



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

To: Councillors Galvin (Chair), Shepherd (Vice-Chair),
Cannon, Carr, Craghill, Crawshaw, Flinders, Gillies,
Hunter, Mercer and Orrell

Date: Thursday, 9 November 2017

Time: 4.30 pm

Venue: The George Hudson Board Room - 1st Floor West
Offices (F045)

A G E N D A

Sub Committee site visits

The mini-bus for Members of the Sub-Committee will leave
from Memorial Gardens at 10.00am

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 3 - 10)

To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee, held on 5 October 2017.

3. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is **5.00pm on Wednesday, 8 November 2017.**

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Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officers (whose contact details are at the foot of this agenda) in advance of the meeting.

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4. Plans List

To determine the following planning applications:

- a) **26 Tadcaster Road, Dringhouses YO24 1LQ (15/02726/FULM)** (Pages 11 - 36)
Erection of 11 dwellings [Dringhouses and Woodthorpe Ward]
[Site Visit]

- b) **10 Great North Way, Nether Poppleton, York (16/02285/FULM)** (Pages 37 - 58)

Erection of a single storey car showroom and workshop with associated facilities [Rural West York Ward]. **[Site Visit]**

- c) **30 Southfield Close, Rufforth, York YO23 3RE (17/01251/FUL)** (Pages 59 - 66)

Variation of condition 2 of permitted application 16/01635/FUL for single storey extension to connect garage to house and re-orientation of garage roof (retrospective). Alteration of windows throughout to hardwood casements with an off-white finish (revised scheme) [Rural West York Ward]. **[Site Visit]**

- d) **The Falcon Tap, 94 Micklegate, York YO1 6JX (17/01468/FULM)** (Pages 67 - 88)

External alterations relating to retained ground floor public house and renovation of upper floors to form two flats, and demolition of extensions and construction of two residential blocks to rear forming 9 flats [Micklegate Ward]. **[Site Visit]**

- e) **The Falcon Tap, 94 Micklegate, York YO1 6JX (17/01469/LBC)** (Pages 89 - 100)

External alterations relating to retained ground floor public house and renovation of upper floors to form two flats, and demolition of extensions and construction of two residential blocks to rear forming 9 flats [Micklegate Ward]. **[Site Visit]**

- f) **Colin Hicks Motors, Garage and Yard Rear of 33 Bootham, York YO30 7NP (17/01546/FULM)** (Pages 101 - 114)

Erection of 14 flats (use class C3) following demolition of car repair garage [Guildhall Ward]. **[Site Visit]**

5. **Urgent Business**

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

Democracy Officers:

Name: Catherine Clarke/Louise Clarke (job-share)

Contact details:

- Telephone – (01904) 551031
- E-mail – catherine.clarke@york.gov.uk / louise.cook@york.gov.uk

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

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

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 **(01904) 551550**

AREA PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 8 November 2017**

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

TIME (Approx)	SITE	ITEM
10:15	26 Tadcaster Road Dringhouses	4a
11:10	30 Southfield Close Rufforth	4c
11:40	10 Great North Way Nether Poppleton	4b
12:20	Colin Hicks Motors r/o 33 Bootham	4f
13:00	The Falcon Tap 94 Micklegate	4d/4e

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City of York Council

Committee Minutes

Meeting	Area Planning Sub-Committee
Date	5 October 2017
Present	Councillors Galvin (Chair), Shepherd (Vice-Chair), Cannon, Craghill, Crawshaw, Flinders, Gillies, Hunter, Mercer and Orrell
Apologies	Councillor Carr

Site	Visited by	Reason
87 Greenshaw Drive, Haxby	Cllrs Galvin, Cranshaw, Flinders, Gillies, Hunter and Mercer	As the recommendation was to approve and objections had been received.
Cherry Tree Cottage, Millfield Lane, Nether Poppleton	Cllrs Galvin, Cranshaw, Flinders, Gillies, Hunter and Mercer	To enable Members to appraise the site in respect of Green Belt policy.
Lidgett House, 27 Lidgett Grove	Cllrs Galvin, Cranshaw, Flinders, Gillies, Hunter and Mercer	As the recommendation was to approve and objections had been received.
54 Gillygate	Cllrs Galvin, Cranshaw, Flinders, Gillies, Hunter and Mercer	As the recommendation was to approve and objections had been received.

11. 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 Gillies chose to declare a personal, non-prejudicial interest in item 4a for the sake of transparency as, in common with other members of the Sub-Committee, he knew the applicant, Cllr Myers.

12. Minutes

Resolved: That the minutes of the Area Planning Sub Committee meeting held on 10 August 2017 be approved and later signed by the Chair as a correct record.

13. 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.

14. Plans List

14a) Lidgett House, 27 Lidgett Grove, York, YO26 5NE (17/01393/FUL)

Members considered a full application by Cllr Keith Myers for single storey side and rear extensions to the above property, forming a 'granny annex'.

Resolved: That the application be approved, subject to the conditions listed in the Officer's report

Reason: The proposals will respect the character of the area and the building and will not have an adverse impact on the amenities of nearby residents. It is therefore considered that they satisfy national guidance in the NPFF and Development Control Local Plan Policy and are acceptable.

14b) 87 Greenshaw Drive, Haxby, York, YO32 3DD (17/01697/FUL)

Members considered a full application by Mr Steve Flint for the erection of a 3 bedroom dwelling and associated vehicular access.

Officers provided an update at the meeting, stating that a further objection had been received expressing concern about loss of vegetation on the site.

The applicant spoke in support of his application, indicating that he had modified his original proposal to address concerns raised.

Cllr Cuthbertson spoke as the ward member who had originally asked for the application to be brought to the sub-committee. He stated that, since the boundary issues had been resolved and the revised proposal was a better fit for the site, he was now happy to support the application.

Cllr Richardson also spoke as a ward member, objecting to the proposal on the grounds that it would have an adverse impact on the area and the new house would have insufficient garden space.

Resolved: That the application be approved, subject to the conditions listed in the Officer's report.

Reason: The proposal will provide a new three-bedroom dwelling in an existing residential area which will relate to the form of houses on the residential estate and will have sufficient space around it to avoid the site being over-developed. It will not have an unacceptable impact on the amenities of neighbouring properties and the host dwelling will still retain adequate parking and garden space. Taken on its merits, it is considered that the proposal to erect a new dwelling on the site amounts to sustainable development and complies with the advice in the NPPF and policies in the Local Plan which seek to support the sensitive and efficient use of land.

14c) Cherry Tree Cottage, Millfield Lane, Nether Poppleton, York, YO26 6NX (17/01507/FUL)

Members considered a full application by Mr and Mrs Reynolds for the erection of a detached dwelling on land adjacent to Cherry Tree Cottage.

Officers at the meeting reminded Members of the relevant policies and guidance in respect of applications in the Green Belt, in particular paragraphs 87 and 89 of the NPPF. Members were advised that the further points raised by the applicant in additional papers had been considered and in Officers' view did not amount to 'very special circumstances' as defined in paragraph 87 of the NPPF.

The applicant spoke in support of his application, expressing surprise that the site was not considered to be previously developed land (PDL) due to the existing buildings upon it and the previous farmhouse. He circulated a number of additional papers to members of the sub-committee (as referred to in the Officer's update), stating these had been sent to Officers previously but had not been uploaded to the system.

In response to Members' questions, Officers advised that:

- The farmhouse previously on the site had been demolished in 1950, so was not considered relevant to the issue of PDL.
- The site was considered to be land adjacent to, not in the curtilage of, Cherry Tree House.
- A key issue was the impact on openness; the proposed 8m high building would have a greater impact than the single storey buildings currently on the site.

Members debated the proposals in the light of Officers' advice and the comments of the applicant and a number of them expressed support for the application; however, a formal motion to that effect was not moved.

Cllr Flinders then moved, and Cllr Shepherd seconded, that the application be refused. A vote was taken and 6 members voted for the motion and 4 voted against. It was therefore

Resolved: That the application be refused.

Reasons: 1. The proposal constitutes inappropriate development in the Green Belt that would, by definition, be harmful to the Green Belt. The application site makes a positive and significant contribution to the openness of the Green Belt to the south east of Nether Poppleton and assists in safeguarding the countryside from encroachment, encouraging urban regeneration and preventing

neighbouring towns from merging into one another. There has been no compelling case made for 'very special circumstances'. Whilst the scheme would result in the removal of temporary buildings on the site, it would not offer significant benefits that would clearly outweigh the identified harm to the Green Belt. Therefore, the proposal is considered to be contrary to paragraphs 87 to 89 of the National Planning Policy Framework, the retained policies YH9(C) and Y1(C1 and C2) of the Yorkshire and Humber Regional Spatial Strategy and Policy PN1 of the Upper Poppleton and Nether Poppleton Neighbourhood Plan.

2. Insufficient information has been submitted with the application to demonstrate that an acceptable means of surface water drainage can be achieved in this location. As such, the proposed development would conflict with paragraph 103 of the NPPF, which states that the Local Planning Authority should ensure that flood risk is not increased elsewhere. In addition, by virtue of the lack of information, the proposal conflicts with Policy GP15a 'Development and Flood Risk' of the City of York Development Control Local Plan (2005) and Section 4.1.c of the City of York Council Strategic Flood Risk Assessment (2013).

14d) 54 Gillygate, York, YO31 7EQ (17/00580/FULM)

Members considered a major full application by Mr Neil Beard for the conversion of a ground floor pub (use class A4) to retail (use class A1) with a new shop front, and change of use of first and second floors to student residential accommodation (18 studio apartments) with first floor rear extension. The proposed scheme had been revised following the consultation process.

Officers at the meeting:

- provided an update on the comments of York Civic Trust on the revised plans; the Trust supported the development in principle but continued to object to the proposed shop front and suggested an alternative arrangement;
- proposed a minor amendment to Condition 5 in the report (Large Scale Details).

Eamonn Keogh, the agent for the applicant, spoke in support of the application, noting that the proposals would provide a viable use for a premises that had long been in disrepair and would add to the vitality of the city centre.

Resolved: That authority be delegated to Officers to approve the application at the end of the re-consultation period, subject to consultation with the Chair and Vice-Chair of the sub-committee if any further objections are received, and subject to the conditions listed in the Officer's report, with Condition 5 being amended to insert the words '*Notwithstanding the approved drawings*' at the start of the first paragraph.

Reasons: 1. The proposed uses are compliant with town centre policies in the NPPF and the proposed residential accommodation will contribute towards demonstrable housing needs in the city.

2. The proposals have been revised and the character and appearance of the conservation area will be maintained. The quality of the proposed development will be secured through conditions covering detailing and materials. There will be no harm to neighbours' amenity and conditions are proposed to secure suitable levels of amenity for future occupants.

3. Conditions are also necessary in the interests of heritage assets – archaeology, as the site is within the designated City Centre Area of Archaeological Importance, and to control the proposed use, as if the accommodation were not for students only there would be requirements for appropriate and justified planning obligations.

15. Appeals Performance and Decision Summaries

Members considered a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 April and 30 June 2017 and summarised salient points from those appeals.

Summaries of the appeals determined were attached at Annex A to the report. Of the 7 determined, 2 had been allowed. Appeals that currently remained outstanding were listed in Annex B. Excluding tree-related appeals, these numbered 12.

Resolved: That the content of the report and annexes be noted.

Reason: To confirm that Members are informed of the current position in relation to planning appeals against the Council's decisions, as determined by the Planning Inspectorate.

Cllr Galvin, Chair

[The meeting started at 4.37 pm and finished at 6.00 pm].

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COMMITTEE REPORT

Date: 9 November 2017 **Ward:** Dringhouses And Woodthorpe
Team: Major and Commercial Team **Parish:** Dringhouses/Woodthorpe Planning Panel

Reference: 15/02726/FULM
Application at: 26 Tadcaster Road Dringhouses York YO24 1LQ
For: Erection of 11no. dwellings
By: William Cloughton
Application Type: Major Full Application (13 weeks)
Target Date: 30 November 2017
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 The application seeks permission for the erection of 11 dwellings following the demolition of an existing two storey dwelling at 26 Tadcaster Road and a single storey dwelling located centrally within the site and identified as being 9a Mayfield Grove. The site comprises of an area of approximately 0.5ha. Thirteen lock up garages with a large area of harstanding are also present within the site. The site is bounded to the north by the rear gardens of Mayfield Grove, to the east by Tadcaster Road, to the south and west by the car park of the public house and the rear gardens of St Helens Road. Access to the site would be where number 26 Tadcaster Road currently stands.

1.2 The scheme proposes two rows of 3 no. two storey three-bed terraced houses with rooms within the roof, two 4no bedroom two storey dwellings, two 3no bedroom dormer bungalows and one 5no bedroom two storey dwelling. Two off street parking spaces would be provided for each dwelling with no allocated visitor spaces.

1.3 The application site is within low risk flood zone 1. Tadcaster Road Conservation Area runs to the front of the site, although the development itself does not sit within the conservation area. No25 Tadcaster Road which lies almost opposite the entrance to the site is Grade II* listed, Goddards House which is set back from Tadcaster Road and is Grade I listed and the Cross Keys public house which is Grade II listed. The front portion of the site, up to 9A Mayfield Grove, lies within the Dringhouses Area of Archaeological Importance.

1.4 The area around the site is predominantly residential with the surrounding houses being all of a similar size and scale dating from the mid twentieth century. Within the vicinity of the proposed entrance lies a hairdressers, petrol filling station and Pocklington carpets. A bus stop with layby is located to the front of the site along Tadcaster Road.

RELEVANT HISTORY

03/04013/FUL - Erection of 16 dwellings in two blocks with ancillary garage blocks after demolition of existing buildings - Refused 25.01.2005

06/00103/FULM - Erection of 3 no 3 storey houses and a 3 storey block comprising 10 flats with ancillary garage and cycle parking blocks after demolition of existing buildings (Re-submission) Refused 20.03.2006

06/02780/FULM - Erection of three 3 storey houses and a 3 storey block comprising nine flats and one house with ancillary garage and cycle parking blocks after demolition of existing buildings (Re-submission) Refused 16.02.2007

2.0 POLICY CONTEXT

2.1 Development Plan Allocation: Areas of Archaeological Interest Dringhouses

2.2 Policies

City of York Local Plan Deposit Draft 2005

CYGP1	Design
CYH4A	Housing Windfalls
CYGP10	Subdivision of gardens and infill devt
CYGP9	Landscaping
CYGP15	Protection from flooding
CYL1C	Provision of New Open Space in Development
CYGP4A	Sustainability
CYH5A	Residential Density
CYL1C	Open Space
CYED4	Developer Contributions Towards Education Facilities

Emerging Local Plan Pre-Publication Draft September 2017

H2	Housing Density of Residential Developments
D4	Conservation Areas
D5	Listed Buildings
D6	Archaeology
ENV3	land Contamination
ENV5	Sustainable Drainage
G14	Trees and Hedgerows
G16	New Open Space Provision

3.0 CONSULTATIONS

Application Reference Number: 15/02726/FULM

Item No:

INTERNAL

Highway Network Management

3.1 Amendments to the access layout will include works to form the end of the lay-by of the bus stop, provision of improved pedestrian crossing with suitable visibility, relocation of the bus stop and shelter, new section of verge to discourage parking on the footway in front of the retail units. The bus stop will continue to function as normal with fewer car movements requiring access in the middle of the bay. All the traffic generated by the new housing will access the development via the widened access, which is suitable for the proposed development use, and weekly bin wagon access and turning.

3.2 Traffic generated by the development is expected to be in the order of 7 movements an hour in the peak hour. We maintain our opinion that the traffic generated by this site will be comparable/ less than that which could be generated by the garages and demolished residences. There would be no material intensification of use to the site as a whole and given the improvements it is considered that there are not significant highway grounds to warrant refusal of planning permission. Car parking meets council standards.

3.3 The location of the site is close to a bus stop with a number of services running from this stop. We seek a contribution of £15k towards providing a colour BLISS real time display at the stop adjacent to the access in order to promote sustainable travel and reduce the dependence on the private car. In addition, first occupiers should also be offered the choice of either a free 6 month bus pass or cycle/cycle equipment to the same value as the bus pass to the value of £160 per dwelling.

Design, Conservation and Sustainable Development (Heritage Project Officer)

3.4 This site lies partly within the Dringhouses Area of Archaeological Importance and is located close to the line of the Roman Road to Tadcaster. An archaeological evaluation conducted on the site in 2004 revealed Roman features.

3.5 As the evaluation has demonstrated that Roman archaeology survives on the site and includes the possibility of burials an archaeological excavation is required on the site of the footprints of all proposed houses and roads. It will be necessary to record any revealed features and deposits through an archaeological watching brief on all other groundworks such as utility trenches across the site.

Design, Conservation and Sustainable Development (Ecology and Countryside Officer)

3.6 An emergence survey was undertaken of the house and the bungalow. No bats emerged from the buildings during the survey and low levels of foraging activity took

place within the gardens. It is recommended that demolition follows good working practices with regards to bats.

3.7 With such few trees remaining the area would not be classed as an orchard for the purpose of the Biodiversity Action Plan or Priority Habitat, and the individual trees were assessed in the Arboricultural Survey as being of low quality.

3.8 The site was assessed for its potential to support great crested newts. The nearest pond (Mayfield Pond) was assessed as having poor suitability to support great crested newts and habitat connectivity to surrounding areas is limited. There will be no impact on great crested newts from the proposed development.

3.9 This area is likely to be currently unlit adding to its value for wildlife such as hedgehogs which are a species "of principal importance for the purpose of conserving biodiversity" covered under section 41 (England) of the Natural Environment and Rural Communities (NERC) Act (2006) and protected species such as bats. Whilst the development is unlikely to significantly impact on these species it will erode the habitat available to them.

3.10 However, there are no direct objections to this development on grounds of ecology. Enhancement to the proposed development could be achieved by using native species within the landscaping and including integral bird and bat boxes in the new buildings. If this application were approved a condition should be included to secure these enhancements.

Design, Conservation and Sustainable Development (Landscape Architect)

3.11 It is clear that some large shrubs/small trees have been removed in recent years. The site is not in a conservation area and none of the trees are currently subject to a tree preservation order (TPO). The combined effect of the fruit trees, and other native canopy trees and hedgerow trees, plus trees and shrubs at the bottom of the adjacent gardens, is that of an attractive vegetated setting both for the existing property and the high number of residential properties on Mayfield Grove and St. Helen's Road that back on to it.

3.12 Properties should be located outside of the RPA of retained trees, consideration should also be given to working areas e.g. for excavation of foundations and erection of scaffolding; plus the orientation of properties and garden size in relation to the shade cast by a tree, and the height of the tree in relation to its proximity to the property.

3.13 Smaller, shrubby tree species around the perimeter of the site, such as Hawthorn and Holly T18, 19 and 20 provide a valuable buffer between the adjacent gardens and the application site. Therefore, whilst these may not be worthy of a TPO, they are still worthy of retention due to the amenity they provide to neighbouring properties should development be allowed on this site.

Design, Conservation and Sustainable Development (Urban Design)

3.14 Tadcaster Road is a primary important route into the city characterised by an excellent green landscape setting of trees in roadside verges and the open space of the Knavesmire, along with predominantly detached villa housing (from relatively modest to grand) generally set behind green front gardens in long frontages, interrupted only occasionally with side roads. The creation of a new access road off Tadcaster Rd erodes the positive characteristic of long roadside frontages creating two side roads in quick succession. Although the proposed access is relatively modest in capacity the setting will be open and perceived as wider than it is. It also rather maroons the adjacent building to the north which is bordered on the other side by a garage forecourt.

3.15 This uncharacteristic change impacts on the sensitivity of Tadcaster Rd conservation area (which the proposed site borders) and in particular Goddards House and gardens opposite.

Public Protection

3.16 In terms of the noise impact six of the proposed dwellings would be located adjacent to the car park of the Cross Keys Inn on St Helens Road, with the 5 remaining detached properties being located to the rear of existing residential properties located on Mayfield Grove and St Helens Road. Whilst there is likely to be some impact associated with noise from any new dwellings provided the type of noise from residential properties would not be incongruous with the current noise level in the area which is primarily dominated by vehicle noise, some train noise and people (either in gardens or in the nearby school).

3.17 In terms of noise from the pub affecting the proposed nearest property, no details have been submitted with the application however no noise complaints have been received in connection with noise from the Cross Keys and as a result Public Protection do not have any objections on noise grounds. Conditions are suggested in connection with noise and dust during the construction and demolition phases of the development.

3.18 In terms of lighting proposed as part of the development no details have been submitted with the application. However it is assumed that any street lighting installed would need to comply with requirements of the highways department and associated standards. From a lighting impact assessment any lighting provided is likely to have an impact on the gardens of the existing properties where currently there is little or no artificial lighting provided. However the properties are located in a suburban environment where existing street lighting is provided in the area as a whole.

3.19 The submitted Phase 1 assessment shows that whilst the site is not known to have any recorded activity which may have resulted in contamination the site is

adjacent to other land uses which may have. As a result it is recommended that conditions be attached to any approval given.

3.20 The proposed 11 dwellings all have private parking facilities, some of which are provided on driveways and others within garages. Paragraph 35 of the NPPF states that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. A condition is recommended to provide a three pin 13 amp external electrical socket to allow for the charging of electric vehicles.

Public Realm

3.21 Financial contributions are required for Nelsons lane play area, improvements to Mayfields (Railway) pond area and improvements to Dringhouses Sports and Social Club pitches

Flood Risk Management

3.22 No objections to the scheme on the basis of the plans submitted

Children's Services, Education and Skills

3.23 A contribution of £19,317 is required. Nominally this would go towards the refurbishment of the kitchen at Dringhouses Primary to increase the production of school meals.

EXTERNAL

Conservation Area Advisory Panel

3.24 This appears to be a classic piece of backland development, which would impair the amenity of the existing properties, and there is a presumption against this. The Panel urged that the policy be upheld and the proposal refused.

North Yorkshire Fire and Rescue Service

3.25 No objections

North Yorkshire Police - Designing Out Crime

3.28 The revised proposals have taken into account crime prevention through environmental design recommendations

Ainsty Internal Drainage Board

3.29 The applicant has confirmed their intention to use a Yorkshire Water surface water sewer in Mayfield Grove, for the disposal of the surface water from the site. It would appear from the supporting information submitted by the applicant, that they have secured Yorkshire Water's agreement to discharge into that asset.

Yorkshire Water

3.30 No objections to the principle of the proposed separate systems of drainage on site and off site, the amount of curtilage surface water to be discharged to the public surface water sewer or the proposed points of discharge of foul and surface water to the respective public sewers in Mayfield Grove

Councillor Reid

3.31 Objecting to the scheme on the following grounds:

- Increase traffic close to the traffic lights and petrol station is foolhardy
- Overspill parking will arise on Mayfield Grove
- Mayfield Grove already congested from parking of staff from the adjacent school and nearby nursery
- In a 109.5 metre stretch there would be a major signalised junction, a bus lay-by serving 16 buses an hour, the new access serving 13 properties, petrol filling station access (with ATM machine and convenience store) and a junction serving the local primary school. On the opposite side of the road is an entrance to a National Trust property and a hotel. All have multiply traffic movements from both directions associated with them.
- Access to St Edwards Close opposite was not allowed in this location in 1974 due to highway implications
- Would bring vehicular movements close to the rear gardens of existing dwellings
- Inadequate parking provided on site
- The current lock up garages on site are not used and as such traffic movements are currently limited
- The bus layby is heavily used with regular bus services
- Dringhouses and Woodthorpe Planning Panel - Object on the following grounds:
 - Highway safety
 - Access presents a risk to pedestrians and vehicles
 - Traffic congestion is already present and this would increase it
 - Lack of on site parking

Neighbours and Publicity

3.32 Objections received on the following grounds:

- Already a high water table and this would increase run off from the site into neighbours gardens
- Gardens already flood
- Would put added pressure on the existing sewerage system
- Loss of privacy
- Loss of light
- Loss of two dwellings
- Increased traffic noise from the proposed access road
- Noise generated by vehicles parking
- Increased noise pollution from the residents
- Would be difficult to service the properties
- Access onto Tadcaster Road is inadequate
- Additional 22+ cars would need access onto Tadcaster Road
- Increased risk of accidents from cars turning right onto Tadcaster Road
- Inadequate on site parking
- Inadequate on site turning
- Additional cars will park on Mayfield Grove
- Mayfield Grove already suffers from on street parking by customers to the shops and staff from the nearby school
- Mayfield Grove is a cul-de-sac so parked vehicles will need to turn within the narrow street to exit
- High pedestrian movements along Mayfield Grove due to the rear access to the primary school
- Access is require for a number of residents with disabilities
- Pedestrian access would be retained to Mayfield Grove which could lead to criminal activity
- Increased air pollution
- Increased light pollution
- Removal of existing landscape features and wildlife habitat
- High density housing in a low density area, overdevelopment
- Not in character with the area
- Potential damage to the retained trees

3.33 The National Trust raise concerns in connection with the access and traffic. Goddards House is a Grade I listed arts and craft house which operates as the offices of the National Trust. The site is also open to the public. The proposed access would conflict with the existing access at Goddards House.

3.34 The heritage assessment should have assessed the property as national significance and then assessed harm to the setting of this property. Object as the proposal will alter the setting and therefore the experience of the property by creating a new vehicular access immediately opposite Goddards entrance.

One letter of support:

Application Reference Number: 15/02726/FULM

Item No:

3.35 The existing access to the garage is frequently used and moving it further from the traffic lights and improving visibility would be beneficial. In addition as the bendy busses no longer stop at the bus stop it could be shortened

4.0 APPRAISAL

4.1 The key issues are:

- Principle of development
- Impact on neighbouring residential amenity
- Visual Impact
- Highways and parking
- Drainage
- Impact upon the setting of the listed buildings and conservation area
- Nature conservation
- Financial contributions

4.2 The National Planning Policy Framework (NPPF) states that there is a presumption in favour of sustainable development which, for decision-making, means approving without delay development proposals that accord with the development plan (paragraph 14). Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless: (1) any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or (2) specific policies in the Framework indicate development should be restricted.

4.3 Paragraph 14 of the NPPF says that Local Planning Authorities should positively seek to meet the development needs of their area. Section 6 seeks to boost significantly the supply of housing. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

4.4 Paragraph 187 states that Local Planning Authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible. In considering proposals for new or improved residential accommodation, the benefits from meeting peoples housing needs and promoting the economy will be balanced against any negative impacts on the environment and neighbours' living conditions.

4.5 The City of York Development Control Local Plan (DCLP) was approved for development control purposes in April 2005. Its policies are material considerations although it is considered that their weight is limited except where they accord with the NPPF. The relevant local plan policies are listed at paragraph 2.2 of the report.

4.6 DCLP Policy GP10 'Subdivision of Gardens and Infill Development' states that planning permission will only be granted for the sub-division of existing garden areas to provide new development where this would not be detrimental to the character and amenity of the local environment.

4.7 Policy GP1 'Design' of the City of York Local Plan Deposit Draft includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.8 The application site is within an urban area with good access to shops, services and public open space. DCLP Policy H4a on 'Housing Windfalls' supports the development of new housing on non-allocated sites where the site is underused, in a sustainable urban location, and is of an appropriate scale and density and will not have a detrimental impact on existing landscape features.

4.9 The Pre - Publication Draft Local Plan finished its consultation on October 30th 2017. It is considered that the draft Local Plan policies carry very little weight in the decision making process (in accordance with paragraph 216 of the NPPF). However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of planning applications.

4.10 Policies contained with the Emerging Local Plan include H3 which is concerned with balancing the housing market and states that proposals for residential development are required to balance the housing market by including a mix of types of housing which reflects the diverse mix of need across the city as defined by the most up to date Strategic Housing Market Assessment (SHMA). This includes flats and smaller houses for those accessing the housing market for the first time, family housing of 2 to 3 beds and homes with features attractive to older people. Proposals will be supported that are suitable for the intended occupiers in relation to the quality and type of facilities, and the provision of support and/or care. Individual sites will be expected to reflect the needs of the SHMA, subject to site specific circumstances and the character of the local area. Housing should be built as flexible as possible to accommodate a broad cross section of society to help meet a wide range of needs.

4.11 Policy D2 of the Emerging Local Plan states that development proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment. Development proposals that fail to take account of York's special

qualities, fail to make a positive design contribution to the city, or cause damage to the character and quality of an area will be refused.

PINCIPLE OF THE DEVELOPMENT

4.12 The Council does not currently have an NPPF compliant five-year supply of deliverable housing sites. However, considerable work on sites has been undertaken as part of the emerging Local Plan process, which has assessed over 800 sites submitted through the Call for Sites in 2012 and subsequent consultations using the Council's site selection methodology. This methodology is based on the Plan's spatial strategy which seeks to protect the city's unique heritage, environmental assets, avoid areas of high flood risk and locate development in areas that are accessible by sustainable modes of transport and have access to key services.

4.13 NPPF paragraph 49 says:

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

4.14 Paragraph 49 applies to the determination of this application because the Council does not have a 5 year supply of deliverable housing sites.

4.15 Where the Council cannot demonstrate a five year housing land supply, paragraph 14 of the NNPF states that applications should be approved unless the adverse impacts significantly and demonstrably outweigh the benefits when assessed against policies in the Framework, taken as a whole, or specific policies in the Framework indicate that development should be restricted. This is known as the presumption in favour of sustainable development.

4.16 The application site has access to services and facilities along Tadcaster Road and within the wider area and is located along good transport links and in a sustainable location. The site is underused at present. All schemes still have to be judged against the impact on the character of the area, the impact upon adjacent residents and any other material considerations.

IMPACT UPON NEIGHBOURING RESIDENTIAL AMENITY

4.17 The application site can be divided into two separate areas. To the front of the site, closest to Tadcaster Road it is proposed to erect two rows of three terrace properties. These would follow the side elevation of Pocklington Carpets back into the site. Car parking would be provided to the front with gardens proposed to the rear. The front aspect of the dwellings would overlook the parking areas and the access Road. The existing residential dwellings which face onto Mayfield Grove would lie approximately 40m away. They would back onto the car parking area which serves

the adjacent public house. As such there would be no loss of privacy as a result of the proposed terrace properties.

4.18 The remainder of the site would be developed with five detached dwellings which follow the linear form of the site. The majority of the principal windows look into the site as opposed to towards the site boundary. First floor obscure glazed windows are proposed which would open into bathrooms or secondary windows to bedrooms. The dwellings would be set between 25 and 36m from the rear elevations of the dwellings facing Mayfield Grove and between 18 and 28m from the dwellings facing St Helens Road. As there would only be obscure glazing to the first floor side elevations there would be no unacceptable loss of privacy as a result of the proposed development.

4.19 It is considered that the proposed dwellings are of a compatible size to neighbouring residential properties. The proposed terrace properties are relatively high to the ridge in order to provide accommodation within the roof space. However these are located at a considerable distance from existing dwellings and as such there would be no issues of overdominance arising. Plots 8 and 9 have the closest relationship with existing dwellings but these have been designed with a lower ridge height in order to reduce the impact and dominance.

4.20 Concerns have been raised that the proposed access through the site would result in an unacceptable noise disturbance to residents. However, the access would be a minimum of 22m from the rear of properties facing Mayfield Grove and either timber fencing is present or improved landscaping is proposed. Vehicular movements would also be limited due to the proposed number of dwellings and it is considered that the noise impact would be negligible.

VISUAL IMPACT

4.21 Objections have been received that the proposed development is not in keeping with the character of the area and represents overdevelopment. The scheme involves the erection of 11 dwellings at a density of 22 dwellings per hectare. This is considered to be a relatively low density development for such a sustainable location. The numbers have been reduced due to site constraints and in order to create a development which would have limited impact upon neighbouring amenity.

4.22 As part of the development it is proposed to demolish 26 Tadcaster Road which is a 1930 detached dwelling. The street frontage within this location does not follow the character of the rest of the street in terms of large dwelling set behind long front gardens. The dwelling is located within a short row comprising a public house, carpet shop, dwelling, hairdressers and large petrol station. The buildings do not follow a formal building line. It is considered that the loss of the dwelling would not have any detrimental impact upon the streetscene in this location. The creation of a vehicular access would allow views into the site but due to the site layout and dwellings design the development would not appear overly intrusive or out of character within the area.

HIGHWAY IMPLICATIONS

4.23 One of the main objections to the scheme involves the proposed access onto Tadcaster Road and the level of on site parking. Each dwelling has been provided with two off street parking spaces, with the terrace properties being provided with two outside car parking spaces and the remainder comprising one external and one within a garage. Cycle parking is provided for the terrace properties within a secure cycle store to the rear garden with the remainder of the properties being provided within the garages. Limited visitor parking is provided on site. However, the level of parking provided meets the council parking standards which are set at a maximum and as such no objections are raised.

4.24 In order to provide the access to the site it is proposed to demolish 26 Tadcaster Road and create a new vehicular access. At present an access is located between Pocklington Carpets and 30 Tadcaster Road which serves 13 lock up garages and the rear of number 30. Under the proposed scheme this would only serve the existing property at 30 Tadcaster Road.

4.25 Access to the new housing will be gained from a widened existing access following demolition of Number 26 Tadcaster Road. The design would incorporate a parking lay-by dedicated to the retail use. Amendments to the access layout will include works to form the end of the lay-by of the bus stop, provision of improved pedestrian crossing with suitable visibility, relocation of the bus stop and shelter and a new section of verge to discourage parking on the footway in front of the retail units. The bus stop will continue to function as normal with fewer car movements requiring access in the middle of the bay, to the lock up garages. All the traffic generated by the new housing will access the development via the widened access. The access meets highway requirements and allows for refuse vehicles to enter the site, turn within the site and leave in a forward gear.

4.26 Traffic generated by the development is expected to be in the order of 7 movements an hour in the peak hour. It is considered that the traffic generated by this site will be comparable/ less than that which could be generated by the garages and demolished residences. There would be no material intensification of use to the site as a whole and given the improvements it is considered that there are not significant highway grounds to warrant refusal of planning permission.

2.27 Highway Network management have requested a financial contribution towards the provision of a BLISS real time display and first occupiers should be offered the choice of either a free 6 month bus pass or cycle/cycle equipment to the same value as the bus pass to the value of £160 per dwelling. However, it is considered that this can not be sought as there are no relevant policies within the York Draft Local Plan 2005 or the Pre-Publication Draft Local Plan September 2017. As such the request does not meet all of the tests contained within Regulation 122 (2) of the CILR

DRAINAGE

4.28 At present during heavy rainfall water runs off the site and stands in residential gardens to the lower end of Mayfield Grove. A number of test holes have been dug on site to establish the composition of the land. It was determined that due to the high clay composition of the site that soakaways would not function. As such the applicant has submitted a detailed drainage scheme which has been agreed in principle. The proposal involves the creation of two attenuation tanks which would hold surface water and discharge to the surface water sewer at a controlled rate of discharge. As such due to the presence of the attenuation tanks run off from the site would be reduced from its existing level to the benefit of the locality.

IMPACT UPON THE SETTING OF THE LISTED BUILDING AND CONSERVATION AREA

4.29 Section 66 of the 1990 Act requires that in determining planning applications for development which would affect a listed building or its setting the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4.30 The NPPF at paragraph 129 states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

4.31 Paragraph 131 states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;...
- the desirability of new development making a positive contribution to local character and distinctiveness.

4.32 The NPPF, Chapter 12, Paragraph 132 states that 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 the weight should be. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting.

4.33 Paragraph 134 goes on to state that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

4.34 The NPPF glossary defines that the setting of a heritage asset is the surrounding in which a heritage asset 'is experienced'. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

4.35 The application site itself does not lie within the Tadcaster Road Conservations Area but the boundary runs to the centre of the road to the front of 26 Tadcaster Road. A number of designated heritage assets lie in close proximity to the application site, including the Gate House opposite, Goddards and The Cross Keys Public House. The Conservation statement states that 'Goddards is a large picturesque brick house designed by Brierley in 1926 and built in the Tudor Style; the garden here was by George Dillistone' and is identified as an important building.

4.36 The dwelling at number 26 Tadcaster Road lies immediately opposite The Gate House which serves Goddard House. The dwelling is of brick construction, from approximately the mid twentieth century, incorporating pantiles and double height bay windows all set behind a small front garden. The demolition of this building would open up the area and allow views into the application site and the proposed development beyond. It is considered that the existing dwelling does not contribute positively to the character of the area and itself is not included within the conservation area. Within this location the street frontage does not follow the pattern of development which can be found further along Tadcaster Road closer to the city centre. There is a clear mixture of building types and styles including the large petrol filling station. As such it is considered that its demolition and subsequent opening up of the access would not have detrimental impact upon the character of the area.

4.37 The listed gate house opposite looks onto the application site. However, removing the dwelling at 26 Tadcaster Road would appear to have limited impact upon the setting of the designated heritage asset. The new access is assessed as having a minor impact on the setting of these Designated Heritage Assets as the Integrity of these Assets of High Sensitivity will not be substantially compromised.

NATURE CONSERVATION

4.38 There are no protected trees on the application site and a number of fruit trees were removed prior to the application being submitted. A number of mature trees are present within neighbouring properties grounds with their branches overhanging the application site, although none are subject to tree preservation orders. The scheme has been amended to reduce the level of development under the canopies but a small amount of development will remain within these areas. It is proposed to hand dig within these areas and construct the garage on a raft foundation to prevent any damage arising.

4.39 A detailed ecological assessment was submitted with the application and no objections are raised on the ground of loss of wildlife habitat or impact upon protected species.

FINANCIAL CONTRIBUTIONS

4.40 The relevant policy is L1c of the City of York Councils Development Control Local Plan, adopted for development control purposes in April 2005, and the Councils Supplementary Planning Guidance "Commuted sum payments for open space in new developments – A Guide for Developers", updated in 2004.

4.41 In terms of the outdoor sports obligation, the 2007 and 2014 open space and green infrastructure studies and the Council's playing pitch strategy gives an indication of the geographical relationship of the development to existing open space, the quality of existing open space; therein confirming the need for additional investment to increase capacity or access to it. These identify a deficit of outdoor sport provision. To be able to cater for an increase in residents as a result of the development, there is a need to upgrade the local sports facilities to increase their carrying capacity. The contribution would be for Dringhouses Sports and Social Club sports pitch improvements. There is a deficit of children's play facilities and amenity open space within the Dringhouses and Woodthorpe Ward. To be able to cater for an increase in residents as a result of the development, there is a need to upgrade Nelsons Lane Play Area and Mayfields (Railway) pond area. A contribution of £27,164 is sought.

4.42 In connection with the financial contributions towards Education a developer contribution will only be sought where it has been proven that the affected schools have insufficient capacity to accommodate the additional pupils that would be generated solely by the proposed development in accordance with Policy ED4 and supplementary planning guidance. A payment of £19,317 is required for the refurbishment of the kitchen at Dringhouses Primary to increase the production of school meals as a direct result of the development.

4.43 The planning obligation requested under S106 of the Town and Country Planning Act 1990 in relation to the application meet all of the tests contained within Regulation 122 (2) of the CILR being:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development,

They are also considered to be compliant with the requirements of paragraph 204 of the Framework.

5.0 CONCLUSION

5.1 It is considered that the development of this site for 11 dwellings is acceptable. The applicant has demonstrated that the acceptable drainage of the site can be achieved and no objections are raised to highway safety. The impact upon the setting of nearby listed buildings has been assessed and the impact upon residential amenity is considered to be acceptable. As such the application accords with policies contained within the Draft Local Plan, the Emerging Local plan, the NPPF and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The application is recommended for approval subject to satisfactory completion of a S106 legal agreement.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement to secure contributions of £27,164 towards the provision of sports, play area and amenity open space facilities and £19,317 to increase the capacity of Dringhouses Primary school.

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 numbers

Site Plan: ROG-305-029 002 Rev J
Plots 1-6 YEW-2277-029 003 Rev A
Plots 7 and 10 YEW-227-029 004 Rev A
Plots 8 and 9 YEW-227-029 005 Rev A
Plot 11 YEW-227-029 006 Ref A

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

3 VISQ8 Samples of exterior materials to be app

4 VISQ4 Boundary details to be supplied

5 LAND1 IN New Landscape details

6 ARCH1 Archaeological programme required

7 ARCH2 Watching brief required

8 Prior to the commencement of development details of the measures to be
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provided within the design of the new building to accommodate bats and provide nesting sites for birds shall be submitted and agreed in writing by the Local Planning Authority. The development shall be constructed in accordance with these approved details. Features suitable for incorporation for this group include the use of special tiles, bricks, soffit boards, bat boxes, bird boxes etc.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area.

9 Before the commencement of and during building operations, adequate measures shall be taken to protect the existing planting on this site. This means of protection shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials, the erection of site huts or the commencement of building works.

Reason: The existing planting is considered to make a significant contribution to the amenities of this area.

10 HWAY1 Details roads, footpaths, open spaces req.

11 HWAY7 Const of Roads & Footways prior to occup

12 HWAY18 Cycle parking details to be agreed

13 HWAY19 Car and cycle parking laid out

14 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

Relocation of bus shelter, flag pole, lighting column, feeder pillar, installation of BLISS real time display, formation of bus lay-by end, formation of access to the development, tactile crossing and verge and associated lining works as indicatively shown on Drawing ROG-305-029 002 Rev J

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

Informative: the works shall be carried out by a Section 278 Highways Act Agreement or suitable alternative.

15 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/excavation/preparatory and construction works shall be submitted to and

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approved in writing by the LPA. Such a statement shall include at least the following information;

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

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

16 Foul and surface water shall be carried out in accordance with the Proposed Drainage Layout - drawing 16261-101 (revision 4)

Reason: In order to achieve the satisfactory drainage of the site

17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning Authority the windows in the southern elevation at first floor (opening into bedrooms 2 and 3) of plot 7 shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 3 or above and remain fixed shut.

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

18 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 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents

19 Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

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

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

receptors.

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

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

22 In the event that previously unidentified contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

23 A three pin 13 amp external electrical socket which is suitable for outdoor use shall be installed on the driveway or within the garage for each of the approved properties. The socket shall be located in a suitable position to enable the charging of an electric vehicle on the driveway using a 3m length cable.

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

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

24 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 B and C 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.

7.0 INFORMATIVES:

Notes to Applicant

1. INFORMATIVE:

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

Works in the highway - Streetworks Special Permission contact
streetworks@york.gov.uk Section 38/278 - contact Emma Leonard

2. Highway drainage has no right of connection to the public sewer network. As a last resort, highway drainage may be accepted under certain circumstances. If it can be demonstrated, through satisfactory evidence, that SUDS are not a viable option, there are no watercourses or highway drains available and if capacity is available within the public sewer network, highway drainage discharges to the public sewer network may be permitted. In this event, the developer may be required to enter into a formal agreement with Yorkshire Water Services under Section 115 Water Industry Act 1991 to discharge non-domestic flows into the public sewer network.

3. The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact Yorkshire Water Developer Services Team (telephone 0345 120 84 82, email: technical.Sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

4. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on

site during this period and has shown it is absolutely certain that nesting birds are not present.

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

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

- Sought revision to the site layout, design of dwellings and access
- Secured financial contributions towards educations, public open space and improved access arrangements
- Attached appropriate conditions

6. The developer's attention should also be drawn to the following which should be attached to any planning approval as an informative.

i. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228-1:2009 + A1:2014 and BS 5228-2:2009 + A1:2014, a code of practice for "Noise and Vibration Control on Construction and Open Sites".

ii. Best practicable means shall be employed at all times in order to minimise noise, vibration, dust, odour and light emissions.

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

iv. There shall be no bonfires on the site.

Contact details:

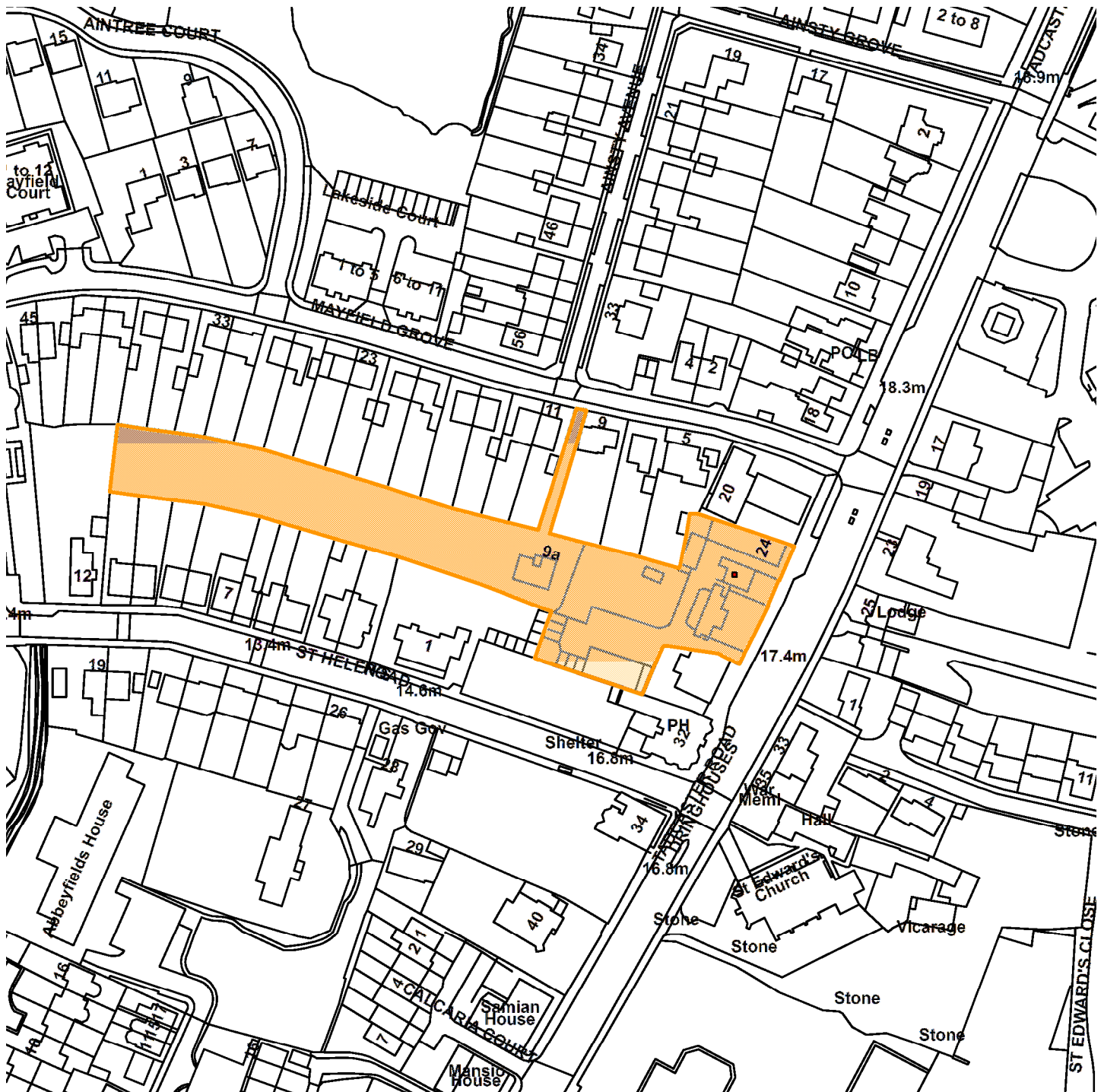
Author: Heather Fairy Development Management Officer

Tel No: 01904 552217

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15/02726/FULM

26 Tadcaster Road, Dringhouses



Scale : 1:1718

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	30 October 2017
SLA Number	Not Set

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COMMITTEE REPORT

Date:	9 November 2017	Ward:	Rural West York
Team:	Major and Commercial Team	Parish:	Nether Poppleton Parish Council

Reference:	16/02285/FULM
Application at:	10 Great North Way Nether Poppleton York
For:	Erection of a single storey car showroom and workshop with associated facilities
By:	Mr Robert Bennett
Application Type:	Major Full Application (13 weeks)
Target Date:	6 October 2017
Recommendation:	Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 The proposal is for a car dealership sited to one side of the site with a central access point off Great North Way. There is a showroom to the front of the site with an attached workshop, valet and wash bay behind. A compound is sited to the rear of the site and an external sales area to the side closest to the existing care home.

1.2 The site is a vacant area of land within an existing business park. To one side is a small office development and to the other, beyond a strip of vacant land, is a 3 storey care home. To the rear of the site is a residential development of two storey detached dwellings. The boundary to these is a close boarded fence with a number of semi-mature self-seeded trees within the site. The front of the site is marked by a ditch and low level bund. Opposite the site on Great North Way is the new Arnold Clark dealership and car storage area.

1.3 The site is allocated as an employment site within the Development Control Local Plan (DCLP) but this allocation has not been carried over into the emerging Local Plan. Since being allocated in the DCLP the site was further designated as a Site of Local Interest to Nature Conservation (SINC) as a result of the calcareous grassland it contains.

1.4 On 19th July 2017, the Upper Poppleton and Nether Poppleton Neighbourhood Plan became the development plan for that area. Within the plan, the site is designated as green infrastructure.

2.0 POLICY CONTEXT**2.1 Development Plan Allocation:**

Upper Poppleton and Nether Poppleton Neighbourhood Plan

Application Reference Number: 16/02285/FULM

Item No:

Policy PNP2 Green Infrastructure

Policy PNP7 Business and Employment

2.2 DCLP Policies:

CYE3A

Standard Employment Allocations

CYE3B

Existing and Proposed Employment Sites

CYGP1

Design

CYGP4A

Sustainability

CYNE5A

Local Nature Conservation Sites

CYNE5B

Avoidance of, Mitigation and Compensation for Harm to Designated Nature Conservation Sites

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 A noise assessment was requested as none had been supplied with the application. The assessment has since been received. This has raised some concerns about noise impact on neighbouring residential properties however it is considered that the installation of an acoustic barrier along the boundary with the properties on Severn Green will reduce noise levels by at least 5dB and would resolve concerns about residential amenity. Conditions are suggested.

Highways NM

3.2 No objections are raised to the proposals. The site will be accessed via the existing access which will be altered to accommodate the proposed development. Parking meets CYC standards. Traffic generated by this application will have no material impact on the surrounding highway network with a good proportion of customer vehicle trips expected to be pass by trips due to the number of alternative

garages in the vicinity and likelihood that servicing would be planned on route to other destinations. Conditions are recommended.

Design Conservation and Sustainable Development (Ecologist)

3.3 Considerable negotiation has taken place with the applicant to resolve issues related to the presence of great crested newts on site and the designated SINC. Conditions have been suggested and a S106 agreement to secure off-site biodiversity measures and their long term management. It has been agreed that an area of off-site scheme for wildflower-grassland planting at Rawcliffe Country Park will be undertaken to compensate for the adverse impact to biodiversity from the loss of 0.7Ha of the SINC

Flood Risk Management

3.4 No objections in principle. Conditions are suggested in line with those recommended by Yorkshire Water.

EXTERNAL

Yorkshire Water

3.5 No objections. Conditions recommended.

Ainsty Internal Drainage Board

3.6 No objections. Conditions recommended.

Nether Poppleton Parish Council

3.7 Concerns raised about noise and light pollution on nearby residents of the dwellings on Severn Green and the care home.

Neighbour notification and publicity

3.8 One letter of support, one of general comments and 7 letters of objection have been received in response to the initial consultation. Three of the representations come from the same household. The representations make the following points:

- Concern that negative impacts experienced as a result of the Arnold Clark site will be repeated here
- Questions about why the application focuses on the impact on Foss Walk not Severn Green; what is the height and impact of the building; will residents' boundary fences be protected; what will the impact of the development be on residential amenity; what is a secure compound and how will it be lit?
- An office development would have had less impact on residents
- There are enough car dealerships in the vicinity
- The site is a SINC
- The proposal will have less impact on the neighbouring businesses
- The area is under-developed and desolate

- The area needs investment to encourage other businesses and attract employment
- Construction of the Arnold Clark site was very disruptive to residential amenity
- Disruption continued after construction with excessive lighting from the site. The proposal is closer than Arnold Clark to residential properties and it is feared the impact will therefore be worse
- Light pollution
- Noise from vehicles and machinery on site harmful to residential amenity particularly within neighbouring gardens
- Impact on house prices
- Environmental problems like dust, noise and pollution
- Will trees on site be removed or protected?
- The Council should protect the SINC
- Overlooking to neighbouring properties
- Noise disturbance from music playing at Arnold Clark
- Resulting parking problems and highways congestion
- Should retain green open space

3.9 Following the adoption of the Upper Poppleton and Nether Poppleton Neighbourhood Plan, a further consultation has been undertaken. The following responses have been received as result of this further consultation:

- Three further letters of objection from local residents expressing concern about development, further car dealerships in the area and reiterating questions asked in relation to the initial submission.
- A response has also been received from the Ebor Court Care Home. They have no objection in principle to the proposal but ask that the operating hours are restricted to Monday to Saturday; noise and lighting are restricted; and that a construction method statement is requested.

3.10 A response has also been received from the Neighbourhood Plan Committee objecting to the proposal on the following grounds:

- Increase of traffic in a congested area.
- Arnold Clark site has highlighted issues of security lighting adjacent to residential development.
- Problems of car parking from other car dealerships in the area.
- The Neighbourhood Plan considers the site suitable for a care home.
- There is an excess of car dealerships in the locality to the detriment of the natural environment.
- Previous developments have failed to implement the landscaping schemes which were imposed to protect the natural environment.

- The mix of commercial and residential is not successful. House prices will be affected.
- Impacts that extend over 24hours should be refused

4.0 APPRAISAL

4.1 Key Issues

- Policy background
- Principle of the Development
- Ecology issues
- Design, layout and landscaping
- Amenity considerations
- Highways access and parking arrangements
- Sustainability
- Drainage

POLICY BACKGROUND

National Planning Policy Framework

4.2 Paragraph 14 of the National Planning Policy Framework (NPPF) says that a presumption in favour of sustainable development should run through both plan-making and decision-taking.

4.3 Core land use planning principles set out in paragraph 17 include the expectation that planning decisions should proactively drive and support sustainable economic growth to deliver homes business and industrial units responding positively to wider opportunities for growth, always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable.

4.4 Section 1 'Building a Strong, Competitive Economy' says that significant weight should be placed on the need to support economic growth through the planning system. Paragraph 22 says planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of the site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

4.5 Section 7 'Requiring Good Design' attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is

indivisible from good planning, and should contribute positively to making places better for people. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

4.6 Paragraph 118 of the NPPF states: When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Upper Poppleton and Nether Poppleton Neighbourhood Plan

4.7 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 Compensation Act 2004 and NPPF at para 14 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise.

4.8 The following policies from the Neighbourhood Plan have been identified as relevant to this application:

Policy PNP2: Green Infrastructure relates to the site and requires that green infrastructure sites are safeguarded and that development which would harm the integrity or appearance of the green infrastructure are not supported.

Policy PNP7: Business and Employment Policy states that proposals for new business on established business parks will be supported where they provide car parking for staff and customers to Council standards.

City of York Draft Local Plan Incorporating the 4th Set of Changes Development Control Local Plan (Approved April 2005)

4.9 City of York Council does not have a formally adopted Local Plan. Nevertheless The City of York Draft Local Plan Incorporating the Fourth Set of Changes Development Control Local Plan (Approved April 2005) was approved for Development Management purposes.

4.10 The 2005 Draft Local Plan does not form part of the statutory development plan for the purposes of S38 of the 1990 Act. Its policies are however considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

4.11 Development Control Local Plan (DCLP) policies relevant to the development are:-

- Policy SP7a says that to ensure that development outside the York city centre is highly accessible by non-car modes of transport, a sequential approach will be taken in assessing planning applications for new retail, commercial, leisure and office development. A hierarchy for the location of such development is within the policy: first York City centre, then edge of city centre, Acomb and Haxby district centres, and then other out of centre locations genuinely accessible by a wide choice of means of transport.
- Policy E3a defines York Business Park as a standard employment allocation.
- Policy E3b says that standard employment allocation sites, will be retained within their current use class. Planning permission for other uses will only be given where there is sufficient supply of employment land to meet both immediate and longer term requirements over the plan period in both quantitative and qualitative terms and unacceptable environmental problems exist or the development of the site for other appropriate uses will lead to significant benefits to the local economy or the use is ancillary to an employment use.
- Policy GP1 'Design' includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.
- Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development and sets out those issues to consider as part of a sustainably designed development.
- Policy NE5a 'Local Nature Conservation Sites' states that development likely to have an adverse effect on a Local Nature Reserve or a non statutory nature conservation site will only be permitted where the reasons for the development clearly outweigh the substantive nature conservation value of the site.
- Policy NE5b 'Avoidance of, Mitigation and Compensation for Harm to Designated Nature Conservation Sites' indicates that where development is allowed under policy NE5a then appropriate compensatory measures and site management will be required.

Emerging Local Plan

4.12 A new pre-publication draft local plan and revised evidence base is currently at consultation until 30th October 2017.

4.13 The emerging Local Plan policies can only be afforded weight in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight will be limited. The evidence base that underpins the proposed emerging policies is also a material consideration in the determination of the planning application.

4.14 The following emerging Local Plan policies are relevant:

Policy EC2 'Loss of Employment Land' continues the approach to existing employment land set out under E3b in the Draft Local Plan. When considering uses which involve the loss of land and/or buildings which are either identified, currently used or were last used for industrial, business, office or other employment uses, the council will expect developers to provide a statement to the satisfaction of the Council demonstrating that the existing land and or buildings are demonstrably not viable in terms of market attractiveness, business operations, condition and/or compatibility with adjacent uses; and the proposal would not lead to the loss of a deliverable employment site that is necessary to meet employment needs during the plan period.

Policy D2 'Placemaking' states that development proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment. Development proposals that fail to take account of York's special qualities, fail to make a positive design contribution to the city, or cause damage to the character and quality of an area will be refused.

Policy GI1 'Green infrastructure' requires that York's landscapes, geodiversity, biodiversity and natural environment will be conserved and enhanced recognising the multifunctional role of green infrastructure in supporting healthy communities, cultural value, a buoyant economy and aiding resilience to climate change. This conservation will be achieved through the production of associated management plans to describe, protect and enhance York's biodiversity, with priority given to those designated as Sites of Importance for Nature Conservation.

Policy GI2 'Biodiversity and access to nature' highlights a number of matters related to biodiversity conservation which development should seek to address. The associated text to this policy states that 'Such sites do not occur in isolation as discrete, self contained habitats, but influence and are influenced by their surroundings. The surrounding area can therefore be as important to the interest of the site as the feature itself, and changes to it could affect the integrity of that interest.' The text goes on to

say that 'Only in very exceptional circumstances, where the proposed development clearly outweighs the nature conservation value of the site and the impact on biodiversity is unavoidable, appropriate mitigation or compensation will be required.'

Principle of the Development

4.15 The site is considered to be brownfield land and was originally part of the glassworks site. This development was never completed and any buildings from this original use have been demolished and the site is now cleared and vegetation has started to re-grow although areas of hardstanding are still visible. The site was a standard employment allocation within the Policy E3a of the DCLP. This is carried on by policy EC2 in the emerging Local Plan. The proposed motor dealership with sales and servicing is in a sui-generis use and while not a traditional employment use as indicated by policy E3a (Classes B1, B2 and B8) it has been indicated that the business will provide employment for 16 staff.

4.16 Officers note that the site, within an established business park, is an appropriate location for the proposed use and that there are a number of car dealerships in the locality. Policy PNP7 of the Neighbourhood Plan encourages new business development within established business parks subject to sufficient parking provision. There have been no planning applications for the site since the original proposals to develop the business park were approved and paragraph 22 of the NPPF makes it clear that in such circumstances an extant employment allocation should not be a bar to other developments being considered and that such applications should strictly be considered on their own merits. Therefore, given the level of proposed employment, the nature of the use proposed and the character of the locality, officers consider that the proposal is an appropriate use of the land and is acceptable in principle subject to other material planning considerations.

Ecology issues

4.17 The site was designated as a SINC (Site of Importance to Nature Conservation) in 2011 following its allocation as an employment site within the DCLP. The citation recognises that outline planning permission has already been granted for the development of the site. As a result of the designation of the SINC following the allocation of the site, development has previously been allowed within York Business Park providing sufficient mitigation and compensation for the loss of the SINC can be provided. This has been the route taken for the Arnold Clark site and also the care home adjacent to the current site.

4.18 Officers have been in discussion with the applicant to come to agreement over a scheme which provides sufficient mitigation and/or compensation for the calcareous grassland and great crested newts (GCN) on site. Previous newt surveys on neighbouring sites have identified GCN are present and the site provides good terrestrial habitat for newts. However the level of development in the locality over

recent years has led officers to accept that the GCN population is no longer likely to be viable. As a result of this the ecology officer has agreed that Reasonable Avoidance Measures would be sufficient to avoid an offence under Species Regulations 2010. This approach has been discussed with Natural England and does not require a European Protected Species licence although the measures will need to be agreed before development commences. This can be secured via planning condition.

4.19 In relation to the SINC it has been agreed that a scheme for the creation of an off-site wildflower grassland would be acceptable to compensate for the adverse impact to biodiversity from the loss of 0.7ha of the SINC. This will be created at Rawcliffe Country Park which is in reasonable proximity to the site and, as it is managed by the Council, long term management of the site can be controlled. This would be secured via planning condition and a S106 agreement for the financial contribution towards management. The S106 agreement will include submission of an Ecological Design Strategy and, following approval, implementation of that Strategy to create an area of off-site compensatory grassland. A sum of £12,500 (index linked) will be paid to the Council for long term management of the site once the requirements of the Strategy have been completed. These contributions are considered to be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development,

and therefore comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

4.20 Since agreeing these details, the Upper Poppleton and Nether Poppleton (UPNP) Neighbourhood Plan has been subject to a referendum and is now part of the development plan for York. Section 38(6) of the Planning and Compensation Act 2004 and NPPF at para. 14 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The UPNP Neighbourhood Plan designates the site as green infrastructure for which policy PNP2 applies. As stated above in para. 4.8, the policy requires that designated green infrastructure sites are safeguarded and enhanced. Unlike the DCLP and NPPF, which only recommend refusal of a scheme if harm to biodiversity cannot be avoided, mitigated or compensated for, policy PNP2 does not allow for any other measures and, as a result of this, the proposed scheme is considered contrary to the policy and therefore a departure from the development plan.

4.21 When considering the planning balance, officers note that the ecological value of the SINC is in its wide diversity of grassland species. The SINC is now restricted to the current site and a narrow strip of land between the site and the care home to the Northwest and is isolated from other areas of green infrastructure. The Ecology officer has further identified that the best area of grassland is within the strip of land outside of the site and adjacent to the care home. The site is in private ownership with no public access and no apparent public usage. Outside from the biodiversity value of the site it would appear that the grassland has little value to the local community.

4.22 Officers consider that the compensatory grassland proposed, combined with consideration that compensation and mitigation has been accepted on neighbouring sites, is sufficient to accept the loss of the SINC and to outweigh the requirements of policy PNP2. Further policy (policy PNP7) within the Neighbourhood Plan encourages development within existing business parks and the proposal complies with this. For these reasons, officers consider that, in this instance, there are material planning considerations which justify making a decision other than in accordance with the development plan.

Design, layout and landscaping

4.23 The proposal is for a flat roofed car dealership sited towards the front of the site on to Great North Way. There are glazed showroom windows to the highway and western elevation. The building will be clad with metallic mesh detailing above the glazed sections. The siting of the building has been revised so that it is in line with the office buildings to the East allowing for a wider planting strip to the highway.

4.24 A landscaping buffer is proposed around the boundaries of the site. This is a wider strip to the frontage of the site and along the access road and narrows to a minimum of 2m to the sides and rear. Planting is proposed to screen the development along these boundaries while along the frontage a mix of low level shrub and specimen tree planting is proposed.

Amenity considerations

4.25 A number of residents within Severn Green, to the rear of the site, have raised concerns about the impact of the proposal on their amenity. Many of these concerns have arisen because of issues at the neighbouring Arnold Clark site.

4.26 Officers have requested a noise assessment from the applicant which has been received and assessed. The erection of an acoustic barrier, which would take the form of a close boarded fence with no gaps and a minimum height of 2m, would be sufficient to mitigate noise from the site. Other concerns regarding lighting and disturbance from comings and goings have also been addressed via planning condition.

4.27 Officers note that the site was allocated in the DCLP for B1/ B2/ B8 uses, and granted planning permission in outline, and could have been developed as a general industrial site (to include manufacture and production processes) or B8 (warehousing and distribution) which could all have resulted in similar levels of disruption to the proposed car dealership and workshop.

4.28 Issues related to amenity impacts from construction have been addressed via a planning condition for hours of work. Other issues related to excessive noise, or dust,

during construction, are covered under separated legislation. Conditions requiring a lighting assessment, restricting amplified music outside the premises and stipulating hours of operation have also been suggested to protect neighbouring amenity.

4.29 At its closest point, the buildings proposed are 16m from the boundary with the dwellings on Severn Green. The closest building is the proposed workshop with an access point facing the dwellings. Beyond the boundary, the properties themselves are a further minimum of 14m from the shared boundary. It is noted that the properties with shorter gardens are sited further away from the workshop while those closest to it have slightly longer gardens but there is a minimum distance of approximately 33m between the original rear elevation of any dwelling and the workshop. In relation to the height of the buildings, the maximum height is approximately 8.5m. This is within the showroom section of the building towards the front of the site and away from the dwellings at the rear.

4.30 Given the proposed use and separation distances involved it is not considered that there will be any significant overlooking to the neighbouring residential properties from the development. The existing boundary treatment and proposed acoustic fencing will protect overlooking from the site in to gardens. There is a small first floor proposed above the showroom to provide office space but this does not have windows facing the dwellings. Separation distances are such that, even if windows were inserted in the first floor facing neighbouring dwellings, there is not considered there would be any significant risk of overlooking.

4.31 The care home have also made representations about the scheme and asked for restricted opening hours, noise and lighting controls. It is noted that Arnold Clark has permission to open on Sunday and bank holidays and is as likely to impact on residents of the care home as the present proposal being at a similar distance from the care home. The distance between the showroom/ workshop and care home is approximately 80m at its closest point which is considered sufficient to mitigate for excessive disruption from noise and to avoid any overlooking. A planted buffer on the Western boundary of the site will stop direct overlooking from the sales area to the care home. It should be noted that there will be an undeveloped strip of land of approximately 20m in width between the application site and the care home site. Planning conditions have been suggested to control noise and lighting from the development. A construction method statement has not been suggested as this is covered under other legislation and therefore such a planning condition would not meet the requirements of para.206 of the NPPF.

Highways access and parking arrangements

4.32 It is anticipated that 88 cars will be displayed on site and 23 customer parking spaces (including 2 disabled spaces) are provided. 16 FTE members of staff are anticipated on site and 8 parking spaces are provided for staff along with cycle parking

(5 stands). Officers would consider that the proposed parking provision is acceptable and meets DCLP guidelines.

4.34 The development is unlikely to result in any significant increase in traffic using the highway network. Customer trips are likely to be pass-by trips linked with other car dealerships in the area.

Sustainability

4.35 As a result of the scale of the development, and in accordance with the Interim Planning Statement on Sustainable Construction, a condition requiring that the development achieves BREEAM Very Good is recommended.

4.36 The site has been previously developed and has subsequently sat empty for a number of years. The proposed regeneration of the site is considered a benefit of the scheme which will hopefully add to the prosperity of the wider business park.

Drainage

4.37 The site is within flood zone 1. It is however unlikely that the soil conditions will support a soakaway and so discharge to the public sewer subject to a restricted discharge is anticipated.

Other considerations

4.38 Neighbours and the Neighbourhood Plan Committee have made comment that the site could be developed for residential or care home use. This desire is noted but officers are not aware that any scheme for such development has ever come forward and, while the text within the Neighbourhood Plan does mention this preference for a more residential form of development on the site, it is not backed up by policy within the Plan. The only policies relevant to the site within the Neighbourhood Plan are PNP2 (Green Infrastructure) and PNP7 (Business and Employment) which have both been discussed earlier in the report.

4.39 Comments are noted about the proliferation of car dealerships in the area however the site has long been identified as a business park. The proliferation of a single planning use in an area would be a material planning consideration if it was considered that it resulted in harm to amenity or other planning considerations however in this instance it has been identified that sufficient parking has been provided; other impacts from noise and disturbance will be conditioned to ensure neighbouring amenity is adequately protected.

5.0 CONCLUSION

5.1 Officers recognize that, as a result of the adoption of the Upper and Nether Poppleton Neighbourhood Plan, that the proposal represents a departure from the development plan. The site is designated as Green Infrastructure (Policy PNP2) within the Neighbourhood Plan and as such should be safeguarded and development which would harm the integrity or appearance of the green infrastructure should not be supported. Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise.

5.2 The previous allocation of the site as part of the York Business Park within the DCLP and the subsequent designation of the site as a SINC have been highlighted as well as the similar development of neighbouring sites within the Business Park. Officers have identified that the site has no public access and that the ecological value is within the variety of grass species found on the site. Great crested newts are present within the area but the level of development on neighbouring sites is considered to have resulted in a population that is no longer viable and it has been agreed that a European Protected Species Licence will not be required before works take place.

5.3 Further consideration has been made of the impact on neighbouring residents' amenity. The site was historically identified as a B1/ B2/ B8 business park and outline planning permission had been granted for such development. The public protection officer has considered the submitted noise assessment and has recommended that the impacts of the development on neighbouring residents would be acceptable subject to appropriate planning conditions.

5.4 In summary, the site has been empty for a number of years and the application proposes a new use which is in keeping with the other uses within the business park. Given that acceptable proposals have been put forward to compensate for the loss of the SINC; the Neighbourhood Plan policy PNP2 sets a higher bar than is required by para.118 of the NPPF; policy PNP7 (Business and Employment) encourages business uses on business parks; and the previous business use allocation of the site, then officers consider on balance that these are sufficient material considerations to recommend putting aside the development plan and that the application should be recommended for approval subject to planning conditions. A S106 agreement is also required that will secure the creation of 1Ha of compensatory grassland at Rawcliffe Country Park along with a payment of £12,500 for the long term management of the site.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement to secure the creation of 1Ha of compensatory grassland at Rawcliffe Country Park along with a payment of £12,500 (index linked) for the long term management of the site.

1 TIME2 Development start within three years

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

Location plan

01605/ 001 H Proposed site plan

1605-003B Ground floor plan

1605-004 First floor plan

1605/002A Elevations

Via Solutions Swept Path Analysis drawings 3 and 3a dated February 2017

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

3 VISQ8 Samples of exterior materials to be app

4 Prior to construction, details of an acoustic noise barrier to protect the residential properties on Severn Green shall be submitted to and approved in writing by the local planning authority. These details shall include the construction method, height, thickness, acoustic properties and the exact position of the barrier. The barrier shall be erected in accordance with the approval before the use hereby permitted first comes into use and maintained thereafter for the life of the development.

Reason: to protect the amenity of the local residents.

5 The combined rating level of building service noise at the site should not exceed 41 dB(A) 1 hour during the daytime hours of 07:00 to 23:00 or exceed 35 dB(A) 15 minutes during the night time hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

Reason: In the interests of residential amenity.

6 AMUSE5 Background music only-no ext loudspeaker

7 LC4 Land contamination - unexpected contam

8 Prior to first occupation a full Lighting Impact Assessment undertaken by an independent assessor detailing predicted light levels at neighbouring residential properties including a description of the proposed lighting, a plan showing vertical illuminance levels (Ev) and all buildings within 100 metres of the edge of the site boundary shall be submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

9 No development, including pre-commencement site clearance, shall take place until a Reasonable Avoidance Measures (RAM) Method Statement for Great Crested Newts has been submitted to and approved in writing by the local planning authority.

The RAM Method Statement shall include the following.

- a) Project and ecological background.
- b) Development proposals - site preparation and construction works.
- c) Risk assessment - working areas; potential impacts of works; assessment of impacts
- d) Method of working - surface vegetation removal and site preparation works; ongoing construction related activity; action on discovery of Great Crested Newts.
- e) Figures/plans.

Reason: To avoid harm to a species protected under the Conservation of Habitats and Species Regulations 2010 and Section 9 of the Wildlife and Countryside Act 1981 (as amended) which may occur if any works take place on site without appropriate measures being in place.

10 No development, including pre-commencement site clearance, shall take place until an ecological design strategy (EDS) addressing the compensation for the loss of 0.7ha of neutral grassland within York Business Park Site of Importance for Nature Conservation (SINC) has been submitted to and approved in writing by the local planning authority.

The EDS shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance.
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To compensate for significant harm to biodiversity in line with Paragraph 118 of the NPPF. No works may take place on site prior to completion of the strategy as these would potentially destroy the ecological value of the site.

11 No development, including pre-commencement site clearance and earth moving shall take place or material or machinery brought onto the site until protective fencing and warning signs have been erected on site demarcating the off-site area of Site of Importance for Nature Conservation (SINC). All protective fencing and warning signs will be maintained during the construction period in accordance with the approved details.

Reason: To protect a biodiversity feature. Fencing must be implemented pre-commencement to adequately identify and physically protect the remaining area of 202 York Business Park Site of Importance for Nature Conservation (SINC) from accidental damage by development operations.

12 Prior to the commencement of any construction works details shall be submitted to and approved in writing by the Local Planning Authority for the discharge of surface water to the public sewer via storage at a maximum rate of 5.2 (five point two) litres/second in accordance with the submitted flood risk assessment prepared by JNP Group - Report dated January 2017. The details shall include the means by which surface water from vehicle parking, areas used for the delivery of fuel, areas used for and immediately adjacent to vehicle washing facilities and /or other similar areas where detergent is likely to be used shall be passed through an interceptor of adequate capacity prior to discharge. The approved details shall be implemented prior to any piped discharge of surface water taking place from the site.

Reason: To ensure that the site is properly drained and, in order to prevent overloading, potentially polluting surface water is not discharged to the foul sewer network. Details to be submitted prior to commencement to ensure the drainage scheme reflects the existing on-site situation.

13 LAND1 IN New Landscape details

14 The buildings hereby approved shall achieve at least a Building Research Establishment Environmental Assessment Method ('BREEAM') Very Good rating (or equivalent, as set out within the submitted BREEAM Pre-assessment report)) unless otherwise agreed in writing by the Local Planning Authority. A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority within 3 months of practical completion of the retail development. Should the development site fail to achieve a BREEAM standard of 'Very Good' a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a BREEAM standard of 'Very Good'. 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 sustainable development, in accordance with the requirements of policy GP4a of the Draft Local Plan and the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction.

15 The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

16 The hours of operation of the development shall be confined to:

Mondays to Fridays 08.00 hours to 20.00 hours
Saturdays 09.00 hours to 18.00 hours
Sundays and Bank Holidays 10.00 hours to 18.00 hours

Reason: To safeguard the amenities of occupants of the nearby dwellings and buildings.

17 The development shall not be begun until details of the junction between the internal access road and the highway have been approved in writing by the Local Planning Authority, and the development shall not come into use until that junction has been constructed in accordance with the approved plans.

Reason: In the interests of road safety. Details are required prior to commencement of development as there is no access to site at present and the new access will therefore need to be constructed prior to commencement on building works.

18 Prior to the commencement of building works 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.

19 HWAY28 IN Proximity of gate etc to highway - 15m - footway on Great North Way

20 HWAY35 Servicing within the site

7.0 INFORMATIVES:

Notes to Applicant

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

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

Additional information in relation to on-site ecology has been provided.

2. SURFACE WATER DRAINAGE

i) The Flood Risk Assessment (prepared by JNP Group - Report dated January 2017) is acceptable. In summary, it states that sub-soil conditions are unlikely to support the use of soakaway and the site is remote from watercourse, surface water will discharge to public surface water sewer via storage with restricted discharge of 5.2 (five point two) litres/second. It is imperative that surface water run-off from the forecourt of petrol stations, areas used for the delivery of fuel, areas used for and immediately adjacent to vehicle washing facilities and/or other similar areas where detergent is likely to be used is not discharged to any public surface water only sewer network. Surface water from such areas must pass through an oil, petrol and grit interceptor/separator of adequate design before discharge to the public foul or combined sewer network. It is good drainage practice for any interceptor/separator to be located upstream of any on-site balancing, storage or other means of flow attenuation that may be required. Roof water should not pass through the traditional 'stage' or full retention type of interceptor/separator.

ii) Trade effluent may only be discharged to sewer with the prior consent of Yorkshire Water. A trade effluent is any liquid, other than domestic sewage, which is wholly or partly produced in the course of any business. The Industrial Waste Manager should be contacted as soon as possible regarding the acceptability of any proposals which may involve a trade effluent (including vehicle wash water) or contaminated surface water discharge. The developer is required to consult with Yorkshire Water's Industrial Waste Section (telephone 0345 1242424) on any proposal to discharge a trade effluent to the public sewer network.

3. INFORMATIVE:

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

Application Reference Number: 16/02285/FULM

Item No:

Works in the highway - Section 171/Vehicle Crossing - Contact:
streetworks@york.gov.uk

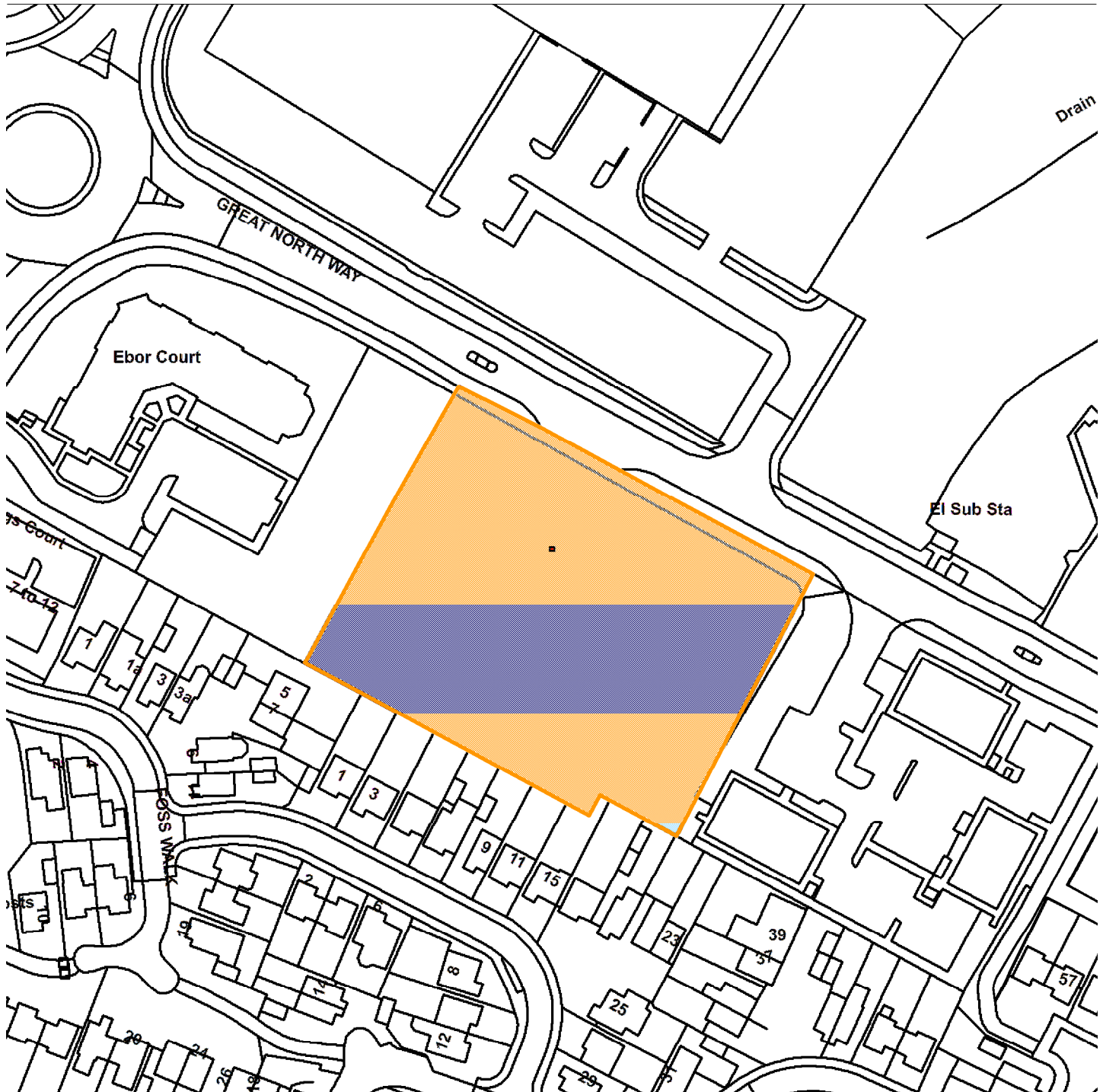
Contact details:

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

Tel No: 01904 555730

16/02285/FULM

10 Great North Way, Nether Poppleton



Scale : 1:1279

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	30 October 2017
SLA Number	Not Set

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COMMITTEE REPORT

Date: 9 November 2017 **Ward:** Rural West York
Team: Householder and **Parish:** Parish Of Rufforth With
Small Scale Team Knapton

Reference: 17/01251/FUL
Application at: 30 Southfield Close Rufforth York YO23 3RE
For: Variation of condition 2 of permitted application
16/01635/FUL for single storey extension to connect garage
to house and re-orientation of garage roof (retrospective).
Alteration of windows throughout to hardwood casements
with an off-white finish. (Revised scheme)
By: Mr Alex Kirby
Application Type: Full Application
Target Date: 14 November 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks retrospective permission to vary condition 2 of permitted application 16/01635/FUL to re-orientate the garage roof through 90 degrees and construct an extension to the garage. Permission is also sought to change the material of the windows from dark grey upvc as approved to hardwood casements finished in white/grey.

AMENDMENTS

1.2 Proposals to increase the height of the garage by 300mm have been withdrawn from the scheme.

PROPERTY HISTORY

1.3 The following applications relate to the application site:

- Extensions and alterations to include raising the roof - 16/01635/FUL
- Variation of condition 2 of permitted application 16/01635/FUL to amend approved drawings to include 3no. rooflights to front and reposition the detached garage - 16/02700/FUL

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

2.2 Policies:

CYGP1 Design
CYH7 Residential extensions

3.0 CONSULTATIONS

Rufforth with Knapton Parish Council

3.1 Object on the following grounds:

- This dwelling as it stands now already overshadows neighbouring properties that are all bungalows, by increasing the height of the garage this will make it worse.
- The planned change of orientation of the garage with the extension to connect it to the house will hugely increase the frontage of the property which will not be in keeping with the street scene.
- The bigger concern is that had the applicant put the original application with everything he now wants he would have been less likely to get planning permission. This we find unacceptable.

Neighbour Notification

3.2 Three objections have been received:

- Works are largely retrospective. It is not appropriate to request a variation after they have been incorporated into the scheme
- Hardwood windows are not appropriate and would not be in keeping with the existing dwellings in the street
- The building towers over neighbouring bungalows, and appears inappropriate in the street scene.

3.3 The Parish Council and neighbours were re-consulted on the amendment referred to in 1.2. The Parish Council have stated that their reasons for objecting remain the same despite the assurance that the roof height of the garage will no longer be increased.

4.0 APPRAISAL

KEY ISSUES:-

- Visual impact on the dwelling and the area
- Impact on neighbouring property

RELEVANT PLANNING POLICY

4.1 The National Planning Policy Framework (March 2012) sets out 12 core planning principles that should underpin both plan-making and decision-taking. Of particular relevance here is that planning should always seek to secure high quality

design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 187 states that Local Planning Authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible. In considering proposals for new or improved residential accommodation, the benefits from meeting peoples housing needs and promoting the economy will be balanced against any negative impacts on the environment and neighbours' living conditions.

4.2 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 their weight is limited except when they are in accordance with the NPPF.

4.3 Draft Local Plan Policy GP1 expects new development to respect or enhance the local environment, and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate building materials.

4.4 Draft Local Plan Policy H7 states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours (iv) proposals respect the spaces between dwellings; and (v) the proposed extension does not result in an unacceptable reduction in private amenity space within the curtilage of the dwelling.

4.5 The Council have an agreed Supplementary Planning Document 'House Extensions and Alterations' dated December 2012 which provides guidance on all types on domestic types of development.. A basic principle of this guidance is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the road/street scene it is located on. In particular, care should be taken to ensure that the proposal does not dominate the house or clash with its appearance with the extension/alteration being subservient and in keeping with, the original dwelling. The character of spacing within the street should be considered and a terracing effect should be avoided. Proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing and loss of light, over-dominance and loss of outlook. Guidance in sections 3, 4, 5, and 15 are relevant to the determination of the application.

4.6 Rufforth Village Design Statement (guidelines 16 - 19, 21) states that extensions should harmonise with neighbouring properties and spaces, that the height of buildings should be in keeping with adjacent properties and maintain informal building lines, as well as maintain a mixture of building styles and sizes and that materials should be sympathetic to the existing.

APPRAISAL

4.7 Permission is sought retrospectively for the construction of a flat roof extension to the front of the garage to provide a secure enclosure for an oil tank. The extension is triangular in shape, set back 2.5m from the front gable and set back 8m from the principal elevation. It has a length of 5.3m and a width of 4.5m. The extension has a flat roof with walls of approximately 2m in height, to match the eaves height of the garage. From the drawings the extension appears similar to a boundary wall with access doors front and rear. Whilst the extension physically further connects the garage to the dwelling, from the site visit it was noted that the garage still appears detached and the flat roof extension is not overly apparent. The Parish Council have objected on the grounds that it increases the street frontage of an already dominant building, however given the location and fairly modest scale of the extension it is considered that there is limited impact on the appearance of the dwelling, street scene and neighbour amenity.

4.8 Similarly, retrospective permission is sought for the orientation of the garage roof through 90 degrees. The effect is that the gable end of the garage faces the street, rather than the side boundary of the neighbouring boundary belonging to no. 32. The result is that the overall mass of the garage appears reduced when viewed from the street, and whilst the side elevation now comprises a larger expanse of roof when viewed from no. 32, the roof is hipped away from, rather than directly adjacent to the boundary. Given the garage's position in relation to the neighbouring bungalow and the existing high boundary hedge, it is not considered that this alteration is significantly detrimental to those living at no. 32.

4.9 It is also proposed to install timber casement windows throughout the property, to be finished in an off white/pale grey colour. Permission had previously been granted for dark grey (anthracite) uPVC windows throughout, as part of the previous approval (16/01635/FUL). The majority of houses in Southfield Close have white uPVC windows and therefore the proposed alterations to painted wooden casement windows is considered to be in keeping with existing fenestration within the street.

4.10 Whilst it is understood that the alterations and extensions to this dwelling have caused, and continue to cause concern for neighbours, the fact that the alterations as detailed as part of this submission have taken place without planning permission is not in itself a material planning consideration. That is, permission cannot be refused for the works simply because the extensions have been constructed prior to permission being sought.

5.0 CONCLUSION

5.1 The alterations to the previously approved drawings are not considered to cause harm to the appearance of the dwelling, street scene or neighbour amenity.

As such the scheme complies with guidance in the NPPF, draft Local Plan policies GP1 and H7, the Council's SPD and the Rufforth VDS.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

Proposed Plans and Elevations - Drg. No: 2016-81-02 Rev. N
Window details as per photographs submitted 21.09.17

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

2 EPU1 Electricity socket for vehicles

3 The double height space to the rear of the property shall not be converted to provide further accommodation at first floor level without a further planning permission first being granted by the Local Planning Authority.

Reason: To protect the residential amenity of neighbouring properties as the living accommodation at this level may result in unacceptable levels of overlooking because of the proposed glazed gable.

4 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 B (the enlargement of a dwellinghouse consisting of an addition or alteration to its roof) and C (other alterations to the roof of a dwellinghouse) 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.

7.0 INFORMATIVES:

Notes to Applicant

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

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

The increase in the garage height was withdrawn from the scheme and further details of the window finish were requested by officers.

Contact details:

Author: Elizabeth Potter Development Management Assistant

Tel No: 01904 551477

17/01251/FUL

30 Southfield Close



Scale : 1:979

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	30 October 2017
SLA Number	Not Set

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COMMITTEE REPORT

Date: 9 November 2017 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
Commercial Team Panel

Reference: 17/01468/FULM
Application at: The Falcon Tap 94 Micklegate York YO1 6JX
For: External alterations relating to retained ground floor public house and renovation of upper floors to form two flats, and demolition of extensions and construction of two residential blocks to rear forming 9no flats
By: 2 Pubs Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 9 October 2017
Recommendation: Approve

1.0 PROPOSAL**THE SITE**

1.1 No. 94 Micklegate is a Grade II listed building constructed circa 1842 located within Character Area 21 of the Central Historic Core Conservation Area. The site is located at the northern end of Micklegate with neighbouring buildings accommodating a diverse range of commercial uses, including shops, offices and bars. The Grade 1 listed Holy Trinity Church is located opposite the site.

1.2 The ground floor and rear buildings of 94 Micklegate are presently in use as the Falcon Tap Public House. The upper floors of the building have been in residential use but are now vacant and in a poor state of repair. The site has a long backland plot which extends to Toft Green on which there are existing buildings and structures comprising modern extensions and a two storey boiler housing dating from the late 19th Century.

THE PROPOSAL

1.3 The proposed scheme involves the retention of the pub at ground floor with renovation of the upper floors to accommodate a one bed flat and a three bed flat together with the erection of a rear extension and replacement of an external staircase. The backland plot to Toft Green is proposed for redevelopment with the construction of two residential blocks providing a total of 9No. one bed flats. The existing building and structures to the rear would be demolished.

1.4 There is an associated listed building application referenced 17/01469/LBC.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

Listed Buildings GMS Constraints: Grade 2; 96 Micklegate York YO1 1JX 0149

Listed Buildings GMS Constraints: Grade 2; 94 Micklegate York YO1 1JX 0148

Listed Buildings GMS Constraints: Grade 2 Star; 92 Micklegate York YO1 1JX 0146

2.2 Draft 2005 Development Control Local Plan Policies:

CYGP4A	Sustainability
CYGP4B	Air Quality
CYGP6	Contaminated land
CYGP15	Protection from flooding
CYT4	Cycle parking standards
CYHE2	Development in historic locations
CYHE3	Conservation Areas
CYHE4	Listed Buildings
CYGP1	Design

2.3 Pre-Publication Draft Local Plan (September 2017) Policies:

D1	Placemaking
D4	Conservation Areas
D5	Listed Buildings

3.0 CONSULTATIONS

INTERNAL

Planning And Environmental Management (Design And Conservation)

First set of comments

Extension to rear

3.1 Use of brick sill and modern casement sit uncomfortably with historic character of host building; instead appears to be designed to fit with new build to rear.

New build to rear

3.2 The proposed external elevations have been improved considerably. However, the roof lights and sun-pipes on the rear block will appear at odds with their historic

context. Both the roof lights and the sun pipes will draw attention in the street scene and will be visible over a wide area in views from both directions along the street.

3.3 Finally, a band course, or string course, ie a band projecting from the plane of the building in the same brick as used for the rest of the walling would add visual interest by subtly breaking up the blank elevations.

Further set of comments

3.4 Plans revised in line with comments previously provided. The errors and omissions also appear to have been corrected.

Planning And Environmental Management (Archaeology)

3.5 The site lies in the Area of Archaeological Importance and in an area where nationally significant archaeological features and deposits have been recorded.

3.6 Foundations for the proposed development will cut through medieval and post-medieval layers and may reach Roman levels. Archaeological features and deposits relating to all of these periods may be revealed or disturbed. These will need to be recorded through an archaeological watching brief on all groundworks.

Highway Network Management

3.7 The application seeks to reduce the number of available off highway parking spaces. The increase in the number of residential units will have an impact on residents parking bays which are heavily oversubscribed in the vicinity of this property. It is considered that in line with other development proposals, it would be appropriate to remove the proposed site from R15SC. This will mean that the occupants of the dwellings will not be eligible to apply for permits and thus the parking scheme will not be placed under further pressure.

3.8 With reference to sustainable transport measures, providing the bus pass or bike is a simple way to encourage other modes of transport and get the residents used to forming sustainable patterns of travel. We therefore seek a commitment to provide contributions to the value of £200/dwelling for city car club membership and agreement to provide a 6 month bus pass or cycle vouchers to the value of £200/dwelling for the first occupants.

3.9 Clarification is sought as to the servicing arrangements with the preference for deliveries to be taken from Toft Green.

Public Protection

3.10 No objections but recommend conditions relating to land contamination and noise as follows;

3.11 Our records indicate there were previous uses at the site (small landfill and engineering works) which may have left contaminants in the ground. It is therefore recommended that a condition be attached to any planning approval in case unexpected contamination is detected during the development works, which may include excavating for service provision.

3.12 To ensure that the future occupants of the residential units are not adversely affected by noise, Public Protection would request two conditions; one to address noise from within the building and one for external noise. In terms of safeguarding residents from external noise, the mitigation measures detailed in the submitted noise report include refurbished sash windows and a secondary glazing system, which would be sufficient to increase the level of attenuation to 35 dB Rw+Ctr overall but would result in two events exceeding 55dB (A). It is the view of public protection that these two exceedences marginally over the 55dB (A) level would not be sufficient to be deemed to be regularly exceeding the level. So the proposed scheme should meet the requirements of this proposed condition.

Flood Risk Management

3.13 No objections

Public Realm

3.14 Due to pooling regulations, no off site payment is requested

Children's Services, Education And Skills

3.15 As there are only 2 flats with 2+ bedrooms, no education contribution will be required for this proposed development.

EXTERNAL

Yorkshire Water

3.16 Provided the development is submitted in accordance with the submitted Drainage Strategy, Yorkshire Water has no further comments to make.

Micklegate Planning Panel

3.17 We welcome the retention of the historic pub. The Falcon is one of the oldest former coach houses on Micklegate and the previous owner of the Tap had a number of options re viability of the space and to retain the pub is important. Noise

and sound insulation for residents living above is crucial for amenity though. Residents will welcome the change for the back usage.

Publicity and Neighbour Notification

3.18 The application was publicised by site notice, press notice and letters of neighbour notification. Four letters of objection and one letter of support have been received as follows;

3.19 York Conservation Trust (Neighbour to application site) commented to the original submission as follows;
Object for the following reasons because of the impact it will have on 92 Micklegate.

- (i) The height of the proposed apartment block to the rear of the site is inappropriate and overly dominating.
- (ii) The proposed glass block windows to the west elevation will look institutional and are not appropriate in this setting. We respectfully ask no windows are built on to our boundary.
- (iii) The proposal will see the demolition of our boundary wall, we have only recently repaired this wall and re-pointed it with hot lime mortar and it is a valued part of our property. No justification for the demolition of this wall have been provided and we would expect this to be protected as part of the curtilage of our listed building.

3.20 Eight representations from the owner of the short-stay apartments adjacent at 8 Toft Green objecting to the scheme for the reason that the blocks would severely reduce his right to light, as they will be within 2-3 metres of the front of his property with a serious detrimental effect.

3.21 Three further objections have been received making the comment that the Falcon Tap has become one of York's most respected craft beer pubs over the years and is a great addition to the area Micklegate. A major draw for locals and visitors alike is the open area behind the pub. It is the only decent sized beer garden in the Micklegate area. It is a sad way to repay it by cutting off half of its viable business area for yet more flats.

3.22 A letter of support has been received supporting that the retention of the old-established pub and the refurbishment of this Listed Building and commenting that the new build sections are in-keeping with the Listed Building / Conservation Area.

4.0 APPRAISAL

4.1 The key issues to be considered as part of this application are:-

- Design and External Appearance
- Impact on Heritage Assets

- Archaeology
- Transport and Access
- Flood Risk and Drainage
- Residential Amenity

POLICY CONTEXT

4.2 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. There is no development plan for York other than the retained policies in the Yorkshire and Humber Regional Spatial Strategy ("RSS") saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. These policies relate to York's Green Belt.

Section 66 and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

4.3. Section 66 of the 1990 Act requires that in determining planning applications for development which would affect a listed building or its setting the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4.4 Section 72(1) of the 1990 Act refers to any buildings or other land in a conservation area and places a duty on Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

National Planning Policy Framework (NPPF, March 2012)

4.5 Central Government guidance is contained in the National Planning Policy Framework. Paragraph 7 of the NPPF says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking, such as seeking high quality design and a good standard of amenity for all and to proactively drive and support sustainable economic development to deliver the homes and businesses that the country needs.

4.6 Section 2 of the NPPF "Ensuring the vitality of town centres" seeks to promote competitive town centre environments and at paragraph 23 states that local planning authorities should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality. It includes the need for local planning authorities to recognise that residential development can play an important

role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites.

4.7 Section 7 of the NPPF requires good design. At paragraph 56, it says that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. Paragraph 65 says local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits).

4.8 Section 12 of the NPPF is relevant to the site's Conservation Area Status. Paragraph 129 says that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including any development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 134 says that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefit of the proposal, including its optimum viable use.

City of York Draft Local Plan (2005)

4.9 Although there is no formally adopted local plan, the City of York Draft Local Plan (DLP) was approved for development control purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of S38, its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF.

4.10 The relevant policies are listed in section 2.1 above. Policies considered to be compatible with the aims of the NPPF and most relevant to the development are HE2 (Development in Historic Locations), HE3 (Conservation Areas), HE10 (Archaeology) and GP1 (Design).

Emerging Local Plan

4.11 A new pre-publication draft local plan and revised evidence base is currently at consultation until 30th October 2017. The emerging Local Plan policies can only be afforded weight in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight will be limited. The evidence base

that underpins the proposed emerging policies is also a material consideration in the determination of the planning application. Policy D1 “Placemaking” states that development proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment. Development proposals that fail to take account of York's special qualities, fail to make a positive design contribution to the city, or cause damage to the character and quality of an area will be refused. Policy D4 “Conservation Areas” states that development proposals will be supported where they conserve and enhance the special character and appearance of the conservation area and leave qualities intrinsic to the wider context unchanged and respect important views. Policy D5 “Listed Buildings” supports proposals that affect listed buildings where they preserve the significance of the building.

PRINCIPLE OF THE PROPOSED DEVELOPMENT

4.12 The proposed development incorporates retention of the ground floor pub, renovation of the upper floors to provide 2No.flats, a rear extension to incorporate WCs for the pub and a new staircase to provide access to the upper floor flats and the erection of two residential blocks to provide a further 9No. residential units.

4.13 In the context of the NPPF the conversion of the underused upper floors of the pub to form two flats and the reuse of previously developed land at the rear to deliver 9 residential units, is generally acceptable in principle. It represents an efficient use of an existing building/site in a sustainable and accessible city centre location and is in accordance with local and national planning policy which seek to enhance the vitality and viability of the city centre. The re-use of the upper floors of the building for living accommodation maintains the historic use of the building. However the acceptability of the application has to be considered against the impact on the significance of the conservation area and listed building discussed in the following paragraphs.

IMPACT ON HERITAGE ASSETS

4.14 No.94 Micklegate is a Grade II listed building located within the Central Historic Core Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, referred to earlier in this report, imposes a statutory duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Section 66 of the same Act requires that in determining planning applications for development which would affect a listed building or its setting the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4.15 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 Act. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted. The current application must be judged on this basis.

4.16 In the NPPF listed buildings and conservation areas are classed as 'designated heritage assets'. When considering the impact of proposed development on such assets local authorities should give great weight to the asset's conservation. Any harm or loss should require clear and convincing justification (paragraph 132).

4.17 With reference to good design, the NPPF advises that this is a key aspect of sustainable development and is indivisible from good planning. Planning policies and decisions should aim to ensure that developments:

- Will function well and add to the overall quality of the area
- Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit
- Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- Are visually attractive as a result of good architecture and appropriate landscaping

New Build Blocks

4.18 The backland plot to Toft Green is proposed for redevelopment with the construction of two residential blocks providing a total of 9No. one bed flats. The existing building and structures to the rear would be demolished. The blocks would extend along the rear of the site with the block nearest to No.94 Micklegate being 2 storeys in height and the block extending toward Toft Green 2 1/2 storeys. The blocks would be accessed from Toft Green with internal stair cores providing access to the upper floor flats. A refuse and cycle store would be located within the ground floor of the 2 1/2 storey block. The blocks would be of brick construction with slate roofs and light grey metal windows.

4.19 The rear boundary of the site to Toft Green would be marked by a pedestrian gate with black wrought iron railings. Surfacing for the rear yard would be permeable block paving and a small soft landscape area is proposed between the two new blocks. The existing section of cobbled surface adjacent to Toft Green would be retained.

4.20 The Central Historic Core Conservation Area appraisal describes the character of this part of Toft Green as being office and light industrial uses developed in the back lands of Micklegate, and notes there is much architectural variation as a result

of ad-hoc building and later in-filling of former industrial sites. The former gardens and out buildings associated with historic houses on Micklegate were largely lost from the 19th century onwards.

4.21 The accretion of minor buildings and structures currently occupying the rear plot do not contribute to the special interest of the building or the character and appearance of the conservation area beyond being subservient to the frontage building and facilitating views of the rear elevation from Toft Green and the City Walls. Whilst at street level the view to the rear of the building contributes little to the character of the Conservation Area, the view from the city wall reveals a much greater depth of historic character. The view from the walls is channelled between a multi-storey hotel and a large office complex. In the view, the rear elevations of the application building and the neighbouring listed buildings are seen over the back land development and form the foreground for a view of the tower of the Church of the Holy Trinity Micklegate, which is listed grade I. The trees seen from here are identified as significant street trees within the Central Historic Core Conservation Area Appraisal.

4.22 The proposed scheme has sited the 2 1/2 storey block to the Toft Green frontage with the 2 storey block nearest to 94 Micklegate and in doing so, has deliberately sought to provide a street frontage to Toft Green, which is currently lacking along this section of Toft Green. The proposed ridge height of the block is aligned with development occupying 3 -5 Toft Green which includes buildings of the same scale fronting Toft Green and running along the rear plot, and is lower than buildings at 10 Toft Green. The scale and massing of the blocks is therefore considered appropriate to its context. In terms of details of design, the scheme has been amended with the removal of rooflights and sun-pipes, the replacement of windows with "blind" recessed windows and the replacement of the projecting bay windows with windows.

4.23 On the basis of the revised scheme, it is considered that the new blocks would preserve the setting of the listed building and the character and appearance of the conservation area taking into account views from street level and from the city walls.

Rear Extension And Stair Access

4.24 Further to the removal of the existing rear extensions, a single storey brick flat roofed extension is proposed to the rear of the property for use by the pub. It would incorporate a fire exit door to the yard and customer toilets with accesses from the covered passageway and the pub. A new stair access is proposed adjacent and over the rear extension to first floor level to provide access to the upper floor flats.

4.25 The existing rear extension would appear to be a later adaptation of a 19th century closet wing, which is considered to add a layer of interest to the building. Its removal would result in a degree of harm to the special interest of the building. The

degree of harm however is considered to be low and "less than substantial". The proposed rear extension, by replicating the narrow, mono-pitched form of the existing, is considered to be sympathetic to the character and appearance of the property and its setting within the conservation area. The sympathetic design of the extension and the consideration that the removal of the existing two storey extension is necessary to facilitate provision of a new entrance to the upper floors and essential ancillary facilities to allow viable retention of the ground floor public house, is considered to balance the degree of harm which would result from its removal.

4.26 The harm to the Conservation Area /heritage assets is therefore assessed as minor but in these circumstances the council's statutory duty under s.72 gives rise to a strong presumption against planning permission being granted, and considerable importance and weight must be given to the harm, despite it being minor.

4.27 Overall the scheme has a number of public benefits and there are material considerations that are considered to outweigh the impact of the minor harm. The proposal would provide 11 new residential units and would secure the listed building by reinstating the upper floors to living accommodation and retaining historic use of the ground floor as a public house. In its massing, materials and general design, the new blocks have been designed to provide an improved frontage to Toft Green and are considered to preserve the setting of the listed building and the character and appearance of the conservation area taking into account views from street level and from the city walls.

4.28 The benefits of the proposed development are therefore considered to outweigh the harm in accordance with paragraph 134 of the NPPF.

4.29 Whilst harm to heritage assets is assessed as being minor, such harm has been afforded considerable importance and weight in the overall planning balance.

ARCHAEOLOGY

4.30 The application site lies in the Area of Archaeological Importance and in an area where nationally significant archaeological features and deposits have been recorded. An archaeological desk based assessment of the site has been submitted which suggests that extensions to the rear of the property are likely to have disturbed the ground within the extension buildings to a possible 750mm. The top of medieval deposits would be expected between 750mm-940mm bgl. Roman deposits would be encountered at 2.00m below the floor surface at a depth of approximately 18.00m AOD. These may extend to 4.50m bgl or 15.60m AOD where natural deposits are projected to occur.

4.31 In the yard area underneath modern overburden, post-medieval deposits may be encountered up to a depth of 500mm-750mm. The top of medieval deposits and

Roman deposits are also expected at the levels mentioned above. Foundations for the proposed development will cut through medieval and post-medieval layers and may reach Roman levels.

4.32 Archaeological features and deposits relating to all of these periods may be revealed or disturbed and therefore need to be recorded through an archaeological watching brief on all groundworks. This would be secured through a condition ensuring that the proposal accords with Policy HE10 of the Local Plan and national planning guidance.

IMPACT ON THE AMENITY OF SURROUNDING OCCUPIERS

4.33 One of the core principles of planning outlined in the NPPF is to seek a good standard of amenity for all existing and future occupants. Local Plan policy GP1 (Design) requires that development proposals ensure that residents living nearby are not duly affected by noise, disturbance, overlooking, overshadowing, or from over-dominant structures.

4.34 The new residential blocks would be in close proximity to the serviced apartment development at No.8 Toft Green, the owner of which has objected to the scheme on the basis of loss of light to his properties. Despite the proximity and height of the proposed residential blocks to No.8 Toft Green, it is not considered that the development would have an unduly detrimental impact on the neighbouring property in terms of scale, dominance or loss of light.

4.35 The permission for 8 Toft Green restricted its occupation so that it may be occupied for no more than four consecutive calendar weeks per guest. This was due to the level of amenity the block would provide its occupants, one reason being the level of natural light. The westernmost block of No.8 Toft Green does not incorporate any windows in its elevation opposite the proposed two and a half storey block and the first floor opening of the easternmost block of No.8, which currently lies opposite the existing covered external space associated with the public house, appears to have shutters permanently in the closed position. It is therefore not considered that an justification could be made that the proposed development would have a significantly greater impact on the levels of ambient light than the existing situation.

4.36 With reference to overlooking, only two windows at first floor of the 2 storey block (serving Unit 6) would be positioned close to the edge of the easternmost block of No.8. The revised plans have confirmed that these windows would be obscure glazed.

4.37 In response to the objections raised by York Conservation Trust whose offices adjoin the north eastern boundary of the site, revised plans have been submitted

which show the retention of the boundary wall between 92 & 94 Micklegate and which omit the windows to the north east elevation.

RESIDENTIAL AMENITY OF OCCUPANTS OF THE PROPOSED RESIDENTIAL UNITS

4.38 There is the potential for noise disturbance to future residents through the operations of the existing public house on the ground floor of 94 Micklegate and from the live music venue located adjacent to the site to the Toft Green frontage. This has a licence to have live music until 0330 hours. In addition to the noise associated with the licensable activities, there is also the potential for noise from patrons leaving the venues when they close. Furthermore, the front elevation of the property faces Micklegate which is a cobbled thoroughfare which is likely to give rise to high levels of noise from people and vehicles on Micklegate, particularly at night when the night club opposite is open.

4.39 To ensure that the future occupants of the residential units are not adversely affected by noise, two conditions are recommended; one to address noise from within the building and one for external noise. In terms of safeguarding residents from external noise, the mitigation measures detailed in the submitted noise report include refurbished sash windows and a secondary glazing system, which Public Protection consider should be sufficient to meet the requirements of the proposed condition.

TRANSPORT AND ACCESS

4.40 The National Planning Policy Framework advises that developments should:

- Provide safe and suitable access to the site for all people and minimise conflicts between traffic and cyclists or pedestrians.
- Maximise sustainable transport modes and minimise the need to travel.
- Incorporate facilities for charging plug-in and other ultra-low emission vehicles.

4.41 No car parking is proposed for the scheme with the proposal in fact involving a reduction in the number of off highway parking spaces through the removal of the existing courtyard/delivery area. 16 No. cycle parking spaces for residents would be provided in the ground floor secure cycle store. Given that the site is in a sustainable city centre location in close proximity to the railway station and well served by a number of high frequency public transport routes, there are no objections to the absence of car parking. Notwithstanding this, it is acknowledged that an increase in the number of residential units would have an impact on residents parking bays which are heavily oversubscribed in the vicinity of this property. Therefore, in line with other development proposals, the proposed site would be removed from the Residents Parking scheme. A condition requiring an amendment to the Traffic Regulation Order to remove the site from the Residents Parking zone is recommended.

4.42 Highways have also requested that the applicant provides contributions for city car club membership and a 6 month bus pass or cycle vouchers for the first occupants. Regulation 122 of the Community Infrastructure Levy Regulations 2010 requires that contributions secured through a section 106 agreement are:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Given the central location of the site which is in close proximity to the railway station and bus routes and the fact there is no parking associated with the development, it is not considered it necessary or reasonable to require such contributions.

4.43 In terms of the servicing of the existing pub, deliveries and bin collections would continue to be from Toft Green, with vehicles temporarily parking on the cobbled area outside the development and deliveries wheeled-in to the service hatch at the back of the pub.

FLOOD RISK AND DRAINAGE

4.44 The application site is located within Flood Zone 1. Surface and foul water drainage from the development is proposed to discharge into the sewers serving the property and the submitted drainage strategy provides confirmation that the introduction of permeable surfacing will achieve the 30% reduction in surface water runoff rates required for brownfield sites, and that no storage or attenuation is required.

5.0 CONCLUSION

The proposed development would provide 11 new residential units in a sustainable and accessible city centre location. There would be some minor harm to designated heritage assets, i.e. the setting of 94 Micklegate and the Central Historic Core Conservation Area. Having attached considerable importance and weight to the desirability of avoiding such harm the local planning authority has concluded that it is outweighed by the application's public benefits of providing new residential accommodation, reinstating a use for the upper floors of 94 Micklegate and retaining historic use of the ground floor as a public house. In its massing, materials and general design, the new blocks have been designed to provide an improved frontage to Toft Green and are considered to preserve the setting of the listed building and the character and appearance of the conservation area taking into account views from street level and from the city walls. All other issues are satisfactorily addressed.

5.2 The application accords with national planning policy set out in the National Planning Policy Framework and with local planning policy.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing No's;

001 Rev P01 (Location Plan)

104 Rev P09 (Proposed Site Plan with Context)

105 Rev P07 (Proposed Site Plan)

110 Rev P11 (Proposed Basement and Ground Floor)

114 Rev P03 (Proposed Basement and Ground Floor)

111 Rev P11 (Proposed First Floor)

112 Rev P10 (Proposed Second Floor)

115 Rev ** (Proposed First and Second Floor)

113 Rev P10 (Proposed Third Floor)

116 Rev ** (Proposed Third Floor)

134 Rev P01 (Stair Section)

130 Rev P08 (Proposed Elevations 1 of 4)

131 Rev P07 (Proposed Elevations 2 of 4)

132 Rev P09 (Proposed Elevations 3 of 4)

133 Rev P08 (Proposed Elevations 4 of 4)

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 A sample panel of the brickwork to be used on this building measuring at least

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1m x1m shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the construction of the walls of the development. This panel shall be maintained during the course of construction. The approved development shall be completed in accordance with the approved sample(s).

NB: More than 1 sample panel will be required due to more than one type of brick being proposed.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of the brickwork prior to the construction of the walls in view of the sensitive location of the site.

5 A sample detailing the colour and finish for the windows and doors on the rear and side elevations of the new build blocks shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the character and appearance of the conservation area.

6 Full details of the design, scale, material and location of all external vents and flues shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant part of the development and the works shall be carried out in accordance with the approved details.

NB This condition applies to both the listed building and the new build blocks. Only unobtrusive locations will be agreed. The applicant is advised that the vent cover for the listed building as proposed in the 25.10.17 drawings is acceptable but further detail relating to location is required.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of safeguarding the character and appearance of the listed building and its setting within the conservation area.

7 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant part of the development and the works shall be carried out in accordance with the approved details.

(i) Prior to the manufacture and installation of the secondary glazing in the listed building: 1:10 elevation drawings and part cross section drawings of proposed secondary glazing to listed building, at 1:5 illustrating inter alia, existing windows,

secondary glazing, and existing sills, architraves and mouldings where present, and proposed method of draught proofing of existing windows.

(ii) Cross section through windows in proposed new build taken through opening to include head and sills at 1:5 and all external doors in situ to include any fanlights and door head at 1:10

(iii) For new door to rear of listed building: Part cross section at 1:5 illustrating door head, door frame and fanlight

(iv) Cross section through eaves and wall head and part elevation at 1:2 to illustrate dentil corbel wall head and roof eaves detail

(v) Cross section through string part wall and string course at 1:2

(vi) Cross section through eaves, verge and ridge of replacement mono-pitch rear entrance structure at 1:2

(vii) Cross section for coping for stair enclosure wall at rear of listed building at 1:5

(viii) Full details of pedestrian gate

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of safeguarding the character and appearance of the conservation area.

8 Full details of the landscape proposals for the courtyard shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development. The proposals shall show hard and soft materials, planting, external lighting and any other fixed artefacts.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of the development in the context of safeguarding the setting of the listed building within the Conservation Area.

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

INFORMATIVE: The building envelope of all residential accommodation shall be

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

Reason: In order to safeguard the amenities of future residential occupiers given the nature of surrounding uses and the details are needed prior to the start of work so that measures can be incorporated into the build.

10 Sound Insulation internal transmission

No development shall take place until a detailed scheme of noise insulation measures for the ground floor public house use has been submitted to and been approved in writing by the Local Planning Authority. The scheme of noise insulation measures shall be prepared by a suitably qualified consultant/engineer and shall take into account the provisions of BS 8233:2014 "Sound Insulation and Noise Insulations for Buildings - Code of Practice". The approved scheme shall be implemented prior to the commencement of the use and be permanently retained thereafter.

Reason: In order to safeguard the amenities of adjoining residential occupiers and the details are needed prior to the start of work so that measures can be incorporated into the build.

11 In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

12 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification

approved by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

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

13 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

Measures to remove the site from the Residents Parking R15SC zone.

Reason: The application seeks to reduce the number of available off highway parking spaces. The increase in the number of residential units will have an impact on residents parking bays which are heavily oversubscribed in the vicinity of this property. It is considered that it would be necessary to remove the proposed site from the resident's parking zone so that will not be placed under further pressure.

7.0 INFORMATIVES: Notes to Applicant

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

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

- pre-application advice
- changes to design
- the use of conditions

2. INFORMATIVE:

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

action being taken under the Control of Pollution Act 1974:

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

Contact details:

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Tel No: 01904 551610

17/01468/FULM

The Falcon Tap, 94 Micklegate



Scale : 1:874

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	30 October 2017
SLA Number	Not Set

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COMMITTEE REPORT

Date: 9 November 2017 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
Commercial Team Panel

Reference: 17/01469/LBC
Application at: The Falcon Tap 94 Micklegate York YO1 6JX
For: Internal works relating to retained ground floor public house and alterations to upper floors to form 2no. flats. Demolition of two storey rear extension and erection of replacement extension to accommodate external stair and entrance canopy.
By: 2 Pubs Ltd
Application Type: Listed Building Consent
Target Date: 9 October 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 Listed Building Consent is sought for internal alterations associated with the renovation of the upper floors of 94 Micklegate to accommodate a one bed flat and a three bed flat and for external alterations to comprise the demolition of the existing rear two storey single bay offshoot and its replacement with a new external stair and entrance canopy.

1.2 The ground floor and rear buildings of 94 Micklegate are presently in use as the Falcon Tap Public House. The upper floors of the building have been in residential use but are now vacant and in a poor state of repair. The site has a long backland plot which extends to Toft Green on which there are existing buildings and structures comprising modern extensions and a two storey boiler housing dating from the late 19th Century.

1.3 94 Micklegate is a Grade II listed building constructed circa 1842, located at the northern end of Micklegate within the Central Historic Core Conservation Area. The listed building has aesthetic, design value externally, and internally for the architectural decoration, including the bar and first floor front room, the staircase surviving six panel door and all surviving chimney pieces, fire surrounds and skirtings where present. It has historical illustrative value, linking aspects of life from the 19th century with the present, deriving from the plan form, treatment of the various rooms both architecturally and spatially, and the visibility of the historic fabric, and communal value as an inn and then public house, the use in which the building has effectively been since the mid-19th century. The significance of the building is as a public house or inn of early to mid-19th century date, occupying the site of an earlier inn, on a major historic route within the city walls.

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1.4 The associated planning application, referenced 17/01468/FULM, seeks permission for the above internal and external alterations and also includes the proposal to redevelop the backland plot through the construction of two residential blocks providing a total of 9 No. one bed flats. The existing building and structures to the rear would be demolished.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Listed Buildings GMS Constraints: Grade 2 Star; 92 Micklegate York YO1 1JX 0146

Listed Buildings GMS Constraints: Grade 2; 94 Micklegate York YO1 1JX 0148

Listed Buildings GMS Constraints: Grade 2; 96 Micklegate York YO1 1JX 0149

2.2 DCLP Policies:

CYHE4 Listed Buildings

3.0 CONSULTATIONS

INTERNAL

Planning And Environmental Management (Design And Conservation)

Original Scheme

3.1 The proposed alteration results in harm to the character of the building as one of special architectural or historic interest. The degree of harm is less than substantial, but is not balanced or outweighed by the public benefit which would derive from returning the upper floor to a viable use. Whilst the application indicates that the ground floor will remain in use as a public house, annotations on the drawings, the lack of toilets and lack of clear separation from the residential floors above do not appear to convincingly support this assertion.

Further Comments

3.2 With regard to the interior of the listed building, a number of the issues raised in the earlier response have been addressed but further matters have come to light which require addressing prior to the application being determined such as the addition of a roof light at third floor, the inclusion of an annotation indicating insulating lining of the front walls and a vent to be taken through the roof. In the event that these issues can be successfully addressed to the satisfaction of the local

planning authority, DCSD may then be able to support the principle of the development

Third set of comments

3.3 The errors and omission appear to have been corrected.

EXTERNAL

Micklegate Planning Panel

3.4 We welcome the retention of the historic pub. The Falcon is one of the oldest former coach houses on Micklegate and the previous owner of the Tap had a number of options re viability of the space and to retain the pub is important. Noise and sound insulation for residents living above is crucial for amenity though. Residents will welcome the change for the back usage.

Publicity

3.5 The application was publicised by site notice, press notice and letters of neighbour notification.

3.6 York Conservation Trust (Neighbour to application site) commented to the original submission as follows;

Object for the following reasons because of the impact it will have on their property at 92 Micklegate.

(i) The height of the proposed apartment block to the rear of the site is inappropriate and overly dominating.

(ii) The proposed glass block windows to the west elevation will look institutional and are not appropriate in this setting. We respectfully ask no windows are built on to our boundary.

(iii) The proposal will see the demolition of our boundary wall, we have only recently repaired this wall and re-pointed it with hot lime mortar and it is a valued part of our property. No justification for the demolition of this wall have been provided and we would expect this to be protected as part of the curtilage of our listed building.

3.7 A letter of support has been received supporting that the retention of the old-established pub and the refurbishment of this Listed Building and commenting that the new build sections are in-keeping with the Listed Building / Conservation Area.

4.0 APPRAISAL

4.1 Key Issues

- Impact on special architectural and historic importance of the listed building

POLICY CONTEXT

4.2 Section 16 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 advises that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4.3 The NPPF seeks to conserve and enhance the historic environment. Paragraph 126 states that Local Planning Authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

4.4 The National Planning Policy Framework (NPPF) Chapter 12, Paragraph 132 states that 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 the weight should be. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting.

4.5 The NPPF, Chapter 12, Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. When determining the application in line with paras 131 - 135 consideration should be given to the significance of the heritage asset.

4.6 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 their weight is limited except when they are in accordance with the NPPF. Local Plan Policy HE4 advises that consent will only be granted for internal or external alterations to listed buildings where there is no adverse effect on the character, appearance or setting of the building.

THE PROPOSALS

4.7 The proposed scheme retains the pub at the ground floor of 94 Micklegate and incorporates the renovation of its upper floors to accommodate a one bed flat and a three bed flat. Also proposed is the demolition of the existing rear two storey single bay offshoot and its replacement with a new external stair and entrance canopy.

Residential - Upper Floors

4.8 The upper floor accommodation would be reconfigured to provide a 1 bedroomed apartment on the first floor and a three bedroomed apartment at the second floor and attic. There would be relatively limited alteration to wall positions, insertion of wall partitions and fire separation, alteration to openings and the installation of new bathrooms and kitchens. The floors of both the first and second floors would be fitted with sound proofing insulation. At second floor, it is proposed to fit the landing with a compartment wall and ceiling to provide adequate fire and sound separation. The revised proposals reflect the comments provided by the Council's Conservation Officer as detailed at paragraph's 3.1 to 3.3 with any remaining outstanding issues able to be addressed through conditions.

4.9 The proposed alterations are relatively limited and whilst there would be a degree of harm to the special interest of the building deriving from the formation of two new openings and the creation of a fire lobby at second floor and the subdivision of a rear room at third floor to form a bathroom and wardrobe, the degree of harm is low and "less than substantial". The degree of harm is balanced by the potential public benefit of encouraging the use of the upper floors.

Rear Extension and Stair Access

4.10 Further to the removal of the existing rear extension, a single storey brick flat roofed extension is proposed to the rear of the property for use by the pub. It would incorporate a fire exit door to the yard and customer toilets with accesses from the covered passageway and the pub. A new stair access is proposed adjacent and over the rear extension to first floor level to provide access to the upper floor flats. Revised plans of the rear extension have been submitted in response to comments provided by the Council's Conservation Officer.

4.11 The existing rear extension would appear to be a later adaptation of a 19th century closet wing, which is considered to add a layer of interest to the building. Its removal would result in a degree of harm to the special interest of the building. The degree of harm however is considered to be low and "less than substantial". The proposed rear extension, by replicating the narrow, mono-pitched form of the existing, is considered to be sympathetic to the character and appearance of the property. The sympathetic design of the extension and the consideration that the removal of the existing two storey extension is necessary to facilitate provision of a new entrance to the upper floors and essential ancillary facilities to allow viable

retention of the ground floor public house, is considered to balance the degree of harm which would result from its removal.

5.0 CONCLUSION

5.1 There would be a degree of harm to the special interest of the building deriving from the removal of the existing rear extension and from the formation of two new openings and the creation of a fire lobby at second floor and the subdivision of a rear room at third floor to form a bathroom. The degree of harm however is low and "less than substantial". Having attached considerable importance and weight to the desirability of avoiding such harm it is considered that the degree of harm is balanced by the public benefit of encouraging the use of the upper floors and allowing the viable retention of the ground floor public house. The proposal is therefore considered to accord with the provisions of policy HE4 and guidance contained within the National Planning Policy Framework.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME L2 Development start within 3 yrs (LBC/CAC)

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

Drawing No's;

001 Rev P01 (Location Plan)

104 Rev P09 (Proposed Site Plan with Context)

105 Rev P07 (Proposed Site Plan)

110 Rev P11 (Proposed Basement and Ground Floor)

114 Rev P03 (Proposed Basement and Ground Floor)

111 Rev P11 (Proposed First Floor)

112 Rev P10 (Proposed Second Floor)

115 Rev ** (Proposed First and Second Floor)

113 Rev P10 (Proposed Third Floor)

116 Rev ** (Proposed Third Floor)

134 Rev P01 (Stair Section)

130 Rev P08 (Proposed Elevations 1 of 4)

131 Rev P07 (Proposed Elevations 2 of 4)

132 Rev P09 (Proposed Elevations 3 of 4)

133 Rev P08 (Proposed Elevations 4 of 4)

Application Reference Number: 17/01469/LBC

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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 the commencement of development, a full photographic schedule of the internal doors on all floors in the 19th Century building shall be undertaken. The position of the doors shall be marked up on floor plans, and proposed upgrading indicated.

Reason: To retain a record of those items that are to be removed in order to retain details of the special interest of the building.

4 Prior to the commencement of development, a full photographic record of the fire places on all floors shall be undertaken and their locations specified. The photographs should be of a resolution sufficient for the detail of, inter alia, surrounds and grates to be seen clearly.

Reason: To retain a record of those items that are to be removed in order to retain details of the special interest of the building.

5 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.

6 A sample panel of the brickwork to be used on this building measuring at least 1m x1m shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the construction of the walls of the development. This panel shall be maintained during the course of construction. The approved development shall be completed in accordance with the approved sample(s).

NB: More than 1 sample panel will be required due to more than one type of brick being proposed.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of the brickwork prior to the construction of the walls in view of the sensitive location of the site.

7 Notwithstanding the annotation on Dwg No: 112 Rev P10 (Proposed Second Floor) which indicates the replacement of the floor structure, prior to any work to the floor structure being undertaken, full details of the proposed works shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of safeguarding the character of the listed building.

8 Full details of the design, scale, material and location of all external vents and flues shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant part of the development and the works shall be carried out in accordance with the approved details.

NB This condition applies to both the listed building and the new build blocks. Only unobtrusive locations will be agreed. The applicant is advised that the vent cover for the listed building as proposed in the 25.10.17 drawings is acceptable but further detail relating to location is required.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of safeguarding the character and appearance of the listed building and its setting within the conservation area.

9 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant part of the development and the works shall be carried out in accordance with the approved details.

(i) Prior to the manufacture and installation of the secondary glazing in the listed building: 1:10 elevation drawings and part cross section drawings of proposed secondary glazing to listed building, at 1:5 illustrating inter alia, existing windows, secondary glazing, and existing sills, architraves and mouldings where present, and proposed method of draught proofing of existing windows.

(ii) Cross section through windows in proposed new build taken through opening to include head and sills at 1:5 and all external doors in situ to include any fanlights and door head at 1:10

(iii) For new door to rear of listed building: Part cross section at 1:5 illustrating door head, door frame and fanlight

- (iv) Cross section through eaves and wall head and part elevation at 1:2 to illustrate dentil corbel wall head and roof eaves detail
- (v) Cross section through string part wall and string course at 1:2
- (vi) Cross section through eaves, verge and ridge of replacement mono-pitch rear entrance structure at 1:2
- (vii) Cross section for coping for stair enclosure wall at rear of listed building at 1:5
- (viii) Horizontal cross section through door openings between stair landing and habitable rooms on 2nd floor, drawing ref. 112 P10, illustrating inter alia, architraves, doors and fire/sound insulation at 1:5
- (vii) Elevation drawing at 1:5 illustrating new balustrade to second floor landing including details of fixing into existing balustrade
- (x) Illustrative cross section through floor structure showing proposed noise and fire upgrading in retained existing structure

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of safeguarding the character and appearance of the listed building.

Contact details:

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Tel No: 01904 551610

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17/01469/LBC

The Falcon Tap, 94 Micklegate



Scale : 1:865

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	30 October 2017
SLA Number	Not Set

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COMMITTEE REPORT

Date: 9 November 2017 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 17/01546/FULM
Application at: Colin Hicks Motors Garage And Yard Rear Of 33 Bootham York YO30 7BP
For: Erection of 14no. flats (use class C3) following demolition of car repair garage
By: Mr Kevin Mohan
Application Type: Major Full Application (13 weeks)
Target Date: 11 October 2017
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 Demolition of a single-storey car repair workshop (use class B2) and erection of a 4-storey residential building comprising 14 flats and apartments (1 x 2-bedroom duplex apartment; 7 x 1-bedroom flats; and 6 x 1-bedroom studio flats). Cycle storage, refuse/recycling facilities and visitor parking for two cars would be provided on the ground floor. Access would be from Bootham Row, as existing.

1.2 The application is a revised resubmission of 15/02762/FUL, which was for nine, larger, flats (4 x 3 bed and 5 x 2 bed). The application was approved in July 2016. The main change to the external appearance of the approved scheme is that the top-floor accommodation, which occupies part of the footprint of the building, would be extended by 1.7m towards the north-east, i.e. towards Bootham Place. The top floor accommodation would be the upper floor of the proposed 2-bedroom duplex apartment.

1.3 The approved scheme remains valid and is the fallback position if the current application is refused.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

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

2.2 Draft 2005 Development Control Local Plan Policies:

CYGP1 - Design

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CYGP4A	Sustainability
H3	Conservation Areas
H4	Listed Buildings
CGP15A	Development and Flood Risk
CYH4A	Housing Windfalls

2.3 Pre-Publication Draft Local Plan (September 2017) Policies:

D4	Conservation Areas
ENV5	Sustainable Drainage
D1	Placemaking

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development (Archaeology)

3.1 Due to the location within the Area of Archaeological Importance, a watching brief should be maintained on the site as a precautionary measure during groundworks ahead of construction of the building.

Education

3.2 No financial contribution required.

Public Health Programme Manager (Sports and Physical Activity)

3.3 A financial contribution of £3,195 will be required towards off-site sports provision in the city. The money would be used for improvements to sports facility at Door 84 community centre in the Groves, York.

Public Realm (Amenity and Leisure)

3.4 No amenity or play contributions are required due to regulations restricting the pooling of contributions.

Public Protection

3.5 No objections subject to conditions to cover: submission of a Construction Environmental Management Plan (CEMP), hours of demolition/construction; sound insulation; recharging of electric vehicles; and contaminated land.

Flood Risk Management

3.6 The revised drainage proposals, including discharge rates and on-site storage rates are satisfactory.

Waste Services

3.7 Recommended containers for refuse are 2 x 1100 litre bins and 1 x 360 litre bin.

EXTERNAL

Guildhall Planning Panel

3.8 No response.

Yorkshire Water

3.9 No comments to make.

Historic England

3.10 Does not wish to comment.

Neighbour Notification and Publicity

3.11 Four objections have been received raising the following planning issues:

- Overlooking/loss of privacy
- Overdevelopment
- Overbearing
- Overshadowing
- Inadequate space for refuse/recycling bins
- Poor living standards for residents of flats
- Would not significantly increase supply of housing for local residents
- Noise nuisance and disturbance
- Would exacerbate traffic and parking problems
- Should include provision for recharging of electric vehicles
- Any tree planting should be limited to 3m high

4.0 APPRAISAL

4.1 KEY ISSUES

- Principle of Development for Housing
- Neighbour amenity

- Impact on heritage assets
- Traffic and parking

THE APPLICATION SITE

4.2 An L-shaped, predominantly backland site close to the city centre. The site comprises a vacant car repair workshop with ancillary car parking. The site lies within the Central Historic Core Conservation Area and within an area of archaeological importance. To the south and west of the site are listed buildings notably 33 and 35 Bootham (grade II) and 37 Bootham (Wandesford House, grade II*). The area is mixed residential/commercial. The immediate neighbours are mainly residential (classes C1-C3).

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

4.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Section 66 of the same Act states that in determining planning applications for development which affects a listed building or its setting the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The council's statutory duty under s.66 and s.72 gives rise to a strong presumption against planning permission being granted, and considerable importance and weight must be given to any harm, even where that harm would be minor.

PLANNING POLICY CONTEXT

National Planning Policy Framework

4.4 Paragraph 7 says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. The presumption in favour of sustainable development at paragraph 14 does not apply to this application because it affects listed buildings and land designated as a conservation area. The application should be judged against, among other policies, sections 7 and 12 of the NPPF, (design and historic environment respectively).

Draft 2005 Development Control Local Plan

4.6 Although there is no formally adopted local plan 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 for the purposes of s.38(6) of the Act. Its policies are however considered to be capable of being material considerations in the determination of

planning applications where policies relevant to the application are consistent with those in the NPPF.

Emerging Local Plan

4.7 A new pre-publication draft local plan and revised evidence base is currently at consultation until 30th October 2017. The emerging Local Plan policies can only be afforded weight in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight will be limited. The evidence base that underpins the proposed emerging policies is also a material consideration in the determination of the planning application.

PRINCIPLE OF DEVELOPMENT FOR HOUSING

4.8 The NPPF states that local planning authorities should deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities (paragraphs 50-55). The proposal would provide much-needed housing in a sustainable location with very good access to shops, services and public transport. The principle of redevelopment of the site for housing was been accepted when planning permission was granted for the previous application.

NEIGHBOUR AMENITY

4.9 The site is constrained on all sides by residential buildings. The approved scheme addressed the constraints posed by the proximity of these adjacent buildings. The current proposal would not alter the impact on any of the properties except for the development at Bootham Place, a 4-storey block of flats to the north-east of the site. Main windows of these flats face the application site. In the approved scheme the windows of the first and second floors would be canted to avoid overlooking of the Bootham Place occupiers. The currently proposed scheme would not alter this arrangement.

4.10 The top floor of the approved scheme would be set back from the lower floors on the elevation facing Bootham Place. The separation distance, as approved, between the windows of the top floor flat and the main windows of Bootham Place would be 14.2m. The top floor accommodation as currently proposed would, due to its enlargement, be 12.5m from the windows of Bootham Place, i.e. 1.7m closer than for the approved scheme. In order to avoid overlooking the windows of the rooms on the top floor would be opaque. This should be made a condition of approval and has been agreed by the applicant. No roof terraces are proposed on this elevation. This should be made a condition of approval.

DESIGN

4.11 Section 7 of the NPPF requires good design, which is a key aspect of sustainable development and should contribute positively to making places better for people (paragraph 56). Planning policies and decisions should not attempt to impose architectural styles or particular tastes although it is proper to seek to promote or reinforce local distinctiveness (paragraph 60). 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 (paragraph 64).

4.12 The building would be set amongst the surrounding buildings. It would be lower and have less mass than Bootham Place (to the north-east) and Aspire House (south-east) yet larger than the brick and pantile buildings (north-west) and the rear addition to 33 Bootham (south-west). The scale and massing would be in keeping with this surrounding built form and would help to mask the somewhat slab-like character of Aspire House when viewed from Bootham School. The building would be in keeping with the grain of the surrounding buildings, particularly as the proposed building would be seen as a series of blocks of varying heights. The enlarged top floor would not materially affect the overall appearance of the building as approved. The materials should be made subject to conditions of approval.

IMPACT ON HERITAGE ASSETS

4.13 The NPPF states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance (paragraph 126). 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. Any harm or loss should require clear and convincing justification (paragraph 132).

4.14 The site is in a conservation area. The almshouses at Wandesford House (37 Bootham) are listed grade II* and 33/35 Bootham are listed grade II. The conservation area and listed buildings are all designated heritage assets.

4.15 The approved scheme addressed the constraints posed by the conservation area status of the site and the proximity of listed buildings. The enlarged footprint of the accommodation on the top floor - and the whole scheme as proposed - would not harm cause harm to designated heritage assets or their significance..

ARCHAEOLOGY

4.16 The site lies within an area of archaeological importance and where there are significant archaeological features and deposits from the Roman period onwards. An archaeological evaluation of the site was carried out in 2017. Two trenches were excavated indicating that the ground level has been increased over the last 200 years. Earlier deposits may survive at lower depths. Due to the location within the Area of Archaeological Importance, a watching brief should be maintained on the

site as a precautionary measure during groundworks ahead of the construction of the building. The proposed alterations to the approved scheme would not affect the archaeological issues previously identified.

ACCESS AND PARKING

4.17 The absence of on site parking for residents is considered to be acceptable due to its central location. Two off-street parking spaces would be provided for visitors, in compliance with council standards. Secure, covered, cycle storage would be provided at ground-floor level, close to the main entrance from the public highway. In terms of access, traffic movements and parking the current application is not materially different from the approved scheme. The development does not include parking for the occupiers so a condition requiring recharging facilities for electric vehicles (sought by Public Protection and a third-party objector) would not be appropriate.

FINANCIAL CONTRIBUTIONS

4.18 The council's public health programme manager seek a financial contribution of £3,195 towards off-site sports provision in the city. The contribution satisfies the tests at regulation 122 of the CIL Regulations, which require obligations to be (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. The applicant has agreed to make the contribution. It would be used for improvements to sports facilities at Door 84 community centre in the Groves, York. The contribution would be secured by a unilateral agreement under section 106. No contributions are required for education or open space.

OTHER MATTERS

4.19 Demolition of the existing workshop is unlikely to have a material impact on protected species. No mitigation is required.

4.20 The site is in low risk flood zone 1 and is unlikely to suffer from river flooding. Satisfactory drainage details, including attenuation, have been submitted.

4.21 A construction method statement has not been recommended as this is covered under other legislation and therefore such a planning condition would not meet the requirements of para.206 of the NPPF. The impact on the occupiers of the flats from noise and contamination can be dealt with by condition. The submitted geo-environmental appraisal identified elevated levels of lead within the site. A detailed remediation scheme is expected, which would obviate the need for a remediation condition. Members will be updated at the meeting.

5.0 CONCLUSION

5.1 The council's statutory duty under s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act gives rise to a strong presumption against planning permission being granted. The proposals as revised would not be harmful to any heritage assets. All other matters are acceptable, subject to the imposition of conditions where appropriate. The application accords with national planning policy in the NPPF.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement to provide a financial contribution of £3,195 towards off-site sports provision in the city.

1 TIME2 Development start within three years

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

17028_110_P00 Proposed Ground Floor Plan
 17028_111_P00 Proposed First Floor Plan
 17028_112_P00 Proposed Second Floor Plan
 17028_113_P03 Proposed Third Floor Plan
 17028_120_P02 Proposed Roof Plan
 17028_130_P02 Proposed Elevations
 17028_131_P02 Proposed Elevations
 17028_132_P02 Proposed Elevations
 17028_150_P02 Proposed Sections
 17028_151_P02 Proposed Section
 17028_275_P00 Bay Study - Juliet Balcony
 17028_276_P00 Bay Study - Window
 17028_277_P00 Bay Study - Bay Window - Window
 17028_278_P00 Bay Study - Bay Window - Cladding
 17028_279_P01 Bay Study - Curtain Wall to Third Floor Windows
 17028_300_P01 Exterior Roof Detail
 15309/SK500_Rev.2 – indicative Drainage Plan

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

3 Samples of the external materials to be used shall be submitted to the Local Planning Authority for approval in writing 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 north-eastern elevation of the premises on the third floor of the building hereby approved shall be (i) opaque in its entirety and (ii) any windows shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

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

5 The north-east facing windows to the lobbies at first, second and third floor level shall be (i) obscure-glazed and (ii) non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

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

6 No part of the roof of the building shall at any time be used as a roof terrace or external seating area or for any other purpose incidental to the residential use of the development.

Reason: To protect the amenity of neighbouring residents.

7 The development shall be carried out in accordance with the foul and surface water drainage details shown on drawing no. 15309/SK500 Rev.2.

Reason: In the interest of the proper and sustainable drainage of the site.

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

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

Reason. To protect the amenity of local residents

9 Prior to their installation details of all machinery, plant and equipment to be installed in or located on the use hereby permitted shall be submitted to the local

planning authority for approval. These details shall include maximum sound levels (LA_{max}(f)) and average sound levels (LA_{eq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To safeguard the amenity of occupants of neighbouring premises throughout the period of demolition and construction.

NOTE: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed 5dB below the background noise level at 1 meter from the nearest noise sensitive façade when assessed in accordance with BS4142: 1997 (or exceed the background noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014) inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics. Whilst it is acknowledged that at background levels of less than 30dB(A) use of BS4142 is inappropriate, EPU consider that in such circumstances the combined rate level of plant inclusive of any character correction should not exceed 30dB(A).

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

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

11 Prior to development commencing, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be prepared and submitted in writing to the Local Planning Authority and approved. 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 during the whole of the

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construction period and 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.

12 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 is subject to the approval in writing of the Local Planning Authority.

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

13 In the event that previously unidentified 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, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

7.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, the local planning authority implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) by seeking solutions to problems identified during the processing of the application. In order to achieve an acceptable outcome the local planning authority negotiated changes to the proposal to reduce its impact on neighbouring occupiers and heritage assets.

2. CONTROL OF POLLUTION ACT 1974

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to

ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

3. BATS

There are opportunities for the development to enhance the new building 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.

(see http://www.bats.org.uk/pages/accommodating_bats_in_buildings.html for more information).

Contact details:

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Tel No: 01904 552830

17/01546/FULM

Colin Hicks Motors, Garage and yard rear of 33 Bootham



Scale : 1:1167

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	30 October 2017
SLA Number	Not Set

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