



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

- To:** Councillors Galvin (Chair), Shepherd (Vice-Chair), Cannon, Craghill, Crawshaw, Dew, Fenton, Flinders, Gillies, Hunter and Mercer
- Date:** Thursday, 7 June 2018
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

**AGENDA**

**Site Visits**

The mini-bus for Members of the Sub-Committee will leave from Memorial Gardens at 10.00am on Wednesday 6 June 2018

**1. Declarations of Interest**

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

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

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

**2. Minutes**

(Pages 5 - 16)

To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee held on 3 May 2018.

**3. Public Participation**

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact

details listed at the foot of this agenda. The deadline for registering is at **Wednesday 6 June 2018 at 5.00pm.**

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

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#### **4. Plans List**

To determine the following planning applications:

- a) 22 Hopgrove Lane North, York [18/00395/FUL]** (Pages 17 - 34)  
Erection of 1 dwelling [Huntington/New Earswick Ward]  
**[Site Visit]**
  
- b) Thomas Dick Ltd, Hallfield Road, York [17/02576/FULM]**  
(Pages 35 - 56)  
Erection of three storey building comprising of 14 no. residential units with associated parking, external refuse storage and private amenity areas following demolition of existing building [Heworth Ward] **[Site Visit]**

- c) Five Acres Site, Holgate Road, York [17/02906/FULM]**  
(Pages 57 - 68)  
Use of land for operational railway purposes and construction of track fan to serve rail vehicle maintenance facility [Holgate Ward]  
**[Site Visit]**
- d) 64 Newland Park Drive, York [18/00264/FUL]** (Pages 69 - 76)  
Use as a 7 bedroom house in multiple occupation [Hull Road Ward] **[Site Visit]**
- e) 115 Fulford Road, York [18/00366/FUL]** (Pages 77 - 90)  
Erection of dormer bungalow with garage [Fishergate Ward]  
**[Site Visit]**
- f) Pigeon Cote Farm, Monks Cross Drive, Huntington, York [18/00411/FULM]** (Pages 91 - 110)  
Erection of self-storage facility (use class B8) and outline application for erection of industrial units (use class B1, B2 and B8) with associated car parking and landscaping [Huntington/New Earswick Ward] **[Site Visit]**
- g) 17 Barmby Avenue, York [18/00625/FUL]** (Pages 111 - 120)  
Erection of detached single storey annexe building to rear providing ancillary living accommodation [Fishergate Ward]

## **5. Urgent Business**

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

### Democracy Officer:

Angela Bielby

Contact details:

- Telephone – (01904) 552599
- Email – [a.bielby@york.gov.uk](mailto:a.bielby@york.gov.uk)

For more information about any of the following please contact the Democracy 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 6 June 2018**

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

<b>TIME (Approx)</b>	<b>SITE</b>	<b>ITEM</b>
10:15	115 Fulford Road	4e
10:45	64 Newland Park Drive	4d
11:10	Thomas Dick Ltd Hallfield Road	4b
11:40	22 Hopgrove Lane North	4a
12:10	Pigeon Cote Farm Monks Cross Drive Huntington	4f
12:45	Five Acres Site Holgate Road (view site from Holgate Park Drive)	4c

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

(in alphabetical order)

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

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



City of York Council

Committee Minutes

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Meeting	Area Planning Sub-Committee
Date	3 May 2018
Present	Councillors Galvin (Chair), Shepherd (Vice-Chair), Cannon, Craghill, Crawshaw, Dew, Flinders, Gillies, Hunter, Orrell [items 44 - 47d] and Carr (Substitute)
Apologies	Councillor Mercer

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**Site Visits**

<b>Site</b>	<b>Visited by</b>	<b>Reason</b>
4a: Self-Storage Facility, Water Lane	Cllrs Galvin, Shepherd, Cannon, Craghill, Crawshaw, Dew, Flinders, Gillies, and Carr	To enable members to see the relationship between the proposal and the adjacent housing
4b: Garage Court Site, Newbury Avenue	Cllrs Galvin, Shepherd, Cannon, Craghill, Crawshaw, Dew, Flinders, Gillies, Hunter and Carr	The application was recommended for approval and objections had been received
4c: 25 Barbican Road, Fishergate	Cllrs Galvin, Shepherd, Cannon, Craghill, Crawshaw, Dew, Flinders, Gillies, and Carr	The application was recommended for approval and objections had been received
4d: Public Toilets, Clarence Street	Cllrs Galvin, Shepherd, Cannon, Craghill, Crawshaw, Dew, Flinders, Gillies, and Carr	The application was recommended for approval and objections had been received

**44. Declarations of Interest**

Members were asked 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 of the agenda. No additional interests were declared.

**45. Minutes**

Resolved: That the minutes of the Area Planning Sub-Committee meeting held on 05 April 2018 be approved and then signed by the Chair as a correct record.

**46. 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.

**47. Plans List**

Members considered a schedule of reports of the Assistant Director for Planning & Public Protection in relation to the following planning applications outlining the proposals and relevant policy considerations and setting out the views of consultees and Officers.

**47a. Self-Storage Facility, Water Lane**

Members considered a major full application by MJ McCarthy Holdings for the erection of a self-storage facility with associated access and landscaping.

The Officer informed Members that, since the report had been prepared, a request incorporating several ideas seeking to address the objections received in respect of the proposal's impact upon the residential amenity of neighbouring properties (including the amenities of occupants of the approved care

home on the adjacent site to the North-West) had been received from the applicant.

Cllr Shepherd moved and Cllr Gillies seconded a motion to defer the application and it was then

Resolved: That the application be deferred.

Reason: So that the relevant options can be explored in light of the applicant's request to address the objections included in the report.

#### **47b. Garage Court Site, Newbury Avenue**

The general regulations (Reg3) application by City of York Council (CYC) for the erection of 5no. bungalows with associated gardens and parking, following the demolition of existing garages was presented to Members.

The Officer provided an update which included additional drainage and highways conditions. It was highlighted that any late objections as well as written representations received after the report had been written were similar in nature to those that had been previously received and incorporated into the report. In response to Members' questions, the following was then clarified:

- It was not possible to include a condition on additional parking spaces as there was no space for more off-site parking; a relatively small number of cars would be displaced as a result of demolition of the garages.
- The M4(3) bungalows were fully wheelchair-accessible with designated wheelchair parking spots; the M4(2) bungalows were also wheelchair-accessible; the electric scooters could be parked in the sheds.

Some Members stated that the site could be used for creating a larger number of social houses of smaller size. Other Members, however, argued that the city was also in need of bungalows for the growing population of elderly people.

Cllr Gillies moved and Cllr Carr seconded a motion to approve the application and it was then

Resolved: That the application be approved, subject to the additional conditions:

Drainage conditions

1. Prior to construction, details of the proposed means of foul and surface water drainage, including details of any balancing works and off-site works, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to first occupation of the dwellings.

The information shall include site specific details of:

- i) the means by which the surface water discharge rate shall be restricted to a maximum 9.2 l/sec, and
- ii) the means by which the surface water p to the 1 in 100 year event with a 30% climate change allowance shall be achieved
- iii) future management and maintenance of the proposed drainage systems

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

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

Reason: So that the Local Planning Authority may be satisfied that no foul

and surface water discharges take place until proper provision has been made for their disposal.

Highways Conditions

1. Prior to commencement of construction, full engineering, drainage, street lighting and constructional details of the streets proposed for adoption shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of good planning and road safety.

2. Hwy 19 – Car parking laid out
3. Prior to the commencement of development, the four parking spaces accessed off Newbury Avenue shall be constructed in accordance with the approved plans and made available for public use.

Reason: In the interests of the safe and free flow of the highway.

Reason:

The site is a brownfield site in a sustainable location near to local shops, amenities and public transport links and it would, in principle, be suitable for redevelopment for housing purposes. The proposal would deliver social housing of a type needed within the City. In design terms, the scheme would be in keeping with neighbouring properties and would provide enhanced external amenity space for all residents. There

would be no adverse effect on highway safety and no significant adverse effects upon the amenity of surrounding residents, subject to the imposition of the suggested conditions.

**47c. 25 Barbican Road, Fishergate**

Members considered a major full application by Mr D Blackwell for a conversion of 25 and 26 Barbican Road into 10no. apartments with associated external alterations and a 3-storey rear extension (re-submission).

The Officer confirmed that the scheme had been refused in January 2018 and was subsequently amended to reduce the projection of rear extension by 1.6 metres. It was added that the buildings were located outside the conservation areas and that there were no observations received from Yorkshire Water. In response to Members' questions, the following was noted:

- Waste management plans for main residential buildings were not normally required as part of the planning application; additional condition could be imposed subject to Members' request.
- Managing crime and security in the area in question could include door control and CCTV; it would be difficult to enforce specific conditions as they were not within the planning enforcement remit.

Pat Wills spoke against the application on behalf of Fishergate Planning Panel. She stated that the two properties concerned were architecturally separate; granting the planning permission would change the fenestration of both properties, break the uniform appearance of the area and result with loss of two family homes. She added that, by approving the plan, CYC would be setting precedent to the schemes that provided poor quality of life for York residents.

During the debate, Members highlighted that no substantial changes had been made to the application after it had been refused in January 2018 and that the development would be out-of-keeping with residential houses. Some Members were also concerned about the proposed room size and location which was at times lower than the Government's recommended standard of 38m<sup>2</sup>. It was clarified that the national amenity

standards were not embedded in the Local Plan which meant that the application could not be refused on those grounds. However, Members could refuse the application on the basis of the development's inability to provide a decent level of residential accommodation (without referring to the standards themselves).

Cllr Flinders moved and Cllr Cannon seconded a motion to refuse the application and it was

Resolved: That the application be refused.

Reason: The proposed development, by reason of the size, scale and massing of the proposed extension is considered to be out of character with the existing pattern of development on the east side of Barbican Road in the vicinity of the site, resulting in harm to the visual amenity of the area. Therefore, the proposal would result in the overdevelopment of the application site contrary to Policy GP1 and H8 of the Draft Development Control Local Plan (2005) Policy D1 of the Pre-Publication Draft Local Plan (2017) and paragraph 17 of the National Planning Policy Framework.

#### **47d. Public Toilets, Clarence Street**

A full application by Mr Malcolm Holt for a conversion of part-public convenience to a café was presented to Members.

The Officer provided an update, clarifying that the description of the application had been amended to include the takeaway element and that three additional objections from local businesses on Gillygate had been received, all of which were similar to objections already expressed in section 3.9 of the report. Members were informed that the application had been called to the Committee by Cllr Craghill in response to public concerns raised in relation to loss of public toilet facilities and the principle of the provision of café facilities in public car parks. In response to Members' questions, the following was also explained:

- Paragraph 3.3 of the report referred to the comments made by the Forward Planning Team and not to the Policy R1 *Retail Hierarchy and Sequential Approach* itself; the development of a café use within the defined city centre was considered acceptable in principle and would not require impact assessment under the emerging Local Plan.
- Gillygate had no separate designation in the emerging Local Plan.
- The scope for the Committee to request a retail impact assessment of the application on Gillygate would be limited because of the wording of the policy and, if requested, the results could be meaningless given the small size of the unit in question.
- Policy ENV2 *Managing Environmental Quality* (Paragraph 4.4), referring to not allowing development where future occupiers could be subject to significant environmental impacts such as noise, could include staff members working on site. However, the Air Quality Officers did not raise this in the report.
- Specific conditions in relation to reducing crime and antisocial behaviour were outside the remit of planning enforcement.

Christopher Wilson spoke on behalf of the applicant in support of the application. He highlighted that providing the facility with staffing and appropriate levels of surveillance would result with a better control of the area and could enhance its appearance for the visitors. He reiterated his willingness to tackle relevant issues such as homelessness and antisocial behaviour at the site, including through any conditions imposed by the Committee. Finally, he added that York had a small business community and flexibility was needed for any business owner to remain competitive. In response to questions, he stated that it was not possible to predict what portion of revenue / orders would be achieved by means of takeaway and that his relationship with the business running the toilet was on a landlord-tenant basis.

Jill Richards, owner of Wackers (fish & chips restaurant) at Gillygate, spoke against the application on behalf of local business owners, emphasising health and environmental impacts of the proposal: negative effect on staff members



present within a proximity of idling coaches, reversing coaches that posed a danger for pedestrians across a small car park, more litter in the area, and increased risk of antisocial behaviour due to extended opening times. She also added that coaches would not switch the engines off in exchange for hot water offered by the café as they were needed to keep the air-conditioning and heating on.

Elizabeth Bakes, owner of Bakes & Co (deli and coffee shop) at Gillygate, also spoke against the application, implying that there was not enough business to support another café due to the area reaching a saturation point and stating that the Guildhall Planning Panel had already objected to the quantity of food facilities at Gillygate. She expressed her concerns that an additional establishment would have a detrimental economic impact on many local family-owned businesses and that small shops should be encouraged at Gillygate instead.

Honorary Alderman Brian Watson also spoke in objection to the application, noting considerable harm from the air pollution at the site as well as presence of vulnerable people near the prospective café. He also claimed that the unit should be considered for the indoor use only.

Matthew Greenwood, Chair of York Tour Operators' Guild, then spoke against the application, highlighting that further reduction of the toilets would affect tourists' perception of the city due to the fact that alternative toilet facilities at Union Terrace did not have sufficient capacity for cohorts visiting York on coaches. He also reported that Healthmatic toilets in the city centre were frequently closing before 5pm which was against the contract stipulating the 7.30am – 10.00pm opening hours.

Members discussed the arguments brought by the Officers and public speakers, concentrating on the overall picture of toilet facilities in the city centre, potential harm to vitality and sustainability of the neighbourhood as well as risk of increased level of antisocial behaviour should the application be approved. Some Members, however, were of the view that the presence of a new café could decrease the level of antisocial behaviour and would not substantially increase the competition at Gillygate. Members also agreed that putting mitigation against environmental impacts such as noise and pollution from idling coaches would be difficult to achieve.

Cllr Carr moved and Cllr Gillies seconded a motion to refuse the application and it was

Resolved: That the application be refused.

Reason: 1. The proposed additional café use, due to its location within the coach and car park, would result in harm to the vitality and viability of existing businesses in Gillygate and, as such, would fail to enhance the gateway street of Gillygate contrary to policy SS3 of the Local Plan Publication Draft (February 2018). The proposal would be contrary to policy R1 of the Local Plan Publication Draft (February 2018) which seeks to maintain and enhance the vitality and viability of the city centre and policy S5 of the Draft Development Control Local Plan (2005) which states that permission will be granted for retail and service uses only where this would not harm the vitality of individual streets.

2. The proposed café use would be located in an area where North Yorkshire Police have identified a high level of anti-social behaviour which could impact on the security of the scheme. The proposed new development has the potential to increase these levels of anti-social behaviour and vandalism and consequently the impact on the safety and well-being of staff and customers and the visual amenity and environmental quality of the area. The local planning authority is of the opinion that a management and maintenance plan would not be sufficient to mitigate against the harm to the area which would result from increased levels of anti-social behaviour.

The proposal is, therefore, contrary to paragraph 69 of the National Planning Policy Framework which states that

decisions should aim to achieve places which promote safe environments where crime and disorder, and the fear of crime do not undermine quality of life or community cohesion.

3. The proposal would result in the permanent loss of public toilet facilities in an area which currently has inadequate toilet facilities. This is contrary to policy HW1 of the Local Plan Publication Draft (February 2018) which states that development proposals which involve the loss of facilities last used for community purposes will not be supported unless it can be demonstrated that facilities of equivalent or greater capacity and quality are provided elsewhere on the site or off-site, in an area which better meets the community's needs; or the facilities no longer serve a community function. It is considered that none of the caveats to the policy are satisfied in this case.

*[Cllr Orrell left at this point in the meeting].*

#### **48. Appeals' Performance and Decision Summaries**

Members received a report informing of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 January and 31 March 2018, and providing a summary of the salient points from appeals determined in that period, together with a list of outstanding appeals at date of writing.

It was

Resolved: (a) That the report be noted.

(b) That information on progress of appeals APP/TPO/C2741/3909 and APP/TPO/C2741/3907 be provided to Members.

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

Cllr J Galvin, Chair

*[The meeting started at 4.30pm and finished at 6.30pm].*

**COMMITTEE REPORT**

**Date:** 7 June 2018  
**Team:** Major and Commercial Team  
**Ward:** Huntington/New Earswick  
**Parish:** Huntington Parish Council

**Reference:** 18/00395/FUL  
**Application at:** 22 Hopgrove Lane North York YO32 9TF  
**For:** Erection of 1no. dwelling  
**By:** Mr Stephen Johnson  
**Application Type:** Full Application  
**Target Date:** 15 June 2018  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application seeks full planning permission for the erection of a three bedroom dormer bungalow within the existing garden of 22 Hopgrove Lane North, to the south-east of the existing bungalow, and between it and 21 Hopgrove Lane North. It would have the same orientation as no.21 with its front elevation facing in a south-westerly direction and its private rear garden to the north-east. Access would be via the existing vehicular entrance to no.22 from the private lane, Hopgrove Lane North, leading to two parking spaces served by a shared driveway with no.22. Changes to the existing dwelling, no.22, have been agreed separately under a large householder extension application (ref. 17/02775/LHE).

**CALL-IN**

1.2 The application has been called-in to Committee by Councillor Orrell, in relation to its impact on the Green Belt.

**2.0 POLICY CONTEXT**

2.1 Yorkshire and Humber Regional Spatial Strategy policies:

- YH9(C) and Y1(C1 and C2);

2.3 City of York Draft Local Plan (2005):

- CYGP1 - Design
- CYGP4A – Sustainability
- GP10 – Subdivision of Gardens
- CGP15A - Development and Flood Risk
- CYGB1 - Development within the Green Belt
- CYT4 - Cycle parking standards

2.4 Publication Draft Local Plan (2018) – relevant policies:

- D1 – Placemaking
- D2 – Landscape and Setting
- GB1 – Development in the Green Belt
- GB2 – Development in Settlements ‘Washed Over’ by the Green Belt
- CC2 – Sustainable Design and Construction of New Development
- ENV4 – Flood Risk
- ENV5 – Sustainable Drainage

### 3.0 CONSULTATIONS

#### INTERNAL

##### Public Protection

3.1 No objections subject to conditions to cover the reporting of unexpected contamination and provision of vehicle charge points.

##### Flood Risk Management

3.2 No objections in principle, but requests conditions be attached if planning permission is granted in order to protect the local aquatic environment and public sewer network.

#### EXTERNAL

##### Foss (2008) Internal Drainage Board

3.3 The application sites within the IDB's district and there is a Board asset adjacent to the site - Sow Dyke - which is known to be subject to high flows during storm events. Prior consent from the Board is required for any development within 9m of the bank top of any watercourse or forming the boundary of the site. The Board has no objection to the principle of this development, but recommends that the applicant clarify the drainage strategy. Conditions requested.

##### Huntington Parish Council

3.4 Does not object but comments that the proposal appears to be within CoYC Local Plan Green Belt.

##### Neighbour Notification And Publicity

3.5 There have been objections and comments from residents of 10 no. properties on Hopgrove Lane North, which are summarised as follows:

- Impact on open character in Green Belt - two storey dwelling with large footprint;
- Hopgrove is a hamlet within the parish of Stockton on the Forest that spans two civil wards of Huntington and Stockton and is not a village not infilling of either Huntington or Stockton;
- Proposal would not be in-keeping with the lane - it would double the density of building on the site on a plot that is too small to accommodate two dwellings;
- Proposal would cause considerable amenity and environment loss to the immediate neighbours;
- Damage to lane surface from heavy goods vehicles during construction, which has been re-surfaced by the community at considerable cost and which is already been damaged by construction vehicles to existing renovation and extension works to no.22;
- Impact of parking along land during construction;
- Affect on existing flooding problems from adding further property and increasing more hardsurfacing, thereby reducing the soak-away capabilities on site that are already overwhelmed in a flood/heavy rain situation;
- Existing houses have not been able to extend by more than 50%;
- Loss of light to no.21;
- Access to private lane serving numbers 21 and 23 should not be breached/parking on private land of no.21 is trespassing;
- Existing works on site have damaged trees and boundary hedging;
- Danger to children living along lane due to speed of vehicles along lane relating to no.22;
- LHE approval does not permit increased density within site or dormer to existing dwelling;
- Precedent set for other properties along the lane;
- Adequacy and quality of plans as basis for decision questioned.

## **4.0 APPRAISAL**

### **KEY ISSUES**

4.1 The key issues relevant to the consideration of this application are:

- Principle of development
- Green Belt policy
- Character and appearance
- Flood risk and drainage
- Residential amenity
- Highway safety

### **SITE AND PLANNING HISTORY**

4.2 The application relates to an area of garden serving 22 Hopgrove Lane North, located to the south-east of the existing detached bungalow. The front elevation of the bungalow faces in a south-westerly direction. Access is from the private Hopgrove Lane North, with a driveway leading along the south-west site boundary. No.22 sits at the end of a run of ribbon development that is perpendicular to Malton Road. The nearest properties are no.21 to the south-east, a 1 1/2 storey dwelling that has the same orientation as the existing bungalow, and no.23 to the north-east, a 2 storey dwelling that sits within a relatively large plot with a southerly aspect. The site lies in flood zone 1, though part of the garden of no.22 falls within Flood Zones 2 and 3 as a result of the watercourse running along the north-western boundary. To the south-west of the site are open fields.

4.3 Relevant planning history includes:

2015 - Two applications withdrawn (ref. 14/03014/OUT and 15/01096/FUL) for erection of 2 no. two storey dwellings;

2016 - Erection of 2 no. two storey dwellings refused (ref.16/00401/FUL);

2017 - Erection of 1 no. three storey dwelling refused (ref.17/01775/FUL);

2018 - Erection of a single storey extension extending 8m beyond the rear wall of the original house and a total height of 2.7m approved on 4 January 2018 (ref.17/02775/LHE).

## POLICY CONTEXT

4.4 Section 38(6) of the Planning and Compensation Act 2004 requires 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, YH9(C) and Y1(C1 and C2), relate to York's Green Belt and the key diagram, Figure 6.2, insofar as it illustrates the general extent of the Green Belt around York with an outer boundary about 6 miles from the City Centre. The application site falls within the general extent of the Green Belt as shown on the Key Diagram of the RSS.

4.5 Central Government guidance is contained in the National Planning Policy Framework ("NPPF", March 2012), places emphasis on achieving sustainable development. Paragraph 7 of the NPPF says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Paragraph 14 contains restrictions where this presumption in favour of sustainable development does not apply, including land designated as Green Belt where the Government attaches great importance to openness and permanence. 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 existing and future occupants, protecting Green Belt, taking full account of flood risk,



encouraging the effective use of land by reusing previously developed land that is not of high environmental value; and, actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling.

4.6 Paragraph 187 states that when Local Planning Authorities are 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.

4.7 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. However, such policies can be afforded very limited weight. The relevant policies are summarised in section 2.1 above. Policies considered to be compatible with the aims of the NPPF are GP1, GP15a and GB1. The site is included on the Proposals Map as a 'washed over' settlement, for which Policy GB2 applies. However, the designation and policy is not NPPF compliant and therefore carries no weight.

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

## PRINCIPLE OF DEVELOPMENT

4.9 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development, unless specific policies in the NPPF indicate development should be restricted. Your officer's view is that this presumption does not apply to this proposal as the site lies within the general extent of the Green Belt as identified in the RSS and therefore justifies the application of the more restrictive policies in Section 9 to the NPPF.

4.10 Whilst the RSS has otherwise been revoked, its York Green Belt policies have been saved together with the key diagram which illustrates the general extent of the Green Belt around York. These policies comprise the S38 Development Plan for York. The policies in the RSS state that the detailed inner boundaries of the Green Belt around York need to be defined to protect and enhance the nationally significant historical and environmental character of York.

4.11 The site lies outside the main urban area of the City and is separated by some 500m from the edge of its settlement limit by open fields. It comprises a piece of land within the property of no.22 that is part of ribbon development running

perpendicular to the main road, Malton Road, into the open countryside and is visible in views from the road across the fields. It lies within the settlement of Hopgrove. As the open character of the settlement makes an important contribution to the openness of the Green Belt, it has been included in the general extent of Green Belt in accordance with paragraph 86 of the NPPF. The application site sits at the end of this stretch of ribbon development and, given the low level of development currently occupying it, provides a soft edge to the cluster of development where it meets the open fields beyond. In light of the above, it is considered that the site falls within the general extent of Green Belt established by the RSS. This view was confirmed by the Inspector in an appeal decision of 15 February 2017 for 7 Hopgrove Lane North. In accordance with paragraph 14 of the NPPF, the proposal should be assessed against the restrictive policies in section 9 'Protecting Green Belt land' of the NPPF.

## GREEN BELT POLICY

4.12 Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence. Paragraph 88 of the NPPF establishes that 'substantial weight' should be given to any harm to the Green Belt. Paragraph 87 states that inappropriate development that is, by definition, harmful to the Green Belt, should not be approved except in 'very special circumstances'. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. Development within the Green Belt is considered to be inappropriate unless it falls within one of the exceptions listed in paragraphs 89 and 90. Policies GB1 of the 2005 Draft Local Plan and 2018 Publication Draft Local Plan reflect Green Belt policy contained in the NPPF.

4.13 The proposal involves the erection of one dormer bungalow within the curtilage of 22 Hopgrove Lane North. The dormer bungalow would be similar in its footprint, scale and height to other properties along the lane. It would sit in the gap to the south-east of the existing bungalow between it and the boundary with the access road serving numbers 21 and 23 Hopgrove Lane North. Its front elevation would face towards the open fields, which is the same direction as the existing dwelling no.22 and the other properties along the lane with the exception of no.23, though it would be stepped back from the front elevation of no.22 and would be in line more with the front elevation of no.21. The current driveway would be retained in line with, and as a continuation of, Hopgrove Lane North, over which the existing and proposed dwellings would front onto. In views along Hopgrove Lane North or across the fields from Malton Road, the development would read as part of the ribbon development that characterises Hopgrove Lane North and would infill the gap that exists between numbers 21 and 22 within the otherwise built-up frontage along Hopgrove Lane North.

4.14 Hopgrove Lane North is part of the settlement of Hopgrove that sits either side of Malton Road. The settlement is cited in the 2005 Draft Local Plan as a 'village' in the explanatory notes accompanying Policy GB2 relating to development in 'washed over' settlements in the Green Belt. This policy is no longer compliant with the NPPF and the 2018 Publication Draft includes no such list, but the approach to which settlements within the City's boundary were villages was clearly set out in the earlier document that was approved for development control purposes.

4.15 As such, it is considered that the proposal would fall within the 5th exception of paragraph 89 of the NPPF, being limited infilling in a village. Therefore, the proposal is considered to be appropriate development in the Green Belt that would not conflict with the fundamental aim of Green Belt policy of prevent urban sprawl (paragraph 79).

## CHARACTER AND APPEARANCE

4.16 Section 7 of the NPPF requires good design. At paragraph 56, it says that good design is a key aspect of sustainable development that is indivisible from good planning and should contribute positively to making places better for people. Policy GP1 'Design' of the 2005 Draft Local Plan and policies D1 'Placemaking' and D2 'Landscape and setting' of the 2018 Publication Draft Local Plan are compliant with the aims of the NPPF.

4.17 The site is located at the end of a long private lane with housing on its right hand side. To the left hand side of the lane are open fields, which permit longer distance views of the lane and the properties along it. The properties along it are a mixture of types, size and design, though are largely one and two storey in height; some have loft conversions with roof lights or dormers. The character of the lane is drawn from its layout of ribbon development with properties facing towards the open fields on the south-west side of the lane. At the end of the lane are the application site property, which is a modest bungalow, and behind it to the north-east the property no.23, which is a detached dwelling in a larger landscaped plot.

4.18 The application proposes a dormer bungalow of similar size to other properties along the lane, that would reflect design features visible on other properties and the spacing between dwellings. The proposed dormer window, whilst long, would sit within the slope of the roof and would reflect that at no.21. The dwelling would be stepped back from the front elevation of no.22 and would be more in line with the front elevation of no.21. No.22 has consent for a large rear single storey extension (ref.17/02775/LHE) and the agent has confirmed that a dormer window, similar to that proposed on the application property, is proposed on the south-west facing front roof slope under permitted development rights to facilitate the creation of habitable room within the loft space. The size, scale and design of the proposed dwelling would be similar to no.22 when extended and in-keeping with the other properties along the lane. The Sustainability Statement confirms the applicant's intention to reinforce the existing hedge site boundaries.

4.19 In light of the above, the proposed development is considered to be in-keeping with the form and layout of Hopgrove Lane North and, as such, would not detract from the character and appearance of the street scene or area. The proposed development would accord with the aims of the NPPF and local planning policies relating to visual amenity.

## FLOOD RISK

4.20 Paragraph 103 of the NPPF states that development should be directed to the areas of low flood risk and that development should not result in an increase of flood risk within the site or elsewhere. Policy GP15a of the Draft Local Plan supports this approach to flood risk.

4.21 The site where the new dwelling is proposed lies within Flood Zone 1 (low probability) and should not, therefore, suffer from river flooding. The property of no.22 is bounded along its north-west boundary by the watercourse Sow Dyke and the land to the north and west of the existing dwelling no.22 falls within Flood Zones 2 and 3.

4.22 Concerns have been raised by residents along Hopgrove Lane North about the ability of the existing foul and surface water drainage systems, which they consider to be already at capacity, to cope with additional discharge. Reference is made to surface water drainage problems that existing residents already face within their property. However, this is an existing situation that would not be affected by or affect the site of the proposed dwelling, subject to adequate drainage provision being provided to ensure that the situation was made no worse. Foul water from the new dwelling is proposed to be discharged to the existing foul drain serving no.22. Surface water is proposed to be disposed of to a soakaway. Whilst this is welcomed by the Internal Drainage Board as an approach, both the Board and the Council's Flood Risk Engineer seek conditions if the application is approved of the detailed drainage arrangements to ensure that the site is adequately drained without leading to increased flood risk elsewhere.

4.23 As a result, it is considered that a satisfactory drainage solution is available and that any further harm could be mitigated through condition. The proposal is considered to be in line with the objectives of the NPPF in terms of flood risk, subject to condition.

## RESIDENTIAL AMENITY

4.24 One of the core principles of the planning system outlined in the NPPF is to seek a good standard of amenity for all existing and future occupants. Paragraph 120 of the NPPF also states that new development should be appropriate for its location to prevent unacceptable risks from pollution and land instability, with the responsibility for securing a safe development resting with the developer.

4.25 The site is already in residential use and is surrounded by other residential properties. Therefore, the proposed development would be compatible with the surrounding land uses. It would have adequate internal and external space to serve it, with a rear garden approx. 8m long x 12m wide, though overhung in part by a large mature tree within the garden of no.23. It would have independent parking facilities to serve it as would the existing dwelling on site, no.22. Sufficient external private amenity space would be retained within the reduced curtilage of no.22 that is outside flood zones 2 and 3.

4.26 The proposed dwelling would likely result in some overshadowing to the existing property of no.22 in the middle of the day, given the SW-NE orientation of the properties and position of the proposed dwelling to the south-east of the existing dwelling. The impact of the proposed dwelling would be during the middle part of the day when the sun is at its highest and would therefore be short-lived. Openings on the elevation facing no.22 would be either an obscure glazed en-suite window, a side door to the utility room or a secondary window to the lounge. A 2m high fence is proposed to separate the plots of the existing and proposed properties, which would minimise the potential for overlooking.

4.27 The main impact on no.21 would be the potential for loss of privacy from the three side windows in the side elevation; two of these are secondary windows to the living and dining areas and the third serves the kitchen - all three windows are at ground floor level and the kitchen window in particular would face towards the ground floor side window of no.21. There would be a distance of about 7m between these two windows, which would be separated by the private lane serving numbers 21 and 23 and the means of enclosure along the site's south-east boundary. The boundary enclosure is currently a high hedge that the applicant intends to retain and reinforce. A condition should be attached to confirm means of enclosure to the site to ensure that the hedge is retained or a suitable replacement means of enclosure is provided to protect amenity of no.21. No upper floor windows are proposed facing no.21. Any potential for overshadowing would be limited and would be late in the daytime.

4.28 The property of no.23 is located at a distance of over 20m to the NNW of the proposed dwelling and sits at an angle to the site boundary. The proposed property has only single storey openings or a roof light in the walls and roof plane facing towards no.23. Given this, and the distance, the amenity of this property would be protected.

4.29 Local residents have raised concern about the impact of building works on living conditions due to the narrowness of lane for construction vehicles and the need to adhere to the imposed speed limit. However, this would apply to any building works at properties along the lane. It would be reasonable to impose a condition to restrict the hours of construction given the proximity of the proposal to other residential properties.

4.30 In light of the above, the scheme would cause no significant material harm to the amenity that adjacent occupants can reasonably expect to enjoy and a good standard of amenity would be provided for future occupants. Public Protection has requested conditions to address potential contamination at the site as well as the provision of an electric charge point to help tackle air quality within the City. The application, therefore, accords with one of the core principles of the NPPF in that it would ensure a good standard of amenity to existing and future occupants.

## HIGHWAY SAFETY

4.31 The NPPF encourages sustainable travel and the location of development in sustainable and accessible locations. The site lies within an existing settlement, which is close to an existing public transport route and within short distance of leisure and retail facilities at Monks Cross. The proposed development would be accessed via the existing entrance from Hopgrove Lane North that serves the existing dwelling. Parking for two vehicles would be created within the site and a condition could be imposed to require the provision of cycle parking facilities. It is not envisaged that one additional three bedroom property would materially increase traffic generation or adversely impact safety on the highway network. As such, the proposal is considered to comply with the general thrust of the NPPF.

4.32 Concern has been raised by residents of Hopgrove Lane North, which is a private lane and has recently been re-surfaced at the expense of the occupants, in terms of the impact of construction traffic on safety and surface condition. The lane has a privately imposed speed limit. However, as the lane is not adopted, issues relating to vehicle movements along it, parking and damage to its surface are a private matter for those with responsibility for the lane. The authority has no control to impose conditions relating to parking and speed of vehicles or to rectify any damage caused as a result of the development.

## 5.0 CONCLUSION

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

## COMMITTEE TO VISIT

Application Reference Number: 17/01775/FUL

Item No: 4a

## 6.0 RECOMMENDATION:

1. The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

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

- Site Location and Block Plan drawing no. (05)20, dated 15.2.18;
- Proposed Site Plan drawing no. (05)21, dated 15.2.18;
- Proposed infill dwelling elevations drawing no. 4071(05)PE, undated;
- Proposed infill dwelling floor plans drawing no. 4071(05)PP, undated;

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

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

Design considerations:

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

If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself.

City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test. If SuDs methods can be proven to be unsuitable then In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate

(based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 30% allowance for climate change.

If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha or if shall be used for the above. For the smaller developments where the Greenfield run-off rate is less than 1.4 l/sec/ha and becomes impractical and unsustainable then a lowest rate of 0.5 l/sec shall be used.

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

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

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site. It is necessary to require this information prior to commencement of any ground works on site as the provision of drainage is fundamental to the delivery of the scheme.

4. 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.

5. Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the construction of the development commences and shall be provided in accordance with the approved details before the development is occupied and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and the amenities of neighbouring properties.



6. 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.

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

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

8. The dwelling shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles for the existing dwelling no.22 and dwelling hereby approved have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

9. Prior to occupation of the dwelling, details of covered and secure cycle storage facilities to serve the dwelling shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be provided for no other purpose 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.

10. Prior to occupation, a suitably rated electrical socket to allow 'Mode 2' charging of an electric vehicle using a standard 13A 3 pin socket and a 3m length cable shall be provided adjacent to the off-street parking spaces within the site and shall be retained thereafter.

Reason: To provide facilities for charging electric vehicles in line with the NPPF and CYC's Low Emission Strategy.

Notes:

Optionally, a suitable 'IEC 62196' electrical socket (minimum rated output of 3.7kw /16A) can be provided in addition to the standard 13A 3 pin socket to allow 'Mode 3' charging of an electric vehicle. Mode 3 charging, using a suitable cable and charging point, allows faster charging of electric vehicles. Further advice can be provided by City of York Council's Public Protection team on request.

All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015).

**7.0 INFORMATIVES:**

**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:

- Approach made to agent to consider reducing number of side openings facing no.21;
- Imposition of conditions to mitigate potential harm.

**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 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.

**Contact details:**

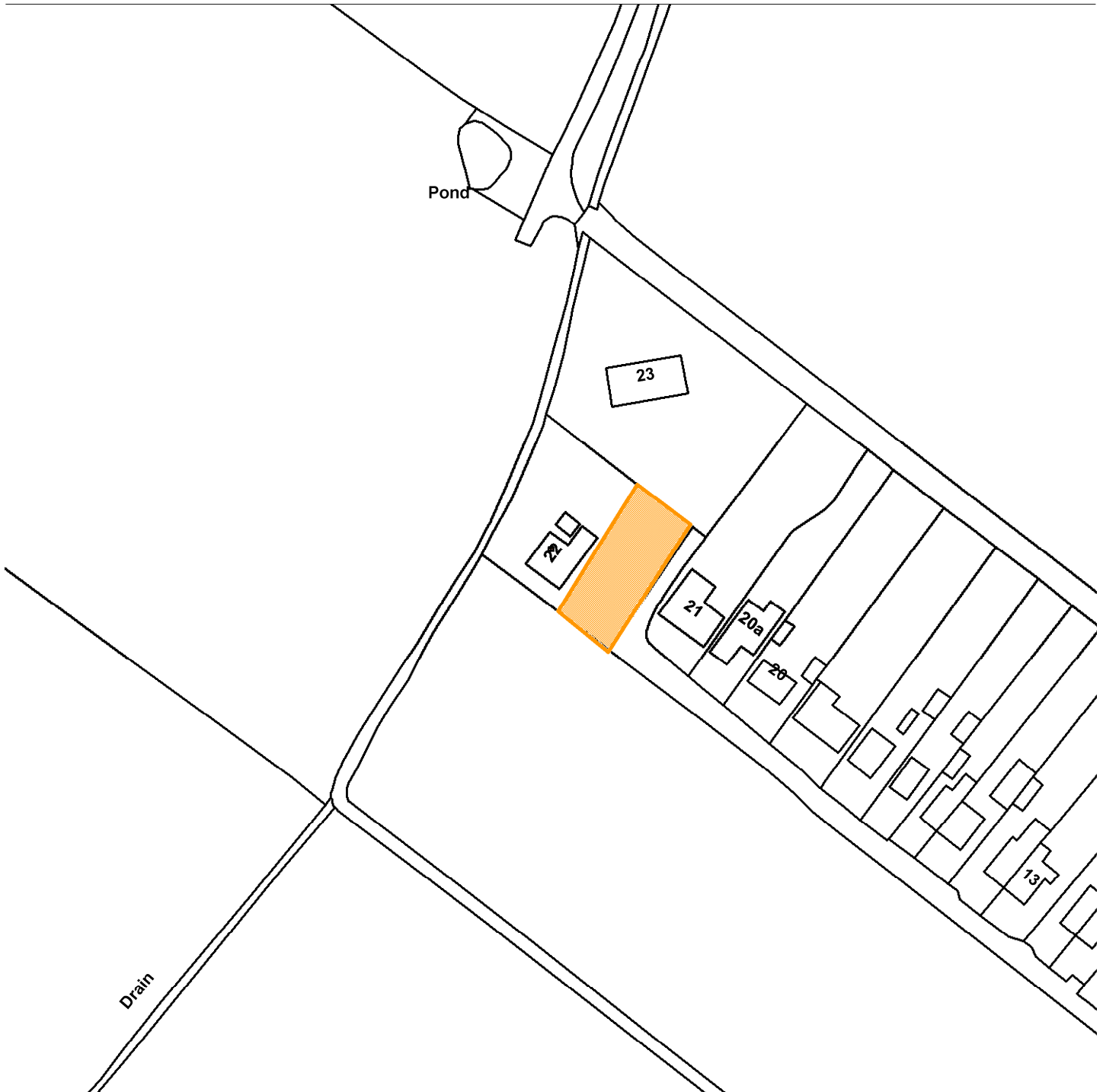
**Author:** Hannah Blackburn Development Management Officer

**Tel No:** 01904 551325

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18/00395/FUL

22 Hopgrove Lane North



Scale : 1:1181

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	25 May 2018
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 7 June 2018                      **Ward:** Heworth  
**Team:** Major and                      **Parish:** Heworth Planning Panel  
Commercial Team

**Reference:** 17/02576/FULM  
**Application at:** Thomas Dick Ltd Hallfield Road York YO31 7XQ  
**For:** Erection of three storey building comprising of 14 no. residential units with associated parking, external refuse storage and private amenity areas following demolition of existing building  
**By:** Helmsley Securities Ltd  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 30 January 2018  
**Recommendation:** Approve subject to Section 106 Agreement

**1.0 PROPOSAL**

1.1 Planning permission is sought for a three storey building providing 14 flats (9 x 1 bed and 5 x 2 bed). Vehicle and pedestrian access would be from Hallfield Road.

1.2 The site was previously used as a workshop and the buildings have recently been removed. The site slopes down from north east to south west towards the enclosed cycle path which runs along the rear of the site. To the north west, north and north east is residential to the east and south east are industrial uses. To the south is the James Street Caravan Site; further west is James Street, Morrison's supermarket and the Brickworks student accommodation.

1.3 There is a linear archaeological monument (Derwent Valley Light Railway) following the cycle track to the south west. The southern corner of the site is within Flood Zone 3, just under half of the site is within Flood Zone 2, and the north eastern part of the site is Flood Zone 1. The part of the site fronting onto Hallfield Road and within the application site is adopted highway.

1.4 Revised plans have been submitted altering the position of the cycle and refuse bin store and altering the position of the residential building,

**2.0 POLICY CONTEXT**

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

- CYGP1 Design
- CYGP3 Planning against crime
- CYGP4A Sustainability

- CYGP6 Contaminated land
- CYGP10 Subdivision of gardens and infill devt
- CYGP13 Planning Obligations
- CGP15A Development and Flood Risk
- CYNE1 Trees, woodlands, hedgerows
- CYHE10 Archaeology
- CYT4 Cycle parking standards
- CYH4A Housing Windfalls
- CYE3B Existing and Proposed Employment Sites
- CYL1C Provision of New Open Space in Development

## 2.2 The Publication Draft York Local Plan 2018:

- EC2 Loss of Employment Land
- H2 Density of Residential Development
- D1 Placemaking
- D2 Landscape and Setting
- D6 Archaeology
- GI4 Trees and Hedgerows
- GI6 New Open Space Provision
- CC2 Sustainable Design and Construction of New Development
- ENV1 Air Quality
- ENV3 Land Contamination
- ENV4 Flood Risk
- ENV5 Sustainable Drainage
- T1 Sustainable Access
- DM1 Infrastructure and Developer Contributions

## 3.0 CONSULTATIONS

### INTERNAL CONSULTATIONS

#### Highway Network Management

3.1 No objections, Vehicular and pedestrian access is to be taken from Hallfield Road, modified from that of existing, with some extension to the existing verge. The frontage of the current site has a dropped kerb of which, other than the proposed access will require to be reconstructed to full height kerb and footway. These works may be done under Streetworks Special permission.

3.2 Covered secure cycle parking has been secured within a separate building with reasonable access arrangement. The provision is to a level of 1 cycle space per unit. This meets our minimum standards. Local cycle links and routes serve the development well.



3.3 Parking standards in York are specified as a maximum, and are assessed down to suit the location with regard to sustainability of the location and available parking in the locality. CYC does not currently have minimum standards. The development is in a particularly sustainable location, close to public transport, amenities and within reasonable walking distance from the city centre. For a development of 1-2 bedroom flats we anticipate lower levels of parking than larger apartments of 3-4 bedrooms. Census data of Heworth ward, evidences that 34% of households don't own a car, with 45% just owning 1. Parking restrictions protecting junctions are widespread in the locality, with some availability of parking space further down Redness Street on a first come first served basis.

3.4 Request HWAY 17 (removal of existing vehicular crossing and 19 (Car and Cycle parking to be laid out prior to first use), and INF1 (permission required for works in street)

#### Design, Conservation, And Sustainable Development (Ecology Officer)

3.5 A Preliminary Ecological Appraisal was undertaken of the site in September 2017. This found the site to be of limited ecological value; comprising mostly hard standing and industrial units. The trees and outbuildings were assessed for their potential to support roosting bats and are considered to have negligible potential. The site could be enhanced by the provision of integrated bat boxes the new building, particularly because its proximity to the cycle path and Tang Hall Beck which provides good foraging habitat. Request the following condition: bat accommodation, and a breeding bird informative

#### Design, Conservation, And Sustainable Development (Archaeology)

3.6 No objections, seek watching brief via condition

#### Flood Risk Management Team

3.7 Consider that the FRA addendum shows that the new proposal will not cause any unacceptable increase in flood risk, therefore no objections. Request details of the foul and surface water drainage to be submitted via condition; no piped discharge until the drainage works are in place; and site shall have separate means of foul and surface water.

#### Public Protection

3.8 No objections, The submitted noise assessment indicated that sound levels at the site are elevated and that suitable glazing, acoustic trickle vents and an acoustic barrier would be required to ensure that sound levels in the proposed properties and external amenity areas comply with the requirements of BS8233:2014 and the World Health Organisation Guidelines on Community Noise. PP are satisfied that sound

levels should be capable of meeting these standards but request that the noise insulation measures are submitted via condition.

3.9 The proposed residential properties will be located near to a number of existing residential properties and there is the potential for noise associated with the construction phase of the development to affect nearby residential properties, therefore request Construction and Environmental management Plan and hours of construction be sought via condition

3.10 A Phase 1 Desk Study (dated October 2017) and a Phase 2 Site Investigation Report (dated October 2017) were submitted with this planning application. The reports are acceptable. The results of the ground gas monitoring and risk assessment should be submitted in due course. Request the following be submitted via condition: the submission of a remediation strategy/scheme detailing the proposed clean cover layer and any necessary gas protection measures

3.11 The proposed development will provide car parking for eight vehicles, as a result Public Protection would request that provision be made for the installation of electric vehicle recharging, sought via condition

#### Public Realm

3.12 There is no on site open space therefore request an off site payment of £2869 from this development. The contribution would go to St Nicolas Fields - expansion of teaching and workshop facilities as the recipient of Hungate open space monies. The existing facilities are not large enough to support the necessary care, maintenance and development of the site. This is only the second time this scheme that has been nominated before. No payment is being requested for play provision.

#### Forward Planning

3.13 No comments received

#### Housing Development Officer

3.14 Below affordable housing threshold

#### Schools Contract Officer

3.15 No education contribution required

#### WASTE MANAGEMENT

3.16 The bin store appears adequate for the bins required and we will be able to empty the bins easily if the bin store is left open on collection day. The developer is

advised that containers must be purchased from the Council and must be done so at least 5 weeks before they are required

## EXTERNAL CONSULTATIONS/REPRESENTATIONS

### Heworth Planning Panel

3.17 No objections

### Police Architectural Liaison Officer

3.18 Concerns regarding the cycle store have been taken into consideration and satisfactorily dealt with.

3.19 There were 94 crimes and 39 anti-social behaviour incidents recorded during this twelve month period. Crime and anti-social behaviour levels within the vicinity of the proposal can be described as being at a high level. Any new development has the potential to increase these levels if the designing out of crime is not considered and implemented. Should be consideration of defensible space, access control, surveillance, target hardening and image

3.20 Concerns regarding the car parking provision proposed for this site being below the standard advocated by CYC policy, as disputes that lead to the criminal damage of parked unattended vehicles are already prevalent in the immediate area.

3.21 Amenity space around the site should be subject to an effective maintenance plan. Such a plan should be drawn up to address such issues as litter removal, damage repair, repair to security features in communal areas (lighting, access control, etc.).

### Environment Agency

3.22 No objections, does not cause any unacceptable increase in flood risk

### Yorkshire Water

3.23 Request following conditions: No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed; the site shall be developed with separate systems of drainage for foul and surface water on and off site.

3.24 Plans should show foul and surface water proposals both on and off the site. The developer is proposing to discharge surface water to SUDS which YW assumes means either ground infiltration or watercourse. As surface water from the site is not

proposed to discharge to the public sewer network, no assessment of the capacity of the public sewers to receive surface water has been undertaken.

### Foss Internal Drainage Board

3.25 There are no board maintained watercourses in the vicinity

### Publicity And Neighbour Notification

3.26 Three objections received:

- The site stands directly behind the objector's property and if a three storey building is erected this will result in overlooking and a loss of privacy. The amenity blocks to the caravans are separate to the caravans; the surrounding wall will provide little mitigation by virtue of the height and proximity of the proposed building. Would result in a loss of residential amenity
- The proposal will result in a loss of light and loss of view/outlook to the nearby flats. The light and view have already been diminished by the Brickworks, the proposed development would exacerbate the issue.
- Object to the lack of EV charging provision on this new build site. Government have mandated all new vehicles from 2040 will require electric propulsion and many organisations expect 50% of vehicles on the road to be electric by 2030 then installing a single 3 pin socket is completely inadequate and will discourage residents from owning an EV for as long as they possibly can. All parking spaces on the development should be provided with a 7KW type II socket. Retrofitting EV charging to the development would be extremely costly, disruptive and difficult. The cabling should be provided to each parking space during the build to enable residents to add charging points with ease.

## **4.0 APPRAISAL**

### KEY ISSUES

- Flood Risk
- Design and Landscape
- Drainage
- Residential amenity
- Ecology

### PLANNING POLICY

4.1 The National Planning Policy Framework (NPPF) indicates a presumption in favour of sustainable development unless specific policies in the NPPF indicate development should be restricted. There are three dimensions to sustainable development: economic, social, and environmental. These roles should not be undertaken in isolation, because they are mutually dependent. The presumption in

paragraph 14 does not apply in this case as the more restrictive policies apply concerning flooding (Sections 10).

4.2 Paragraph 58 of the NPPF states that decisions should aim to ensure that development: will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

#### Draft Development Control Local Plan (2005)

4.3 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). It can only be afforded very limited weight. Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

#### Publication Draft York Local Plan (2018)

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

#### FLOOD RISK

4.5 Paragraph 103 of the NPPF states that when determining applications the LPA should only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment. Following the Sequential Test, it can be demonstrated that: within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning. It gives priority to the use of sustainable drainage systems. The aim of the sequential test is to steer new development to areas at the lowest probability of flooding (Zone 1). Ultimately the

LPA needs to be satisfied in all cases that the proposed development would be safe and not lead to increased flood risk elsewhere

4.6 The existing use of the site is a 'less vulnerable' use and the proposed use is a 'more vulnerable' use. The proposal would therefore be an increase in the flood risk vulnerability of the site. The applicant has not submitted any consideration of other sites. The application site lies within Flood Zone 1, 2, and 3a. The site has historically been developed and until recently accommodated a building covering the part of the site within Flood Zone 2. The proposed building would be constructed within Flood Zone 1 and 2, the car park and access and egress from the proposed building would be within Flood Zone 1. The proposed development would result in a net gain of compensatory flood storage of 5.2m<sup>3</sup>. Flood resilience measures are incorporated through the raising of floor levels. The Environment Agency and the Flood Risk Management Team have raised no objections to the erection of the proposed building within Flood Zone 1 and 2. The proposal and the information set out in FRA and addendums meet the requirements in the NPPF in terms of providing a means of escape and being safe for its lifetime.

## LOSS OF EMPLOYMENT

4.7 Policy E3b (Existing and Proposed Employment Sites) of the Local Plan 2005 seeks to resist the loss of existing employment sites and retain them within their current use class. In order to determine if there is a sufficient supply of employment land to meet both immediate and longer term requirements over the plan period in quantitative and qualitative terms, evidence that the site has been marketed should be sought. In addition either point b), c) or d) of policy must be met.

4.8 Policy EC3 (Loss of Employment Land) of the Publication Draft Local Plan 2018 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.

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

placed on the need to support economic growth through the planning system (paragraph 19).

4.10 The National Planning Policy Framework requires local planning authorities to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

4.11 The proposal would result in the loss of the land being available for employment use and would therefore negatively impact on the City's employment land requirements. The building has been demolished. The NPPF states planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. The NPPF states that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities. The applicant has not supplied any information as to the marketing of the site. The applicant has not demonstrated that there was no longer a qualitative or quantitative need for this employment site. Whilst the site could be re-developed for employment use (subject to a further planning permission) there appears little realistic prospect of that happening, the residential redevelopment scheme is before Members and given the policy of the NPPF for local planning authorities to boost significantly the supply of housing it is considered that on balance that a residential scheme in this location is acceptable.

## DESIGN AND LANDSCAPE CONSIDERATIONS

4.12 The National Planning Policy Framework states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

4.13 The application site is within the developed area of the city. The site has good access to local shops and services as well as public transport and cycle links. It is therefore considered that the site is within a sustainable location.

4.14 The appearance is similar to the neighbouring development of the north (1 - 6 St Hilda's Terrace). The revised development has been brought closer to the western boundary, the variation in the height of the roof together when viewed in context with the development to the north would result in a development that would not be unduly prominent within the streetscene. Within the development there would be a significant amount of hard landscaping, which would create a densely

developed urban feeling. The boundary treatment to Hallfield Road has been altered to a low wall which is in keeping with the prevailing character of low walls or railings in this part of Hallfield Road. The application site includes adopted highway verges (adjacent to the front /Hallfield Road boundary), the proposed plans show these verges being retained and grassed. On balance given the mixture of suburban building styles in the neighbouring area and the adjacent industrial estate the density of the neighbouring development it is not considered to result in sufficient harm to the character and visual amenity of the area to warrant a recommendation of refusal.

4.15 A tree (Goat Willow) to the rear of the site adjacent to the boundary with the cycle lane, would be removed. The proposed layout does not provide sufficient space for a replacement tree. The soft landscaping to the cycle lane is mature and the loss of the tree would not be sufficiently harmful to the visual amenity as to warrant refusal.

#### IMPACT TO RESIDENTIAL AMENITY

4.16 One of the core principles of the planning system outlined in the NPPF is to seek a good standard of amenity for all existing and future occupants.

4.17 The building has been brought further west into the site. Previously there has been some concern of overlooking and loss of privacy to the caravan park to south. With bringing the building further west whilst closer to the caravan park, because of the angle of the proposed building the view from the proposed residential units over the caravan would become more oblique, (the proposed units would face the drainage ditch rather than the caravan park). The proposed building would be three storeys in height however the angle of the building in relation to the height of caravan park is not considered to be unduly overbearing. The proposed building is not considered to result in an undue loss of amenity to the occupants of the caravan park.

4.18 The relationship of the proposed building to the residential units to the north and the north east is considered to be acceptable and there would not be a loss of residential amenity to the occupants of these dwellings.

4.19 By virtue of the close proximity of the nearby residential accommodation it is considered necessary to require (via condition) the restriction of the hours of construction, to protect the amenity of the occupants.

4.20 The flats created by the proposed development would be of modest dimensions however the proposed accommodation is considered to provide an acceptable quality of amenity for the future occupants of the flats. Three of the flats would have outside space/yards.



4.21 Para 58 and 69 of the NPPF, states that development should create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. There is a requirement on the LPA to consider crime and disorder implications, under S17 of the Crime and Disorder Act 1998. The NPPF states that decisions should aim to ensure development creates safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesions. Given the surrounding uses and the late night economy of the area there may be issues. The Police Architectural Liaison Officer submitted a report indicating that there was a particularly high incidence of reported crime reported incidences of Anti Social behaviour in this locality.

4.22 The cycle store has been moved to the front of the building to allow for surveillance and security and it is overlooked from the building and the surrounding buildings and is also closer to the road network. The secure doors and windows requested by the Police would be sought via Part Q of the Building Regulations

## NOISE

4.23 The NPPF states that planning decisions should aim to avoid noise giving rise to significant adverse impacts on health and quality of life, para 123 and Policy ENV2 of the Publication Draft York Local Plan 2018 requires that there should be no undue adverse impact from noise disturbance. Local planning authorities' plan-making and decision taking should take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and
- Whether or not a good standard of amenity can be achieved.

4.24 Due to the potential for noise from the area affecting the proposed development a noise assessment was submitted with the application. This report indicated that sound levels at the site are elevated and that suitable glazing, acoustic trickle vents and an acoustic barrier would be required to ensure that sound levels in the proposed properties and external amenity areas comply with the requirements of BS8233:2014 and the World Health Organisation Guidelines on Community Noise. The noise insulation can be sought via condition

## HIGHWAYS

4.25 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.

4.26 Eight parking spaces are provided. A lower percentage of parking provision (than 1 per unit) in this location due to the low ownership of cars in Heworth and neighbouring Guildhall wards together with the proximity to the city centre and public transport is considered to be acceptable. The surrounding streets have parking restrictions (double yellow lines). The parking spaces are of an acceptable size and there is sufficient turning space.

4.27 Revised plans show the cycle parking in an accessible location with natural surveillance from the proposed and surrounding properties. The covered cycle parking provides sufficient spaces (14).

4.28 The adopted highway verges have been maintained and would allow viability for vehicles when leaving the development

## ARCHAEOLOGY

4.29 The site is not within the Area of Archaeological Interest, however it is adjacent to a recorded historic monument, the cycle path follows the path of the Derwent Valley Light Railway. A desk based assessment has been submitted as part of this application. The study revealed that there is a chance of archaeological deposits existing on the site dating from all periods including scattered Roman funerary remains. However, 19th and 20th century use of the site is likely to have led to a degree of truncation of earlier deposits. Given the potential for pockets of archaeology to survive on the site an archaeological watching brief is required on groundworks associated with the creation of the new building could reveal or disturb archaeological features, it is considered necessary to seek this via condition

## DRAINAGE

4.30 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. Local Plan Policy GP15a (Development and Flood Risk) and Publication Draft York Local Plan (2018) Policy ENV5 (Sustainable Drainage) advise discharge from new developments should not exceed the capacity of receptors and water run-off should, in relation to existing runoff rates, be reduced. Few details of the surface water drainage scheme were submitted as part of the application. However it is considered that an acceptable drainage scheme could be achieved and the details of this method could be sought via condition.

## OPEN SPACE AND EDUCATION CONTRIBUTION

4.31 There is a requirement within both draft plans for applications for new residential development to provide a financial contribution towards the provision of public open space, education etc. The Community Infrastructure Levy Regulations

(2010) only allows for up to 5 contributions to be made to a single scheme. Regulation 123 states that a planning obligation may not constitute a reason for granting planning permission for the development to the extent that the obligation provides for the funding or provision of relevant infrastructure. With the exception of the yards for three of the flats, open/amenity space has not been provided within the development as such this will lead to the use of surrounding amenity spaces. Public Realm has confirmed that an open space contribution is required in this case. This can be secured through a Section 106 agreement. The Council seeks open space payments where a) there is a shortfall in provision within the defined catchment for each typology and b) where there is a shortfall in quality of existing provision. The contribution of £2,869 for the amenity open space would go towards the expansion of teaching and workshop facilities at St Nicholas Fields. It is only the second time this scheme has been nominated as such is within the CIL legislation requirements. Therefore the contribution is considered to be a reasonable requirement in this case and compliant with CIL Regulations. No contributions are required for childrens play space and sports provision. The applicant has agreed to the above contribution.

## ECOLOGY

4.32 The NPPF sets out that the Planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; minimising impacts on biodiversity and providing net gains in biodiversity where possible. A Preliminary Ecological Appraisal has been submitted with the application; the Ecology Officer is satisfied and agrees with the contents of the report that the trees and outbuildings have negligible potential as roost sites. The proposed elevations show bat boxes integrated into the proposed development. By virtue of its proximity to the cycle path and Tang Hall Beck which provides good foraging habitat it is considered necessary to seek Integrated bat boxes (via condition).

## 5.0 CONCLUSION

5.1 The revised scheme for the erection of a three storey building comprising 14 no. flats would provide homes within a sustainable and accessible location. The site is previously developed land, sustainably located close to the city centre. The principle of encouraging the effective use of land by reusing land that has been previously developed is supported by the NPPF. The development would accord with the NPPF, the Draft Local Plan 2005 and the Emerging Local Plan 2018. On balance, the proposal complies with the thrust of national and local planning policy.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve subject to Section 106 Agreement to secure a contribution towards the expansion of teaching and workshop facilities at St Nicholas Fields

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 Number (05)01 Revision B 'Location Plan' received 02 May 2018;  
Drawing Number (05) 04 Revision E 'Proposed Site Layout' received 25 April 2018;  
Drawing Number (05) 05 Revision C 'Proposed Floor Plans' received 25 April 2018;  
Drawing Number (05) 06 Revision C 'Proposed Elevations + Typical Section' received 25 April 2018;  
Drawing Number (05) 10 'Cycle and Bin Store Proposed Plans and Elevations' received 25 April 2018;  
Drawing Number (05) 11 'Site Plan Proposed Sections A + B + C' received 25 April 2018

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

3 VISQ8 Samples of exterior materials to be app

4 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 submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development.

Reason: The site lies within an area of archaeological interest and the development may affect important archaeological deposits which must be recorded during the construction programme. A desk based assessment has been submitted as part of the application. The study revealed that there is a chance of archaeological deposits existing on the site dating from all periods including scattered Roman funerary remains. Given the potential for pockets of archaeology to survive on the site an archaeological watching brief should take place as groundworks associated with the creation of the new building could reveal or disturb archaeological features. The information is sought prior to commencement to ensure that it is initiated at an appropriate point in the development procedure.

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

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

Reason: To protect the amenity of people living in the new property from externally generated noise and in accordance with the National Planning Policy Framework. The information is sought prior to commencement to ensure that it is initiated at an appropriate point in the development procedure.

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

Monday to Friday 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

7 Prior to commencement of development, ground gas monitoring and a risk assessment shall be carried out by a competent person to assess gas generation and migration. The findings shall be submitted to and agreed in writing by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. The information is sought prior to commencement to ensure that it is initiated at an appropriate point in the development procedure.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. The information is sought prior to commencement to ensure that it is initiated at an appropriate point in the development procedure.

9 Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority.

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

10 In the event that unexpected contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be submitted to and agreed in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and agreed in writing by the Local Planning Authority.

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

11 Prior to the development hereby approved coming into use, a three pin 13 amp external electrical socket which is also suitable for outdoor use shall be installed. The socket shall be located in a suitable position to enable the charging of an electric vehicle within the car park. The location and specification of the recharge point shall be agreed in writing with the Local Planning Authority prior to installation.

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

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

13 Prior to occupation two integrated bat boxes e.g. 2FR Schwegler Bat Tube or  
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similar shall be attached to the new building; one on the south-east and one on the south-west aspect and as high as possible.

Reason: To contribute to and enhance the natural and local environment by encouraging good design to limit the impact on nature conservation in line with the NPPF.

14 Development shall not begin until details of the surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

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

#### INFORMATIVE

It has been proven that infiltration methods of surface water disposal are not suitable in this location, and therefore;

Peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha or if shall be used for the above. For the smaller developments where the Greenfield run-off rate is less than 1.4 l/sec/ha and becomes impractical and unsustainable then a lowest rate of 2 l/sec shall be used.

Surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available. Evidence to prove suitability of surface water discharge point shall be provided.

The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

15 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be

occupied or brought into use prior to completion of the approved foul drainage works.

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

16 HWAY19 Car and cycle parking laid out

17 The development shall not be occupied until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerbs and pavement to match adjacent levels.

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

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

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

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

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

#### **2. INFORMATIVE ON BREEDING BIRDS**

The developer/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.

#### **3. INFORMATIVE:**

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

#### 4. LEGAL AGREEMENT

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development

#### 5. THE PARTY WALL ETC ACT 1996

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

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

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

#### 6. AVOIDING DAMAGE TO THE HIGHWAY GRASS VERGE

Applicants/Developers are reminded that great care should be taken to ensure that no damage to the surface or structure of the public highway is caused, by activities relating directly to the approved development (e.g. delivery of building materials via HGV's). The Council is particularly concerned at the increasing impacts and damage occurring to grass verges. This is detrimental to residential amenity, can present safety issues and places an unreasonable financial burden on the Council, if repairs are subsequently deemed necessary. Therefore, applicants/developers are strongly advised to work proactively with their appointed contractors and delivery companies to ensure that their vehicles avoid both parking and manoeuvring on areas of the public highway (grass verges) which are susceptible to damage. The council wishes to remind applicants that legislation (Highways Act 1980) is available to the authority to recover any costs (incurred in making good damage) from persons who can be shown to have damaged the highway, including verges. If the development is likely to require the temporary storage of building materials on the highway, then it is necessary to apply for a licence to do so. In the first instance please email [highway.regulation@york.gov.uk](mailto:highway.regulation@york.gov.uk), with details of the site location, planning application reference, anticipated materials, timelines and volume. Please refer to the Council website for further details, associated fees and the application form.

#### 7. INFORMATIVE:

You are advised that prior to starting on site consent will be required from the

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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:

Special Permission - [streetworks@york.gov.uk](mailto:streetworks@york.gov.uk)

## 8. REFUSE BIN INFORMATIVE

Refuse containers must be purchased from City of York Council and must be done so at least 5 weeks before they are required

## 9. INFORMATIVE:

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

### Contact details:

**Author:** Victoria Bell Development Management Officer

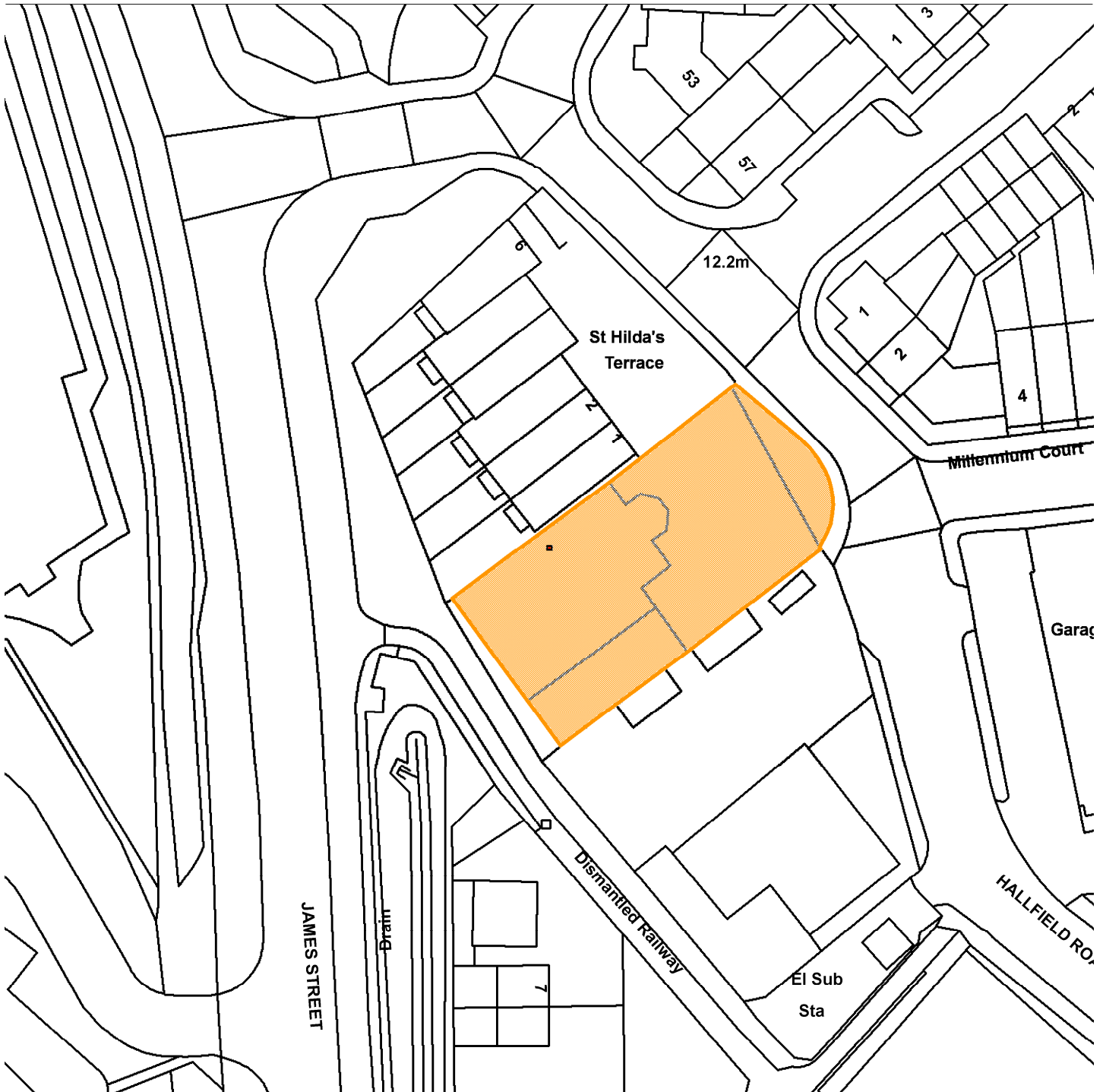
**Tel No:** 01904 551347

Application Reference Number: 17/02576/FULM

Item No: 4b

17/02576/FULM

Thomas Dick Ltd, Hallfield Road



Scale : 1:590

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	25 May 2018
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 7 June 2018                      **Ward:** Holgate  
**Team:** Major and                      **Parish:** Holgate Planning Panel  
Commercial Team

**Reference:** 17/02906/FULM  
**Application at:** Five Acres Site Adjacent Thrall Europa Holgate Road York  
**For:** Use of land for operational railway purposes and  
construction of track fan to serve rail vehicle maintenance  
facility  
**By:** Network Rail (Infrastructure) Ltd  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 5 April 2018  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The change of use of vacant land to operational railway use and the construction of a new railway track fan to serve an existing rail vehicle maintenance facility within existing workshop buildings.

1.2 The application site is part of a largely-rectangular plot of vacant land known as Five Acres. Road access is from Holgate Park Drive. The land has a history of railway use dating back to the late 19th century when it was used in connection with the manufacture of railway rolling stock at the adjacent carriage works (Holgate Depot). A track fan across the site provided direct access from the rail network into the carriage works. In the late 1990s carriage manufacturing and maintenance ceased due to lack of orders. The carriage works continued in railway use (now for maintenance of railway vehicles) but much of the adjacent railway land was sold off and redeveloped. The Five Acres site was cleared of railway infrastructure and left undeveloped pending consideration of access options into the York Central redevelopment site immediately to the north. After disposal of the surplus railway land rail access to the carriage works was (and still is) provided from the north east by means of a mechanical traverser. Railway vehicles approach via a railway siding along the north-east side of the buildings. From there the traverser carries the vehicles sideways, carriage by carriage, into the buildings.

1.3 Immediately to the north-east of the site is operational railway land; to the south east are the carriage works; to the south-west and north-west is a business park served by Holgate Park Drive.

1.4 The application site has been reduced in size since submission to exclude land not specifically required for the construction of the railway fan.

## 2.0 POLICY CONTEXT

2.1 Development Plan Allocation: Contaminated Land GMS Constraints:

2.2 Policies - City of York Local Plan - Publication Draft 2018:

DP1 – York Sub Area

DP2 - Sustainable Development

SS4 – York Central

ENV3 – land Contamination

DP3 – Sustainable Communities

D1 – Placemaking

D6 – Archaeology

D2 – Landscape and Setting

ENV5 – Sustainable Drainage

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

CYE3a – Standard Employment Allocation

CYGP4a – Sustainability

CYGP6 – Contaminated Land

CYGP1 - Design

CYHE10 – Archaeology

CYGP9 - Landscape

CGP15a – Development and Flood Risk

## 3.0 CONSULTATIONS

INTERNAL

### Public Protection

3.1 No objection subject to conditions relating to noise levels and unexpected contamination.

### Design, Conservation and Urban Design (Archaeology)

3.2 The site can be considered a site of archaeological importance. Groundworks may reveal or disturb archaeological features particularly relating to the 19th century railway. During the installation of the track fan it will be necessary to record any revealed features through an archaeological watching brief on all groundworks. Depending on what is proposed for the rest of the site archaeological evaluation and mitigation may be required.

### Flood Risk Management

3.3 (1) To date insufficient information has been submitted by the applicant to demonstrate that the works would not have an unacceptable impact on the Holgate Beck culvert across the site. (2) permitted development rights should be removed for buildings and/or impermeable hardstandings on the site in the interests of sustainable drainage.

## EXTERNAL

### Holgate Planning Panel

3.4 No objections

### Environment Agency

3.5 No objections. The development will require a permit from the Environment Agency for any works or structures within eight metres of the culverted section of Holgate Beck. In order to obtain a permit, the applicant will need to demonstrate that the works will not impact on the structural integrity of the culvert.

### Neighbour Notification and Publicity

3.6 No responses.

## **4.0 APPRAISAL**

### 4.1 MAIN ISSUES

- Local economy
- Use as operational railway land
- Character and appearance
- Neighbour amenity
- Flood risk and drainage
- Archaeology
- Public protection
- Environmental assessment

## PLANNING POLICY CONTEXT

4.2 Section 38(6) of the 1990 Act requires local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. There is no development plan in York other than the saved policies of the Regional Spatial Strategy (the Yorkshire and Humber Plan) relating to the general extent of the Green Belt (the site is not on the Green Belt).

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

4.4 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) and its policies carry very limited weight. The policies of relevance to this application are listed at paragraph 2.3 of this report.

4.5 In the absence of a formally adopted local plan the most up-to date representation of key relevant policy issues is the National Planning Policy Framework (NPPF). It is against this Framework that the application proposal should principally be addressed. Paragraph 7 of the National Planning Policy Framework says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Paragraph 14 states that there is a presumption in favour of development. Local planning authorities should seek to approve applications for sustainable development where possible and work with applicants to secure developments that improve the economic, social and environmental conditions of the area (paragraph 187). Paragraph 17 lists twelve core planning principles that the Government considers should underpin plan-making and decision-taking. They include supporting sustainable development and encouraging the reuse of previously developed land.

## LOCAL ECONOMY

4.6 The NPPF states that planning should operate to encourage and not act as an impediment to sustainable growth (paragraph 19). To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.

4.7 The operational development mainly comprises the provision of a railway track fan which would provide direct access by railway vehicles into the northern part the carriage works. The current arrangement, by means of the mechanical traverser, is slow, complicated and limits the length and weight of vehicles that are able to enter the buildings. These factors constrain the full potential use of the site. The proposed track fan would, in essence, reinstate in part the practical, direct access that had existed prior to the 1990s. The improved rail access would: complement and improve the services and activities operating at the site; support the business which is a significant employer, make a significant contribution to the local economy; and support sustainable transport.

## USE AS OPERATIONAL RAILWAY LAND



4.8 Although the operational works mainly comprise the track fan the application also seeks the change of use to railway operational land. This is significant because transport-related development by railway undertakers has the benefit of fairly extensive permitted development rights under Part 8(A) of the General Permitted Development Order. These rights include, for example, certain building types and outdoor storage. Some of these forms of development have the potential to be inappropriate for the Five Acres site. National planning policy guidance makes clear that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. In response to officer concerns the applicant has reduced the extent of the application site so that it now only includes the northern part of the Five Acres site, i.e. the area required for the track fan. The site now excludes the land closest to the adjacent business park (which did not exist when Five Acres was formerly railway land). Nevertheless the of the planning application should include consideration of other railway uses, permitted under Part 8, in case the track fan is no longer required at some future date.

#### CHARACTER AND APPEARANCE

4.9 The land to the north-east and south-east has a traditional railway character but the land to the north-west and south-west is a modern business park in a landscaped setting. The application as initially submitted sought change of use for the whole of the Five Acres site. Approval would have extended the railway use towards/into the business park, despite the application providing no indication of what this southern part of the site would be used for. Whilst the proposed track fan at the northern end of the site would be unlikely to harm the character of the business park some railway uses (permitted under the GPDO) could potentially be harmful if located on the southern part. In response to officer concerns the applicant has reduced the site area so that it now only occupies the northern part of the Five Acres site. This significantly reduces the likelihood of conflict.

4.10 A condition should be attached to planning permission requiring details of a landscaping scheme to be submitted for approval and implemented. The residual (southern) part of Five Acres, outlined in blue on the location plan, would remain vacant until a more appropriate use appears.

#### NEIGHBOUR AMENITY

4.11 The nearest neighbours are the occupiers of the office building approximately 50m from the application site. The nearest houses, which are on Poppleton Road, are at about 150m. The council's public protection officers have considered the submitted noise report and agree with its findings. The report notes that the track fan would reduce noise generated by the existing rail access to the carriage works because rail vehicles entering a large part of the carriage works would no longer have to be broken down into individual units. Instead they would be able to be

propelled straight into the depot buildings. This reduction in noise compared with the existing operations is welcomed. However, other potential rail activities on the site, which would be permissible under the GPDO, could affect the amenity of the locality. The applicant has measured the background noise level at seven positions around the site and has specified these levels in the submitted noise report. In order to protect neighbouring occupiers from any future noisy rail uses a condition should be attached to planning permission for the current application preventing activity on the site increasing background noise levels beyond those given in the submitted noise report.

4.12 The improved access to the sheds would not modify the operational periods of the depot. As in the current situation, some essential maintenance works of locomotives will have to be carried out during night time.

## FLOOD RISK AND DRAINAGE

4.13 The site lies in flood zone 1 (albeit close to the boundary with flood zone 2) so the risk of flooding is low. The proposed tracks would be laid on ballast in a shallow excavation with a water-permeable geotextile membrane at its base so there would be no significant increase in surface water run-off. However, permitted development rights would allow certain other forms of development (such as impermeable hardstandings and/or some buildings) without the need for a planning application. Unless properly attenuated, these works could increase surface water run-off in nearby areas prone to flooding. Conditions should therefore be attached removing permitted development rights for such forms of development.

4.14 Holgate Beck runs across the site in culvert, south to north. As the lead local flood authority the council would want to ensure that the structural integrity of the culvert would not be harmed by the construction of the works. The Environment Agency requires that there be no buildings or other works within 8m of the culvert. The applicant has submitted some survey information showing the size and route of the culvert but the information is not conclusive. The view of officers is that the proposed works are likely to be sufficiently far from Holgate Beck culvert to ensure that there would be no impact upon it and its connections. Confirmation from the applicant has been sought. Members will be updated at the meeting.

## ARCHAEOLOGY

4.15 The site can be considered a site of archaeological importance but, in relation to this application, the interest is likely to be limited to industrial archaeology related to the railway. Several buildings can be seen on the late 19th century ordnance survey plan of Five Acres. The majority of the tracks now proposed would be located on the site of 19th century railway lines but the southernmost of the proposed tracks would run through the site of former buildings including a drying shed. Groundworks associated with the proposal may reveal or disturb archaeological features particularly relating to the 19th century railway. During the

installation of the track fan it would be necessary to record any revealed features through an archaeological watching brief on all groundworks. This should be secured by a condition of planning permission.

## LAND CONTAMINATION

4.16 The submitted contaminated land report and appendices show that the site has been used as railway land/carriage works since 1884. An intrusive site investigation revealed some small pockets of demolition rubble at the site, but none of the soil sampling results were found to exceed guideline values for commercial land use. An unexpected contamination condition should be attached to any planning approval in case contamination is detected during the development works.

## ENVIRONMENTAL IMPACT ASSESSMENT

4.17 The local planning authority has taken into account the EIA regulations, National Planning Guidance, the documentation submitted with the application, consultation responses, the scale and characteristics of the development and knowledge of the site. The authority concludes that the development is unlikely to have significant environmental effects. Accordingly an EIA is not required.

## 5.0 CONCLUSION

5.1 The application is acceptable subject to the recommended conditions. The proposed change of use to operational railway is acceptable subject to removal of certain permitted development rights to limit surface water run-off and noise levels. The proposed improvements to access to the carriage works would: improve the services and activities at the site; support the business which is a significant employer, make a significant contribution to the local economy; and support sustainable transport. There would be no harm to the character of the area or neighbour amenity and any archaeology on the land would be protected by a watching brief. Confirmation is awaited from the applicant that the works would not affect Holgate Beck culvert, which crosses the site. The application accords with the national planning policy in the NPPF and relevant policies of the 2018 Draft Plan.

## 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 approved plans:

Un-numbered revised site location plan dated 16/04/18

2018-NWR-131-DR-TR-1001/PO1Holgate Fan Permanent Way General Arrangement

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

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

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

4 Within one month of commencement of development details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the construction of the development commences and shall be provided in accordance with the approved details before the development is occupied.

Reason: In the interests of the visual amenities of the area and the amenities of neighbouring properties.

5 No groundwork 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 Interest and the development may affect important archaeological deposits which must be recorded during the construction programme.

6 In the event that 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 shall be 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 shall be 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 No activity on the site shall increase the background noise levels beyond those given in table 8 of the submitted Noise Impact Assessment Report numbered 17\_06\_52926/1\_GT\_1\_Rev1 dated 24 November 2017

Reason: To protect the amenity of neighbouring occupiers.

8 Notwithstanding the provisions of Schedule 2, Part 8, Class A of the Town and Country Planning (General Permitted Development ) Order 2015 (or any order revoking, re-enacting or modifying that Order), no building or impermeable hardstanding shall be constructed on the site without the prior approval of the local planning authority .

Reason: In the interests of satisfactory and sustainable drainage.

9 Unless otherwise approved in writing by the local planning authority, no building or other obstruction shall be located over or within 8.0 (eight) metres either side of the outside edge of the culvert which crosses the site, and within 3.0 (three) metres either side of the outside edge of any drainage connections which cross the site.

Reason: In order to allow sufficient access for maintenance and repair work at all times.

10 No new tree planting, shall be permitted over or within 8.0 (eight) metres either side of the outside edge of the culvert which crosses the site, and within 3.0 (three) metres either side of the outside edge of any drainage connections which cross the site.

Reason: In order to protect the structural integrity of the culvert from tree root infestation.

## **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 site area and attached appropriate conditions to the planning permission.

## 2. CONTROL OF POLLUTION

The developer's attention is drawn to the following:

a. 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.

b. 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".

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

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

e. There shall be no bonfires on the site.

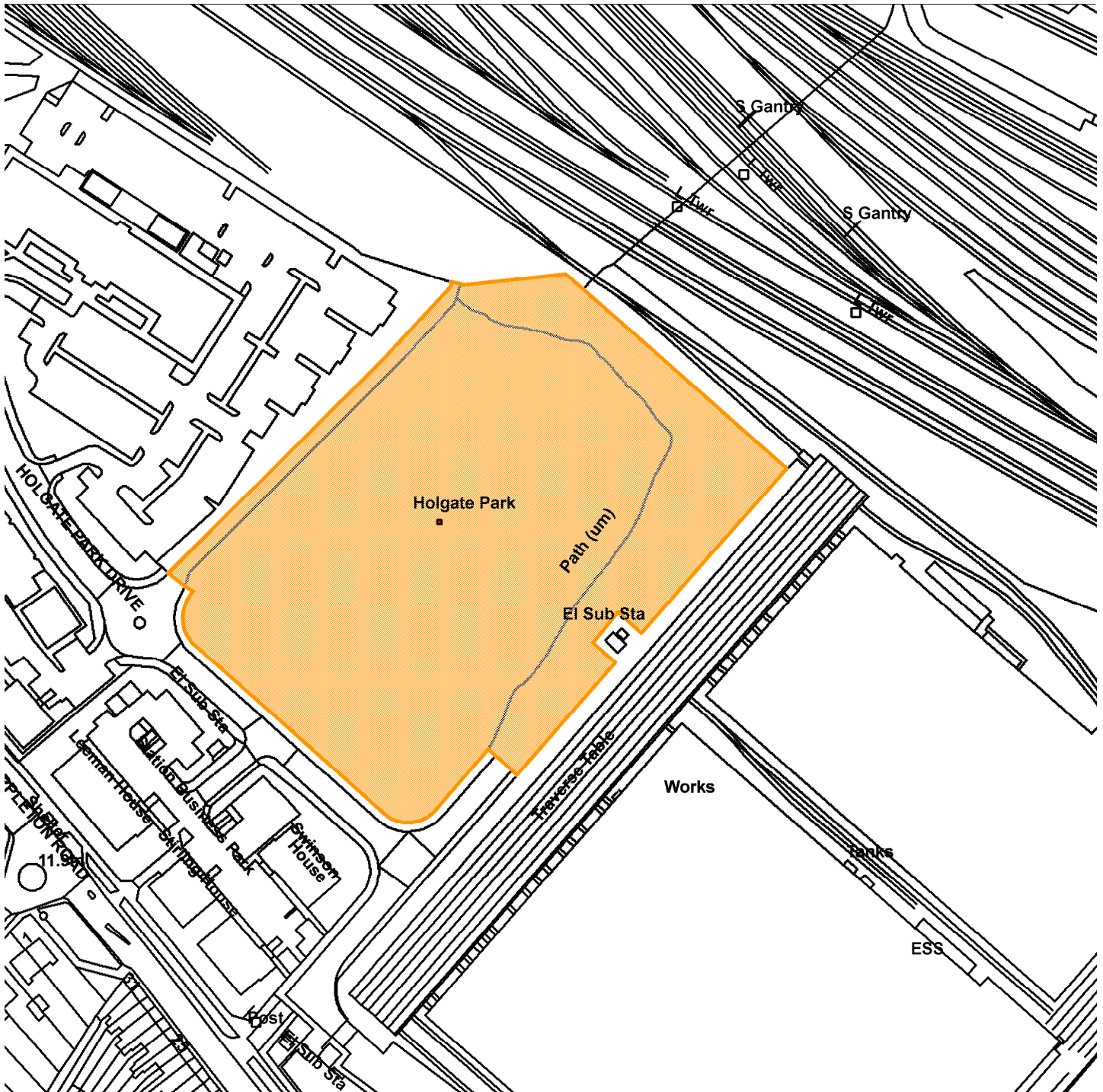
### **Contact details:**

**Author:** Kevin O'Connell Development Management Officer

**Tel No:** 01904 552830

17/02906/FULM

Five Acres Site Adjacent Thrall Eupopa, Holgate Road



Scale : 1:1906

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	25 May 2018
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 7 June 2018                      **Ward:** Hull Road  
**Team:** Householder and              **Parish:** Hull Road Planning Panel  
Small Scale Team

**Reference:** 18/00264/FUL  
**Application at:** 64 Newland Park Drive York YO10 3HP  
**For:** Use as a 7 bedroom house in multiple occupation.  
**By:** Mrs Fereshteh Hurst  
**Application Type:** Full Application  
**Target Date:** 11 June 2018  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 This application seeks planning permission for the use of No. 64 Newland Park Drive, as a 7 bedroom house in multiple occupation.

Relevant Property History

1.2 Application Ref. 13/00902/FUL - Single storey side and rear extension forming a 'Granny Annexe.' - Approved 12.06.2013. Condition 4. of this consent stated: 'The proposed additional accommodation shall only be occupied and used in conjunction with the occupancy of the existing main dwelling, and shall not be used as an independent residential unit.'

1.3 Application Ref. 16/01416/CLU - Certificate of lawfulness for use as a House in Multiple Occupation (use Class C4) - Withdrawn - 06.02.2017.

1.4 Application Ref. 17/00343/FUL - Use as a 6 bed house in multiple occupation - Refused at sub-committee 14.07.2017.

Call-In

1.5 The application was called in for determination by sub-committee at the request of Cllr N Barnes because of the planning history of the site and the level of public interest.

**2.0 POLICY CONTEXT**

2.1 Policies:

Development Control Draft Local Plan (2005)  
CYGP4a Sustainability

### **3.0 CONSULTATIONS**

#### INTERNAL

##### Housing Standards

3.1 Confirmed that the prohibition on the small first-floor bedroom has been removed. The dividing wall between this bedroom and the larger front bedroom, has been moved. The smaller front bedroom has been enlarged and now measures 6.55 square metres. This meets bedroom size standards.

#### EXTERNAL

##### Neighbour Notification / Publicity

3.2 Twelve letters of objection received - summarised below.

- Owner has flaunted the rules regarding the 'granny annexe'
- Threshold limits for HMO's already breached
- General concerns re HMO's in terms of rubbish, re-cycling, noise, ant-social behaviour
- Too many HMO's in Newland Park Drive.
- Why has it been allowed to operate in multiple occupation, when no consent was ever granted
- Annexe had been let as a separate dwelling subsequent to the Article 4 Directive coming into force (2012)
- Newland Park Drive already saturated with student accommodation
- Problems with noise, rubbish
- Parking problems - Damage to grass verge.
- Street will become a 'student ghetto'

### **4.0 APPRAISAL**

#### 4.1 KEY ISSUES

- Principle of the development
- Impact on the amenities of local residents
- Impact on the character and appearance of the area
- Amenity of future occupants of the property

4.2 The National Planning Policy Framework (2012) states that Local Planning Authorities should seek to deliver a wide choice of high quality homes, widen

opportunities for home ownership and create sustainable, inclusive and mixed communities (paragraph 50) Paragraph 17 advises that planning should always seek to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings.

#### City of York Council Publication Draft Local Plan 2018

4.3 The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. The emerging Draft Local Plan policies can be afforded limited weight at this stage of preparation, and subject to their conformity with the NPPF. The evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications. Policy ENV2 states that development will not be permitted where future occupiers and existing communities would be subject to significant environmental impacts including noise.

#### City of York Council Development Control Local Plan 2005

4.4 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is very limited except where in accordance with the content of the NPPF. It is considered that the following policies/criteria are relevant as they are in accordance with Paragraph 17 of the NPPF, which advises 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:

4.5 Policy GP4a i) requires that development proposals make adequate provision for the storage and collection of refuse and recycling. Appendix E to the Local Plan outlines car and cycle parking standards for development and specifies that HMO's should provide 1 car parking space per 2 bedrooms and 1 cycle parking space per bedroom.

#### Draft Supplementary Planning Document - Controlling the Concentration of Houses in Multiple Occupation (2012, amended July 2014)

4.6 Members will be aware that this document relates to applications for development consisting of a change of use of a building from a use falling within the Use Class 'C3' (a family dwelling house or flat for example) so is not relevant to this application.

#### Principle of the Development

4.7 The change of use would increase the number of bedrooms from 6 to 7. It is noted in that the number of shared houses in the immediate area of the application site is significantly above the threshold set out in the Draft Supplementary Planning Document (SPD): "Controlling the Concentration of Houses in Multiple Occupation", with 47% of properties in the neighbourhood area being shared houses (threshold 20%), and within 100m of the property 21% are shared houses (threshold 10%).

4.8 Records indicate that the property has been subject to student exemption for Council Tax since October 2011. Tenancy agreements submitted with the withdrawn Certificate of Lawfulness application indicate that the use had 5 residents, but that when the annexe was built (2013) the property (house and annexe) operated with up to 7 occupants. Visits to the premises by planning enforcement officers confirm this use. The Article 4 Direction, removing permitted development rights for changes of use from class C3 dwelling houses to class C4 HMOs, came into force in April 2012.

4.9 The evidence shows that the use of the property was changed to a house in multiple occupation prior to the Article 4 Direction and that an HMO use has existed at the property since. Officers consider that the use of the premises falls within use class C4 (small house in multiple occupation). The impact of the application in respect of the number of properties in multiple occupation in the street or neighbourhood area would therefore be neutral and the guidance in the SPD in respect of threshold levels cannot reasonably be used. The key issue is the increase in the number of bedrooms from 6 to 7.

#### Impact on the amenities of local residents and the character of the area

4.10 Issues relating to multiple occupancy of dwelling houses, are well versed. Accounts of, in particular, current student lifestyles and in addition, impact on the street environment, form the basis of concerns received in writing. It is acknowledged that the existing number of HMOs in the area is above the thresholds set out in the SPD. It is acknowledged that concerns arise in terms of rubbish, re-cycling, noise, anti-social behaviour and parking.

4.11 Given the property has been in multiple occupation since 2011, it is not considered that the change of use to a large HMO, effectively providing an additional bedroom for HMO use will result in any significant additional loss of neighbour amenity or unacceptable change to the character of the area.

4.12 The grant of planning permission would allow for the imposition of planning conditions for the implementation of a management plan relating to maintenance of external areas, refuse and re-cycling collections, property maintenance and any other relevant issues. Cycle parking can also be conditioned.

4.13 It is recognised that the annexe had previously been advertised as a separate residential unit, this would be a breach of a condition of the original planning permission. However the most recent site visit to the property noted that there was freedom of access throughout the ground floor and rear garden.

4.14 In terms of off-road parking, there is 1.no space on the front drive of the property. Had the application been for a change of use, from a Use Class C3 family dwelling, to a Large HMO (Use Class C4) then the off-road parking provision would have been a significant issue, given the potential intensification of parking requirements. However,

given the property has been in multiple occupation since October 2011 there will be no significant additional impact as a result of this proposal.

### Amenity Of Future Occupants

4.15 The proposed layout consists of, a porch, entrance hall, 2.no living rooms, kitchen, utility room, shower room and 3.no bedrooms at ground floor and 4.no bedrooms (1.no en-suite) and a bathroom at first floor. There is a carport (accessed through gates) and a rear garden. Internal and external amenity space is adequate. There is sufficient secure space for cycle storage and adequate space for refuse bins, within the car port.

## **5.0 CONCLUSION**

5.1 The application site was in use as an HMO prior to the making of the April 2012 Article 4 Direction which brought changes of use from a C3 dwelling house to a HMO within planning control. The house has remained in some form of multiple occupation up to the date of the current application. The concentration of HMO uses in the area is above the SPD threshold levels, but, as the property is already in HMO use, the proposal would not increase the number of HMOs in the area. The change of use, in effect changing the property from a 6 bed to a 7 bed HMO, is not considered to result in ant significant harm to residential amenity or the character of the area.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

2 Prior to the development hereby approved being brought into operation, a management plan shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority. The Management plan shall relate to the following areas:

- i) Information and advice to occupants about noise and consideration to neighbours
- ii) Garden maintenance
- iii) Refuse and recycling facilities
- iv) Property maintenance

Reason: In the interests of the proper management of the property and the amenity of adjacent residents.

3 Prior to the occupation of the property as a large house in multiple occupation details of secure cycle parking for 7 cycles within the car port shall be submitted to the local planning authority for written approval. The cycle parking shall be provided in

accordance with the approved details prior to occupation and the cycle parking shall not be subsequently removed or altered without the prior written planning permission of the local planning authority.

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

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) the car port shall not be externally altered (with the exception of replacement gates) or converted into habitable accommodation without the prior written planning permission of the local planning authority.

Reason: Conversion of the car port would result in the loss of bin and cycle storage facilities to the detriment of the appearance of the street scene and to the detriment of the promotion of sustainable transport.

5 There shall be no more than 7 residents accommodated within the property at any one time.

Reason: It is considered that an increase in the number of residents may result in an impact on residential amenity and the character of the area that should be assessed through the submission of a planning application.

## **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) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

#### **Contact details:**

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18/00264/FUL

64 Newland Park Drive



Scale : 1:1181

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	25 May 2018
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 7 June 2018                      **Ward:** Fishergate  
**Team:** Major and                      **Parish:** Fishergate Planning  
Commercial Team                      Panel

**Reference:** 18/00366/FUL  
**Application at:** 115 Fulford Road York YO10 4ET  
**For:** Erection of dormer bungalow with garage  
**By:** Mr and Mrs Breene  
**Application Type:** Full Application  
**Target Date:** 12 June 2018  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application seeks permission for the erection of a three bedroom detached bungalow within the rear garden of 115 Fulford Road. The dwelling would sit to the rear of the site with its main aspect facing the rear of 115 Fulford Road. The dwelling would provide living accommodation to the ground floor with a third bedroom located within the roof space. Access would be from a narrow drive off Kilburn Road.

**RELEVANT SITE HISTORY**

- 00/02106/FUL Erection of detached bungalow with access from Kilburn Road Approved 09.10.2000
- 05/00500/FUL Renewal of planning permission 00/02106/FUL for erection of detached bungalow with access from Kilburn Road Approved 04.05.2005
- 10/00798/FUL Erection of dwelling (Application to extend time period for implementation of permission 05/00500/FUL) Approved 18.06.2010

**CALL-IN**

The application has been brought to committee at the request of Cllr A D'Agorne on the grounds that the site is of an insufficient size, the dwelling would dominate the outlook from neighbouring properties and that there is uncertainty about the ownership of the access.

**2.0 POLICY CONTEXT**

2.1 National Planning Policy Framework (2012)

2.2 Publication Draft Local Plan (2018)

Policy D2	Landscape and setting
Policy D1	Placemaking
Policy ENV5	Sustainable drainage

City of York Draft Local Plan (2005)

CYGP1	Design
CYGP10	Subdivision of gardens and infill devt
CYH4A	Housing Windfalls

### **3.0 CONSULTATIONS**

#### INTERNAL

##### Public Protection

3.1 The heat source pump should not adversely affect the amenity of nearby residents in either their gardens or dwellings. Conditions are sought.

##### Highway Network Management

3.2 The site has historical planning permissions for a similar dwelling, with similar parking arrangements including turning space and a garage located at the end of the drive. The access is served by an existing dropped crossing. No significant changes have arisen since these previous approval and no objections are raised.

##### Design, Conservation and Sustainable Development (Heritage Project Officer)

3.3 The development site lies within an area of archaeological interest. Roman funerary, Anglian occupational and Medieval deposits exist in the wider vicinity particularly to the north-west. It is possible that this range of archaeological deposits extends along Fulford Road.

##### Flood Risk Management Team

3.4 The drainage report states that foul water will discharge to public combined water sewer. In terms of surface water disposal, our knowledge of the sub-soil conditions would not support the use of soakaways and a watercourse is remote from the site. As stated in the report, surface water will discharge to public sewer via storage with restricted discharge of 1.5 (one point five) litres/second. This will include dwellings, associated garages and driveways.

#### EXTERNAL

##### Neighbours Notification and Publicity

### 3.5 Six objections received on the following grounds:

- Site too small for the bungalow
- Loss of light to neighbouring properties
- Loss of privacy
- The dwelling would be higher than neighbouring properties
- The proposed access is not owned by the applicant
- Would run the whole width of the garden at 7 Kilburn Road
- Land may be contaminated from its post office use
- Limited access for construction vehicles
- Trees on the site have been felled in order to allow development
- Water from the soakaway may drain into neighbours lower lying gardens
- Cars often park opposite the vehicular access making inward and outward movements difficult
- On street parking is an issue as there are no parking restrictions
- Contractors vehicles may find it difficult to park

### Fishergate Planning Panel

3.6 The scale and height of this building represents an overdevelopment of the site and will be detrimental to the immediate neighbours and the neighbourhood as a whole. Access both for building and for any subsequent use seems very poor

## **4.0 APPRAISAL**

### 4.1 Key Issues

- Principle of the development
- Design and character
- Amenity issues
- Highways considerations
- Flood risk

4.2 The National Planning Policy Framework (March 2012) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. It also sets out 12 core planning principles that should underpin both plan-making and decision-taking. A principle set out in Paragraph 17 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 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

4.3 Paragraph 186 states that Local Planning Authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. Paragraph 187 states that when Local Planning Authorities are 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.

#### Publication Draft Local Plan (2018)

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

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

- Policy D1 Placemaking. This policy supports development proposals where they improve poor existing urban and natural environments; enhance York's special qualities and better reveal the significances of the historic environment. Detailed design issues should be addressed by development proposals.
- Policy D2 Landscape and setting. Development proposals will be supported where they demonstrate an understanding of the local landscape character and its contribution to the setting and context of the city and surrounding villages. This landscape quality and character should be conserved and enhanced.
- Policy ENV5 Sustainable drainage. This policy includes detailed drainage requirements for site drainage and a preference for SUDS.

#### Draft Local Plan Incorporating the Fourth Set of Changes Development Control Local Plan (Approved April 2005) (DCLP)

4.6 This plan is not adopted policy but was approved for Development Management purposes. Policies in the DCLP carry very little weight but are capable of being material considerations in the determination of planning applications where these are consistent with those in the NPPF. Policies GP1 Design, GP10 Subdivision of gardens and infill development and H4a Housing windfalls are all relevant.

#### PRINCIPLE OF DEVELOPMENT

4.7 Paragraph 14 of the NPPF establishes the presumption in favour of sustainable development, which runs through both plan-making and decision-taking. In decision-taking this means approving development proposals without delay that accord with the development plan. Where the development plan is absent, silent or

relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole, or specific policies in the Framework indicate development should be restricted.

4.8 The proposal is for a residential dwelling within a residential area. Para. 53 of the NPPF states that LPAs should consider setting out policies to resist inappropriate development of gardens, particularly where this would cause harm to the local area. The emerging Local Plan does not contain policies relating directly to this type of infill development. Policy GP10 of the DCLP allows for garden development where it would not be detrimental to the character and amenity of the local environment.

## DESIGN AND CHARACTER

4.9 The application site forms the existing rear garden of 115 Fulford Road. It is bounded to the north by a 1.8m close boarded fence with mature hedges to the east and west boundaries. A long single storey extension also runs along part of the eastern boundary to a neighbouring property. An existing detached single storey dwelling lies immediately to the north which was erected within the rear garden of 113 Fulford Road which was erected in 2002. The area is a mixture of two storey and single storey dwellings.

4.10 Planning permission was originally granted for a detached dwelling on the site in 2000 and subsequently renewed. The last approval expired in June 2013. The current submission is similar in scale and design to the previously approved schemes, although the internal layout and orientation have altered. The dwelling would lie between the north and south boundary with the main aspect facing onto the rear elevation of 115 Fulford Road. The main bulk of the dwelling would lie immediately adjacent to the existing single storey dwelling at 113b Fulford Road and this would be constructed with a gable end facing 115 Fulford Road at a height of 5.2m, similar to the original permission. The rear section, along the northern boundary, would be constructed with a partial flat roof to reduce the impact upon the neighbours and would contain the garage. The southern extent of the dwelling would be constructed with a flat roof with an eaves of 2.4m before hipping into the site to meet the main gable.

4.11 The immediate vicinity of the site is relatively built up, primarily due to the neighbouring backland development and properties facing onto Maida Grove, Fulford Road and Kilburn Road. To the east of site long undeveloped gardens are characteristic. The development of this site would not push the built form into this open area and would infill an area which is developed to three sides and further enclosed by a long single storey extension to the eastern boundary. As such the scheme would not appear to have any detrimental impact upon the character of the area.

## RESIDENTIAL AMENITY

4.12 One of the core principles of the planning system outlined in the NPPF is to seek a good standard of amenity for all existing and future occupants. In terms of neighbouring residential amenity concerns were raised in connection with the original submission and its potential impact upon the amenities of the neighbouring residents at 113b Fulford Road and 7 Kilburn Road. The scheme has since been amended indicating a reduction in the height of the development adjacent to these properties.

4.13 Number 7 Kilburn Road lies immediately to the south of the proposed dwelling. It comprises of a dormer bungalow located on lower lying land and has a rear garden of approximately 5.4m. The boundary with the application site comprises of a mature hedge adjacent to the development. The revised scheme now proposes a flat roof element with a height of 2.4m set in from the boundary by approximately 1m. 7 Kilburn Avenue has a kitchen and dining room window present to the rear elevation which lies to the south of the development and as such there would be no loss of direct light. The reduced height of the scheme would now result in little impact upon the neighbours in terms of overdominance. Whilst the neighbouring site lies on lower lying ground the majority of the dwelling would be hidden from view by the existing hedge and any line of sight would be above the ridge of the dwelling. It is therefore considered that the development would not be overdominant or overbearing.

4.14 The dwelling to the north lies on higher lying land. Again the scheme has been amended to reduce the height of the rear element which lies immediately adjacent to the neighbouring conservatory. The increase land level of the neighbouring site means that there would be limited impact upon the amenities of this property in terms of overshadowing or overdominance.

## HIGHWAY SAFETY

4.15 Access to the site would be off a private drive from Kilburn Road. The access is approximately 3m wide and runs between the boundaries of numbers 7 and 9 and is separated by a high fence. Concerns have been expressed that the land is not within the ownership of the applicant. Whilst Land Registry indicates that the access is unregistered the applicant has supplied information which indicates that they have a long standing right of way over the land as outlined in deeds dating back to 1931 dating back to the previous sites use as a post office.

4.16 The previous approvals also indicated access to the site along this route. The site indicates space for one vehicle within the garage and one on the drive along with space for cycles within the garage. Adequate space is available to allow for vehicles to turn within the site and leave in a forward gear.

4.17 The NPPF encourages sustainable travel and the location of development in sustainable and accessible locations. The site lies within the urban area, close to an existing public transport route and within short distance of York city centre. It is not envisaged that one additional three bedroom property would materially increase

traffic generation or adversely impact safety on the highway network. As such, the proposal is considered to comply with the general thrust of the NPPF.

## FLOOD RISK

4.18 Paragraph 103 of the NPPF states that development should be directed to the areas of low flood risk and that development should not result in an increase of flood risk within the site or elsewhere. Policy GP15a of the Draft Local Plan supports this approach to flood risk.

4.19 The site lies within Flood Zone 1. A drainage statement has been submitted with the application. If soakaways are deemed to be acceptable due to ground conditions this is the preferred option with permeable paving for all hard surfaced areas. However, if ground conditions are unsuitable for infiltration, the surface water is proposed to connect to the combined public sewer. The proposal to discharge to the public sewer would be at a reduced rate of 1.5 l/s, using a hydrobrake, with geo-cellular surface water attenuation storage of 5.8m<sup>3</sup> under the driveway or garden. It is considered that details can be secured by condition.

## 5.0 CONCLUSION

5.1 It is considered that the development of this site for a dwelling is acceptable. No objections to highway safety are raised and the impact upon residential amenity is considered to be acceptable. The erection of a dwelling within this location would not have any detrimental impact upon the character and appearance of the area. As such the application accords with policies contained within the Draft Local Plan, Publication Draft Local Plan (2018) and advice contained within the NPPF.

## 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 numbers F172.01.01 Rev A, F172.01.02 Rev D and F172.01.03 Rev A received 28th March 2018

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

3 VISQ8 Samples of exterior materials to be app

Application Reference Number: 18/00366/FUL

Item No: 4e

4 Prior to the first occupation 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.

5 HWAY19 Car and cycle parking laid out

6 No groundwork shall commence on site until the applicant has secured the implementation of a programme of archaeological work (an archaeological evaluation and, if necessary, excavation and subsequent programme of analysis and publication by an approved archaeological unit) in accordance with the 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 Interest and the development may affect important archaeological deposits including Roman funerary, Anglian occupational and Medieval deposits which must be recorded prior to destruction.

7 EPU1 Electricity socket for vehicles

8 LC4 Land contamination - unexpected contam

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

Reason: In the interest of satisfactory and sustainable drainage.

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

- i) the means by which the surface water discharge rate shall be restricted to a maximum rate of 1.5 (one point five) litres per second, and
- ii) the means by which the surface water attenuation up to the 1 in 100 year event with a 20% climate change allowance shall be achieved

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



11 VISQ4 Boundary details to be supplied

12 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 (alterations to the roof including dormer windows and roof lights) 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.

13 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.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

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

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

Sought revised plans to amend the design to reduce the impact upon neighbours amenity

#### **2. AVOIDING DAMAGE TO THE HIGHWAY GRASS VERGE**

Applicants/Developers are reminded that great care should be taken to ensure that no damage to the surface or structure of the public highway is caused, by activities relating directly to the approved development (e.g. delivery of building materials via HGV's). The Council is particularly concerned at the increasing impacts and damage occurring to grass verges. This is detrimental to residential amenity, can present safety issues and places an unreasonable financial burden on the Council, if repairs are subsequently deemed necessary. Therefore, applicants/developers are strongly advised to work proactively with their appointed contractors and delivery companies

to ensure that their vehicles avoid both parking and manoeuvring on areas of the public highway (grass verges) which are susceptible to damage. The council wishes to remind applicants that legislation (Highways Act 1980) is available to the authority to recover any costs (incurred in making good damage) from persons who can be shown to have damaged the highway, including verges. If the development is likely to require the temporary storage of building materials on the highway, then it is necessary to apply for a licence to do so. In the first instance please email [highway.regulation@york.gov.uk](mailto:highway.regulation@york.gov.uk), with details of the site location, planning application reference, anticipated materials, timelines and volume. Please refer to the Council website for further details, associated fees and the application form.

### 3 CONTROL OF POLLUTION ACT

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

### 4 THE PARTY WALL ETC ACT 1996

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

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

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

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18/00366/FUL

115 Fulford Road



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	25 May 2018
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 7 June 2018                      **Ward:** Huntington/New Earswick  
**Team:** Major and                      **Parish:** Huntington Parish  
Commercial Team                      Council

**Reference:** 18/00411/FULM  
**Application at:** Pigeon Cote Farm Monks Cross Drive Huntington York YO32  
9GX  
**For:** Erection of self-storage facility (use class B8) and outline  
application for erection of industrial units (use class B1, B2  
and B8) with associated car parking and landscaping  
**By:** Pyramid Storage Ltd  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 12 June 2018  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application site relates to an area of land located to the northern edge of Monks Cross. The northern part of the site is currently occupied by a concrete batching plant (Class B2), with the southern part of the site providing a temporary car park. Access is taken from Monks Cross Drive on the southern boundary of the site.

1.2 The surrounding area is predominately commercial in character, with a mix of office, retail and restaurants. To the west is a McDonalds restaurant and drive through, public house (Pear Tree Farm) and a new 80 bed hotel is currently under construction. To the east is offices and Taco Bell drive through. To the north, the site backs onto open land which is part of the designated Green Belt. This land however is allocated as a strategic housing site (ST8) within the Publication Draft York Local Plan 2018 ("2018 Draft Plan") with an outline application (RN: 18/00017/OUTM) currently being assessed for circa 970 dwellings, associated infrastructure and community facilities.

1.3 The application involves planning permission for the erection of a self-storage facility (use class B8) to the southern part of the site. This will involve the erection of a self storage unit measuring 48.4m x 30m. It will be 10.7m high to the eaves and 13.5m to the ridge. The external walls and roof will be clad. The facility will be served by 8 car parking spaces, 2 accessible spaces and dedicated loading bays.

1.4 There is existing rail and post fence along the southern boundary with Monks Cross Drive. The application has been amended in respect to the position of proposed fencing for the self storage facility. The northern and eastern boundaries will comprise of 2.2m high palisade fencing with paladin fencing up to 2.2m high coming from the western elevation of the proposed building and along the shared access road. The fencing has been set back approximately 10.6m from Monks Cross Drive.

The applicant has advised that the extent of fencing is required for the operator's membership of the Self Storage Association, who set industry standards.

1.5 The existing access from Monks Cross Drive will serve both the self-service facility and lead to the northern part of the site. This part of the application is sought as outline (including means of access). The application has been amended to include use classes B1 (business), B2 (general industrial) and B8 (storage or distribution) as eligible uses for this area of the application site. The application indicates the northern part of the site will provide 12 industrial units with a proposed floorspace of 2,640sqm and 33 parking spaces. However this is indicative and full details shall be addressed at reserved matters stage.

1.6 The site was given a Premier Employment Allocation within the Draft 2005 Local Plan. However the site is unallocated within the Publication Draft York Local Plan 2018 ("2018 Draft Plan"). The site is located outside any conservation area and has a low probability of flooding (Flood Zone 1).

## **2.0 POLICY CONTEXT**

### **DEVELOPMENT CONTROL LOCAL PLAN (DCLP) 2005**

2.1 The policies that are relevant to matters raised by this application include:

GP1:	Design
E1a:	Premier Employment Sites
E3b:	Existing and Proposed employment sites
GP4a:	Sustainability
GP15a:	Development and flood risk
NE6:	Species protected by law
NE7:	Habitat protection and creation

### **PUBLICATION DRAFT YORK LOCAL PLAN 2018**

2.2 The main draft policies that are relevant to matters raised by this application are:

SS1:	Delivering Sustainable Growth for York
EC1:	Provision of Employment Land
DP2:	Sustainable Development
D1:	Placemaking
D2:	Landscape and setting
T1:	Sustainable Access
GI1:	Green Infrastructure

## **3.0 CONSULTATIONS**



## INTERNAL

### Highways Network Management

3.1 No objections are raised; the existing traffic generated by its current use as a concrete batching plant is unlikely to be exceeded by any future use of storage facility plus B1, B2 or B8 use. Conditions are recommended to mitigate any risks of impact of future use on the highway.

### Urban Design, Conservation And Sustainability (Ecology And Countryside)

3.2 Overall the habitats present on the site are of low ecological value with the majority of the site comprising concrete hard standing and compacted brick rubble.

3.3 Great crested newts are present in the surrounding area, with an area of mitigation land from other developments immediately west of the site. This area is not directly connected with the site and is separated from it by the cement works access road. No resting amphibians were found during a hand search of compacted brick rubble. Given the nature of habitats on site, the ecological report suggests that it is unlikely that great crested newts will be present and therefore unlikely to be disturbed, injured or killed during construction, if an unlicensed reasonable avoidance measure method statement approach were adopted. This approach is supported.

3.4 A small population of water vole is known to exist approximately 50m west of the Site boundary within the GCN mitigation area; however no impacts upon this species are predicted from the proposed development. The trees and buildings on site were visually assessed for their potential to support roosting bats and all were found to be unsuitable for roosting bats.

3.5 No objections are raised in regards to ecology subject to a condition.

### Urban Design, Conservation And Sustainability (Landscaping)

3.6 The set back of the fence line on Monks Cross Drive is a welcome amendment, improving the amenity of the area and will increase the visual benefits provided by new planting.

3.7 However, concern is raised to the potential to create a poor environment along the short, shared access track. The uses (eateries, retail or office) on Monks Cross Drive have landscape frontages that are open to the street and this type of development is slightly out of character with its neighbours; thus it is important to attain a reasonable level of amenity through suitably sized tree planting within groundcover and hedging or shrubs along the shared access road.

3.8 Further, it is requested that the building be moved further westwards to keep construction away from the established trees that are located within the Laurel hedge along the eastern boundary. This would not impact upon the capacity of the building

and could substantially improve the aesthetics of the scheme and views from Monks Cross Drive.

3.9 There is no information regarding utilities but it is hoped that the external areas are large enough to realise a good landscape scheme.

### Flood Risk Management

3.10 No objection

### Public Protection Unit

3.11 At present there are no residential receptors in the vicinity of the site but a site to the north is subject to an application for a large housing development (18/00017/OUTM). The site is otherwise close to offices, restaurants and a new hotel.

3.12 In respect of the B8 storage unit that is subject to the full application, this site will be fully enclosed and aimed mainly at the domestic storage market. The number of daily trips will be minimal. It is unclear whether the building will require any air conditioning to maintain temperature/humidity within the building however this can be controlled by conditions. These comments are also applicable to the northern part of the site that is also subject to a proposed B8 use.

3.13 In respect to B1 uses, this type of use is able to operate within residential areas without loss of amenity and is unlikely to give rise to any noise issues.

3.14 In respect to B2 uses, as the application is outline, there is no specific use for this part of the site however a B2 use would allow a wide range of industrial activities to take place at the site, some of which could be noisy, dusty and/or odorous. The numbers of receptors likely to be impacted by such issues are limited. The current concrete batching plant has been operation for a significant period of time without record of complaint. The opening of the hotel and the proposed residential use behind the site has the potential to significantly increase the number of sensitive receptors in this locality.

3.15 The introduction of B2 uses on this site has the potential to significantly change the noise, dust and lighting levels in the area (although at present it is difficult to determine if this will be for the better or worse). The uncertainty around future environmental conditions will need to be given due consideration and it is recommended that conditions should be used as far as possible to control future noise, dust and odour levels in the area. Whilst this will help regulate future activities we can not provide any guarantee that this approach will completely mitigate all conflicts of interest likely to arise between B2 uses and any future residential properties in close proximity to each other.

3.16 The site is not located within an area of current air quality concern and will not introduce any new relevant receptors. The increase in traffic movements are not

expected to be of a volume which would trigger the need for an air quality impact assessment.

3.17 Conditions are recommended to ensure the development incorporates facilities for electric vehicle recharging, a construction environmental management plan and lighting impact assessment detailing predicated light levels at the boundary at the site.

Forward Planning

3.18 No comments received at the time of writing.

EXTERNAL

Huntington Parish Council

3.19 No objection

Environment Agency

3.20 No comments received at the time of writing.

Yorkshire Water

3.21 No objections provided that the development is constructed in accordance with the Flood Risk Assessment and drawing 5374-D5.

Foss Internal Drainage Board

3.22 The site sits within the Drainage Board's district and the Board have assets adjacent to the site in the form of various watercourses. No objection in principle but it is recommended that the applicant be asked to clarify the drainage strategy and prove any connectivity that they are claiming to enable an evaluation to be undertaken in terms of flood risk.

Publicity And Site Notice

3.23 The application was publicised by site and press notice. No letters of representation have been received.

**4.0 APPRAISAL**

4.1 Key Issues

- Principle of the development
- Noise
- Design, layout and landscaping
- Highways access and parking arrangements
- Ecology
- Drainage

**NATIONAL PLANNING POLICY FRAMEWORK**

4.1 The National Planning Policy Framework 2012 (NPPF) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. The framework states that the Government 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.

4.2 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.

#### DEVELOPMENT CONTROL LOCAL PLAN (DCLP) 2005

4.3 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 (the DCLP). 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, although it is considered that their weight is very limited.

4.4 Policy E1a identifies 'out of centre' employment suitable (schedule 1 sites) for the science city York sector of the economy. The scale layout and design of proposals should contribute to the creation of a high quality commercial environment.

4.5 Policy E3b says that sites or premises either currently or previously in employment use, 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.

4.6 New developments are required to respect or enhance the local environment in terms of density, layout, scale, mass and design and to ensure that residents living nearby are not unduly affected by noise and disturbance (Policy GP1) and have regard to the principles of sustainable development in accordance with Policy GP4a.

## EMERGING LOCAL PLAN

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

4.8 The site is unallocated within the Publication Draft York Local Plan 2018 ("2018 Draft Plan").

4.9 A priority in policy SS1 'Delivering Sustainable Growth for York' is to ensure that York provides sufficient land to accommodate an annual provision of around 650 new jobs that will support sustainable economic growth, improve prosperity and ensure that York fulfils its role as a key economic driver.

4.10 Policy EC1 'Provision of Employment Land' states that overall, during the plan period, around 38ha of new employment land is required; within this the largest components are 13.8ha for B1a and 16.1ha for B8 uses.

4.11 Under policy D2 'Placemaking', development proposals will be supported where they improve poor existing urban and natural environments. 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.

4.12 Policy DP2 'Sustainable Development' will help create a prosperous city for all through supporting strategic employment locations and ensuring that employment land is provided.

## ASSESSMENT

### Principle of the development

4.13 The northern part of the site is currently in use as a concrete batching plant which is within use class B2 (General Industry). The supporting information suggests that the concrete plant has been in operation for at least 15 years. The southern part of the site is in use as a temporary car park (sui generis) however it is unclear as to how long this has been operational. There has been some clearance of farmhouse and outbuildings associated with a previous agricultural use. There is no planning history relating to the site.

4.14 The northern part of the site is currently in employment use and the application will enable a wider range of employment uses (B1 and B8) in addition to the existing B2 use. The new development on the southern part of the site to provide employment uses (B8) would be a compatible land use, supporting sustainable economic growth

and the provision of new employment land in accordance with SS1 and EC1 of the 2018 Draft Plan.

### Noise

4.15 The site is not in close proximity to any current residential development or other sensitive sites and as such it is not considered necessary to restrict the operational hours. It is noted that to the north of the site, the land is subject to an application for housing and associated infrastructure including a primary school. This application is currently under assessment and at outline stage only and determination is not anticipated until the adoption of the Local Plan, which is at draft stage.

4.16 However, the development of the site that is the subject of this application should not be precluded for proposals that represent sustainable development. The current concrete production plant as viewed by a site visit is a noisy operation. It is not anticipated that the uses within the indicative industrial units will accumulatively or individually result in a detrimental impact over and above the existing situation on the basis that the B2 use (which is the current use) is likely to be the noisiest uses when compared with B1 and B8 uses.

4.17 The Public Protection officer has requested a condition restricting delivery and waste removal vehicles to the site, once it is operational. The self storage facility is not likely to generate high volumes of trips and the area contains retail, restaurant or office uses that can operate late in to the evening or are unrestricted. An unrestricted operation in this location is unlikely to have a detrimental impact upon the area or neighbouring residential properties and therefore this proposed condition is considered to be unreasonable and cannot be supported in this regards.

### Design, layout and landscaping

4.18 The self storage building to the southern part of the site is a modular clad type building of three floors. It will have a yellow stripe along the mid-top part of the building. There are double height loading bays and a glazed reception area extending from the western elevation to the southern elevation, fronting Monks Cross Drive. The building would be situated to the on the eastern boundary with vehicular access and parking to the west. The area is one of modern office and commercial buildings with no defined character and as such the proposal is considered acceptable in terms of its design and materials.

4.19 In terms of its height, the building will have a shallow pitched roof. It will be 10.7m to the eaves and 13.4m to the ridge. It will be positioned 4m from the boundary of the site to the grass verge and additional 2.6m from the highway. Neighbouring properties along Monks Cross Drive are mixed in scale. The immediate properties to either side comprise of a Taco bell and McDonalds drive-through restaurant. Both buildings are single storey and do not exceed 6m in height. Taco Bell is set back from Monks Cross Drive by 14m with McDonalds having a set back of 17m. Further

beyond these smaller buildings are larger buildings, Pear Tree Farm restaurant to the west and Herbert Todd to the east which are 10.5m and 11m high respectively. It is noted that the Herbert Todd building is larger in scale from its neighbouring properties and does not have a generous set back when compared to Taco Bell or McDonald's restaurant in respect to its position fronting Monks Cross Drive. The scale and position of the proposed self storage building is considered to be consistent with surrounding properties on Monks Cross Drive and it would not be harmful to the visual amenity of the area.

4.20 There are existing landscaped bunds particularly along the eastern boundary of the site with the building set away from the established tree and laurel hedge. The Landscape Officer sought amendments to further set the building away from the eastern boundary to help increase the space available for future crown spread of the existing trees within the eastern embankment; however this would interfere with the turning circle for vehicle manoeuvrability within the site. The proposals have been supported by indicative landscaping proposals increasing the planting along the western boundary in addition to planting along the southern boundary, to improve the visual amenity of the area on this part of Monks Cross. In addition, there have been some amendments to the position of the fencing so that the development offers adequate security whilst also respecting the established open nature of Monks Cross Drive.

4.21 The design of the industrial units to the outline part of the site will be the subject of a detailed reserved matters application.

#### Highways access and parking arrangements

4.22 The site will access off the existing access road serving the site. The road is considered adequate to accommodate additional traffic flows which are not considered likely to cause any detrimental to the safe and free flow of the highway network.

4.23 In relation to the self storage facility, ten car parking spaces will be provided (2 disabled) with a 24m radius turning circle for vehicles to manoeuvre within the site. The surrounding area has parking restrictions in place and it is anticipated that this particular use will not generate high volumes of trips. No cycle parking is indicated to be provided however it is considered that this can be provided within a suitable location within the site. These details shall be secured by condition.

4.24 There is a bus service with bus stops along Monks Cross Drive. Clarification has been provided in respect to pedestrian and other potential highway improvements and conditions have been requested in respect to tactile crossing across the access onto Monks Cross Drive upon construction of the area subject to the outline application. The site is considered to be a sustainable location and the detail of the design and conditions are considered to satisfactorily incorporate the needs of cyclists and pedestrians.

## Ecology

4.25 The site is separated from a Great Crested Newt (GCN) mitigation area to the west, which also supports water voles. It is likely that there will be no impacts upon water voles or GCN from the proposed development. Overall any habitats present that are likely to be impacted by the development are of low ecological value. A condition to ensure that reasonable avoidance measures for Great Crested Newts is recommended to ensure that avoidance measures are adopted.

## Drainage

4.26 The drainage and flood risk statement supporting the application states that in respect to surface water, sub-soil conditions do not support the use of soakaways and the local watercourse is not in a suitable condition to accept a discharge from the site. Surface water will therefore discharge to public surface water sewer via storage with restricted discharge of 2 litres/second.

4.27 The Foss Internal Drainage Board have no objections in principle, however they have raised concerns in respect to the drainage connectivity and strategy. However, no objections are raised by the Council's Flood Risk Management officer nor Yorkshire Water and the application is considered acceptable in respect to drainage and flood risk, subject to conditions.

## Crime and Security

4.28 The current site is relatively open and any existing security features associated with the existing uses on the site are limited. The applicant has advised that enhanced security in the form of fencing to enclose the self storage facility is required. Amended plans have been submitted detailing the position of any fencing around the whole site and the self storage facility. The fencing is considered to offer improved security whilst maintaining appropriate visual amenity to this relatively open site, enhanced by the landscaping proposals.

4.29 It is likely that given the proposed use and that late night activity could be expected, the applicant has not indicated that lighting would be required. In order that the visual amenity of the area is maintained, lighting details shall be secured by condition.

## **5.0 CONCLUSION**

5.1 The site is identified as an employment allocation within the 2005 Local Plan and is subsequently unallocated within the Publication Draft York Local Plan 2018 ("2018 Draft Plan"). Both the southern (full) and the northern (outline) parts of the site will be retained in employment uses. Officers consider that the development represents



sustainable development and is in principle supported by relevant policies in the NPPF.

5.2 Amendments have been forthcoming in respect to the position of the proposed storage building in order to improve its relationship to existing soft landscaping on the eastern boundary of the site. Further, whilst the nature of the uses proposed by this application require significant security measures, these have been sensitively incorporated into the scheme with additional planting, offering an improved visual amenity to Monks Cross Drive and the aesthetics of the scheme more generally.

5.3 Surrounding neighbouring uses are commercial in character (including office, retail and restaurants uses), some of which are late-night or 24 hour opening and the proposed industrial uses proposed by this application are considered to be compatible with the locality. It is acknowledged that the site to the north is allocated as a housing site in the 2018 Draft Plan. The possible impacts of the outline development in terms of noise; visual amenity etc in respect to the general amenity of the area can be controlled by the reserved matters and/or conditions.

5.4 As such, the proposal is considered to accord with national guidance in the NPPF and the Draft Development Control Local Plan Policies subject to conditions.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve

1 The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

2 Application for approval of all reserved matters shall be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission and the development proposed in outline shall be begun before:

the expiration of two years for the date of approval of the last of the reserved matters to be approved.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (England) Order 2015.

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

1414 (90)01 A2 Proposed site plan  
1414 (00)11 A1 West and East Elevations  
1414 (00)12 A1 North and South Elevations and Cross Section  
1414 (SK)02 P2 Sectional Elevation on Monks Cross Drive  
1414 (00)13 A1 Roof Plan  
1414 (00)10 A1 Ground Floor Plan

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

4 Fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and the development shall be carried out in accordance with such details:

Details to be submitted: appearance, landscaping, layout and scale of the proposed development to be carried out, including a schedule of all external materials to be used.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (England) Order 2015.

5 In the event that unexpected 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.

6 Details of all machinery, plant and equipment to be installed in or located on the self storage facility, which is audible outside of the premises, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before first occupation of the self storage facility and shall be maintained thereafter for the lifetime of the development.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the 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: To protect the amenity of nearby properties and the environmental qualities of the area.

7 Prior to the occupation of each unit occupying the northern part of the site for either B1, B2 or B8 uses, if any of the units require machinery, plant and equipment to be installed in or located on the industrial units which is audible outside of the premises, details of any machinery, plant and equipment shall be submitted to and approved in writing by the Local Planning Authority. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment and any approved noise mitigation measures shall be implemented in accordance with the approved details and shall be maintained thereafter for the lifetime of the development.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the 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: The plans are unclear as to whether any plant, machinery and equipment is required for any of the proposed industrial units and these details shall ensure that the amenity of nearby properties and the environmental qualities of the area is protected.

8 Prior to the first occupation of the self storage facility hereby permitted the fencing shall be installed as detailed on plan 1414 (90)01 A2 and maintained in the form shown for the lifetime of the development.

Reason: In the interests of the visual amenities of the area and to reduce opportunities for crime.

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

- the means by which the surface water discharge rate shall be restricted to a maximum rate of 2 (two) litres per second, and
- the means by which the surface water attenuation up to the 1 in 100 year event with

a 30% climate change allowance shall be achieved

- the petrol/oil/grit separator/interceptors
- the future management and maintenance of the proposed drainage systems
- the site developed with separate systems of drainage for foul and surface water

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

10 Prior to the commencement of development, including any site clearance works, a Reasonable Avoidance Measures method statement for great crested newts (GCN) should be submitted to and agreed by the Local Planning Authority. The method statement shall include the following;

- Description of development proposal and works;
- Legal status of GCN;
- Risk assessment to consider site description, proposed working areas, potential impacts of works and an assessment of potential impacts upon GCN; and
- Methods of working, to include appointment of Ecological Clerk of Works, toolbox talk, timing and extent of works, prevailing weather conditions, site supervision, methods of working (hand searching, destructive searching vegetation removal etc) and what action to be taken in the event that GCN were to be encountered on site.

Reason: The site is located close to a known great crested newt mitigation area and the method statement is required in order to reduce the potential impacts upon a protected species arising from the construction of the development.

11 Notwithstanding the annotation shown on the plan, prior to the construction of the self storage facility, a detailed landscaping scheme for the area comprising of the self storage facility ('full application area' namely the part eastern, southern and part eastern boundaries) shall be submitted to and approved in writing by the Local Planning Authority. It shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants in addition to details for ground remediation and preparation of planting beds and tree pits.

The landscaping scheme shall show how it will be compatible with any utility and drainage infrastructure.

The landscaping scheme relating to the self storage facility shall be implemented within a period of six months of the completion of the self storage facility.

Any trees or plants which either, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing. This also applies to any existing trees that are shown to be retained within the approved landscape scheme.

Reason: The plans do not currently show an adequate landscaping scheme which is integral to the amenity of the development and to ensure that that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the entire site.

12 Prior to the construction of the 'outline' site namely the industrial units on the northern part of the site for either B1, B2 or B8 uses, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. It shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants in addition to details for ground remediation and preparation of planting beds and tree pits.

The landscaping scheme relating to the 'outline' part of the site shall be implemented within a period of six months of the completion of the industrial units.

Any trees or plants which either, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing. This also applies to any existing trees that are shown to be retained within the approved landscape scheme.

Reason: The plans do not currently show an adequate landscaping scheme which is integral to the amenity of the development and to ensure that that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the entire site.

13 Prior to the operation of the self storage facility hereby approved, a plan showing the location of one Electric Vehicle Recharging Point shall be submitted and approved in writing to the Local Planning Authority. The Electric Vehicle Recharging Point shall be installed as shown on the approved plans and shall thereafter be retained.

Note: Electric Vehicle Recharging Point means a free-standing, weatherproof, outdoor recharging unit for electric vehicles with the capacity to charge at both 3kw (13A) and 7kw (32A) that has sufficient enabling cabling to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point. Charging points shall be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles. Also, to prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development in agreement with the Local Planning Authority.

Reason: To promote and facilitate the uptake of electric vehicles on the site in line with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework which states that 'developments should be located and designed where practical to incorporate facilities for charging plug in and other ultra low emission vehicles.

14 Prior to the occupation of the self storage facility (including the roof and forecourt) hereby approved or the occupation of any of the individual industrial units (including any forecourt areas) within the northern part of the site for either B1, B2 or B8 uses hereby approved a detailed lighting scheme including lighting levels at the boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. Any lighting shall be carried out in accordance with the approved details.

Reason: The plans do not currently show any lighting to serve the development and without details it is unclear whether the visual qualities of the area will be affected as a result of their levels, number and position.

15 HWAY18 Cycle parking details to be agreed

16 Prior to the first occupation of the self storage unit, the initial 25m of the vehicular access, measured from the back of the public highway, shall be surfaced, sealed and positively drained within the site. Elsewhere within the site all areas used by vehicles shall be surfaced and drained, in accordance with the approved plans.

Reason: To prevent the egress of water and loose material onto the public highway.

17 Prior to the operation of the self storage unit, the initial 25m of the vehicular access, measured from the back of the public highway, shall be surfaced, sealed and positively drained within the site. Elsewhere within the site all areas used by vehicles shall be surfaced and drained, in accordance with the approved plans.

Reason: To prevent the egress of water and loose material onto the public highway.

18 Prior to first occupation of any of the industrial units on the northern part of the site for either B1, B2 or B8 uses, details of the internal road layout shall be submitted to, and approved in writing, by the Local Planning Authority. No building on the northern part of the site for either B1, B2 or B8 uses shall be occupied until the internal road has been provided, up to base-course level, in accordance with these approved plans. The wearing course shall be laid within two years of the base-course being laid or prior to the occupation of the penultimate industrial unit, whichever is the sooner.

Reason: To ensure that there is a safe and free passage of highway users within the development site.

19 The occupation of any part of the northern part of the site for either B1, B2 or B8

uses shall not take place 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.

- Provision of a pedestrian tactile crossing across the access onto Monks Cross Drive.

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

## **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:

-Negotiation in respect to landscaping, fencing and highway works

#### **2. GREAT CRESTED NEWTS**

You are advised that if evidence of great crested newts is found during development, work should stop immediately and Natural England contacted for advice on the best way to proceed.

#### **3. INFORMATIVE:**

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

#### 4. INFORMATIVE:

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 to the highway - Section 62 Tom Forrest (01904) 555594

#### **Contact details:**

**Author:** Lindsay Jenkins Development Management Officer

**Tel No:** 01904 554575



18/00411/FULM

Pigeon Cote Farm Monks Cross Drive Huntington



Scale : 1:2211

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	25 May 2018
<b>SLA Number</b>	Not Set

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### **3.0 CONSULTATIONS**

#### Fishergate Planning Panel

3.1 No response received

#### Neighbour Notification

3.2 No responses received

### **4.0 APPRAISAL**

#### KEY ISSUES

4.1 The key issue in the assessment of this proposal is the impact upon the character of the host building and surrounding townscape and the amenities of nearby residents.

#### POLICY CONTEXT

##### National Planning Policy Framework

4.2 In the absence of a formally adopted local plan the most up to date representation of key relevant policy issues is the National Planning Policy Framework, March 2012 (NPPF). This sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development. In Paragraph 17 it sets out 12 core planning principles that should underpin both plan-making and decision-taking. Of particular relevance here is the fourth principle, which advises 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.

##### City of York Publication Draft Local Plan 2018

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

4.4 Policy D11:Extensions and Alterations is relevant and advises that development proposals will be supported where, inter alia, they respond

positively to the immediate architectural context, local character and history in terms of the use of materials and detailing, scale and proportion, landscape design and the space between buildings and protect the amenity of current and neighbouring occupiers.

#### City of York Council Development Control Local Plan 2005

4.5 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is very limited except where in accordance with the content of the NPPF. The relevant Local Plan Policies are Policy GP1, which requires development to respect or enhance the local environment, be of a design that is compatible with the character of the area and neighbouring buildings, protect private, individual or community amenity space and ensure residents are not unduly affected by overlooking, overshadowing or dominated by overbearing structures. 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.

#### Supplementary Planning Document (SPD) for House Extensions and Alteration

4.6 The Council has a Supplementary Planning Document (SPD) for House Extensions and Alterations and was approved on 4 December 2012. The SPD offers overarching general advice relating to such issues as privacy and general amenity as well as advice which is specific to the design and size of particular types of extensions or alterations. Paragraph 15.1 advises that garages and other outbuildings, wherever possible, should reflect the style, shape and architectural features of the original building and not be detrimental to the space around it and that outbuildings should clearly be smaller in scale to the house. Paragraph 15.3 advises that garages and other outbuildings must not have a detrimental impact on the residential amenity of neighbours ensure that the proposal does not dominate the house or clash with its appearance.

4.7 Paragraph 16.1 advises that granny annexes will normally only be approved when they are small in scale (1 bedroom) and occupied by direct relatives of family living in the original house. When considering creating or adapting accommodation for relatives, regard should be

given to future alternative uses for the accommodation and whether, if no longer needed, it can be incorporated back into the main house.

## ASSESSMENT

4.8 The application property has a large rear garden, which is 32m long and 15m wide, and there rows of mature trees and shrubs along the rear boundaries with the properties on either side (ie. nos. 13 and 19 Barmby Avenue). To the rear are the detached bungalows of nos. 24 and 26 Grants Avenue. These have fairly small rear gardens but they both have detached brick outhouses that abut the rear boundary with the application property; there is a 2m high close boarded fence along the rear boundary with these properties. There is also a large mature tree circa 7-8m high near to the rear boundary with these properties within the garden of the application property.

4.9 It is proposed to erect the annexe towards the rear of the garden, circa 8m from the rear boundary. The location of the building has been revised and its rear elevation would be set in 1.1m from the shared side boundary with no.19 (existing boundary shrubs have already been removed to facilitate this) and its front elevation would be set back circa 7.4m from the shared side boundary with no.13. There would be a pair of glazed doors to the lounge and a bedroom window on the front elevation (facing the rear garden of no.13), a small kitchen window on the side facing towards no. 26 Grants Avenue and a small window on the rear elevation (facing no.19 Barmby Avenue) serving the wet room. Two other windows (to the lounge and bedroom) would face towards the application property.

4.10 Although the proposed annexe is not in the same style as the host building it is simple in design and set back a considerable distance from it. The use of timber for the external walls is considered to be acceptable and as the roof is flat the synthetic rubber roofing material would not be seen from ground level.

4.11 Although there are glazed doors and a window to habitable rooms that face towards no.13 Barmby Avenue, these would be 7.4m from the boundary between the two properties that has mature shrubs along it. There is a small window on the rear elevation facing no.19 Barmby Avenue. This serves a wet room and in the initial submission it was shown to be side opening but and it was not apparent whether the glazing was clear or opaque. Officers have now secured a design in which the window has opaque glass and is top opening only. In view of

the above, it is considered that the privacy of these neighbours would not be eroded. Furthermore, in terms of size and scale it is not considered that the scheme would erode the amenities of neighbours.

4.12 In the initial submission the annexe came to within 0.5m of the side boundary with no.19 Barmby Avenue. Officers were concerned that this may necessitate the removal of shrubbery along the boundary that currently affords some privacy to the neighbour. A revised plan has now been submitted in which the annexe is shown to be 1.1m from the boundary and it is considered that this will enable the shrubbery to be retained. The applicant's agent has advised that the large tree near to the rear boundary would be removed as part of the proposals but that a new one would be planted to replace it.

4.13 The annexe is relatively small in scale, providing only one bedroom, and with the fact that the occupancy of the annexe can be restricted to direct relatives by condition, it is considered that the requirements of local plan policy and the Council's SPD can be satisfied in this case.

## **5.0 CONCLUSION**

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

## **6.0 RECOMMENDATION: Householder Approval**

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans and other submitted details including the use of materials detailed therein:-

1700.2 - Revision 1 and 1700.5 – Revision 2

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

3 The proposed additional accommodation shall only be occupied by  
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direct relatives or non-paying guests of the residential occupants of 17 Barmby Avenue and shall not be used as a separate residential unit including letting as holiday accommodation.

Reason: The site cannot accommodate a separate unit of residential accommodation without detrimental impact on the amenities of adjacent residents through additional activity and car parking requirements and the character and amenity of the area through the creation of a separate curtilage. As such it is considered that any proposal to use the development as an independent residential unit would need to be considered on its own merits with regard to the potential impact on neighbours.

4 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 window to the wet room shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 3 or above and non-opening unless the part of the window which can be opened is more than 1.7 metres above the floor of the room in which it is installed.

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

## **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:

Plans were revised to set the annexe further away from the rear boundary with no.19 Barmby Avenue and to incorporate a top hung opaque glazed window on this boundary.

Account has been taken of all relevant national guidance and local



policies and with the attachment of conditions the proposal is considered to be satisfactory.

## 2. AVOIDING DAMAGE TO THE HIGHWAY GRASS VERGE

Applicants/Developers are reminded that great care should be taken to ensure that no damage to the surface or structure of the public highway is caused, by activities relating directly to the approved development (e.g. delivery of building materials via HGV's). The Council is particularly concerned at the increasing impacts and damage occurring to grass verges. This is detrimental to residential amenity, can present safety issues and places an unreasonable financial burden on the Council, if repairs are subsequently deemed necessary. Therefore, applicants/developers are strongly advised to work proactively with their appointed contractors and delivery companies to ensure that their vehicles avoid both parking and manoeuvring on areas of the public highway (grass verges) which are susceptible to damage. The council wishes to remind applicants that legislation (Highways Act 1980) is available to the authority to recover any costs (incurred in making good damage) from persons who can be shown to have damaged the highway, including verges. If the development is likely to require the temporary storage of building materials on the highway, then it is necessary to apply for a licence to do so. In the first instance please email [highway.regulation@york.gov.uk](mailto:highway.regulation@york.gov.uk), with details of the site location, planning application reference, anticipated materials, timelines and volume. Please refer to the Council website for further details, associated fees and the application form.

### **Contact details:**

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18/00625/FUL

17 Barmby Avenue



GIS by ESRI (UK)



Scale : 1:1181

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	25 May 2018
<b>SLA Number</b>	Not Set

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