



## Notice of a public meeting of

### Area Planning Sub-Committee

- To:** Councillors Galvin (Chair), Shepherd (Vice-Chair), Cannon, Craghill, Crawshaw, Dew, Fenton, Flinders, Gillies, Hunter and Mercer
- Date:** Thursday, 5 July 2018
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

### AGENDA

The mini-bus for Members of the Sub-Committee will leave from Memorial Gardens at 10.00am on Wednesday 4 July 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. **Minutes**

(Pages 5 - 16)

To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee held on 7 June 2018.

#### 3. **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 **5.00pm on Wednesday 4 July 2018**.

### **Filming, Recording or Webcasting Meetings**

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## **4. Plans List**

To determine the following planning applications:

- a) **5 Cherry Grove, Upper Poppleton, York, YO26 6HG [17/01968/FUL]** (Pages 17 - 42)  
Erection of bungalow to rear of 5 Cherry Grove (resubmission)  
[Rural West York Ward] **[Site Visit]**
  
- b) **Proposed Apartment Block, Clock Tower Way, York [17/02874/FULM]** (Pages 43 - 58)  
Erection of a four storey building comprising 18 apartments  
[Micklegate Ward] **[Site Visit]**

- c) **Gem Construction & Shopfitting Ltd North** (Pages 59 - 84)  
**Lodge Clifton Park Avenue York YO30 5YX**  
**[17/01437/FULM]**

Erection of 3-storey building forming 14 flats following demolition of existing buildings (revised scheme) [Rawcliffe And Clifton Without Ward] **[Site Visit]**

- d) **Proposed Self Storage Facility, Water Lane,** (Pages 85 - 96)  
**York [17/03004/FULM]**

Erection of self storage facility, with associated access and landscaping [Rawcliffe And Clifton Without Ward]

- e) **Burton Stone Community Centre, Evelyn** (Pages 97 - 112)  
**Crescent, York, YO30 6DR**  
**[18/00082/GRG3]**

Extension of existing extra care facility to provide 29 apartments and 4 bungalows with associated communal facilities and provision of new multi-use community facility following demolition of existing community centre [Clifton Ward] **[Site Visit]**

## 5. **Urgent Business**

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

### Democracy Officers:

Catherine Clarke and Louise Cook (job share)

Contact details:

- Telephone – (01904) 551031
- Email [catherine.clarke@york.gov.uk](mailto:catherine.clarke@york.gov.uk) and [louise.cook@york.gov.uk](mailto:louise.cook@york.gov.uk)

(If contacting by email, please send to both Democracy Officers named above).

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 4 July 2018**

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

<b>TIME (Approx)</b>	<b>SITE</b>	<b>ITEM</b>
10:15	Proposed Apartment Block Clock Tower Way	4b
11:00	5 Cherry Grove Upper Poppleton	4a
11:40	North Lodge Clifton Park Avenue	4c
12:00	Burton Stone Community Centre, Evelyn Crescent	4e

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## **Abbreviations commonly used in Planning Reports**

(in alphabetical order)

AOD	above ordnance datum
BREEAM	building research establishment environmental assessment method
BS	British standard
CA	conservation area
CIL	Community Infrastructure Levy (Regulations)
CEMP	construction environmental management plan
CYC	City of York Council
DCLP	Draft Development Control Local Plan 2005
DCSD	Design Conservation and Sustainable Development team
dB	decibels
DEFRA	Department for Environment, Food and Rural Affairs
EA	Environment Agency
EDS	ecological design strategy
EIA	environmental impact assessment
EPU	Environment Protection Unit
FRA	flood risk assessment
FTE	full time equivalent
FULM	major full application
GCN	great crested newts
HGV	heavy goods vehicle
IDB	internal drainage board
IPS	interim planning statement
LBC	listed building consent
LGV	large goods vehicle
LPA	local planning authority
NERC	Natural Environment and Rural Communities Act (2006)
NHBC	National House Building Council

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
OAN	objectively assessed need
OUTM	major outline application
PROW	public right of way
RAM	reasonable avoidance measures
RTV	remedial target value
RSS	Regional Spatial Strategy
SHMA	Strategic Housing Market Assessment
SINC	Site of Interest for Nature Conservation
SHLAA	Strategic Housing Land Availability Assessment
SFRA	Strategic Flood Risk Assessment
SPD	Supplementary Planning Document
TPO	tree preservation order
TRO	Traffic Regulation Order
VDS	village design statement
WSI	written scheme of investigation
VAS	vehicle activated signage
VOA	Valuation Office Agency
WHO	World Health Organisation



City of York Council

Committee Minutes

Meeting	Area Planning Sub-Committee
Date	7 June 2018
Present	Councillors Galvin (Chair), Shepherd (Vice-Chair), Cannon, Craghill, Crawshaw, Dew, Fenton, Flinders, Hunter and Brooks (Substitute for Councillor Gillies)
Apologies	Councillors Gillies and Mercer

Site	Visited by	Reason
115 Fulford Road	Galvin, Shepherd, Cannon, Craghill, Dew, Crawshaw and Flinders	As approval was recommended and objections had been received.
64 Newland Park Drive	Galvin, Shepherd, Cannon, Craghill, Dew, Crawshaw and Flinders	As approval was recommended and objections had been received
Thomas Dick Ltd, Hallfield Road	Galvin, Shepherd, Cannon, Craghill, Dew, Crawshaw and Flinders	As approval was recommended and objections had been received
22 Hopgrove Lane North	Galvin, Shepherd, Cannon, Craghill, Dew, Crawshaw and Flinders	As approval was recommended and objections had been received
Pigeon Cote Farm, Monks Cross Drive, Huntington	Galvin, Shepherd, Cannon, Craghill, Dew, Crawshaw and Flinders	As approval was recommended and objections had been received
Five Acres Site, Holgate Road	Galvin, Shepherd, Cannon, Craghill, Dew, Crawshaw and Flinders	As approval was recommended and objections had been received

## 1. Declarations of Interest

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

Councillor Flinders declared a prejudicial interest in agenda item 4c (minute item 7) as he was employed by Network Rail and did not take part in the debate or vote on this item.

Councillor Craghill declared a personal, no prejudicial interest in agenda item 4d (minute item 8) as she was acquainted with one of the objectors.

## **2. Minutes**

Resolved: That the minutes of the Area Planning Sub-Committee meeting held on 3 May 2018 be approved and then signed by the Chair as a correct record.

## **3. Public Participation**

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

## **4. Plans List**

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

## **5. 22 Hopgrove Lane North, York [18/00395/FUL]**

Members considered a full application by Mr Stephen Johnson for the erection of one dwelling.

Officers gave an update, which was published online following the meeting, which covered two further representations received since the agenda was published and verbal confirmation from Yorkshire Water that it would not refuse an application for one additional property to be connected to the sewage system. It also covered two additional conditions and an informative relating to drainage.

In response to Member questions on flood risk, Officers stated that:

- Information on surface water drainage would have to be provided before any development could commence;
- There had been issues with flooding previously, the photos provided from an objector were from 2008;
- That to reach a surface water run off rate of less than 0.5l/s, the outfall orifice would be so small it would be prone to blockage and create more of a problem; and
- The Environment Agency no longer allowed septic tanks.

Fiona Hopkinson, a neighbouring resident, spoke on her concerns around overdevelopment of the area. She highlighted that other, smaller, developments in this area had been refused citing overdevelopment. She also stated that there were issues with drainage, access and that there were no special circumstances that would permit development in the green belt.

Ms Leaning, a neighbouring resident, also spoke on concerns around drainage and flooding. She stated that in the past homes surrounding this property had flooded up to a foot in an hour and that rainwater ran into the main sewer which meant that when the sewer backed up gardens were also flooded with sewage. This had happened in 200, 2008 and 2015.

Annette Kennelly, the applicant, stated that the objections raised by the previous speakers had been addressed in the Officer's report and drew Members attention to the fact that no objection had been received from the parish Council. She also highlighted that there would be new drainage for the existing bungalow and a new soakaway to the rear of this property.

In response to Member questions Officers stated that:

- Yorkshire Water had not refused a connection to the main sewer; and
- That, in terms of the green belt, the 2005 draft Local Plan was still in use for development control purposes and within this Hopgrove was identified as a village.

During the debate, Members felt that there were some finely balanced issues to consider, particularly around drainage and expressed their sympathy for local residents who had suffered flooding. However, several Members felt that with the measures to be put in place, this property would not be adding

additional surface water to the system or contributing to the existing problem.

Resolved: That the application be approved subject to the conditions listed in the report and the following additional condition:

13. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), development of the type described in Classes A (Extensions and additions), D (Porches) and E (Outbuildings) of Schedule 2 Part 1 of that Order shall not be erected or constructed.

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

Reason: The application site lay within the settlement of Hopgrove that was within the general extent of the York Green Belt. The proposal involves the provision of one dormer bungalow within the garden of no.22 Hopgrove Lane North that would infill the space between no.21 and the adjacent property, no.22. As such, the proposed development is considered to be appropriate in Green Belt policy terms, which would preserve the character and appearance of the ribbon development along Hopgrove Lane North. Subject to conditions, potential harm to land contamination, flood risk, highway safety and residential amenity could be adequately mitigated. As such, the application complied with planning legislation, advice and policies that are contained in the NPPF and Draft City of York Local Plans of 2005 and 2018.

**6. Thomas Dick Ltd, Hallfield Road, York [17/02576/FULM]**

Members considered a major full application by Helmsley Securities Ltd for the erection of a three storey building comprising of 14 residential units with associated parking, external refuse storage and private amenity areas following the demolition of the existing building.

Officers circulated an update, which was published online following the meeting. This stated that the reported objection at bullet point two, on further examination, was referring to a different development site and so should not be taken into account in determining the application. It also corrected the statement made at the site visit – no objections had been received from occupants of the residential building to the north of the application site.

In response to Member questions Officers stated that:

- In relation to flooding this scheme would provide a marginal improvement in the amount of flood water storage;
- As the drawings had been revised it was no longer necessary to remove the tree on the boundary in order to construct the scheme and a condition could be added to state that the tree should be retained; and
- That it was possible to enter into a discussion with the applicants on the number of electric vehicle charging points to be provided.

Resolved:

1. That, on completion of a S106 legal agreement to secure a contribution towards the expansion of teaching and workshop facilities at St Nicholas Fields, delegated authority be given to the Assistant Director, Planning and Public Protection, to approve the application subject to the conditions listed in the report.
2. That, after discussion with the applicant, and approval by the Chair and Vice Chair of this Sub-Committee, an amendment be made to condition No11, in relation to electric vehicle charging points.

3. That a condition be added to retain the tree that is shown to be removed on the approved

Reason: The revised scheme for the erection of a three storey building comprising 14 flats would provide homes within a sustainable and accessible location. The site was previously developed land, sustainably located close to the city centre. The principle of encouraging the effective use of land by reusing land that has been previously developed is supported by the NPPF. The development would accord with the NPPF, the Draft Local Plan 2005 and the Emerging Local Plan 2018. On balance, it was considered the proposal complied with the thrust of national and local planning policy.

## **7. Five Acres Site, Holgate Road, York [17/02906/FULM]**

Members considered a major full application by Network Rail (Infrastructure) Ltd for the change of use of land for operational railway purposes and construction of track fan to serve rail vehicle maintenance facility.

Officers gave a verbal update to Members to explain that since submission the application site area had been reduced.

Diane Cragg, representing the applicant, explained that Network Rail had a long history with this site which was currently used to house spares and for maintenance. She stated that this development would secure jobs and potentially create further employment opportunities. In response to Member questions she stated that both the Railway Heritage Trust and museums would be contacted to see if the traverser could be offered to railway heritage organisations.

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

Reason: The application was considered acceptable subject to the recommended conditions. The proposed change of use to operational railway was also considered acceptable subject to removal of certain permitted development rights to limit surface water run-off and noise levels. The proposed improvements to the current carriage works access

would improve services and activities at the site; support the business which is a significant employer, make a significant contribution to the local economy; and support sustainable transport. There would be no harm to the character of the area or neighbour amenity and any archaeology on the land would be protected by a watching brief. The application accords with the national planning policy in the NPPF and relevant policies of the 2018 Draft Plan.

**8. 64 Newland Park Drive, York [18/00264/FUL]**

Members considered a full application by Mrs Fereshteh Hurst for use as a 7 bedroom house in multiple occupation.

Darren Hartshorn, a local resident, spoke to express his concerns around the number of HMO properties in the area and issues that this led to such as anti-social behaviour, rubbish left in the street and car parking.

Councillor Neil Barnes, Ward Member, reminded Members that the previous application for this property to be used a 6 bedroom HMO had been turned down by the Committee. He stated that there were questions surrounding the current status of the house and that it had been used illegally as a 7 bedroom HMO in the past. He urged Members to refuse this application given the intensity of HMO use in this area.

In response to Members questions, Officers stated that:

- If the application was refused the property would be in use class C4, a small HMO;
- No part of the Planning Act would allow Members to return this property to C3 use;
- The use was lawful as the property was operating as a HMO prior to the Article 4 directive;
- The annex was also in lawful use as part of a small HMO;
- There had previously been a prohibition notice on one of the bedrooms as the floor space did not comply with regulations, however a wall had since been moved to create more floor space and the notice had been lifted; and
- If the annex was let separately to the HMO then enforcement action could be taken, if expedient.

During the debate Members raised some of the following points:

- At least 21% of this street and 47% of the wider area were currently in use as HMO's and it was likely that the true figures were far higher;
- This intensification of use was having a detrimental impact on the area and on the amenity of neighbouring properties that were still family homes;
- It was felt that, although this application would only increase occupancy by one person, that the cumulative impact needed to be considered.

Resolved: That the application be refused.

Reason: The Council's records indicated that at street level within 100m of the application site there were currently 10 known Houses in Multiple Occupation out of 47 properties, 21%. At the neighbourhood level there were currently 489 known HMOs out of 1035 properties, 47%. In the context of the existing high concentration of Houses in Multiple Occupation in the area it was considered that the intensification of the occupation of the application property would result in significant harm to the living conditions of nearby residents and the residential character and environmental qualities of the area by reason of cumulatively increased noise and disturbance and car parking pressures. It was also considered that granting planning permission for the proposed change of use would set a precedent for the approval of similar applications in the vicinity of the application site further eroding the environmental qualities and character of the area.

The proposal was therefore considered contrary to paragraph 7 of the NPPF, which requires the planning system to support strong, vibrant and healthy communities and Paragraph 17 which advises that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.



**9. 115 Fulford Road, York [18/00366/FUL]**

Members considered a full application by Mr and Mrs Breene for the erection of dormer bungalow with garage.

Officers circulated an update, which was published online following the meeting. It contained a comments from a Ward Member, an amendment to condition No2 and an additional condition relating to retention of a hedge at the southern boundary of the site.

Keith Waudby, a neighbouring resident, spoke in objection to the application. He felt it would be overpowering and obtrusive and raised his concerns over drainage and the damage such a narrow access route may cause to the boundary of his property.

In response to Member questions, Officers stated that:

- In respect of the additional condition, if Members were minded to approve the application an alternative to a hedge could be agreed;
- A construction management plan would not normally be required for such a small site; and
- As planning permission had previously been given on this site, even though it had now lapsed, Members would need to demonstrate a material change in circumstances if they decided to refuse this application.

During debate some Members felt that the application should be approved, with conditions, as permission had previously been granted on the site and that this would provide another family home in a time of great housing need. However, several Members felt that there was a material change in circumstances due to the increased level of development in the city since the last application was approved. They also felt that the application did not meet the terms of policy D1 of the emerging Local Plan as it was too large a development for the site and this would negatively impact on the amenity of neighbours.

**Resolved:** That the application be refused.

**Reason:** The proposal was considered to be an overdevelopment of a backland site which, because of its plot coverage and massing, would be out of character with the established pattern of

development and would have an overbearing impact that would be harmful to the living conditions of neighbouring residential properties.

The proposal was also considered to be contrary to policy D1 of the Publication Draft Local Plan 2018, which states that development proposals should demonstrate that the resultant density will be appropriate for its neighbouring context and that the proposal does not dominate other buildings. The proposal would also be contrary to the National Planning Policy Framework which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17) and 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 (paragraph 64).

**10. Pigeon Cote Farm, Monks Cross Drive, Huntington, York [18/00411/FULM]**

Members considered a major full application by Pyramid Storage Ltd for the erection of self-storage facility (use class B8) and outline application for erection of industrial units (use class B1, B2 and B8) with associated car parking and landscaping.

Eamon Keogh, agent for the applicant, stated that this development would be a much needed redevelopment of an underused brownfield site. He suggested that there was a high demand in the area for both self storage and small industrial units.

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

Reason: The site was identified as an employment allocation within the 2005 Local Plan and was subsequently unallocated within the Publication Draft York Local Plan 2018 ("2018 Draft Plan"). Both the southern (full) and the northern (outline) parts of the site would be retained in employment use. It was considered that the development represents sustainable development and was, in principle,

supported by relevant policies in the NPPF. The possible impacts of the outline development in terms of noise; visual amenity etc in respect to the general amenity of the area can be controlled by the reserved matters and/or conditions. As such, the proposal is considered to accord with national guidance in the NPPF and the Draft Development Control Local Plan Policies subject to conditions.

**11. 17 Barmby Avenue, York [18/00625/FUL]**

Members considered a full application by Tracey Carter and Alison Gear for the erection of a detached single storey annexe building to the rear providing ancillary living accommodation.

Officers circulated an update which provided the following revised wording to condition 3:

The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 17 Barmby Avenue and shall not be used as separate holiday let accommodation.

Officers clarified that this application had been brought to Committee as the applicant was a senior officer of the Council, and for no other reasons.

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

Reason: The proposed annexe was of a design that is compatible with the application property and the character of the area. It was also considered that there would be no adverse effect on the amenity that neighbouring residents could reasonably expect to enjoy. The proposal was considered to be acceptable and complies with national guidance in the NPPF, Development Control Local Plan Policies and the City of York Council's Supplementary Planning Document (House Extensions and Alterations).

Councillor Galvin, Chair

[The meeting started at 4.30 pm and finished at 7.40 pm].

## COMMITTEE REPORT

**Date:** 5 July 2018  
**Team:** Major and Commercial Team  
**Ward:** Rural West York  
**Parish:** Upper Poppleton Parish Council

**Reference:** 17/01968/FUL  
**Application at:** 5 Cherry Grove Upper Poppleton York YO26 6HG  
**For:** Erection of bungalow to rear of 5 Cherry Grove (resubmission)  
**By:** Mrs R Wardle  
**Application Type:** Full Application  
**Target Date:** 10 May 2018  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application site comprises the rear garden of 5 Cherry Grove, Upper Poppleton, and measures approximately 18m by 15m. The area is residential in character with a mix of single storey, dormer bungalows and two storey dwellings. The existing dwelling, no. 5 Cherry Grove is single storey as is the dwelling to the rear. Those opposite have low eaves height, with the first floor within the roof space, and a dormer to the front. The dwelling to the immediate north is two storey with a side extension.

1.2 The site lies within flood zone 1 which is classified as being of low risk of flooding, and is not within York Green Belt, or within a conservation area.

1.3 Planning permission is sought for the erection of a single storey dwelling to comprise a lounge, one bedroom, bathroom and kitchen together with the formation of a driveway from Cherry Grove. The dwelling will have a footprint of 7m by 11m, an eaves height of 2.5m and a ridge height of approximately 5m from finished floor levels. Details of materials have not been submitted for consideration. The rear garden measures 5m in depth, with a mature hedge along the front and rear boundaries. A 1.65m close boarded fence will be provided along the boundary with the existing dwelling.

1.4 The application is reported to sub-committee because it has been referred by Cllr C. Steward.

### 2.0 POLICY CONTEXT

2.1 Policies:

2.2 Yorkshire and Humber Regional Spatial Strategy ("RSS")

2.3 Upper Poppleton and Nether Poppleton Neighbourhood Plan (Poppleton Plan)

2.4 (Emerging) Publication Draft City of York Local Plan (2018)

Policies:

D1: Place making

GP1: Design

GP4a: Sustainability

GP10 : Subdivision of Gardens and Infill Development

GP 15a: Development and Flood Risk

T4: Cycle parking standards

H4a: Housing windfalls.

T4: Cycle and Parking Standards.

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

Policy H3: Balancing the housing market.

Policy D1 Placemaking..

Policy ENV5 Sustainable drainage.

Policy T1 'Sustainable access'

### **3.0 CONSULTATIONS**

#### INTERNAL CONSULTATIONS

##### Public Protection

3.1 No objection subject to conditions in respect of reporting unexpected contamination the installation of an external electrical socket suitable for charging an electric vehicle on a driveway. An informative in respect of development and construction is also recommended.

##### Highway Network Management

3.2 No Highway objections. Parking is provided to CYC standards and a new vehicle access is proposed which suitable to serve the proposed development.

##### Lead Flood Management Team

3.3 Following our site visit with Yorkshire Water Services on the 19th April 2018 where further investigations of the existing drainage were carried out, and in line with Yorkshire Water Services response dated 19th April 2018, The Flood Risk Management Team has no objections to the development in principle. If planning permission is granted, conditions should be attached in order to protect the local aquatic environment and public sewer network. The Flood Risk Assessment and Drainage Strategy prepared by Topping Engineers (Report 17473 Revision D dated

March 2018) is acceptable. In summary, the report states that foul water will discharge to public foul water sewer. In terms of surface water disposal, sub-soil conditions do not support the use of soakaways and a watercourse is remote from the site. As stated in the report, and following our site visit with Yorkshire Water Services on the 19th April 2018 the existing property and part of the drive area positively connects to the public sewer network. Therefore surface water will discharge to public sewer via storage with restricted discharge of 1.2 (one point two) litres/second. This will include both dwellings, associated garages and driveways. Furthermore, if planning permission is granted, the Councils Flood Risk Management Team and Yorkshire Water Services require two weeks notice prior to drainage work starting in order to oversee the installation of the flow control device and associated attenuation measures.

## EXTERNAL CONSULTATIONS/REPRESENTATIONS

### Upper Poppleton Parish Council

#### 3.4 Object on the following grounds:

- Policy GP10 of the City of York Draft Local Plan states that the subdivision of gardens and infill will only be granted where this would not be detrimental to the character and amenity of the area.
- The proposed building would be too close to no. 5 Cherry Grove, leaving this property with an inadequate garden.
- The building line does not align with other properties.
- The building would be overbearing for 8 Orchard Way.
- The development and loss of garden could adversely affect the natural drainage towards the beck and result in excess water retention
- Cherry Grove is in a designated flood zone.
- An outline application for the construction of a detached bungalow and garage was refused by CYC in 1997.
- The revised drainage proposal is worse than the previous proposal with regards to the storage and disposal of water.

### Additional comments

#### Yorkshire Water Services

3.5 The Flood Risk Assessment and Drainage Strategy prepared by Topping Engineers (Report 17473Revision D dated March 2018) is generally acceptable.

### Ainsty Internal Drainage Board.

3.6 The Board does have assets adjacent to the site in the form of Long Ridge Lane Dyke; this watercourse is known to be subject to high flows during storm events. Where possible the risk of flooding should be reduced and that, as far as is

practicable, surface water arising from a developed site should be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. This should be considered whether the surface water arrangements from the site are to connect to a public or private asset (watercourse or sewer) before out-falling into a watercourse or, to outfall directly into a watercourse in the Board area. The applicant should be advised that the Board's prior consent is required for any development including fences or planting within 9.00m of the bank top of any watercourse within or forming the boundary of the site. Any proposals to culvert, bridge, fill in or make a discharge to the watercourse will also require the Board's prior consent. The site is in an area where drainage problems could exist and development should not be allowed until the Authority is satisfied that surface water drainage has been satisfactorily provided for. Any approved development should not adversely affect the surface water drainage of the area and amenity of adjacent properties.

## PUBLICITY AND NEIGHBOUR NOTIFICATION

3.7 The application was advertised by site notice, and notification to direct neighbours. Re-consultation was carried out when revised details were submitted. At the time of writing this report 80 letters from 9 local residents have been received and raise the following objections:

### Surface water drainage

A significant number of detailed objections in relation to surface water and inaccuracies and faults with the drainage strategy have been submitted. The main points raised are:

- Local people have significant experience of drainage problems in the area and should be listened to.
- Unquestionable that surface water problems exist
- Worsening impact on surface water drainage. Evidence of surrounding streets having serious flooding recently.
- No dedicated surface water (SW) drainage and all the houses on Cherry Grove and surrounding roads rely on soakaways. Consequently many of the houses have standing water in the foundation crawl space due to inability of soakaways to work.
- Soakaway in front garden of no 6 regularly floods after heavy rain. Proposal to drain to drain proposed dwelling to soakaway is ridiculous. It will flood and water will return to lower level. Neighbours know that the garden area floods. When the owner bought no. 5 Cherry Grove she had to have extensive remedial work carried out.
- Increase in impermeable area will worsen a critical problem.
- Disagree with drainage report that states that soil is suitable for soakaways.
- A proposal to construct a dwelling in the 1980's was refused due to flooding problems.



- Proposal to plant Willow trees to soak water did not work in the past.
- The Parish Council with their local knowledge have rejected the application twice on drainage grounds.
- Soakaway is proposed in garden of existing house so will be a separate ownership which could cause a problem.
- SW flooding can occur where the ground is already saturated or has low permeability. This area is already saturated. Information from Landmark shows a medium to high potential surface water flood risk on the proposed site.
- YWS will have records of regular visits to unblock drains. This year was worse and YWs found a broken sewer pipe in the footpath to front of my house on Orchard Road. This was repaired and condition of my house has been better. I had to repair joists that had rotted.
- Proof from people in area that building is not beneficial to people or properties in the area. Lessons should be learnt in relation to building with safety and respect.
- Policy ENV4 states that FRA should take account of other risks of flooding not just river/coastal. Development should not be permitted if there are reasonably available sites available at lower risk of flooding.
- Other sites such as British sugar and Civil Service sites should be given priority. The latest development plan gives weight to why there should be no further development on Cherry Grove.
- No investment or improvement by agencies over the last 40 years when approached by residents.
- Development likely to increase risk of flooding which is at odds with the Poppleton Neighbourhood Plan Strategic Environmental Assessment
- Submitted drainage report misleading, as it gives a view that area is free draining. Soakaways have failed in past so no reason to think they will work now. No information provided regarding detailed soakaway tests.
- Reference to site being in Flood Zone 1 is misleading. Flood Risk Assessment should use surface water flood maps.
- Had to solve my own drainage problems by installing 200m of land drainage pipes which feed into two soakaways. The flooding problems have not changed so despair of architects solutions.
- The revised drainage strategy is the third 'solution' put forward by the architect to the serious problem. Trial pit not accurate. Revised drainage strategy has been assessed thoroughly and shown to be flawed. Policy ENV5 states that 'new development will not be permitted to allow ground water and /or outflow from land drainage to enter public sewers'.
- The process demonstrates the overriding determination of the council to err on the side of planning with less regard to the impact on the environment and amenity of residents.
- Weight of evidence provided by residents and inability to provide and satisfactory drainage solutions by the architect should make it clear that an additional dwelling on this low lying ground in high water susceptible to frequent surface water flooding with no public sewers in the area is irresponsible.

- In reference to the latest design, the proposed tanks have very little cover and so have little weight to hold the tanks in position. Any lowering of tanks is not possible due to sewer invert levels.
- Adding more fluid to an existing sewer cannot be a solution that can be guaranteed not to back up or cause flooding of adjacent properties. Flooding has occurred in Orchard Road due to this in the past, and I understand that the sewer from Cherry Grove outfalls that way.
- The Poppleton Strategic Development Plan requires a reduction of flood risk for new developments. The proposal does not achieve this.
- The development (GB15a) will adversely affect the natural drainage towards the beck and result in considerable excess water retention to the detriment of neighbouring properties. Cherry Grove is in a designated flood zone.
- Submitted drainage scheme is fundamentally flawed and inaccurate.
- Water storage figures inaccurate.
- Drains will block
- Putting surface water into the foul sewer will make a bad situation worse.
- The Met office shows that there is an increased risk of unprecedented downpours. The garden of the existing house acts as a sponge that slows down the flow of ground water into neighbours properties. A building in this area will exacerbate the problem.
- On a previous application on the site the Chief Engineer of Harrogate Department of Technical Services stated that it is imperative that land drainage is not connected to foul drains.
- With respect to the Flood Risk Assessment and Drainage Strategy submitted on the 15th November. Section 1.7 Pluvial Flooding uses a map prepared by the Environment Agency which places the proposed site on the edge of a low risk surface water flood zone. However a similar survey undertaken recently by the Landmark Information Group and submitted in the form of a similar map by myself on the 14th September, shows the proposed site on the edge of a high risk surface water flood zone.
- Disposal of surface water from the proposed development and the existing property at 5 Cherry Grove has now come down to the last ditch solution of putting it into the foul sewers via a system of 48 large plastic crates covered in plastic sheeting, used to store the water before entering the sewers. Unfortunately, using the systems manufacturers stipulations for cover levels to keep reservoir in place the proposal is unworkable as the connection into the sewer would be uphill. Notwithstanding this the problems incurred by future tenants of the two separate properties would be problematic regarding maintenance ( silting up and filter cleaning ) and one property accommodating the others drainage system
- Revision D does not meet the manufacturer's recommended depth of ground cover of 0.13 metres and consequently will seriously increase the risk of surface water flooding in 5 Cherry Grove and the adjacent properties. This is an area with a known high water table and a problem with pluvial flooding during even modest rainfall. If the system goes in as proposed, with insufficient ground cover, the ground-water pressure is highly likely to cause the storage cells to burst up through

the ground surface resulting in even more surface water flooding. The council cannot support the erection of a dwelling when the design calculations are incorrect.

- Recently reported that Birmingham had one month's rain in one hour. This caused extensive flooding. The proposed drainage strategy scheme would be overwhelmed if this occurred here.
- The storage tank requires minimum ground coverage of 130mm to prevent ground heave. The cover level figures now show that there is insufficient coverage. (see submitted calculations).
- The drainage drawings has omitted the invert level for the intended connection point between the existing foul sewer and the output from the Garastor.
- Lack of pollution control and slit traps. Regulations and guidance highlight developers duty to mitigate the risk of pollutants emanating from contaminated run-off from hard standings. The roof tiles for the existing dwelling shed grit which builds up and causes blockages.
- Not all relevant and crucial data has been provided in order to convince the neighbours that the proposal would work or indeed allow the planning authorities to reach an informed decision. Vital calculations and levels have been omitted from this report.
- Yet again the report claims that percolation tests have been carried out on the site and these were witnessed by an Engineer from City of York Council. That claim is most strongly refuted!

### Access

- Officer notes say that the access onto the property is tight.
- Cherry Grove is only 4.26m wide. Turning in and out is very tight. The driveway of no. 4 has had to be widened to overcome difficulties of access and juxta position with next driveway.
- The driveway is 3.3m wide and bordered on one side by a fence and the other by the dwelling and hedge. It will therefore be difficult to turn without using the full width of Cherry Grove.
- Cherry Grove is a short narrow road, almost one metre narrower than the other roads in Upper Poppleton. On a daily basis, vehicles belonging to residents, visitors and health workers park on the footpaths to allow transient traffic a safe passage. Pedestrians often have to walk in the road to get around.
- Cherry Grove has 7 properties and 5 private drives accessing the narrow public road. 5 and 8 Cherry Grove driveways are on Orchard Road.
- Additional access constitutes a significant safety issues.
- Whilst Cherry Grove is a short road it is used as a cut through.
- On the previous application on the site, the Highway Officer referred to road being very narrow, and recommended a condition requiring acceptable means of access and local highway widening along frontage and that part of Cherry Grove adjacent to 8 Orchard Road. 'Suggest 4.5m carriageway with 2.0m minimum footway on the site side.

## Character

- Open aspect of area would be destroyed and have a negative impact on wildlife.
- Loss of open outlook from Cherry Grove and from gardens and properties on Orchard Road.
- Proposed dwelling is set forward of adjacent properties.
- Policy GP10 states that the subdivision of gardens and infill permission will not be granted when there is a detrimental effect on the character and amenity of the area.

The proposed development to the rear of 5 Cherry Grove would be of cramped appearance failing to accord to the predominant character of the area and this would result in the detriment of amenity to the local environment. The architects argument that gardens on the proposed plot and 5 Cherry Grove are of similar size to that of 6 & 8 Cherry Grove are irrelevant because 6 & 8 were developed as commercial properties with car parking to the front of them and not as residential homes, this being the reason for the smaller gardens.

- The proposed plot is too small to accommodate a bungalow. Out of keeping with the predominant character.
- A previous application was refused on the site. Reason for refusal stated that 'the proposed development by virtue of the size of the plot would be of a cramped appearance thereby failing to accord with the predominant character density and form in the locality, and having an adverse impact on residential amenity'
- Policy states (commentary to GP10 of 2005 Draft Local Plan), that 'Many residential areas have been developed at relatively high densities. The space between and around existing buildings in such areas often contributes significantly to the character of the area and to maintaining residential amenity. When considering infill applications regard will be given to the impact of the development on the surrounding area and wildlife and the setting of the building.'
- Design and access states that trees and hedges will be retained, but proposal to have 2.4 x 2.4 visibility. So a large part of hedge will be removed.

## Design

- If the design is a traditional one storey bungalow why is there a staircase?
- Tree roots from proposed trees could undermine foundations.
- Footpath around existing dwelling is proposed to be taken up and replaced by something inappropriate.
- The proposed building line of the bungalow is 2.2 metres in front of the existing building line of Cherry Grove and 1 metre from my boundary fence. If this bungalow goes ahead the whole aspect of Cherry Grove will be spoiled and my own residential amenity too.
- Lack of detail of materials means it cannot be stated that development will be in keeping with area.

### Impact on residential amenity

- Dwelling directly south of 3 Cherry Grove and one metre from boundary.
- A dwelling was refused in 1997 because it failed to accord with predominant character, density and form of the locality thus having an impact on residential amenity. Rejected also because of cramped appearance, inadequate size of plot and having an adverse impact on residential amenity.
- Building house 2.2m in front of existing building line, and only 1 metre from boundary will impact on neighbours amenity.
- Development will have a serious impact on amenity of dwelling to the rear. Plan shows a staircase in the hall. If plan allowed suspect there will be another application for dormer accommodation.
- No mention of loss of amenity to 6 Cherry Grove. Incorrect information by architect on garden sizes of 6 and 8 Cherry Grove. These were commercial properties with parking to front which is now garden.
- Reduction in daylight to other properties.

### Other considerations

- That application states that development will fulfil housing need, however a one bedroom bungalow will do little to supplement housing supply.
- There will be no demand for this for the disabled because the parking is too narrow and bathroom too small.
- Fails to comply with the Village Design Statement because appropriate levels of onsite parking will not be provided and residential amenity will not be safeguarded.
- Grey water recycling proposed, but due to high water table it will have to be held down with concrete thereby reducing permeability. Solar panels are not shown on the plans.
- No evidence of a high demand for one bedroom bungalows.
- Personal situation of applicant should not be used as a reason for granting approval overriding the significant flood risk issue and concerns of local residents.
- This is the fifth time that planning to build a dwelling on the garden has been applied for and shows that the site is not a viable proposition.

## **4.0 APPRAISAL**

### 4.0 Key Considerations

- Policy background
- Principle of development
- Design and impact on the character of the area.
- Loss of green space.

- Neighbour impact
- Amenity of existing dwelling
- Drainage
- Highway considerations
- Sustainability.

### Policy Background

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 retained policies in the Yorkshire and Humber Regional Spatial Strategy ("RSS") saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013, and the Upper Poppleton and Nether Poppleton Neighbourhood Plan (Poppleton Plan), which came into effect from 19 July 2017.

### Upper Poppleton and Nether Poppleton Neighbourhood Plan (Poppleton Plan)

Village Design Statement PNP 4: Proposals for development within the villages of Upper Poppleton will be supported where they bring forward high quality design appropriate to their character and appearance. All new developments within the settlement limits of the villages should respect the Design Guidelines.

Housing Policy PNP 6A: Within the settlement limit of the two villages as shown on the Policies Map proposals for the subdivision of an existing dwelling or for the construction of a single dwelling within the curtilage of a domestic property will be supported where the proposals are:

- In character with the surrounding development;
- Designed to safeguard the amenities of existing residential properties;
- Designed to provide appropriate elements of garden and amenity space; and
- Designed to provide appropriate levels of parking and vehicular access to the City of York Council standards at the time of application.

Climate Change and Renewable Energy PNP 11: New developments that exceed the Building Regulations with regard to energy conservation and use of renewable energy technology will be particularly supported. Developers may also wish to consider harvesting of rain water and storm run-off, grey water recycling, porous surface provision wherever appropriate, solar photo voltaics for energy capture and high standard insulation of floors, walls, and roofs to reduce energy consumption.

### Poppleton Village Design Statement

4.2 Poppleton Village Design Statement states inter alia that proper assessment of the character of the surrounding environment should be taken into account when

development is proposed and that the size and massing of extensions should harmonise with neighbouring properties and spaces; contemporary design should complement and be in sympathy with existing building character and that adequate car parking spaces should be provided within the curtilage of the property to avoid on-street parking.

National Planning Policy Framework March 2012 (NPPF)

4.3 Paragraph 7 of the National Planning Policy Framework states that planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking, such as supporting the delivery of homes, seeking high quality design and a good standard of amenity for all existing and future occupants, taking full account of flood risk, encouraging the effective use of land, and conserving heritage assets in a manner appropriate to their significance.

4.4 Paragraph 14 of the NPPF states that at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision taking, this means approving development proposals that accord with the development plan without delay. In this case the Development Plan is The Upper Poppleton and Nether Poppleton Neighbourhood Plan.

4.5 Section 6 of the NPPF 'Delivering a wide choice of high quality homes' seeks to boost the supply of housing. Of particular relevance to this application, paragraph 53 states 'Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

4.6 Section 7 of the NPPF requires good design. At paragraph 56, it says that good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people. Paragraph 58 states that decisions should aim 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; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

4.7 Section 10 of the NPPF requires local planning authorities, when determining planning applications, to ensure flood risk is not increased elsewhere as a result of the development.

#### Emerging Local Plan Publication Draft 2018

4.8 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.

The up to date evidence base considered relevant to this application includes:

City of York Affordable Housing Viability Study (2010) and Annex 1 (2011) (AHVS)  
City of York Local Plan and CIL Viability Assessment (Draft) 2017.

Strategic Housing Market Assessment (SHMA) 2016

Strategic Housing Market Assessment Addendum (SHMA) 2016

4.9 The following policies are relevant to consideration of this application:

Policy H3: Balancing the housing market. This policy seeks to balance the housing market across the plan period and work towards a mix of housing identified in the Strategic Housing Market Assessment (SHMA). This includes flats, and smaller houses for those accessing the housing market for the first time, family housing of 2 to 3 beds and homes with features attractive to older people.

Policy D1 Placemaking. This policy supports development proposals where they improve poor existing urban and natural environments; enhance York's special qualities and better reveal the significances of the historic environment. Detailed design issues should be addressed by development proposals

Policy ENV5 Sustainable drainage. This policy includes detailed drainage requirements for site drainage and a preference for SUDS.

Policy T1 'Sustainable access' refers to the need for development to minimise the need to travel, provide suitable access for all and to promote more sustainable modes of transport.

The City of York Draft Local Plan (incorporating the fourth set of changes) (approved april 2005) (DCLP).

4.10 This plan is not adopted policy but was approved for Development Management purposes. Policies in the DCLP carry very little weight but are capable of being material considerations in the determination of planning applications where these are consistent with those in the NPPF. The following policies from the DCLP are considered relevant:



Policy GP1:Design is a criteria based policy that seeks high levels of design.

Policy GP4a:Sustainability requires development to have regard to the principles of sustainable development.

Policy GP10:Subdivision of Gardens and Infill Development, states that planning permission will only be granted for the sub-division of existing garden areas or infilling, where this would not be detrimental to the character and amenity of the local environment.

Policy GP 15a: Development and Flood Risk requires developers to demonstrate that any flood risk will be successfully managed with minimum environmental effect. It also encourages the use of sustainable drainage systems to reduce surface water run-off. Discharges should not exceed the capacity of existing and proposed receiving sewers and watercourses and long term run-off from development sites should always be less than the level of pre-development run-off.

Policy T4:Requires new developments to provide cycle parking in accordance with Council standards.

Policy H4a:Housing windfalls supports windfall sites where they are within an urban area, the site has good accessibility and it is of an appropriate scale and density, and would not have a detrimental impact on existing landscape features.

Appendix E Car and Cycle: Parking Standards.

## PRINCIPLE OF DEVELOPMENT

4.11 A core principle in the NPPF states that planning should proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that the country needs. This is re-affirmed in chapter 6 of the NPPF which relates to the delivery of a wide choice of high quality homes. The evidence base in The City of York Council SHMA and Addendum (2016) demonstrates a particular need for 2 and 3 bedroom houses, but also a significant need across the city for one bedroom homes. Policy H3 of the Publication Draft Plan refers to homes with features that are attractive to older people.

4.12 The site is not located within the York Green Belt, nor is it sited in, or within the setting of a heritage asset. The greatest weight must be given to the Poppleton Plan. Policy PNP6A is particularly relevant. It supports in principle the construction of a single dwelling within the curtilage of a domestic property. Whilst this is subject to a number of criteria, the principle is not ruled out by the plan. Paragraph 53 of the NPPF is also relevant and states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

4.13 The site is located in a sustainable location with easy access to a wide range of services. Indeed, the Vision Statement of the Poppleton Plan includes the following:

'Upper Poppleton and Nether Poppleton are two villages that have coalesced to form a distinctly quintessential English Village, with the right array of facilities, amenities and transport links. It is a desirable place to live, work, raise a family and retire to. This is because first and foremost it is a community, with a place identity, shared green spaces good schools, shops, churches, clubs and most importantly a history of friendliness and caring'.

4.14 The current application is therefore considered acceptable in principle subject to other material considerations being acceptable.

## DESIGN AND VISUAL APPEARANCE

4.15 Policy PNP 6A of the Poppleton Plan requires that proposals for the subdivision of an existing dwelling or for the construction of a single dwelling within the curtilage of a domestic property be in character with the surrounding development, and provide appropriate elements of garden and amenity space. The NPPF states that local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where the development would cause harm to the local area.

4.16 Section 7 of the NPPF emphasises the importance of good design, and states that it is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 60 also makes reference to promoting or reinforcing local distinctiveness.

4.17 The residential area in the vicinity of the site is predominantly occupied by bungalows, albeit some with rooms in the roof space. However there is a two storey dwelling with single storey extension to the immediate north. With the exception of 6 and 8 Cherry Grove, most dwellings in the wider area have relatively generous rear gardens. The wider residential area is relatively high density, with separation between dwellings often little more than the width of a driveway. The character of the area is enhanced however by the hedges and trees that front many dwellings. Indeed the application site is fronted by a hedge with a mature tree in the garden.

4.18 It is not considered that the erection of one dwelling of the scale proposed will be out of keeping with this character. The ridge height of the proposed dwelling is slightly lower than that of the existing dwelling at 5 Cherry Grove, and significantly lower than the dwelling to the north, 3 Cherry Grove. The hipped roof of the proposed dwelling, together with that on 5 Cherry Grove, provides a space between the two dwellings that is consistent with the character of the area. This space is also maintained between the eaves of the proposed dwelling and 3 Cherry Grove. The proposed dwelling is set approximately 2m in front of no. 3 Cherry Grove, but aligns

with the gable to 5 Cherry Grove. Objections have been received that refer to it being a cramped form of development, and that the dwelling is forward of other properties. However given the general alignment with the gable to no. 5 Cherry Grove, and the small scale of the proposed dwelling, it is not considered that the development will have an adverse impact on the streetscene.

4.19 It is noted that Design Guideline 17 of the Poppleton Village Design Statement, states that space should be maintained around dwellings to avoid the loss of soft landscaping. However it is not considered that the existing garden adds significantly to the character of the area, as it is only directly visible in close proximity to the site. Nevertheless the retention of the hedge along the frontage is characteristic of the area. However, as one approaches Cherry Grove from either end, it is the soft landscaping to the front of the properties that is a dominant feature and is characteristic of the area. Accordingly it is recommended that any approval is conditioned to require the retention of the hedge, except where its loss is required to form the access.

4.20 The design of the proposed dwelling, by virtue of its scale and design is typical of the area and therefore reflects local distinctiveness. Nevertheless it does not directly copy the design of the surrounding properties, and as a result provides the variation that adds to an area in a manner that rows of identical houses cannot achieve. It is proposed to construct the dwelling from bricks under a tile roof. Precise details have not been submitted for approval at this stage, however it is considered that this could be suitable addressed by condition.

4.21 Objections from residents have been received in relation to the loss of the green space, impacting on wildlife and the setting of the building. Nevertheless, officers do not consider that the development will have a detrimental impact on the character and appearance of the area. As such it is considered that the development accords with that part of Village Design Statement PNP 4 of the Poppleton Neighbourhood Plan that relates to high quality design appropriate to character and appearance. It further relates to that part of Housing Policy PNP 6A that relates to single dwellings within the curtilage of a domestic property being in character with the surrounding development.

#### IMPACT OF DEVELOPMENT OF AMENITIES OF EXISTING DWELLING AND NEIGHBOURING OCCUPIERS.

4.22 The loss of the main rear garden of a dwelling can result in a poor standard of amenity for future occupiers. However in this case, the existing dwelling is relatively small ( 2 bedroom), and furthermore it will retain its existing garage, and two parking spaces. During a site visit, officers took account of the privacy enjoyed by the front and size garden of the dwelling by virtue of the existing mature planting. This has created a level of privacy that is not always achieved in front or rear gardens.

4.23 The emerging plan makes reference to providing accommodation that is attractive to the elderly. It is considered overall, that the level of amenity space is

commensurate with the size of the existing dwelling, and will provide an acceptable standard of amenity that can be more easily maintained.

4.24 In terms of the standard of amenity for future occupiers of the proposed dwelling, the house is set behind a small front garden, with a private amenity area to the rear. Given the small scale of the dwelling, it is considered that this area will provide sufficient space for sitting out, hanging washing etc. It is again considered to be commensurate with the scale of the dwelling.

4.25 It is not considered that the development will have a significant adverse impact on the existing amenities of those dwellings across Cherry Grove. The distance is considered to be acceptable, and the single storey design of the dwelling, together with the absence of any rooms at first floor level, or in the roof is such that any overlooking would be minimal. The hedge will reduce inter-visibility at ground floor level. There will be some impact by virtue of the new access, however again, by virtue of the scale of the proposed dwelling, it is not considered that it will have a significant impact on their existing amenities.

4.26 In terms of the dwelling to the north (3 Cherry Grove), the proposed dwelling has a blank gable where it is adjacent to that property. As such there will be little potential for overlooking. There will be an element of overshadowing at certain times of day, but this will be limited. Furthermore the proposed dwelling has been located to ensure that it is not directly in front of the gable window to 3 Cherry Grove. There is an objection from 3 Cherry Grove that there will be an adverse impact on their amenities due to the location of the dwelling to the front of their property. However given the scale of the dwelling, and the location of their own driveway, it is not considered that there will be a significant adverse impact on their amenities.

4.27 In relation to number 8 Orchard Road, the limited height of the proposed dwelling, together with the lack of any windows, or dormers at first floor level is such that the proposed dwelling will not overlook, or have an be over bearing impact. Any over shadowing will be very limited.

## HIGHWAY CONSIDERATIONS

4.28 The proposed development will include the formation of a single width vehicle crossing off Cherry Grove, 2.4 x 2.4 m vision splays will be maintained at the new footpath crossing. Onsite parking will be provided for 2 vehicles. Objections have been received regarding the access due to the narrow width of Cherry Grove, and the difficulty in entering or leaving the parking area. Objectors have also stated that the development will cause vehicles to require the full width of Cherry Grove to turn, and that the development will result in vehicles parking on the footpath causing pedestrians to go around them on the road. Nevertheless, the Highway Officer has not objected to the application subject to conditions requiring that the cycle storage, and parking is provided on site. In relation to objections raised, The Highway Officer has provided further clarification:

'With regards to access into the driveway from the road, with a 3.3m driveway, any car would be able to adequately turn in and out of the drive from Cherry Grove. There are other properties on this and nearby similar streets that have existing driveways. If an application for a dropped crossing was lodged independently via a Streetworks S184 dropped crossing application, it would be granted without the requirement of planning permission'.

4.29 Section 4 of the NPPF seeks to promote sustainable transport. At paragraph 32 it states that all, developments that generate significant amounts of movements should be supported by a Transport statement/Assessment. An application for one dwelling doesn't fall into this category. Housing Policy PNP 6A of the Poppleton Plan supports the construction of a single dwelling within the curtilage of an existing dwelling subject to criteria that includes a requirement for 'appropriate levels of parking and vehicular access to the City of York Council standards'.

4.30 CYC parking standards require one parking space per 1 or 2 bedroom dwelling. The proposed development will provide two parking spaces, in tandem which considered to be acceptable..

## DRAINAGE

4.31 Central Government Planning Policy as set out in paragraph 103 of the National Planning Policy Framework indicates that in determining planning applications Local Planning Authorities should ensure that flood risk is not increased elsewhere. The application site is situated within Flood Zone 1 which has low probability of river or sea flooding. However, The Strategic Flood Risk Assessment (SFRA) states that all development sites should be considered with respect to other potential types of flooding such as groundwater. A A detailed drainage strategy has therefore been submitted.

4.32 The application has resulted in a significant number of objections from the Parish Council and neighbouring occupiers in relation to localised flooding from surface water. The drainage report has been updated a number of times throughout the application process to take account of issues raised by local residents, together with City of York Council Flood Risk Management Team and Yorkshire Water Services. (YWS)..

4.33 There is a requirement under the SFRA to utilise Sustainable Urban Drainage System (SUDS) wherever possible for all new developments. Sub soil conditions do not support the use of soakaways, and a water course is remote from the site. In this case it has been proved by way of CCTV camera survey and dye testing that both foul and surface water from the existing dwelling connects to the Yorkshire Water Services combined sewer. The proposal will attenuate peak surface water run-off to 70% of the existing rate utilising the existing combined sewer connection and restricted to 1.2 litres per second. This provides betterment. Computer model storage volume

calculations have been provided to accommodate (below ground) beyond the required 1 in 30 year storm, but up to and including 1 in 100 year storm (plus 30% climate allowance) to include both the existing and proposed buildings/impermeable areas. Thereby providing further betterment.

4.34 In relation to objections with regard to the cover to the attenuation tank, the Flood Risk Management Team have advised that it is not acceptable to require a particular product to achieve the minimum attenuation volume. It is only necessary to ensure that a design and subsequent constructed drainage system provides the minimum amount of attenuation volume in the various storm situations and is fit for purpose. In view of this, other attenuation drainage products/methods can be considered. The submitted Flood Risk Assessment and Drainage Strategy provides indicative details of what is generally described in the industry as an 'egg crate' type attenuation tank arrangement, which is common when cover is shallow. The Flood Risk Management Team are satisfied that sufficient cover of the attenuation system can be achieved.

4.35 Officers have taken account of the significant level of objection to the development, and in particular those concerns raised regarding existing surface water problems in the locality. Nevertheless, Yorkshire Water Services (YWS) has agreed the existing connection to the public combined sewer and to the submitted foul and surface water drainage proposals. Furthermore the Flood Risk Management Team and Yorkshire water will ensure this drainage strategy will be monitored through to implementation. In view of this it is considered that the development accords with section 10 of the NPPF, Policy GP15a of the 2005 Draft Local Plan, and Policy EVV5 of the Emerging plan.

## CLIMATE CHANGE

4.36 Policy PNP11 of the Poppleton Plan states that new developments that exceed Building Regulations with regard to energy conservation and use of renewable energy technology will be particularly supported. It also states that developers may wish to consider harvesting of rain water and storm run-off, grey water recycling, porous surface provision wherever appropriate, solar photovoltaics for energy capture and high standard insulation of floors, walls and roofs to reduce energy reference consumption.

4.37 The National Planning Guidance states that the energy performance requirements in Building Regulations will be set at a level equivalent to the (now deleted) Code for Sustainable Homes Level 4. Standards above this level should not be set unless there is a relevant current Local Plan Policy. Nevertheless the applicant has advised that the construction will include greater insulation than required by Building Regulations and the installation of a small self contained grey water recycling unit. It is also proposed to include photovoltaics on the roof. It is recommended that a condition be imposed to require specific details. Accordingly, it is considered that the development accords with Policy PNP 11 of the Poppleton Plan.

## 5.0 CONCLUSION

It is considered that the proposal will add to the housing supply in a sustainable location. It is not considered that the amenity value of the existing garden is such that would preclude the development of the site. It is further considered that the scale of the proposed dwelling is in keeping with the streetscene and overall character of the area, and the existing and proposed dwellings will have a garden area that is commensurate with their scale. It is considered that the proposed access and parking provision is acceptable. The site is situated within Flood zone 1, however Officers have taken account of the significant level of objection based on surface water problems in the area. Nevertheless, having taken account of the advice of both Yorkshire Water services and the Flood Risk Management Team it is considered that surface water can be disposed satisfactorily, in a manner that will not increase surface water problems in the locality.

## 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:-

Site Layout and Bungalow 2173.03 Revision D.

Flood Risk Assessment and Drainage Strategy by Topping Engineers (Report 17473 Revision D dated March 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 Except where its removal is required to create the access, the existing hedge along the front boundary of the sit, together with the Willow tree adjacent to it shall be retained. Such trees and hedging shall be protected throughout the development. This means of protection shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials, the erection of site huts or the commencement of building works. 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: The existing planting is considered to make a significant contribution to the amenities of this area.

4 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or amending that Order), development of the type described in Classes A, B, C or E of Schedule 2 Part 1 of that Order shall not be erected or constructed.

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

5 The dwelling hereby approved shall not be occupied until cycle parking has been provided on site in accordance with details which have first been submitted to, and approved in writing by the Local Planning Authority. Thereafter these areas shall not be used for any purpose other than the parking of cycles.

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

6 The dwelling hereby approved 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.

7 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.

8 No construction shall take place until details of the proposed means of disposal of 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:

i) the means by which the discharge rate shall be restricted to a maximum rate of 1.2 (one point two litres per second. Furthermore, 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 .

Reason. To ensure that no surface water discharges take place until proper provision has been made for its disposal. The details of such work are required prior to the commencement of any construction to ensure that such work can be satisfactory integrated into the building works.



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

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

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

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

Reason: So as to achieve a visually cohesive appearance.

11 Prior to their installation on site, precise details of the proposed photovoltaic panels shall be submitted to, and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

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

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

13 The applicant shall install a three pin 13 amp external electrical socket which is suitable for outdoor use. The socket shall be located in a suitable position to enable the charging of an electric vehicle on the driveway using a 3m length cable.

Note: Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations and be suitable for charging electric vehicles. It should also have a weatherproof cover and an internal switch should be also provided in the property to enable the socket to be turned off.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicle.

## **7.0 INFORMATIVES: Notes to Applicant**

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

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

Requested design revisions, together with a detailed drainage assessment to address concerns raised.

### **2. INFORMATIVE:**

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

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

### **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 manufacturer's instructions.

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

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

(f) There shall be no bonfires on the site

**Contact details:**

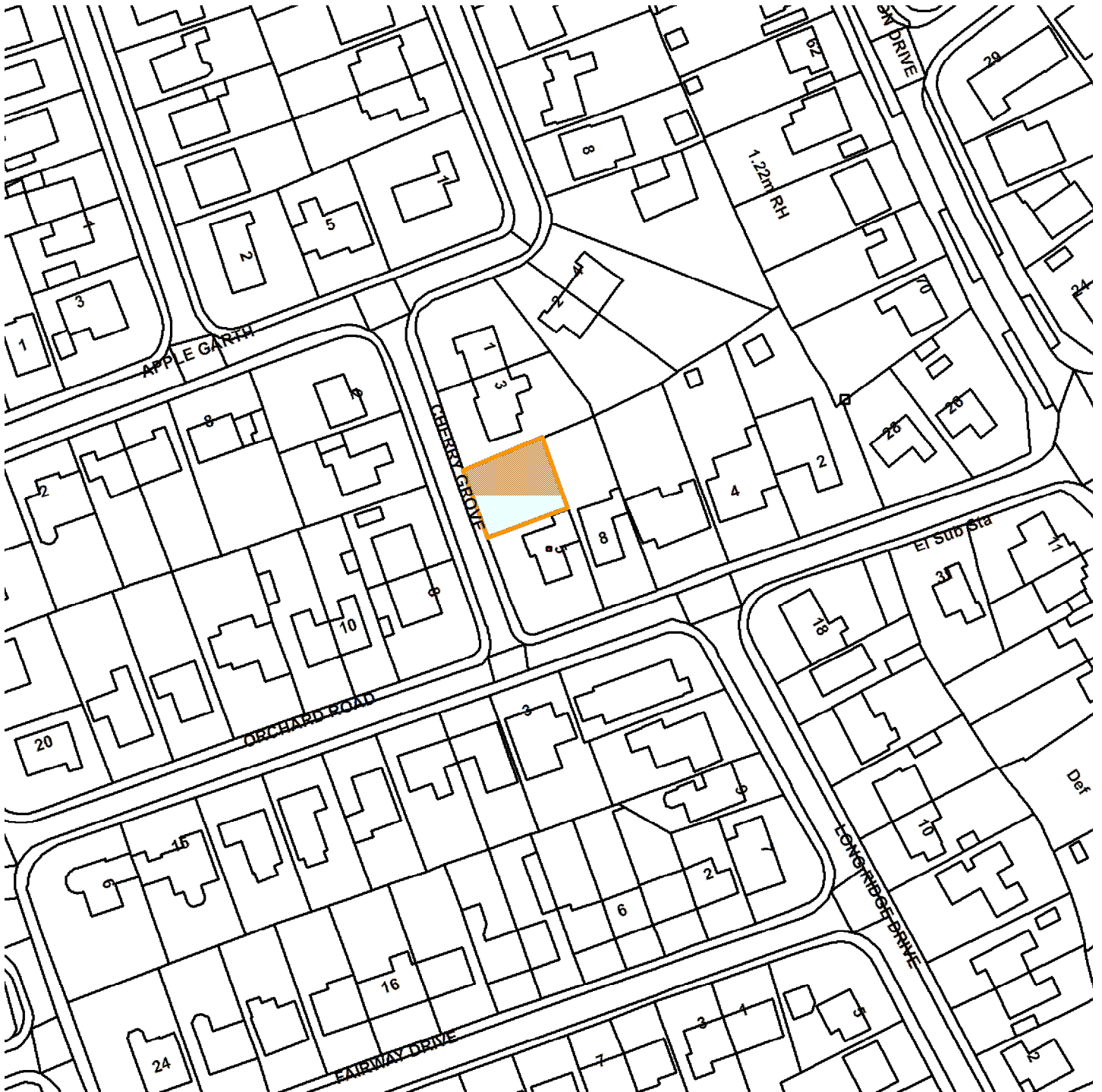
**Author:** Rachel Smith Development Management Officer

**Tel No:** 01904 553343

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# 5 Cherry Grove, Upper Poppleton

17/01968/FUL



Scale : 1:1180

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Siite plan
<b>Date</b>	26 June 2018
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 5 July 2018                      **Ward:** Micklegate  
**Team:** Major and                      **Parish:** Micklegate Planning  
Commercial Team                      Panel

**Reference:** 17/02874/FULM  
**Application at:** Proposed Apartment Block Clock Tower Way York  
**For:** Erection of a four storey building comprising 18no. apartments  
**By:** David Wilson Homes Yorkshire East  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 9 July 2018  
**Recommendation:** Approve subject to Section 106 Agreement

**1.0 PROPOSAL**

1.1 Clock Tower Way comprises a partially constructed residential element of the wider Terry's re-development scheme lying at the northern edge of the site of the former chocolate works. Planning permission is sought for erection of a four storey apartment block providing a total of 18 apartments on the western side of the junction with Campleshon Road.

1.2 The proposal has been amended since submission to allow for removal of the previously intended penthouse fifth storey with the submitted sunlight and daylight assessment amended accordingly. The site is presently occupied by the car parking for the site marketing office together with a sculptural fountain marking the site's history as a chocolate production centre. Both would be relocated in the event of the proposal being approved and implemented.

Planning History

09/01606/OUTM Outline Planning Permission for Mixed Use Including Residential (Use Class C3)

13/03429/REMM Reserved Matters Consent for 57 Dwelling Houses, one apartment block containing 18 units and one apartment block containing 11 units

14/01716/FULM Erection of 229 Dwellings comprising 79 Dwelling Houses and 150 apartments

15/02480/FULM Application under Section 73 of the 1990 Act to Reconfigure the Site Layout of Planning Permission Ref:- 14/01716/FULM.  
Planning permission ref:-14/01716/FULM which forms the current approval for the site gave planning permission for 6no. three-storey town houses with 7 allocated parking spaces within the application area.

## **2.0 POLICY CONTEXT**

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

H10 Affordable Housing  
D1 Place Making  
D5 Listed Buildings  
T1 Sustainable Access

### 2.2 York Development Control Local Plan (2005) Policies:

CGP15A Development and Flood Risk

CYH3C Mix of Dwellings on Housing Site

CYGP1  
Design

CYED4  
Financial Contributions to Education Places

## **3.0 CONSULTATIONS**

INTERNAL:-

Public Protection:-

3.1 Raise no objection in principle to the proposal subject to any permission being conditioned to secure appropriate noise insulation for the apartments, to provide a CEMP during the construction period and to secure remediation of any land contamination.

Housing Development Services:-

3.2 Raise no objection in principle to the proposal subject to the provision of 3 affordable units in accordance with the adopted threshold secured by means of a Section 106 Agreement.

Strategic Flood Risk Management:-

3.3 Raise no objection to the proposal.

Education: PFI and School Contracts:-

3.4 Raise no objection to the proposal.



Design, Conservation and Sustainable Development (Conservation):-

3.5 Objects to the incorporation of a fifth penthouse storey as originally submitted because of its serious detrimental impact upon the visual amenity of the wider street scene.

Highway Network Management:-

3.6 Raise no objection to the proposal subject to any permission being conditioned to require strict compliance with the submitted cycle storage plan, and compliance with the submitted internal layout. Contributions are also sought in respect of an annual bus pass/cycle contribution and a financial contribution to the operation of the City Car Club Scheme and its dedicated spaces at the site to be secured by means of a Section 106 Agreement.

EXTERNAL:-

Yorkshire Water Services:-

3.7 Raise no objection to the proposal

Micklegate Planning Panel:-

3.8 Object to the proposal because of its visual prominence in the street scene, its over-shadowing effect upon neighbouring properties and the lack of parking for vehicles in the surrounding area.

Councillor J. Hayes :-

3.9 Objects to the proposal upon the grounds of:-

- overbearing impact upon the visual amenity of the wider street scene;
- impact upon the residential amenity of neighbouring properties by virtue of over-shadowing and loss of privacy;
- impact upon local infrastructure specifically the supply of school places;
- lack of available car parking in the locality;
- precedent for other similarly damaging developments.

Publicity and Neighbour Notification:-

3.10 The proposal was advertised by press advertisement and site notice in the locality and a number of neighbouring properties were notified by individual letter. The proposal has generated a significant degree of public comment and was subject to a re-consultation exercise undertaken on 18<sup>th</sup> April 2018 in respect of the removal of the penthouse floor. A summary of the responses received is outlined below.

Some 63 letters of objection have been received outlining the following planning issues:-

- the proposal would give rise to a socially unbalanced community as the apartments would not be occupied by young families and may be used as second homes;
- insufficient car parking space for number of additional cars that would be generated relative to the previously approved scheme for town houses;;
- increases in traffic flow from the area to the detriment of highway safety;
- the proposal would appear physically overbearing in terms of its scale within the wider street scene relative to the existing pattern of Edwardian and later development within Campleshon Road ;
- the proposal would result in over-shadowing and loss of privacy for neighbouring properties specifically properties to the north in Campleshon Road and the existing apartment block to the east in Clock Tower Way;
- the proposal would adversely impact upon the setting of the Grade II Listed Terry's Clock Tower and former Headquarters Building with the adjacent street being purposefully aligned on the Clock Tower to provide a formal vista;
- the proposal would lead to significant pressure upon local infrastructure such as access to school places and the Doctor's Surgery with the Knavesmire School and the local doctor's surgery already heavily over-subscribed;
- loss of the existing car park and work of art;
- the proposal is not sustainably located in terms of access to shops, services and public transport routes ;
- the proposal would represent an over-development of the site by virtue of its scale and density relative to the previously approved scheme for town houses and earlier development aspirations for the wider site;
- the proposal would set a damaging precedent for other similar developments both within the Terry's site and more widely;
- impact upon residential amenity arising from the construction process;
- pollution arising from noise, light and emissions both during construction and subsequently .

## **4.0 APPRAISAL**

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- Impact upon the setting of listed buildings;
- Impact upon the visual amenity of the wider street scene;
- Impact upon the residential amenity of neighbouring properties;
- Impact upon the safety and convenience of highway users;
- Impact upon access to local services;
- Provision of Affordable Housing.

## STATUS OF THE PUBLICATION DRAFT CITY OF YORK LOCAL PLAN (2018):-

4.2 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.

## STATUS OF THE YORK DEVELOPMENT CONTROL LOCAL PLAN (2005):-

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

## IMPACT UPON THE SETTING OF LISTED BUILDINGS

4.4 The Terry's Clock Tower, Headquarter building, Time Office, Liquor Store and former Factory Building comprise important retained elements of the original chocolate factory layout and as such have been Listed Grade II. The Clock Tower has a wider significance by virtue of its iconic place within the wider City sky line being clearly visible within many key long distance views across the western and southern sections of the City. In a more local context Clock Tower Way is aligned on the main entrance of the former Factory building which is framed in local views by the Clock Tower and listed former Liquor Store as a reflection of its significance to the development of the site and to create a focal point around which the wider development may be legible.

4.5 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the Council to " have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." At the same time Section 72 of the same Act lays down a requirement for Local Planning Authorities to have special regard to the preservation and enhancement of Conservation Areas in the exercise of their functions. As this is a statutory duty it must be given considerable importance and weight in determining the planning application. Where harm is identified to a Heritage Asset there will be a strong presumption against the grant of permission. Central Government Planning Policy as outlined in paragraph 131 of the National Planning Policy Framework urges Local Planning Authorities to give significant weight to ensuring the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and ensuring the desirability of new development making a positive contribution to local character and distinctiveness. Policy D5 of the Publication Draft Local Plan is of particular relevance in this context. This indicates support for proposals affecting Listed Buildings where accompanied by a clear evidence based justification and where the significance and heritage value of the building is maintained.

4.6 The previously approved scheme for the location envisaged the erection of a number of town houses that would frame the northern edge of Clock Tower Way and would reflect the existing pattern of density and scale. A three storey apartment block defines the eastern edge of Clock Tower Way. The current proposal envisages the construction of a four storey apartment block at the western edge of the junction which would more formally define the physical and visual approach along the principal vista to the listed buildings. In terms of potential harms, it would define more closely the approach to the listed buildings but would not compete with or detract from the principal views and would not give rise to any adverse relationship towards its surroundings. The proposal is not therefore felt to harm the significance of the setting of the listed buildings and the balancing exercise required to comply paragraph 134 of the NPPF is not therefore needed.

4.7 The field directly to the west of the site lying within the curtilage of the York Racecourse lies within the Terry's/Racecourse Conservation Area. It is relatively open in character with a belt of mature trees lying at the site boundary as well as being elevated relative both to the application site and the remainder of the Conservation Area to the west and south west. It is felt that the proposal would not give rise to any demonstrable harm to the setting of the Conservation Area by virtue of the site topography and mature landscaping at the site boundary.

#### IMPACT UPON THE VISUAL AMENITY OF THE WIDER STREET SCENE:-

4.8 Central Government Planning Policy as outlined in paragraph 61 of the NPPF indicates that planning decisions should address the connections between people and places and secure the integration of new development into both the natural, historic and built environment. Policy D1 of the Publication Draft Local Plan sets out that new development will be expected to demonstrate that the resulting pattern of development would be appropriate for its context and neighbourhood and would not over dominate other buildings in the locality.

4.9 The Terry's residential re-development has been undertaken as a high density urban re-development with a mix of three and four storey apartment blocks arranged around the boundaries of the site with terraces of three storey brick built town houses within the central section with the retention where possible of the existing mature landscaping. The apartment block directly to the east of the junction between Clock Tower Way and Campleshon Road is of a three storey form but with the lower storey of a greater height to allow for the future development of a retail unit on the ground floor. A further four storey apartment block lies directly to the east with town houses of steadily diminishing scale lining Clock Tower Way to the south. The properties close to the Campleshon Road frontage are softened to an extent by the retention of the mature landscaping at the site boundary and the presence of a belt of mature street trees along Campleshon Road itself in the case of the proposed property and its neighbour to the east.

4.10 In terms of built form Campleshon Road to the north comprises a mixed pattern of two storey brick built houses of Late Victorian and Edwardian date set back from the main road frontage with Knavesmire School and a Church of rather more substantial scale in the vicinity of the road junction. The boundary in terms of the character of the built form along Campleshon Road is therefore sharp and highly distinct. The proposed apartment block would be seen as part and parcel of the residential re-development of the main site and not in the context of the earlier development to the north and east. The softening impact of the street trees and landscaping would be maintained. At 11.4 metres to ridge level it is of a comparable scale to the existing apartment block to the east of the road junction and less than 0.5 metres higher and as such it is not felt that it would materially harm the visual amenity of the wider street scene.

4.11 In terms of comparison with the approved scheme for town houses, the approved scheme envisaged the erection of 4 three bedroom and 2 four bedroom houses whereas the current proposal envisages the erection of 18 apartments with 3 one bed room and 15 two bedroom units. The approved ridge height for the town houses was 10.6 metres. The impact of the proposal upon the visual amenity of the street scene compared with the approved scheme is therefore felt to be acceptable whilst allowing for a more efficient use of land.

#### IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES:-

4.12 Central Government planning policy as outlined in paragraph 17 of the NPPF "Core Planning Principles" calls on Local Planning Authorities to seek to provide and maintain a good standard of amenity for all new and existing occupants of land and buildings. Policy D1 of the Publication Draft City of York Local Plan as amended seeks that new development should secure the residential amenity of adjacent properties. Concern has been expressed by objectors in respect of the impact of the proposal upon the privacy of neighbouring properties along with the potential for over-shadowing.

4.12 In terms of separation distances the proposed apartment block is some 18 metres from the apartment block to the east of the road junction and 19 metres at its closest point to the town houses to the south beyond the parking area associated with the proposal. The overall approved scheme (14/01716/FULM) is at a high level of density and whilst close are characteristic of the wider development. The scheme has been amended to include privacy screens in order to minimise the risk of mutual overlooking between the existing and proposed apartment blocks and as such the proposal is felt on balance to be acceptable.

4.13 In terms of daylight, sunlight and overshadowing the daylight and sunlight assessment as revised this establishes that any loss of daylight/sunlight from properties in Campleshon Road to the north would be modest and of and not give rise to undue harm. In terms of impact upon the apartment block to the east of the

road junction the impact would be more significant when compared with the previously approved scheme with some loss of daylight and sunlight from windows on the first floor. However, in two of the three cases of loss of daylight the windows affected are not the principal windows serving the room and there are other larger windows serving the same room which would be unaffected and in terms of sunlight in one of the two cases the window is not the principal window serving the room and again there are other larger windows which would be unaffected. Once again the conditions reflect the approved pattern of development elsewhere within the wider site and are felt on that basis to be on balance acceptable.

#### IMPACT UPON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS:-

4.14 Issues of parking provision have been raised by objectors associated with development together with the level of traffic that would be generated onto the adjoining network. The approved scheme allowed for the provision of 7 car parking spaces for residents which incorporated sets of tandem spaces to allow for 2 spaces for larger properties as required by the adopted parking standards. The proposed scheme has provision for 18 spaces which is similarly fully compliant with the Authority's adopted maximum parking standards.

4.15 Concern has been expressed by consultees in terms of the highway layout specifically in relation to the location of the allocated car parking spaces and bin storage with the associated implications for pedestrians and the landscaping within the site. The proposed highway layout has subsequently been amended to rationalise the car parking area and provide more clearly defined pedestrian access routes in order to address the concerns and to arrive at a satisfactory standard of layout. Concern has also been expressed by consultees in terms of the proposed cycle parking numbers and the design of the cycle parking area. The layout has been amended subsequently to ensure the level and design of cycle parking is in accordance with the adopted standards for new building.

4.16 Concern has been expressed by objectors in respect of the sustainability of the location for the development. It is however within walking and cycling distance of both the Bishopthorpe Road shopping area and the southern section of the City Centre. Campleshon Road and the adjacent section of Bishopthorpe Road are also located on local bus routes. In order to develop sustainable methods of transport from the site it is recommended that contributions towards the operation of the City Car Club Scheme and its dedicated spaces at the site and bus pass/cycle ownership be sought and secured by means of a Section 106 Agreement as secured in respect of the original development site. The applicant has agreed to such contributions being provided it is felt that such a requirement would be in accordance with Regulations 122 of the 2014 CIL Regulations as being directly related to the development, necessary to make the development acceptable in planning terms and fairly and reasonably related to the development in scale and kind. It is furthermore confirmed that the proposal would comply with Regulation 123

of the 2014 CIL Regulations in terms of pooling of financial contributions in respect of the requested contribution to the City Car Club Scheme.

#### IMPACT UPON ACCESS TO LOCAL SERVICES:-

4.17 Concern has been expressed by objectors in respect of the impact of the proposal upon access to local services specifically school places at Knavesmire School adjacent to the site and access to the local Doctor's Surgery. Financial contributions have previously been made in accordance with Policy ED4 of the York Development Control Local Plan and secured by Section 106 Agreement to secure additional school places and improvements at local schools. It is not however felt that the proposal would material affect the demand for places to the extent of requiring the payment of further financial contributions..

#### AFFORDABLE HOUSING:-

4.18 Policy H10 of the Publication Draft Local Plan indicates that the provision of affordable housing will be sought in respect of new residential schemes that involve the construction of numbers of units above the relevant adopted thresholds. The current proposal envisages the erection of 18 units which sits above the adopted threshold for the urban area of 15 units and seeks a provision of three units which has been agreed at two social rent and one discounted sale. The units would be secured by means of a Section 106 Agreement. It is considered that the proposal complies with the requirements of Regulations 122 of the 2014 CIL Regulations as being directly related to the development, necessary to make the development acceptable in planning terms and fairly and reasonable related to the development in scale and kind.

#### OTHER ISSUES:-

4.19 Concern has previously been expressed by objectors in terms of the future location of the sculptural fountain which marks the history of the site as a chocolate factory. The applicant has submitted details of its refurbishment and relocation to the central square within the development.

4.20 Attention has been drawn by objectors to the presence of restrictive covenants relating to the type and density of housing that may be erected on the Campleshon Road frontage of the site dating to the period of first establishment of the Chocolate Works. Covenants are a land ownership issue mediated through the Lands Tribunal and their existence or otherwise is not a material consideration in determination of the current proposal.

## 5.0 CONCLUSION

5.1 Clock Tower Way comprises a partially completed residential element of the wider Terry's re-development scheme. Planning permission is sought for erection of

a four storey apartment block providing a total of 18 apartments on the northern side of the junction with Campleshon Road previously proposed to be developed with three storey town houses. The proposal has been amended since submission to allow for removal of the previously intended fifth storey. It is felt that the proposal as amended would not give rise to harm to the setting of the Terry's Clock Tower. The amended scheme would reflect the form of the adjacent apartment block and would not materially impact upon the visual amenity of the wider street scene. There would be some impact upon residential amenity of the apartment block to the east- however again it would reflect the pattern of development previously approved. Requirements for provision of affordable housing and the encouragement of sustainable transport modes are engaged and those would be secured by means of a Section 106 Agreement. Such requirements are in compliance with Regulations 122 and 123 of the 2014 CIL Regulations as fairly and reasonably relating to the permitted development.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve subject to Section 106 Agreement to cover the provision of three “affordable” housing units within the development, together with a financial contribution of £1,920 towards the operation of the City Car Club Scheme and its dedicated spaces at the development and a financial contribution towards cycle ownership/one (no) annual bus pass for each apartment owner on first occupation.

1 TIME2 Development start within three years

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

Drawing Refs:-2359\_PL\_010D; 2287\_SK\_365; 2359\_PL\_400D; 2359\_PL\_401D; 2359\_PL\_101C; 2359\_PL\_001B; 2359\_PL\_100B; 2359\_SK\_200; 2359\_SK\_204; 2359\_SK\_205; 2359\_SK\_500

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

3 VISQ4 Boundary details to be supplied

4 VISQ8 Samples of exterior materials to be app

5 VISQ7 Sample panel ext materials to be approv

6 The cycle parking provision shall be erected and laid out in strict accordance with plans ref:-2359\_SK\_610 B and 2359\_PL\_010 E prior to the apartments hereby authorised being first brought into use and shall be retained for the use of residents thereafter.



Reason: To secure the use of sustainable means of transport.

7 HWAY19 Car and cycle parking laid out

8 Prior to the development hereby approved coming into use, 3 (no)three pin 13 amp external electrical sockets which are also suitable for outdoor use shall be installed. The socket shall be located in a suitable position to enable the charging of an electric vehicle within the site using a 3m length cable.

Note: Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations and be suitable for charging electric vehicles. It should also have a weatherproof cover and an internal switch should be also provided in the property to enable the socket to be turned off.

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

9 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must include a site specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and include a package of mitigation measures commensurate with the risk identified in the assessment. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason:- To safeguard the residential amenity of neighbouring properties

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

INFORMATIVE: The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels in habitable rooms of no greater than 35 dB LA eq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LA eq (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.

11 Except in case of emergency no demolition and construction works or ancillary operations, including deliveries to and dispatch from the site which are audible beyond the boundary of the site shall take place on site other than between the hours of 08:00-18:00 Monday to Friday and between 09:00-13:00 on Saturdays.

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

Reason. To protect the amenity of local residents

12 The provisions for bin storage illustrated within the application plans hereby approved shall be provided before the development is first brought into use and shall be kept and maintained for the usage of residents for the lifetime of the development.

Reason:- To safeguard residential amenity and to secure compliance with paragraph 17 of the NPPF “Core Planning Principles”.

13 The provisions for privacy screens illustrated within the application plans hereby approved shall be provided before the development is first brought into use and shall be kept and maintained for the benefit of residents for the lifetime of the development.

Reason:- To safeguard residential amenity and to secure compliance with paragraph 17 of the NPPF “Core Planning Principles”.

## **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:

i) Sought revisions to the internal layout to improve parking/pedestrian provision;

- ii) Sought amendment of the scheme to remove the fifth penthouse storey;
- iii) Sought appropriate provision for cycle storage;
- iv) Sought details of relocation of the art work presently on site.

2 HIGHWAY WORKS:-

**INFORMATIVE:**

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

- Vehicle Crossing - Section 184 - (01904) 551550 – Tom Forrest  
streetworks@york.gov.uk

**Contact details:**

**Author:** Erik Matthews Development Management Officer

**Tel No:** 01904 551416

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# Proposed Apartment Block, Clock Tower Way

17/02874/FULM



Scale : 1:702

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Siite plan
<b>Date</b>	26 June 2018
<b>SLA Number</b>	Not Set

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**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

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](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:

**Author:** Victoria Bell Development Management Officer

**Tel No:** 01904 551347

# Gem Construction & Shopfitting Ltd, North Lodge

17/01437/FULM



Scale : 1:590

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Siite plan
<b>Date</b>	26 June 2018
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 5 July 2018                      **Ward:** Rawcliffe And Clifton  
Without

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

**Reference:** 17/03004/FULM

**Application at:** Proposed Self Storage Facility Water Lane York

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

**By:** MJ McCarthy Holdings Ltd

**Application Type:** Major Full Application (13 weeks)

**Target Date:** 5 July 2018

**Recommendation:** Refuse

**1.0 PROPOSAL**

1.1 The Grain Stores, Water Lane, Clifton comprises a large derelict area of hard standing forming part of a former military airfield which has been subject to an Outline Planning Permission for a mixed use development granted on appeal reference 11/00860/OUTM. The housing element of the proposal has been partially implemented and planning permission is now sought for construction of a 12 metre high curtain wall clad self-storage unit to be accessed via the previously constructed access to the Aldi grocery supermarket directly to the east. The proposal has been amended subsequent to submission in terms of its design, location and parking and turning arrangements to address concerns in respect of the impact upon the residential amenity of neighbouring properties and to take account of a the siting of a recently approved care home to the north west of the site.

1.2 The scheme was deferred from consideration at the May Area Planning Sub-Committee to allow for further consideration of potential amendments to address concerns in respect of impacts upon the amenity of neighbouring properties and the adjacent care home. Further amendments in respect of these issues have subsequently been submitted to further relocate the proposed building relative to the previously approved care home, to enhance the landscape planting on both the boundary with the adjacent residential properties and with care home and to provide details of a green wall structure to be hung at eaves level on both elevations.

**2.0 POLICY CONTEXT**

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

D1 Place making

EC3 Business and Industrial Uses in Residential Areas

Application Reference Number: 17/03004/FULM

Item No: 4d

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

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

**3.0 CONSULTATIONS**

INTERNAL

Highway Network Management

3.1 Raise no objection to the proposal on the basis of the modest number of total vehicle movements anticipated during the working day.

Public Protection

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

Strategic Flood Risk Management

3.3 Raise no objection to the proposal.

Planning and Environmental Management (Forward Planning)

3.4 Any comments will be reported orally at the meeting.

Planning and Environmental Management (Landscape)

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

EXTERNAL

Clifton (Without) Parish Council

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

The Ainsty(2008) Internal Drainage Board

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

Yorkshire Water Services Limited

3.8 No objections.

Neighbour Notification and Publicity

3.9 66 Letters of objection have been received raising the following planning issues:

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

A re-consultation exercise has been undertaken in respect of the revised drawings which has resulted in a further 16 objections identifying the following issues:-

- The proposed planting would not be high enough, dense enough or extensive enough to compensate for the loss of aspect caused by the height of the building and its substantial visual mass;
- Continued concerns in respect of the volume of traffic originating in the proposal;
- Concern that more appropriate sites for the development exist in the near vicinity.

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

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

**4.0 APPRAISAL**

## KEY CONSIDERATIONS

### 4.1 KEY CONSIDERATIONS INCLUDE

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

## STATUS OF THE EMERGING (PUBLICATION) DRAFT YORK LOCAL PLAN

### EMERGING LOCAL PLAN

4.2 On 21 February 2018 the Publication Draft York Local Plan 2018 ("2018 Draft Plan") was published for the final six week consultation. The emerging Local Plan policies contained within the 2018 Draft Plan can only be afforded limited weight at this stage of its preparation, and subject to their conformity with the NPPF and the level of outstanding objection to the policies in accordance with paragraph 216 of the NPPF. However, the evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications.

## STATUS OF THE YORK DEVELOPMENT CONTROL LOCAL PLAN

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

## PRINCIPLE OF DEVELOPMENT

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

employment related development with residential areas by the provision of appropriate landscape screening and the improvement of the appearance of existing buildings

## IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES

4.5 Central Government Planning Policy as outlined in paragraph 17 of the National Planning Policy Framework "Core Planning Principles" indicates that Local Planning Authorities should give significant weight to the maintenance and provision of a good standard of amenity for new and existing occupants of land and buildings. At the same time Policy GP1 of the York Development Control Local Plan sets out a presumption in favour of new development which respects or enhances the local environment, is of a scale, layout and design that is compatible with neighbouring buildings, spaces and the character of the area and ensures that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.6 The application site together with the residential development and grocery supermarket adjoining formerly lay within the airfield apron of the Clifton Moor military airfield and the hangars which covered much of the site were subsequently used as intervention grain stores. The whole site was given Outline Planning Permission for re-development as a mixed use scheme incorporating residential development, care home and employment uses at appeal ref:-11/00860/OUTM. The residential elements of the scheme are in the process of construction. The current proposal seeks permission for erection of a self-storage unit lying between the now operational grocery super market and the residential development with access shared with the supermarket. The proposal falls within Class B8 of the 1987 Town and Country Planning (Use Classes) Order with all activities taking place within the confines of the building. The structure would have a ridge height of 12.5 metres, eaves height of 10.5 metres with a distance to neighbouring gardens to the south west of 8.4 metres with the closest residential property some 24.2 metres to the south west. The scheme has subsequently been amended to secure a 10 metre separation between the building and the gardens of the neighbouring residential properties.

4.7 Serious concern has been expressed by neighbours in terms of the impact of the proposal upon the residential amenity of neighbouring properties through noise, loss of sunlight within garden areas, loss of aspect and above all the physically overbearing impact of the building itself. It is proposed to erect a large industrial unit for the secure storage of a range of personal items with all activities taking place within the confines of the building itself with access shared with supermarket at some remove from the nearby residential properties. The nature of the development by virtue of work being undertaken internally within the building would not lead to any material harm to residential amenity through noise. In terms of lighting it is proposed to use low level security lighting details of which may be conditioned as part of any planning permission. At the same time it is proposed to plant the

boundary with the adjacent residential properties with a substantial hedge incorporating native species including hawthorn, hornbeam and holly , which when mature would provide a degree of mitigation for the impact of any lighting.

4.8 In terms of the impact of the building itself and associated loss of aspect it is proposed to use a lighter cladding colour for the elevation adjacent to the residential properties. That together with the landscape planting which would take a significant length of time to mature would not take away from the sheer over-bearing presence of the building relative to the adjacent dwellings. The applicant had subsequently proposed a 1 metre high brick plinth but that of itself would not take away from the sheer unrelieved mass of the building. In terms of the further amendments a green walling system which would be hung on a light weight frame from eaves of the adjacent elevation is proposed. At the same time the incorporation of fixed root barriers within the area of the adjacent sewer easement would enable a greater degree of landscape planting to take place than had previously been anticipated. However, even with the landscaping at full maturity as demonstrated by the submitted elevational drawing the loss of aspect to neighbouring properties would give rise to substantial harm. That could largely be resolved by a lowering of the eaves height by 1 to 1.5 metres. The applicant has however rejected that as being harmful to the viability of the scheme. The relationship with the adjoining houses is therefore still felt to be unacceptable in terms of its impact and would not comply either with the requirements of Policy GP1 of the York Development Control Local Plan (2005), D1 of the Publication Draft City of York Local Plan(2018) as amended or paragraph 17 of the NPPF “Core Planning Principles”.

4.9 As a consequence of the location of the building relative to the nearby residential properties it is felt that there may be some overshadowing of the very rear portion of several gardens at points during spring and autumn. The harm generated is not on balance felt to be sufficient as to warrant a recommendation for refusal on that basis though that would not detract from the overbearing elevational treatment of the building or the harm that would be caused to the amenities of prospective occupants of the approved care home to the north west which is discussed below.

#### IMPACT UPON THE AMENITIES OF PROSPECTIVE OCCUPANTS OF THE CARE HOME

4.10 The site of the recently approved care home lies to the north and north west of the application site. The building itself would lie predominantly to the north separated from the proposed building by the adjacent grocery store and service yard. The Care Home would be aligned north east south west and would be three stories in height with a ridge height of 11.9 metres. The location of the building relative to the site boundary has been amended since the scheme was submitted to provide a further 8 metres of separation. The distance from the care home at its closest point would be approximately 25 metres from the bay window on the south western elevation. The proposal would not give rise to any overshadowing of the building itself but will give rise to some overshadowing of the garden area

associated with the care home. The amended scheme has modified the proposed boundary treatment to allow for a 1.8 metre high close boarded timber fence. The proposed blue branded advertising panel has been removed from the associated elevation and tree and shrub planting including semi-mature specimens are proposed for the intervening space.

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

#### IMPACT UPON THE VISUAL AMENITY OF THE WIDER STREET SCENE

4.12 Central Government Planning Policy as outlined in paragraph 61 of the National Planning Policy Framework indicates that planning policies and decisions should address the connections between people and places and the integration of development into the natural, built and historic environment. At the same time Policy D1 of the (Publication) Draft Local Plan "Place making" indicates that new development should not cumulatively dominate surrounding buildings and spaces.

4.13 The application site has previously been granted an Outline Planning Permission for a mixed use scheme incorporating an element of employment related development. It is furthermore located within a broadly mixed use area with a range of employment including general industrial uses directly to the north along Green Lane and employment and retail uses some of which takes place in very large units along Clifton Moorgate directly to the east. Concerns have been expressed in terms of the scale and height of the building. It is unusually large within the context of the immediate surroundings, however, it does find some reference within the general pattern of development of properties associated with Clifton Moorgate further to the east.

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

#### IMPACT UPON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS

4.15 Concern has been expressed by neighbours in terms of the impact of the proposal upon the safety and convenience of highway users on the local network, specifically in relation to increased traffic levels at the heavily utilised junctions between Water Lane and Green Lane and Water Lane and Clifton Moorgate a short distance away. The proposal is however for a relatively low intensity use. The nationally recognised TRICS traffic forecasting model indicates that the proposal

would generate a maximum of 62 vehicle movements per day with an average of one vehicle movement every 12 minutes at peak times. It is felt that the impact of additional traffic movements would be negligible in terms of the safety and convenience of users of the local highway network. Notwithstanding the modest level of vehicle movements to and from the site the applicant does propose to plant part of the landscape buffer to mitigate for the impact of the building within the highway boundary. That may in the long term when mature have some detrimental impact upon the visibility at the point of access to the shared access road with the adjacent grocery supermarket and is therefore unacceptable.

## **5.0 CONCLUSION**

5.1 The Grain Stores, Water Lane , Clifton comprises a large derelict area of hard standing forming part of a former airfield which has been subject to an Outline Planning Permission for a mixed use development granted on appeal . The housing element of the proposal has been partially implemented and planning permission is now sought for construction of a 12 metre high curtain wall clad self-storage unit to be accessed via the previously constructed access to the grocery supermarket directly to the east. The proposal has been amended subsequent to submission in terms of its design, location and parking and turning arrangements to further address concerns in respect of the impact upon the residential amenity of neighbouring properties and to take account of a the siting of a recently approved care home to the north west of the site. It is felt that notwithstanding the submitted amendments that insufficient mitigation has been put in place to relieve the impact on amenity of the large high mass of building adjacent to the common boundary with the newly constructed residential properties. The proposal is therefore unacceptable in terms of the requirements of paragraph 17 of the NPPF in respect of amenity together with Policy GP1 of the York Development Control Local Plan(2005) and Policy D1 of the Publication Draft City of York Local Plan (2018) (as amended).

## **6.0 RECOMMENDATION: Refuse**

1. The development by virtue of creating a large, visually undifferentiated building mass in close proximity to the boundary with residential development would create conditions seriously prejudicial to the residential amenity of the neighbouring properties by virtue of a loss of aspect and overbearing form contrary to the requirements of paragraph 17 of the NPPF "Core Planning Principles , Policy GP1 of the York Development Control Local Plan (2005) and Policy D1 of the Publication Draft City of York Local Plan (2018) (as amended).

## **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  
Application Reference Number: 17/03004/FULM                      Item No: 4d



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

Sought to improve the boundary treatment and elevational treatment for the building adjacent to the approved care home and recently constructed residential development.

Notwithstanding the above, it was not possible to achieve a positive outcome, resulting in planning permission being refused for the reasons stated.

**Contact details:**

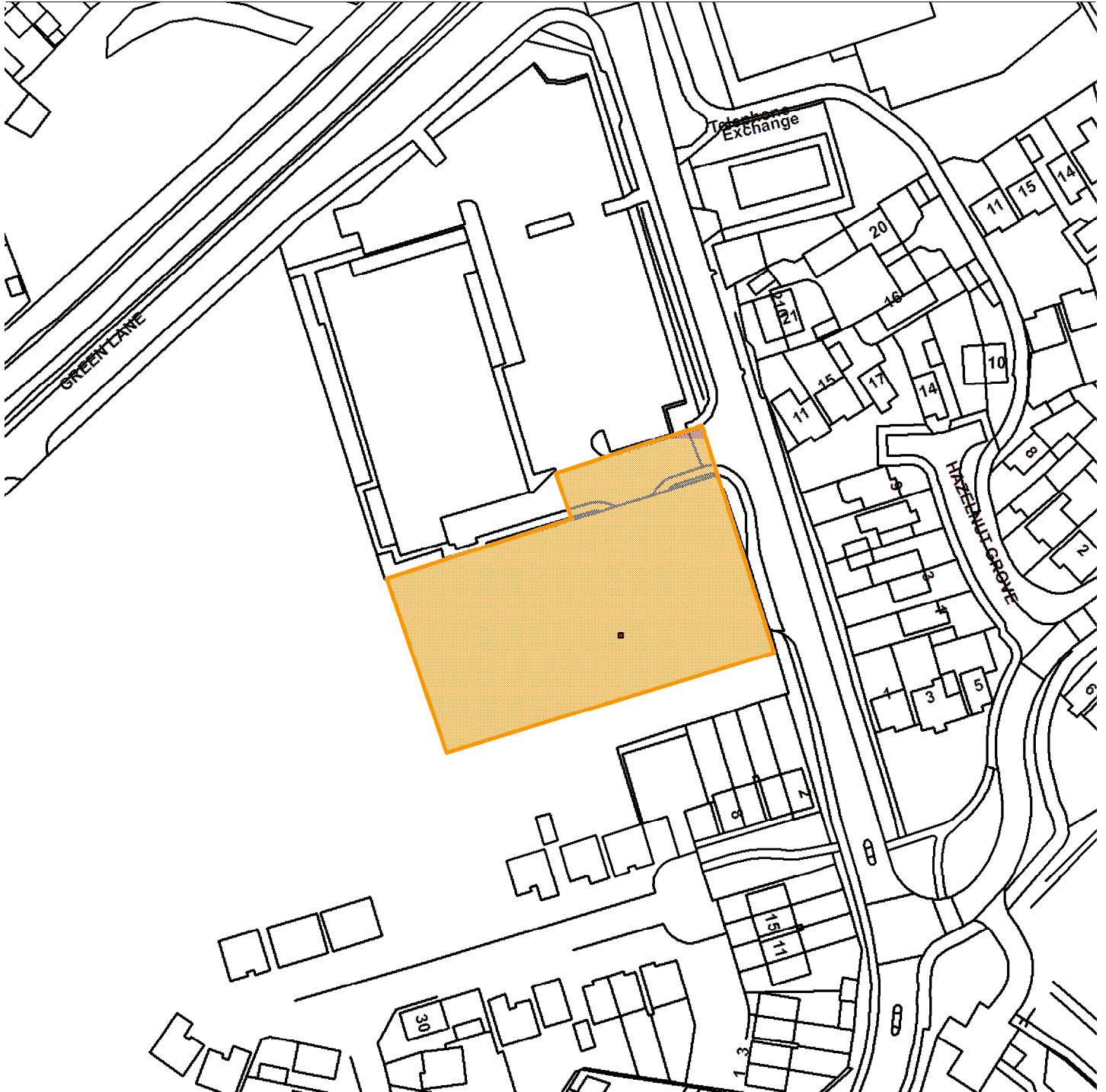
**Author:** Erik Matthews Development Management Officer

**Tel No:** 01904 551416

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# Proposed Self Storage Facility, Water Lane

17/03004/FULM



Scale : 1:1243

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Siite plan
<b>Date</b>	26 June 2018
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 5 July 2018                      **Ward:** Clifton  
**Team:** Major and                      **Parish:** Clifton Planning Panel  
Commercial Team

**Reference:** 18/00082/GRG3  
**Application at:** Burton Stone Community Centre Evelyn Crescent York YO30 6DR  
**For:** Extension of existing extra care facility to provide 29no. apartments and 4no. bungalows with associated communal facilities and provision of new multi-use community facility following demolition of existing community centre  
**By:** City Of York Council  
**Application Type:** General Regulations (Reg3)  
**Target Date:** 9 July 2018  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 Burton Stone Community Centre comprises part of the site of the former Burton Stone Secondary Modern School which was closed in the mid 1980s. The site was redeveloped as Marjorie Waite Court, a three storey brick complex providing extra care housing for the elderly with the retained buildings of the School remaining as the Community Centre. These comprise a large brick built gymnasium building dating to the 1930s centrally placed within the site together with a brick and curtain wall clad former teaching block at the north eastern edge with a section of former hard play area directly to the east. Surrounding the site is a development of Local Authority Housing dating to the immediate Post War period.

1.2 Planning permission is sought for the construction of a substantial extension to Marjorie Waite Court providing further extra care housing incorporating 29 one bed room apartments and four bungalows, for the elderly of the most up to date design, two single storey brick built bungalows providing further care accommodation. The proposal has been amended since submission to address design concerns in relation to the original scheme specifically in relation to the landscaping of the site frontage.

**2.0 POLICY CONTEXT**

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

D1 Placemaking

D7 Non Designated Heritage Assets

## ENV5 Sustainable Drainage

### 2.2 York Development Control Local Plan (2005) Policies:

CYC1

Criteria for community facilities

CYGP1

Design

## 3.0 CONSULTATIONS

INTERNAL:-

Public Protection:-

3.1 Raise no objection to the proposal but wish to see any permission conditioned to require appropriate levels of noise insulation, appropriate measures to control noisy plant and cooking odours together with restrictions on the operating hours of the proposed community facility.

Highway Network Management:-

3.2 Express concerns in respect of the detailed layout of the site. The design has subsequently been amended to address the concerns raised in terms, of pedestrian access, vehicle and cycle parking

Strategic Flood Risk Management:-

3.3 Raise no objection to the scheme as revised.

Design, Conservation and Sustainable Development (Design):-

3.4 Express concerns in terms of the justification for the loss of the 1930's gymnasium building together with the design and layout of the scheme. Further comments will be reported orally at the meeting.

Design, Conservation and Sustainable Development (Landscape):-

3.5 Raise no objection to the proposal subject to the satisfactory resolution of a detailed planting regime.

Design, Conservation and Sustainable Development (Ecology):-

3.6 Raise concerns in respect of the potential for the gymnasium building to house a bat roost. Further comments will reported orally at the meeting.

Public Health (Sport and Active Leisure):-

3.7 Express some concerns in respect of the design and layout of the proposal and the availability of an appropriate area and quality of amenity space.

EXTERNAL:-

Clifton Planning Panel:-

3.8 Raise no objection in principle to the proposal but express some concern in respect of the loss of the existing community facility.

Yorkshire Water Services Limited:-

3.9 Raise no objection to the scheme as revised.

The Foss (2008) Internal Drainage Board:-

3.10 Raise no objection to the proposal.

Sport England:-

3.11 Raise no objection to the proposal.

North Yorkshire Police Designing Out Crime Officer:-

3.12 Raise no objection to the proposal.

York Civic Trust:-

3.13 Object to the proposal on the grounds that the proposal would result in the loss of the gymnasium building which was constructed at the start of World War II and is felt to represent the work of local architects Campbell and Penty in the Art Deco Style survivals of which are rare in York. It has further historical interest in terms of its evidential value as part of the wider efforts by the City in the 1930s to improve the environment for its less well off citizens and to develop a modern city with the development of the Kingsway North Estate. In a National context it is felt to be one of the few surviving buildings which show evidence of the work of the Women's League for Health and Fitness and the National Campaign set up by Neville Chamberlain in 1937 to address concerns about the fitness of the young following the 1936 Berlin Olympics. As such the building is felt to be a "non designated Heritage Asset" within the terms of paragraph 135 of the National Planning Policy Framework.

The 20th Century Society:

3.14 Object to the proposal on the grounds that the gymnasium building comprises an important example of a rare form of Art Deco architecture of the 1930s and as such is a Non Designated Heritage Asset in terms of the NPPF and insufficient evidence has been put forward to justify its removal.

#### **4.0 APPRAISAL**

##### **KEY CONSIDERATIONS:-**

##### **4.1 KEY CONSIDERATIONS INCLUDE:-**

- Principle of the Development;
- Design of the Scheme;
- Loss of a Non Designated Heritage Asset;
- Impact upon the Local Surface Water Drainage Network;
- Affordable Housing;
- Impact upon the habitat of a protected species.

##### **PLANNING POLICY:-**

4.2 On 21 February 2018 the Publication Draft York Local Plan 2018 ("2018 Draft Plan") was published for the final six week consultation. The emerging Local Plan policies contained within the 2018 Draft Plan can only be afforded limited weight at this stage of its preparation, and subject to their conformity with the NPPF and the level of outstanding objection to the policies in accordance with paragraph 216 of the NPPF. However, the evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications.

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

The NPPF is the most up to date representation of key relevant policy issues and the proposal should principally be assessed against this policy Framework.

##### **PRINCIPLE OF THE DEVELOPMENT:-**

4.4 The proposal seeks permission for the erection of 29 one bedroom apartments and four bungalows providing extra care accommodation for the elderly from the wider locality. It would form an extension to the existing extra care housing at Marjorie Waite Court to the south but would involve the loss of the existing Burton Stone Community Centre which occupies the retained buildings of the former Burton



Stone School for Girls. At the same time the proposal envisages the provision of a Community Room for use by surrounding residents to compensate for the loss of the existing Community Centre. Residents would have their own front door and facilities within each unit but would have access to 24 hour on site care. The proposal is seen as necessary to form part of a package of measures to cope with sharply increased demand for supported accommodation for those over 75 years of age identified within the 2016 City of York Strategic Housing Market Assessment. At the same time the existing Community Centre Buildings are underutilised and in a poor state of structural repair which would be expensive to remedy.

#### DESIGN OF THE SCHEME:-

4.5 Central Government Planning Policy as outlined in Paragraph 61 of the National Planning Policy Framework indicates that planning decisions should address the links between people and places and seek the integration of new development into the historic, natural and built environment. At the same time Policy D1 of the (emerging) Publication Draft Local Plan, "Placemaking" seeks that new development should demonstrate the use of best practise in contemporary place making and urban design.

4.6 The application site comprises the partially re-developed site of the former Burton Stone Secondary Modern School. It incorporates a range of materials and forms with Marjorie Waite Court incorporating mid red brick with pitched tiled roofs whereas the surviving roof of the former School gymnasium is in a darker red brick with a low pitched roof. The scheme as submitted envisaged a mix of brick with curtain wall cladding with a uniform pattern of fenestration, a flat roof concealed behind a low parapet with a total building height to match the ridge height of the existing Marjorie Waite Court to the south west. This was felt to be highly monotonous and institutional in character, not reflective of the wider visual amenity of the street scene. The scheme as amended retains the overall flat roof form but introduces variety in the roof line and form as well variegation in the window pattern with individual windows having a cedar cladding details. More variety is at the same time introduced into the palette of materials with the use of a coloured render and cedar boarding replacing the use of a curtain wall cladding in addition to brick work. The scheme is broadly three storey but reducing to two storey at its northern edge where it comes close to Lady Mill Garth. It is some 23 metres to the nearest apartment within the main block Lady Mill Garth and 16 metres from the detached block within the car park. The elevation adjoining the boundary is however blank. The boundary with the remainder of Lady Mill Garth in the vicinity of the development largely comprises a substantial 1.8 metre high brick wall which would be retained as part of the proposal with a rear access leading into Lady Mill Garth to enable those resident within the detached portion of the site to the north to easily access the site..

#### RESIDENTIAL AMENITY:-

4.7 The area surrounding the application site comprises a mix of low rise brick built Local Authority Housing with a uniform palette of materials and pattern of scale and massing. A landscaped communal garden would be provided to the north east adjoining Lady Mill Garth. Separation distances with adjoining properties notably Lady Mill Garth would be acceptable in the context of the local pattern of development with the adjacent property having been designed to avoid direct overlooking of the site. The scheme has subsequently been further amended to reconfigure the car parking layout on the Crombie Avenue frontage of the site and to provide additional landscaping. It is felt that the proposal as amended would establish the character of the development whilst at the same time securing the visual amenity of the street scene thereby securing compliance with the requirements of paragraph 61 of the NPPF and Policy D1 of the Publication Draft Local Plan.

#### LOSS OF A NON DESIGNATED HERITAGE ASSET:-

4.8 Paragraph 135 of the National Planning Policy Framework indicates that in considering a planning application which affects a Non Designated Heritage Asset then the impact upon its significance must be given careful weight. In weighing applications that affect Non Designated Heritage Assets either directly or indirectly then a balanced judgement will be required in respect of any harm or loss to the significance of the asset. Policy D7 of the Publication Draft Local Plan is relevant in consideration of the current proposal. This indicates that the significance of Non Designated Heritage Assets should be considered against a range of criteria including historic or cultural significance and that development which remove or undermine the significance of a Non-Designated Heritage Asset where the benefits would clearly outweigh the harm having regard to the nature of the precise impact and the scale of the harm. Where the significance of a Non Designated Heritage Asset would be compromised or removed altogether then any permission should be conditioned to require detailed recording of the site.

4.9 The application site forms part of a former school partially developed in the late 1930s and completed in the immediate Post War years. A section of former hard play area, together with a two storey curtain wall clad teaching block dating to the early 1970s and a brick built gymnasium dating to the late 1930s survive from the earlier use. Concern has been expressed by objectors in respect of the proposed demolition of the gymnasium block. The building was constructed by the local architectural partnership Penty and Thompson between 1937 and 1939 and the wider site was the first purpose built Local Authority Elementary School and Youth Centre within York. It is further argued that the building shows rare stylistic references to the National Keep Fit Movement introduced by Neville Chamberlain in 1937 following on from the poor performance in the 1936 Olympics and the Women's League for Health and Beauty founded in 1930. As such the building is considered to be a Non Designated Heritage Asset in the locality.

4.10 The submitted Design and Access Statement indicates that the initial scheme intended to retain the gymnasium building to provide a focal point for the development within the local street scene with the proposed amenity garden laid out around it. However, subsequent survey work has indicated significant structural problems with regard to the building caused by long term water ingress with the cost of remedial work to retain the gymnasium as the proposed community building prohibitively expensive. The associated boiler facilities also fall significantly below Modern standards and contain quantities of asbestos which require remediation. The existing building also falls below the standards of access reasonably required in the and would require significant additional work to bring it up to the required standard. The boiler facilities are located in a basement area which requires continuous pumping to ensure that it does not become flooded. Furthermore new building would require a bespoke design in terms of its foundations to enable the boiler house to be retained beneath. The requirements of such a scheme would have clear implications for the delivery of the project with the loss of up to six apartments. The existing building furthermore has issues in terms of its sustainability with problems of excessive heat/loss and solar gain together with sub-standard ventilation which is difficult to resolve within the confines of the existing building. Several activities associated with the Community Centre also now take place in the adjacent building because of the deficiencies of the Gymnasium Building. It is therefore proposed to demolish the gymnasium and erect a new community building on the cleared site.

4.11 The 2016 Strategic Housing Market Assessment illustrates a substantial increase in demand for the type of accommodation to be provided by the proposal of the order of 45% over the current situation with suitable and deliverable sites not always being easily available. The wider context of the gymnasium building as part of the former school complex has also been compromised by the partial clearance of the remainder of the site in the 1930s. Whilst the significance of the building within the context of the History of the 1930s is understood it is felt that the substantial demand for extra care housing as identified by the SHMA and the clear difficulties with upgrading the building outweighs the harm caused by the loss of the Non Designated Heritage Assets within the context of paragraph 135 of the NPPF.

#### IMPACT UPON THE LOCAL SURFACE WATER DRAINAGE NETWORK:-

4.12 Central Government Planning Policy as outlined in paragraph 103 of the NPPF indicates that in determining planning applications Local Planning Authorities should ensure that flood risk is not thereby increased elsewhere. At the same time Policies ENV4 and ENV5 of the (Emerging) Publication Draft Local Plan are also relevant in considering the proposal. Policy ENV4 indicates that new development shall not be subject to unacceptable flood risk and shall be designed in such a way that it mitigates against current and future flood events. Policy ENV5 indicates that on brown field sites surface water drainage flows should be attenuated to 70% of the existing levels with sufficient long term storage included to ensure that flows do not

exceed the attenuated rate taking account of the impact of 1 in 30 and 1 in 100 year storm events.

4.13 The application site comprises an existing hard surfaced area with some surface water drainage connections. Concern has been expressed by consultees in respect of the proposed surface water discharge rate of 27l/s and an alternative discharge rate has been put forward of 5l/s that would be more consistent with the existing situation and the prevailing circumstances in respect of other recent developments within the locality. A surface water discharge rate of 27l/s would be entirely unacceptable and may increase flood risk in the locality. It has been indicated by the sewerage undertaker that it would be possible to attenuate surface water flows to significantly less than that initially proposed. A drainage scheme incorporating attenuation to 12 l/s has subsequently been brought forward and subject to any planning permission being appropriately conditioned both the sewerage undertaker and the Strategic Flood Risk Engineer are prepared to accept such a rate given local circumstances. The drainage scheme is felt on balance therefore to be acceptable.

#### **AFFORDABLE HOUSING:-**

4.14 The 2016 SHMA which constitutes a significant element of the evidence base underpinning the Publication Draft Local Plan together with the current up to date records of Housing Services indicate a deficit of up to 200 extra care spaces over the City as whole. The proposal would be provided as a mix of Social Rent with 23 apartments and up to 10 apartments sold on a shared ownership basis. A letter has been put forward by the Director of Housing, Health and Adult Care indicating that the Authority's Policies in respect of affordable housing will be complied with in all respects.

#### **IMPACT UPON THE HABITAT OF A PROTECTED SPECIES:-**

4.15 Central Government Planning Policy as outlined in paragraph 118 of the NPPF indicates that planning permission should not be forthcoming for developments which would lead to material harm to local biodiversity. The 1930's gymnasium building provides a potential roosting habitat for bats. Detailed surveys have however been undertaken which clearly demonstrate that no bat roosting is taking place.

## **5.0 CONCLUSION**

5.1 Burton Stone Community Centre comprises the densely developed site of the former Burton Stone Secondary Modern School which was closed in the mid 1980s. The site was redeveloped as Marjorie Waite Court, a three storey brick complex providing extra care housing for the elderly with the retained buildings of the School remaining as the Community Centre. These comprise a large brick built gymnasium building dating to the 1930s centrally placed within the site together with a brick and

curtain wall clad former teaching block at the north eastern edge .Planning permission is sought for the construction of a substantial extension to Marjorie Waite Court providing further extra care housing incorporating 29 one bed room apartments and four bungalows, for the elderly of the most up to date design, two single storey brick built bungalows providing further care accommodation. Concerns have previously been expressed in terms of the design and drainage layout of the scheme together with the loss of the existing gymnasium building. The design and drainage layout of the scheme has subsequently been amended and on balance are felt to be acceptable. At the same time a justification for removal of the gymnasium building outlining the substantial technical implications for the scheme of designing around the basement have been submitted. This is again felt on balance to be acceptable and approval is therefore recommended.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

Drawing Ref:- 17007D(00)50 Rev D; 17007D(00)51 Rev B; 17007D(00)53 Rev B; 17007D(00)52A; 17007D(00)54A; 17007D(00)55A; 318-01-(DR)100-T03; 318-01-(DR)101-T03; 318-01-(DR)100-T04; 318-01-(DR)102-103.

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

3 VISQ4 Boundary details to be supplied

4 VISQ8 Samples of exterior materials to be app

5 VISQ7 Sample panel ext materials to be approv

6 LAND1 IN New Landscape details

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

Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing; phasing of works; site access for demolition/construction and methodology;

type of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading); parking arrangements for site vehicles; locations for storage of materials; locations of utilities. Details of existing and proposed levels and surfaces shall also be included.

The protective fencing line shall be adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation or deep-digging, parking or manoeuvring of vehicles; there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, or pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To ensure protection of existing trees before, during and after development which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area.

8 The development permitted by this planning permission shall only be carried out in accordance with the Drainage Plan by R Vint - Sheet 1 - Ref: 318/01 (DR) 100 Revision T04 dated 25th May 2018 and Sheet 2 - Ref: 318/01 (DR) 101 Revision T03 dated 8th May 2018 and the following measures detailed within the Drainage Plans:

- i). the site shall be developed with separate systems of drainage for foul and surface water on site.
- ii). surface water discharge rate shall be restricted to a maximum rate of 12 (twelve) litres per second.
- iii). the means by which the surface water attenuation up to the 1 in 100 year event with a 30% climate change allowance.

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

9 Construction in the relevant part (s) of the site shall not commence until the Local Planning Authority are satisfied that details of the future management and maintenance of the proposed drainage scheme have been submitted to and approved by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied that proper management and maintenance of the proposed drainage scheme has been provided.

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 No development shall take place until a detailed scheme of noise insulation measures for protecting existing and proposed residential locations from external noise (including that generated from the community hall) 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 the community facility and all new residential accommodation on the care home site shall be constructed so as to achieve internal noise levels in habitable rooms (both on and off the site) 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.

12 The community facility shall be only be open for use during the following hours:

08:00 to 23:00 hours every day including weekends and bank holidays

Reason: To protect the amenity of occupants of the care home and nearby properties

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

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

14 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

15 Upon completion of the development, delivery vehicles to the development shall be confined to the following hours:

Monday to Friday 08:00 to 18:00 hours

Saturday 09:00 to 13:00 hours and not at all on Sundays and Bank Holidays

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

16 There shall be adequate facilities for the treatment and extraction of cooking odours. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for written approval. Once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained and serviced thereafter in accordance with manufacturer guidelines.

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

17 Prior to the development hereby approved coming into use, 3 (no)three pin 13 amp external electrical sockets which are also suitable for outdoor use shall be installed. The socket shall be located in a suitable position to enable the charging of an electric vehicle within the site using a 3m length cable.

Note: Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations and be suitable for charging electric vehicles. It should also have a weatherproof cover and an internal switch should be also provided in the property to enable the socket to be turned off.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles. To promote the use of low emission vehicles on the



site in accordance with paragraph 35 of the National Planning Policy Framework

18 HWAY18 Cycle parking details to be agreed

19 HWAY19 Car and cycle parking laid out

## **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:

- i) Sought revisions to the surface water drainage layout;
- ii) Sought revisions to the design and layout of the overall scheme;
- iii) Sought a detailed justification for the removal of the 1930s gymnasium;
- iv) Sought submission of detailed bat surveys.

#### 2. INF11 - Control of Pollution Act 1974

### **Contact details:**

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# Burton Stone Community Centre

18/00082/GRG3



Scale : 1:903

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Siite plan
<b>Date</b>	26 June 2018
<b>SLA Number</b>	Not Set

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