



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

**To:** Councillors Hollyer (Chair), Crawshaw (Vice-Chair),  
Cullwick, Fisher, Galvin, Craghill, Melly, Orrell, Waudby,  
Webb and Perrett

**Date:** Thursday, 15 October 2020

**Time:** 4.30 pm

**Venue:** Remote Meetings

**A G E N D A**

**Note: there will be no site visits ahead of this meeting.**

**1. Declarations of Interest**

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

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

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

**2. Minutes**

(Pages 1 - 12)

To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee held on 17 September 2020.

**3. Public Participation**

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

**Please note that our registration deadlines have changed to 2 working days before the meeting, in order to facilitate the management of public participation at remote meetings. The deadline for registering at this meeting is 5:00pm on Tuesday, 13 October 2020.**

To register to speak at this meeting please visit: [www.york.gov.uk/AttendCouncilMeetings](http://www.york.gov.uk/AttendCouncilMeetings) to fill out an online registration form. If you have any questions about the registration form or the meeting, please contact the relevant Democracy Officer, whose details are at the foot of the agenda.

## **Webcasting of Remote Public Meetings**

Please note that, subject to available resources, this remote public meeting will be webcast including any registered public speakers who have given their permission. The remote public meeting can be viewed live and on demand at [www.york.gov.uk/webcasts](http://www.york.gov.uk/webcasts).

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

### **4. Plans List**

To determine the following planning applications:

*Note: Annexed to each report is a series of presentation slides showing photographs of the site and its environs and plans of the proposed works.*

**a) WLD Textiles, Granville Works, Lansdowne Terrace, York, YO10 3EA [20/00821/FUL] (Pages 13 - 60)**

This application seeks permission for the erection of 8no. 2, 3 and 4 bedroom dwellinghouses, together with associated parking and landscaping following the demolition of the existing business premises (resubmission) [Guildhall]

**b) 5 Cherry Grove, Upper Poppleton, [20/00516/FUL] (Pages 61 - 88)**

This application seeks permission for a single storey side and rear extensions, application of render finish, erection of detached garage to side with relocation of driveway to Cherry Grove [Rural West York]

**c) Industrial Property Investment Fund, Unit C, Auster Road, [20/00056/FULM] (Pages 89 - 108)**

This application seeks permission for the erection of a four storey building to form a self-storage facility with associated access and landscaping (use class B8)  
[Rawcliffe and Clifton Without]

**5. Urgent Business**

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

Democracy Officer:

Name – Michelle Bennett

Telephone – 01904 551573

E-mail – michelle.bennett@york.gov.uk

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

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

Contact details are set out above.

**This information can be provided in your own language.**

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 **(01904) 551550**





City of York Council

Committee Minutes

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Meeting	Area Planning Sub-Committee
Date	17 September 2020
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Cullwick, Fisher, Galvin, Craghill, Lomas (as substitute for Cllr Perrett), Melly, Orrell, Waudby and Webb

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There were no site visits due to COVID-19 restrictions.

### **17. Declarations of Interest**

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

Cllr Fisher declared a personal, non-prejudicial, non-pecuniary interest in Agenda item 4a) 105-111 Micklegate 19/02750/FULM in that a close friend lived adjacent to the site.

### **18. Minutes**

Resolved: That the minutes of the Area Planning Sub-Committee meeting held on 20 August 2020 be approved and then signed by the Chair at a later date.

### **19. 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.

### **20. 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.

**20a) 105-111 Micklegate, [19/02750/FULM]**

Members considered a full application from Micklegate Developments Ltd. for the erection of a new 62 bed hotel (use class C1) with bar/restaurants on the ground floor (use classes A3 and A4) after demolition of existing buildings. There had been various applications at the site relating to alterations to the existing buildings. Application 19/00485/FULM, which had also included the neighbouring site 127 Micklegate, had been withdrawn in 2019 following comments from the City of York Council officers.

Officers gave a presentation based upon the slides at pages 57 - 80 of the Agenda and reported:

- An additional representation had been received from a local resident in objection to the proposal on the grounds that the building had a dominating effect on the surrounding area; breaching the line between pastiche and architectural integrity.
- Amendments to the following conditions listed in the officer report: 4,6,8,9, 10, 12, 13, 14, 15, 16, 18, 24, 25, 26, as set out in the resolution below.
- An additional drainage condition (no. 30).

Ms Pamela Chapman, a neighbouring resident, spoke in objection on the grounds that the scale and mass of the proposal was inappropriate for this part of Micklegate. In addition, she expressed concern that one of the two existing buildings that would be demolished may date from the Georgian period. The first-floor level in Minster Car Hire had retained the original building and contributed significantly to the historic development of this part of Micklegate.

Mr Neil Brown from Vincent and Brown Architects, acting as Agent for the applicant, spoke in support of the application. Mr Chris Miele, from Montagu Evans Heritage and Design responded on questions relating specifically to heritage and design.

In response to questions from Members, officers confirmed that:

- A grade 2\* building is in between a grade 2 and grade 1 building, with grade 1 being the highest.
- The hotel would provide 20 full time equivalent jobs.

The Council's Design and Sustainability Manager provided guidance to Members on the prominent location of the proposal and the surrounding heritage assets.

After debate, Cllr Galvin moved, and Cllr Fisher seconded, that the application be approved, in accordance with the officer recommendation, along with the amended and additional conditions reported in the officer update and an amendment to condition 20 set out below: Cllrs: Cullwick, Fisher, Galvin, Orrell, Waudby and Hollyer all voted in favour of this motion. Cllrs: Craghill, Crawshaw, Lomas, Melly and Webb voted against this motion. It was therefore:

Resolved: That the application be APPROVED, subject to the conditions listed in the report and the following amended / additional conditions:

Amended Condition 4

A foundation design and statement of working methods, which preserve at least 95% of the archaeological deposits, is required for this site.

A) ~~No development shall commence until~~ **No groundworks until** foundation design and statement of working methods (including a methodology for identifying and dealing with obstructions to piles and specification of a level in mAOD below which no destruction or disturbance shall be ~~made~~ **submitted to** archaeological deposits except for that caused by the boring or auguring of piles for the building foundation) which preserve 95% of the archaeological deposits on the site has been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved foundation design and statement of working methods.

This condition is imposed in accordance with Section 16 of NPPF and City of York Historic Environment Policy D6 (2018 Draft Local Plan).

Reason: The site lies within an Area of Archaeological Importance or the site is of Archaeological Interest which contains significant archaeological deposits. The development must be designed to preserve 95% of the archaeological deposits within the footprint of the building(s).

Amended Condition 6

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

Monday to Friday 0800 to 1800 hours

Saturday 0900 to 1300 hours

Not at all on Sundays and Bank Holidays

**Reason: To protect local amenity**

Amended Condition 8

Development shall not commence (**except demolition**) until, an investigation and risk assessment (in addition to any assessment provided with the planning application) ~~must~~ ~~be~~ has been undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced and submitted to **the relevant Local Planning Authority**. The written report is subject to the approval in writing of the Local Planning Authority for approval in writing prior to commencement of development. The report of the findings must include:

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

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

Amended Condition 9

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

Amended Condition 10

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

Amended Condition 14

No development shall take place until a detailed scheme of noise insulation measures for protecting the hotel accommodation above this proposed development from noise internally generated by the proposed **A3 or A4** use has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.

Amended Condition 15

No development shall take place until a detailed scheme of noise insulation for the building envelope of the commercial premises ( the bar/restaurant) within the site has been submitted to and approved in writing by the Local Planning Authority. This shall include measures for protecting the residential accommodation in the near vicinity outside of the premises from noise break out internally generated by the proposed **A3/A4** use of the ground floor. Upon completion of the insulation scheme works the A3 use shall not commence 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.

Amended Condition 20

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

~~Prior to first use~~ **Post demolition and prior to the commencement of construction of build**, details of the measures undertaken to secure compliance with this condition shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Amended Condition 24

No works shall take place until large scale details (including samples if deemed necessary) of the following items have been submitted to and approved in writing by the local planning authority.

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

**Roof and roof plant equipment**

verges,  
soffit,  
fascias,  
spandrels,  
rainwater goods,  
windows & doors,  
dormer window structure  
oriel window structure  
rails (to windows),  
gate to front elevation,  
render finish,  
glass lightwells  
hard landscaping to Micklegate frontage  
internal window screens to the front elevation  
including their method of fixing  
~~render finish,~~  
~~glass lightwells~~  
~~hard landscaping to Micklegate frontage~~

Additional Drainage Condition 30

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

Reason: So that the Local Planning Authority may be satisfied with the foul and surface water drainage arrangements.

Reason for Approval

The proposed redevelopment of the application site for a hotel and ground floor restaurant is considered to be acceptable in principle given the city centre use. The proposal is acknowledged to be in highly sensitive location with a number of

designated heritage assets, including the city walls, Micklegate Bar in close proximity and also being within the conservation area. The proposal, while larger than the existing buildings is considered to preserve the character and appearance of the conservation area and the setting of the listed buildings and scheduled monuments. Furthermore, the proposed replacement will provide a sustainable car free development and meet the Council's ambitious climate change targets set out in draft Policies CC1 and CC2. The proposal is considered to be a distinctive and positive design solution for the location and acceptable on amenity grounds.

Paragraph 11d) of the NPPF states where there are no relevant development plan policies, planning permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. While it is acknowledged that the scheme is contentious due to its sensitive and prominent location and that Historic England and York Civic Trust have maintained their objections to the scheme, this assessment has concluded that the proposal does not harm the heritage assets. The proposed conditions would ensure the proposal is acceptable and the recommendation is approval.

*[There was a short break from 6.20 pm until 6.30 pm, in order to register the public speakers].*

**20b) The Lord Nelson, 9 Main Street, Nether Poppleton,  
[18/02692/FUL]**

Members considered a full application from Mr Thomas for the erection of 2 dwellings with detached garages on land to the rear of the Lord Nelson pub.

Officers gave a presentation based upon the slides at pages 111 -127 of the Agenda and reported that:

- An additional representation from a local resident had been received. Requesting that the application be deferred in order for Members to undertake a site visit. This was considered necessary as the ground level of the



application site was significantly above the ground level of Main Street, 1 and 3 Hallgarth Close and 15 Main Street and would result in the two new houses appearing to stand high and conspicuously in the Conservation Area.

- Further conditions would be added to ensure that the applicant was compliant with CC1 and CC2 of the draft Local Plan; and to ensure the removal of permitted rights to fences.

Mr Norman, a neighbouring resident to the site, spoke in objection to the proposal, on the grounds that the officer report had underestimated the flood risk and that there was the potential for damage caused by water egress, either on the surface or below ground from the development site into Hallgarth Close and/or 15 Main Street. He also expressed concern regarding access to the public footpath across the entrance to the site, already a precarious crossing.

Cllr Jones, Chair of the Nether Poppleton Parish Council (NPPC) and his colleague Cllr Harper, also a member of the NPPC, spoke in objection to the application on the grounds that the scheme proposed would destroy an ancient burgage strip that had been identified as an area of archaeological interest by the City Archaeologist, in order to create a new gated community in a conservation area therefore contravening the NPPF paragraph 194, regarding 'harm to, or loss of...a designated heritage asset.' They also expressed concern that there was no scale on the drawings, therefore the exact dimensions of the final houses were only estimated. They considered the proposal to be inappropriate development in the conservation area.

In response to questions from Members, Cllrs Jones and Harper confirmed that the plot had been removed from the Neighbourhood Plan due to its use for a range of community activities such as picnics, fireworks etc. Had it remained in the Neighbourhood Plan, the community were fund raising, and had raised over £1M with the intention of purchasing it as a community space or to develop bungalows to support the needs of the elderly population in the area.

Mr Martin Walker of Walker Dsp Architects, and Agent for the applicant, explained that the plans had been amended and improved to address the constraints and opportunities, of the site, bringing active use to a disused site and providing much

needed new housing. He considered that the Lord Nelson public house was unaffected by the development, retaining sufficient off street car parking and separated vehicular access and adequate space for delivery vehicle turning.

After debate, Cllr Fisher moved, and Cllr Waudby seconded, that the application be deferred to allow time for those Members that wished to visit the site, to visit safely and independently, in accordance with Covid-19 regulations. Cllrs: Fisher and Waudby both voted in favour of this motion and Cllrs: Craghill, Crawshaw, Cullwick, Galvin, Lomas, Melly, Orrell, Webb and Hollyer all voted against this motion and the motion was declared LOST.

Cllr Webb then moved and Cllr Lomas seconded that the proposal be approved in accordance with the officer recommendation with the addition of the requests outlined in the officer update regarding ensuring that the applicant is compliant with CC1 and CC2 and the removal of permitted rights to fences and that delegated authority be granted to the Assistant Director responsible for Planning and Public Protection, in consultation with the Chair and Vice-Chair in relation to noise associated with the pub. Cllrs: Craghill, Galvin, Lomas, Melly and Webb all voted in favour of this motion. Cllrs: Cullwick, Crawshaw, Fisher, Orrell, Waudby, and Hollyer all voted against this motion and the motion was declared LOST.

Finally, Cllr Fisher moved and Cllr Orrell seconded that the proposal be refused (reason set out below) overturning the officer recommendation to approve the application. Cllrs: Crawshaw, Cullwick, Fisher, Orrell, Waudby and Hollyer all voted in favour of this motion. Cllrs: Craghill, Lomas, Melly and Webb all voted against this motion. Cllr Galvin, abstained from voting; and it was therefore:

Resolved: That the application be REFUSED.

Reason: On the grounds that the proposal would be an inappropriate development of an historic plot which would harm the conservation area and detracts from the setting of grade 2 listed building, Poppleton House. Furthermore, the Identified harm would not be outweighed by public benefits and is therefore contrary to the Neighbourhood Plan and DLP policies.

*[There was a short break from 8.10 pm until 8.15 pm, in order to register the public speaker for the next agenda item].*

**20c) Ausgang Lane, Osbaldwick [20/00892/FUL]**

Members considered a full application from Mr Mohammed Iqbal for a change of use of the first floor from former builders' yard offices to a taxi business.

Officers gave a presentation based upon the slides at pages 139 to 145 of the Agenda and reported:

- An additional representation had been received from Councillor Warters, Ward Member for Osbaldwick and Derwent, in objection on the grounds that taxis were being parked on roads and verges outside the site. In addition, concerns that the facility had no sewer connection for toilet or washing facilities and should therefore not be in operation.
- An amendment to the wording at Condition 4.

Mr Billy Iqbal, spoke on behalf of the applicant stating that the building location had adequate parking and that they would rent a lockup close by to mitigate congestion issues, should that become a concern. A new drainage system plan has been submitted to the City of York Council and work would commence upon approval.

After debate, Cllr Webb moved, and Cllr Lomas seconded, that the application be approved, in accordance with the officer recommendation. Members voted unanimously in favour of this motion and it was therefore:

Resolved: That the application be APPROVED, subject to the conditions listed in the report and the following amended condition:

Amended Condition 4.

Group training shall only take place at the site on a maximum of two days per month and shall be attended by a maximum of 10 people at any one time.

Reason: Any proposal to increase the intensity of training activities would

need to be considered in the light of local highway and parking conditions.

Reason for Approval

The taxi office is proposed in an area of existing office space no longer needed in relation to the current B2 (General Industrial) use of the building.

The main planning concerns relating to taxi offices normally relate to vehicle movements and noise from staff and customers congregating, particularly late in the evening. The taxi office would be a control room and customers would not visit. The location on an industrial estate would limit this in any case. Taxi drivers would also not be based at the office and its location away from the city centre would make it unlikely that taxi drivers would wish to congregate there between jobs.

The applicant has stated that they wish to undertake training for drivers related to taxi work at the site. This would take place around twice a month for up to 10 people working for the taxi business. It is considered that the relatively infrequent and small scale nature of such training would limit any local parking impacts.

It is considered that subject to the suggested conditions controlling and restricting the nature of the use and improving cycle parking provision, the proposal is acceptable.

Cllr Hollyer, Chair

[The meeting started at 4.30 pm and finished at 8.42 pm].

**Date:** 15 October 2020      **Ward:** Guildhall  
**Team:** East Area      **Parish:** Guildhall Planning Panel

**Reference:** 20/00821/FUL  
**Application at:** W L D Textiles Granville Works Lansdowne Terrace York YO10 3EA  
**For:** Erection of 8no. 2, 3 and 4 bedroom dwellinghouses, together with associated parking and landscaping following the demolition of the existing business premises (resubmission)  
**By:** Mr Joe Jackson  
**Application Type:** Full Application  
**Target Date:** 21 October 2020  
**Recommendation:** Approve

## 1.0 PROPOSAL

1.1 The application site is located at the end of Lansdowne Terrace off Lawrence Street, from where vehicular access is taken. The site is enclosed on all four sides by residential properties, generally comprising of two storey terrace properties. To the north, Arthur Street leads to Emily Mews, with Granville Terrace to the west.

1.2 Whilst the immediate area is primarily residential, the wider area particularly to the north is occupied by commercial and industrial businesses.

1.3 The site contains single storey building associated with an existing operational business, WLD Textiles. WLD Textiles is a distributor of furniture DIY and hardware and curtain tracks and accessories with an associated trade counter. The business appears to have been established at Lansdowne Terrace since 1967. It is operational Monday to Friday 08:30-17:00, Saturdays 08:30-12:00 with no trading on Sundays.

1.4 The building is not listed, nor located within a conservation area; however it is in close proximity to an area of archaeological importance. Additionally it is located within flood zone 1, where there is a low risk of river flooding.

1.5 Planning permission is sought for the demolition of the existing business premises and its replacement with 8no. 2, 3 and 4 bedroom dwellinghouses along with parking and landscaping. The application is a resubmission of a previous scheme which was refused by sub-committee in January 2020. There have been no substantial amendments to the arrangement of the dwellings; these will remain as terrace houses in two opposite lines. Units 1-3 along the southern boundary with Lansdowne Terrace and units 4-8 along the northern boundary adjacent to Emily

Mews. Vehicular access will be retained as existing from Lansdowne Road, with part of units 1 and 2 built over. This will lead to the car parking area, with each dwelling other than unit 4 (two bedroom dwelling) having two allocated car parking spaces. This main forecourt area will contain bin stores and cycle parking. Stairs will provide access to the first floor where there will be a cantilevered external amenity space projecting out over the car parking.

1.6 The proposed dwellings are generally all arranged in a similar manner, but the arrangement is subject to the number of bedrooms to be provided; at ground floor level there is secondary bedrooms and bathrooms, first floor is the living accommodation and further main and secondary bedrooms provided at second floor level.

1.7 There have been a number of amendments to the proposals in order to address the reasons for refusal. These are set out below:

1.8 The accommodation mix has been changed; a three bedroomed property (unit 1) has been reduced to form a two bedroom property. The proposed mix of residential units is now 2 x 2 bed, 1 x 3 bed and 5 x 4 bed units. A second floor bedroom within unit 1 has been removed which has enabled its roof height to be lowered.

1.9 Additional information in the form of a rendered 3D image of the view from the ground floor bedrooms has been submitted in order to demonstrate that occupiers would have a view of the sky and this is a similar to other development where lower ground floor bedrooms are lit by lightwells. Further details have been provided in respect to the sealing off of the stairwells from the parking area to ensure they received fresh air as well as confirmation that the dwellings will benefit from mechanical ventilation and heat recovery system, ensuring that all rooms would receive the necessary amount of ventilation via a centralised system.

1.10 As well as the above amendments, the application is supported by an employment land statement prepared by Lichfields to address the third reason for refusal relating to the loss of land/building that are currently in employment use.

1.11 There have been no amendments to the termination at the end of Lansdowne Terrace, which the applicants consider is an acceptable and appropriate approach for this location. An updated design and access statement has been submitted in support of the application which includes examples of this form of development in York.

1.12 This application has been called-in by Cllr Fitzpatrick concerned that the scheme will represent overdevelopment and have an impact upon the streetscapes of Emily Mews, Herbert St and Lansdowne Terrace. It will have a too high density and massing and the design will result in a lack of natural light to the ground floor bedrooms of the proposed dwellings. The changes proposed are minimal and the

views of residents and planning committee [January 2020] have not been sufficiently been taken into consideration.

### Planning History

1.13 This application is a revised scheme following the refusal of application 19/01393/FUL at Planning Area Sub-Committee on 14 January 2020. The application was refused for the following reasons:

1. The site is constrained by its proximity to neighbouring properties. The position and orientation of unit 1, its proposed increase in height over and above the existing buildings on the site, would have an overbearing and domineering impact to the rear of properties at Granville Terrace (notably No's 24-25) harming the residential amenity of the occupiers of those properties contrary to paragraph 127 (f) of the National Planning Policy Framework (NPPF) and policy D1 of the City of York Council Publication Draft Local Plan (2018).

2. The amount of development is considered to be too great for this constrained site and has resulted in a form of development that does not respect local form and character. The dwellings at units 1 and 2, positioned along the southern boundary of the site adjacent to Lansdowne Terrace are designed with a link over the vehicular access. By virtue of its scale and height, the large expanse of brick and termination at the end of the street, the design of the proposed buildings when viewed from Lansdowne Terrace are considered to be unsympathetic to the character and appearance of the area contrary to draft policy D1 (Placemaking) of the City of York Council Publication Draft Local Plan (2018) and paragraph 127 of the National Planning Policy Framework (NPPF).

3. The application does not provide an objective assessment demonstrating that the loss of land/buildings that are currently in employment use are no longer viable in terms of market attractiveness and appropriate for employment uses contrary to the City of York Council Publication Draft Local Plan (2018) policy EC2 Loss of Employment Land and paragraph 80 of the National Planning Policy Framework (NPPF) which supports economic growth and productivity.

4. The amount of development is considered to be too great for this constrained site and has resulted in a form of development that is compromised in terms of residential amenity and would not provide a high standard of amenity for future users. The proposed dwellings have been designed with bedrooms at ground floor level, adjacent to the car parking areas, and with a cantilevered canopy projecting over the car parking. This arrangement is considered to have a detrimental impact upon the residential amenity of future occupiers using the ground floor bedrooms, by virtue of outlook, daylight and sunlight and air circulation contrary to draft policies D1 (Placemaking) and ENV2 (Managing Environmental Quality) of the City of York Council Publication Draft Local Plan (2018) and paragraph 127 (f) of the National Planning Policy Framework (NPPF).

## 2.0 POLICY CONTEXT

### Publication Draft Local Plan (2018)

EC2	Loss of Employment Land
H2	Density of Residential Development
H3	Balancing the Housing Market
D1	Placemaking
D6	Archaeology
CC1	Renewable and Low Carbon Energy Generation and Storage
CC2	Sustainable Design and Construction of New Development
ENV2	Managing Environmental Quality
ENV3	Land Contamination
ENV5	Sustainable Drainage
T1	Sustainable Access

### Development Control Local Plan (2005)

GP1	Design
GP4	Sustainability
T4	Cycle Parking Standards
H4a	Housing Windfalls
E3b	Existing and Proposed Employment Sites

## 3.0 CONSULTATIONS

### Public Protection Unit (PPU)

3.1 PPU have considered the application in terms of environmental impacts.

3.2 Noise- the site is located adjacent to existing residential premises and therefore as the proposed use of the site will be for residential, no operational issues would arise.

3.3 Construction Noise and Dust- recommend a Construction Environmental Management Plan (CEMP) to minimise noise, vibration and dust during demolition and construction on nearby residential properties.

3.4 Air Quality- recommend passive provision for Electric Vehicle Recharging Point (ERVP) with the development incorporating sufficient capacity within the electricity distribution board for the future addition of an EVRP.

3.5 Contaminated Land- the supporting EnviroSmart Plus report dated May 2019 shows that the site has previously been used as a brick and tile works, lemonade works, textiles works and DIY hardware store. A number of closed landfill sites are located within 250m of the site. There is therefore the potential for land contamination to be present at the site and the supporting report has been assigned



a moderate overall risk. A phase 2 intrusive site investigation is therefore needed to find out if contamination is present, and if contamination is found, appropriate remedial action would be required.

#### Highways Network Management

3.6 The revised layout agreed under 19/01393/FUL has been preserved and therefore raise no issue with parking provision and access design. Issues in respect to walking and cycling connectivity remain, it would be of benefit to provide an alternative access to/from Arthur Street to link to the cycle route network at St Nicholas Fields.

#### Design, Conservation and Sustainable Development (DCSD) (Archaeologist)

3.7 The site is located outside the Area of Archaeological Importance close to the line of a Roman road and in an area which contains Roman, medieval and post-medieval archaeology. Significant archaeological deposits and features are known to survive on either side of Lawrence Street including the site of St Edwards Church and cemetery at the bottom of Lansdowne Terrace.

3.8 As the site is set back from the line of Lawrence St and has seen a degree of disturbance with the construction of the extant buildings, a watching brief will suffice as mitigation for any impact to archaeological deposits.

3.9 All groundworks and grubbing up of foundations will require archaeological monitoring.

#### Lead Local Flood Authority (LLFA)

3.10 No objections to the development in principle but suggest conditions in order to protect local aquatic environment and public sewer network.

#### Yorkshire Water

3.11 The developer is proposing to discharge surface water to public sewer, however they are required to follow surface water disposal water hierarchy. The drainage details requires amendments.

#### Guildhall Planning Panel

3.12 The site is overdeveloped and the proposed buildings are too high and out of scale to the surrounding area. We note that the outdoor amenity space is inadequate particularly for the larger dwellings.

## **4.0 REPRESENTATIONS**

4.1 The application was advertised by neighbour notification. A total of 16 letters of objection have been received citing the following concerns:

Impact on residential amenity of neighbouring properties

- overlooking/maintaining privacy
- loss of light
- views of large expanses of brick

Design

- buildings are inappropriately high and above the ridgeline of neighbouring properties including chimney stacks
- out of place in the centre of traditional terraced areas
- fails to improve the character and quality of an area
- fails to address massing, scale and height and large expanse of brick termination at the end of the street
- dispute the relevance of the examples of design precedents within York included within the application

Impact on proposed residents

- properties will overlook bin stores and car parking
- does not provide good quality family accommodation
- site is overdeveloped
- provides substandard amenity space for residents
- lack of natural light and ventilation to some rooms particularly the ground floor bedrooms

Use for housing

- increase in noise levels
- will use for family housing be imposed as a covenant to avoid houses of multiple occupancy and/or student housing

Access/Highways

- parking on Lansdowne Terrace could affect access to the development

Noise and Construction

- increase noise levels from construction
- Party Wall issues not addressed
- Would not meet Building Regulations (part J- distance from flue outlet)
- impact on neighbouring businesses from loss of revenue
- Demolition of boundary wall to 21-25 Granville Terrace unacceptable
  
- the scheme remains largely unchanged from the previous refused scheme and the amendments do not address the previous concerns
- fails to evidence appropriately that the site has been marketed and tendered for employment use
- fails to address ecology issues

- new tunnel entrance from Lansdowne Terrace raises security and crime issues and will highlight disparity by creating a divide among an integrated community
- security issues from boundaries
- residents have not been consulted in any meaningful way during planning process
- fails to address equality issues
- inaccuracies contained in application submission
- Impact upon Emily Mews- noise, pollution, loss of privacy, increased congestion, increased litter/dog fouling, and Emily Mews used as a cut through area

## **5.0 APPRAISAL**

### 5.1 Key Issues:

- Loss of Employment Land and Principle of Residential Use
- Density
- Design
- Residential Amenity
- Highways and Parking
- Sustainability
- Landscaping and Trees
- Land Contamination
- Ecology
- Archaeology
- Drainage and Flood Risk
- Construction Impacts

### National Planning Policy Framework (NPPF) 2019

5.2 The revised NPPF (2019) sets out the government's planning policies for England and how these are expected to be applied.

5.3 The planning system should contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives. Paragraph 14 advises that at the heart of the Framework there is a presumption in favour of sustainable development.

5.4 Section 5 of the NPPF supports the Government's objective of significantly boosting the supply of homes. The size, type and tenure of housing need for different groups in the community should be assessed and reflected in housing policies (paragraph 61 of the NPPF). Paragraph 63 of the NPPF states that affordable housing should not be sought for residential development that are not major developments.

5.5 Section 6 of the NPPF states that significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development. Other relevant sections of the Framework that are relevant to this application include: section 5: Delivering a

sufficient supply of homes, section 6: Building a strong, competitive economy, section 9: Promoting sustainable transport; section 11: Making effective use of land, section 12: Achieving well-designed places and Section 15: Conserving and enhancing the natural environment.

#### Publication Draft Local Plan (2018)

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

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

5.8 The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications. Of relevant to this application, the evidence base includes:

- Strategic Housing Market Assessment (SHMA) (June 2016)
- Strategic Housing Market Assessment Update (SHMA) (2017)
- Strategic Housing Market Assessment Addendum (June 2016)

5.9 The SHMA provides an assessment of future needs for both market and affordable housing and the housing needs of different groups within the population. There is a need for different sized homes across York.

#### Development Control Local Plan (2005)

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

## ASSESSMENT

### Loss of Employment Land and Principle of Residential Use

5.11 The site is in employment use. The Framework (para 80) places great weight on the need to support economic growth and productivity.

5.12 Where proposals involve the loss of land and/or buildings which are either identified, currently used or were last in use for employment uses, draft policy EC2 expects developers to provide a statement to the satisfaction of the Council demonstrating that: i. it is demonstrated that the existing land or buildings are not viable in terms of market attractiveness, business operations, conditions and/or compatibility with adjacent uses; and ii. it would not lead to the loss of an employment site that is necessary to meet employment needs during the plan period. The Council will expect the applicant to provide evidence of effective marketing of the site/premises for employment uses for a reasonable period of time and where the applicant is seeking to prove a site is no longer appropriate for employment use because of its condition, they are expected to provide an objective assessment of the shortcomings that demonstrates why it is no longer appropriate for employment use.

5.13 The applicant maintains and reinforces the operational shortcomings and addresses the issues of whether the site is necessary to meet employment needs during the plan period through a Briefing Note (dated 4 May 2020). The applicant understands that the site had formed part of the Granville Terrace Brick and Tile Works dating from the late 19<sup>th</sup> century. It comprises of several buildings, arranged in a courtyard of various age and construction and their age, specification and location of the buildings on site make this an unattractive employment location.

5.14 It is maintained by the applicants that the existing buildings on-site are not attractive as sellable/lettable premises; they are in a poor condition and are not laid out that would meet the needs of a modern business; the applicant cites that the existing roofs leak badly and an asbestos survey indicates there are numerous instances of materials likely to contain asbestos. Its location within a residential setting is considered to make it incompatible with many potential employment uses, including those that result in any industrial processes that creates noise or fumes. Additionally, there are no turning facilities for large delivery vehicles, accessed via small residential roads.

5.15 The applicant, within their Briefing Note, set out that the Council's Publication Draft Local Plan allows for a generous supply of employment space relative to demand forecasting, which includes an allowance to replace the loss of existing premises.

5.16 It is acknowledged that the existing business is located within an area surrounded by residential properties, which can limit future business operations (in terms of noise, fumes, smells and access) and the condition of the buildings are such that they are not suitable for continuing employment uses without significant modernisation and investment. Furthermore, the site is not a strategic site or other site which is earmarked for employment uses as outlined in draft policy EC1 of the 2018 Draft Plan, where 38 hectares of employment land is required during the plan period. The loss of the application site comprising of 980sqm (0.098 hectares) of employment land is not considered to have a significant impact upon the employment needs of the City where other sites have been identified to meet this

requirement. It is considered that the site, for the reasons outlined above, is no longer suitable for employment use, with the requirements of draft policy EC2 of the 2018 Draft Plan satisfied.

5.17 Further the NPPF (section 11) promotes an effective use of land in meeting the need for homes and other uses. Paragraph 118 (c) of the Framework sets out that substantial weight should be given to the value of using suitable brownfield land within settlements for homes as well as (d) which promotes and supports the development of under-utilised land and buildings which would help to meet identified need for housing where supply is constrained and available sites could be used more effectively. This is in addition to section 5 of the Framework that supports the Government's objection of significantly boosting the supply of homes. Paragraph 68 of the Framework highlights the important contribution that small and medium sized sites can make to meeting housing requirement of an area, and are often built out very quickly.

5.18 Residential uses surround the application site and the site is in a sustainable location with easy access to the city centre. It is considered that residential use would be an appropriate land use that would be compliant with the existing land use surrounding the site with access to transport routes and local shopping facilities.

5.19 The application seeks to provide 2 x 2 bed, 1 x 3 bed and 5 x 4 bedroom dwellings. The Strategic Housing Market Assessment states there is a requirement for all property sizes, with a greater need for 2 and 3 bedroom properties at market level, however there is still a requirement for 4 bedroom plus properties and one bedroom properties. Consideration has been given to the existing residential use of the area, and the potential to provide outside amenity areas along with the requisite parking for the size of the dwellings and as such the mix of accommodation across the site is considered appropriate in this regards. As the size of development falls below the 10 dwelling threshold, there is no requirement to provide any affordable housing contribution.

5.20 Objections have been raised requesting a covenant to restrict the uses as houses of multiple occupancy and/or student housing. The application specifies the development will be within the C3 dwellinghouse use class and therefore any subsequent material change of use would be subject to separate applications.

### Density

5.21 The NPPF sets out in paragraphs 122 - 123 that planning policies and decisions should support development that makes efficient use of land. Developments are expected to make optimal use of the potential of the site. There are no proposed changes to the amount of dwellings to be provided on site under this application and thus the scheme will continue to provide a density of 81.6 unit/ha. The site is located within the 'City Centre and City Centre Extension Zone' as defined by Figure 5.2 of the 2018 Draft Plan. Draft policy H2 expects housing developments in this density zone to achieve a net density of 100 units/ha. Policy

H2 is the Council's up to date density policy which accords with the NPPF. This policy states that delivering densities that support the efficient use of land requires good design that responds to its context, an appropriate mix of house types and should be informed by the local character of the area.

5.22 As with the previously refused scheme, in terms of the density, the application would fall short of achieving the densities set out in draft policy H2 of the 2018 Draft Plan. Consideration has been given to local context and development type and taking these factors into account the development would make an efficient use of land. Whilst a greater density level could also be sought, this could have implications to the local context and design and neighbour amenity.

### Design

5.23 The site is located outside any conservation area and there are no listed buildings present on or adjacent to the application site. NPPF paragraph 127 seeks to ensure that developments function well and add to the overall quality of the area. They should also be sympathetic to local character and history, although this should not be at the expense of preventing or discouraging appropriate innovation or change.

5.24 To the south (Lansdowne Terrace), west (Granville Terrace) and east (Herbert Street) the existing form of development follows a similar character of terrace houses with varying rear off-shoots and varying degrees of external amenity space and on-street parking. They are generally uniform in appearance however there is slight variation throughout these streets by virtue of varying roof heights and eaves levels, and detailed design to windows and other openings. In contrast, the properties along Emily Mews are more recent and have a more modern appearance, albeit taking the form of semi and terrace properties; however they provide off-street car parking and private rear gardens.

5.25 Neighbours have objected to the current application, stating that the revised application fails to address massing, scale and height and that the site is constrained and too small for a development of this size. There have been no amendments to the arrangement of the dwellings; these will remain as terrace houses in two opposite lines with the general design of the proposed dwellings are as per the previous refused scheme.

5.26 It is considered that the application's design, creating a new interpretation on the traditional terrace illustrates that the proposed development could be accommodated within the site, with the ability to achieve appropriate density whilst providing family sized dwellings with adequate parking and private amenity facilities.

5.27 The dwellings broadly align with adjoining properties; eaves levels remain consistent with surrounding properties and the dwellings generally reflect the character of the area in this regard; not all the surrounding terrace properties are uniform in appearance. Concern is raised from objectors that the roofs would be

dominant feature, whilst roof heights are higher they take an asymmetrical form and propose a slate finish, and the view from street level would be appropriate. These aspects of the proposed development, in the opinion of officers remain acceptable.

5.28 However, the reason for refusal (no. 2) does set out particular concern of the sub-committee in respect to the link over the vehicular access at units 1 and 2, that it does not respect local form and character. There is a current termination at the end of Lansdowne Terrace with the existing business site providing gated access and an internal courtyard which reinforces the separation from surrounding residential properties. Lansdowne Terrace is a narrow street and there is only 9.5m (approx.) between properties. There have been no amendments to the design of the termination at the end of Lansdowne Terrace and the link would have a large expanse of brick, with only relief from two windows. The detailing in this elevation is minimal and as it would be positioned close to the first floor facing windows of Nos 15 and 16 Lansdowne Terrace it presents a more oppressive enclosure to the end of the street.

5.29 The applicant has stated that there is a current termination at the end of Lansdowne Terrace with the existing site providing gated access and an internal courtyard which reinforces the separation from surrounding residential properties, and the continuance of this is considered to be an acceptable approach and appropriate for this location. Additionally they have included examples of precedents for this form of development across York within the Design and Access Statement.

5.30 The proposed approach to continue a termination at the end of Lansdowne Terrace establishing the existing traditional terrace properties with the new development is considered appropriate for this location. The link over the vehicular access design offers advantages in delivering much needed family housing on the site, with requisite parking and amenity areas, whilst not affecting existing site access. Officers note that the site is small and constrained and there is already an impact arising from the narrow separation between properties. It is maintained that this aspect of the scheme represents a positive and innovative design contribution and would comply with the local and national planning policy in this regard, including para. 127 of the Framework that seeks to ensure that developments are sympathetic to local character and history, whilst not preventing or discouraging appropriate innovation or change (such as increased densities).

### Residential Amenity

5.31 NPPF paragraph 127 places a particular focus on creating places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Additionally, para. 180 of the NPPF seeks to ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Draft



Local Plan Policy D1 Placemaking will support development proposals where they improve poor existing urban and natural environments and ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing.

- Privacy

5.32 The development is arranged with two rows of terraced dwellings; one at the north and one at the southern end of the site. To the north, the 5 dwellings will have their main outlook over Emily Mews. Emily Mews is a private road accessed from Arthur Street leading to a cul-de-sac and 5 semi-detached properties positioned to the north west of the application site. There are no properties on Emily Mews that would be positioned directly adjacent to the proposed dwellings to the northern edge of the site. Beyond Emily Mews is a storage warehouse on Charlotte Street. Given the angle towards existing properties along Emily Mews, it is unlikely that any adjacent properties along Emily Mews would result in a loss of privacy arising from the proposed dwellings in a northerly direction.

5.33 The row of dwellings would be built against the party wall of No. 10 Arthur Street and thus would not give rise to any overlooking in an easterly direction, however to the west, the row of dwellings terminates at the edge of the application site which abuts the gardens of No. 8 and 7 Emily Mews. This dwelling, Unit No. 4 is two storeys in height and the plans do not indicate any side windows or opening within the dwelling, avoiding any privacy issues. Nor are any windows proposed in the western side elevation of Unit No. 5, which as a three storey property would be visible above the lower dwelling (Unit No. 4). A condition will ensure that windows and other openings are restricted in the western side elevation of either Unit 4 or Unit 5. As such the privacy of the occupiers of No's 7 and 8 Emily Mews would be maintained.

5.34 In respect to the proposed dwellings positioned on the southern boundary of the site, these would be attached to the party walls of No's 15 and 16 Lansdowne Terrace; kitchen windows at first floor level would be positioned with an outlook over the public highway of Lansdowne Terrace. Additionally, unit No. 3 contains a side window that would have an outlook over Herbert Street and close proximity to No. 10 Herbert Street. It is acknowledged that given their position and proximity to No's. 15 and 16 Lansdowne Terrace and No. 10 Herbert Street that these windows could create some additional overlooking, however the angles are acute. It is considered that the windows could be obscurely glazed, and the open plan kitchen and living accommodation on the first floor is served by large opening and windows on the northern elevation, overlooking the courtyard/amenity areas and thus would not detrimentally impact upon the residential amenity of occupiers of the proposed units. The applicant has stated that these windows would benefit being opened for ventilation purposes and thus could be bottom hung tilting windows with window restrictors to restrict their opening to 100mm so they would not significantly increase overlooking in this regards. A condition to this effect would be attached to any

approval and subject to such condition, it is not considered that the scheme would significantly increase overlooking in this regard.

5.35 Both of the rows of proposed dwellings have their main windows for light and outlook facing within the site with a separation distance of 18m; over the car parking and external amenity areas and would result in a mutual level of overlooking, which is considered to be acceptable in this site.

5.36 There is concern that the external amenity areas given their elevated position on the first floor would enable users to overlook rear gardens to properties along Granville Terrace, No. 10 Arthur Street and No. 10 Herbert Street. Part of the buildings associated with the existing site offer substantial boundary treatment to these properties. The application proposes boundary treatment that indicates a replacement wall, up to 2.5m in the area between the garden decks, and would be predominately positioned along the shared boundary with No. 22 Granville Terrace and partially No's. 21 (A, B and C) and 23 Granville Terrace and No. 10 Arthur Street and No. 10 Herbert Street. Where there is the garden decks, there will be a further wall built up to 4.3m high in total. This allows for a high wall of 1.8m high to be positioned above the garden decks, in order to preserve the privacy of neighbouring occupiers. The plans detail that this part of the boundary treatment will be constructed using relief pattered brickwork, in order to reduce its oppressive nature. The boundary treatment proposed along these shared boundaries is considered to be acceptable and would help preserve the privacy of neighbouring occupiers, whilst also offering some benefits in terms of dominance and overshadowing from what is currently experienced.

- Overshadowing/loss of light

5.37 The application is supported by a sun study using guidelines set out in the BRE document, 'Site Layout Planning for Daylighting and Sunlight: A guide to good practice'. Additionally, the sun study has been updated to include the recently constructed building at 21 Granville Terrace which provides 3 flats (A, B and C). It is considered that the most affected property in terms of overshadowing would be No. 8 Emily Mews. This property has a current separation distance of 6m from the application site boundary. Pedestrian access can be taken from both main elevations of the property, from Emily Mews and Granville Terrace, however vehicular access is taken from Granville Terrace. Internally the property is arranged with the kitchen positioned facing Granville Terrace and living room facing out towards the application site.

5.38 The existing site is occupied by a number of buildings, built up to the site boundaries, so it extends beyond the boundary of No. 8 and across the boundary of No. 7 Emily Mews. The building is single storey with an eaves height of 2.7m. The proposed row of terraces and specifically Unit No. 4 (house type D) has been designed with a setback of 2.5m from the current position of the building and eaves height reduced to 1.8m and a 40 degree pitch rather than a steeper 25 degree pitched roof.

5.39 The sun study has been assessed and the results suggest that No. 8 and to lesser extent No. 7 Emily Mews will be mostly affected in the morning period and it will be the garden area that will be affected. As such, given the results of the sunlight study and the reduction to the extent of massing along this part of the site boundary, it is considered that the impact to No. 7 and 8 Emily Mews would be acceptable.

5.40 To the west of the site are properties located on Granville Terrace; the site abuts the rear gardens of Numbers 21 (A, B and C), 22, 23, 24 and 25. It is noted that the building at No. 21 Granville Terrace has been extended to form a residential property containing three flats; two x one bedroom flats on the ground floor and 1 x two bedroom flat on the first floor. It is positioned 3.8m (approx.) from the existing boundary wall with the application site. The boundary treatment to the garden deck along this western boundary will be 3.8m high, however the existing buildings positioned along this boundary are higher. The rear elevation of No. 21 Granville Terrace at first floor level contains an obscured window serving a bathroom as well as a bedroom window. Given the relationship with the dwelling to the application site and existing buildings contained within it, there is a neutral impact to this dwelling. The impact to neighbouring rear gardens at Granville Terrace arising from the proposed boundary treatment and the loss of the existing buildings within the site are likely to result in a greater degree of overshadowing in the morning to the rear gardens, but again would result in a neutral impact, given what will be removed.

5.41 One of the reasons for refusal on the previous scheme related to the position and orientation of unit 1, and its proposed increase in height over and above the existing building on the site and would result in an overbearing and domineering impact to the rear of properties at Granville Terrace (notably No's 24-25). There has been some modifications made to unit 1, with a second floor bedroom removed which has enabled its roof height immediately adjacent to the Granville Terrace properties to be lowered. Whilst there remains a second floor element of this property, this is set back by 3.5m (approx.) from the shared boundary with the neighbouring properties on Granville Terrace. It is considered that the reduction in height and the set back to Unit 1 would result in the resultant building to be generally similar in size and scale to the existing buildings on site, and any impacts in respect to overbearing and dominance would be significantly reduced to such an extent that they would be similar to the existing relationship of building on the site with neighbouring properties. Officers therefore consider that the amendments made to Unit 1 are sufficient to address the reason for refusal (No. 1).

- Residential amenity of future occupiers

5.42 The fourth reason for refusal of the previous application relates to the residential amenity of future users, citing that the form of development would not provide a high standard of amenity. The reason for refusal focuses upon the ground floor bedroom positioned adjacent to car park areas and cantilevered canopy projecting over the car parking. This arrangement was considered to detrimentally

impact upon outlook, daylight and sunlight and air circulation and these shall be considered in turn. It is noted that the internal arrangement of the proposed dwellings have not altered and the layout remains as per the original scheme, and in most cases the properties (subject to specific house type) are arranged with bedrooms on the ground floor, living accommodation (including kitchen) on the first floor and further bedrooms on the first floor.

- outlook

5.43 The bedrooms located on the ground floor and facing into the site would be served by two windows, an additional window introduced in the previous application to improve daylighting to the ground floor bedrooms. One of the windows to the bedrooms (other than Unit 3) would be enclosed within the stairwell (to provide adequate ventilation). The applicants have updated the Design and Access Statement to include views from bedrooms via the lightwell staircases and consider that the views will provide a view of the sky, together with middle distance views of the houses opposite. There will be the remaining window serving the bedroom that would have an outlook over the car parking area. In respect to Unit 3, the two ground floor bedrooms facing into the site and car parking areas with only one of the bedrooms served by the stairwell enclosure; however there is a cut out in the cantilevered canopy adjacent to the party wall with No. 10 Herbert Street to provide a light well, which will also provide an outlook. The applicant identifies developments completed in York, notably apartments at St Leonard's Place where lower ground floor bedrooms are lit by lightwells and considers that this scheme will provide similar outlook.

5.44 In addition, the applicant has compared views from the proposed development with views from adjacent properties on Herbert Street and Arthur Street. This assessment identifies that the views are similar.

- daylight and sunlight

5.45 It is noted that the previous application inserted additional windows to serve the ground floor bedrooms to improve light levels. An assessment of daylight levels to the ground floor windows has been undertaken. The Average Daylight Factor assesses the level of light inside a building in line with the guidelines set out in the BRE document, 'Site Layout Planning for Daylighting and Sunlight: A guide to good practice'. As with the previous application, each bedroom located on the ground floor would achieve the ADF recommendation set out in the BRE document and therefore it is demonstrated that all the ground floor bedrooms to the proposed development are likely to receive adequate light levels.

- air circulation

5.46 The applicant sets out that the dwellings will benefit from mechanical ventilation and heat recovery system ensuring that all rooms will receive the necessary amount of ventilation via a centralised system. This is required to comply

with Building Regulations. The stairwells will be sealed off from the parking areas so that any additional air accessed from the lightwells will be fresh air.

5.47 Given the additional information provided by the applicant, it is considered that in respect to the living conditions of future residents, the dwellings and in particular the positioning of bedrooms within the ground floor areas would provide a high standard of residential amenity in terms of outlook, daylight and air circulation, addressing the previous reason for refusal (No. 4).

5.48 In other aspects related to the residential amenity of proposed occupiers, all of the dwellings will provide living accommodation over two or three floors and will provide an adequate internal floorspace.

5.49 Notwithstanding the issues raised above in respect to the specific issues relating to the ground floor bedrooms, the dwellings will have an acceptable outlook, and benefit from natural daylight and ventilation; the dwellings positioned to the northern edge of the site will be dual aspect, however due to the relationship with adjoining neighbouring properties, the dwellings to the south of the site will primarily have single aspect overlooking the car parking and external areas.

5.50 The design has been able to incorporate both car parking and an external amenity area. This is a particular benefit given the size of the dwellings, which are likely to appeal to families.

#### - Noise

5.51 Objectors have raised issues in respect to increase in noise to surrounding existing residential occupiers. The application site is relatively small in size and as it indicates it will accommodate 8 additional residential dwellings of varying sizes, this is not considered to be such a level that would generate significant noise levels through comings and goings or the use of external spaces. It is considered that as this is primarily a residential area, the use of the external amenity areas in a similar manner to existing neighbouring properties would not be detrimental to their residential amenity.

#### Highways and Parking

##### - Accessibility

5.52 Draft policy T1 (Sustainable Access) supports development where it minimises the need to travel and maximises the use of more sustainable modes of transport. The site is in an accessible location.

5.53 The access through to the parking court from Lansdowne Terrace is in line with the highway standards with the archway providing adequate clearance. The development will not be gated to the entrance off Lansdowne Terrace, satisfying the other concerns raised by Highway Network Management.

- Car Parking

5.54 The level of car parking has not altered from the previous scheme. 15 car parking spaces will be provided in total with all three bed dwellings having two allocated car parking spaces. There has been a reduction in the number of three bedroom dwellings, with unit one reducing to a two bedroom dwelling, however the proposal seeks to retain the same level of car parking (2 spaces) for this dwelling. The other two bedroom dwelling will have one allocated car parking space. This would result in a slight overprovision of parking in respect to the guidelines set out in the Council's Parking Standards (Appendix E) accompanying the DCLP 2005. During the previous application the visitor space had been removed from the site, and it is considered that one of the car parking spaces serving unit one could be used as a visitor space to readdress the imbalance in parking overprovision. This could be secured by condition.

- Cycle Parking

5.55 In respect to cycle parking, the proposed plans indicate 8 separate cycle stores consisting of Sheffield style racks (providing storage for two bikes each), equating to storage for 16 cycles storage spaces in total. This meets the Council's standards. Whilst this does not comprise of individual cycle stores within the curtilage of the dwellings as recommended by the Highways Officer, these areas are already required to provide other important stores such as waste/recycling facilities which are, on balance, more suitable to be provided for each individual dwelling, rather than as a communal store. Further details can be secured by condition to ensure that the cycle stores are deep enough to accommodate two bikes.

- Access to cycle networks

5.56 All pedestrian access will be through the main entry from Lansdowne Terrace other than individual access to the individual properties on the northern edge of the site (Units 4, 5, 6, 7 and 8) from Arthur Street. The Highways Officer has raised concerns that there is no access through the northern part of the site for the remaining residents to access the existing cycle network on Bull Lane and the open space at St Nicholas Field. The applicant has advised that the creation of a cut-through alley would result in smaller dwellings, to the detriment of the prospective occupiers, where space in the city centre is at a premium. Additionally, the increase in pedestrian and cycle traffic using the footpaths within the site and adjoining Arthur Street could be detrimental to residential amenity to the occupiers of properties that adjoin the site. Consideration is given to security aspects of providing an alley-way which may conflict with creating a safe development that does not undermine the quality of life for prospective residents.

Sustainability

5.57 Publication Draft Local Plan policies CC1 (Renewable and Low Carbon Energy Generation and Storage) and CC2 (Sustainable Design and Construction of New Development) seek to achieve high levels of sustainable design and construction. The applicant have confirmed that the principles of policies CC1 and CC2, the minimisation of greenhouse gas emissions and the use of resources efficiently will be employed during the construction of the development. The applicant has agreed to a condition requiring details to be submitted that sets out how the design and construction of the development will achieve the requirements of policies CC1 and CC2.

- Bin/Waste storage

5.61 Each property will have individual bin stores below the stair access to the first floor and adjacent the car parking spaces. A condition shall ensure that the area is suitable size for the bins and boxes required for each material waste.

- Electric Vehicle Recharging Points

5.58 Paragraph 110 e) of the NPPF states that developments should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. The City Council has an adopted Low Emissions Strategy (2012), which aims to facilitate the uptake of low emission vehicles in York. It identified that development for new houses with allocated off-street parking should provide 100% passive provision. Passive provision is defined as sufficient capacity within the electricity distribution board for one dedicated radial AC single phase connection to allow the future addition of an Electric Vehicle Recharging Point (EVRP) (minimum 32A) with the garage space or parking area. The application details the location of each future EVRP within the site boundary and are amenable to a condition to secure this and to ensure that necessary trunking/ducting is in place to enable cables to be run to the specified locations.

### Landscaping and Trees

5.59 The scheme incorporates outside amenity spaces; whilst this will be artificially created and unlikely to support large trees, there would be opportunities for occupiers to provide soft landscaping to these areas. There are trees within the application site, whilst there some trees positioned to northern boundary on Emily Mews, adjacent the turning head, these are located outside the application site and would not be impacted upon by the development. There will be some soft landscaping to the front areas of the properties positioned on the northern boundary and a condition shall ensure that an appropriate scheme is designed and installed.

### Land Contamination

5.60 Section 15 of the NPPF seeks to conserve and enhance the natural environment with paragraphs 178 -183 discusses ground conditions and pollution. Paragraph 178 sets out that planning decisions should take into account ground

conditions and any risks arising from land instability and contamination with the responsibility for securing a safe development rests with the developer and/or land owner (para. 179).

5.61 Historically, there have been wide ranging different uses for the site and there are closed landfill site located within 250m of the site and thus there is potential for land contamination to be present. A supporting report sets out that there is an overall moderate risk of land contamination being present on site. It is agreed that a more intrusive site investigation (phase 2) is required to established whether contamination is present and remedial action would be required. Conditions are considered appropriate to secure this.

### Ecology

5.62 Previous concerns were raised citing that there is evidence of the presence of bats within the vicinity of the site. The previous advice of the Council's Ecologist remains relevant, and advised that whilst the site is located within 200m of St Nicholas Fields Local Nature Reserve where bat activity has been observed in the general area and provides good bat foraging habitat, the construction and condition of the buildings, being in a poor state with damp and broken roof panels would reduce the likelihood of bats using them for roosting. It is therefore not considered that it would be proportionate to require bat surveys. In order to enhance biodiversity as required by paragraph 175 of the NPPF, the development could incorporate biodiversity features and the applicant shall be advised of this via informative.

### Archaeology

5.63 Whilst the site is not located within the Area of Archaeological Importance it does lie close to the line of a Roman road and in an area which is known to contain Roman, medieval and post-medieval archaeology. As such, the archaeological features and deposits on the application site are undesignated heritage assets. Paragraph 197 of the NPPF requires the effect of an application on the significance of a non-designated heritage asset to be taken into account in determining an application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

5.64 The site is set back from the line of Lawrence Street and has seen a degree of disturbance with the construction of the extant buildings. A watching brief and archaeological monitoring of all ground works and grubbing up of foundations is recommended in order that any archaeological deposits are recorded during the construction programme. Any harm to non-designated heritage assets (archaeological features and deposits) would be mitigated though the condition and the application is considered to comply with paragraph 197 of the NPPF.

### Drainage and Flood Risk



5.65 The site is in Flood Zone 1 where there is a low risk of flooding. The site is already covered by existing buildings and impermeable areas and therefore any increase from surface water is likely to be negligible. The Lead Local Flood Authority (LLFA) do not raise any objections to the development in principle and it is considered that conditions can be imposed to ensure that a drainage scheme can be agreed prior to development commencing.

### Construction Impacts

5.67 The site abuts neighbouring residential properties and is located within a predominately residential area. It is noted that there is primarily two vehicular access points (Lansdowne Terrace and Emily Mews) if the site is opened up, available for construction access, however this requires access through residential streets. There is concern raised by objectors, and Public Protection that the demolition and construction of the proposed development will have a detrimental impact upon neighbouring occupiers. Whilst there are other legislation and specific controls outside planning legislation that can appropriately manage construction impacts, given the above constraints it is recommended that any approval is supported by a construction environmental management plan (CEMP) in order that noise, vibration and dust can be appropriately minimised and managed during demolition and construction.

## **6.0 CONCLUSION**

6.1 The site is previously developed land, sustainably located close to the city centre and a high frequency public transport corridor. The NPPF promotes the effective use of land in meeting the need for homes and other uses, in addition to the Government's objective of significantly boosting supply of homes. The dwellings to be provided will provide an appropriate density for this location, and provide family sized homes to meet demand.

6.2 The application has been in part revised and additional information submitted in support of the revised scheme. On balance, the loss of employment land and buildings is acceptable, due to the existing condition of the buildings on the site and the compatibility of industrial uses/processes within a residential setting. Further, the loss of this employment site is not considered to result in a significant impact upon the employment needs of the City, where other sites have been identified to meet this requirement. As such, it is considered that the application meets the requirements of draft policy EC2 of the 2018 Draft Plan.

6.3 In respect to the impact of neighbouring properties, the revised application has modified Unit 1, removing a second floor bedroom and resulting in the lowering of the roof immediately adjacent to Granville Terrace, notably No's. 24-25. The set back of the second floor element by 3.5m would result in the proposed building being generally similar in size and scale to the existing buildings on site and not unduly overbearing.

6.4 The application has been informed by sun assessments, further information in respect to ventilation and detailing as to how the stairwells will be sealed off from the parking area and visualisations of the outlook from ground floor windows. It is considered that the information provided demonstrates that the arrangement of the proposed dwellings will provide an acceptable standard of residential amenity for the proposed occupiers, in terms of daylight and sunlight, outlook, and ventilation that would be acceptable and meet the requirements of draft policies D1 (Placemaking) and ENV2 (Managing Environmental Quality) of the City of York Council Publication Draft Local Plan (2018) and paragraph 127 (f) of the National Planning Policy Framework (NPPF). As well as addressing the above issues in respect to the standard of residential amenity the proposed dwellings will provide adequate parking, cycle parking, bin and recycling storage areas and external spaces.

6.5 The application, subject to appropriate conditions, satisfies other aspects in terms of highways and parking, ecology and archaeology. It is considered that the proposed scheme would not have adverse impacts that would significantly and demonstrably outweigh its benefits when assessed against the policies in the NPPF taken as a whole, taking into account the details of the scheme and any material planning considerations.

## **7.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

PL02 B Block Plan- Ground Floor; PL03 B Block Plan- First Floor; PL04 B Block Plan- Second Floor; PL05 C Block Plan- Roof Level; PL06 E Streetscapes/Site Sections; PL19 Streetscapes/Site Sections Sheet 2; PL07 B Housetype A; PL08 B Housetype B; PL09 B Housetype C; PL10 B Housetype D; PL11 B Housetype E; PL12 B Housetype F; PL13 B Proposed Site Plan; PL14 C Boundary Treatment Drawing; PL18 C Indicative Drainage Layout; PL20 Stair Entrance

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

3 Prior to commencement of 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 plan, unless otherwise agreed in writing by the Local Planning Authority.

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

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

With respect to dust mitigation, measures may include, but would not be restricted to, on site wheel washing, restrictions on use of unmade roads, agreement on the routes to be used by construction traffic, restriction of stockpile size (also covering or spraying them to reduce possible dust), targeting sweeping of roads, minimisation of evaporative emissions and prompt clean up of liquid spills, prohibition of intentional on-site fires and avoidance of accidental ones, control of construction equipment emissions and proactive monitoring of dust. Further information on suitable measures can be found in the dust guidance note produced by the Institute of Air Quality Management, see <http://iaqm.co.uk/guidance/>. The CEMP must include a site specific risk assessment of dust impacts in line with the IAQM guidance note and include mitigation commensurate with the scale of the risks identified.

For lighting details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

In addition to the above the CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses [public.protection@york.gov.uk](mailto:public.protection@york.gov.uk) and [planning.enforcement@york.gov.uk](mailto:planning.enforcement@york.gov.uk)

Reason: The development comprises of demolition and construction in a site that is bounded with residential properties. A CEMP will help to minimise and reduce any construction impacts, protecting the residential amenity of neighbouring occupiers.

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

Monday to Friday      0800 to 1800 hours  
Saturday                0900 to 1300 hours  
Not at all on Sundays and Bank Holidays

Reason: The development comprises of demolition and construction in a site that is bounded with residential properties. Construction hours will help to minimise and reduce any construction impacts, protecting the residential amenity of neighbouring occupiers.

5 LC1 Land contamination - Site investigation

6 LC2 Land contamination - remediation scheme

7 LC3 Land contamination - remedial works

8 LC4 Land contamination - unexpected contam

9 An archaeological scheme comprising of 3 stages of work shall be submitted to and approved in writing by the Local Planning Authority.

A) No groundworks or grubbing up of foundations shall take place until a written scheme of investigation (WSI) for a watching brief has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the approved WSI. The WSI should conform to standards set by LPA and the Chartered Institute for Archaeologists.

B) The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report (or publication if required) shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 2 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: The site is considered to be an area of archaeological interest and the

development may affect important archaeological deposits which must be recorded prior to destruction in accordance with Section 16 of the National Planning Policy Framework (February 2019).

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

Reason: In the interest of satisfactory and sustainable drainage.

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

Design considerations.

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

City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

If SuDS methods can be proven to be unsuitable and a watercourse is not nearby then In accordance with City of York Councils City of York Councils SuDS Guidance, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 30% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas not proven then Greenfield sites are to limit the discharge rate to the pre developed run off rate. The pre development run off rate should be calculated using either IOH 124 or FEH methods (depending on catchment size).

Where calculated runoff rates are not available the widely used 1.4l/s/ha rate can be used as a proxy, however, if the developer can demonstrate that the existing site discharges more than 1.4l/s/ha a higher existing runoff rate may be agreed and used as the discharge limit for the proposed development. If discharge to public sewer is required, and all alternatives have been discounted, the receiving public

sewer may not have adequate capacity and it is recommend discussing discharge rate with Yorkshire Water Services Ltd at an early stage.

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

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

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

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

12 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.

13 Prior to the construction of any of the development above foundation level, a plan detailing the location of a dedicated radial AC single phase connection to facilitate the future addition of Electric Vehicle Recharging Points (minimum 32A) within the parking areas including any necessary trunking/ducting shall be submitted to and approved in writing by the Local Planning Authority. The connection shall be in place prior to the occupation of any of the residential units.

Reason: To ensure future electric vehicle charge points can be easily added to the properties in line with the paragraph 110 of the National Planning Policy Framework (February 2019) and City of York Council's Low Emission Strategy (2012).

14 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 beyond foundation level. 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.

15 Prior to the occupation of any residential property hereby permitted, details of the proposed cycle storage including their location within the site and store details to accommodate 16 cycles shall be submitted to and approved in writing by the Local Planning Authority. The cycle stands shall be installed as shown on the approved plans and maintained in the approved form for the lifetime of the development.

Reason: In order to promote sustainable transport other than the car.

16 HWAY19 Car and cycle parking laid out

17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order), no door, window or other opening additional to those shown on the approved plans shall at any time be inserted in the western side elevation of the property indicated at Plot 1, Plot 4 or Plot 5.

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

18 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, B, C, D and 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.

19 Notwithstanding what is shown on the approved plans, details shall be submitted to and approved in writing by the Local Planning Authority prior to construction above foundation level showing the first floor kitchen windows to Plots 1, 2 and 3 as being obscurely glazed and bottom hung and fitted with restrictors (restrict the ability to open the window to not more than 100mm). The kitchen windows serving these Plots shall be installed as shown on the approved plans and maintained in the approved form for the lifetime of the development.

Reason: In order to preserve the privacy of neighbouring occupiers.

20 Notwithstanding what is shown on the approved plans, there shall be adequate space with the curtilage of each residential property for the following

waste/recycling bins:

180 litre bin for refuse

180 litre bin for garden waste

3 x 55 litre (stackable) boxes for household recycling (one box for each material combination)

The areas set aside for the storing of the waste/recycling bins/boxes shall be kept clear at all times and used solely for such purposes.

Reason: In order that each residential property has adequate waste and recycling facilities.

21 Notwithstanding what is shown on the approved plan PL14 C Boundary treatment, prior to the construction of any of the dwellings above foundation level, details of all means of enclosures to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be carried out in accordance with the approved details.

A sample panel of the relief patterned brickwork comprising of Boundary Treatment A (part) shall be erected on site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample and maintained in the form shown for the lifetime of the development.

Reason: To ensure that the boundary treatment will preserve the privacy of neighbouring occupiers and the visual amenity of the area will be maintained.

22 Details of the reduction in carbon emissions the development hereby approved would achieve when compared against Part L of the Building Regulations (the notional building) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the building and the development shall be carried out in accordance with the approved details.

The details shall demonstrate a reduction in carbon emissions of at least 28% through the provision of renewable or low carbon technologies or through energy efficiency measures and at least a 19% reduction in dwelling emission rate compared to the Target Emission Rate (calculated using Standard Assessment Procedure methodology as per Part L1A of the Building Regulations).

Details shall also be submitted that demonstrate that the development shall also achieve a water consumption rate of no more than 110 litres per person per day (calculated as per Part G of the Building Regulations).



Reason: In the interests of sustainable design and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018.

## **8.0 INFORMATIVES: Notes to Applicant**

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

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

- sought design changes to the link over the vehicular access, additional information in respect to the ventilation system and enclosure of doors.

### 2. PUBLIC SEWER NETWORK

The applicant is advised that Yorkshire Water's (as the Statutory Sewerage Undertaker) prior consent is required to make a discharge of foul and surface water to the Public Sewer Network.

### 3. THE PARTY WALL ETC ACT 1996

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

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

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

### 4. BATS

In the UK, due to the decline in bat numbers in the last century, all species of bat are protected by the Wildlife & Countryside Act (1981) as amended, Countryside and Rights of Way Act (2000) and the Conservation of Habitats and Species Regulations 2017 (as amended). Planning consent for a development does not provide a defence against prosecution under this act. There are opportunities to enhance the new buildings for bats. This can be done without detriment to the building through bat friendly features which can be designed at the outset and include features such as bat bricks, bat tiles or an adapted fascia. There is more information about this on the Bat Conservation Trust's website [http://www.bats.org.uk/pages/bat\\_boxes.html](http://www.bats.org.uk/pages/bat_boxes.html).

**Contact details:**

**Case Officer:** Lindsay Jenkins

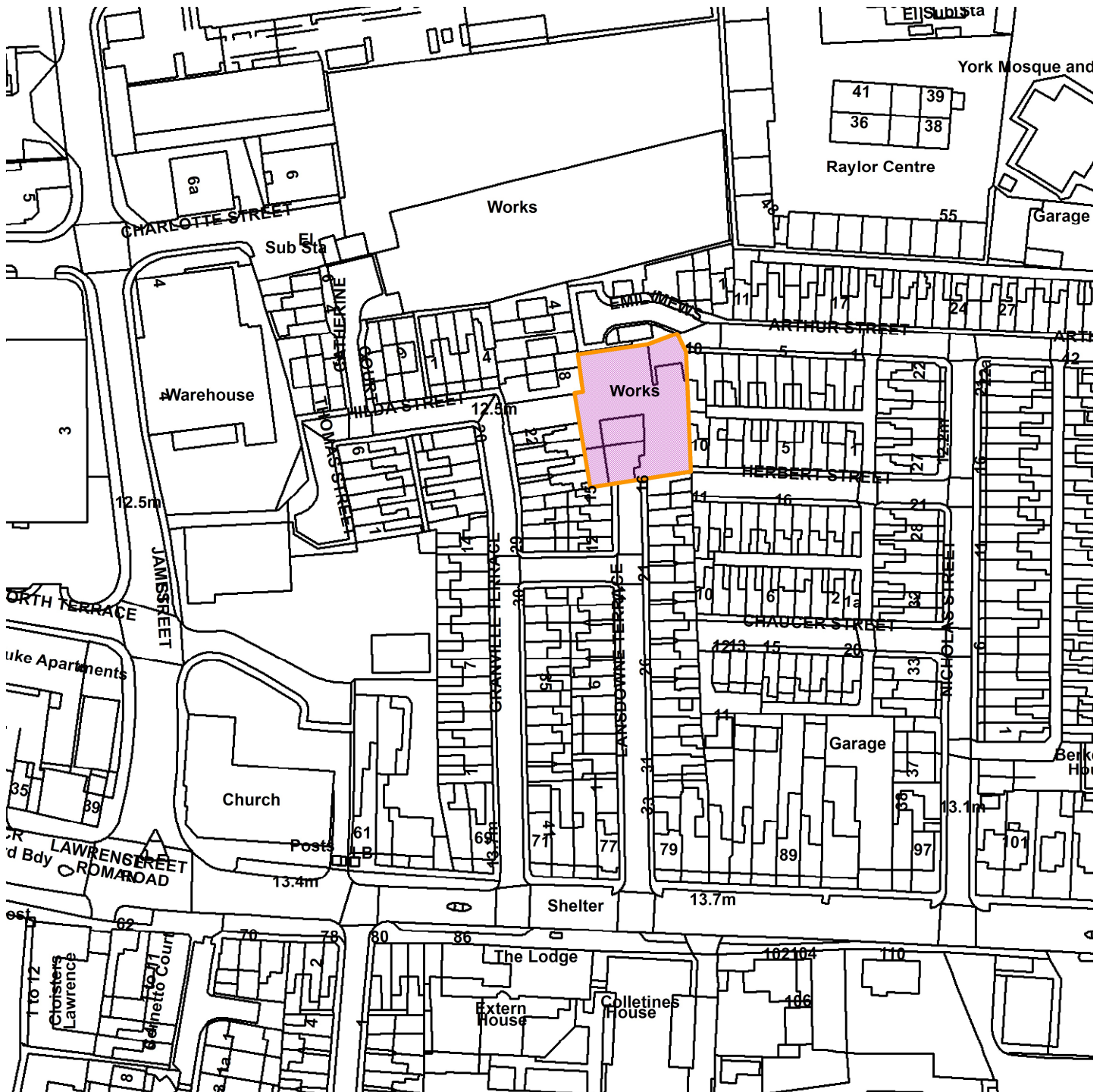
**Tel No:** 01904 554575

# Granville Works, Lansdowne Terrace, YO10 3EA

20/00821/FUL



GIS by ESRI (UK)



Scale : 1:1499

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<b>Organisation</b>	City of York Council
<b>Department</b>	Economy & Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	05 October 2020
<b>SLA Number</b>	

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## Area Planning Sub-Committee

20/00821/FUL

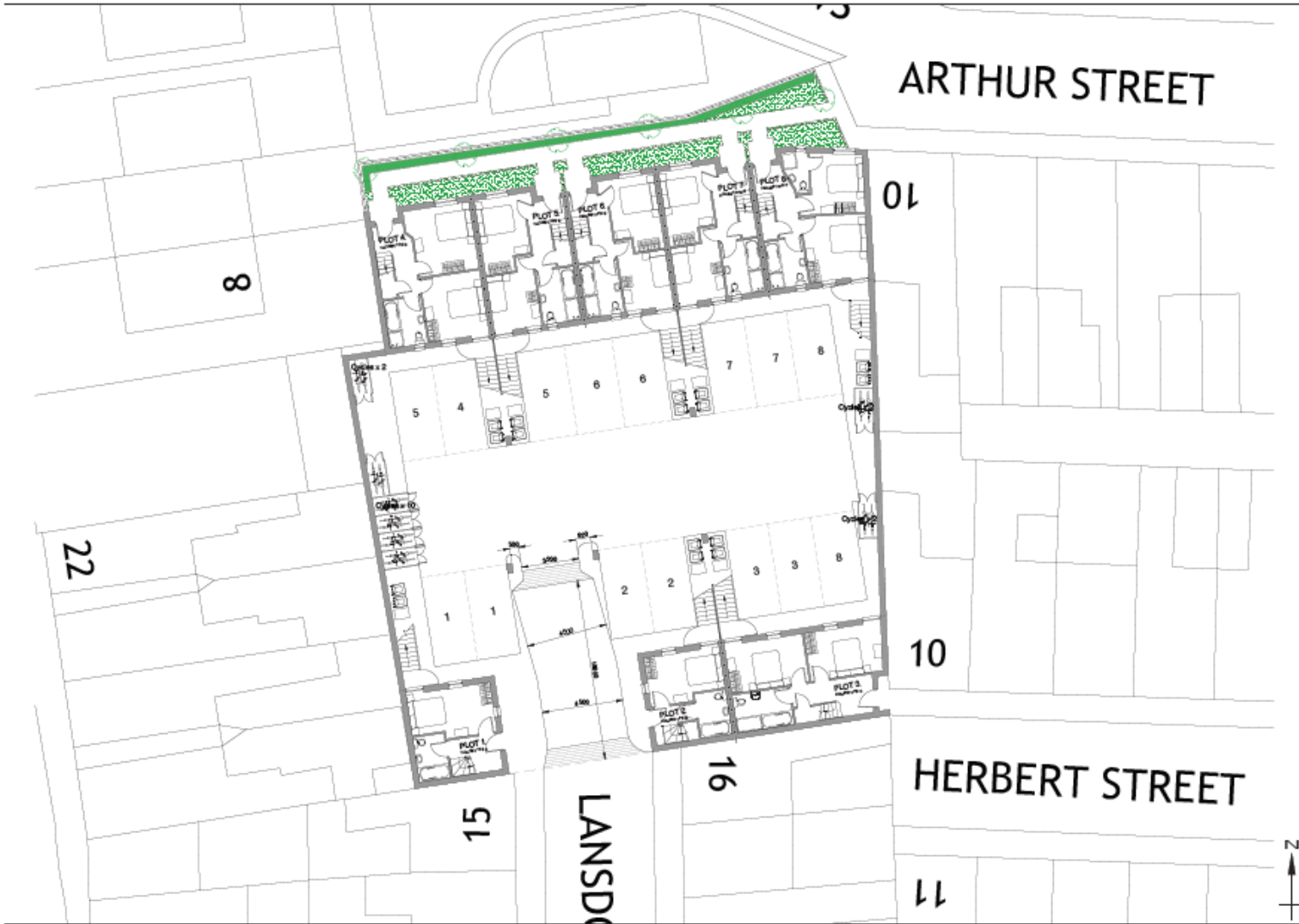
W L D Textiles Granville Works Lansdowne Terrace

# Site Plan



Ground floor plan

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Plot 1 amended. See T20 block	03/04/20	TH	
A Fixings, Cables and fixtures schedule amended. Additional schedule added	09/03/18	TH	
Rev	Description	Date	By
Status:	Planning		
Client:	Jacksons Roofing		
Project:	WLD Site		
Title:	Block Plans- Ground Floor Level		
Project No:	143	Drawing No:	PL02
		Rev:	B
Scale:	1:1000/A1	Date:	28/04/19
Drawn:	TH	Check:	TH



Unit 10/11  
122-124 West Street, York, YO1 1EP  
Tel: 01904 616161  
www.carvearchitecture.co.uk

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First floor plan





Second floor plan



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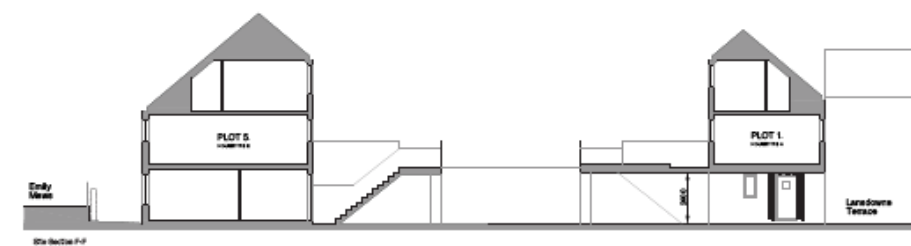
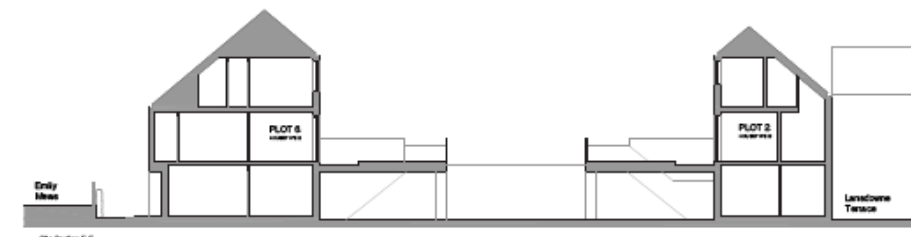
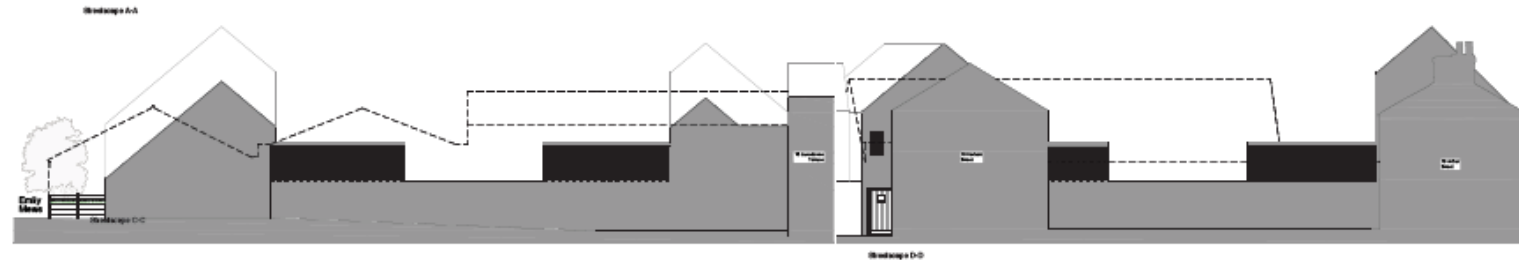
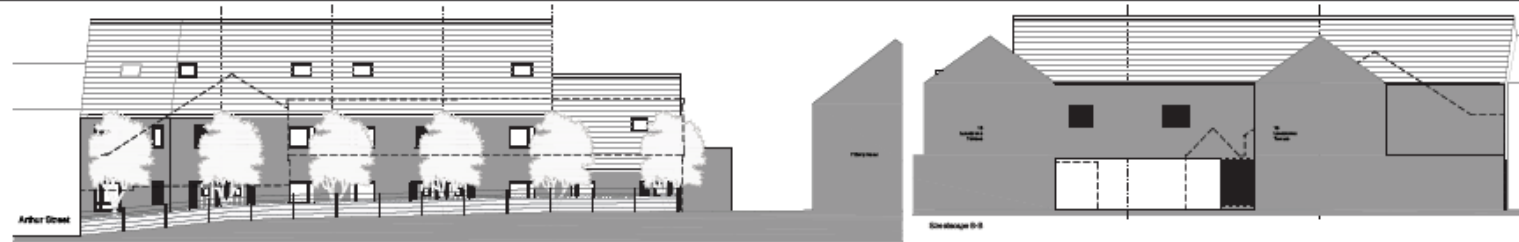
Plot 1 Approved: Main Site Block	23/04/20	TH	
Lighted to plot 2 extended	23/04/20	TH	
Rev	Description	Date	By
Status: Planning			
Client: Jacksons Roofing			
Project: WLD Site			
Title: Block Plans- Second Floor Level			
Project No:	Drawing No:	Rev:	
143	PL04	B	
Scale: 1:100@A1	Date: 29/04/20	Drawn: TH	Check: TH



Unit  
1100/1100B  
1100/1100B, York, NY 100  
1100/1100B, York, NY 100  
1100/1100B, York, NY 100

# Streetscapes (external) And sections

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--- Dashed line of existing buildings on site  
Scale 1:100

Rev	Description	Date	By
B	Final building outline corrected on Streetscape C-C	24/08/20	TH
D	Plot 1 amended	18/08/20	TH
C	Boundary line corrected to Streetscape C-C & D-D amended	18/12/19	TH
B	Streetscape A.A.S.S.B	08/12/19	TH
A	List of existing building footprints submitted	18/12/19	TH

Author: Planning  
Client: Jacksons Roofing

Project: WLD Site

Title: Streetscapes/ Site Sections

Project No:	Drawing No:	Rev:
143	PL08	E
Scale: 1:100&A1	Date: 03/04/19	
Drawn: THG	Check: TH	



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# Streetscapes (internal Views)

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Streetscape 0-0



Streetscape 1-1



--- Dashed line of existing buildings on site  
Scale 1:500

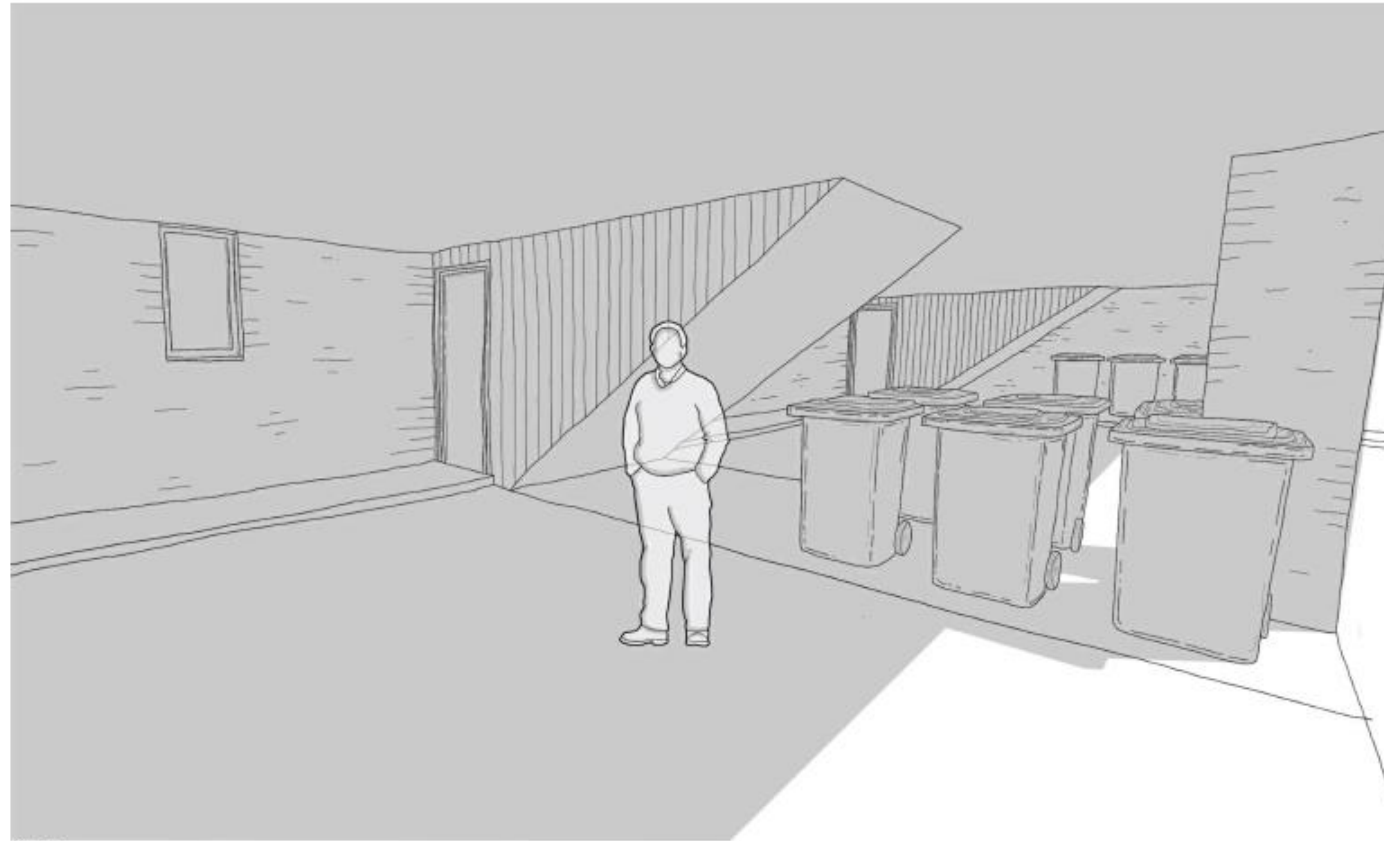
Rev	Description	Date	By
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Client: Jacksons Roofing			
Project: WLD Site			
Title: Streetscapes/ Site Sections Sheet 2			
Project No.: 143	Drawing No.: PL19	Rev: -	
Scale: 1:100@A1	Desk: SM7/02	Check: TH	



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Stair entrance  
- illustration



Stair Entrance

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Rev	Description	Date	By
Status: Planning			
Client: Jacksons Roofing			
Project: WLD Site			
Title: Stair Entrance			
Project No.:	Drawing No.:	Rev.:	
143	PL20	-	
Scale: N/A@A3		Date: 15/07/20	
Drawn: JJF		Check: TH	



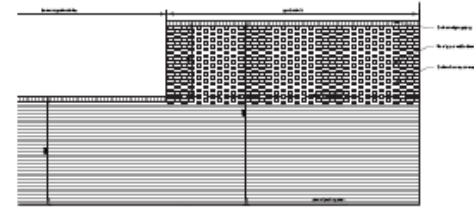
York  
01904 990055  
14 Clifford Street, York, YO1 8RD  
york@carvearchitecture.co.uk  
www.carvearchitecture.co.uk

# Boundary treatments

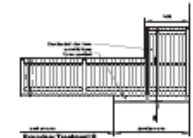


Boundary Treatment Key Plan (1:200)

KEY	
	Boundary Treatment A
	Boundary Treatment B
	Boundary Treatment C
	Boundary Treatment D
	Boundary Treatment E
	Boundary Treatment F



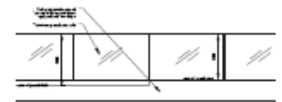
Boundary Treatment A



Boundary Treatment B



Boundary Treatment C



Boundary Treatment D



Boundary Treatment E



Boundary Treatment F



C	Site plan amended	22/05/20	TH
B	Boundary Treatment A amended	09/03/20	TH
A	Lightfoot to plot 3 amended	06/03/20	TH
Rev	Description	Date	By
Status: Planning			
Client: Jacksons Roofing			
Project: WLD Site			
Title: Boundary Treatment drawing			
Project No:	Drawing No:	Rev:	
143	PL14	C	
Scale: 1:200(A)	Date: 25/08/19		
Drawn: TH	Checked: TH		



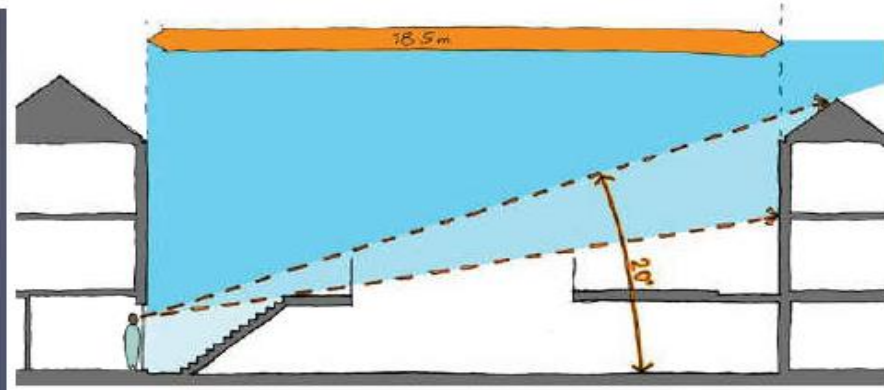
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Do not scale this drawing. Only drawings marked CONSTRUCTION ISSUE to be used for construction

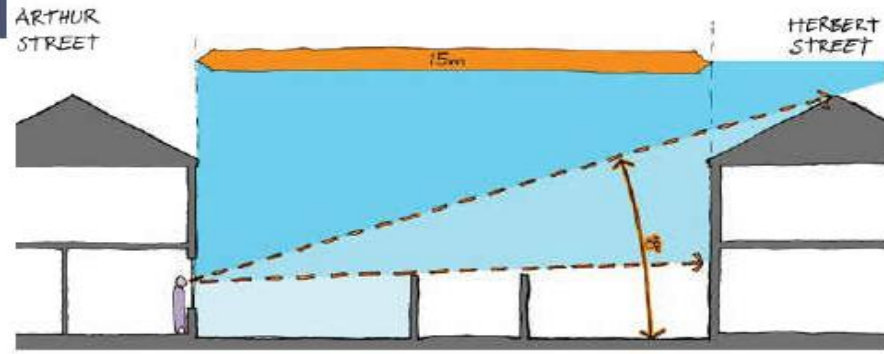
View from ground floor bedrooms



View from the Bedroom.



Section showing, near-distance, middle distance and sky views of proposed dwellings



Section showing, near-distance, middle distance and sky views of adjacent properties in Arthur Street and Herbert Street

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Entrance to site  
from Lansdowne  
Terrace



View of site from  
Herbert Street





Corner of site dj.  
8 Emily Mews



View of site between 8 Emily Mews  
And 21 Granville Terrace





View from R/O  
25 Granville Terrace



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**Date:** 15 October 2020      **Ward:** Rural West York  
**Team:** West Area      **Parish:** Upper Poppleton Parish  
Council

**Reference:** 20/00516/FUL  
**Application at:** 5 Cherry Grove Upper Poppleton York YO26 6HG  
**For:** Single storey side and rear extensions, application of render finish, erection of detached garage to side with relocation of driveway to Cherry Grove.  
**By:** Mr & Mrs Alex Dorman  
**Application Type:** Full Application  
**Target Date:** 19 October 2020  
**Recommendation:** Householder Approval

## 1.0 PROPOSAL

1.1 The application site is 5 Cherry Grove, Upper Poppleton, York, a detached single storey dwelling house located in a suburban residential setting.

1.2 The revised proposals relate to single storey side and rear extensions, the application of a render finish to the original dwelling house, the erection of a detached garage to the side and the relocation of the driveway to Cherry Grove.

1.3 Planning approval ref. 17/01968/FUL for the erection of bungalow to the rear of 5 Cherry Grove (resubmission), dated 09.07.2018 has not been implemented to date.

1.4 The application was called in to the Area Planning Sub-Committee by Cllr Anne Hook to consider issues of drainage, highway safety and residential amenity.

## 2.0 POLICY CONTEXT

### Draft Development Control Local Plan 2005

GP1 Design

H7 Residential Extensions

### Emerging Local Plan Policies

D11 Extensions and Alterations to Existing Buildings

### 3.0 CONSULTATIONS

#### INTERNAL

##### Flood Risk Management Team

3.1 The foul and surface water drainage from this site was considered/investigated in depth and agreed under planning approval ref. 17/01986/FUL therefore the foul and surface water drainage should be in accordance with these agreed details. Site specific infiltration testing carried out on the 25 September 2017 proved that subsoil conditions do not support the use soakaways as a means of surface water disposal. A watercourse is remote from the site.

3.2 Following the site visit with Yorkshire Water Services on the 19 April 2018 where investigations of the existing drainage were carried out, it was proven that surface water from the existing building and part of the drive area (122m<sup>2</sup>) positively connects to the public sewer network, therefore surface water will discharge to the public sewer via storage with a restricted discharge of 1.2 (one point two) litres per second. This will include the existing building and proposed extension, associated garages and driveways. Foul water would continue to connect to the public sewer network. Therefore, the Flood Risk Management Team has no objections to the development in principle, or the revised proposals that were the subject of re-consultation. Conditions of consent relating to drainage should be attached to any permission in order to protect the local aquatic environment and Public Sewer network.

##### Highway Network Management

3.3 Raised issues with regard to the replacement of the low wall with a 1.8 metre high boundary fence in the original proposals and a 1.2 metre high boundary fence in the revised proposals in terms of restrictions to visibility and the provision of adequate sight lines to pedestrians and vehicles. Although there are existing shrubs sited along the boundary of both corner plots in Cherry Grove which currently obstruct visibility into Orchard Road, it is considered that the proposal to erect a 1.2m high perimeter fence would continue to impinge on the visibility envelope. The height of the fence should therefore be either further reduced or set back from the boundary to accommodate a compliant visibility splay.

3.4 The proposed opening to the driveway would be in line with the perimeter fence and would not provide adequate visibility to pedestrians and vehicles. It is recommended that the fence line is splayed to provide visibility envelopes in

accordance with CYC standards. Visible site topography does not indicate the need for provision of an excessively steep driveway in this instance. As a gravel finish is proposed for the driveway, the provision of a suitable transition strip is required at the interface with the public highway. The proposed new driveway will require provision of a new footway dropped crossing on Cherry Grove together with the re-instatement of the redundant crossing on Orchard Road. This work shall be undertaken in accordance with CYC standards.

## EXTERNAL

### Upper Poppleton Parish Council

3.5 Upper Poppleton Parish Council consultation response with objections was regarding the original proposals. The Parish Council considered that the proposals would be overbearing to neighbouring residents at 8 Orchard Way. The development and loss of the garden could adversely reduce the natural drainage towards the rear of the site and result in excess water retention. The Parish Council referred to adverse comments from Yorkshire Water regarding the difficulty in securing appropriate drainage and advised that Cherry Grove is in a designated flood zone.

3.6 With regard to the re-consultation with revised proposals, Upper Poppleton Parish Council responded with no objections.

### Ainsty Internal Drainage Board

3.7 Ainsty Internal Drainage Board responded with comments regarding the original proposals and revised proposals. With regard to the revised proposals and surface water, the Board noted that the impermeable area would increase quite significantly as a result of the proposals and the applicant suggests the use of an existing drain. The Board believes this existing drain may then discharge into a foul mains sewer. The Board notes that CYC Senior Flood Risk Engineer has advised that soakaways are not feasible on this site. Previous investigations have been carried out on the site and a restricted discharge rate for the overall site for surface water agreed. This appears to reduce the existing discharge rate for surface water from the site and is welcomed by the Board. Provided this approach is still agreed with Yorkshire Water, the Board has no objections and would ask that CYC Senior Flood Risk Engineer's recommended conditions are put in place.

## 4.0 REPRESENTATIONS

4.1 Neighbour notification letters were sent regarding the original proposals. Objections were received from neighbouring residents at 4 and 8 Cherry Grove, which are summarised as follows;

- The property at 5 Cherry Grove is located in one of the lowest areas of the village in a high risk flood area.
- The development would increase the risk of flooding during the wet winter months and heavy downpours.
- Concerns raised regarding the discharge of all surface water from the enlarged bungalow to the foul sewer.
- The proposals to extend the bungalow would more than double the rainfall catchment area and amount of water that is diverted into the foul sewer; this would exacerbate the existing problem the area suffers from overflowing sewers in heavy rainfall.
- Due to the local issues with flooding, it is necessary to have a percolation test to assess the soil infiltration rate, carried out on site with the Council's Flood Risk Engineer present. This would inform a viable drainage scheme for the proposals which should be agreed prior to the determination of this application.
- The close proximity and size of the extended bungalow would be of significant detriment of the amenity of 8 Orchard Road in terms of light, privacy, amenity in the house and garden and would cause harm to living conditions.
- The height and mass of the proposed detached garage would block light for the adjacent properties at 3 Cherry Grove and 8 Orchard Road and the close proximity of the garage to the boundaries of the adjacent properties would be detrimental.
- The green house in situ to the rear of 8 Orchard Road would be dwarfed by the proposed garage and deprived of light for most of the day.
- A drainage system for the proposed garage is not shown in the plans.
- The new driveway would have a steep gradient that would affect safe entry and egress for vehicles, therefore the existing driveway to Orchard Road should be retained.
- The proposed new 1.8m high fence at the boundary of the application site is too high and would make Orchard Road and Cherry grove appear unwelcoming. A replacement hedgerow or a lower fence would be a solution that would not obscure sight lines for vehicles entering or exiting the property.
- The proposals should include environmental/green specifications such as solar panels.
- The extension is of a large scale and is not in character with the area.



4.2 Revised proposals were the subject of neighbour re-consultation. Objections received from neighbouring residents at 1 Orchard Road, 4 and 8 Cherry Grove which are summarised as follows;

- In the revised proposals, no provision has been made mitigate the increased risk of surface water flooding. The proposals would result in an additional 77% in surface water run-off in an area that is at high risk of flooding. Therefore, the proposals are in breach of the NPPF in respect of reducing the cause and impact of flooding.
- With reference to previous planning approval ref. 17/01968/FUL for a detached bungalow to the rear of the existing house at 5 Cherry Grove, a soil infiltration test was conducted which proved that the area has a very high water table and is not suitable for soakaways as a method of surface water drainage.
- The proposals are lacking in detail regarding surface water drainage. A drainage plan has not been submitted in support of the application. It appears that the intention is to divert all the surface water from the extended bungalow roof into the private foul sewer which would not be acceptable.
- Issues were raised with regard to the use of a surface water attenuation tank that forms part of a condition of consent relating to drainage.
- There are long term problems with drainage and the sewage pipes in this area that should be resolved as houses are extended.
- The location of the proposed detached garage would significantly overshadow the neighbouring properties at 3 Cherry Grove and 8 Orchard Road.
- Building the garage at the lowest, wettest part of the garden would adversely affect flooding in that area and the adjacent properties. There are no details of a drainage system for the garage.
- The new driveway to Cherry Grove would be on a steep slope directly opposite the driveway for 6 Cherry Grove and this would result in safety issues for vehicles using the driveway and other highway users. The retention of the existing driveway to Orchard Road would be a better and safer solution.
- The colour and style of the proposed buildings does not sit well with the existing dwellings.
- The dimensions of the proposed extensions have been reduced marginally. Therefore the proposals would be detrimental in respect of light, privacy and amenity in the neighbouring property and garden at 8 Orchard Road and would harm living conditions for neighbouring residents.
- The proposed new fence is very bland and would spoil the green character of the existing boundary.

## Councillor Hook

4.3 Objections to the original proposals were received from Councillor Hook relating to an increased risk of flooding and blocked drains; the proximity of the enlarged dwelling to the bungalow at 8 Orchard Road that would lead to a loss of light for the neighbouring resident; the narrowness of Cherry Grove and the impact of the proposed driveway on neighbouring residents; and the height of the perimeter fence that would obstruct visibility from the driveway and at the junction with Orchard Road.

4.4 Raised objections to the revised drawings relating to drainage and the proximity of the rear extension to the neighbouring dwelling house at 8 Orchard Road that would lead to a loss of light.

## **5.0 APPRAISAL**

### KEY ISSUES

- Design and visual impact on dwelling and surrounding area
- Neighbouring amenity

### PLANNING POLICIES

#### National Planning Policy Framework

5.1 The National Planning Policy Framework, February 2019 (NPPF) sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development.

5.2 In NPPF Chapter 4 Decision-making, Paragraph 38 advises that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

5.3 In NPPF Chapter 12 Achieving well-designed places, Paragraph 127 states that planning policies and decisions should ensure that developments will achieve a number of aims including:

- function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development:

- be visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting;
- create places that are safe, inclusive and accessible and promote health and well-being with a high standard of amenity for existing and future users.

5.4 The NPPF also places great importance on good design. Paragraph 128 says that design quality should be considered throughout the evolution and assessment of individual proposals. Paragraph 130 says 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, taking into account any local design standards or style guides in plans or supplementary planning documents.

#### Upper Poppleton and Nether Poppleton Neighbourhood Plan 2017

5.5 The Development Plan for Upper/Nether Poppleton is the Upper Poppleton and Nether Poppleton Neighbourhood Plan which came into force with effect from 19 July 2017. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and NPPF at para 14 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. Village Design Statement PNP 4 states that proposals for development within the villages of Upper Poppleton and Nether 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.

#### Publication Draft York Local Plan 2018

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

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional

arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

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

5.7 2018 Draft Plan Policy D11 (Extensions and Alterations to Existing Buildings) is relevant here. This says that proposals to extend, alter or add to existing buildings will be supported where the design responds positively to its immediate architectural context, local character and history in terms of the use of materials, detailing, scale, proportion, landscape design and the space between buildings. Proposals should also sustain the significance of a heritage asset, positively contribute to the site's setting, protect the amenity of current and neighbouring occupiers, contribute to the function of the area and protect and incorporates trees that are desirable for retention.

#### York Development Control draft Local Plan 2005

5.8 The York Development Control draft Local Plan was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications although it is considered that the policies are capable of being material planning considerations when they are in accordance with the NPPF albeit with very limited weight.

#### Supplementary Planning Document 'House Extensions and Alterations' (SPD)

5.9 The SPD provides guidance on all types of domestic type development. A basic principle of this guidance is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the road/streetscene where it is located. In particular, care should be taken to ensure that the proposal does not dominate the house or clash with its appearance with the extension/alteration being subservient and in keeping with, the original dwelling. The character of spacing within the street should be considered and a terracing effect should be avoided where required. Proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing and loss of light, over-dominance and loss of outlook.

#### Poppleton Village Design Statement 2003

5.10 Poppleton Village Design Statement, adopted August 2003, includes design guidelines and advises that to conserve the special character of the traditional communities, the size, scale and massing of new buildings and extensions should

harmonise with neighbouring properties and spaces. The use of local characteristic details and materials is to be encouraged.

## ASSESSMENT

### DESIGN AND VISUAL AMENITY

5.11 Following discussions with the agent, revised proposals have been submitted for single storey side and rear extensions, installation of a render finish to the host dwelling and the erection of a detached single storey garage to the side with the relocation of the driveway to Cherry Grove. The revised proposals have been submitted in response to issues raised with regard to design and visual amenity, neighbour amenity and highways matters. The previous planning approval ref. 17/01968/FUL for the erection of bungalow to the north of the existing house at 5 Cherry Grove has not been implemented to date.

#### Single storey side and rear extensions

5.12 The bungalow is located in a generous plot at the corner of Cherry Grove and Orchard Grove in a suburban residential setting comprised of single and two storey detached and semi-detached houses. Single storey extensions are proposed to the side and rear of the host dwelling. The hipped roof form of the existing bungalow would be retained as part of the proposals. The single storey side extension would have a hipped roof set down from the ridge of the host dwelling. The side extension would be approx. 6.2 metres in width and would be set back from the front elevation of the host dwelling. In revised proposals, the fenestration pattern to the side extension has been simplified to accord with the fenestration design proposed for the host dwelling.

5.13 In the revised proposals, the single storey rear extension has been reduced in length and mass to address issues raised with regard to design and neighbour amenity. The flat roof rear extension would be approx. 1.8 metres in length and would span the width of the rear elevation of the existing bungalow, set back approx. 1.0 metres from the south/side elevation of the dwelling facing Orchard Road and approx. 0.3 metres from the north/side elevation. The flat roof of the rear extension would have a total height of approx. 2.6 metres; approx. 0.3 metres greater in height than the eaves of the existing bungalow.

5.14 The proposals include changes to the existing external finishes of the bungalow. An off white render finish is proposed to be applied to the original dwelling house, which currently has a brickwork finish. The render finish would also be applied to the rear extension. The side extension would be finished in brick of a

similar appearance to the brick finish of the original bungalow. Changes would be made to the pattern and design of the windows and doors of the original bungalow, with powder coated aluminium windows and doors with a dark grey coloured finish installed throughout. The existing mid grey/brown coloured pantile finish to the roof of the bungalow would be replaced with dark grey coloured double pantiles, that would also be installed to the hipped roof of the side extension.

5.15 With regard to design and visual amenity, it is considered that in the revised proposals, the side and rear extensions would read as secondary additions to the host dwelling. The proposed render finish would complement the palette of materials present to houses within the context of the application site in Cherry Grove and Orchard Road. Although the colour of the pantile roof finish to the house would change, it is considered that the dark grey coloured pantiles would not detract from the setting of the house or the streetscene.

#### Detached garage

5.16 The proposed single storey detached garage would be located to the north/side of the host dwelling in the garden with a gravel finished driveway formed adjacent. In revised proposals the height and mass of the garage has been reduced. The garage would be approx. 5.0 metres in width and approx. 6.7 metres in length. The hipped roof would be approx. 3.7 metres to ridge height and approx. 2.4 metres to eaves. The garage building would be finished in dark grey coloured double pantiles to match those proposed for the extended host dwelling and an off white render. It is considered that the design of the detached garage would complement the extended host dwelling and that the location and mass of the garage would not detract from the streetscene, given the set back from Cherry Grove.

#### Relocation of driveway to Cherry Grove

5.17 In accordance with Network Management advice, revised proposals have been submitted for the new vehicular entrance to the application site from Cherry Grove. The existing boundary wall would be retained as the replacement timber fence to the boundaries with Cherry Grove and Orchard Way has been withdrawn from the proposals. The existing driveway from Orchard Road would be blocked up with a new section of boundary wall to match that existing and the footway and kerbing reinstated adjacent. The new vehicular entrance would have a tarmac finish to prevent gravel from the driveway discharging onto the highway. The splayed elements of the vehicular entrance would have a cobbled finish to preserve the lighting column and footway adjacent. It is considered that the revised proposals for the new vehicular entrance would not detract from the streetscene and would accord

with Network Management advice such that this element of the proposals is considered acceptable.

## IMPACT ON NEIGHBOURING AMENITY

5.18 In revised proposals, the single storey flat roof rear extension has been reduced in length and mass. There is an existing single storey garage building attached to the rear of the host dwelling adjacent to the property at 8 Orchard Road that would be demolished and replaced by the rear extension. The rear extension would be offset from the rear boundary with 8 Orchard Road by approx. 2 metres and the separation distance between the rear elevation of the extension and the side elevation of the house at 8 Orchard Road would be approx. 3.5 metres. Therefore, it is considered that due to the relatively small length and mass of the rear extension, that would in part replace the existing garage building to the rear, this element of the proposals would not lead to an unreasonable loss of amenity to the neighbouring resident at 8 Orchard Road in terms of overshadowing or loss of light and that the rear extension would not appear overbearing.

5.19 With regard to the proposed detached garage building, the height and mass of the garage has been reduced in revised proposals. The garage would be located in the north east corner of the application site, between approx. 1.1 and 1.4 metres from the north boundary with 3 Cherry Grove and approx. 0.7 metres from the rear/east boundary with 8 Orchard Road where there is a coniferous hedge present in part along the boundary. It is noted that there is a greenhouse in the rear garden of 8 Orchard Road that would be located adjacent to the proposed garage. It is considered that the design and mass of the garage, that includes a hipped roof with a reduced eaves and ridge height, would not appear overbearing or lead to an unreasonable loss of amenity to neighbouring residents.

## DRAINAGE AND SURFACE WATER FLOODING

5.20 With regard to matters raised relating to drainage and surface water flooding, CYC Flood Risk Management Team have advised that the foul and surface water drainage from this site was considered/investigated in depth and agreed under planning approval ref. 17/01986/FUL. The foul and surface water drainage for the application site should accord with details agreed as part of the previous planning approval and are the subject of conditions of consent.

## 6.0 CONCLUSION

6.1 For the reasons stated, the revised proposals are considered acceptable and would comply with the NPPF, the Upper Poppleton and Nether Poppleton

Neighbourhood Plan 2017, Policy D11 (Extensions and Alterations to Existing Buildings) of the Publication Draft City of York Local Plan 2018, Policies GP1 (Design) and H7 (Residential Extensions) of the Development Control Local Plan and City of York Council's Supplementary Planning Document (House Extensions and Alterations).

**7.0 RECOMMENDATION:** Householder Approval

1 TIME2 Development start within three years

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

Drawing no. YB632-004 revision F, Existing and proposed elevations, revision F dated 29.07.2020

Drawing no. YB632-005 revision D, Proposed ground floor plan, revision D dated 13.06.2020

Drawing no. YB632-006 revision C, Proposed roof plan, revision C dated 13.06.2020

Drawing no. YB632-007 revision B, Proposed garage details, revision B dated 29.07.2020

Drawing no. YB632-008 revision J, Proposed site layout plan, revision J dated 21.09.2020

Drawing no. YB632-009 revision H, Proposed site block plan, revision H dated 26.08.2020

The external materials and finishes shall be in accordance with the notes in drawing no. YB632-004 revision F.

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

3 A sample panel of the external render finish to be used on the dwelling house and garage shall be erected on the site and shall illustrate the colour and texture of the render finish to be used, and shall be approved in writing by the Local Planning Authority prior to the installation of the render finish. This panel shall be retained until a minimum of 2 square metres of the render finish of the approved development has been completed in accordance with the approved sample.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the installation of the external render finish in view of their sensitive location.

4 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.

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

- i) the surface water flow control device manhole the means by which the surface water discharge rate shall be restricted to a maximum rate of 1.2 (one point two) litres per second;
- ii) the surface water attenuation tank the means by which the surface water attenuation up to the 1 in 100 year event with a 30% climate change allowance shall be achieved; and
- iii) the future management and maintenance of the proposed drainage systems.

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

6 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.

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

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

8 Prior to the development coming into use the pedestrian visibility spays shown on drawing YB632-008 Rev H, free of all obstructions which exceed the height of the adjacent footway by more than 0.6m, shall be provided both sides of the vehicular access with the footway, and shall thereafter be so maintained.

Reason: In the interests of pedestrian safety.

9 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.

10 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking, re-enacting or amending that Order), development of the type described in Classes A, B, C, E, or F 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, and to reduce flood risk from additional hard surfacing, 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.

11 The development should incorporate sufficient capacity within the electricity distribution board for one dedicated radial AC single phase connection to allow the future addition of an Electric Vehicle Recharge Point (minimum 32A) within the garage space / parking area, if desired.

Reason: To ensure future electric vehicle charge points can be easily added to the garage/parking area in line with the NPPF and CYC's Low Emission Strategy.

#### Notes

Any future Electric Vehicle Charging Points need to be professionally installed. The installation process routinely involves wall mounting a charge point on an exterior wall and connecting it safely to the mains electricity supply. All electrical circuits/installations shall comply with the electrical requirements in force at the time of installation

In the UK, there is a government-grant scheme available to help reduce the cost of installing a home EV charge point. For more information on the scheme see the OLEV website <https://www.gov.uk/government/collections/government-grants-for-low-emission-vehicles>

The above requirement does not preclude the installation of an Electric Vehicle Charge Point from the outset, if desired.

## **8.0 INFORMATIVES:**

### **Notes to Applicant**

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

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

- In discussion with the agent, revised drawings were submitted to address issues relating to the design, neighbour amenity and highways matters.

#### **2. THE PARTY WALL ETC ACT 1996**

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

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

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

#### **3. CONSENT FOR HIGHWAYS WORKS**

You are advised that prior to starting on site, consent will be required from the Highways Authority for the works being proposed under the Highways Act 1980 (or legislation/ regulations listed below). For further information, please contact;

- Vehicle crossing (Section 184) - [streetworks@york.gov.uk](mailto:streetworks@york.gov.uk)

#### **Contact details:**

**Case Officer:** Sandra Duffill

**Tel No:** 01904 551672

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# 5 Cherry Grove, Upper Poppleton, YO26 6HG

20/00516/FUL



GIS by ESRI (UK)



Scale : 1:1499

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<b>Organisation</b>	City of York Council
<b>Department</b>	Economy & Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	05 October 2020
<b>SLA Number</b>	

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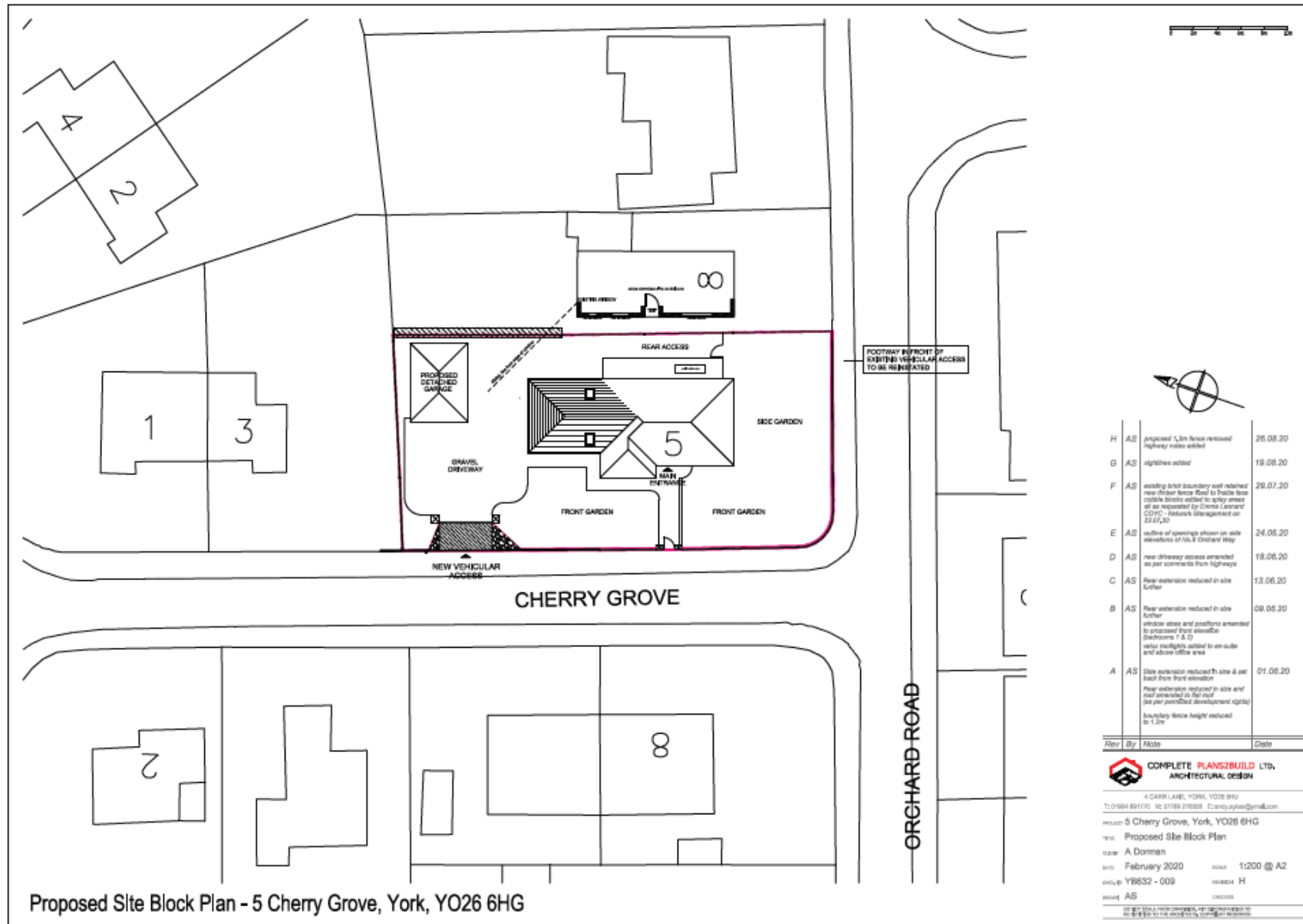
## Area Planning Sub-Committee

20/00516/FUL

5 Cherry Grove Upper Poppleton







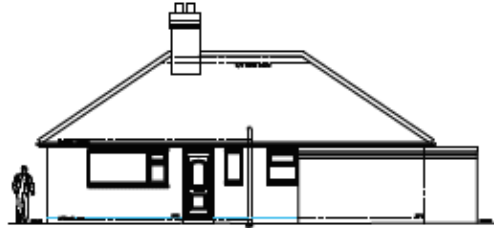




Existing Front Elevation  
(View from Cherry Grove)



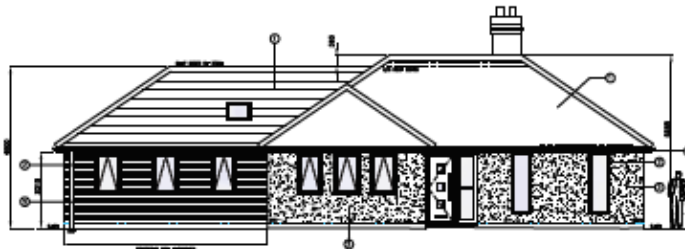
Existing Side Elevation  
(View from Orchard View)



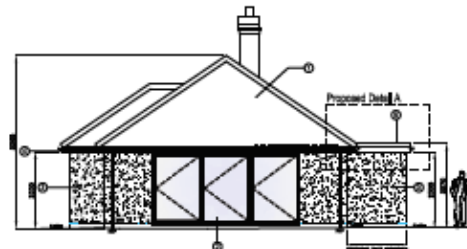
Existing Rear Elevation



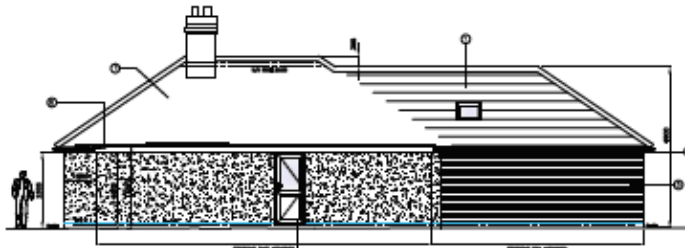
Existing Side Elevation  
(View from existing side plot)



Proposed Front Elevation  
(View from Cherry Grove)



Proposed Side Elevation  
(View from Orchard View)



Proposed Rear Elevation

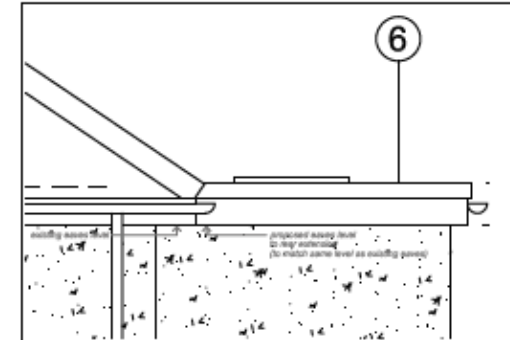


Proposed Side Elevation  
(View from existing side plot)



KET TO PROPOSED MATERIALS

- ① Sandtoft double pantile (dark grey)
- ② Powder coated aluminium windows & doors - dark grey  
sliding doors to open plan kitchen/dining
- ③ Render - Weberpral - colour: Chalk
- ④ Dark grey fascia and soffits  
with black gutters and fall pipes
- ⑤ Brickwork - Wienerberger Olde Farndale  
Multi to side extension
- ⑥ Flat roof - GRP Fibreglass (dark grey)



Proposed Detail A  
(Junction of existing house and rear extension)

F	AS	Render colour amended	28.07.20
E	AS	Roof extension amended to correct materials key selected	27.07.20
D	AS	Rear extension reduced in size further windows and doors replaced to aluminium as requested	12.06.20
C	AS	Rear extension reduced in size further windows and doors replaced to proposed front elevation (dimensions 7 & 8) render soffits added to windows and doors where appropriate	08.06.20
B	AS	Roof extension reduced in size & roof amended to flat roof Rear extension replaced in size and roof amended to flat roof windows and doors replaced to proposed materials amended	07.06.20
A	AS	Dimensions added	28.04.20

Rev: By: Note: Date:

**COMPLETE PLANS2BUILD LTD.**  
ARCHITECTURAL DESIGN

4 CARR LA @, YORK, YO26 6HG  
T: 01904 881170 M: 07788 27888 E: info@plans2build.com

PROJECT: 5 Cherry Grove, York, YO26 6HG

TYPE: Existing & Proposed Elevations

CLIENT: A Darman

DATE: February 2020 TIME: 1:150 @ A2

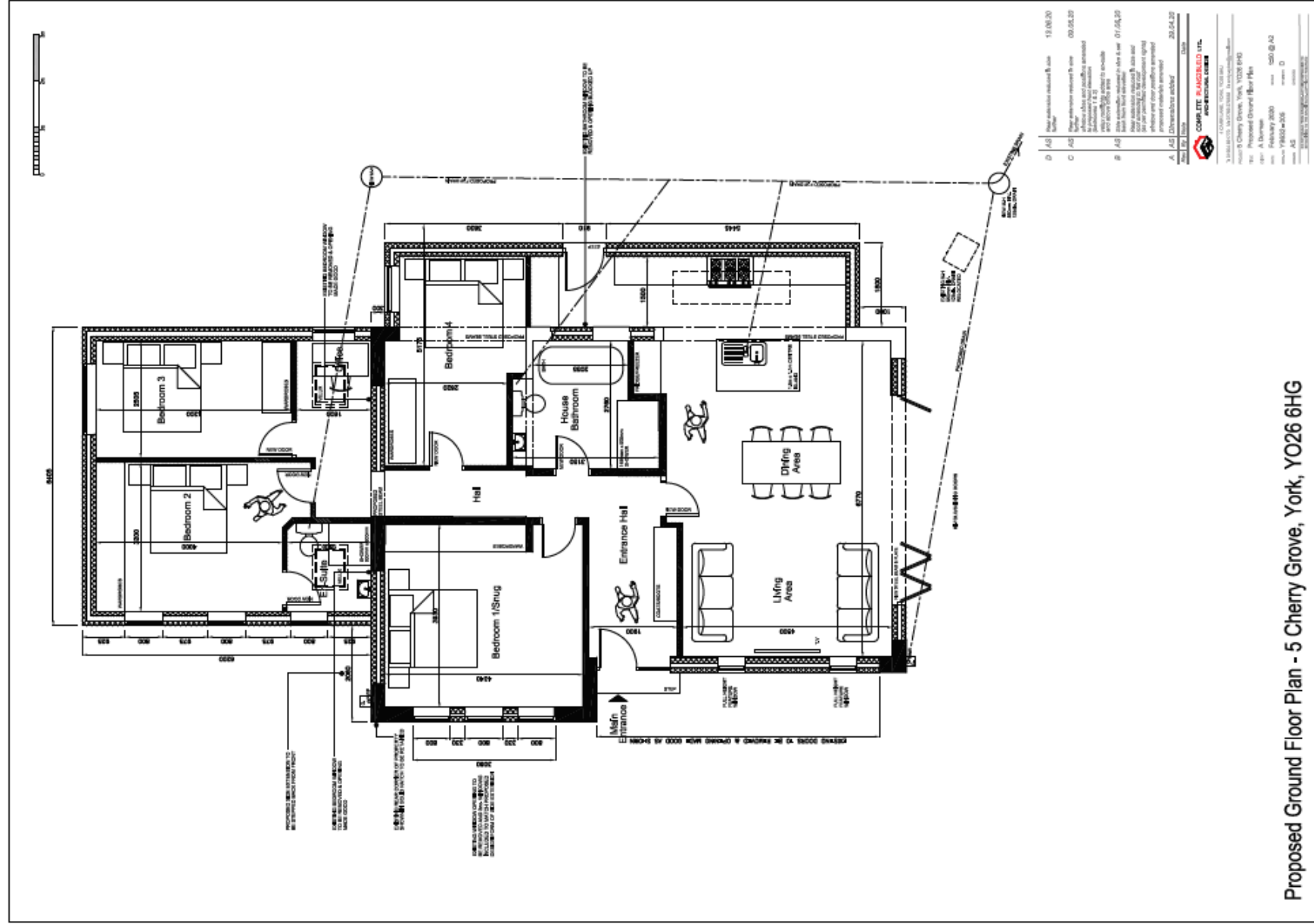
PROJECT: Y9832 - 004 DRAWING: F

ISSUED: AS

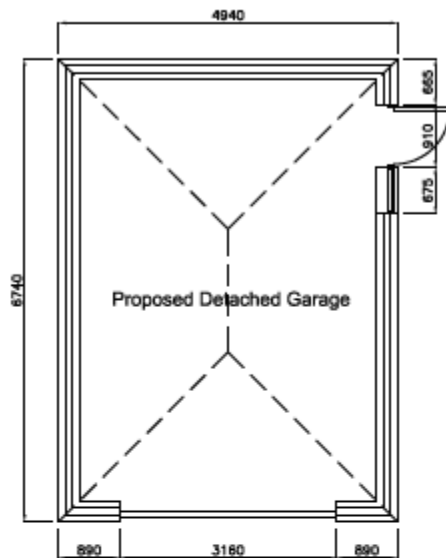
BY: [Signature]

Existing & Proposed Elevations - 5 Cherry Grove, York, YO26 6HG

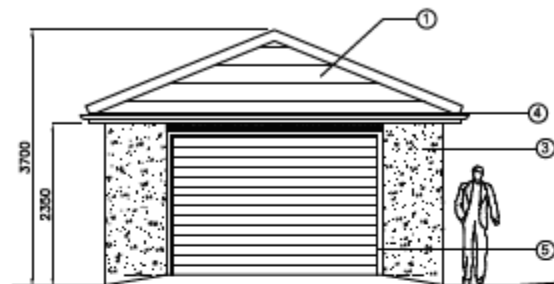
# Proposed ground floor plan



Proposed Ground Floor Plan - 5 Cherry Grove, York, YO26 6HG



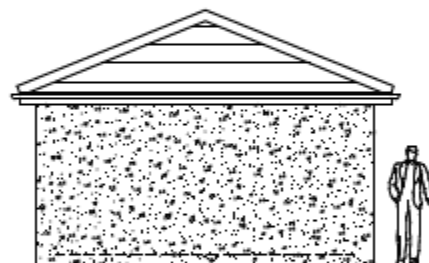
Proposed Garage Plan



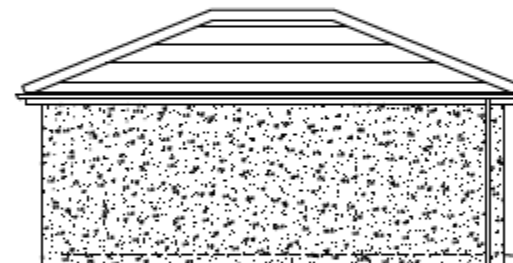
Proposed Front Elevation



Proposed Side Elevation



Proposed Rear Elevation



Proposed Side Elevation

KET TO PROPOSED MATERIALS

- ① Sandtoft double pantile (dark grey)
- ② - Powder coated aluminium windows & doors - dark grey  
sliding doors to open plan kitchen/dining
- ③ Render - off white
- ④ Dark grey fascia and soffits with black gutters and fall pipes
- ⑤ powder coated aluminium roller shutter garage door - dark grey

Rev	By	Note	Date
B	AS	render colour amended	29.07.20
A	AS	access and slope levels reduced	01.05.20



COMPLETE PLANS2BUILD LTD.  
ARCHITECTURAL DESIGN

4 GARR LANE, YORK, YO26 9HU  
T: 01954 891770 M: 07788 270358 E: any@plans2build.com

PROJECT: 5 Cherry Grove, York, YO26 6HG  
TITLE: Proposed Garage Details  
DRAWN: A Dorman  
DATE: February 2020 SCALE: 1:50 @ A2  
NO. OF: YB632 - 007 NUMBER: B  
ISSUED: AS CHECKED:



Orchard Road elevation with  
8 Orchard Rd adjacent





Site from Cherry Grove



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**Date:** 15 October 2020      **Ward:** Rawcliffe and Clifton Without

**Team:** West Area      **Parish:** Clifton Without Parish Council

**Reference:** 20/00056/FULM

**Application at:** Industrial Property Investment Fund Unit C Auster Road York YO30 4XA

**For:** Erection of four storey building to form self-storage facility with associated access and landscaping (use class B8)

**By:** Mr Andy Wood

**Application Type:** Major Full Application

**Target Date:** 10 July 2020

**Recommendation:** Approve

## 1.0 PROPOSAL

1.1 Erection of a four-storey, commercial building measuring approximately 42.5m x 30.5m x 10.8m, giving a total gross internal floorspace of approximately 4952sqm. The building would be made up of multiple self-storage units, for home or business use, ranging in size from approximately 3sqm to 32sqm.

1.2 20 car parking spaces would be provided plus bin store, covered cycle storage and landscaping. Access would be from Auster Road as existing. The building would be accessible 24 hours a day. The reception would be staffed from 8am to 6pm.

### APPLICATION SITE

1.3 A cleared commercial plot of 0.26ha within Clifton Moor Industrial Estate. The southern elevation faces Clifton Moor Gate. The site access is from Auster Road. The adjacent uses are commercial.

## 2.0 POLICY CONTEXT

2.1 The National Planning Policy Framework (NPPF). 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 38). The NPPF sets out the presumption in favour of sustainable development in paragraph 11.

2.2 The Publication Draft Local Plan 2018 (the 'emerging plan') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. In accordance with paragraph 48 of the NPPF the emerging plan policies can be afforded weight according to:

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

2.3 Relevant policies of the emerging plan are:

- DP2 Sustainable Development
- DP4 Approach to Development Management
- D1 Placemaking
- D2 Landscape and Setting
- ENV2 Managing Environmental Quality
- ENV5 Sustainable Drainage
- T1 Sustainable Access
- CC1 Renewable and Low Carbon Energy
- CC2 Sustainable Design and Construction

2.4 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005. It does not form part of the statutory development plan and its policies carry very limited weight.

### **3.0 CONSULTATIONS**

#### INTERNAL

##### Highways Network Management

3.1 The access, site layout, car parking and revised cycle storage are acceptable. Add standard conditions regarding provision of car parking, turning areas, details of cycle storage and submission of a travel plan.

##### Public Protection

3.2 The conclusions of the submitted site appraisal requiring further site investigation works are accepted. No objection subject to standard conditions regarding land contamination, submission of a construction environmental management plan and electric vehicle recharging.

## Flood Risk Management

3.3 A very basic drainage strategy has been submitted but no drainage details. Nor infiltration testing witnessed by FRMT or surveys to prove existing connected impermeable areas. Therefore FRMT will not be supporting the application.

## EXTERNAL

### Clifton Without Parish Council

3.4 No response.

### Yorkshire Water

3.5 If planning permission is to be granted, add conditions requiring separate systems of drainage for foul and surface water and submission of drainage details, including 30% attenuation. The developer is proposing to discharge surface water to public sewer. Yorkshire Water promotes the surface water disposal hierarchy. The developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer.

### Kyle and Upper Ouse Internal Drainage Board

3.6 If the surface water were to be disposed of via a soakaway system, percolation tests must be undertaken to establish if the ground conditions are suitable for it. If surface water is to be directed to a mains sewer system the water authority must be satisfied that the existing system will accept this additional flow. This should be made a condition of planning permission. If the surface water is to be discharged to any ordinary watercourse within the IDB's district consent from the IDB would be required in addition to planning permission, and would be restricted to 1.4 litres per second per hectare or greenfield runoff rate.

## **4.0 REPRESENTATIONS**

4.1 None received.

## **5.0 APPRAISAL**

### MAIN ISSUES

- Principle of the development
- Local economy
- Character and appearance
- Landscaping
- Access and parking
- Impact on surrounding occupiers

- Drainage
- Climate Change

## PRINCIPLE OF THE DEVELOPMENT

5.1 The site is in a well-established commercial area. The proposed uses are acceptable in principle subject to other material planning considerations.

## LOCAL ECONOMY

5.2 The NPPF states that significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development (paragraph 80). The proposal would increase the quantity and quality of commercial floorspace to the general benefit of the local economy and support the sustainable development policy DP2 of the emerging plan. The premises would sustain up to three permanent staff.

## CHARACTER AND APPEARANCE

5.3 Paragraph 130 of the NPPF states that permission should be refused for poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Main materials would comprise grey composite cladding panels laid horizontally with yellow feature panels and details. The scale, design, appearance and external materials are in keeping with the character of the area. They comply with policy D1 of the emerging plan and relevant paragraphs in section 12 of the NPPF. A condition should be attached requiring samples of the materials to be submitted for approval.

5.4 The principal elevation is towards Clifton Moor Gate, which is one of the main routes into and through the industrial estate. Redevelopment of some of the adjacent sites has eroded what had been a predominant building line, in particular an Audi car dealership opposite the application site and a BMW motorcycle dealership to the west of it. The application as submitted showed the proposed building positioned well forward on the site, in line with the front elevation of the BMW dealership. The large size of the proposed building, together with its unbroken façade would have made the building unduly prominent in the street scene and prevented sufficient landscaping to be provided between the building and the public highway. The application has since been amended by moving the building 5m further from the public highway thereby reducing its prominence and enabling more landscaping to be provided. The building would now be approximately 8.2m from the public verge and 11.5m from the carriageway. The revised position of the building within the site is now acceptable.

## LANDSCAPING

5.5 The Clifton Moor Gate frontage has an earth bund (approximately 1m high) which, until recently, was surmounted by a row of unprotected trees and other landscaping. The proposals would sit behind the earth bund which would be removed or remodelled as part of the landscaping of the development. The application includes landscaping/planting proposals mainly comprising replacement tree planting along the Clifton Moor gate elevation and native hedge planting along the side boundaries. The repositioning of the building further from the highway verge would enable more-substantial landscaping to be provided along Clifton Moor Gate. Submission of landscaping details and their implementation should be made a condition of approval.

## ACCESS AND PARKING

5.6 The access would remain as existing from Auster Road and is adequate for the proposed use. Turning and manoeuvring space for large vehicles would not be required due to the modest size of the individual storage units to be provided. 20 car parking spaces would be provided including one to disabled standard and two with vehicle recharging. The council's cycle parking standards require approximately 20 cycle parking spaces for the site but this is likely to be excessive due to the nature of the development. The 10 covered cycle spaces proposed by the applicant would be adequate. This should be made a condition of planning permission.

## IMPACT ON SURROUNDING OCCUPIERS

5.7 Policy ENV2 states that development will not be permitted where future occupiers and existing communities would be subject to significant adverse environmental impacts without effective mitigation. The site is in an industrial/commercial area with no residential dwellings in the vicinity. In order to protect the local environment Public Protection officers are recommending various conditions including submission of a construction environmental management plan (CEMP). Bearing in mind the area's commercial character, the scale of the proposed building, its relatively straightforward construction and/or the safeguards provided by existing public protection legislation, officers consider that submission of a CEMP would, in this case, be inappropriate and unnecessary. The other conditions proposed by Public Protection, namely those relating to land contamination and provision of an electric vehicle recharging point, are necessary and reasonable.

## DRAINAGE

5.8 Paragraph 155 of the NPPF states that in determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Policy ENV4 of the emerging plan states that new development shall not be subject

to unacceptable flood risk and shall be designed and constructed in a way that mitigates against flood events. The site is in low-risk flood zone 1.

5.9 Although the site has already been developed the proposal would increase surface water run-off. Policy ENV5 requires developers to implement, where possible, sustainable drainage systems (SuDS) into all new development and redevelopment schemes. This means that surface water should be discharged to, in order of preference: (a) infiltration systems/soakaways (b) to a watercourse (c) to a public sewer. To date the applicant has not carried out ground infiltration testing to establish whether infiltration is feasible. Instead, the applicant proposes to re-use existing connections to the public sewer system. This is unacceptable unless, and until, more-sustainable solutions have been found to be unsuitable. The applicant is now organising ground surveys of the site. Members will be updated at the committee meeting.

## CLIMATE CHANGE

5.10 Policy CC1 requires new buildings to achieve a reduction in carbon emissions of at least 28%. This should be achieved through the provision of renewable and low carbon technologies in the locality or through energy efficiency measures. The applicant has agreed to a planning condition to this effect.

5.11 Policy CC2 requires all new non-residential buildings with a floorspace greater than 100sqm to achieve a BREEAM rating of 'excellent'. This is normally secured by a planning condition. The applicant has submitted a BREEAM pre-assessment report which states that the development can only achieve a rating of 'very good' with a target score of 60.17%. Excellent requires a score of 70%. The applicant argues that excellent cannot be achieved in this case because certain actions that would have contributed to the BREEAM score were not carried out or evidenced when the building previously on the site was demolished. Furthermore, that a planning condition requiring a score of 60.17% would not be acceptable because it would require the attainment of credits that are considered by the applicant to be difficult and high risk. If planning permission is granted it should include a condition requiring the development to achieve a BREEAM rating of 'very good'.

## 6.0 CONCLUSION

6.1 The redevelopment would support the local economy by increasing employment floor space in a sustainable location and in keeping with the character of the area. The application complies with national planning policy as set out in the NPPF, and relevant policies of the emerging local plan apart from policy CC2 (BREEAM) of the emerging plan. Policy CC2 can be given moderate weight in the council's consideration of the application. In the planning balance, non-compliance with this one policy would not justify refusal of planning permission.

**7.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

19005-C4P-AV-00-DR-A-0500\_P12\_Site Plan as Proposed  
19005-C4P-AV-00-DR-A-2000\_P2\_GA Plan as Proposed (Level 00)  
19005-C4P-AV-01-DR-A-2001\_P2\_GA Plan as Proposed (Level 01)  
19005-C4P-AV-02-DR-A-2002\_P2\_GA Plan as Proposed (Level 02)  
19005-C4P-AV-03-DR-A-2003\_P2\_GA Plan as Proposed (Level 03)  
19005-C4P-AV-R1-DR-A-3300\_P1\_Roof Plan as Proposed  
19005-C4P-AV-ZZ-DR-A-2100\_P3\_Elevations as Proposed (Sheet 1)  
19005-C4P-AV-ZZ-DR-A-2101\_P3\_Elevations as Proposed (Sheet 2)  
19005-C4P-AV-ZZ-DR-A-0201\_P2\_Site Section.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the local planning authority.

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

4 The development shall be carried out to a BRE Environmental Assessment Method (BREEAM) standard of at least 'very good'. A post-construction stage assessment shall be carried out and a post-construction stage certificate shall be submitted to the Local Planning Authority prior to occupation of the building (or in the case of the certificate as soon as practical after occupation). Should the development fail to achieve a BREEAM standard of at least 'very good' a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve the agreed standard. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of Policy CC2 of the Publication Draft Local Plan 2018.

5 No above ground works shall take place until details of the reduction in carbon emissions the development hereby approved would achieve when compared against Part L of the Building Regulations (the notional building) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The details shall demonstrate a reduction in carbon emissions of at least 28% through the provision of renewable or low carbon technologies or through energy efficiency measures when compared to the Target Emission Rate (calculated using Standard Assessment Procedure methodology as per Part L2A of the Building Regulations).

Reason: In the interests of sustainable design and in accordance with policies CC1 of the Publication Draft Local Plan 2018.

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

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

7 The development shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles have been constructed and laid out in accordance with the approved plans. Thereafter these areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: In the interests of highway safety.

8 Within 6 months of first occupation of the development a travel plan shall be submitted to the council for approval in writing. The development shall subsequently be occupied in accordance with the aims, measures and outcomes of the travel plan as approved in writing by the local planning authority.

Reason: To ensure that the development complies with national and local transportation guidance and to ensure that adequate provision is made for the movement of vehicles, pedestrians, cycles and other modes of transport to and from the site together with parking on site for these users.

9 Prior to development, 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 shall be undertaken by competent persons and a written report of the findings shall be produced and submitted to the local planning authority for approval in writing. 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:
  - o human health,
  - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - o adjoining land,
  - o groundwaters and surface waters,
  - o ecological systems,
  - o archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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.

10 Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be prepared and shall be subject to the approval in writing of 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 shall 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.

11 Prior to first occupation or use, the approved remediation scheme shall be carried out in accordance with its terms, and a verification report that demonstrates the effectiveness of the remediation carried out shall be produced and submitted to the local planning authority for approval in writing.

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

12 In the event that unexpected contamination is found at any time when carrying

out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be prepared and submitted to the local planning authority for approval in writing. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the local planning authority for approval in writing.

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 Prior to first occupation of the development 1 electric vehicle recharging point shall be provided in a position and to a specification previously agreed in writing by the local planning authority. The charging point shall be located in a prominent position on the site and shall be for the exclusive use of zero emission vehicles.

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

Notes:

Electric Vehicle Charging Points should incorporate a suitably rated 32A 'IEC 62196' electrical socket to allow 'Mode 3' charging of an electric vehicle. The exact specification is subject to agreement in writing with the council. The location of charging points should be identified by parking bay marking and signage. All electrical circuits/installations shall comply with the electrical requirements in force at the time of installation.

14 Prior to commencement of the development details of foul and surface water drainage, including balancing/attenuation, shall be submitted to the Local Planning Authority for approval in writing, and thereafter implemented in accordance with the approved details.

Reason: In the interests of sustainable drainage.

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

Reason: In the interest of satisfactory and sustainable drainage.

16 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 building 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.

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

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

## **8.0 INFORMATIVES: Notes to Applicant**

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

In considering the application, the local planning authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) and, in seeking solutions to problems identified during the processing of the application, the local planning authority negotiated changes to cycle parking provision and a wider landscaped strip along the Clifton Moor Gate frontage.

### **2. AINSTY INTERNAL DRAINAGE BOARD**

Any surface water discharge into any watercourses in, on, under or near the site requires consent from the Drainage Board. For further guidance, pre-application advice & consent form visit: [www.shiregroup-idbs.gov.uk](http://www.shiregroup-idbs.gov.uk), and select 'Kyle & Upper Ouse IDB'. For direct enquiries e-mail: [planning@shiregroup-idbs.gov.uk](mailto:planning@shiregroup-idbs.gov.uk). No obstructions within 7 metres of the edge of an ordinary watercourse are permitted without consent from the Internal Drainage Board. If surface water or works are planned adjacent to a Main River within the Drainage District, then the Environment Agency should be contacted for any relevant Permits.

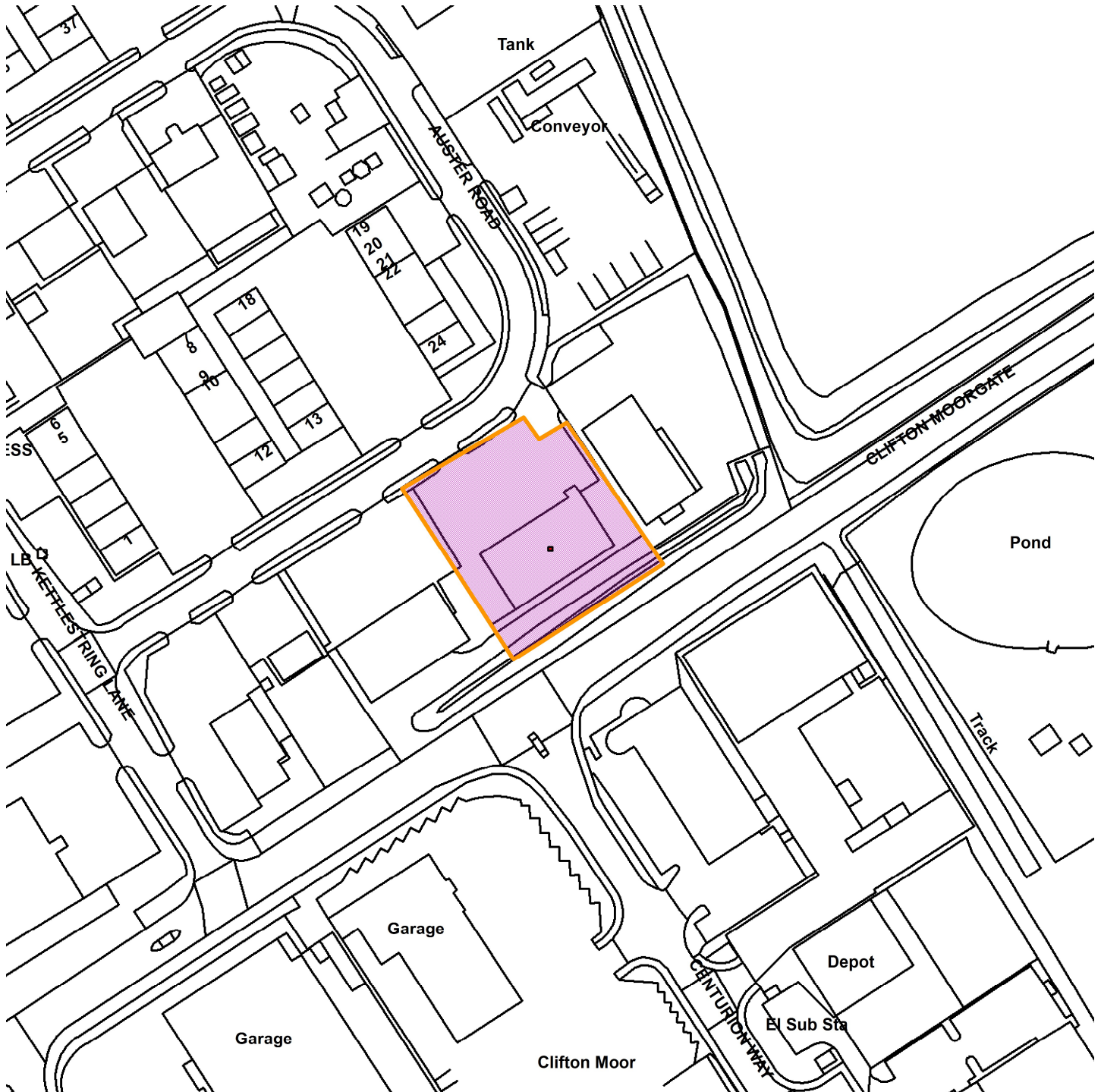
#### **Contact details:**

**Case Officer:** Kevin O'Connell  
**Tel No:** 01904 552830

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# Unit C, Auster Road, YO30 4XA

20/00056/FULM



Scale : 1:1499

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<b>Organisation</b>	City of York Council
<b>Department</b>	Economy & Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	05 October 2020
<b>SLA Number</b>	

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## Area Planning Sub-Committee

20/00056/FULM

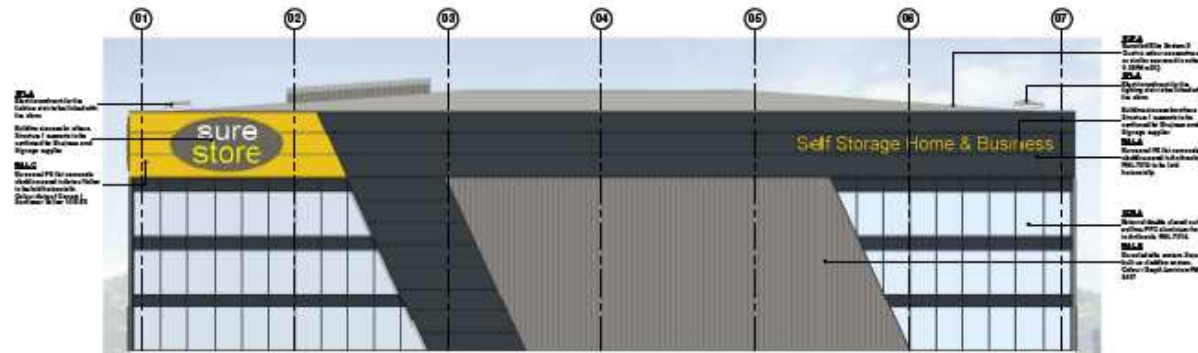
Industrial Property Investment Fund Unit C Auster Road



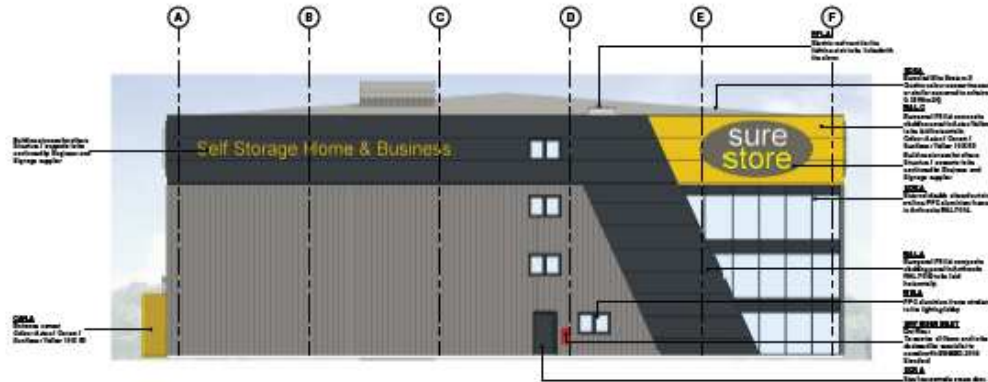




# on Moor Gate and North East variations



Elevation D



Elevation D

0m 2m 4m 6m 8m  
VISUAL SCALE 1:100 @ A1

**Planning**  
The proposed development is a new self-storage facility...  
The development is proposed to be a new self-storage facility...  
The development is proposed to be a new self-storage facility...

**Material Schedule**

Material	Location
1. Self-storage units	Units

**U-VALUES & AIR PERMEABILITY & THERMAL MASS**

Element	U-Value (W/m²K)	Air Permeability (m³/s/m² @ 0.05 Pa)	Thermal Mass (MJ/m²K)
Roof	0.18	0.00	100
Wall	0.25	0.00	100
Floor	0.10	0.00	100
Window	1.20	0.00	100
Door	1.50	0.00	100

**AIR PERMEABILITY AND THERMAL MASS**

The proposed development is a new self-storage facility...  
The development is proposed to be a new self-storage facility...  
The development is proposed to be a new self-storage facility...

1. Self-storage units	100	0.00
2. Self-storage units	100	0.00
3. Self-storage units	100	0.00



**C4 Projects**  
Architectural Services

**Project**  
Self Storage Facility  
Alder Road, York

**Drawing Title**  
Detailed as Proposed (Rev 12)

**Revision History**

Rev	Description	By	Date
01	Issue for Information	MC	2019
02	Issue for Information	MC	2019



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