

COMMITTEE REPORT

Date: 2 September 2021 **Ward:** Dringhouses And Woodthorpe

Team: West Area **Parish:** Dringhouses/Woodthorpe Planning Panel

Reference: 20/00507/FULM
Application at: 1 Cherry Lane York YO24 1QH
For: Erection of 60no. retirement apartments with care, communal facilities, parking, landscaping and associated amenity space following demolition of existing 3no. bungalows.
By: Gladman Retirement Living
Application Type: Major Full Application
Target Date: 30 October 2020
Recommendation: Refuse

1.0 PROPOSAL

1.1 The proposal is for the demolition of the existing 3 detached bungalows and the construction of a block of 60 flats for older people with 32 parking spaces and 4 disabled spaces. The replacement building is 3 storeys high with an additional partial lower ground floor to the eastern end.

Site description

1.2 The site currently contains 3 detached dwellings – 2 dormer bungalows and a large bungalow dating back to the 1960's. There is mature hedging on the boundaries and large trees in the verge to the front of the site on Tadcaster Road. The site abuts the Tadcaster Road Conservation Area to the front and partially to both sides. There are a number of listed buildings along Tadcaster Road in proximity to the site. The other side of Cherry Lane is occupied by the Holiday Inn hotel which has a large single storey element to the front rising to a 5+ storey block further into the site towards the rear.

Community engagement

1.3 Prior to submission of the application, the developer undertook consultation with the local community. This included a leaflet drop to local residents and businesses, an exhibition and the setting up of a dedicated website. The applicant reports that

respondents were generally supportive of the scheme and comments related predominantly to the scale of the building, parking and increased traffic.

2.0 POLICY CONTEXT

2.1 Local Plan (Submission Draft 2018)

DP2 Sustainable development

DP3 Sustainable communities

DP4 Approach to development management

SS1 Delivering sustainable growth for York

H2 Density of housing development

H10 Affordable housing

D1 Placemaking

D2 Landscape and setting

D4 Conservation areas

D5 Listed buildings

D6 Archaeology

GI6 New open space provision

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

DM1 Infrastructure and developer contributions

2.2 Development Control Local Plan (incorporating 4th set of changes 2005)

GP1 Design

GP4a Sustainability

GP6 Contaminated land

GP7 Open space

GP9 Landscaping

GP13 Planning obligations

HE3 Conservation areas

HE4 Listed buildings

HE10 Archaeology

T4 Cycle parking standards

H2a Affordable housing

H5a Residential density

2.3 Evidence base

Strategic Housing Market Assessment (SHMA) (2016)
Open Space and Green Infrastructure (2014) and Update (2017)
City of York Heritage Topic Paper Update (September 2014)

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 Conditions are recommended in the event that a planning permission is granted to control issues of noise and odour disturbance, demolition and construction house, a Construction Environment Management Plan (CEMP), land contamination and Electric Vehicle Charging Point (EVCP).

Design, Conservation and Sustainable Development (Archaeology)

3.2 The site is within the Tadcaster Road Area of Archaeological Importance. It is close to the roman road in an area where there have been several large scale pieces of archaeological investigation. The desk based assessment with the application indicates a moderate-high potential for the site to contain roman archaeology. A condition is recommended in the event that a planning permission is granted for a programme of archaeological evaluation and subsequent mitigation.

Design, Conservation and Sustainable Development (Conservation Architect)

3.3 The site is bounded by the Tadcaster Road Conservation Area along part of three of its sides. The boundary of the conservation area has been stepped around the existing site to deliberately exclude the current 4 bungalows on the site, which do not contribute to the character of the conservation area in their siting or architecture. The loss of the existing bungalows is therefore not objected to. The character of the Conservation Area is identified as the linear form of the original village, mature trees on the roadside, views across the Knavesmire and large villas in their own grounds.

3.4 The 3 storey frontage of the proposal is uncharacteristic of the conservation area as is the long elevation on Cherry Lane. This elevation will be particularly evident when travelling along Tadcaster Road and is at odds with the linear character of historic Dringhouses. It is considered that the height, footprint and orientation are uncharacteristic of the adjacent conservation area and historic form of the village which forms the setting of the listed buildings (the library and 52 and 54 Tadcaster road) and therefore an objection is raised to the proposal.

Highways Network Management

3.5 Details of access have been agreed and parking provision is acceptable and in line with CYC guidance and reflects data from other sites. Conditions will be required should a planning permission be forthcoming for a travel plan and off-site highway improvements. Cycle parking details to be agreed again in the event that a planning permission is given.

Design, Conservation and Sustainable Development (Landscape Architect)

3.6 The eastern half of the site is included in a green infrastructure corridor that is identified in the evidence base for the local plan in recognition of the value of the sense of space and tree cover presented by the existing large garden. The proposed accommodation represents a slight loss to the leafy, informal character of Cherry Lane due to the length and scale of the building.

3.7 There is limited capacity to break up the Cherry Lane elevation with large-species trees that would be appropriate to the scale of the development and the character of the lane, but there is the potential to plant a rhythm of small to medium sized tree species along the northern and southern boundaries to supplement the grounds. The western block of the proposed building is pushed much further forward onto Tadcaster Road than either the adjacent hotel or the existing bungalows, so it looks a bit forced and uncomfortable in relation to the existing Lime tree and the existing spatial context to the north and south. The central section of the building is set further back from the southern boundary, thus benefitting from the southern aspect and creating a more significant garden feel, in addition to the less substantial perimeter landscape.

3.8 The development is largely compatible with the retention of the best existing trees, which are at the eastern end of the site, and it enables perpetuity of significant tree cover in this location. The majority of the trees along the north and south boundaries that would be removed are category C (out of A, B, C and U). Conditions are suggested in the event that a planning permission is granted.

Older Person's Housing Manager

3.9 The provision of specialist older persons' accommodation is supported and there is a shortfall of extra care type housing within the city and particularly within the southern area. An affordable housing contribution would be required for the development if planning permission is given.

Housing Policy

3.10 An affordable housing contribution is required in accordance with Local Plan Policy H10 in the event that planning permission is given. It is accepted that this can

be provided in the form of an off-site contribution, in accordance with Policy H10 paragraph 5.70, due to the specialist nature of this scheme. The site is a mix of greenfield and brownfield land and therefore an affordable housing requirement of 25% is applicable. This comprises an equivalent of 15 homes from the 60 total proposed, in accordance with Policy H10. Notional “affordable” properties for the purposes of contribution calculation would be identified, which are of a market value typical for the scheme as a whole. This should be secured in the section 106 agreement, using a formula representing this policy requirement. Use will be prioritised for older people’s affordable housing although if no development projects are available to deliver this, other affordable accommodation may be provided instead.

Flood Risk Management

3.11 Insufficient drainage details have been submitted to determine the potential impact of the proposal on the existing drainage system and downstream watercourse.

Community Sports Development

3.12 Indicates a significant shortfall in terms of provision of outdoor sport and informal open space within the area necessitating a requirement for a commuted sum payment of £21,087 in the event that planning permission should be forthcoming.

EXTERNAL

Ainsty Internal Drainage Board

3.13 Details of the discharge from the proposed existing surface water drain should be confirmed as this may affect the Board’s assets. Conditions are recommended in the event that planning permission is forthcoming.

Yorkshire Water

3.14 It is proposed that the submitted FRA and Drainage Strategy is approved – this recommends foul water to public foul sewer, sub-soil conditions do not support soakaways and surface water will discharge to surface water public sewer via storage.

4.0 REPRESENTATIONS

Neighbour notification and publicity

4.1 Twenty two letters of objection have been received in relation to the proposals. The issues raised are:

- Not good to demolish existing housing, should be a brownfield site
- Too close to main road, hotels and racecourse – not a quiet location
- Excessive height and scale of building
- Out of keeping with the character of the conservation area
- Insufficient parking provision
- Drainage issues
- Construction disruption
- Lack of public consultation
- Overdevelopment
- Increased density of development
- Views of Knavesmire would be blocked
- Impact on Grade I listed Goddard House
- Overlooking to stables buildings
- Loss of quiet atmosphere at stables leading to a reduced use of the premises as the peaceful nature of the site is important for keeping horses calm
- Congestion issues on Cherry Lane
 - Insufficient outdoor amenity space
- Single aspect flats and rooms with no windows
- Loss of view from properties on Tadcaster Road
- Highway safety issues on Cherry Lane
- No need for older persons accommodation
- Building is too close to Tadcaster Road and will create a tunnelling effect
- The Knavesmire will become more urbanised
- Loss of open space and impact on rural landscape
- Increase in pollution from additional vehicles
- Insufficient cycle parking
- Cycle access in the locality should be improved
- Sufficient older persons' accommodation already in Dringhouses – this will result in an imbalance in the age demographic

York Civic Trust

4.2 Do not support the application in its current form:

- The need for retirement provision is recognised and the loss of the existing bungalows is considered acceptable – however the type of provision, lacking on-site healthcare would lack flexibility to residents and could be re-classified as purely residential housing.
- The scale and height threatens to detract from and jar with the listed buildings opposite and surrounding and would be imposing and uncharacteristic of the conservation area that it bounds.

- Suggest a design stepped back from Tadcaster Road with the building broken up into freer units.

5.0 APPRAISAL

5.1 KEY CONSIDERATIONS INCLUDE

- Principle of the development;
- Design and townscape;
- Impact on heritage assets (conservation area, listed buildings);
- Conclusion of harm to heritage assets (public benefits);
- Archaeology;
- Affordable housing;
- Amenity issues;
- Transport and access;
- Sustainable design and construction;
- Open space and sports provision.

POLICY CONTEXT

5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Framework (July 2021)

5.3 Central Government planning policy is contained in the National Planning Policy Framework ("NPPF", 2021). It is a material consideration in the determination of this application. Paragraph 11 establishes the presumption in favour of sustainable development, which runs through both plan-making and decision-taking. In decision taking this means approving development proposals without delay that accord with an up-to-date development plan. In the absence of relevant development plan policies or where they are out-of-date, permission should be granted unless policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the proposed development, or any adverse impacts of doing so would significantly or demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

Emerging Local Plan

5.4 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted to the Secretary of State for examination on 25 May 2018. Consultation

on proposed modifications to the plan were also held in June/July 2019 and May-July 2021. 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 2018 Draft Plan policies can be afforded weight according to:

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

2005 Draft Development Control Local Plan

5.5 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 in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF albeit with very limited weight.

PRINCIPLE OF THE DEVELOPMENT

5.6 In considering the proposed use and whether it is acceptable in principle, key sections in the NPPF are Section 5. Delivering a sufficient supply of homes and Section 11. Making effective use of land. The proposal is for the demolition of the existing dwellings and their replacement with 60 no. units of older persons' accommodation within a single building. There is no land use allocation for the site within the draft Local Plan and the site sits within a suburban area. The character of the area is quite mixed with large hotels and stables serving the racecourse and small commercial units along Tadcaster Road. Residential properties are predominant in the area of the application site. As such it is considered that a proposal to replace the existing residential development with a denser form of housing may be acceptable in principle subject to other material planning considerations being clearly satisfied.

5.7 Section 5 of the NPPF states that "to support the Government's objective of significantly boosting the supply of homes (which includes student housing), it is important that a sufficient amount and variety of land can come forward where it is

needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”.

5.8 Section 11 of the NPPF requires planning decisions should:-

Promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.

Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.

5.9 The applicant notwithstanding previous discussions in terms of the provision of a commuted sum to cover affordable housing, contends that the proposed development would comprise a residential institution under Use Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (“the Order”) rather than housing with care Use Class C3(b) of the Order. This is on the basis that occupation of the properties would be restricted to those over 55 years of age, identified as being in need of care and receiving care provision for a minimum of two hours per week. The presence of on-site staffing and a range of communal facilities such as a salon and a bistro is also highlighted. Examples, including an appeal decision, have been highlighted. It is however the view of the Local Planning Authority that the proposal constitutes housing with care falling within Use Class C3(b) of the Order and therefore subject to the requirements in terms of commuted sum payments for open space and for affordable housing that conventional housing would be.

5.10 The proposed development is laid out in the manner of a conventional development of 60 apartments with the associated communal facilities clustered around the entrance and not throughout the development in the way that they are in the developments cited by the applicant to justify their view. Conventional serviced residential developments in densely developed urban areas commonly include communal facilities such as gyms and bistros without falling into a separate Use Class. Similarly serviced developments of residential apartments commonly make provision for a site manager or concierge who is available 24 hours a day. Cleaning is also commonly provided in serviced apartment developments in some areas. Whilst a minimum age limit is specified at 55 it is set low for a requirement for on-

going care and a weekly care provision of one to four hours per week as commonly suggested is also very low when individuals receiving care within the wider community and with the assistance of telematics services will have care provision of as much as 21 hours per week. The key test is the exact degree to which the provision of care pervades the wider development. The development as it stands could easily be marketed as a general residential apartment development without any alteration and it would be possible for a resident to live a largely independent life with only minimal contact with the communal facilities.

DESIGN AND TOWNSCAPE

5.11 The proposed building is 3 storeys in height with an additional partial lower ground floor on the end nearest the Knavesmire. The bulk of the building has been broken down to a very small extent by the use of inset glazed elements to the linking brick facades. The intention is to give the impression of villa type elements with individual frontage treatments in keeping with the general character of the area and of a more domestic scale. This is however largely negated by the scale of development within the site which lacks any meaningful external amenity space and the use of a three storey form which is uncharacteristic of the adjoining section of Tadcaster Road. Despite attempts at achieving varied setbacks from the street and interest at roof level along the Cherry Lane frontage the whole treatment continues to appear monotonous. The Tadcaster Road elevation is similarly uncharacteristic to the form and character of the wider street scene with the building even as amended sat well in front of the standard building line characteristic of the wider townscape. Only minimal areas of landscaping have been retained around the building to give it a positive setting and an amenity area for residents. The built form of the adjacent development on Tadcaster Road means that the proposed building would be very prominent in views both north and south.

5.12 In terms of its height, the ground floor level will be lower than that of the existing bungalows in an attempt to ensure that the building sits comfortably in relation to neighbouring properties. The top floor sits partially within the roofspace and flat roofs are used for the glazed linkages in a further attempt to reduce bulk. However the continuing large size of the development relative to the size of the plot means that this is largely unsuccessful and the whole impression is one of over-development.

5.13 The design of the proposal references other buildings within the locality. The gable detailing references those on the Fox and Roman Public House and Dringhouses library as do the cladding features within the gables. Materials will be a darker brown-red textured brick with small areas of cladding to highlight specific

areas and mimicking the use of half-timber detailing visible locally. Pitched roofs will be slate grey tiles. The significant differences in scale however ensure that the references used appear contrived.

IMPACT ON HERITAGE ASSETS (CONSERVATION AREA, LISTED BUILDINGS, ARCHAEOLOGY);

5.14 The site sits adjacent, but outside of, the Tadcaster Road Conservation Area. The Conservation Area starts at the adjacent field to the front of the stables and follows Tadcaster Road up to The Mount. While the site is not within the conservation area, the stables' field, directly to the south is, as is most of Holiday Inn to the north. The site is also within the Tadcaster Road Area of Archaeological Importance and opposite Grade II listed buildings at Dringhouses library, 52 and 54 Tadcaster Road.

5.15 The conservation area appraisal assesses the important features of the conservation area as the linear form of the original village with buildings lining the long village street; the mature trees at the roadside and in private gardens; long views out across the Knavesmire and towards Terry's factory; and large villas in their own grounds along Tadcaster Road.

5.16 In accordance with Section 72 of the Planning (Listed Building and Conservation Area) Act 1990, the Local Authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area in exercising its planning duties. Section 66 of the same Act requires the Local Planning Authority to have special regard to preserving the setting of listed buildings or any features of special architectural or historic interest it possesses. Where there is found to be harm to the character or appearance of the conservation area (or the setting of a listed building,) the statutory duty means that such harm should be afforded considerable importance and weight when carrying out the balancing exercise. In this case, it should be noted that the site sits directly outside of the conservation area and impacts on the setting of the conservation area (and associated listed buildings directly to the north).

5.17 The legislative requirements of Sections 66 and 72 of the Planning (Listed Building and Conservation Area) Act 1990 are in addition to government policy contained in Section 16 of the NPPF. The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater weight should be. Where a development proposal would lead to less than substantial harm to the significance of the asset, this harm should be

weighed against public benefits of the proposal. Para. 200 notes that any harm to the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

5.18 The NPPF continues by advising that Local Planning Authorities should look for opportunities within conservation areas and within the setting of heritage assets to sustain and enhance their significance. Development Control Local Plan (2005) Policy HE2 and 2018 Draft Plan Policy D4, reflect legislation and national planning guidance. In particular, Draft Policy D4 advises that development within or affecting the setting of a conservation area should be designed to preserve or enhance the special character and appearance of the conservation area and enhance or better reveal its significance; respect important views and be accompanied by appropriate evidence based assessment of the conservation areas special qualities and the impact of the proposal. Harm to buildings, open spaces, trees, views or other elements which make a positive contribution to a conservation area will be permitted only where this is outweighed by the public benefits of the proposal.

5.19 The site sits outside the conservation area and therefore impacts from the proposal are in relation to the setting of the designated heritage asset. The significance of the conservation area has been identified above at para. 5.15. The proposal is considered to have a harmful impact on the setting of the conservation area in relation to its linear form. The frontage element of the proposed building gives a strong but adverse building presence on Tadcaster Road compared with the existing buildings which are low scale, low density and set back from the highway being more characteristic of the pattern of development in the wider locality. The existing trees on Tadcaster Road will be retained and some space is allowed for them to continue to flourish. In terms of views from the conservation area to the Knavesmire, there will be some adverse impact. This view of the trees surrounding the Knavesmire will not be notably reduced by the significant change in balance between built development and surrounding landscape.

5.20 The length and height of the proposed building frontage along Cherry Lane will constitute a significant change. The Holiday Inn opposite is itself idiosyncratic but it follows the general grain of development, is set well back from the street frontage and is afforded a high degree of shelter by the surrounding landscaping which softens its form. The proposal will significantly compromise the view down Cherry Lane even with the amendments that have taken place. Whereas the current impression is one of a low density of development set within a verdant landscaped area there would be a substantial solid mass that would not be easily sheltered or

softened by the little landscaping feasible in the external areas retained. The setting of the Conservation Area in that area would therefore be clearly harmed.

5.21 The proposal would result in less than substantial harm to the setting of the conservation area by impacting on its linear character and introducing an uncharacteristic overly bulky form of development.

5.22 In terms of the impact on the setting of the listed buildings on the west side of Tadcaster Road, the harm is considered to be less than substantial. The library was originally built as a school in 1852 and subsequently altered. The building is substantial, albeit single storey with dormer windows and follows the standard linear pattern of development. The library sits on the rear of the pavement while the two houses at 52 and 54 have small open front gardens.

5.23 The proposal would impact on the village setting of the listed buildings as a result of its scale, location and adverse linear form. A comparison might be made with the Holiday Inn or the nearby Marriot Hotel. Both buildings are however drawn back substantially from the site frontage and are largely softened by the surrounding mature landscaping. The current proposal could not be so mitigated. It is felt that the proposal by its bulk and proximity to the site frontage would erode the setting of the Listed Buildings opposite both visually cramping them and creating a substantial competitor building within the wider street scene. For this reason the impact on the setting of the listed building is considered to be significant but less than substantial in terms of harm.

CONCLUSION OF HARM TO HERITAGE ASSETS (PUBLIC BENEFITS)

5.24 Paragraph 199 of the NPPF requires that great weight be given to the conservation of heritage assets. The more important the asset, the greater the weight which should be given to its conservation.

5.25 As detailed above there are numerous heritage assets, of differing significance (Scheduled Monuments, Listed Buildings, Conservation area, archaeological features and deposits, and non-designated heritage assets) that would be affected by the scheme. The significance of heritage assets may be affected by direct physical change or by change in their setting.

Public Benefits

5.26 National Planning Practice Guidance sets out what is meant by the term public benefits and states that:

“Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit. Examples of heritage benefits may include:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- reducing or removing risks to a heritage asset
- securing the optimum viable use of a heritage asset in support of its long term conservation”

In this instance the public benefits include social, economic and environmental considerations.

Social objective

5.27 The scheme will provide 60 flats within a sustainable location having good public transport links to the city centre. There is a recognised lack of housing supply within the local authority area and this proposal will contribute to reducing that. The applicant however continues to dispute the land use classification of the site as for general housing albeit with care (Use Class C3b).

5.28 In addition, the flats will provide accommodation for older people. Using national benchmarks of provision supply and demand for this type of supported living/ extra care accommodation, York has a current demand for a minimum of 832 units of accommodation. The city currently has 286 units of extra care accommodation with a further 176 with planning approval or under construction. Obviously, as the older person's population increases this demand will also increase. Population projections for the city indicate that by 2030 there will be a demand for a minimum of 1082 units of extra care accommodation. Furthermore the majority of the city's extra care provision is in the north and east of the city. This development in the South of the city will help to provide a geographical spread of accommodation. However the age limit for occupation at 55 is low, the average level of care provided is similarly low and the development has the physical characteristics of a general high density open market housing development similar to that undertaken on the former Wilberforce Society site much further along Tadcaster Road but not in any way characteristic of the present location.

5.29 As part of the scheme, the development will provide an affordable housing contribution notwithstanding their contention that the site is a residential institution (Use Class C2) and not a conventional residential development (Use Class C3).

Environmental objective

5.30 The proposal replaces older buildings with a modern energy efficient one. The buildings are however still of relatively recent construction dating to the 1970s and could be comparatively straightforwardly and more sustainably modified as opposed to being demolished. Conditions will ensure that the requirements of Local Plan policies CC1, CC2 and CC3 are fulfilled and the scheme will achieve improvements over Building Regulations Part L. Environmental benefits are however very modest and would only be given very little weight in the planning balance.

Economic benefit

5.31 The proposal may result in a number of temporary jobs through the construction phase and a small number of jobs to support the operation of the development.

It is also noted that the increase in numbers of residents on the site might lead to higher footfall to neighbouring businesses helping to support their continued operation. Such benefits are however felt to be very limited and it is felt can be afforded little weight within the planning balance.

Conclusion

5.32 Less than substantial harm has been identified to the setting of Tadcaster Road Conservation Area and Grade II listed buildings at the library, 52 and 54 Tadcaster Road.

5.33 Some public benefits have been identified in the social benefits associated with the provision of housing and a contribution towards the provision of affordable housing in the city. It is however considered that, when giving great weight to the conservation of the designated heritage assets identified above, that the public benefits are not sufficient to outweigh the less than substantial harm to those designated heritage assets specifically the setting of the adjacent Listed Buildings.

ARCHAEOLOGY

5.34 The site sits within the Tadcaster Road Area of Archaeological Importance close to the Roman road and within a 100m of a known Roman cemetery. There have been several large scale pieces of archaeological investigation in the area although these has been no investigation previously within the boundary of the site. A desk-based assessment has been submitted with the application and identifies a moderate-high potential for the site to contain Roman archaeology.

5.35 The proposal will have a destructive impact on any remaining archaeology on site. In line with para.194 of the NPPF, archaeological evaluation would normally be submitted along with an application. This has not been done due to ownership issues, the current residential use of the site and the changing situation with Covid-19 over the past year. It has been agreed that this evaluation can take place post-determination and that the required mitigation will not be known until this has happened. A condition may secure the appropriate evaluation and mitigation in the event of a planning permission being forthcoming.

AFFORDABLE HOUSING

5.36 An affordable housing contribution equivalent to 15 properties is required in accordance with draft Local Plan policy H10, this reflects the part greenfield/part previously developed nature of the site. It is accepted that this be provided in the form of an off-site contribution, in accordance with Policy H10 para. 5.70, due to the specialist nature of this scheme. Paragraph 5.70 states that “The commuted payment will be calculated as the difference between the transfer price and the market value of the specific home(s) on that site.” Notional “affordable” properties for the purposes of contribution calculation would be identified, which are of a market value typical for the scheme as a whole. This contribution would be fixed in a S106 agreement, using a formula representing this policy requirement. Use will be prioritised for older people’s affordable housing, though if no development projects are available to deliver this, alternative affordable accommodation may be provided instead.

AMENITY ISSUES

5.37 Policy ENV2 of the Publication Draft Local Plan indicates that development which would have an environmental impact upon the amenity of the surrounding area including residential amenity must be accompanied by evidence that the impacts have been assessed and that the proposal would not result in a loss of character or amenity. This is echoed in para.130(f) of the NPPF which requires that development provides a high standard of amenity for existing and future users.

5.38 The proposed building is not in close proximity to other residential properties. The closest dwellings are on the opposite side of Tadcaster Road. There is a dwelling within the stables complex but this is set to the south of the stables site backing on to Hunters Way. For this reason, it is not considered that the development will cause any significant overlooking or overshadowing on neighbouring residents.

5.39 At its closest, the new building will sit between 3m and 5m from the boundary with the stables. There is a gradual and significant change in level between the application site and the stables and the stable buildings include some accommodation for short term residential use. The access road for the stables runs adjacent to this boundary and the proposal is slightly set back from the common boundary. Notwithstanding the concerns expressed by the racecourse management company it is felt on balance that the relationship would not be particularly overbearing.

5.40 Upper floor flats are provided with balconies while ground floor flats have access on to the garden areas. There is a modest landscaped garden to the stables side of the building. To the East, the building abuts the parking area beyond which a landscaped buffer separates the site from that further down Cherry Lane which itself leads to the Knavesmire.

TRANSPORT AND ACCESS

5.41 Cycle parking may be secured by condition in the event of planning permission being forthcoming. A secured cycle parking area for 10 cycles is shown on the plans. Although this is a very low level of provision, this is based on data from the applicant's other sites, with provision increased slightly to take account of the popularity of cycling in York. There is an internal buggy park within the building which, if not required for buggies, could be amended to cycle parking and would accommodate a further 22 spaces. Four uncovered visitor spaces would be provided at the front of the building. There appears to be sufficient space within the site to secure further cycle parking if required.

5.42 Car parking is within an area to the east of the site and accessed from Cherry Lane. A new access is to be created which would be acceptable in highways safety terms. Parking is provided at 36 spaces, including 4 accessible spaces and is broadly in line with City of York Council guidance and reflect data from other sites. These parking spaces would not be allocated to specific apartments but shared between residents, staff and visitors. Parking permits will be required for parking on site.

5.43 The development would be unlikely to result in a significant impact on road safety. A contribution, secured by a section 106 agreement, would be required to improve the pedestrian crossing point on Tadcaster Road in the event of planning permission being forthcoming. It is anticipated that residents would make use of the bus stops, shops and other amenities on Tadcaster Road and are likely to require good quality crossing facilities. Cost information has been provided by CYC, estimating the required contribution at up to £55,000. The applicant has also agreed to a contribution of £10,000 to support the process to change TROs in the area including the introduction of resident parking zones and changes to parking and loading restrictions as necessary.

SUSTAINABLE DESIGN AND CONSTRUCTION;

5.44 Policy CC1 encourages the development of renewable and low carbon energy generation and storage. It requires new buildings to achieve a 28% reduction in carbon emissions through the provision of renewable and low carbon technologies in the locality of development or through energy efficiency measures, unless it can be demonstrated that this is not viable.

5.45 Policy CC2 sets out the sustainable design and construction requirements that all new development (by type) must adhere to and demonstrate in a Sustainability Statement. In summary, for new residential development, the policy requirements are to deliver at least a 19% reduction in Dwellings Emission Rate (DER) compared to the Target Emission rate (TER) (calculated using SAP as per the Building Regulations) and a water consumption rate of 110 litres per person per day (calculated as part G of the Building Regulations). A sustainability statement is also required in line with Policy CC2 to demonstrate energy and carbon dioxide savings in accordance with the energy hierarchy and water efficiency.

5.46 An Energy Statement has been submitted which concludes that a range of sustainability strategies will be pursued including mechanical ventilation with heat recovery and photo-voltaic panels on the pitched roofs of the development. Conditions may address the requirements of Policies CC1 and CC2 in the event of planning permission being forthcoming.

OPEN SPACE AND SPORTS PROVISION.

5.47 The NPPF advises that planning decision should aim to create healthy and inclusive places. Paragraph 98 states 'access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health

and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate’.

5.48 2018 Draft Plan policy GI6 (new open space provision) of the DLP 2018 states ‘all residential development proposals should contribute to the provision of open space for recreation and amenity’.

5.49 The site sits in close proximity to the Knavesmire and as such no requirement is made for a contribution towards amenity open space. Similarly, as a result of the occupancy restriction, no requirement is made for play equipment. There is however a need for a contribution towards off-site sports facilities. Considering the age of the residents it is considered that Dringhouses Bowls Club and Dringhouses Sports and Social Club would be the most relevant local beneficiaries. This would be secured via a section 106 agreement should permission be granted.

6.0 CONCLUSION

6.1 The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The harm resulting from the scheme is considered to result in less than substantial harm to the neighbouring Conservation Area and setting of listed buildings.

6.2 The less than substantial harm to the designated heritage assets has been afforded great weight in the planning balance and it is felt that the harm identified notably the harm to the setting of 52 and 54 Tadcaster Road and Dringhouses Library opposite would not be outweighed by the identified public benefits.

6.3 As set out in section 5, other identified issues relating to highway safety, and residential amenity and other environmental matters may be adequately mitigated by conditions in the event of a planning permission being forthcoming.

6.4 It is felt that the proposal would result in the introduction of an over-bulky visually monotonous form of development into a long narrow plot not properly suited to accommodate it. It would significantly erode from the form and character of the

Tadcaster Road Conservation Area directly adjoining thereby materially harming its setting. The use of a monolithic three storey form in close proximity to the street frontage would at the same time materially erode the setting of Dringhouses Library, 52 and 54 Tadcaster Road each Grade II Listed Buildings directly opposite. Notwithstanding the identified public benefits comprising the provision of housing with a degree of care for older people the proposal is felt to be unacceptable in planning terms and refusal is recommended.

7.0 RECOMMENDATION: Refuse

- 1 The proposal by virtue of its height, scale and massing in a prominent street corner location would harm the visual amenity of the streetscene, the form and character of the adjoining section of Tadcaster Road and the setting of the Tadcaster Road Conservation Area and harm the setting of Dringhouses Library, 52 and 54 Tadcaster Road all Grade II Listed Buildings. This would be contrary to Policy D1, Policy D4 and Policy D5 of the Publication Draft City of York Local Plan 2018, contrary to Section 66 of the 1990 Planning (Listed Buildings and Conservation Areas) Act and paragraphs 199 and 202 of the National Planning Policy Framework

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 reduction in the scale of the development

However, the applicant/agent was unwilling to amend the application in line with these suggestions, resulting in planning permission being refused for the reasons stated.

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