

COMMITTEE REPORT

Date: 5 July 2018 **Ward:** Rawcliffe And Clifton
Without
Team: Major and **Parish:** Rawcliffe Parish Council
Commercial Team

Reference: 17/01437/FULM
Application at: Gem Construction & Shopfitting Ltd North Lodge Clifton Park
Avenue York YO30 5YX
For: Erection 3-storey building forming 14 flats following
demolition of existing buildings (revised scheme)
By: Mr Mike Green
Application Type: Major Full Application (13 weeks)
Target Date: 13 September 2017
Recommendation: Delegated Authority to Approve

1.0 PROPOSAL

1.1 The application is to demolish the existing two storey building and replace with a three storey building creating 14 flats. The original building was demolished in 2016, and the extensions to that building were demolished in 2017.

1.2 The site is not within a conservation area. The site is within Flood Zone 1. The path to the south of the building is adopted highway. The site is within the general extent of the Green Belt. The trees to the north east boundary have specific tree preservation orders, and all trees within the area are covered by a group tree preservation order.

1.3 There is a care home to the west of the site; to the south of the site is an office building which in 2014 gained planning permission for change of use to an outpatients hospital, they are separated by a public/adopted footpath, it was not clear at the site visit if this change of use had occurred. To the north and east of the site is Shipton Road.

1.4 An application for a three storey building contained 14 flats was withdrawn from committee in January 2016. Officers recommended refusal on the grounds of the loss of a non-designated heritage asset and that the creation of 14 flats was not considered to justify or outweigh the loss of the building with a replacement building that was of poorer architectural quality and was considered to make a much poorer contribution to the area in terms of visual amenity, character, loss of architectural variation, and distinctiveness.

1.5 Prior Notification for the demolition of the building (16/00161/DMNOT) was granted in February 2016.

1.6 Planning Permission (16/01173/FULM) was granted by committee (01 December 2016) for the erection of three storey building containing 14 flats (12 x2 bed flats and 2 x1 bed flats) and integral cycle and refuse bin store. Councillors may recollect that during the consideration of the application that the original part of the building had been demolished (October 2016) leaving the recent extensions to the building. The extensions were demolished in 2017.

1.7 During the current application process the external cycle store and refuse store have been removed and are now sited within the building. The height of the building has been reduced. The building has been sited further away from the Shipton Road boundary. There has been revising of the parking layout to increase the numbers of vehicle parking space from 14 to 16. The balconies have been reduced in size. In addition drainage information has been submitted during the application process. Further plans have been submitted correcting errors.

2.0 POLICY CONTEXT

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

- CYSP3 Safeguarding the Historic Character and Setting of York
- CYGP1 Design
- CYGP3 Planning against crime
- CYGP4A Sustainability
- CYGP6 Contaminated land
- CYGP9 Landscaping
- CYGP10 Subdivision of gardens and infill devt
- CYGP13 Planning Obligations
- CGP15A Development and Flood Risk
- CYNE1 Trees, woodlands, hedgerows
- CYHE10 Archaeology
- CYT4 Cycle parking standards
- CYH4A Housing Windfalls
- CYE3B Existing and Proposed Employment Sites
- CYED4 Developer contributions towards Educational facilities
- CYL1C Provision of New Open Space in Development

2.2 The Publication Draft York Local Plan 2018:

- DP2 Sustainable Development
- DP3 Sustainable Communities
- DP4 Approach to Development Management
- EC2 Loss of Employment Land
- H2 Density of Residential Development
- D1 Placemaking
- D2 Landscape and Setting

- GI2 Biodiversity and Access to Nature
- GI4 Trees and Hedgerows
- GB1 Development in the Green Belt
- GB2 Development in Settlements within the Green Belt
- ENV2 Managing Environmental Quality
- ENV5 Sustainable Drainage
- T1 Sustainable Access
- DM1 Infrastructure and Developer Contributions

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Highway Network Management (Comments on the revised scheme will be reported at the committee meeting)

3.1 Pleased that the cycle storage is proposed within the footprint of the building, as this is the most secure arrangement, the applicant is proposing 2 tier cycle parking this is not acceptable for the following reasons: There is insufficient room to manoeuvre cycles into place. Turning and a loading space (minimum of 1700mm) is required to access the racks. Only consider these types of racks for retrofit or high quantity of users. They are of varying quality, are unintuitive, and off-putting, unable to store tag- along/ trailers and have more maintenance liability due to the vast number of parts. In addition to this the height required is generally around 2.6m which is not normally found in buildings.

Design, Conservation, and Sustainable Development (Landscape Architect)
(Comments on the revised scheme will be reported at the committee meeting)

3.2 Concerned that the incremental revisions to the proposed building, bring the development closer to all three trees that are proposed, and worthy of, retention.

3.3 The previously approved scheme pushed the development to the limits of acceptability, thus although the recent changes area only small, they are significant.

3.4 The building is pushed closer to the lime tree to the north. The proposed balcony and patio on the northern elevation would overlap the full width of the fenced off root protection area. Cannot see how this element of the design could be built without extending the construction activities into the previously approved root protection zone. It would not be acceptable to push the previously approved protective fencing line closer to the trees.

3.5 Note that the development is pushed even closer to Shipton Road and the Oak and Ash trees. Again it does not appear feasible to construct the balconies without

entering the root protection zones and cutting back the canopies by a few metres (which will have increased in spread in the intervening years).

3.6 The proposed parking bays are located either side of the Ash. One of the parking bays is likely to actually cut through the side of the trunk.

Design, Conservation, and Sustainable Development (Ecology Officer)

3.7 No comments received

Design, Conservation, and Sustainable Development (Archaeology)

3.8 No comments received

Flood Risk Management Team

3.9 Insufficient information has been provided regarding the proposed surface water drainage scheme. However it is considered that further details can be sought via condition. The foul drainage scheme is matter of agreement to be reached between Yorkshire Water and the developer, and an adequate foul drainage scheme is achievable under the Building Regulations.

Public Protection

3.10 The area is a mixed use with offices, hotel, leisure and residential uses (including a care home) all in close proximity to the proposed site. The property is also adjacent to the main arterial road (A19) into and out of York. No noise assessment has been submitted with the application request condition requiring a scheme of noise insulation measures.

3.11 Noise from the construction and demolition phases of the development therefore request that a Construction and Environmental Management Plan is sought via condition together with restriction of the hours of construction, to protect the amenity of the nearby residential units.

3.12 The Phase 1 Preliminary Site Assessment report (dated 21 April 2015) shows that a number of buildings have previously been situated onsite, so made ground (and associated metals, hydrocarbons and asbestos contamination) could be present. The report recommends that an intrusive site investigation is carried out to determine the contamination status of the site. The report is acceptable. If the site investigation detects contamination, please note that appropriate remedial action will be required to make the site safe and suitable for its proposed use. Request the following conditions: investigation of land contamination; submission of a remediation scheme; verification of remedial works; reporting of unexpected contamination

3.13 The proposed residential properties are not located in an air quality management area and the level of traffic associated with the development is unlikely to have a significant impact on the air quality in the area. As a result Public Protection do not have any objections to the proposals.

3.14 The scheme does involve the provision of car parking. Therefore request the following is sought via condition at least one parking bay must be marked out for use by electric vehicles only, together with charging infrastructure and cabling

Public Realm

3.15 No open space contribution required

Waste Services

(Comments on the revised scheme will be reported at the committee meeting)

3.16 It appears from plans for the cycle/refuse store plan that the door is only able to accommodate 360 litre bins (or smaller). If this cannot be amended then it is recommended to provide 7 x 360 litre grey plastic wheeled bins for refuse.

3.17 Insufficient space for recycling facilities

3.18 Proposed plan for cycle/refuse store shows a ground floor bin store with single door external access. Access must be operated by key pad (not lock or fob) or left open on waste collection days. The same is applicable to any main site gate.

3.19 It appears that the bin store is accessible by road so the waste collection vehicle(s) will need sufficient space to turn and reverse the length of the access road to the development and load the bins directly from the bin store. It is not acceptable for the crews to pull out the bins the c. 50 metres from the bin store to the main road (Clifton Park Avenue). If access for the vehicle is not possible then the bins will have to be presented by another party at the edge of Clifton Park Avenue.

Education Planning Officer

3.20 No Education contribution is required for this development. Schools in the area have sufficient capacity for the predicted low pupil yield

EXTERNAL CONSULTATIONS/REPRESENTATIONS

Rawcliffe Parish Council

3.21 No objections

Police Architectural Liaison Officer

3.22 The removal of the external cycle store and refuse bin storage area adjacent to the footpath removed the PALO concerns regarding crime arising from this element.

3.23 Appropriate and clear allocation of parking spaces, including suitable provision for visitor parking, can reduce crime and prevent neighbour disputes. Consequently it is disappointing that visitor parking provision is no longer being provided. This raises the likelihood of neighbour disputes caused by indiscriminate parking.

3.24 1.2m high boundary fence is being provided to separate the development from the public path. From a security point of view, a 1.2m high fence will not provide a secure boundary. This could put parked vehicles at risk. It is therefore recommended that all the proposed boundary fencing should be to a minimum height of 1.8m.

3.25 It is recommended that the vehicle/pedestrian entrance gate, giving access into the site from Clifton Park Avenue, should be electronically controlled.

3.26 The applicants should draw up a maintenance plan to address such issues as: Litter/graffiti removal, Repair to security features such as lighting, signage, access control, fencing and gates, etc. Grass cutting, trimming and pruning of shrubs hedges and trees. A well-managed place sends a clear message of care and safety that both dissuades offenders and is reassuring for the users. Good management also reduces the feeling of insecurity by acting on the consequences of crime and vandalism. A high level of maintenance contributes to a welcoming atmosphere, which satisfies the users and promotes respect for the site.

3.27 Request condition requiring that the applicant provides details of what crime prevention measures are to be incorporated into the development.

Victorian Society

3.28 Object, as part of the previous application for the site, it was established both the date and its architect of original building. George Fowler Jones was a locally prominent and distinguished architect, and was particularly associated with asylums and their wider sites. It is a notable and handsome historic structure. As previous application it is noted its "imposing chimneys, pleasing stone gable capping, attractive mullion windows and distinctive quoining". Reiterate those views now. North Lodge is a non-designated heritage asset of notable historic and architectural interest. The demolition of the building would entail the total and unnecessary loss of its significance, and would result in permanent harm to the identity and uniqueness of the local area.

3.29 Draw attention to paragraphs 131, 132, of the NPPF regarding the preservation of heritage assets. Paragraphs 58, 60 and 61 emphasise the need for new development to "respond to local character and history, and reflect the identity of

local surroundings and materials", "to promote or reinforce local distinctiveness" and to "address the connections between people and places and the integration of new development into the natural, built and historic environment". As a significant and distinctive historic building North Lodge merits preservation.

3.30 By proposing the loss of this locally significant building, this application does not, therefore, constitute sustainable development. The demolition of the later extensions would free up space on which to build whilst allowing the retention of the heritage asset. It would also preserve the historic associations of the building and the site as well as the positive contribution the building makes to the character and appearance of the local built environment.

3.31 Previously nominated North Lodge for inclusion on the Council's Local List, wish to be advised what consideration the Council has given to this.

Yorkshire Water

3.32 The drainage details are not sufficient but the details can be sought via condition. Details should include evidence that other (than discharge to public sewer) means of surface water disposal have been considered and why they have been discounted, a submitted drawing should show surface water drainage proposals on and off site including the flow control rate

Kyle and Upper Ouse Internal Drainage Board

3.33 No comments received

Publicity and Neighbour Notification

3.34 Two representations of objection to revised scheme

- Disappointed at the poor design for this prominent location which neither properly reflects current times nor its historic environment. Whilst the design is not poor enough to warrant refusal, request officers to encourage an improved scheme
- Concerned balconies and windows overlooking property on Shipton Road, resulting in a loss of privacy. The balconies would not be used because of the noise resulting from the traffic on Shipton Road. They do not increase the quality of the appearance of the proposed development
- Object to the approach taken by the developer through loopholes in the planning process to ignore the historic nature and sensitivity of this site, furthermore the demolition of this building of historic importance, on the edge of a conservation area should have had planning approval which they do not consider it did. The demolition focused on the removal of the chimneys which were the key historic features and were the controversial elements causing the most objections and preventing planning permission The 3 preceding planning

applications have been an attempt to reduce the quality of materials, the cost of the build and the aesthetics all of which are important for such a key location.

- There are no details on car parking provision/ traffic management plan to reduce the impact of parking on already congested streets. 2 cars per family could see 28 potential cars which may impact on Southolme Road which is already congested and is used as a rat run. Request that developer contributions be utilised to reduce the impact of parking and traffic on Southolme drive.
- Request that the proposals are in line with the original application to ensure the developer is held to account to deliver a high quality residential development in keeping with the historic nature and style of the original building along with reducing the impact on privacy, overlooking, scale and poor aesthetics which affect the residents of Shipton Road.

3.35 One representation of objection to original scheme:

- Could and should be improved further by adding chimney like roof vents for services and making the balconies more articulated and larger by adding protective canopies and connecting columns.

4.0 APPRAISAL

KEY ISSUES

- Planning policy
- Green belt
- Loss of office space
- Design and Appearance
- Impact to protected trees
- Residential Amenity
- Ecology
- Drainage
- Highways
- Refuse Collection

ASSESSMENT

PLANNING POLICY

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) relating to the general extent of the York Green Belt. These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it

illustrates general extent of the Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York 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.

4.2 The National Planning Policy Framework (NPPF) was published in March 2012. It sets out government's planning policies and is material to the determination of planning applications. The NPPF is the most up-to date representation of key relevant policy issues (other than the Saved RSS Policies relating to the general extent of the York Green Belt) 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 unless specific policies in the NPPF indicate development should be restricted. The presumption in paragraph 14 does not apply in this case as the more restrictive policies apply concerning green belt.

DRAFT DEVELOPMENT CONTROL LOCAL PLAN (2005)

4.2 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.

4.3 Policy GB1 'Development in the Green Belt' of the DCLP sets out a number of criteria of considering new sites, whilst some of the specific criteria do not comply with the NPPF the general aim of the policy is considered to be in line with the NPPF.

4.4 Policy SP2 'The York Green Belt' states that the primary purpose of the green belt is to safeguard the setting and historic character of the city. Policy SP3 'Safeguarding the Historic Character and setting of York' states high priority will be given to the historic character and setting of York. The general aim of the policy - take account of the different roles and character of different areas, - is considered to be in line with the NPPF.

PUBLICATION DRAFT LOCAL PLAN (2018)

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

GREEN BELT STATUS OF THE SITE

4.6 The NPPF states that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open and that, the essential characteristics of the Green Belt are its openness and permanence. The Green Belt serves 5 purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns;
- and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.7 The site is located within the general extent of the York Green Belt as described in the RSS. The DCLP (2005) and the Publication Draft Local Plan (2018) designate the site as Green Belt.

4.8 The site and the wider area are identified in the City of York Local Plan - The Approach to the Green Belt Appraisal (2003) which the Council produced to aid in the identification of those areas surrounding the City that should be kept permanently open. The site forms part of a green wedge and serves a green belt function for the following reasons: undeveloped open space with a rural feel reaching close to the centre of the city; allow an open aspect and views towards important city landmarks; physical separation between urban forms of a different character; and open areas which build upon the presence of the strays and form a more pronounced separation between areas of different urban form, character and history.

4.9 The wider site is used as mixture of offices, car parking, hotel, medical treatment, and dwellings and prior to this it was used as Clifton Hospital.

4.11 Additionally, when the site is assessed on its merits it is concluded that it serves one of Green Belt purposes, namely to preserve the setting and special character of historic towns), by virtue of its location adjacent to a main and historical route into the city. As such, the site should be treated as lying within the general extent of the York Green Belt and the proposal falls to be considered under the restrictive Green Belt policies set out in the NPPF.

4.12 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances which clearly outweigh the harm to the Green Belt and any other harm. NPPF paragraph 89 states that the construction of new buildings is inappropriate in the Green Belt, save in the case of a list of exceptions including: limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which

would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

4.13 The building has been demolished; therefore the proposed development would have a greater impact than what is on site. The fundamental purpose of Green Belt policy is keep land permanently open. The concept of 'openness' in this context means the state of being free from development, the absence of buildings, and relates to the quantum and extent of development and its physical effect on the site. However by virtue of the nature of the developed site, and that the site is surrounded by 2 and 3 storey developments it is not considered that redevelopment of this site would have a greater impact on the openness of the greenbelt and the purposes of including land within it, as such it is considered to fall within the aforementioned exception set out in para 89 of the NPPF

LOSS OF OFFICE SPACE

4.14 Government policy is to assist the economy, proposals should be allowed unless they would compromise the key sustainable development principles set out in national planning policy. Local planning authorities should seek to approve applications for sustainable development where possible and work with applicants to secure developments that improve the economic, social and environmental conditions of the area (paragraph 187). Planning should encourage and not impede sustainable growth therefore significant weight should be placed on the need to support economic growth through the planning system (paragraph 19).

4.15 Policy E3b of the Draft 2005 Local Plan seeks to keep all office uses in such use, unless there is an adequate supply of alternative premises over the plan period or where the proposed use will lead to significant benefits to the local economy. The broad intention of these policies does not conflict in principle with the NPPF.

4.16 The previous building on the site was used as offices. The NPPF states planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. The NPPF states that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities. The applicant has not demonstrated that there was no longer a qualitative or quantitative need for this building. Planning permission has been granted previously for an apartment block on the site (16/01173/FULM) which has accepted the principle for residential on this site. Whilst the site could be re-developed for office use (subject to a further planning permission) there appears little realistic prospect of that happening, the residential redevelopment scheme is before Members and given the policy of the NPPF for local planning authorities to boost significantly the supply of housing it is considered that on balance that a residential scheme is acceptable.

DESIGN AND APPEARANCE

4.17 Chapter 7 of the NPPF gives advice on design, placing great importance to the design of the built environment. At paragraph 64, it advises against poor quality design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; take account of the different roles and character of different areas; encourage the effective use of land by reusing land that has been previously developed land); conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

4.18 The recently demolished building was considered to be a non-designated heritage asset. A Prior Notification for Demolition of the building was granted in 2016, the General Permitted Development Order does not enable the LPA to consider such issues. As the original building has been demolished the non-designated heritage asset consideration can no longer be taken into account when assessing the application.

4.19 With regards to design the NPPF states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness. It then goes on to state that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

4.20 The footprint of the proposed building is similar in scale to the previous building and the previous approved apartment block (16/01173/FULM). Revised plans have been submitted pulling the building away from the eastern boundary with Shipton Road which removes the concerns regarding the unduly dominant impact on the streetscene and character of Shipton Road in addition to the concerns about the impact to the longevity of the trees and hedge. The proposed building would be taller than the original (now demolished) building; the massing would be greater by virtue of the reduced roof variations. However it is considered that the resulting development would not be unduly prominent within the streetscene when viewed from Shipton Road, the hedge and the trees along the eastern boundary would create a visual break that would help to mitigate/screen the impact. The proposed building would be viewed in context of the surrounding development: the three storey care home to the north west is taller than the proposed building; and the two storey office block to the south which is set at a lower height than the proposed. The proposed materials would be similar to the building it replaces (stone, stone copings, slate). The appearance of the three storey building is relatively simple and the building would be similar in design quality to the surrounding development

(business units and adjacent care home) and would be in keeping with the prevailing character of the area.

4.21 Whilst some boundary treatment is shown in the plans there is a lack of details regarding the appearance and therefore officers are unable to assess whether the type of proposed boundary treatment would be appropriate in this location. The proximity of some of the fencing to the trees is considered to be too close however if this would to be replaced by hedging. It is considered that this could be dealt with by securing boundary treatment information via condition.

TREES AND LANDSCAPING

4.22 Policy NE1 'Trees, Woodlands and Hedgerows' of the Draft Local Plan (2005) seeks to protect trees that are of landscape, amenity or nature conservation value by, inter alia, refusing development proposals that would result in their loss.

4.22 Policy D2 'Landscape and Setting' of the Publication Draft Local Plan (2018) states that proposed developments should recognise the significance of landscape features such as mature trees, hedges, and historic boundaries and York's other important character elements, and retain them in a respectful context where they can be suitably managed and sustained; and create a comfortable association between the built and natural environment and attain an appropriate relationship of scale between building and adjacent open space, garden or street. In this respect consideration will be also be given to function and other factors such as the size of mature trees

4.24 Policy GI4 'Trees and Hedgerows' of the Publication Draft Local Plan (2018) states that development will be supported recognises the value of the existing tree cover and hedgerows, their biodiversity value, the contribution they can make to the quality of a development, and its assimilation into the landscape context; provides protection for overall tree cover as well as for existing trees worthy of retention in the immediate and longer term and with conditions that would sustain the trees in good health in maturity; retains trees and hedgerows that make a positive contribution the setting of proposed development, are a significant element of a designed landscape, or value to the general public amenity, in terms of visual benefits, shading and screening; does not create conflict between existing trees to be retained and new buildings, their uses and occupants, whether the trees or buildings be within or adjacent to the site; and supplements the city's tree stock with new tree planting where an integrated landscape scheme is required.

4.25 The mature trees to the eastern boundary with Shipton Road are a key positive characteristic of the area. The plans show the proposed building located close to the Young Oak Tree (T2) and 10 metre high Ash tree (T1) to the eastern boundary. The proposed development would prevent the Oak tree from reaching its potential by virtue of its proximity, and for this reason it is likely that there would be future pressure to fell this tree. The revised site plan indicates a replacement tree

proposed further north east along the boundary to mitigate the loss and this could be sought via condition.

4.26 With regards to tree T1 the proposed car park follows a similar line to the previous approved development (16/01173/FULM). The recently submitted plans show the parking spaces adjacent to this tree would be of a no-dig construction to take into account the root protection zone.

4.27 The proposed building would be further within the root protection zone of the TPO Lime tree to the north. Comments are awaited from the Landscape Architect regarding the impact of the of the proposed building on the longevity of the tree to the north, these comments will be reported at committee

4.28 The trees are protected by a Tree Preservation order however if planning permission was granted it is considered necessary to condition the retention of the hedge along the shared boundary with Shipton Road, to provide an element of screening. In addition the hedge makes a positive contribution to Shipton Road and is a significant part of the character of the area (matures trees, soft landscaping and open areas). The outside area would be split into garden areas for the ground floor flats. It is considered necessary to also condition the minimum height of the hedge.

IMPACT ON RESIDENTIAL AMENITY

4.29 One of the core principles of the planning system outlined in the NPPF is to seek a good standard of amenity for all existing and future occupants. Policy GP1 of the Local Plan requires proposals to avoid causing undue harm to residents living conditions.

4.30 There is a nursing home to the west of the application site. The proposed building is not considered to result in overlooking or a loss of privacy to the occupants of the nursing home. The occupancy of proposed flats are not considered to result in an undue increase in noise disturbance to the area.

4.31 The dwellings to the east are set at such a significant distance that it is not considered there would be any loss of residential amenity. The other buildings in close proximity are of a business use and it is not considered that the proposed building would unduly impact on the functioning of the current businesses.

4.32 Public Protection seek that the envelope of the building is constructed to a standard to provide noise mitigation from Shipton Road, this is considered reasonable and compliant with the NPPF in providing good quality housing stock.

HIGHWAYS AND TRANSPORT

4.33 The NPPF seeks that LPAs actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

4.34 The application site is in a sustainable location, close to public transport, and reasonably accessible to shops and facilities.

4.35 Secure cycle storage has been provided within the building for 14 cycles.

4.36 Access to the development is from an un-adopted access road. The proposed car parking and turning are in accordance with CYCs Appendix E standards. Access to the nearest bus stop is available via the public footpath. The Police have requested further parking spaces however by virtue that each flat has a parking space, there is a secure cycle store, and the site is close to good cycle routes, and the site is adjacent to a bus stop of a regular bus service it is considered unreasonable to request further vehicle parking.

REFUSE COLLECTION

4.37 In the previous application the agent advised that the refuse would be collected by a private company by virtue of the distance of the site from adopted highway. In this current application the agent has not proposed this method of refuse collection. At the time of writing the report officers were awaiting a response from Waste Services and Highways Network Management Team regarding the refuse collection and whether refuse lorries can access the site. Comments will be reported at the committee meeting.

OPEN SPACE AND EDUCATION CONTRIBUTION

4.38 The Education Planning Officer has confirmed they do not require a contribution as there is sufficient space at the local schools.

4.39 Policy L1c of the Local Plan states developments for all housing sites will be required to make provision for the open space needs of future occupiers; this is considered to be consistent with paragraph 73 of the NPPF. The Public Realm Operations Manager has confirmed they do not require a contribution.

ECOLOGY

4.40 The NPPF sets out that the Planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; minimising impacts on biodiversity and providing net gains in biodiversity where possible.

4.41 The bat survey on the original/demolished building identified a small number of day roosts within the building which were occupied by solitary common pipistrelle

bats. The roosts will have been destroyed as part of the demolition works in 2016 and 2017.

4.42 It is considered that the loss of crevice roosting habitat will be compensated for through the installation of long-lasting, professional quality bat boxes on site as part of the re-development scheme and/or integral bat bricks within the new build. Such habitat provision will ensure that ecological functionality of the site is maintained post-development and is also in line with local and national planning policy with regard to habitat enhancement. If planning permission is granted it is considered necessary to condition.

4.43 No roosts were identified within any of the mature trees along the roadside and lining the access from within Clifton Park, but regular foraging did take place around these during the activity surveys, particularly around the trees along the access road. The trees on the road side are very well lit (they are adjacent to high level street lighting) and this makes any use by roosting bats unlikely, and very little activity was recorded in this area during the surveys. These trees are protected by a Tree Preservation Order (TPO) and are being retained as part of the development scheme. The rest of the landscaped areas around the office building provide low quality habitat.

DRAINAGE

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

4.45 The applicants have not provided sufficient information regarding the proposed surface water drainage scheme. However it is considered that further details can be sought via condition. The foul drainage scheme is matter of agreement to be reached between Yorkshire Water and the developer, and an adequate foul drainage scheme is achievable under the Building Regulations.

5.0 CONCLUSION

5.1 The proposed building is considered to be acceptable within the greenbelt and would not result in undue harm to the residential amenity of the occupants of the nearby dwellings. The proposed would be in character with the surrounding development. .

5.2 It is recommended that the decision is delegated to officers to approve pending consultee responses regarding impact on the TPO trees and hedge and refuse

collection arrangements, and subject to any further conditions required in respect of these issues.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Delegated Authority to Approve

1 TIME2 Development start within three years

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

Drawing Number 014251_P106 Revision J 'Site Plan – Proposed' received 21 June 2018;

Drawing Number 014251_P230 Revision C 'Proposed – Ground Floor Plan' received 20 June 2018;

Drawing Number 014251_P231 Revision D 'Proposed – First Floor Plan' received 20 June 2018;

Drawing Number 014251_P232 Revision D 'Proposed – Second Floor Plan' received 20 June 2018;

Drawing Number 014251_P233 Revision D 'Proposed – Roof Plan' received 20 June 2018;

Drawing Number 014251_P234 Revision D 'Proposed –Elevations (1 of 2)' received 20 June 2018;

Drawing Number 014251_P235 Revision D 'Proposed –Elevations (2 of 2)' received 20 June 2018;

Drawing Number 014251_P236 Revision D 'Proposed – Context Elevations/Streetscene (Sheet 1 of 2)' received 21 June 2018;

Drawing Number 014251_P237 Revision C 'Proposed – Context Elevations/Streetscene (Sheet 2 of 2)' received 21 June 2018;

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

3 VISQ8 Samples of exterior materials to be app

4 Notwithstanding the boundary details set out on some of the approved plans details of all means of enclosure to the site boundaries, including the vehicle access gate shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

Reason: In the interests of the visual amenities of the area. The site is in a sensitive location and therefore details of the means of enclosure are required to ensure they are visually appropriate in this location

5 The development and construction of the development hereby approved shall be in accordance the tree and hedge protection measures set out in Tree Statement ref BS5837:2012 (by Jo Ryan dated July 2015) received 13 June 2017 and the 'Tree Protection Plan' and 'Tree Constraints Plan' (both by Jo Ryan dated July 2015) received 13 June 2017.

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 the development and/or locality.

6 The development shall not be occupied until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall include replacement/additional tree (location set out in Drawing Number 014251_P_106 Revision J, received 21 June 2018) along the boundary with Shipton Road. 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.

7 The existing hedge along the eastern boundary with Shipton Road/A19 shall not, except with the prior approval in writing of the Local Planning Authority, be removed or reduced in minimum height below 2 metres above ground level at the hedge roots.

If in the circumstances that a tree/s or part of the hedge is removed details illustrating the number, species, height and position of the replacement trees and/or shrubs shall be submitted to and approved in writing by the Local Planning Authority. This replacement planting shall be implemented within a period of six months of the original removal of the tree/s and/or hedge.

Reason: To protect the visual amenity and character of the streetscene and area, to provide screening of the proposed development. To provide privacy for the future occupants of the ground floor flats (and gardens) hereby approved.

8 One electric vehicle recharge point shall be provided. The recharge point should be installed prior to first occupation of the building. The location and specification of the recharge point shall be approved in writing with the Local Planning Authority prior to installation.

INFORMATIVE: The installation of a freestanding PAYG solution is recommended.

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

Reason: To promote the use of low emission vehicles on the site in accordance with the Council's Low Emission Strategy, Air Quality Action Plan and paragraph 35 of the National Planning Policy Framework.

9 Prior to the first occupation of the building details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall detail the locations, heights, design and lux of all external lighting associated with that building. The development shall be carried out in accordance with the approved lighting scheme.

Reason: Given the location of the proposed development in the interests of visual amenity and the character of the area, to prevent light disturbance and nuisance, and to assess the impact on ecology.

INFORMATIVE: There should be no direct illumination of foraging, roosting and commuting habitat and any light spillage should be minimised as much as possible.

10 The development hereby permitted shall not be occupied until mitigation comprising of a minimum of three habitat features for bats on site such as crevice bat boxes and/or integral bat bricks, and three bird nest boxes, have been installed/constructed in accordance with guidance from a suitably qualified ecologist.

Reason: To take account of and to enhance the habitat for a protected species. It should be noted that under National Planning Policy Framework the replacement/mitigation proposed should provide a net gain in wildlife value.

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

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

Reason: To protect the amenity of local residents

12 No development shall take place until a detailed scheme of noise insulation measures for protecting the approved residential from externally generated noise

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has been submitted to and approved in writing by the Local Planning Authority. Upon completion of the insulation scheme works no part of the development shall be occupied until a noise report demonstrating compliance with the approved noise insulation scheme has been submitted to and approved in writing by the Local Planning Authority.

INFORMATIVE: The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels in habitable rooms of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) and LAFMax level during the night (23:00-07:00 hours) should not exceed 45dB(A) on more than 10 occasions in any night time period in bedrooms and should not regularly exceed 55dB(A). These noise levels shall be observed with all windows open in the habitable rooms or if necessary windows closed and other means of ventilation provided.

Reason: To protect the amenity of people living in the new property from externally generated noise and in accordance with the National Planning Policy Framework.

13 Prior to commencement of the construction of the building hereby approved, an investigation and risk assessment (in addition to any assessment provided with the planning application) shall be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority.

The report of the findings shall include:

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

Informative: It is advised that the above 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 information is sought prior to commencement to ensure that the protection measures are initiated at an appropriate point in the development procedure.

14 Prior to commencement of the construction of the building hereby approved, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme 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 information is sought prior to commencement to ensure that the protection measures are initiated at an appropriate point in the development procedure.

15 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 shall be submitted to and approved in writing by 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.

16 In the event that previously unidentified 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 shall be submitted to and approved in writing by 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.

17 Prior to the first occupation of the development details of the cycle stands or fixings within the cycle parking area shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the approved details have been provided, and the cycle parking area 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.

18 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.

19 Prior to the commencement of the building hereby approved details of the surface water drainage shall be submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with these approved details.

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

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

If SuDs methods are proven to be unsuitable then in accordance with City of York Councils Strategic Flood Risk Assessment, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha connected impermeable areas). Storage volume calculations, must accommodate a

1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling shall use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

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

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

7.0 INFORMATIVES:

Notes to Applicant

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

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

- Sought additional information
- Sought revised plans
- Use of conditions

2. INFORMATIVE

It is recommended that the developer advise the occupants of the adjacent care home of the demolition works and any construction methods that may cause disturbance to the residents.

3. INFORMATIVE:

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

4. INFORMATIVE:

All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended).

To ensure that breeding birds are protected from harm during construction, works that would impact on building features or vegetation that would be suitable for nesting birds should be undertaken outside of the breeding bird season between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period.

There are opportunities for the development to provide enhancement for birds without detriment to the building by the addition of bird boxes, examples of which can be found on the RSPB website

http://www.rspb.org.uk/makeahomeforwildlife/advice/helpingbirds/roofs/internal_boxes.aspx.

5. INFORMATIVE:

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

Contact details:

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