgrove Lane North, the extension would lie to the north of No.13 thus there would be no significant impact on light. While the overall enlargement of No.14 would be of significant length along the shared side boundary the proposed eaves height of 2.2m with the roof sloping gently away from the boundary would prevent the proposal from appearing overbearing. Moreover, 13 Hopgrove Lane North has a small outbuilding adjacent to the proposed site thus the proposal would be somewhat concealed from principal rooms and garden areas of No.13.

4.11 The extension would be separated from 15 Hopgrove Lane North by the host property's garage. Given the proposed extension will not exceed the height of the existing extensions it is not considered there would be any new impact on No. 15.

Parking and Storage

4.12 There will be sufficient external amenity space to the rear, following the development and the proposal has no implications in terms of off-road parking. While loss of access to the rear is undesirable the garage/store is considered to provide adequate storage space for bins and cycles.

Development In The Green Belt

4.13 The NPPF establishes that disproportionate additions over and above the size of the original building constitutes inappropriate development. Policy GB1 of the Publication Draft Local Plan relates to the development in the Green Belt and sets out the circumstances where planning permission for development will be granted. This includes circumstances in which proposals do not detract from the open character of the Green Belt and would not conflict with the purposes of including land within the Green Belt and it is, among other purposes, limited extension, or alteration of an existing dwelling.

4.14 Draft Local Plan (2005) policy GB4 indicates that an increase of the footprint of the host dwelling by 25% would normally be acceptable. However no reference is made within this policy to the overall scale of the development. With the introduction of the Publication Draft Local Plan it is considered that policy GB4 should be given very limited weight when assessing the acceptability of development proposals in the green belt.

4.15 The proposed extension, along with the existing kitchen and garage extensions represents a 198% increase in the original footprint of the dwelling. This figure far exceeds the 25% figure provided in policy GB4. Whilst there is no percentage figure given in the Publication draft Local Plan policy GB1 or within the NPPF, the NPPF requires any extensions to buildings to be proportionate, and that they should not significantly exceed the size of the original building. Given the combined increase in extensions to the host dwelling it is considered that its scale taken together with the existing extension would result in inappropriate development which by definition would be harmful to the green belt.

4.16 It is acknowledged that the extension would not be overly visible from the street scene, or from the open fields opposite the site to the south/west, and due to the mature trees to the rear of the site would also not be visible from the fields to the rear. However to allow the increase of development purely because it could not be readily seen would go against the main aim of Green Belt policy which is to prevent urban sprawl and to keep land permanently open. Therefore in conjunction with the existing extensions to the host property it is considered that any further extensions would, by definition, affect the openness of the green belt. This view is supported by the Inspectors decision for no. 7 Hopgrove Lane North which stated that by increasing the footprint and massing of the building, the proposal would reduce its openness to some extent, which would therefore result in harm to the openness of the green belt. This is especially true in this case, as a detached structure would be joined to the host dwelling, increasing its mass as one much larger, sprawling extension to the dwelling when viewed from neighbouring plots.

4.17 Whilst it is also acknowledged that this application has had a lot of support from neighbouring residents, this support does not outweigh the harm to the green belt by way of inappropriateness and openness. There are no special circumstances to outweigh this harm.

5.0 CONCLUSION

5.1 The scale of the extension is such that combined with the existing extensions, it would result in a disproportionate addition that would be inappropriate development in the green belt which is, by definition, harmful to the green belt. This in turn would impact on the openness of the green belt. As this harm is not outweighed by any other considerations, the proposal is recommended for refusal as contrary to the National Planning Policy Framework, policy GB1 of the Publication Draft Local Plan and policy GB4 of the draft Development Control Local Plan.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Householder Refusal

1 The extension would link the detached garage to the already extended host
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building. The scale is such that combined with the existing extensions, it would be considered a disproportionate addition which would result in inappropriate development in the Green Belt. In addition the increased development would, by definition, reduce the openness of the green belt, contrary to paragraph 133 of the NPPF which specifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The proposals would therefore fail to accord with Paragraphs 133, 144 and 145, of the National Planning Policy Framework, Policy GB1 of the Publication Draft Local Plan (2018) and policy GB4Draft Development Control Local Plan (2005).

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. Due to the nature of the scheme, it was not possible to suggest an acceptable alternative that would satisfy relevant green belt issues. This resulted in planning permission being refused for the reasons stated.

Contact details:

Author: Elizabeth Potter Development Management Assistant

Tel No: 01904 551477

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14 Hopgrove Lane North

18/01878/FUL



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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	25 September 2018
SLA Number	Not Set

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COMMITTEE REPORT

Date: 4 October 2018 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 18/01218/FULM
Application at: Proposed Lidl Store James Street York YO10 3DW
For: Erection of food store (use class A1) with associated access, parking and landscaping
By: Perio News Ltd, S Harrison Developments And Lidl UK
Application Type: Major Full Application (13 weeks)
Target Date: 19 September 2018
Recommendation: Approve

1.0 PROPOSAL

1.1 The proposal is to demolish the existing warehouse and erect a single storey foodstore. The site will be accessed from the existing access point on James Street close to the junction with the access to the Foss Island Retail Park. 130 parking spaces are proposed including 4 electric vehicle charging points, 8 disabled parking spaces and parent and child parking. Cycle parking spaces are provided for customers. A landscaped strip is to be provided along the frontage as well as a larger grassed area in the North of the site. Replacement tree planting is provided as some street trees will be removed to provide visibility splays.

1.2 The site is 0.97ha and contains a large warehousing building. Access is off James Street and also via the bus depot to the south. Along the frontage is a pavement with a large telecoms installation towards the South of the site. The frontage has significant planting, much of which is overgrown. There are a number of semi-mature trees towards the north of the site which are within the highway verge.

1.3 The site sits opposite the entrance to Hazel Court and close to the traffic light controlled Foss Islands Retail Park junction. This part of James Street is characterised by industrial units and trade units but the site also sits opposite the entrance to St Nicholas Fields and in close proximity to Foss Island Retail Park and the Morrisons supermarket.

2.0 POLICY CONTEXT

2.1 Policies:

Publication Draft Local Plan 2018

EC1 Provision of employment land
EC2 Loss of employment land
R1 Retail hierarchy and Sequential Approach
R4 Out of centre retailing
D1 Placemaking
D2 Landscape and setting
CC1 Renewable and low carbon energy generation and storage
CC2 Sustainable design and energy efficiency
ENV4 Flood risk
ENV5 Sustainable drainage
T1 Sustainable access

Draft Development Control Local Plan 2005

GP1 Design
GP4a Sustainability
GP9 Landscaping
GP15a Development and flood risk
T4 Cycle parking standards
T5 Traffic and pedestrian safety
E3b Existing and proposed employment sites

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 No objections, conditions are recommended.

Design, Conservation and Sustainable Development (Landscape)

3.2 The vegetation along James Street is a combination of planted trees and self set vegetation. While unkempt it does provide screening of the buildings behind and relates to the naturalistic planting of St Nicholas Fields on the opposite side of James Street. Foss Islands Retail Park also has good quality planting along James Street and this has become a strong component of the street's character. It is important to retain and/ or enhance the existing vegetation where possible and to give context with neighbouring sites. To achieve this, it is suggested that more significant tree planting should be achieved. The removal of much of the vegetation to accommodate highways works is acceptable given that trees are semi-mature but only where losses are mitigated with new tree planting. Further tree planting is suggested; also shrubbery behind the trip rail, increased size of replacement trees, and improved planting beds for replacement trees. Revised plans have been requested.

Design, Conservation and Sustainable Development (Archaeology)

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3.3 Any works which go beyond the upper 3m of the archaeological deposits have potential to impact on archaeology in the ground. Further information has been submitted to confirm that there will be no works beyond this level. Conditions are therefore not required.

Flood Risk Management

3.4 No objections in principle, conditions are suggested.

EXTERNAL

Environment Agency

3.5 No objections to the proposal as represented by the FRA.

Neighbour notification and publicity

3.6 Asda Stores Ltd has made the following objections to the proposal:

- loss of employment land stating that the application is contrary to policy EC2 of the emerging Local Plan;
- inconsistencies in the retail impact assessment resulting in an underestimation in the impact on the city centre, Walmgate and Hull Road local centres;
- highway impacts including concern that the visibility splays at the junction can not be achieved; the turning lane is not wide enough; a Road Safety Audit should be undertaken; parking over-provision; inappropriate trip generation rates have been used; inadequate information in relation to impact of proposals on the highway network; and no control over commuter parking.

3.7 An additional representation has been received from a local resident. They support the parking provision but feel the parent and child parking could be resited closer to the building. Also comments are made in relation to the possibility of removing the steps from the pedestrian access and altering the keep clear box at the access. (Officer note – level pedestrian access is provided from near the vehicle access but because of the change in levels it cannot be provided at the Southern pedestrian access.)

4.0 APPRAISAL

4.1 KEY ISSUES

- Loss of employment land;
- Retail impact;
- Highways considerations;
- Design and character;
- Landscaping.

PLANNING POLICY

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National Planning Policy Framework (NPPF)

4.2 The National Planning Policy Framework (NPPF) sets out the Government's overarching planning principles. Para.11 refers to the presumption in favour of sustainable development and requires that where there are no relevant development plan policies or the policies are out of date then permissions should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Para.80 states that significant weight should be placed on the need to support economic growth and productivity. 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.

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 the policies outlined in paragraph 2.1 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.

LOSS OF EMPLOYMENT LAND

4.7 In accordance with the requirements of policy EC2, when considering an application for a loss of an existing employment site, evidence should be provided that the buildings are no longer viable in terms of market attractiveness, business operations, condition and/ or compatibility with adjacent uses; and the proposal would not lead to the loss of an employment site that is necessary to meet employment needs during the plan period. The applicant has provided a marketing

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and viability report indicating that the site has been predominantly vacant since 2010 when the previous packing manufacturer vacated the premises. The buildings have been marketed for 5 years with little interest. There has been no interest in any manufacturing use or storage (apart from a recent short term use).

4.8 The report goes on to state that the building does not meet the employment demand that exists in York, for the following reasons;

- The location on James Street is not suited for warehousing use.
- The configuration of the site with a tight access across forecourts owned by third parties is not satisfactory for warehouse use.
- The layout as existing does not facilitate tail gate loading.
- Internally the floor structure is not designed to take high point loads associated with racked storage.

The report further confirms that these issues could not be addressed by refurbishment.

4.9 In relation to the impact on employment land provision during the plan period, the report indicates that the Publication Draft of the York Local Plan sets out at Table 4.1 York's employment land requirement. It states that during the plan period up to 2038 38.1ha of employment land will need to be allocated. The table is based on the latest objectively assessed development need set out within the Employment Land Review Update (2017). Policy EC1 of the new Local Plan provides a list of sites where this employment need will be met. This includes large employment allocations as part of York's strategic sites. The report states that the emerging York Local Plan proposes to allocated 52.02ha of employment land which is considerably more (37%) than the 38.1ha of land deemed to be required. Assuming this list of sites remains largely unchanged upon adoption of the new Local Plan, the application site will not form part of these strategic allocations and the Report states that its loss will not harm the supply of sites required to meet the employment needs of the district until 2038.

4.10 Economic development officers have confirmed that, as a result of the nature of the building, the loss of employment land is acceptable. Discussion with Make It York indicates that there is demand for warehousing and industrial units but not at this location.

4.11 There is currently an insignificant level of employment on site as the building has most recently been used for the storage of props for TV shows. Officers understand that previous to this, when the building was more fully in use, levels of employment were low. The proposed supermarket will create 40FTE jobs

4.12 Weight is given to the lack of interest in the site as an employment site, and this weight, and the over-provision of employment land within the emerging Local Plan ensure that the proposal is acceptable in relation to policy EC2. The NPPF

(para. 80) states that planning decisions should help create the conditions in which businesses can invest, expand and adapt and significant weight should be placed on the need to support economic growth and productivity. This proposal is considered to achieve this by bringing back in to use a site which is currently not attractive as an employment site as evidenced by the lack of interest over a period of 5 years.

SEQUENTIAL TEST AND RETAIL IMPACT

4.13 The proposal is for 1,267sqm (net) and 1,956sqm (gross) of new retail floorspace in an out of centre location. Para.86 of the NPPF requires that a sequential test is applied to planning applications for main town centre uses which are not in an existing centre. Main town centre uses should be located in town centre then in edge of centre locations; only if suitable sites are not available should out of centre sites be considered. A Sequential Test assessment has been undertaken by DPP Planning in their Planning and Retail Statement and SCI which was produced in May 2018. The assessment considers a number of sites as agreed at pre-application stage. The NPPF para.87 goes on to state that applicants and local planning authorities should demonstrate flexibility on issues such as format and scale when applying the sequential approach. Sites at Castle Piccadilly/ Castle, York Central, Hungate, Acomb District Centre, Haxby District Centre, Hull Road Local Centre and Walmgate Local Centre have been considered but no sites have been identified which are suitable, viable and available at the present time. As such the sequential test has been passed and it is accepted that there are no sequentially preferable development sites within or on the edge of York City Centre at the present time.

4.14 Policy R1 of the emerging York Local Plan Publication Draft (February 2018) sets a Retail Impact Assessment threshold of 1,500sqm (gross). Para.89 of the NPPF also requires that applications for retail development outside town centres, which are not in accordance with an up-to-date plan, should be accompanied by an impact assessment if the development is over a locally set threshold (or if there is no locally set threshold, the default threshold is 2500m² of gross floorspace). The proposed development comprises retail space that amounts to 1,267sqm (net) and 1,956sqm (gross). A full Retail Impact Assessment by DPP Planning was provided alongside the planning application. The parameters and base data for this assessment were agreed at pre-application stage. The predicted turnover for the proposed development is set out within the assessment. This indicates that in monetary terms it is anticipated that less than 4% (£0.26m) of the proposed development's convenience trade and 9.5% (£0.1m) of its comparison trade will be diverted from the City Centre. This equates to approximately £0.36m of expenditure being diverted from York City Centre, thus equating to a negligible impact of 0.1% on the centre overall. In monetary terms, it is anticipated that the proposal will result in approximately £0.32m of expenditure being diverted from Acomb District Centre, thus equating to an impact of just 0.1% on the centre. No real impact is expected on

Haxby District Centre and a 1.9% impact on the Walmgate Local centre. The proposal will have a negligible impact on Hull Road centre. It is agreed that there is limited impact on the City Centre, District Centres and Local Centres.

4.15 In terms of notable out of centre impacts DPP Planning note the following:

- Foss Islands: Asda (8.4%) Morrisons (4.2%) Sainsburys (3.3%)
- Monks Cross: Aldi (4.2%), Asda (1.1%)
- Clifton Moor: Tesco Extra (0.3%), Iceland (6.4%)
- Tesco Extra, Tadcaster Road (0.9%)
- Aldi, Water Lane (2.6%)

It should be noted that these stores are also out of centre so they are offered no policy protection. In addition whilst the Asda and Sainsbury's on Foss Islands fall within the city centre boundary (as shown on the city centre insert map), in retail terms this element of the city centre is 'edge of centre' as it is 300m from the Primary Shopping Area.

4.16 The proposal is considered consistent with policies R1 and R4 of the emerging Local Plan. Evidence has been provided to indicate that there are no sequentially preferable development sites within or on the edge of York City Centre which are suitable and available at the present time. The impact test has shown that the greatest impact will be on the Asda at Foss Islands which is edge of centre and therefore offered no policy protection. A condition is recommended to restrict the amount of comparison goods sold at the proposed store to no more than 231 sqm net floorspace to safeguard the vitality and viability of the city centre.

HIGHWAYS CONSIDERATIONS

4.17 The access to be used is an existing access but changes to the visibility splay at the access point have been agreed to improve highway safety. These changes and other amendments to the public highway to increase the off-road cycleway and provide a pedestrian island, will require a S278 agreement. These matters will be secured via condition and an update will be provided at committee.

4.18 Parking provision is above maximum parking standards as laid out in Annex E of the DCLP which recommends maximum parking levels of 1:30 for customers. The NPPF (para.106) states that maximum parking standards should only be set where there is a clear and compelling justification that they are necessary for managing the local road network or for optimising density of development in city centres and other locations that are well served by public transport. Para.109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. During pre-application discussions, officers requested that parking levels were compared with those at the

Aldi on Water Lane. This provides one parking space per 17.4sqm GIA compared with one space per 15.0sqm GIA on the current application. Cycle parking for 20 bikes is to be provided and the site is easily accessible by public transport and from the city centre.

4.19 Policy T1 of the emerging Local Plan requires that development maximises the use of more sustainable modes of transport. Development proposals should demonstrate that there is safe and appropriate access to the adjacent adopted highways; safe and appropriate links to local services and surrounding walking and cycling networks; provide suitable access for a range of transport modes whilst giving priority to pedestrians and cyclists; create safe layouts for all; and provide sufficient cycle storage. The proposal is considered to meet the requirements of this policy – comments from Highways officers will be reported at committee in relation to the access arrangements which have been developed in discussion with the applicant. Linkage to the existing cycle network and level access for all to the site has been provided.

4.20 Servicing will be limited to one or two daily movements. The access has been designed to accommodate the manoeuvres of the largest service vehicles.

DESIGN AND CHARACTER

4.21 The proposal replaces the existing warehouse with a modern supermarket. The new building has a monopitch roof and will be approximately 1.5m lower than the existing. The existing building sits close to the highway but the new store will sit in the South West corner of the site allowing parking and landscaping to be sited between the building and highway.

4.22 The building is of a contemporary design with grey metal cladding and glazing to the elevations. Materials are metal cladding panels in dark grey to the top third of the building with white cladding to the rest of the building and a small brick plinth. The glazed front of the store will face predominantly on to the parking area while the elevation facing the highway contains the glazed entrance, trolley bay and signage zones. While the elevation facing the highway lacks any particular architectural interest, it is also approximately 30m from the public highway. A landscaping strip of between 7m and 12m, and car parking, separates the building from the highway with some new tree planting to soften the impact.

LANDSCAPING

4.23 The existing vegetation, while overgrown, relates well to the naturalistic planting on the opposite site of James Street at the entrance to St Nicholas Fields. The Foss Islands Retail Park and Morrisons also has good quality specimen tree planting with low level shrubbery. This soft landscaping has become a key feature of the area.

4.24 New landscaping is to be provided along the frontage of the site and in the Northern corner. The security fence along this frontage boundary will be removed and replaced with a knee high trip rail. This will result in a visual opening up of the site in line with the Morrisons site further along James Street. The Northern corner will be kept as meadow grassland. Siting of the attenuation tank in this area restricts more large scale planting. A mix of tree and shrub planting and grassed areas are proposed along the frontage.

4.25 The proposal requires a widening of the access which will result in the loss of 6 street trees and a tree sited within the site. Two more mature birch trees to the right of the access will be retained. The loss of these trees has been accepted as a result the need to provide adequate visibility and semi-mature stature of the trees. The losses are to be mitigated by replacement tree planting within the site. These trees are to be of a similar girth as those removed. A replacement landscape scheme is anticipated detailing the size, location and species of these trees. Planting is proposed around the entrance points to the site with replacement trees around the access and additional trees along the frontage. Implementation of the landscape plan, maintenance and replacement of planting should be conditioned.

5.0 CONCLUSION

5.1 The site contains an empty warehouse. The proposal results in a loss of an existing employment site but it has been assessed that there is no existing demand for such buildings in this location and the requirements of policies EC1 and EC2 are met. A sequential test has been undertaken and a retail impact assessment provided to indicate that there are no sequentially preferable sites and that the impact on the vitality and viability of the city centre will be acceptable. To this extent the proposal is considered to comply with policies R1 and R4 of the emerging Local Plan.

5.2 Highways impacts have been assessed and an update will be given at committee in relation to recommended planning conditions. The proposed highway scheme results in the loss of 6 street trees which are to be replaced on a like for like basis in terms of their size but within the site. Improvements have been made to increase the level of landscaping along the frontage.

5.3 The proposal represents the redevelopment of a brownfield employment site which is considered unlikely to return to its current use. The proposed retail use is sequentially acceptable and has been assessed in terms of its impact on city centre vitality. The retail use is compatible with neighbouring uses and the building will be a visual improvement on the existing derelict site. Subject to the proposed conditions, it is considered that the proposal will comply with relevant policy and it is recommended that the application be approved.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 PLANS2 Apprvd plans and other submitted details

3 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended or any order amending, revoking or re-enacting that Order, or the description of development associated with this permission, no more than 231 square metres net floorspace of the retail development hereby authorised shall be used for the display and sale of comparison goods.

Comparison goods are defined as follows:-

- i) Clothing, footwear and fashion accessories(including jewellery and watches);
- ii) Music, Video/DVD recordings and computer games;
- iii) Cameras(including camcorders) and other photographic equipment;
- iv) Electronic Goods(incl TVs, Video, DVD, PC's and hi-fi equipment;
- v) Toys;
- vi) Books, and stationery;
- vii) Household Textiles;
- viii) Sports Goods;
- ix) Gardening Equipment and Furniture;
- x) Camping Equipment and tents;
- xi) Luggage;
- xii) Mobile phones and communication equipment..

Reason:- To safeguard the vitality and viability of the City Centre and to secure compliance with paragraphs 86 to 89 of the National Planning Policy Framework.

4 LC3 Land contamination - remedial works

5 LC4 Land contamination - unexpected contam

6 Prior to first occupation of the site a noise report shall be provided to the Local Planning Authority demonstrating that the combined rating level of any building service noise associated with plant or equipment at the site does 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

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intermittent characteristics. The site shall not be occupied for use until this noise report has been approved by

CYC and any further noise mitigation measures required to meet the required standards have been implemented and are fully operational. All plant and machinery at the site shall be adequately maintained and designed to ensure the noise requirements set out above are not exceeded at any time in the future (inclusive of acoustic features).

Reason: To protect the amenity of local residents

7 Before the occupation of the retail accommodation four (4) Electric Vehicle Recharging Points shall be provided in a position to be first agreed in writing by the Council. Within 3 months of the first occupation of the accommodation, 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

Note : Electric Vehicle Recharging Point means a free-standing, weatherproof, outdoor recharging unit for electric vehicles with the capacity to charge at both 3kw (13A) and 7kw (32A).Charging pointes should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles. This ties in with a key theme of the NPPF, in that developments should enable future occupiers to make green vehicle choices and it explicitly states that 'developments should be located and designed where practical to incorporate facilities for charging plug in and other ultra low emission vehicles'.

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

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

Reason: In the interest of satisfactory and sustainable drainage.

9 No commencement shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority. The information shall include site specific details of:

i) the means by which the surface water discharge rate shall be restricted to a maximum rate of 58.5 (fifty eight point five) litres per second, and

ii) the means by which the surface water attenuation up to the 1 in 100 year event with a 30% climate change allowance shall be achieved.

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

10 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.

11 The landscaping scheme as detailed on plan XXX 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.

12 HWAY40 Dilapidation survey

13 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.

14 Prior to occupation, cycle parking areas shall be provided within the site in accordance with the approved plans, 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.

15 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic

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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.

Details to be provided at update

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

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:

Amendments to highway details; additional tree planting.

Contact details:

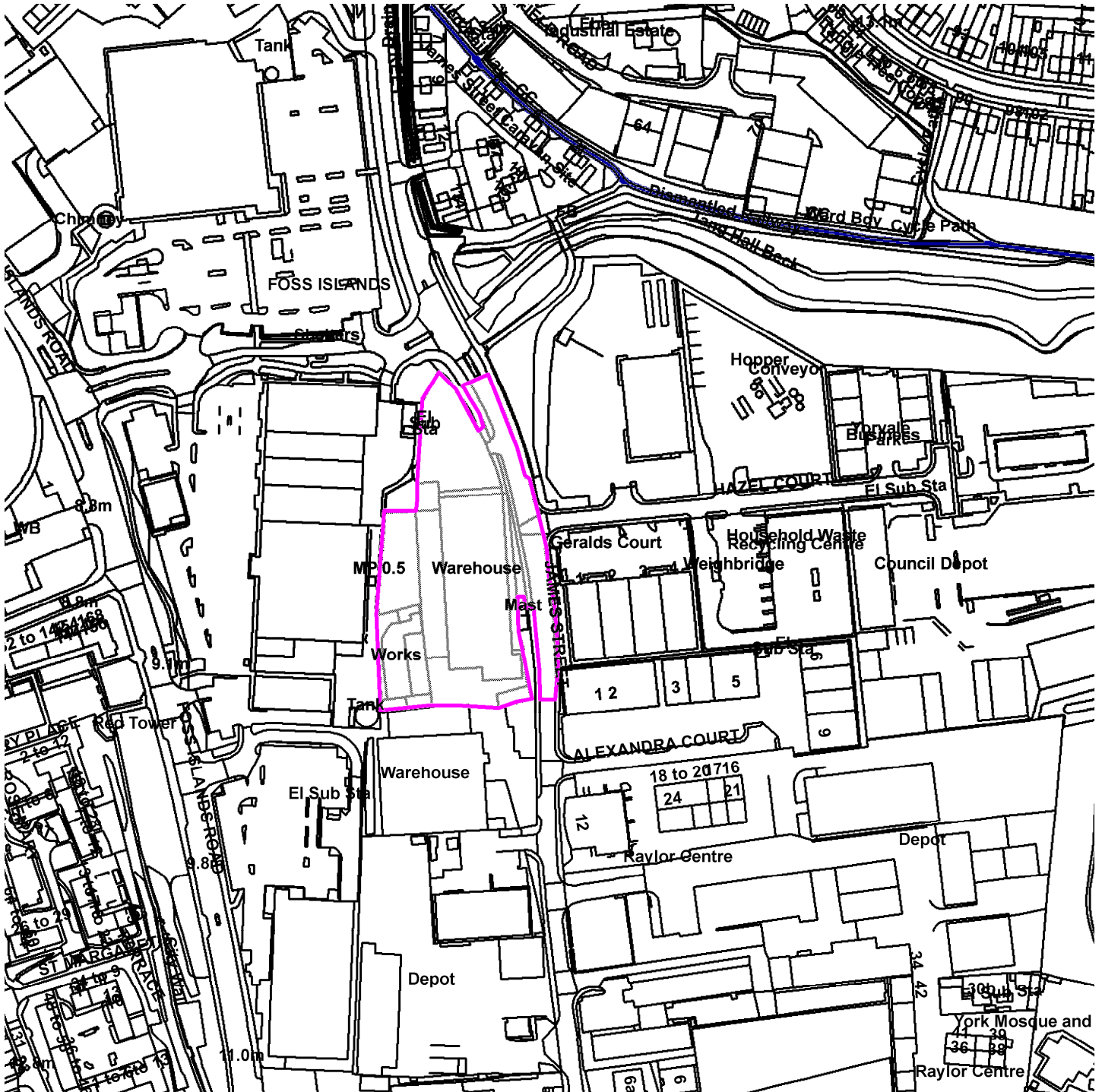
Author: Alison Stockdale Development Management Officer (Tues - Fri)

Tel No: 01904 555730

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Proposed Lidl Store, James Street

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Scale : 1:2988

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	25 September 2018
SLA Number	Not Set

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COMMITTEE REPORT

Date: 4 October 2018 **Ward:** Holgate
Team: Major and **Parish:** Holgate Planning Panel
Commercial Team

Reference: 18/01685/FULM
Application at: Land Adjacent To Cinder Lane Holgate York
For: Siting of 2 storey modular buildings to accommodate office use for a 5 year temporary period together with associated works to support the implementation of rail infrastructure project.
By: Network Rail (infrastructure) Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 8 November 2018
Recommendation: Approve

1.0 PROPOSAL

1.1 The application site is an area of Network Rail operational land located to the north west of York Railway Station. The site is located to the south of Network Rail's Maintenance Delivery Unit (MDU) and between the Railway Depot and other operational land used for various railway activities. It is positioned on a bend adjacent to Cinder Lane. Main vehicular access is from Leeman Road, adjacent to the National Railway Museum and the entrance to the Railway Depot to the north. Cinder Lane running along the southern boundary of the site provides a public cycle and pedestrian route, leading to a pedestrian bridge to Wilton Rise and the Holgate area of the City. The site is relatively flat, containing a number of old sidings and is currently vacant.

1.2 This area of land is allocated as part of the York Central site for which outline consent for the redevelopment of this area for mixed use development has been submitted. It is anticipated that this particular part of the York Central wider site will be developed in the later stages of the allocation and the proposed office use sought under this application will have ceased before the land is required.

1.3 Planning permission is sought for the siting of a temporary modular building for office accommodation (Class B1). This includes associated work including a security hut, lighting, fencing and associated car parking (including electric charging points) and cycle parking.

1.4 The office building is sought to provide office accommodation to facilitate Phase 2 of the East Coast Main line Power Supply Upgrade Programme, which is delivered by REAL Alliance comprising of 6 integrated organisations. The delivery of this project is expected to be undertaken between 3 and 5 years. There will be up to 170 staff

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occupying the building. Planning permission is sought on the basis of a temporary consent, inline with the programme delivery.

1.5 The building containing a number of modular units constructed together would measure approximately 66m x 12m with a forward projecting section measuring 15m x 12m on the southern elevation. It would be two storeys high. Approximately 1954sqm of gross internal floorspace shall be provided.

1.6 The site lies within the Central Area of Archaeological Importance and is within Flood zone 1. It is noted that the application site lies outside any Conservation Area. The nearest listed buildings are the Network Rail Maintenance Delivery Unit and National Railway Museum (Annexe) but these are some distance from the proposed building location.

2.0 POLICY CONTEXT

DEVELOPMENT CONTROL LOCAL PLAN (DCLP) 2005

2.1 The policies that are relevant to matters raised by this application include:

YC1	York Central Action Area
GP1	Design
GP4a	Sustainability
GP4b	Air Quality
GP15a	Development and flood risk
HE10	Archaeology
GP6	Contaminated Land
T4	Cycle Parking Standards
GP23	Temporary Planning Permission

PUBLICATION DRAFT YORK LOCAL PLAN 2018

2.2 The main draft policies that are relevant to matters raised by this application are:

DP1	York Sub Area
DP2	Sustainable Development
DP3	Sustainable Communities
SS1	Delivering Sustainable Growth for York
SS4	York Central
EC1	Provision of Employment Land
D1	Placemaking
D6	Archaeology
ENV1	Air Quality
ENV3	Land Contamination
ENV4	Flood Risk

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T1 Sustainable Access
T3 York Railway Station and Associated Operational Facilities

3.0 CONSULTATIONS

INTERNAL

HIGHWAYS NETWORK MANAGEMENT

3.1 No comments received at the time of writing

URBAN DESIGN, CONSERVATION AND SUSTAINABILITY (Design)

3.2 As permission is sought for five year the importance on good design quality is of lower concern than it would otherwise be. Clarity however is sought regarding the degree of redundancy of the project timescale. If this is not factored in, the proposal would not be acceptable because it is generally without much design consideration and would not be acceptable for a semi permanent solution.

3.3 There does not appear to be any linkages with any 'meanwhile use strategy' for York Central. The proposed new access route through the York Central site is adjacent to this site and the two storey prefabricated cabins will be the first building that will be seen on the approach to the station along this new access road, and could potentially be an underwhelming York Central experience. Preference would be for a single storey building to reduce its visual impact; there are no accompanying visualisation that assesses the impact of the proposal on the setting of the station and due to the potential unhelpful precedent it makes for York Central as a quality brand (as a temporary gateway moment into York). Coupled with this a consideration for visual screening through hoarding design or other temporary intervening feature would be helpful.

URBAN DESIGN, CONSERVATION AND SUSTAINABILITY (Archaeology)

3.4 The proposals will involve intrusive groundworks relating to the foundations for the modular buildings and associated facilities (drainage, lighting, fencing, and electric charging points). The area is outside of the known Roman cemetery and appears to have been used as agricultural land prior to use as railway land since the mid-late 19th century. Subsequent development will have had some detrimental impact on any archaeology which occupied this site. A watching brief will suffice as a mitigation measure to record any archaeological deposits or features that are revealed during the works (anticipated that these may date to 19th and 20th century) and can be secured via condition.

URBAN DESIGN, CONSERVATION AND SUSTAINABILITY (Ecology)

3.5 No comments received at the time of writing.

FLOOD RISK MANAGEMENT TEAM

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3.6 Objection on the following grounds;

- No evidence provided to discount the use of infiltration methods of surface water disposal.
- Fails to provide evidence of the existing drainage onsite but makes assumptions therefore existing and permitted discharge rates and outfall cannot be agreed.
- According to Yorkshire Waters Public Sewer Records there is a Public Combined Sewer crossing the site without consideration in the proposed site layout therefore the FRMT cannot approve the proposed site layout.

PUBLIC PROTECTION

Contaminated Land

3.7 The site area is currently mainly vacant with some redundant sidings and is being used for informal storage. Historically the site has been used as an industrial area. The application is supported by a Preliminary Risk Assessment (PRA) which identifies a moderate risk to human health receptors from potential contamination associated with historic and current use of the site. The reports recommends that a site investigation is undertaken to allow for further risk assessment secured via condition.

Air Quality

3.8 No adverse comments in respect to air quality, with the applicant demonstrating the provision of 2 Electric Vehicle Recharging Points in line with the Council's low Emission Strategy (LES) and paragraph 110 the National Planning Policy Framework (NPPF 2018). It is recommended that these are secured via condition.

EXTERNAL

YORKSHIRE WATER

3.9 No comments received at the time of writing

HOLGATE PLANNING PANEL

3.10 No objections.

PUBLICITY AND SITE NOTICE

3.11 No responses received at the time of writing.

4.0 APPRAISAL

4.1 Key Issues

- Principle of the development
- Design, layout and landscaping
- Highways access and parking arrangements
- Land Contamination
- Ecology

- Drainage
- Noise and impacts upon residential amenity

POLICY CONTEXT

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) (2018)

4.2 The revised National Planning Policy Framework (NPPF) (2018) was published on 24 July 2018 and sets out the government's planning policies for England and how these are expected to be applied. Paragraph 7 states that the planning system should contribute to the achievement of sustainable development. To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental.

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

4.4 Section 6 of the Framework highlights that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity (paragraph 80).

4.5 In respect to promoting sustainable transport (section 9) paragraph 103 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. Continuing, paragraph 104 (e) states that planning policies should provide for any large scale transport facilities that need to be located in the area and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy.

4.6 Paragraph 127 (Section 12 Achieving well-designed places) seeks to ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

4.7 Section 14 discusses meeting the challenge of climate change, flooding and coastal change with section 15 considers conserving and enhancing the natural environment including ground conditions and pollution.

DRAFT DEVELOPMENT CONTROL LOCAL PLAN (DCLP) 2005

4.8 City of York Council does not have a formally adopted Local Plan. Nevertheless The City of York Draft Local Plan Incorporating the Fourth Set of Changes

Development Control Local Plan (Approved April 2005) was approved for Development Management purposes (the DCLP).

4.9 The 2005 Draft Local Plan (DCLP) does not form part of the statutory development plan for the purposes of S38 of the 1990 Act. Its policies are however considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application (outlined in section 2 of this report above) are consistent with those in the NPPF, although it is considered that their weight is very limited.

PUBLICATION DRAFT LOCAL PLAN 2018

4.10 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.

APPRAISAL

PRINCIPLE OF THE DEVELOPMENT

4.11 The application site is located within the site allocation York Central Action Area (DCLP 2005) and ST5 York Central in the emerging plan. This designation is to enable the delivery of a mixed-used urban quarter providing employment, residential, cultural and leisure facilities. It is acknowledged that an outline application (with all matters reserved) has been submitted to the Local Planning Authority, however this is at an early stage of the application consideration and the development of the wider site will comprise of a phased development over many years. Detailed within emerging plan policy SS4 York Central, the mix of uses permitted within York Central includes offices (Class B1).

4.12 The use of this southern part of the York Central site, for a temporary period of 5 years will not impact upon the delivery or enabling works of York Central. The supporting information submitted within the application detail that there may be modifications required to the site access to accommodate the York Central infrastructure; however other adjacent uses would have to be accommodated during any works. There is no reason to suggest that alterations to the site's access would hinder the ability to operate the site in the manner proposed in the application. Furthermore, the site is earmarked for development in the latter phases of York Central and it is anticipated that the proposed office use would have ceased before the land is required for development. It is not considered therefore, that the use of the site for office development would preclude the future development of the allocated area.

4.13 A key component to delivering the upgrading of the East Coast Mainline phase 2 project is to enable all the six partners to be located in a single office location/base. Whilst other sites have been investigated, these were primarily discounted due to location, capacity (able to accommodate 170 staff) and timescales for availability in order to meet the project timescales. Additionally, the location will take advantage of the relationship to railway operators and existing rail infrastructure.

4.14 Concerns have been raised regarding the project over-running and the requirement for the building to be in situ longer than the expected 5 years. The collaborative working during the early phases of the project is essential, with the number of partners involved. Network Rail have advised that if the project is likely to over-run, this is likely to be at a stage of the project where a reduced number of people will be involved in specific project issues, the partnerships have thus become well established and the collaborative office space is of less significance. At this stage, staff could be relocated back to their primary office or it is likely that the project will have moved further up the country and into Scotland.

4.15 The provision of the site for employment uses is considered acceptable in principle in respect to national and local planning policies subject to design, access and highways and any other environmental impacts and will not hinder the development of the York Central allocation in this location.

DESIGN, LAYOUT AND LANDSCAPING

4.16 The proposed office building is a modular building. The site is situated to the rear of the railway station, separated by the long-stay car parks and existing railway buildings. The site already contains a number of industrial buildings, some of which vary in height and there is no defined character. The building does not offer any architectural merit but as the permission is sought on a temporarily basis, the importance on good design quality is of lower importance. On this basis, its design and construction is considered acceptable.

4.17 A number of recommendations have been made in order to improve its design quality and to avoid underwhelming the York Central experience, such as reducing it to single storey and providing visual screening, such as hoardings. As part of York Central, a new access road will be constructed though the site with its construction anticipated to be finalised by 2021. As consent is sought for 5 years, the two storey pre-fabricated cabins could still be in situ by 2023 and are likely to be the first building seen on the approach to the station. At this stage, York Central is at its consideration stage with no application determined. Whilst suggestion has been made that the building reduced to occupy a larger footprint, this is likely to have an impact upon the construction of the road and the positioning of the building is already restricted by the main sewer, and the building over of such sewer would not be acceptable. It is also acknowledged that in the early stages of development, the York Central site will be a construction site, with a number of construction compounds predominately for the

early enabling and infrastructure works, this building is unlikely to look out of place, for the initial period.

4.18 Palisade fencing is positioned along the shared boundary with Cinder Lane and this will be incorporated to enclose the building and car parking. Given the presence of this type of fencing in the locality, it would not be out of character.

HIGHWAYS ACCESS AND PARKING ARRANGEMENTS

4.19 Access to the existing Network Rail operational land, which this site is located within, is primarily accessed via a gated entrance off Leeman Road. The site is immediately adjacent to Cinder Lane, which is a pedestrian/cycle footpath, leading from Leeman Road to Holgate and provides access to the railway long stay car parks; however this footpath is separated from the application site from existing palisade fencing. The plans indicate the site to be enclosed by a 1.8m high palisade fence. A gate is indicated to be provided to enable pedestrian and cycle access from Cinder Lane and the rear of the railway station and commuter overflow car parking. There are concerns as to the safety and security implications of public access to the depot and wider Network Rail operational land and therefore the site will be enclosed by palisade fencing.

4.20 To accommodate cyclists, 28 covered cycle spaces shall be provided through 14 Sheffield stands. Shower facilities will be provided within the temporary building. The DCLP parking standards (Appendix E) requires 32 cycle parking spaces. Whilst there is a shortfall of 4 spaces, this level of provision is considered to be acceptable.

4.21 In respect to sustainable transport modes, the site is well positioned to take advantage of travel to and from the site by bus and train travel, cycling and walking. However, the application includes provision for 62 car parking spaces, with two of these allocated as electric recharging points and three accessible spaces. The DCLP parking standards (Appendix E) recommends 43 car parking spaces relating to the office floorspace provision. However the increase in 19 spaces is considered acceptable given the potential operational requirement including temporary parking at short notice. As part of the project, it is likely that some of the project team will be required to work remotely and there is an element of necessary car-borne travel required to implement the project.

4.22 The impact of the residual traffic as a result of the development is likely to be minimal. The application includes measures to minimise the use of the private car and its location is considered to be a sustainable location for employment uses.

LAND CONTAMINATION

4.23 The site has history of industrial uses which could have resulted in potential contamination. The application is supported by a land contamination report which

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indicates that there is a moderate risk to human health from potential contamination. Whilst a further site assessment is required to assess any further risk and can be secured by condition, at this stage the contamination report does not suggest that any potential contamination present at the site would prevent the use of the site for office development.

ECOLOGY

4.24 The site is an area of brownfield land that predominately comprises of a mix of hardstanding, bare ground and scattered vegetation and grassland. The application is supported by an extended phase 1 habitat survey. In regards to Bats, these have been recorded approximately 400m south of the site in an area of housing. None of the trees on the site were found to support features capable of supporting roosting bats. The habitat on site is considered to have the potential to support common bird species, with abundant similar habitat in the wider area along the railway corridor. The report recommends bird boxes to be incorporated in to the development to provide nesting opportunities for bird on the site however, it is unlikely that given the construction of the building incorporating bird boxes into its design are unlikely to be achievable. Furthermore the loss of the existing habitat for birds currently within the site is likely to be negligible and officers are satisfied that it is not necessary for mitigation measures to be incorporated into the scheme.

DRAINAGE

4.25 The application site is located within flood zone 1, where there is a low risk of flooding. There is a main sewer running through the site with the proposals taking this into account; however the sewers precise position had not been fully surveyed prior to the application being submitted. During the course of the application, a drainage report and survey plan has been submitted. Whilst some of the issues outlined by FRMT have not been addressed, including information to agree a permitted foul and surface water discharge rate, discharge point or indicative attenuation volumes, given the temporary nature, design and location of the scheme a drainage scheme can be designed and this shall be secured via condition to reflect the above outstanding information.

AMENITY IMPACTS

4.26 The site is not in close proximity to any current residential development or other sensitive sites and the proposed office development would be compatible with surrounding land uses.

5.0 CONCLUSION

5.1 The site is allocated within the York Central which seeks the delivery of a mixed-used urban quarter mixed use including offices. Temporary consent for 5

years is sought to enable the delivery of a rail infrastructure project and officers consider that the timescales, its location within the wider York Central site avoiding the proposed new access route and its use for office use would not preclude the future development of the allocated area. Whilst there maybe some visual impacts in terms of the timescales of both projects, officers consider that development could not be withheld for these reasons and that the development represents sustainable development supported by relevant policies in the NPPF.

5.2 Surrounding neighbouring users are commercial and industrial in nature and the proposed office use is therefore compatible with the locality. The location of the development will take advantage of sustainable transport modes, including the close proximity to the railway station with pedestrian links to Cinder Lane.

5.3 As such, the proposal is considered to accord with national guidance in the NPPF and the Draft Development Control Local Plan Policies for a temporary period of 5 years and other relevant conditions.

6.0 RECOMMENDATION: Approve

1 Within 5 years of the date of this permission, the building and all associated infrastructure (including but not limited to lighting columns and security hut) shall be removed and the land shall then be returned to its previous condition and use.

Reason: Planning permission is granted on a temporary basis to allow the Phase 2 East Coast Main Line Power Supply Upgrade Programme to be implemented and the retention of the building as a permanent structure would conflict with the ability to re-develop the York Central allocation site, conflicting with Policies YC1 of the DCLP 2005 and SS4 in the Publication Draft Local Plan 2018.

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

Drawing no. 121948-JAC-SKE-CV 000006 A01.3 Proposed Teardrop Building Elevations

Drawing no. 121948-JAC-SKE-CV 000007 A01.2 Proposed Teardrop Building Elevations

Drawing no. 121948-JAC-SKE-CV 000008 A01.6 Proposed Teardrop Site Plan

Drawing no. 121948-JAC-SKE-CV 000012 A01.2 Proposed Teardrop Site Plan

Drawing no. 152605-JAC-SKE-CV-000015 A01.1 Proposed Teardrop Pedsetrian Gate Detail

Drawing no. 18.20106-IBL-MB-XX-DR-0200-S2-PO2 GA Elevations

Drawing no. 18.2 0106-IBL-MB-XX-DR-0101-S2-PO2 First Floor GA Plan

Drawing no. 18.20106-IBL-MB-XX-DR-0100-S2-PO2 Ground floor GA Plan

Reason: For the avoidance of doubt and to ensure that the development is carried out

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only as approved by the Local Planning Authority.

3 Prior to the occupation of the office building 2 Electric Vehicle Recharging Point(s) 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 5 years or until the temporary permission ceases.

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

Notes

- Electric Vehicle Charging Points should incorporate a suitably rated 32A 'IEC 62196' electrical socket to allow 'Mode 3' charging of an electric vehicle. They should also include facilities for 'Mode 2' charging using a standard 13A 3 pin socket.
- Each Electric Vehicle Charge Points 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)."

4 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,

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- 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.

5 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.

6 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.

7 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

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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.

8 No groundwork shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification approved by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

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

9 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.

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

Design considerations.

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

If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to

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

If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha or if shall be used for the above. For the smaller developments where the Greenfield run-off rate is less than 1.4 l/sec/ha and becomes impractical and unsustainable then a lowest rate of 2 l/sec shall be used.

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

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

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

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

11 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.

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7.0 INFORMATIVES:

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Negotiation and submission of further drainage details
- Discussion regarding the relationship with other proposed developments

2. Drainage

The public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort, the developer is required to eliminate other means of surface water disposal.

Contact details:

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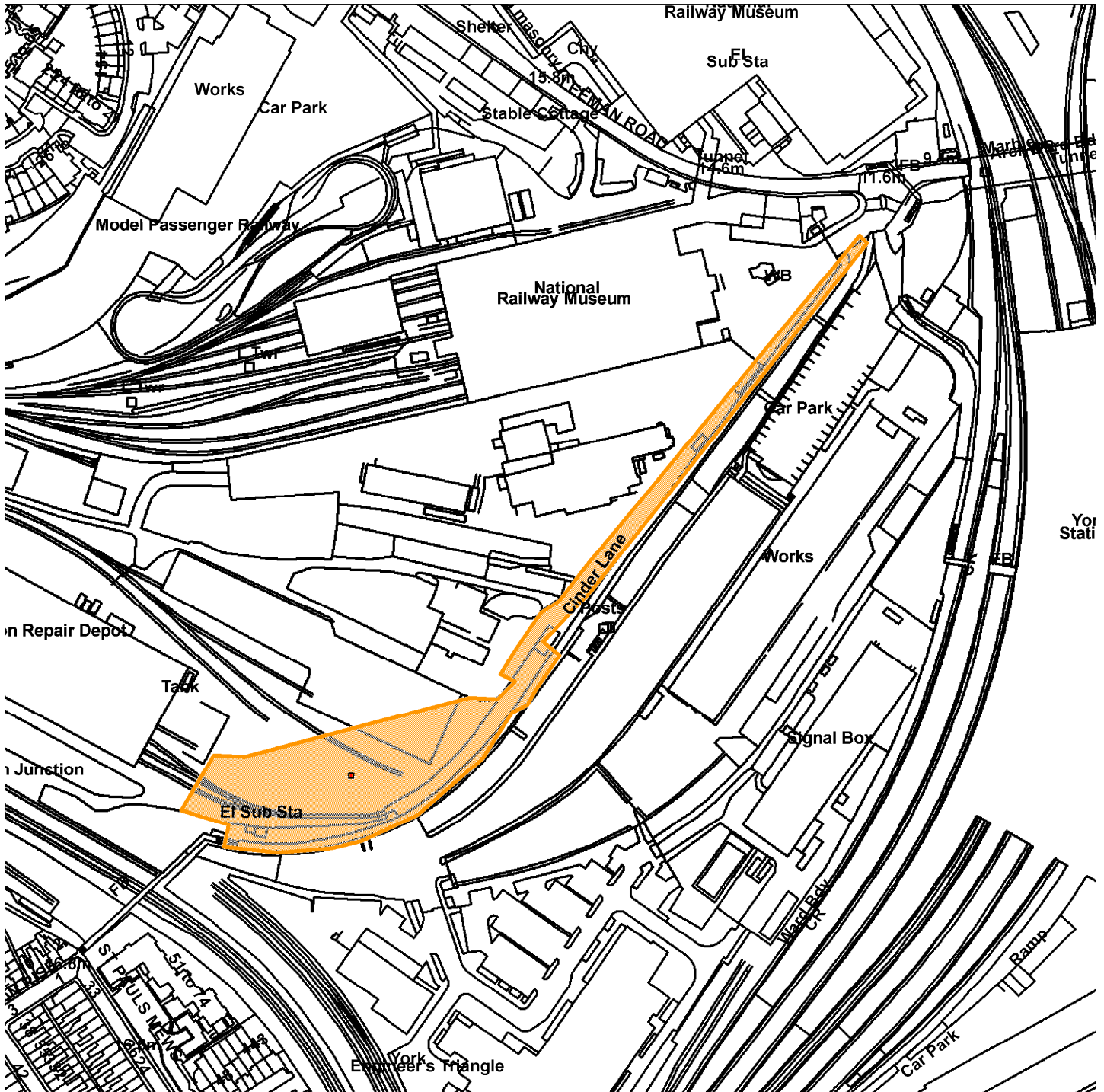
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Land Adjacent To Cinder Lane Holgate

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GIS by ESRI (UK)



Scale : 1:2580

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	25 September 2018
SLA Number	Not Set

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