



## Notice of a public meeting of

### Area Planning Sub-Committee

- To:** Councillors McIlveen (Chair), Gillies (Vice-Chair), Douglas, Watson, Semlyen, Looker, Fitzpatrick, Galvin, Cuthbertson, Hyman and Warters
- Date:** Thursday, 5 September 2013
- Time:** 2.00 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

### AGENDA

#### **Site visits for this meeting will commence on Wednesday 4 September 2013 meeting at Memorial Gardens at 10.00am**

Members are advised to note that if they are planning to make their own way to the Site Visits please could they let Democratic Services know by **5pm on Tuesday 3 September 2013** on **(01904) 551078**.

#### **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 Planning Sub-Committee held on Thursday 8 August 2013.
- 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 **Wednesday 4 September 2013 at 5.00pm.**
- 4. Plans List**  
To determine the following planning applications:
- a) **1 Foxthorn Paddock, York, YO10 5HJ** (Pages 17 - 28)  
**(13/01327/FUL)**  
Two storey side and single storey rear extensions (resubmission).  
*[Hull Road Ward]*
- b) **Former Civic Amenity Site, Beckfield Lane, York (13/01833/FULM)** (Pages 29 - 56)  
Erection of 18no. dwellinghouses and 9no. apartments with associated works following demolition of existing buildings.  
*[Acomb Ward]* **[Site Visit]**
- c) **Great Outdoors, Stirling Road, York, YO30 4XY (13/01670/FULM)** (Pages 57 - 66)  
Change of use from non food retail (use class A1) to a commercial gym (use class D2) and alterations to existing car park.  
*[Skelton, Rawcliffe, Clifton Without Ward]* **[Site Visit]**

- d) **Wills and Ellis Garage, Boroughbridge Road, York, YO26 6QD (13/02439/OUT)** (Pages 67 - 82)

Outline application for demolition of existing buildings and erection of replacement petrol station with shop and drive-thru restaurant with associated parking and access [*Rural West York Ward*] **[Site Visit]**

- e) **2 - 16 Piccadilly, York (13/02559/FULM)** (Pages 83 - 98)

Change of use of existing ground floor retail units to either retail (class A1), office (class A2), restaurant/cafe (class A3) or drinking establishment (class A4) including extensions to rear; change of use of upper floors from hotel to residential accommodation (class C3) to form 18 new apartments; external alterations and associated works. [*Guildhall Ward*]

- f) **1 Allendale, York, YO24 2SF (13/02155/FUL)** (Pages 99 - 106)

Single storey side extension. [*Dringhouses and Woodthorpe Ward*]

## 5. Urgent Business

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

### Democracy Officer:

Name: Judith Betts

Contact Details:

- Telephone – (01904) 551078
- E-mail: [judith.betts@york.gov.uk](mailto:judith.betts@york.gov.uk)

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

- Registering to speak
- Written Representations
- Business of the meeting
- Any special arrangements
- Copies of reports

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- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

**A leaflet on public participation is available on the Council's website or from Democratic Services by telephoning York (01904) 551088**

### Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

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If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

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### **Holding the Cabinet to Account**

The majority of councillors are not appointed to the Cabinet (39 out of 47). Any 3 non-Cabinet councillors can 'call-in' an item of business following a Cabinet meeting or publication of a Cabinet Member decision. A specially convened Corporate and Scrutiny Management Committee (CSMC) will then make its recommendations to the next scheduled Cabinet meeting, where a final decision on the 'called-in' business will be made.

### **Scrutiny Committees**

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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- All public agenda/reports can also be accessed online at other public libraries using this link

<http://democracy.york.gov.uk/ieDocHome.aspx?bcr=1>

**PLANNING SUB COMMITTEE****SITE VISITS****Wednesday 4 September 2013****Members using the mini-bus meet at Memorial Gardens at 10.00 am**

<b>TIME</b> <b>(Approx)</b>	<b>SITE</b>	<b>ITEM</b>
10.15	Former Civic Amenity Site, Beckfield Lane	<b>4b</b>
10.45	Wills and Ellis Garage, Boroughbridge Road	<b>4d</b>
11.15	Great Outdoors, Stirling Road	<b>4c</b>

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City of York Council

Committee Minutes

Meeting	Area Planning Sub-Committee
Date	8 August 2013
Present	Councillors McIlveen (Chair), Gillies (Vice-Chair), Douglas, Watson, Fitzpatrick, Galvin, Cuthbertson, Hyman and Warters
Apologies	Councillors Semlyen and Looker

Site Visited	Attended by	Reason for Visit
1 Foxthorn Paddock	Councillors McIlveen, Gillies, Fitzpatrick, Galvin, Hyman, Cuthbertson and Warters.	As objections had been received and the Officer's recommendation was to approve.
Burnholme Social Club, Burnholme Drive	Councillors McIlveen, Gillies, Fitzpatrick, Galvin, Hyman, Cuthbertson and Warters.	As objections had been received and the Officer's recommendation was to approve.
Site of Yearsley Grove Hotel, Huntington Road	Councillors McIlveen, Gillies, Fitzpatrick, Galvin, Hyman, Cuthbertson and Warters.	As objections had been received and the Officer's recommendation was to approve.
Ashbank, 1 Shipton Road	Councillors McIlveen, Gillies, Fitzpatrick, Galvin, Hyman, Cuthbertson and Warters.	As objections had been received and the Officer's recommendation was to approve.
9 Precentors Court	Councillors McIlveen, Gillies, Fitzpatrick, Galvin and Cuthbertson.	To inspect the site given that it had been called in by the Ward Member.

18 High Petergate	Councillors McIlveen, Gillies, Fitzpatrick, Galvin and Cuthbertson.	To inspect the site given that it had been called in by a Ward Member.
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**13. Declarations of Interest**

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

Councillor Hyman declared a personal interest in Agenda Item 4c (Burnholme Social Club) as the architects for the proposed development on the site were previously known to him, but he had not been in contact with them recently.

No other interests were declared.

**14. Minutes**

Resolved: That the minutes of the meeting of the Area Planning Sub-Committee held on 4 July 2013 be approved and signed by the Chair as a correct record.

**15. 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 Committee.

**16. Plans List**

Members considered a schedule of reports of the Assistant Director (City Development and Sustainability) relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and Officers.

**16a) Ashbank, 1 Shipton Road, Clifton, York. YO30 5RE  
(12/02491/FULM)**

Members considered a full major application (13 weeks) from Mr Graham Hogben for a change of use and conversion of building to form 5 no. apartments, construction of 4 no. 2.5 storey dwellings to rear, highways works, landscaping and associated infrastructure.

In their update to Members, Officers reported that following comments from the site visit, the applicant had agreed to install a wall, rather than bollards where it was proposed to close the Barleyfields entrance to the site. It was felt that a wall would be more appropriate in the streetscene.

Members were also told that if planning permission was granted that further amendments to the recommendation needed to be made in relation to the Section 106 agreement, given that the Council owned the land on which the building was located.

Some Members expressed concerns at the width of the access road and the lack of hedges at the front of the site. In response, Officers confirmed that a condition could be added to permission to include hedging at the front of the site.

Resolved: That delegated authority to approve on receipt of written confirmation that the contributions required, towards open space and education provision, will be provided when the property is sold; and on receipt of a revised plan showing the new section of wall at the entrance of Barleyfields be agreed.

- Reason:
- (i) In the interest of the character and appearance of the Conservation Area.
  - (ii) In accordance with Local Plan policies regarding developer contributions to open space and education.

**16b) 1 Foxthorn Paddock, York, YO10 5HJ (13/01327/FUL)**

Members considered a full application from Mr N Malloy for a two storey side and single storey rear extensions (resubmission).

Officers circulated an update to the Committee report. The update stated that an additional email had been received from a resident to the rear of the application property. The resident was concerned that a visual representation of the shadow that might be cast by the proposed extensions had not been submitted. Officers confirmed that the impact on the daylight/sunlight to all adjacent properties connecting to the boundary of the application site had been assessed during the Officer's site visit. This assessment was separate to the analysis submitted by the agent.

Representations in objection to the application were received from Dr Saad Ali, a local neighbour. He expressed concerns about the size of the wall of the single storey rear extension. He felt that the rear extension would cause an adverse effect, as it would overshadow his garden and rear windows. Finally, he expressed concerns that the applicant had not provided a sunpath diagram showing the effect that overshadowing from the extension would have on neighbouring properties all year round.

Members were informed that there was no planning requirement for the applicant to provide such a diagram and that the applicant had provided a 'snapshot', which was deemed to be sufficient. They added that the adjacent grass area to the property would be affected by some overshadowing, but that this would be at sunrise and the effect of this would be negated by mid morning in the winter.

Representations in support were received from Mr Colin Molloy, the applicant's father. He explained the reason for the proposal, to provide good living accommodation and highlighted that a large number of properties in the vicinity had been extended.

Further representations were received from the Ward Member, Councillor Barnes. He highlighted that the Planning Inspector, who had reviewed the previous rejected application, mentioned the overshadowing that would be caused by the extensions. He suggested to Members that a more extensive sunlight assessment be carried out.

Discussion between Members took place and it was felt that there was not a sufficient amount of information in regards to the overshadowing on to neighbouring properties from the proposed extensions. Members felt that they could not make an informed decision on the application and as a result it was;

Resolved: That the application be deferred.

- Reason:
- (i) In order for a detailed shadow study to take place to show the extent of any additional over shadowing from the proposed extension. These details should be based on the yearly quarters to include the following days 21/03, 21/06, 21/09 & 21/12 and at the time of day up to 2pm in the winter and 4pm in the summer.
  - (ii) In order for the applicant to provide diagrams showing the existing shadow pattern and the proposed shadow pattern incorporating the proposed extension in terms of its impact in the amenity of the closest neighbours.

**16c) Burnholme Social Club, Burnholme Drive, York. YO31 0LL (13/01538/FULM)**

Members considered a major full application (13 weeks) from RHW Developments Limited for the erection of 28 two and three storey dwellings, three storey block of 9 apartments, new social club with associated access, parking and landscaping together with children's play area.

Officers circulated an update to the Committee report. The update covered the following points;

- That an attempt had been made to add the building to the Statutory List of Buildings of Historical or Architectural Interest through English Heritage but that this was unsuccessful.
- That as the building was not listed or in a Conservation Area that it could be demolished under the Prior Notification Procedure. This would mean that Members could only consider the method of demolition and not the principle.

- That the social club could be listed as a “non designated heritage asset” in the Local Heritage List Supplementary Planning Document but this would not affect the rights to demolish the building.
- That the Local Heritage List was currently in draft form, and following consultation Members would decide in October whether it the list itself be progressed or adopted.
- That the building could only be protected from demolition if it were subject to an Article 4 direction.
- Further representations against demolition had been received from the Victorian Society and Ancient Monument Society, eight further objections from local residents and Councillor Taylor. These objections focused on the architectural and historic nature of the building and the contribution it made to the surrounding area.
- An additional representation in objection was also received on the grounds of noise and disturbance from the club and play area and the lack of publicity about the planning application.

In response to questions from Members regarding the influence that an Article 4 direction would have on their decision, it was reported that as the building was not on any local list of historic buildings adopted by the Council, and that there was no Article 4 Direction either in place or proposed.

Officers considered that they could not advise Members on this matter and that it should not form of their deliberations.

Representations in objection were received from Keith Pringle, a local resident who lived opposite the building. He felt that the application should be rejected due to the density of the development and that local residents did not want to see a replacement social club in the area. He also expressed concern about the level of public consultation carried out and the advertisement of the application. Officer’s responded that the neighbour notification undertaken by the Council was in accordance with the Statement of Community Involvement and statutory requirements.

Representations in support were received from John Howlett, the applicant’s agent. He informed Members that a public consultation meeting on the application had taken place and that leaflets had been dropped through doors on Burnholme Avenue and Burnholme Road.

He confirmed that the current stained glass window in the building would remain and form part of the new social club.

Some Members felt that the application should be approved because the current building was far too dilapidated to continue in its current use. They added that the new social club which was proposed would be far more efficient noise wise.

Resolved: That the application be approved subject to the prior completion of a legal agreement/unilateral undertaking and the following amended condition;

### 3. RECORDING OF BUILDING/DEMOLITION

No demolition or alteration shall take place until the applicant has submitted a complete Level 3 Building Record of the standing building (Burnholme, subsequently the Burnholme Social Club) to the Local Planning Authority and the City of York Historic Environment Board has been agreed in writing by the Local Planning Authority.

The demolition shall not take place until a legally binding contract for the replacement club hereby approved is made and evidence of the contract has been produced to and agreed in writing by the Local Planning Authority, or in the absence of such a contract an alternative confirmation of commencement of the development has been submitted to and agreed in writing with the Local Planning Authority.

Reason: As the building is of local importance and considering its historic and architectural interest and to avoid the loss of a community facility without an adequate replacement, in accordance with Local Plan policies HE2, HE10 and C1.

#### **16d) 9 Precentors Court, York. YO1 7EJ (13/01547/FUL)**

Members considered a full application from Mr Nick Williams for a replacement boundary wall with vehicle access gates.

Representations in support were received from the applicant. He assured Members that any conditions attached to planning permission would be carried out meticulously.

Councillor Watson outlined his reasons for calling in the application for consideration by the Committee.

Resolved: That the application be approved.

Reason: It is considered that the proposed creation of a vehicular access would not have any detrimental impact upon the character of the conservation area, neighbours amenity, highways safety or setting of the listed building.

**16e) 9 Precentors Court, York. YO1 7EJ (13/01560/LBC)**

Members considered a listed building consent application from Mr Nick Williams for a replacement boundary wall with vehicle access gates.

Consideration of this application took place at the same time as Minute Item 16d) (9 Precentors Court, York. YO1 7EJ (13/01547/FUL).

Resolved: That the application be approved.

Reason: The proposed works are not considered to detract from the special historic and architectural importance of the building.

**16f) Site of Yearsley Grove Hotel, Huntington Road, York. YO31 9BY (13/00982/FULM)**

Members considered a major full application (13 weeks) from Moorside Developments Ltd for the erection of 12 no. two storey dwellings.

In their update to the published report, Officers commented that;

- Information had been submitted by the applicant to demonstrate that the development would be able to achieve a minimum standard of Code Level 3 within the BREEAM Code for Sustainable Homes.



- Consultation responses had been received from the Head of Parks and Recreation in conjunction with Huntington Parish Council in relation to a sum being used to enhance the open space directly the north of the site.
- That the Council's Highways Network Management Department were in favour of the application subject to an amended road layout.

Officers also suggested that if Members were minded to approve the application that conditions be added to reflect these comments. They also recommended that details of cycle parking areas be submitted and a dilapidation survey of the highways adjacent to the site be carried out.

Resolved: That the application be approved subject to a Section106 agreement/unilateral undertaking and the following amended and additional conditions;

2. Include drawing S027-11 Rev C

22. The development hereby authorised shall be undertaken in strict accordance with the BREEAM Code for Sustainable Homes Level 3 Calculations submitted and received on 29 July 2013.

Reason: To secure compliance with Policy GP4a) of the York Development Control Local Plan.

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

Reason: To promote the use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours and the convenience of prospective occupiers of the properties hereby approved.

24. Prior to the works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the Local Planning Authority (LPA).

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

Informatives:

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

Vehicle crossing- Section 184- Mr Partington (01904) 551361

**16g) The Yorkshire Pantry, 18 High Petergate, York. YO1 7EH (13/01977/FUL)**

Members considered a full application from Mr Andrew Simpson from a change of use from shop (use class A1) to café/restaurant (use class A3).

In their update to Members, Officers reported that further representations both in support and objection had been received since the publication of the agenda.

Points raised included;

- Primary interest in the premises had been for A3 use and the nature of the building meant that a modern single glass frontage (often a requirement for A1 occupiers) was not appropriate.
- There were already a sufficient amount of café/restaurants in the area and retail outlets were increasingly closing down.
- That the number of food outlets led to a loss of diversity in the city centre and the ability of it to further diversify.
- That there were inadequate waste storage facilities in the small yard to the rear, which is shared by other occupiers of the building and used as a play space for children from the flats above.

In relation to the small yard at the rear of the premises, it was reported that access would only be from other businesses and that the current use of the yard would not change.

Discussion took place amongst Members. Some felt that the premises should be reserved for a retail use and that the numbers of A1/A3 properties, and their siting, within the city centre needed further examination. Others felt it beneficial to use an empty premises and that cafés did make a significant contribution to the local economy.

Resolved: That the application be approved.

Reason: As the proposal would not cause harm to the vitality and viability of High Petergate and the wider city centre or to the character and appearance of the Conservation Area. Therefore the application for the change of use of 18 High Petergate is considered to accord with the National Planning Framework and Policies S5 and HE3 of the Local Plan.

## **17. Appeals Performance and Decision Summaries**

Members received a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1 April to 30 June 2013 and provided a summary of the salient points from appeals determined in that period. The report also included a list of outstanding appeals to date.

Resolved: That the report be noted.

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

Councillor N McIlveen, Chair  
[The meeting started at 2.00 pm and finished at 4.05 pm].

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addition this section of the proposal has been set down from the existing ridge by approximately 1.0 metres whereas the previous application incorporated a set down of 0.5 metres. The design of the extension incorporates a hipped roof, which would connect with the original gable roof design of the dwelling.

1.4 The remainder of the application would be unchanged and would create a single storey side and rear "wraparound" extension. The side extension would project beyond the rear of the dwelling by approximately 8.3 metres, incorporating the existing detached garage within the footprint, with a total height of approx 3.6 metres reducing to approximately 2.2 metres at the eaves. The single storey rear extension would project from the rear wall of the dwelling by 3.6 metres and would be set in from the shared boundary with the dwelling at 3 Foxthorn Paddock by approx 0.2 metres.

FOR INFORMATION:

1.5 This application was originally called in to the August East Area Planning Sub Committee by Councillor Neil Barnes in order that the impact on neighbour amenity can be properly considered.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

CYGP1  
Design

CYH7  
Residential extensions

### 3.0 CONSULTATIONS

#### INTERNAL:

3.1 Foss Internal Drainage Board: The nature of the application would increase the surface water 'run off' from the site into watercourses that are already at full capacity. The Board would wish to ensure that the application is viewed in conjunction with policy GP15A and that the applicant takes steps to ensure the surface water discharge does not exceed the existing discharge rate. Subject to this being achieved the Board would have no objections to the application.

#### 3.2 EXTERNAL:

#### THIRD PARTIES:

3.3 Hull Road Planning Panel - no objections.

3.3.1 Neighbour consultation letters were originally sent on 21.05.2013 objection responses received from the following neighbours :

71 Yarburgh Way:

Development has not addressed the previous concerns relating to the following:  
Over development.  
Loss of privacy.  
Loss of light/ outlook.

6 Hesketh Bank:

Development has not addressed the previous concerns relating to the following:  
Size and scale of the proposed extension.  
Over development.  
Block the corner view resulting in a claustrophobic out look from the rear windows of the properties.  
Design of the gable.

3.3.2 Cllr Neil Barnes:

Application to be heard at Committee for the following reasons:

Adverse impact on the living conditions of 71 Yarburgh Way.  
The overall mass and bulk of the extension is not substantially reduced and in relation to the proximity to 71 Yarburgh Way .  
No shadow report submitted to indicate impact on 71 Yarburgh Way.

3.3.3 On submission of the shadow report the residents at 71 Yarrowburgh Way and 6 Hesketh Bank were sent emails on 19th and 20th August 2013 inviting them to make representations. Further objections have been received from Mr Duncan Macleman of Ormonde Architects on behalf of Dr and Mrs Saad of 71 Yarrowburgh Way on the following matters:

Accept that the revised Shadow Report is now accurate.  
Detrimental effect on this property, especially in the early part of the day.  
Property would be faced with an imposing blank gable.  
Practical aspects of building a large extension on the boundary.  
Issues with the erection of scaffolding impacting on the garden area.

3.3.4 There have been no further comments received at the time of writing this report (22nd August 2013). Any additional representations will be reported at the Committee meeting.

## **4.0 APPRAISAL**

### **4.1 KEY ISSUES:**

- Impact on amenity of neighbours.
- Impact on street scene.

### **THE RELEVANT POLICES AND GUIDANCE**

4.2 Planning Policy Framework (2012) sets out the Government's overarching planning policies. As one of 12 core planning principles, it states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17). It 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 (paragraph 56). It 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 (paragraph 64).

4.3 Draft Local Plan Policy CYH7 - states that residential extensions will be permitted where (a) the design and materials are sympathetic to the main dwelling and the locality (b) the design and scale are appropriate to the main building (d) there is no adverse effect upon the amenities of neighbours and (e) proposals respect the spaces between dwellings.



4.4 Draft Local Plan Policy CYGP1 - sets out a series of criteria that the design of development proposals are expected to meet. These include requirements to (a) respect or enhance the local environment, (b) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (c) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (e) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (i) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.5 City of York Council: House Extensions and Alterations Draft Supplementary Planning Document (December 2012) states that the basic shape and size of the extension should be sympathetic to the design of the original dwelling and should also appear subservient. The appearance of the side extension will be improved if it is set back from the main building. The scale of the new extension should not dominate the original building, it should be set back by at least 0.5m and have a lower ridge height than the main dwelling. Proposed extensions should have pitched roofs and the materials should match those of the main property.

#### DESIGN & VISUAL AMENITY:

4.6 In terms of design the introduction of the hipped roof connecting to the existing gable would appear slightly at odds with the appearance of the original roof. However because the proposal incorporates a significant set down of approximately 1.0 metres and is set back from the principal elevation, it is not considered that the design would detract unduly from the property or wider street scene. Overall, it is considered that the appearance of the extension would incorporate an appropriate degree of subservience. Furthermore, the applicant intends to use materials that match the host dwelling, thus it is not considered that the proposal would adversely affect the character or appearance of the street scene.

4.7 The single storey extensions to the side and rear would be screened from the public domain by the height and massing of the first floor extension. The size and scale is in proportion with the host property and rear garden, therefore is considered acceptable.

#### RESIDENTIAL AMENITY/ IMPACT ON 71 YARDBURGH WAY :

#### DOMINANCE AND MASSING:

4.8 Attention is drawn to the previous appeal decision, in which the Inspector stated that the main issue is the effect of the proposed two storey extension on living conditions at 71 Yarburgh Way. From this it would be reasonable to deduce that the single storey elements of the extension were considered to be satisfactory. The occupiers of no. 71 have objected to the proposal and the impact on the living conditions of this property has been carefully assessed.

4.9 The property at no. 71 is located away from the shared boundary but is angled towards the application property. However, in the revised proposal, the two storey extension has been set well forward of the rear wall of the application property. Whilst this would still project slightly beyond the rear wall of no. 71, it is considered that a reasonable outlook would be maintained from the rear of this property. As a result of the reduction the massing, the main impact of the extension would be generally confined to the neighbour's side garden where the separation between the two dwellings gradually increases.

#### OVERSHADOWING/ LOSS OF LIGHT:

4.10 The two storey extension would be located to the east of no. 71 and as such any additional overshadowing would be generally confined to early mornings when the sun is in the southeast. This is demonstrated by the shadow report, which indicates that at 9am the parts of this property which would be most affected would be the sections of the garden to the side and immediately to the rear. However, as the sun tracks to the south and west, the shadow study demonstrates that there would be little or no additional impact as at this time of the day the existing dwelling at no. 71 casts a shadow over its own garden. As the additional overshadowing would be confined to a relatively short period during the early mornings, it is not considered that the impact would so severe, or would occur for such long periods of the day, that the refusal of planning permission would be justified.

4.11 On balance, whilst the two storey extension would be visible from the neighbouring garden, the revised design has reduced the overall scale of the first floor to a degree that is considered to address the previous concerns relating to its dominant/overbearing appearance, overshadowing, and loss of outlook.

#### 6 HESKETH BANK/ 3 FOXTHORN Paddock:

4.12 It is considered that there is adequate separation between the single storey side/rear extension and the properties to the rear in Hesketh Bank. So far as the impact on no. 3 Foxthorn Paddock is concerned, the extension would have a relatively modest projection of 3.6 metres and incorporates a mono pitch roof that reduces to 2.4 metres in height at the eaves. In dismissing the appeal relating to the previous proposal, the Inspector stated "..... I am not convinced that the proposal would be close enough to any other existing dwellings (other than no. 71) to harm living conditions. Also, in terms of the design of the proposal, I consider that, on

balance, it would respect the character and appearance of the surrounding area." Furthermore, it is also the case that a similar single storey development could be erected by extending separately on the side and rear elevations under permitted development tolerances without the requirement of planning permission. In addition permitted development would also cover detached structures in the rear garden providing the height remained under 2.5 metres within 2.0 metres of a boundary.

4.13 In view of the above assessment the revised application is considered acceptable and would comply with polices H7 (Residential Extensions) and GP1 (Design) of the Draft Local Plan.

**OTHER MATTERS:**

4.14 The concerns relating to the impact on 71 Yarburgh Way with particular reference to the practical aspects of building a large extension on the boundary and issues with the erection of scaffolding impacting on the garden area would be civil matters and cannot affect the determination of this application. An informative has been added drawing attention to the applicants obligations under the Party Wall etc Act.

**DRAINAGE:**

4.15 The Internal drainage Board's concern about the proximity of the application property to watercourses currently operating at capacity, and the risk of potential flooding as a consequence of additional run off, are noted. However, from an engineering perspective it is very difficult to attenuate surface water flows from small extensions such as that proposed. This is recognised by the IDB. In the absence of an Article 4 Directive bringing all residential extensions within planning control and in the absence of any such engineering solution, the cumulative impact of small residential extensions on surface flooding is difficult to manage. Under current legislation, significant areas of side and rear garden, can be hard-surfaced or built upon, using permitted development rights, without planning permission being required. Therefore, it is not possible, at the present time, to apply such recommendations consistently and fairly. It should be noted that provision for hard-surfacing, within domestic curtilages forward of the principal elevation, is now applied consistently, under Class F of the General Permitted Development Order (2008).

**5.0 CONCLUSION**

5.1 It is considered that the revised proposal would not unduly harm the living conditions of nearby neighbours with particular reference to 71 Yarburgh Way and 6 Hesketh Bank or appear incongruous in the street scene. As such approval is recommended.

**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:-

Drawing no. 12.41.2 Rev 'B' received 17.05.2013

Drawing no. 12.41.3 Rev 'A' received 17.05.2013

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

3 VISQ1 Matching materials -

4 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no additional windows shall be inserted into the side elevation adjacent to the property at 71 Yarburgh Way.

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 1995.

**7.0 INFORMATIVES:**

**Notes to Applicant**

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

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

The Local Planning Authority had pre-application discussions with the applicant which resulted in the submission of a revised application for an extension with a reduced length at first floor.

A shadow study was also requested in order to demonstrate the impact of overshadowing on the closest properties.

## 2. THE PARTY WALL ETC ACT 1996

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

<<http://www.communities.gov.uk/publications/planningandbuilding/partywall>>

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).

**Contact details:**

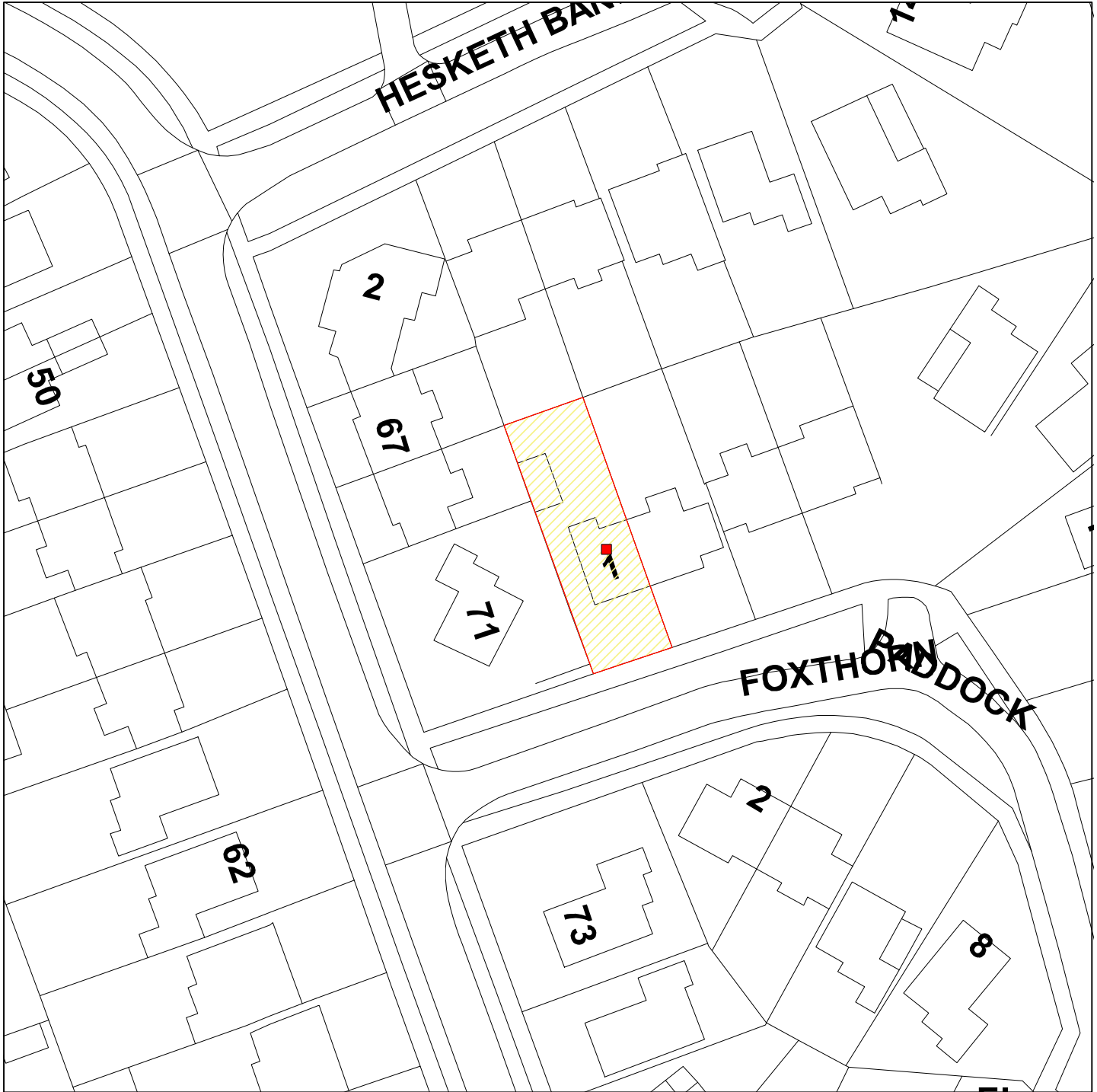
**Author:** Sharon Jackson Development Management Assistant

**Tel No:** 01904 551359

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# 1 Foxthorn Paddock

13/01327/FUL



Scale : 1:632

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	23 August 2013
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 5 September 2013      **Ward:** Acomb  
**Team:** Major and      **Parish:** Acomb Planning Panel  
Commercial Team

**Reference:** 13/01833/FULM  
**Application at:** Former Civic Amenity Site Beckfield Lane York  
**For:** Erection of 18no. dwellinghouses and 9no. apartments with associated works following demolition of existing buildings  
**By:** City of York Council  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 12 September 2013  
**Recommendation:** Delegated Authority to Approve

**1.0 PROPOSAL**

1.1 This application seeks planning permission for the erection of 18 houses (9 affordable) and a block of 9 flats (all affordable). The 0.48 ha brownfield site was last used as a household waste recycling centre, and was closed in April 2012. There are two buildings remaining on site, these are in a poor state of repair and will be demolished

1.2 The proposed development consists of 8 two-bedroom houses and 10 three-bedroom houses. This contains a mix of semi-detached and short rows of terraced housing. The 2 bed houses will be two storey in height and the three bed dwellings will be 2 ½ storeys in height with rooms in the roof space. The apartment building will contain 6 two bed flats and 3 one bed flats, and will be three storeys in height. Pedestrian and vehicle access to the site would be from Old School Walk.

1.3 It was considered that an Environmental Impact Assessment was not required for this application as it was not considered to be Schedule 1 or Schedule 2 development as identified within The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

1.4 Revised plans have been submitted which show a reduction in the number of houses by one, resulting in a set back of Unit 1 from Old School Walk and larger separation between 13 and 15 Turnberry Drive and the proposed dwelling to the north (now Unit 8). Units 15 to 18 have been set further back from Beckfield Lane to take account of the mature trees along the site boundary. The 2 east west terraces have been moved 3.6 metres west and terrace containing Units 12 to 14 has moved south by 1 metre. The proposed footpath and cycle path between the proposed development and Beckfield Lane has been removed.

1.5 The applicants undertook a community involvement exercise prior to the application being submitted. A public exhibition was held at Carr Junior School on the evening of 8 May 2013. 129 invitations were sent to residents and businesses in the locality, in addition local ward Members were invited. Posters advertising the event were placed on notice boards in the area. 16 attendees formally registered their attendance, 11 of which gave written feedback. The main issue raised concerned traffic generation. Other issues included the presence of bats, how the construction would be managed, drainage issues, additional open space and play equipment to meet increased demand, preference for older people to occupy the apartments, and opportunities for renewable energy, wind turbines etc.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

Schools GMS Constraints: Northfield 0255

### 2.2 Policies:

CYGP1  
Design

CYGP3  
Planning against crime

CYGP4A  
Sustainability

CYGP9  
Landscaping

CGP15A  
Development and Flood Risk

CYT4  
Cycle parking standards

CYT5

Traffic and pedestrian safety

CYT13A

Travel Plans and Contributions

CYH4A

Housing Windfalls

CYED3

Change of use of Pre-School, Primary and Secondary Educational Facilities

CYL1C

Provision of New Open Space in Development

CYC3

Change of use of community facilities

CYH2A

Affordable Housing

### **3.0 CONSULTATIONS**

#### **INTERNAL CONSULTATIONS**

#### **HIGHWAY NETWORK MANAGEMENT - No objections**

3.1 Based upon the nationally recognised TRICS database a residential development of this number of units can be expected to generate in the region of 16 vehicular movements during the AM/PM peak network hours. This level of traffic generation is likely to be lower than that which could have been expected during peak periods of operation of the amenity site and will also be likely to result in reduced levels of HGV traffic.

3.2 The main vehicular access into the development is to be taken from Old School Walk. This existing residential access road has been designed and constructed to CYC standards is 5.5m wide and capable of accommodating the modest increase in traffic which will be generated by the proposed development. There will be no detrimental impact on the operation of the junction of Old School Walk and Beckfield Lane. The design of the junction is of sufficient width and offers visibility in accordance with national guidance.

3.3 Old School Walk currently benefits from a system of build outs to restrain vehicle speeds. This principle is to be retained albeit in a slightly different design.

3.4 The main access into the site will take the form of a dropped vehicular crossing in order to maintain a low key entrance whilst also ensuring pedestrian priority. The immediate area surrounding the new access is a non-priority shared space area. This design seeks to restrain vehicle speeds whilst encouraging pedestrian use of the area. Visibility from the proposed access over the shared space is in accordance with the relevant national guidance.

3.5 2 dwellings will be served via a new double dropped vehicular crossing onto Beckfield Lane. The kerb, footway and verge area in the area will be made good as part of the works.

3.6 The internal layout has been designed in accordance with Manual for Streets principles as a shared space. The layout seeks to restrain vehicle speeds to 20mph or below whilst also using design features to manage on-street parking.

3.7 Parking has been provided in accordance with CYC Annex E maximum standards. In order to further ensure that the level of parking proposed is reasonable, data from the 2011 census on car ownership levels for the ward has been interrogated. This has identified that 20.7% of households in the ward do not own or have access to a car. The level of car parking proposed with the development compares favourably to the census data on car ownership for the ward.

3.8 The internal layout will be constructed and offered for adoption as public highway under a Highways Act Agreement. Vehicle swept paths have demonstrated that a refuse vehicle can enter and turn within the site enabling them to leave in a forward gear.

3.9 The site is considered to be in a sustainable location with good pedestrian and cycle facilities in the local area. Local facilities and bus stops served by frequent public transport services are within recognised walking distances of the site.

3.10 A residential Travel Plan Pack detailing sustainable travel information such as bus timetables will be provided to first occupiers. Each dwelling also benefits from covered and secure cycle parking, which in the case of the apartment block is located within the building footprint.

3.11 Request conditions: HWAY1, HWAY7, HWAY17 (kerb, footway and verge), HWAY18, HWAY19, HWAY39 (provision of a traffic calming scheme on Old School Walk incorporating managed on-street parking facilities), HWAY40, and Method of Works. Informative: INF 1(S38/278), and INF 2  
LANDSCAPE ARCHITECT - No objections

3.12 Detailed planting plan can be acquired under condition LAND 1.

3.13 Require detail for front garden (street side) boundary for plots 6 and 7 and the relationship to the retained trees.

3.14 request a condition for specific tree protection method statement

#### SUSTAINABILITY OFFICER

3.15 The Sustainability Statement submitted in support of the application demonstrates how the proposal aims to comply with most of the requirements of the Interim Planning Statement on Sustainable Design and Construction (2007) and policy GP4a of the draft Local Plan Policy GP4a of the City of York Draft Local Plan Incorporating the 4th set of changes.

3.16 In particular, the applicant states a sustainable strategy to reducing basic energy demand in the proposed properties, and to achieving Level 4 of the Code for Sustainable Homes with a 44% improvement in energy consumption compared to current statutory building regulations. This will be achieved by designing out features with high energy demand, and designing in a thermally efficient, air tight construction. However, to ensure compliance with the IPS (2007) which requires at least level 3 of the Code to be achieved, recommend applying a condition for compliance to be demonstrated at the Design and Procurement and Post Construction Stages.

3.17 The IPS (2007) also requires that for 10 dwellings and more that at least 10% of the expected energy demand for the development will be provided through on-site renewable energy generation for heat and / or electricity. It is acknowledged that in the Design and Access Statement that roof pitches have been orientated to provide space for an array of photovoltaic (PV) panels to each property; however, it states that these will be fitted post completion by the Local Authority or as private initiatives. I therefore recommend applying a condition to ensure compliance with the IPS. I also recommend that before works start, that evidence should be submitted to the Local Authority in the form of the SAP Worksheet to illustrate how the PVs installations will meet 10% requirement (in kWh/yr). If the requirements of the condition are deemed to not be feasible or viable the applicant should submit evidence demonstrating this.

3.18 Whilst not a requirement of the IPS for this type of development, but as there will be associated demolition works, I would also encourage measures to maximise the reclamation of materials for recycling and reuse.

## FLOOD RISK MANAGEMENT TEAM

3.19 The following information should be provided for us to determine the potential impact. Formal agreement must also be sort from Yorkshire Water with regards to the abandonment of their existing foul and surface water sewers shown on Existing and Proposed Drainage Layout drawing number S121947/WA/-C-101/A by Atkins. If the above can be satisfied or at least in receipt of written agreement 'in principle' then the LPA can condition any approval to carry out foul and surface water drainage works as per the most recent submission of drainage details.

## ENVIRONMENTAL PROTECTION UNIT

3.20 Regards the noise assessment. Have concerns about the potential loss of amenity to residents of the proposed dwellings as a result of noise from the chiller units located to the rear of the takeaway units on Beckfield Lane. It is essential that the offending chiller unit is investigated further and works carried out to mitigate the noise being produced to an acceptable level necessary to ensure that the development can proceed without loss of amenity. Should agreement be reached between the developer of the site and the owner of the chiller, such that the noise level is reduced and repairs or replacement undertaken, then there would be no objections. In the event that discussions between the developer and chiller owner are unproductive then it must be up to the applicant to demonstrate to the local planning authority that they have done all that they could reasonably be expected to do to address the chiller noise issue. Should the local planning authority then choose to approve the application and the Council then receive complaints from residents of the new housing, the Environmental Protection Unit could use its powers under the Environmental Protection Act 1990 to deal with any allegation of noise nuisance.

3.21 EPU officers visited the area and noted that whilst there was some odour noticeable directly next to the takeaway buildings, a combination odour from the Indian and the Pizza/Kebab shop. However once beyond the boundary wall to the rear of the shops the odour was not noticeable. Officers also visited Old School Walk, Turnberry Drive or Greensborough Avenue where odours were not detected. It is also worthwhile noting that directly above the three takeaway units are a number of residential flats. As a result EPU is satisfied that there is unlikely to be any loss of amenity to the proposed residential dwellings due to odours, and the proposals are therefore acceptable.

3.22 A phase 1 report was submitted with the application and indicated that there were a number of potential sources of contamination present onsite, which are associated with its previous use as a household waste recycling site and as a council depot. As a result it is possible that there are residual contaminants present on site. The phase 1 report recommended that a Phase 2 investigation be undertaken to assess the nature and extent of any potential contaminants.

3.23 Request conditions for: sound insulation, Construction Environment Management Plan, hours of demolition and construction, investigation of land contamination, four Electric Vehicle Recharging Point

## COMMUNITIES AND CULTURE

3.24 As part of the LDF process the Council undertook a PPG17 study Sport Recreation and Open Space study in 2007, this was adopted by the Council in December 2008. The study mapped and quality audited open space across York. As a result the Council seeks 106 contributions 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 - a schematic of this process is set out on page 188 of the above document.

3.25 Beckfield Lane is in the Acomb Ward. The situation in the Ward is as follows : across all the typologies there is already a deficit in provision of open space in all of the 7 typologies- see below:

- a) city and local parks - shortfall of 1.49 hectares
  - b) natural and semi natural open space - shortfall of 15.40 hectares
  - c) amenity green space -shortfall of 10.10 hectares
  - d) children's play space - shortfall of 1.97 hectares
  - e) provision for teenagers - shortfall of 1.74 hectares
  - f) outdoor sports - shortfall of 6.48 hectares
  - g) allotments - shortfall of 1.63 hectares
- Combined situation - net shortfall of 38.81 hectares of open space

3.26 In summary there are significant levels of under provision of open space in the area and that the open space that does exist has potential to be improved.

3.27 Seek an open space payment of £37,468

## EDUCATIONAL PLANNING

3.28 Seek an education contribution of £59, 920 towards 5 school places at Carr Infant/Junior School

## EXTERNAL CONSULTATIONS/REPRESENTATIONS

YORKSHIRE WATER - Comments will be reported at the committee meeting

POLICE ARCHITECTURAL LIAISON OFFICER - The only concern I had in respect of the initial design and layout was the incorporation of a foot and cycle path link leading from the development into Beckfield Lane. I highlighted that this undermined the "defensible space" of the development by creating a "leaking" cul-de-sac (access and escape route) and its inclusion so close to one of the plots (Plot 19) could result in the quality of life of the residents of that plot being severely affected as a result of nuisance/anti-social behaviour. I note from the amended drawings that this foot and cycle path link has now been "designed out". I therefore have no concerns or issues to raise regarding the proposal and "designing out crime".

#### 1 REPRESENTATION OF OBJECTION (to revised scheme)

3.29 Proposed development specifically 2.5/3 storey dwelling would overlook dwelling in Greensborough Avenue which backs onto this development. Bought property as it was not overlooked. Do not object to the development of the site but consider that a lower (1 or maximum 2 storey) property would be more appropriate and respect the privacy of existing properties.

13 REPRESENTATIONS from neighbouring dwellings (to original scheme) (6 letters of objection, 5 giving comments, and 2 letters of support)

#### 3.30 Overlooking from the proposed flats

3.31 The road is very narrow on Old School Lane next to the junction with Beckfield Lane and the increased number of vehicles using this highway will create congestion and potentially result in accidents. This will also cause problems to pedestrians also.

3.32 The proposed new junction is close to the entrance used by (football club) which will cause concern to parents.

3.33 There does not appear to have been a full assessment of the additional pressures on local services which this will cause.

3.34 The Plans have differed from those presented at the public open day. Residents have not been given the chance to comment, with some not knowing that the Public Open Day was taking place, too few getting letters advising them of the planning application

3.35 The proximity of Plot 9 to 13 Turnberry Drive, would extend across 90% of shared boundary, on the plans shown at the meeting was shown as 50%. The proposed windows on the side elevation of Plot 9 would result in a loss of privacy. Were assured that tree and shrubs in objectors garden would not be removed, plans show that they are to be removed. Concerned about possible damage to the tree / shrub roots in garden. Impact to outlook. Only dwelling neighbouring the proposed



site which does not have a garden to garden boundary. Concerned regarding the height of the proposed dwellings and the proximity to the complainant's garden, would appear over-dominant and overbearing.

3.36 Potential solar panels on the roofs will cause a glare. The design of the houses is not in-keeping with surrounding properties.

3.37 That the planning of the development does not demonstrate adequate water drainage so as to not affect nearby properties.

3.38 No allocated parking and limited spaces within the development, residents on the new development will be forced to park in the streets surrounding, namely Old School Walk, Beckfield Lane, Turnberry Drive and Sunningdale Close, all of which are already heavily congested at times.

3.39 Position of street lighting causing light pollution to surrounding property windows.

3.40 Loss of privacy to the dwellings on Greenborough Avenue, loss of privacy in garden areas

3.41 Loss of light

3.42 Proposed development specifically 2.5/3 storey dwelling would overlook dwelling in Greensborough Avenue which backs onto this development. Bought property as it was not overlooked. Do not object to the development of the site but consider that a lower (1 or maximum 2 storey) property would be more appropriate and respect the privacy of existing properties.

3.43 Concerned regarding the disruption and pollution caused by construction

3.44 Supportive towards this site being used for housing as there is a housing shortage in York, and the site is not left derelict.

3.45 Overdevelopment of site - Unit 19 should be removed

3.46 The development of the site would make it a cleaner and safer environment

3.47 Proximity of Plot 9 and 15 Turnberry Drive, at consultation event was shown as 2 storeys with no windows; plans show 3 storey dwelling with windows.

3.48 Concerned regarding the long term appearance and maintenance of the cladding

3.49 The parking bays on Old School walk would add to the congestion

3.50 Proposed vehicle access may encourage anti social behaviour and crime. Opening up the old school walk development to the proposed development will encourage more anti social behaviour with the children currently living on site and the children that will live on the new site, it will encourage more noise, disruption, crime

3.51 Impact to surrounding housing values by virtue of the proximity to Council housing

3.52 Flats should be altered to single storey and have private outside space

3.53 The path between the proposed development and Beckfield Lane should be removed

## **4.0 APPRAISAL**

### RELEVANT SITE HISTORY

05/00619/GRG3 - Outline application for residential development including means of access - Pending

All other applications relate to the previous use of the site as a household waste recycling centre.

### KEY ISSUES

- The principle of residential development
- Design and visual appearance
- Affordable housing
- Residential amenity of occupants of the proposed houses
- Neighbouring amenity
- Highways
- Drainage
- Sustainability
- Crime prevention
- Open space
- Education

## ASSESSMENT

### PLANNING POLICY

4.1 The National Planning Policy Framework (NPPF) indicates a strong presumption in favour of sustainable development. 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 core principles within the NPPF states always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; use of previously developed land is encouraged. The Framework places strong importance on significantly improving the supply of quality affordable and market housing to meet needs.

### PRINCIPLE OF DEVELOPMENT

4.2 In principle, the proposed use is compliant with both national and local policy. National policy requires Local Planning Authorities to significantly boost housing supply. The site is in an appropriate location for residential development; within the urban area, and it is classed as previously developed land, where policy steers new development. The National Planning Policy Framework requires planning to be positive in the provision of community facilities and to enhance the sustainability of communities and neighbourhoods. The proposed residential development is considered to be of a scale, design, and layout that fits comfortably within its suburban surroundings, and the site has been unused for 16 months since its last use and as such it could be argued that it is no longer required as a community facility. In addition it has been designated as a housing site within the emerging Local Plan. For these reasons the proposal is considered to comply with Policy C3 'Change of Use of Community Facilities' and Policy H4a 'Housing Windfalls'.

### AFFORDABLE HOUSING

4.3 The NPPF requires LPA's identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand, and where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified.

4.4 The City of York's current policy is that on brownfield sites such as this the affordable housing on-site requirement is 20%. The target would be met in this case. The 9 apartments (1 and 2 bed) would be affordable housing and 9 (5 x 3 bed and 4 x 2 bed) of the 18 dwellings would be retained in Council ownership. The development is predominantly for 2 and 3 bed houses, which are the house types in most need in the city, according to York's Strategic Housing Market Assessment.

The principle aim of the apartments is to allow people to downsize into these properties. The intention is that the proposed affordable housing element will be for social rent. The remaining houses will be sold on the open market. There is the potential for the number of market housing to increase, however it is not envisaged that this would increase to more than 50% of the total number of dwellings proposed.

## DESIGN AND VISUAL APPEARANCE

4.5 The NPPF advises that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. 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. In terms of housing design and layout the NPPF requires development is safe, accessible, fit for purpose, responds to local character and context and/or is of innovative design. Local Plan Policy GP1 refers to design, for all types of development. It states that development proposals will be expected to, respect or enhance the local environment. The proposals reasonably comply with these policy requirements.

4.6 The proposed development includes four different house types to provide variety and individuality to the development. The house types and apartment building share many similar characteristics and matching design details such as the feature timber cladding and the feature brick detailing. The proposed buildings would be constructed of red brick with grey flat tiles. There would be landscaped areas within the development and each of the houses has planters to the front to provide an element of defensible space and mitigate the impact of the hardstanding. Each house would have access to the rear garden without having to go through the building. This allows bins and cycles to be stored to the rear of the houses and away from public view. The apartment building will have refuse bin enclosure, in addition there is secure cycle store within the ground floor circulation space.

4.7 The majority of the development faces into the site. The design of the proposed dwellings and the pattern of development is considered to be compatible within the residential area. As with the surrounding development the design of the proposed development reflects the period it is designed. The height of the 2½ storey dwellings and the 3 storey apartment building are similar to that in the recent housing development to the north west.

4.8 Vehicle and pedestrian access to the proposed site would be from Old School Walk; the buildings have been set back from this northern boundary. Currently this part of Old School Walk is bounded by relatively high brick walls, the plans indicate that the boundary treatment to the apartment building would be 1.1 metre high railings which will help reduce the sense of enclosure within the street and is considered to positive contribution to the visual amenity of the street. The

appearance of the proposed development is considered to be acceptable within the Old School Walk streetscene.

4.9 Four of the proposed dwellings will front onto Beckfield Lane and they keep to the existing forward building line within Beckfield Lane. The proposed dwellings have been set back to ensure that the trees along this boundary can be retained as they are considered to make a significant positive contribution to the tree lined streetscene on Beckfield Lane. The retention of these trees also contributes to the development fitting into the streetscene.

4.10 The Police Architectural Liaison Officer originally raised concerns regarding a proposed path between a Beckfield Lane and the development; this has been removed from the proposal.

#### RESIDENTIAL AMENITY OF OCCUPANTS OF THE PROPOSED DWELLINGS

4.11 One of the NPPFs' core principles is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Each house has a private rear garden. The flats have their own private balcony areas as well as a communal garden area. The dwellings are sited and designed in such a way as to provide a reasonable level of amenity and natural light within the dwellings.

4.12 The site by virtue of its previous uses has a number of contamination issues. The applicant has submitted a phase 1 report of the site and the Environmental Protection Unit is satisfied with these initial details. They have requested that additional information regarding the decontamination of the site be sought via conditions.

4.13 A noise survey has been submitted which concluded that there was an issue with one of the air conditioning units to the rear of the adjacent Almsford House. The conclusion of the survey was that there was sufficient noise disturbance from this AC unit that there was the potential for complaints from the future occupants of the proposed dwellings. The applicant approached the Manager of the takeaway at 4 Almsford House to assist him in fixing or replacing the equipment. The offer of assistance was not accepted. The Council has, therefore, taken reasonable steps to overcome the issue of potential noise nuisance. For this reason, should the Council receive complaints regarding the noise disturbance from this AC unit once the development is occupied, the Environmental Protection Unit could use its powers under the Environmental Protection Act 1990 to investigate and deal with the matter.

4.14 The proposed dwellings (units 15 to 18) are considered to be set a sufficient distance away from the retained trees along the eastern boundary, therefore reducing the potential for pressure to fell these trees at a later date.

## AMENITY OF THE OCCUPANTS OF THE NEIGHBOURING DWELLINGS

4.15 The apartment building would be 24.7 metres from the dwellings to the north (Sunningdale Close), the majority of the primary rooms face into the development (south), with the private balcony areas to the south elevation. The primary accommodation that does face north has an access balcony immediately in front so there is a distance 26.4 metres between primary room windows and the dwellings to the north. This distance is considered to be acceptable and is not considered to cause undue overlooking and result in a loss of privacy. The distance is also considered to be sufficient to prevent a loss of light to the dwellings of Sunningdale Close. The design and the separation distance also prevents the apartment block from being unduly overbearing. The view from the upper floors of the dwellings on Sunningdale Close would alter however it is not considered to result in an unreasonable loss of outlook.

4.16 Unit 15 is not considered to cause a loss of light to 90 Beckfield Lane. The side elevation that faces the proposed dwelling has a glazed door and no windows. The siting of the dwelling does not result in a loss of amenity to 90 Beckfield Lane.

4.17 The minimum distance between the terraces (running east west) and the dwellings on Turnberry Drive would be 27.3 metres. The proposed terraces include 2 and 2 ½ storey dwellings, the distance is considered to be sufficient to protect the residential amenity of the occupants of the dwellings on Turnberry Drive.

4.18 The relationship of Unit 8 to 13 and 15 Turnberry Drive has been improved in the revised plans. The proposed distance would be 19.5 and 20.5 metres respectively. There are trees along the full boundary of 15 Turnberry Drive, and some shrubs along the shared boundary with 13 Turnberry Drive. The side elevation facing 13 and 15 Turnberry Drive would be 6.6 metres to the eaves height and the roof would slope away, the proposed dwelling would have a total height of 9 metres. The plans show a parking space between the proposed dwelling and the shared boundary with Turnberry Drive in addition to some planting. The side elevation would have two windows: a ground floor window to a WC and a first floor window to a landing, the plans show the windows of this unit being obscurely glazed. The distance between Unit 8 and 13 and 15 Turnberry Avenue is considered to be acceptable and is not considered to result in harm to the residential amenity of the occupants of these dwellings. In addition there is screening provided by the existing trees. The windows in the side elevation by virtue of being for secondary rooms, in addition to the distance, and being obscurely glazed are not considered to result in a overlooking or a loss of privacy to the occupants of 13 and 15 Turnberry Drive.

4.19 The distance between the two storey dwellings (units 4 and 5) and 15 and 17 Greensborough Avenue to the west would be 21.8 metres. This degree of

separation is considered to be acceptable and would not unduly impact on the residential amenity of the occupants of these dwellings.

4.20 The rear elevation of House Type 1 proposed for Units 1, 2, 3, 6, 7 and 8 does not have a 2nd floor window in the rear elevation. The distance between the 2 ½ storey dwelling Unit 6 and 11 Greensborough Avenue to the rear/west would be 24 metres. The distance is considered to be sufficient to protect the residential amenity of the occupants of Greensborough Avenue. The proposed dwellings, whilst relatively tall, by virtue of the design (especially the roofscape) are not considered to be unduly overbearing to the dwellings in Greensborough Avenue. The view from the rear of nos 7, 9, 11, 13, 15 and 17 Greensborough Avenue will alter from being relatively open and unobstructed to that of an increased density of development. However, the loss of a view is not a material planning consideration.

## HIGHWAYS

4.21 The main vehicular access into the development is to be taken from Old School Walk. Old School Walk is considered capable of accommodating the modest increase in traffic which will be generated by the proposed development. It is considered that there will be no detrimental impact on the operation of the junction of Old School Walk and Beckfield Lane. The design of the junction is of sufficient width and offers visibility in accordance with national guidance. Old School Walk currently benefits from a system of chicanes to restrain vehicle speeds. This principle is to be retained but in a slightly different design. A new pinch point and chicane system has been designed and will be provided through the development which will continue to restrain vehicle speeds whilst also providing areas of managed on-street parking and limited street planting/soft landscaping.

4.22 The main access into the site will take the form of a dropped vehicular crossing in order to maintain a low key entrance whilst also ensuring pedestrian priority. The immediate area surrounding the new access is a non-priority shared space area. The internal layout has been designed in accordance with Manual for Streets principles as a shared space. The layout seeks to restrain vehicle speeds to 20mph or below whilst also using design features to manage on-street parking. Two dwellings will be served via a new double dropped vehicular crossing onto Beckfield Lane.

4.23 Data from the 2011 census on car ownership levels for the ward has been interrogated, this has identified that 20.7% of households in the ward do not own or have access to a car. The level of car parking proposed within the development (30 spaces) is in accordance with CYC Annex E maximum standards and compares favourably to the census data on car ownership for the ward.

## DRAINAGE

4.24 The surface water drainage proposals are considered to be acceptable save in one respect, in that part of the proposal includes the abandonment of the existing foul and surface water sewers. Formal agreement is required from Yorkshire Water for the abandonment which has not yet been submitted. If the abandonment can not be agreed then further surface water drainage proposals may be required. At the time of writing the report Yorkshire Water had yet to comment on the revised proposal and additional drainage information. A verbal update will be given at the committee meeting.

## SUSTAINABILITY

4.25 Policy GP4a requires issues of sustainability to be considered within planning applications. The site is considered to be in a sustainable location with good pedestrian and cycle facilities in the local area. Local facilities and bus stops served by frequent public transport services are within recognised walking distances of the site. A residential Travel Plan Pack detailing sustainable travel information such as bus timetables will be provided to first occupiers. Each dwelling also benefits from covered and secure cycle parking, which in the case of the apartment block is located within the building footprint.

4.26 The Interim Planning Statement on Sustainable Design and Construction states that developments of this type and scale should achieve Code for Sustainable Homes Level 3 with 10% of expected energy demand to be generated on-site through renewable sources. The applicants have confirmed that the development would achieve Code for Sustainable Homes level 4 and that 10% of expected energy demand could be generated through on-site renewables. For the development to comply with the policy and interim planning statement it is considered that details of the renewable energy generation should be secured through a condition.

## OPEN SPACE AND EDUCATION PROVISION

4.27 Policy L1c of the Local Plan states developments for all housing sites will be required to make provision for the open space needs of future occupiers. Policy ED4 advises that in considering proposals for residential development any consequences for existing schools will be assessed. When additional provision is required as a result of the proposals, developers will be required to make appropriate financial contributions.



4.28 No open space has been provided within the site. In accordance with policy L1c the applicant will make a contribution towards off-site provision of amenity open space, childrens play space and sports facilities within the area. 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. In the Acomb ward there is a deficit in provision of open space in all of the 7 typologies. There are significant levels of under provision of open space in the Acomb ward and that the open space that does exist has potential to be improved as such an open space payment of £37,468 is required.

4.29 Development Control Local Plan Policy ED4 states that the impact of new residential developments on local schools needs to be considered. Supplementary Planning Guidance to this policy sets out criteria for assessing the required financial contribution to be sought from residential developments. This contribution is based on need following an assessment of the existing capacity and number of pupils at local schools. Based on this guidance it is the conclusion of the Education Department that sum (£59,920) towards the provision of 5 primary school places at Carr Infant/Junior School are required. No sums are sought towards secondary education.

4.30 As the application is made by the Council and they will also be the developer a Section 106 can not be entered into as it can not be enforced. As such the applicant has agreed to provide letters from the Director of Communities and Neighbourhoods confirming that the payments will be made before the dwellings are occupied. This is also the reason for the conditioning of the affordable housing.

## **5.0 CONCLUSION**

5.1 The proposed development would deliver housing, including affordable housing which is of the type and need required in the city. The site is suitable for housing, the scheme is acceptable on design grounds and retains trees of amenity value. The proposal would introduce a mixed residential scheme in a sustainable location. There would be no adverse effect on highway safety and the amenity of surrounding residents.

5.2 It is recommended that the decision is delegated to officers to approve following further submission of the drainage layout and subject to any further conditions required to secure a successful development.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Delegated Authority to Approve

1 TIME2 Development start within three years -

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

Drawing Number 5121974-ATK-XX-XX-DWG-(00)-ARC-101 Revision B received 9 August 2013

Drawing Number 5121974-ATK-XX-XX-DWG-(00)-ARC-201 Revision B received 9 August 2013

Drawing Number 5121974-ATK-XX-XX-DWG-(00)-ARC-301 Revision B received 9 August 2013

Drawing Number 5121974-ATK-XX-XX-DWG-(00)-ARC-401 Revision B received 9 August 2013

Drawing Number 5121974-ATK-XX-XX-DWG-(00)-ARC-501 Revision B received 9 August 2013

Drawing Number 5121974-ATK-XX-XX-DWG-(00)-ARC-502 Revision B received 9 August 2013

Drawing Number 5121974-ATK-XX-XX-DWG-(90)-ARC-010 Revision C received 15 August 2013

Drawing Number 5121974-ATK-XX-XX-DWG-(90)-ARC-011 Revision D received 20 August 2013

Drawing Number 5121974-ATK-XX-XX-DWG-(90)-ARC-401 Revision D received 20 August 2013

Drawing Number 5121974-ATK-XX-XX-DWG-(90)-ARC-013 Revision B received 15 August 2013

Drawing Number 5121974-ATK-XX-XX-DWG-(90)-ARC-014 Revision B received 15 August 2013

Drawing Number 5121974-ATK-XX-XX-DWG-(90)-ARC-020 Revision C received 22 August 2013

Drawing Number 5121974-ATK-XX-XX-DWG-(90)-ARC-021 Revision B received 20 August 2013

Drawing Number 5121974-ATK-XX-XX-DWG-(90)-ARC-022 Revision B received 15 August 2013

Drawing Number WA-C-101 Revision B received 20 August 2013

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

3 VISQ8 Samples of exterior materials to be app -

4 VISQ4 Boundary details to be supplied -

5 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall

illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

6 Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing, phasing of works, site access during demolition/construction, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles and storage of materials, location of marketing cabin. It shall also include construction details and existing and proposed levels, where a change in surface material is proposed within the canopy spread and likely root zone of a tree.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of this area.

7 HWAY1 Details roads, footpaths, open spaces req. -

8 HWAY7 Const of Roads & Footways prior to occup -

9 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 kerb and footway to match adjacent levels.

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

10 HWAY18 Cycle parking details to be agreed -

11 HWAY19 Car and cycle parking laid out -

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

Planning Authority, or arrangements entered into which ensure the same.

- Provision of a traffic calming scheme on Old School Walk incorporating managed on-street parking facilities

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

13 HWAY40 Dilapidation survey -

14 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority. Such a statement shall include at least the following information;

- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- where contractors will park
- where materials will be stored within the site
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 (2009) Code of Practice; 'Noise Control on Construction and Open Sites'.

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

15 All demolition and construction works and ancillary operations which are audible beyond site boundary or at the nearest noise sensitive dwelling, 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 amenities of adjacent residents

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

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

an assessment of the potential risks to:

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

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

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

17 Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation

objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

18 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.

19 A scheme of sound insulation must be submitted and approved in writing by the local planning authority before construction commences. This should show that external noise can be controlled to the following internal noise levels:

less than 35dB(A) 16 hour Leq in living rooms during the day time (07:00-23:00).  
less than 30dB(A) 8 hour Leq and 45dB(A) Lmax in bedrooms during the night time (23:00 to 07:00)

Reason: To protect the amenity of the occupiers of the proposed dwelling.

20 Prior to the commencement of the development, the developer shall submit for the written approval of the Local Planning Authority an initial Code for Sustainable Homes (CSH) Design Stage assessment for the development. Unless otherwise agreed in writing with the Local Planning Authority, this shall indicate that at least

the minimum code level 3-star rating will be achieved. This shall be followed by the submission of a CSH Post Construction Stage assessment, and a CSH Final Certificate (issued at post construction stage). These documents shall be submitted to the Local Planning Authority after completion and before first occupation of the building. Both documents submitted shall confirm that the code rating agreed in the initial CSH Design Stage assessment has been achieved.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction

21 No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority to demonstrate how the development will provide 10% of its predicted energy requirements from on-site renewable sources. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the local planning authority. The approved scheme shall be implemented before first occupation of the development. The site shall thereafter be maintained to the required level of generation.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction

22 A full lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall detail the locations, heights, design and lux of all external lighting. The development shall be carried out in accordance with the approved lighting scheme.

Reason: In the interests of the amenities of nearby occupants and visual amenity.

23 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes B and D of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995. In the interests of the visual amenity of the development.

24 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that

Order), no door, window or other opening additional to those shown on the approved plans shall at any time be inserted in the side/south elevation of Unit 8.

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

25 The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. A minimum of 14 of the proposed units shall be affordable housing. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:-

- i) The numbers, type and location on the site of the affordable housing provision to be made
- ii) The timing of the construction of the affordable housing
- iii) The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing
- iv) The occupancy criteria to be used for determining the identity of initial and subsequent occupiers of the affordable housing, and means by which such occupancy shall be enforced.

Reason: To ensure that the units are retained as affordable housing. To comply with policies within the National Planning Policy Framework and Policy H2a of the City of York Development Control Local Plan.

## **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:

- Revisions to layout and design, requested additional information in relation to surface water drainage, tree assessment etc
- Imposition of conditions



2. INFORMATIVE:

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

Section 38/278 - Michael Kitchen (01904 551336)

3. INFORMATIVE:

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

4. 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

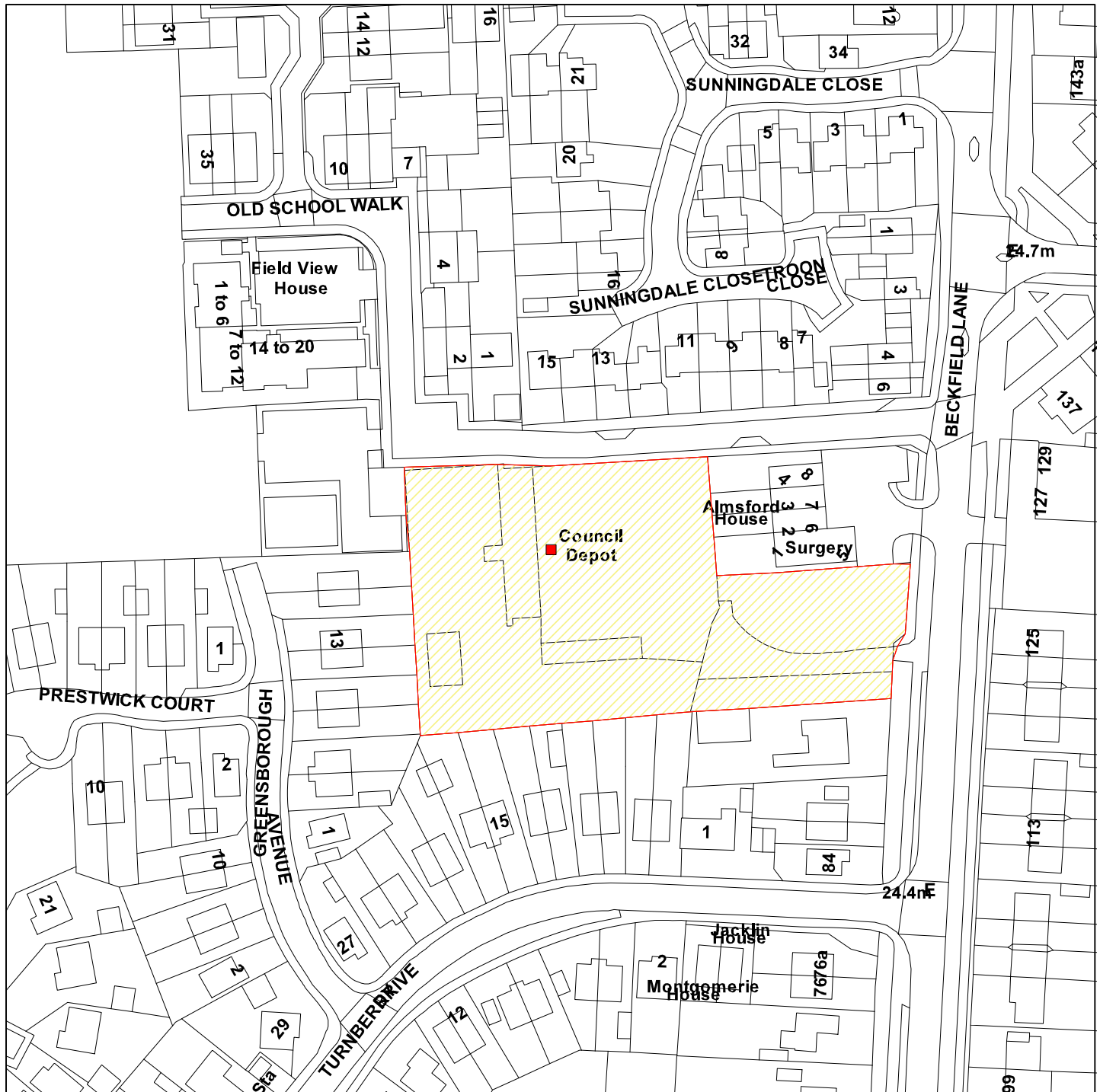
**Tel No:** 01904 551347

# Former Civic Amenity Site Beckfield Lane

13/01833/FULM



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	23 August 2013
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 5 September 2013      **Ward:** Skelton, Rawcliffe, Clifton Without  
**Team:** Major and Commercial Team      **Parish:** Clifton Without Parish Council

**Reference:** 13/01670/FULM

**Application at:** Great Outdoors Stirling Road York YO30 4XY

**For:** Change of use from non food retail (use class A1) to a commercial gym (use class D2) and alterations to existing car park

**By:** Mr David Anderson

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

**Target Date:** 10 September 2013

**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application site comprises a substantial shed type unit at the eastern edge of the Clifton Moor retail area. It was originally constructed in the late 1990s as a Night Club before being recently converted into a retail unit selling outdoor clothing and camping gear. It lies within a substantial area of car parking and close to one of the principal approaches to the A1237 York Outer Ring Road. It also lies directly to the west of the proposed Wigginton Road Park and Ride site. A North Yorkshire Police Branch Office lies directly to the north. It lies within a mixed use area with a predominance of bulky goods retailing but with leisure uses including several themed restaurants, a gym and a cinema. Planning permission is sought for change of use of the property into a gym involving the creation of approximately 8 jobs for new staff. The car parking area would be reconfigured to create an additional 57 spaces together with additional cycle and disabled parking spaces. Total car parking would be some 131 spaces with 18 cycle parking spaces. Additional information has subsequently been submitted in terms of the transport impact of the proposal to address concerns previously raised.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

## 2.2 Policies:

CYL1A

Sites for Leisure development

## 3.0 CONSULTATIONS

INTERNAL:-

3.1 Environmental Protection Unit raise no objection to the proposal.

3.2 Highway Network Management raise no objection to the proposal. Their response is outlined in detail below:-

The site is accessed by an existing access that is not to be altered as part of these proposals. Visibility is good from the site. Accident data has shown no clusters of accidents in the vicinity of the junction onto the highway.

The applicant has demonstrated a small increase in traffic generation at the week day peak times from that projected for the now defunct non food retail use of the site. It is considered, therefore, that traffic generation is likely to be similar to what could be expected for the existing lawful use which can continue without the need for further planning consent.

This application seeks to alter the existing car park that served the non food retail site, creating additional parking spaces. 140 spaces are proposed, 8 of which are to be dedicated to police operations and 3 are to be assumed for the staff. This leaves 129 to cater for the patrons. This level of provision satisfies CYC's Annex E maximum parking standards and has been proved by the study of similar sites to satisfy need.

There are no parking restrictions on the highway in the vicinity of the site.

Staff cycle parking is acceptable. Customer cycle parking levels have been negotiated with the developer. These fall short of the minimum requirements laid down by CYC's Annex E standards, however the cycle parking provision is based upon the likely maximum usage of the site (as per the evidence provided by the gym operator from other sites). In this case a provision of 36 customer spaces for a use of around 100 people is seen as appropriate.

There is a frequent bus service (Service 6) the stops 925m away from the site. This is the main bus route that serves Clifton Moor as it is the most frequent service from the city centre. Closer still are stops that for Service 20. This is an hourly service

that serves the University, Monks Cross Shopping Centre, Haxby, Clifton Moor and Acomb.

The requirement of a Travel Plan is to be secured through condition to promote sustainable travel.

3.3 Integrated Strategy Unit were consulted with regard to the proposal on 13th June 2013. Views will be reported verbally at the meeting.

EXTERNAL:-

3.4 Clifton (Without) Parish Council raise no objection to the proposal.

3.5 The Highways Agency raise no objection to the proposal.

3.6 Safer York Partnership raise no objection to the proposal.

3.7 20 Letters of objection have been received in respect of the proposal. The following is a summary of their contents:-

- an over concentration of similar uses in the area
- the area is already dangerous for pedestrians
- insufficient car parking
- the sequential analysis is clearly biased in favour of the site they want
- increase in traffic to the detriment of the safe and free flow of traffic
- increased on-street parking to the detriment of neighbouring uses;
- lack of consideration of sequentially preferable sites in accordance with the NPPF;
- lack of a detailed Traffic Impact Assessment or Travel Plan.

3.8 More detailed objections have been submitted on behalf of neighbouring businesses expressing concern in respect of the lack of a Sequential Assessment for the proposal and expressing detailed concern in highway terms. A detailed Sequential Assessment has subsequently been submitted. The highway objection expresses concern in respect to a number of matters outlined below:-

- lack of sufficient vehicle parking spaces;
- lack of sufficient cycle parking spaces;
- lack of a travel plan will result in gym members travelling predominantly by car;
- overspill into adjacent car parks and the public highway;
- remoteness from public transport routes;
- the transport statement is inaccurate and based on dated surveys from unrepresentative locations;
- potential increase in traffic congestion and road safety hazards in the locality;
- inadequate mitigation to address the shortfall in parking spaces or measures to encourage members not to travel by car.

A detailed transport assessment has subsequently been submitted by the applicant.

## 4.0 APPRAISAL

### KEY CONSIDERATIONS:-

#### 4.1 KEY CONSIDERATIONS INCLUDE:-

- \* Over-Concentration of Similar Uses in the Surrounding Area;
- \* Lack of Consideration of Sequentially Preferable Sites;
- \* Impact upon the safe and free flow of traffic in the surrounding area.

### STATUS OF THE DRAFT LOCAL PLAN:-

4.2 The York Development Control Local Plan was approved for Development Control purposes in April 2005; its policies remain material considerations in arriving at Development Management decisions although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework.

### OVER CONCENTRATION OF SIMILAR USES IN THE SURROUNDING AREA:-

4.3 Concern has been expressed in respect of an over-concentration of similar uses in the surrounding area. Two other gyms lie within the wider Clifton Moor development with a further gym to the west at the York Business Park. A gym falls within Class D2 (Assembly and Leisure) of the Use Classes Order and such uses are commonly found in or in close proximity to town centres and other retail areas where they are easily accessible to potential users. Clifton Moor contains a wide variety of uses including some employment and residential uses as well as the retailing predominant in the immediate vicinity of the site. The application site was originally constructed for another leisure(Use Class D2) type use commonly found in similar locations and consists of a very large covered space unsuitable for the types of retail operator seeking to locate in the area. The unit has briefly been used as a retail unit but without success. In order to demonstrate an issue of over-concentration there would need to be difficulties demonstrated in terms of other retail and leisure uses locating in the area and operational difficulties for existing operators as a direct result of the existing level of provision. This has not been demonstrated in the current case and it is considered that such concerns arise rather from issues of commercial competition which the planning system does not exist to regulate.

### LACK OF CONSIDERATION OF SEQUENTIALLY PREFERABLE SITES:-

4.4 Policy L1a) of the York Development Control Local Plan states that out of centre locations will only be considered where a sequential assessment has been undertaken that demonstrates that the proposed development cannot be



accommodated on alternative town centre or edge of centre sites. This reflects Central Government Planning Policy outlined in paragraph 24 of the National Planning Policy Framework(NPPF) in giving preference for town centre type uses to be located within or directly adjacent to town centres. Concern has been expressed that the originally submitted application did not include a sequential assessment submitted with the application. The applicant has, however subsequently submitted a detailed sequential assessment looking at range of sites within the environs of the City Centre, notably at Layerthorpe and James Street. However for a variety of reasons mostly connected with size and format of each site, together with existing employment use in some cases, none have proved to be suitable. In view of this assessment and the previous history of leisure use at the site the proposal is considered to be acceptable in the context of Policy L1a) of the Draft Local Plan and paragraph 24 of the NPPF.

#### IMPACT UPON THE SAFE AND FREE FLOW OF TRAFFIC ON THE SURROUNDING NETWORK:-

4.5 Serious concern has been expressed in relation to the potential impact of the proposal on total traffic volumes at peak times in the surrounding network and also the overall level of car parking provided at the site and the potential knock on effect on adjacent occupiers. The applicant has submitted a detailed Transport Statement in order to address these concerns. In terms of car parking the site has a conjoined entrance with the adjacent retail unit currently occupied by a bargain retailer. The proposed gym would be organised around a format providing a series of pre-booked exercise sessions from early in the morning through until late evening. It lies within easy walking distance of the principal retailing sector of Clifton Moor along with an element of the office related uses in the area. The detailed highway objection indicates that the site is too far distant from neighbouring land uses for a significant proportion of its users to walk, however the site is some 900 metres from the western edge of the Clifton Moor Retail Park putting it within the accepted 800 to 1000 metre walking distance for leisure/work related activity. In practice, therefore, an element of the custom is likely to come from those otherwise in the area for work and other purposes.

4.6 A detailed objection has been submitted in relation to the level of parking provision, however, the adopted standard for a gym use is a maximum and any divergence below that level cannot legitimately be taken as a deficiency. The proposed re-configuration of the parking area would significantly increase the level of spaces over and above that previously associated with the earlier leisure use and which did not give rise to a significant problem. The objections also appear to be based on an assumption that the site would be used at maximum capacity throughout its hours of operation. The applicant has submitted details which indicate that it would be operated on the basis of participation in pre-booked activities which would not all occur simultaneously. The assumption of use at maximum capacity is therefore not considered to be a reasonable basis for assessing the proposal.

4.7 The proposed level of vehicle parking provision is based upon a net floorspace of 1,700 square metres which generates a requirement for 140 spaces as stipulated. Furthermore the site lies in relatively close proximity to established public transport and cycle routes. The highway objection identifies the site as distant from main bus routes, however, two bus stops lie adjacent to the site entrance with others in the direct vicinity. The objection also indicates that the proposal would generate a need for somewhere in the order of 400 cycle parking spaces which would simply be unreasonable. The proposed level of cycle parking is based on the operator's experience of other similar sites and is considered to be acceptable. The level of vehicle parking space and the relationship to public transport routes is also considered to be acceptable.

4.8 Concern has also been expressed in relation to the absence of a Travel Plan. Travel Plans have generally only been sought in respect of entirely new sites and sites where more than 30 people are employed. The proposed gym would employ 8 staff and the proposal involves a straight change of use from a Class A1 (Retail) to a Class D2 (Assembly and Leisure) when the building was previously in a similar use. The submission of a Travel Plan at the pre-determination stage was not, therefore considered to be necessary. However, the submission of a Travel Plan is sought by condition for prior approval in line with practice applying at other similar sites in the vicinity. In terms of wider traffic impacts the applicant has submitted a detailed Transport Statement that demonstrates in terms of overall traffic volumes and flows that the proposal would not have an adverse impact on surrounding roads.

4.9 The site lies directly adjacent to the site of the proposed Wigginton Road Park and Ride site and one of the proposed access routes lies directly to the south. At the time of consideration of the proposal no evidence was forthcoming of a significant issue of traffic congestion in the immediate environs of the site. Photographs have been submitted with the highway objection illustrating examples of traffic congestion, however these relate to conditions on the A1237 Outer Ring Road itself some way to the north and which can be subject to issues of short term congestion unrelated to the adjoining land uses. In reality the majority of users of the site will access it via Clifton Moor to the south and west and not directly from the Ring Road. The site is well located in terms of its relationship to both the A1237 Outer Ring Road and routes heading south towards the City Centre. The Highway Authority has expressed itself satisfied with the proposal in terms of the level of traffic generated, the level of parking provision, the level of cycle parking provision and the proximity to public transport links. The proposal is therefore felt to be acceptable.

## **5.0 CONCLUSION**

5.1 The building to which the application relates was initially constructed in the late 1990s as a night club. Planning permission is sought for change of use of the building from its most recent use as a retail unit selling outdoor clothing and camping gear to a gym (Use Class D2). A sequential assessment has been

submitted which clearly demonstrates that other more appropriate sites do not exist within or within the environs of the City Centre. At the same time despite concerns in respect of over-concentration of similar uses in the vicinity there is no evidence of a particular issue and it is not the role of the planning system to intervene in issues of commercial competition. Additional car and cycle parking is to be provided within the adopted maximum standards and there is no evidence that this would not be sufficient to cater for the needs of the enterprise without harming surrounding uses. A Transport Statement has been submitted which demonstrates that any increase in traffic flows to and from the site would not cause demonstrable harm to other road users in the locality. The proposal is therefore considered to be acceptable in planning terms and is recommended for approval.

## **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 Refs:- 0516 A\_2000 and 0516 A\_0002. Date Stamped 31st May 2013.

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 site shall not be occupied until a Full Travel Plan has been submitted and approved in writing by the LPA. The travel plan should be developed and implemented in line with local and national guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure the development complies with advice contained in local and national transport and planning policy in order to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users.

4 HWAY18 Cycle parking details to be agreed -

5 HWAY19 Car and cycle parking laid out -

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

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

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

- i) Detailed Transport Statement;
- ii) Detailed programme of activities to take place at the site.

#### **Contact details:**

**Author:** Erik Matthews Development Management Officer

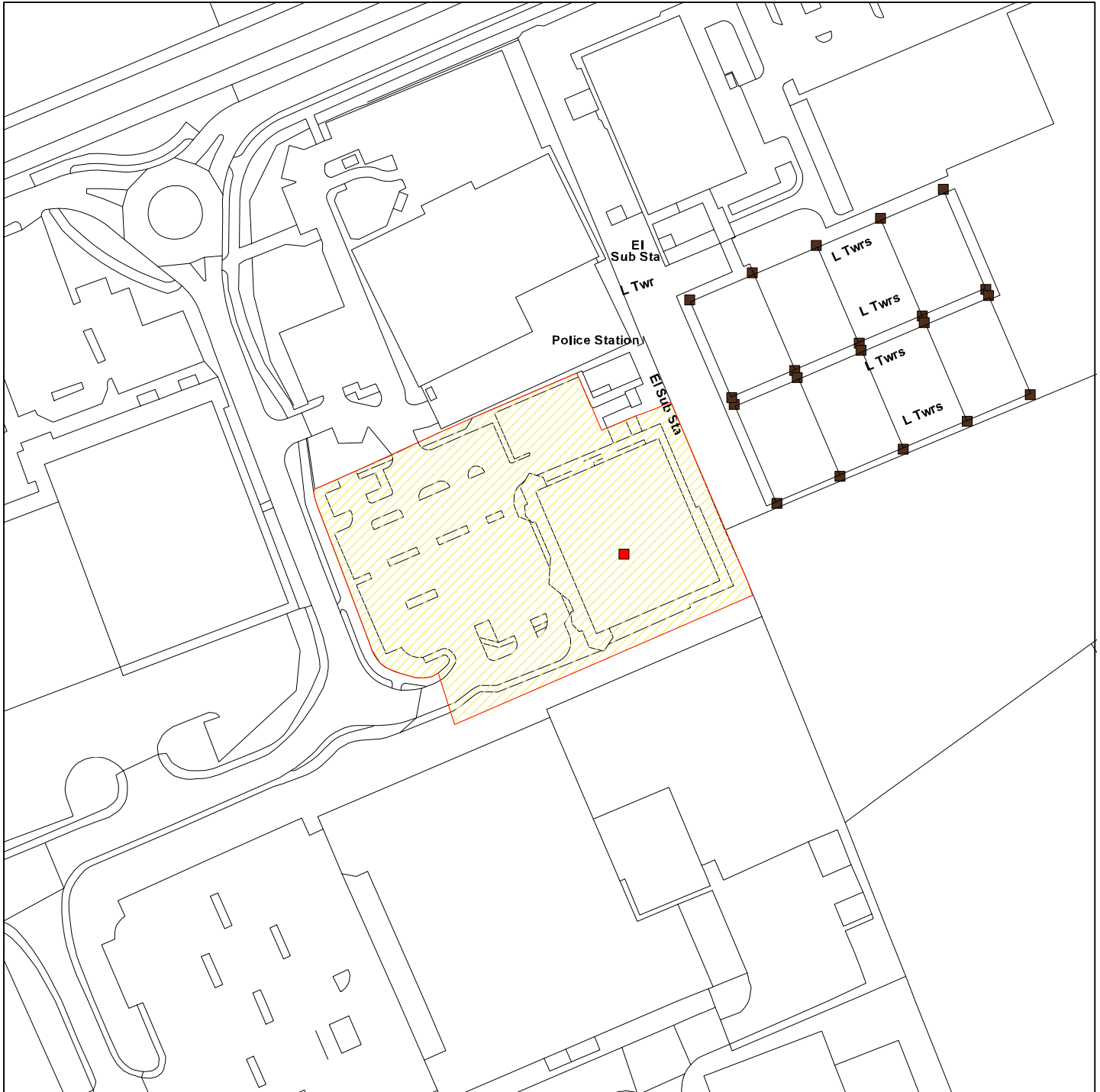
**Tel No:** 01904 551416

# Great Outdoors Stirling Road

13/01670/FULM



GIS by ESRI (UK)



Scale : 1:1667

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	23 August 2013
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 5 September 2013      **Ward:** Rural West York  
**Team:** Major and                      **Parish:** Upper Poppleton Parish  
                    Commercial Team                      Council

**Reference:** 13/02439/OUT  
**Application at:** Wills And Ellis Garage Boroughbridge Road York YO26 6QD  
**For:** Outline application for demolition of existing buildings and erection of replacement petrol station with shop and drive-thru restaurant with associated parking and access  
**By:** Skelwith Group  
**Application Type:** Outline Application  
**Target Date:** 13 September 2013  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The Wills and Ellis Garage comprises a petrol filling station with associated convenience shop, car dealership and car servicing operation adjacent to the junction of the A59 Boroughbridge Road and the A1237 York Outer Ring Road. The site lies within the York Green Belt and in close proximity to the construction and associated highway works being undertaken in connection with the Poppleton Bar Park and Ride site to the west. Outline Planning Permission is sought for the redevelopment of the garage with details of access only to be determined at this stage, to incorporate an enhanced convenience store and a drive through fast food restaurant. Access for the proposal would be taken from the A1237 to the west. An additional 15 full and part time jobs would be created as a result of the proposal.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

York North West Boundary GMS Constraints: York North West Boundary CONF

## 2.2 Policies:

CYGB1

Development within the Green Belt

CYGP1

Design

CYS6

Control of food and drink (A3) uses

## 3.0 CONSULTATIONS

### INTERNAL:-

3.1 Environmental Protection Unit raise no objection in principle to the proposal but express concern with regard to the level of information on noise impact accompanying the application. A further update will be provided at the meeting.

3.2 City Development Unit were consulted with regard to the proposal on 24th July 2013. A verbal update will be provided at the meeting.

3.3 Strategic Flood Risk Assessment were consulted with regard to the proposal on 24th July 2013. A verbal update will be provided at the meeting.

### 3.4 Highway Network Management

The application has been supported by a Transport Assessment (TA), the scoping of which has been agreed with officers.

#### Traffic Generation

The traffic flows used within the TA have been derived from traffic data supplied by CYC, which have been approved by the Department for Transport during the Access York bid work. The flows consider the existing (base) situation together with future year scenarios (2018) which allow and take into account traffic growth.

This work has been supplemented by surveys undertaken by the applicant which identified traffic volumes currently associated with the site. The level of traffic which could be generated by the drive through restaurant has been estimated using the nationally recognised TRICS database. These sources provided the basis for the distribution of development traffic onto the adjacent highway network.



The development proposals comprise uses which will serve the travelling public, as such vehicular trips which may be considered to be wholly new to this part of the network, will be negligible. The majority of traffic calling in to the development will already be travelling on the adjacent highway network;

- a) A proportion of traffic visiting the redeveloped site would also visit the PFS
- b) A significant proportion of development traffic will be pass-by traffic i.e. traffic passing the site as part of another journey to/from another destination which then calls into the site.

As is nationally recognised standard practice the existing (default) use of the site which could continue without the need for further planning consents must be taken into account. The site is currently used as a PFS and car sales/servicing facility.

The submitted TA can be considered to be robust and represent a worst case scenario as it has not discounted traffic lawfully generated by the car sales/servicing element of the site which will not continue under the redevelopment proposals.

The TA has considered the impact on the adjacent highway network during the AM (08:00 - 09:00) and PM (16:15 - 17:15) peak periods as this is when traffic flows are at their greatest and the network at its most sensitive.

Analysis of the operation of the A59/A1237 junction has been undertaken using nationally recognised software during the AM/PM peak periods in both a base year and future year scenario. The modelling has demonstrated that the proposed redevelopment will increase the maximum queue at the roundabout by no more than 3 cars. It should be borne in mind that;

- a) This is the maximum peak in queuing which will only occur during the peak 15minutes within the peak AM/PM hours. Outside of this period the development has a barely perceivable impact on the operation of the improved roundabout
- b) This increase is only seen on two arms of the roundabout - A59 East and A59 West
- c) The TA is considered to represent a worst case scenario and as such in reality the impact on the roundabouts operation and the surrounding highway network will be smaller than that modelled.

Officers are therefore satisfied that the proposed development will not have a detrimental impact on the performance of the improved roundabout provided through the Access York scheme.

#### Access

The garage site is currently accessed from the A59 Boroughbridge Road, with all movements permitted. The authorities Access York A59 improvement scheme includes the enlargement of the A59/A1237 roundabout including capacity improvements and pedestrian and cycle enhancements together with the construction of a new Park & Ride site just North of the roundabout.

In order to continue to provide a safe, practical access into/out of the redeveloped garage site it is proposed to restrict access to the garage site.

The access arrangements which form part of the planning application comprise;

- a) A new left turn taper from the A1237, from which all traffic will enter the development site
- b) Kerb works including a kerbed central island to only permit the left turn out of the development site onto the A59. The right turn out and all movement into the site from the A59 will be prevented.
- c) A retained dropped vehicular crossing serving the adjacent private residential dwelling which permits all movements in and out from the A59

The access arrangements have been designed in consultation with officers, comply with local and national design guidance and will be subject to a Road Safety Audit. The proposed access arrangements are considered to represent an improvement over what could be achieved without redevelopment of the site.

#### Layout

The internal layout has been designed to reinforce the access and egress arrangements. AutoTRACK swept paths for articulated vehicles (including fuel delivery vehicles) and traffic associated with the site have demonstrated that vehicles can turn within the site and leave in a forward gear.

Parking has been provided in accordance with CYC Annex E maximum standards.

#### Sustainability

The site uses are predominantly for the convenience of passing motorists and thus car borne development. The enlarged retail facility on the site will provide a local facility for adjacent residential areas. The Access York Scheme provides a number of new footways, cycleways and crossing facilities including an underpass under the A1237. Residential areas are within nationally recognised walking and cycling distances and as such it is not unreasonable that a proportion of both staff and customer trips could be by non-car modes of travel. The design of the site has sought to maximise this potential as much as possible through the design of access points and internal footway provision.

No objections are therefore raised subject to standard conditions covering:

- details of surfacing
- removal of redundant crossings
- cycle parking details to be agreed
- car and cycle parking to be laid out
- provision to be made for delivery/service vehicles within the site

- details of off-site highway works to be agreed (left turn taper, kerb works and associated signing/lining)
- additional directional signage to be agreed and provided
- method of works statement to cover routing of contractors vehicles, parking of contractors vehicles, storage of materials, prevention of mud/detritus on the highway

3.5 Design, Conservation and Sustainable Development were consulted with regard to the proposal on 24th July 2013. A verbal update will be provided at the meeting.

EXTERNAL:-

3.6 The Ainsty Internal Drainage Board raise no objection to the proposal.

3.7 Upper Poppleton Parish Council object to the proposal on the grounds that the proposal represents inappropriate development in the Green Belt, it would lead to conditions on the adjacent highway prejudicial to the safe and free flow of traffic and would have a serious adverse impact upon the residential amenity of neighbouring properties.

3.8 20 letters of objection have been received in respect of the proposal. The following is a summary of the concerns raised:

- antisocial behaviour, noise, litter pollution
- light pollution
- impact on security in the area
- loss of residential dwelling
- no evidence of demand for the facility
- will not benefit local people
- out of character with the area
- insufficient parking for staff and customers
- the fast food restaurant will draw schoolchildren who will be put in danger by the volume of traffic
- loss of privacy
- devaluation of property
- fumes from increase in vehicles
- no confirmation that council owned land will be offered to facilitate the plans
- would spoil the entrance to the village/city
- inappropriate development in the green belt,
- reduction in water pressure
- inadequate drainage
- concerns over the proximity of the site to Manor School;
- concerns over the health impacts of an additional fast food retail outlet;
- the proposal would result in an over-concentration of fast food outlets in the area;
- the impact of the proposal upon the open character and purposes of designation of the York Green Belt;
- the impact of the proposal on the safe and free flow of traffic in the locality

- it would make more sense to see how the roundabout operates once it is completed

## 4.0 APPRAISAL

### KEY CONSIDERATIONS:-

#### 4.1 KEY CONSIDERATIONS INCLUDE:-

- \* Impact upon the open character and purposes of designation of the York Green Belt;
- \* Impact upon the residential amenity of neighbouring properties;
- \* Impact upon the safe and free flow of traffic in the locality.

### STATUS OF THE DRAFT LOCAL PLAN:-

4.2 The York Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations in arriving at Development Management decisions although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework.

### IMPACT UPON THE OPEN CHARACTER AND PURPOSES OF DESIGNATION OF THE YORK GREEN BELT:-

4.3 Policy GB1 of the York Development Control Local Plan states that planning permission for new built development within the Green Belt will only be forthcoming where the scale, location and design of such development would not detract from the open character of the Green Belt, it would not conflict with the purposes of including land within the Green Belt and is for one of a number of purposes felt to be appropriate in the Green Belt. Central Government Planning Policy in respect of Green Belts outlined in paragraph 89 of the NPPF indicates that any new built development within the Green Belt other than within a number of excepted categories should be automatically considered inappropriate and therefore harmful to the openness of the Green Belt. One category of development considered appropriate is the partial or complete redevelopment of existing developed sites in continuing use which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. In the event that a development is considered inappropriate then a case for "very special circumstances" should be put forward to overcome the usual presumption against such development.

4.4 The proposal envisages the demolition of the existing shop, a disused bungalow associated with the premises, a service bay and motor dealership together with the erection of a new shop and a drive through fast food restaurant with the parking area and wider built footprint reconfigured to accommodate the new buildings at the

main Boroughbridge Road elevation of the site. Access would be taken from the A1237 Outer Ring Road and traffic would egress on to the A59 Boroughbridge Road via the existing access point. Taking account of the removal of the existing motor dealership and car servicing function and the reconfiguration of the car parking area to the southern section of the site there would not be a materially significant increase in the built footprint of the development. At the same time the scale and massing of the development would not be materially different from that of the existing complex. It is therefore considered that the development is not inappropriate within the Green Belt as defined within the terms of paragraph 89 of the NPPF. Extensive landscaping is also envisaged for the south and western margins of the site which would reduce any visual impact upon the open character of the Green Belt. This issue notwithstanding, a case for "very special circumstances" has been advanced on behalf of the applicant based on the need to retain an existing facility for road users accessing the City from the west through the change in circumstances brought about by the Poppleton Bar Park and Ride works.

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

4.5 Policy GP1 of the York Development Control Local Plan expects new development to respect or enhance the local environment, be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, and ensure that residents living nearby are not unduly disturbed by noise or disturbance. The proposal envisages the re-development of an existing garage site incorporating a car dealership and service function both of which generate a significant amount of noise and disturbance, with an expanded convenience store and a drive through fast food restaurant.

4.6 There are a number of residential properties in the vicinity dating from the late 19th/early 20th Centuries principally to the east, north east and north west. The property directly to the east comprising a bungalow some 15 metres from the site boundary and some 30 metres from the proposed drive through restaurant. It is envisaged that the existing fencing and landscape boundary treatment would be reinforced with additional hedge planting and a close boarded timber fence as part of the proposal. The existing access point to the property onto Boroughbridge Road would also be retained as part of the overall works. The proposed boundary works would provide a significant degree of mitigation against noise and light pollution affecting residential amenity. However, in view of the close proximity of the site to the adjacent property it would be reasonable to seek to control the operating hours of the premises along with requiring a scheme of noise mitigation to be submitted and approved prior to work commencing on site. The residential areas to the north are at a significantly greater distance from the site, approximately 75 metres from the site at its closest point. In view of the revised access configuration with the petrol station element remaining at the Boroughbridge Road frontage of the site and vehicles entering the site from the A1237 to the south west, then it is considered that

the re-developed site would have no greater impact on their residential amenity than the existing situation.

#### IMPACT UPON THE SAFE AND FREE FLOW OF TRAFFIC IN THE LOCALITY:-

4.7 Concern has been expressed in respect of the impact of the proposal upon the safe and free flow of traffic in the locality. The proposal for redevelopment of the garage site is being undertaken parallel with the construction of the Poppleton Bar Park and Ride site to the west and a series of associated highway works along the A59 Boroughbridge Road and at the junction of the A59 and the A1237 Outer Ring Road. At present a potentially hazardous vehicle manoeuvre exists with eastbound traffic coming from the A59 towards the City Centre crossing the path of westbound traffic leaving the City Centre in order to access the garage. The alteration of priorities associated with the extension of the roundabout at the junction of the A59/A1237 would potentially render such a manoeuvre even more hazardous. The proposed scheme would in fact improve highway safety by securing all access to the site via the A1237 Outer Ring Road. A detailed Transport Assessment has been submitted with the proposal which clearly demonstrates that the flows generated by the scheme can be safely accommodated within the site and the surrounding highway network without a harmful impact upon the safe and free flow of traffic in the locality. Indeed it is considered that the proposed access arrangements are a significant improvement on the existing situation and as such should be supported.

#### OTHER ISSUES-

4.8 Concern has been expressed in respect of the proximity of Manor School to the site. Manor School lies over 200 metres to the north east and is largely inaccessible from the site. The proximity of the School or otherwise is therefore not a material consideration in determination of the application.

4.9 At the same time concern has been raised about a potential for over-concentration of fast food outlets in the locality and the potential health implications. The proposal would in fact create the only fast food outlet in the locality and the existence or otherwise of similar facilities is a commercial issue and not a material consideration in the determination of the application.

### **5.0 CONCLUSION**

5.1 As a re-development and consolidation of the existing site it is considered that the proposal would be not be inappropriate development in the York Green Belt within the terms outlined in paragraph 89 of the NPPF. It would give rise to no greater impact than the current operation in terms of the residential development to the north. A bungalow does however remain to the south east in close proximity. Providing any permission is conditioned to restrict the operating hours of the facility and to require the reinforcement of the existing boundary treatment then any impact

upon the residential amenity of that property can be effectively mitigated. At the same time the reconfiguration of the site access to gain entry from the A1237 Outer Ring Road and exit on to the A59 Boroughbridge Road would significantly improve conditions for local highway users when compared with the existing situation. The proposal is therefore considered to be acceptable in planning terms and approval is therefore recommended.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve

1 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 hereby permitted 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: To ensure compliance with Section 92 and 93 of the Town and Country Planning Act 1990 as amended.

2 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 building works, 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) (Amendment) (England) Order 2006.

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

LL01 Rev D and 0005 Rev D. Date Stamped 18th July 2013

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

4 VISQ4 Boundary details to be supplied -

5 The drive through fast food restaurant hereby authorised shall only operate between the hours of 0700 and 2300 on Mondays to Saturdays and 0900 to 2200 on Sundays and Bank Holidays.

Reason: To safeguard the amenities of local residents and to secure compliance with Policy GP1 of the York Development Control Local Plan.

6 Prior to the commencement of the development hereby authorised full details of a scheme of noise mitigation to the eastern and southern boundaries of the site including a programme of works and details of the types, materials and heights of fencing involved shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason:- To safeguard the residential amenity of the adjacent property and to secure compliance with Policy GP1 of the York Development Control Local Plan.

7 Prior to the commencement of the development hereby authorised full details including number, heights, design and location of fittings of site lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason:- To safeguard the residential amenity of adjoining properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

8 ENVA2 Prevention of pollution - tanks etc -

9 ENVA1 Surface water drainage through oil inter -

10 HWAY31 No mud on highway during construction -

11 HWAY19 Car and cycle parking laid out -

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

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

13 HWAY10 Vehicular areas surfaced, details reqd -

14 HWAY18 Cycle parking details to be agreed -



15 HWAY36 Servicing within site, details reqd -

16 HWAY41 Safety Audit -

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

a) the provision of a left turn taper into the site from the A1237 and associated works;

b) kerb works and associated signing/lining to restrict traffic associated with the development to left only onto the A59 Boroughbridge Road with no access in to the site permitted from the A59 Boroughbridge Road as shown indicatively on Drawing 3877 PL\_0005 Rev D dated May 2013 and 3025/SK901/002.

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

18 Prior to the commencement of development a strategy for the placing of directional signage on the highway network shall be submitted to and approved in writing by the Local Planning Authority. The signage strategy shall reinforce the access arrangements and permitted movements at the site access points. The approved signage shall be in place prior to the revised access arrangements being first brought into use.

Reason:- In order to manage traffic flows to minimise the likelihood of development traffic using inappropriate routes to the detriment of highway safety.

19 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programme and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include the following:-

\* the routing that will be promoted by the contractors to use main arterial routes and avoid peak network hours;

\* where contractors will park;

\* hours during which construction work and associated deliveries will take place;

\* where materials will be stored within the site.

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

Details were submitted in relation to the noise impact of the proposed development.

#### **2. CONTROL OF POLLUTION ACT 1974:-**

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

### 3. STATUTORY UNDERTAKERS SERVICES:-

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. HIGHWAY WORKS:-

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

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

### 5. SECTION 278 AGREEMENT:-

The applicant's attention is drawn to the need to enter into a Section 278 Agreement with the Local Highway Authority in respect of the proposed Highway Works.

#### **Contact details:**

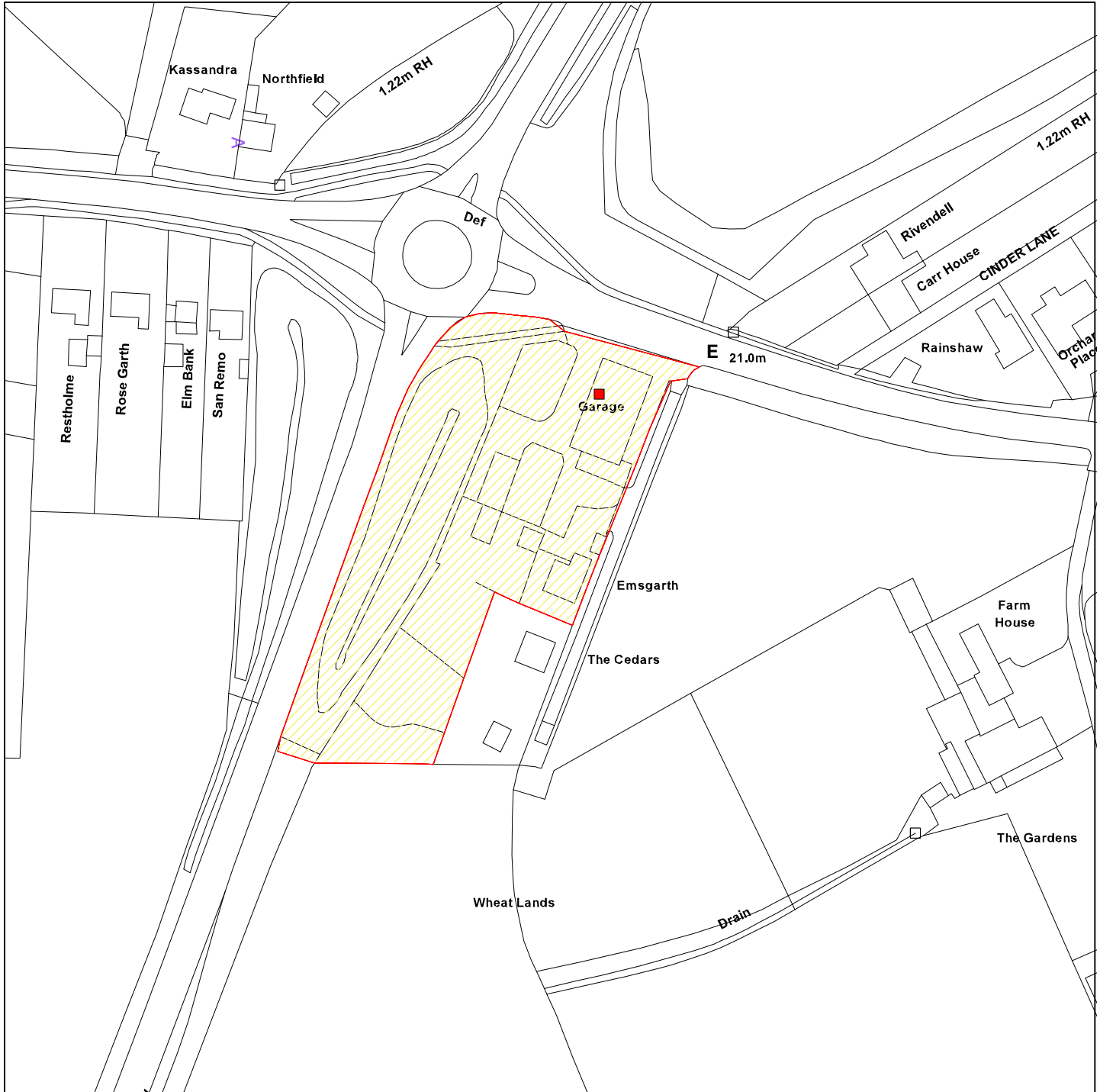
**Author:** Erik Matthews Development Management Officer

**Tel No:** 01904 551416

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# Wills And Ellis Garage Boroughbridge Road

13/02439/OUT



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	23 August 2013
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 5 September 2013      **Ward:** Guildhall  
**Team:** Major and      **Parish:** Guildhall Planning Panel  
Commercial Team

**Reference:** 13/02559/FULM  
**Application at:** 2 - 16 Piccadilly York  
**For:** Change of use of existing ground floor retail units to either retail (class A1), office (class A2), restaurant/cafe (class A3) or drinking establishment (class A4) including extensions to rear; change of use of upper floors from hotel to residential accommodation (class C3) to form 18 new apartments; external alterations and associated works  
**By:** Mr & Mrs A Graham  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 18 October 2013  
**Recommendation:** Approve subject to Section 106 Agreement

**1.0 PROPOSAL**

## APPLICATION SITE

1.1 The application relates to the White Swan Hotel, which is located on the corner of Piccadilly and Coppergate. The building is of a mock Tudor style and was built around 1912, at the time when Piccadilly was constructed. The ground floor shop fronts were added in the mid C20. The building is not listed; it is in the Central Historic Core Conservation Area.

## PROPOSALS

1.2 An application for this site was previously approved at committee in December 2012 - 12/03155/FULM. That scheme was for flexible commercial uses at ground floor level and 14 residential units above. Extensions were proposed at the rear and at the side (above the single storey unit).

1.3 This application is to vary the amount and size of the residential units. 18 residential units are proposed - 17 x 1-bed, 1 x 2-bed. The side extension is not proposed this time, otherwise the external works are similar - refurbishment of the shop-fronts and replacement of the building(s) at the rear with a single storey structure with flat roof.

1.4 The intention is that a housing association takes control of the residential aspect of the scheme. The units would therefore all be affordable housing. Initially the housing association will sign up for 15 years, with both parties currently amenable to extending this agreement. This arrangement will be secured through the associated legal agreement, with the fallback position that 4 of the units are made affordable if the agreement with the housing association does not transpire.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

Listed Buildings GMS Constraints: Grade 2 Star; 28-30 Coppergate York YO1 1NR 0524

Listed Buildings GMS Constraints: Grade 2 Star; 32 Coppergate York YO1 1NR 0525

### 2.2 Policies:

CYGP1  
Design

CYGP12  
Access to upper floors

CYGP16  
Shopfronts

CYHE3  
Conservation Areas

CYH4A  
Housing Windfalls

CYS3  
Mix of use in certain shopping streets



CYS6

Control of food and drink (A3) uses

CYL1C

Provision of New Open Space in Development

### **3.0 CONSULTATIONS**

INTERNAL

ECOLOGY OFFICER

3.1 Officers are content that works proceed in accordance with the submitted construction proposals which include bat mitigation.

EDUCATION

3.2 Advise no contribution required due to type of units proposed.

ENVIRONMENTAL PROTECTION UNIT

3.3 Conditions recommended, as previous, to deal with construction management, noise insulation for the residential units and mechanical ventilation due to air quality, and details of any plant/equipment/kitchen extraction.

EXTERNAL

GUILDHALL PLANNING PANEL

3.4 Object as they do not think that possible restaurant/drinking establishments at ground floor level would be compatible with the proposed residential use on the upper floor.

YORKSHIRE WATER

3.5 No objection.

PUBLICITY

3.6 No written representations have been received.

## 4.0 APPRAISAL

### KEY ISSUES

4.1 The principle of the proposed uses has been agreed in the previous approval. The key issues therefore are -

- Housing type/size
- Impact on the appearance of the host building and the conservation area
- Residential Amenity

4.2 Other relevant issues, set out below, are summarised -

- Provision of commercial uses at ground level
- Highway Network Management / sustainable travel
- Sustainable design and construction
- Ecology
- Open space and education provision

### HOUSING SIZE AND TYPE

4.3 The residential units vary from between 40 sq m and 67 sq m in area. All but one of the units have 1 bedroom. Both local and national planning policy seek to delivery a range of house sizes, in line with identified need.

4.4 This revised scheme has arisen following negotiations with the developer resulting in concerns that due to costs and the condition of the building the residential element may either not come forward, or only a limited number of units would be provided on the first floor. The proposals have developed on the basis that a housing association will undertake the residential works, will rent the upper floors from the applicants and provide affordable housing.

4.5 The building has been vacant for a considerable length of time. To bring it into full occupation and supply affordable housing in a sustainable location accords with a core principles of the National Planning Policy Framework, which is to proactively drive and support sustainable economic development to deliver the homes needed. In this case there is significant justification to welcome the scheme despite the lack of mix in the type of residential units proposed.

### VISUAL IMPACT

4.6 Refurbishment of the building is proposed, which will improve its appearance, and subsequently the character and appearance of the conservation area.

4.7 The shop fronts will be replaced. The approach is the same as was previously proposed. Where the building is clad on the upper levels the shop fronts would be full height glazing with timber columns between. Where the upper floors are brick the shop fronts would be divided by brickwork and would have timber stall-risers . The materials and proportions proposed for the shop fronts are considered to be compatible with the building and of appropriate design.

4.8 The first floor side extension with mansard roof, which was previously proposed to fill the gap between the host building and the 2-storey Pavers unit, is no longer proposed. It is beneficial that the external fire escape, which detracts from the appearance of the host building will be removed.

4.9 The rear elevation will be improved by having a single storey outshot of consistent appearance. The flat roof area can be landscaped to enhance outlook from the host buildings and those that surround. This can also provide outdoor amenity space.

4.10 Windows and dormers are to be refurbished, or replaced on a like for like basis if unfit for repair. The works will maintain the character of the building.

#### RESIDENTIAL AMENITY

4.11 A noise survey undertaken has concluded that adequate internal noise levels could be achieved provided secondary glazing is installed to the road facing facades, allowing the existing windows to be retained. Adequate insulation can be secured through a planning condition.

4.12 Conditions are proposed to ensure that noise associated with the commercial premises is reasonably controlled. Conditions would cover the opening times of any bar/restaurant, cooking smells, and noise from plant, machinery and amplified music.

4.13 Due to air quality on Piccadilly mechanical ventilation, drawing air from areas away from the road is proposed. As such adequate air quality for future occupants of the building can be achieved.

#### COMMERCIAL USES AT GROUND FLOOR LEVEL

4.14 The application proposes that the ground floor area can either be used as retail, commercial, cafes or drinking establishments. The premises fronts onto Coppergate and part of Piccadilly which are designated primary shopping streets in the Local Plan.

4.15 As previously agreed there would be a condition which requires that either of the larger units (1 or 4) or both of the smaller units be in A1 use, given the location on a primary shopping street and considering historically the amount of retail within the building.

#### SUSTAINABLE TRAVEL/HIGHWAY SAFETY

##### Cycle storage

4.16 Cycle storage would be in the basement. 1 space per residential unit and 6 spaces for staff of the commercial premises are proposed. The spaces would be covered and secure. The amount for the residential part of the development meets the requirements within the Local Plan. The staff parking is a gain, given there was none previously.

##### Car club incentives

4.17 As with the previous approval the applicants will offer future residents incentives to join the car club scheme. This will be secured through the legal agreement and would offer first occupants the option of a free year of membership.

4.18 The previously agreed servicing arrangements are that delivery vehicles will use the spaces outside the premises on Piccadilly. A contribution is necessary towards a Traffic Regulation Order, to enable delivery vehicles to park in the morning (current loading/unloading is only allowed between 11.00 and 18.00).

#### SUSTAINABLE DESIGN AND CONSTRUCTION

4.19 As with the previous scheme the proposals would comply with policy as:-  
- the building will be refurbished so to secure a BRE "Very Good" rating,  
- at least 10% of the building's energy demand will be sourced from low/zero carbon technology (air-sourced heat pumps).

#### ECOLOGY

4.20 Surveys undertaken by the applicants found evidence of a bat roost in the roof void at the south end of the building. The previous permission was subject to a condition which required mitigation dealing with the method of works and the provision of bat habitat features. A method statement for works has now been provided, which is acceptable. The roof will be replaced but the existing roost in the building can be retained. The work to the roof will be done by hand and supervised by a licensed bat surveyor. Additional bat roost facilities will be provided, in the form of two bat boxes and bat roof tiles.

## EDUCATION AND OPEN SPACE CONTRIBUTIONS

4.21 As all but one of the units are 1-bed in size there is no policy requirement to contribute towards education provision. The open space contribution has been re-calculated and a contribution would be secured through the associated legal agreement.

### 5.0 CONCLUSION

5.1 The scheme has officer support. To comprehensively bring this building back into use and improve the appearance of the conservation area is compliant with policy. The proposals will help meet identified housing need, providing accommodation in a sustainable location and through conditions residential amenity for future occupants can be adequate. There would be an associated legal agreement to secure -

- Affordable housing provision - either all the units will be affordable for at least 15 years or 20% provision, in accordance with current policy would be provided for the lifetime of the development.
- Open space contribution - £6,952
- Car club contribution - to give future occupants one year free membership to the car club scheme - £160 per unit = £2,880
- Traffic Regulation Order - £3K

**6.0 RECOMMENDATION:** Approve subject to Section 106 Agreement

1 TIME2 Development start within three years -

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

Floor plans - 045A, 046, 009D, 010D, 011D, 050B

Elevations - 051, 052, 053, 054, 055

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

3 Use of commercial floor space: At all times at least 15 metres of the ground floor frontage of the host building shall be in A1: retail use.

Reason: In the interests of the vitality and viability of the primary shopping streets on which the site is located.

INFORMATIVE: For clarity, based on the approved ground floor plan having either unit 01, unit 04 or units 02 and 03 in A1 retail use would accord with this requirement.

4 Any restaurants, cafes or drinking establishments (A3 or A4 uses) within the building shall only be open to customers between the hours of 07:00 and midnight each day of the week.

Reason: In the interests of the amenity residents.

5 Residential amenity: Amplified music from any of the commercial premises shall be inaudible in the residential units hereby approved.

Reason: In the interests of the amenity of occupants of the residential units.

6 Materials

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 relevant works. The development shall be carried out using the approved materials.

- The replacement rainwater goods shall be in aluminium or cast iron.

- Roof-lights shall be conservation type.

- Ventilation louvers shall be recessed/set within their reveals and their colour finish shall be agreed.

A sample panel of the external brickwork shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. The panel(s) shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of the conservation area location.

7 Landscaping

Prior to occupation of the residential units a detailed hard and soft landscaping scheme for the rear terrace, which shall illustrate the number, species, height and

position of trees and shrubs to be planted shall be approved in writing by the Local Planning Authority.

This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the conservation area and the amenity of future occupants.

8 Any new windows shall match the existing in all respects, and repairs to existing windows shall be on a like for like basis, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve the appearance of the host building and the conservation area.

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

a) Treatment to the northeast corner at first floor level including design of any balustrade.

b) At shop front level details of the shop fronts and entrance points (shown in context and to include sections).

c) Any additions such as security lighting/access control to elevations facing the street.

d) Air-source heat pumps where external (shown in context, i.e. not only manufacturers details of plant).

Reason: To preserve the appearance of the host building and the conservation area.

10 Cycle and bin storage

The area shown as cycle and bin storage on the proposed basement floor plan shall be retained for such use at all times, unless otherwise agreed in writing by the Local Planning Authority. The development shall provide at least 18 secure cycle spaces for the residential units and 6 secure spaces for the commercial units.

Reason: To ensure adequate space for such storage, and to promote recycling and sustainable modes of transport in accordance with policies GP4a and T4 of the City of York Draft Local Plan and the National Planning Policy Framework.

#### 11 BREEAM

The residential development shall be constructed to a BRE standard of 'very good'. A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority prior to occupation of the building. Should the development fail to achieve a standard of 'very good' a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve a standard of 'very good'. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and Paragraphs 5.1 to 5.3 of the Interim Planning Statement 'Sustainable Design and Construction' November 2007.

12 At least 10% of the residential development's predicted energy requirements shall be provided from low or zero carbon technology. Confirmation of how this will be achieved shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the building and the development shall be carried out in accordance with the approved details. The site thereafter must be maintained to the required level of generation.

Reason: In the interests of achieving a sustainable development in accordance with the requirement of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction' November 2007.

13 Prior to works commencing a method statement shall be submitted to and approved in writing by the Local Planning Authority detailing the extent of C18 brickwork which will be retained and where it will be re-claimed and incorporated into the development.

Reason: In the interests of the character and appearance of the conservation area.

#### 14 Noise insulation

Prior to occupation of the residential units which face onto Piccadilly and Coppergate secondary glazing shall be installed to all habitable room windows (living and bedrooms). The secondary glazing shall at least meet the specification established in the Noise Survey report 18419/EBF1 section 12 (which includes 6mm thick secondary glazing) and shall be thus maintained.



Reason: In the interests of the amenity of future occupants.

#### 15 Air Quality

All windows to habitable rooms (bedrooms and living areas) facing onto Piccadilly and Coppergate shall have ventilation provided through continuous mechanical supply and extract (with heat recovery) away from the roadside (i.e. roof level or to the rear). The systems shall be maintained appropriately for the lifetime of the development.

Reason: To protect the health of residents given the standard of air quality in the area.

#### 16 Plant and Machinery

Details of all machinery, plant and equipment to be installed which would be audible either outside of the site boundary or within the residential apartments when in use shall be submitted to the local planning authority for approval.

The details shall include the location, maximum sound levels ( $L_{Amax}(f)$ ), average sound levels ( $L_{Aeq}$ ), octave band noise levels and any proposed noise mitigation measures. The report shall be undertaken by a specialist noise consultant or suitably qualified person and it shall be conducted in accordance with BS4142:1997. The report shall assess the impact of the additional noise sources on residential properties and include any mitigation measures that are required. The approved mitigation measures shall be implemented prior occupation of the development and maintained accordingly thereafter.

Reason: In the interests of the amenity of future occupants and those of surrounding premises.

Note that any external plant not shown on the approved plans will require planning permission.

#### 17 Cooking odours

Adequate facilities shall be provided for the treatment and extraction of odours, fumes and gases created by cooking in association with any A1, A3 or A4 use, such that there is no adverse impact on the amenities of local residents by reason of fumes, odour or noise. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for written approval prior to installation. Once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: In the interests of the amenity of future occupants.

## 18 Construction Management

Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority. The plan shall confirm that all demolition and construction works and ancillary operations which are audible beyond site boundary or at the nearest noise sensitive dwelling, including deliveries to and dispatch from the site, shall be confined to the following hours:

Monday to Friday	07:00 to 19:00
Saturday	08:00 to 17:00

Not at all on Sundays and Bank Holidays.

All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 (1984) Code of Practice; 'Noise Control on Construction and Open Sites', and Minerals Planning Guidance Note 11 (1993) 'The Control of Noise at Surface Mineral Workings'.

In the interests of highway safety the document shall also advise on the following:

A detailed method of works statement identifying the programming and management of clearance/preparatory and construction works. The statement shall include at least the following information;

- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- where contractors will park
- where materials will be stored within the site
- requirement for hoarding or scaffolding that may be necessary including temporary footway closures

REASON: To protect the amenities of adjacent residents and in the interests of highway safety.

## 19 Travel Plan

Prior to occupation of the residential units a Travel Plan shall be submitted to and approved by the Local Planning Authority. The travel plan shall be developed and implemented in line with local and national guidelines and be updated on an annual basis. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Reason: To reduce private car travel and promote sustainable travel in accordance with paragraph 36 of the National Planning Policy Framework and policy T13a of the City of York deposit Draft Local Plan.

## 20 Bat mitigation

The development shall be carried out in accordance with the Bats Method Statement Document 2 dated July 2013, unless an alternative scheme is approved by the Local Planning Authority, and the development carried out accordingly.

Reason: To take account of and to enhance the habitat for a protected species in accordance with Local Plan policies NE6 and NE7.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

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

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

Pre-application discussions and the use of planning conditions.

#### 2. 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.

### 3. BATS

Note that a European Protected Species license from Natural England will be required due to the presence of bats within the building. The license must be obtained prior to pertinent works being undertaken.

**Contact details:**

**Author:** Jonathan Kenyon Development Management Officer

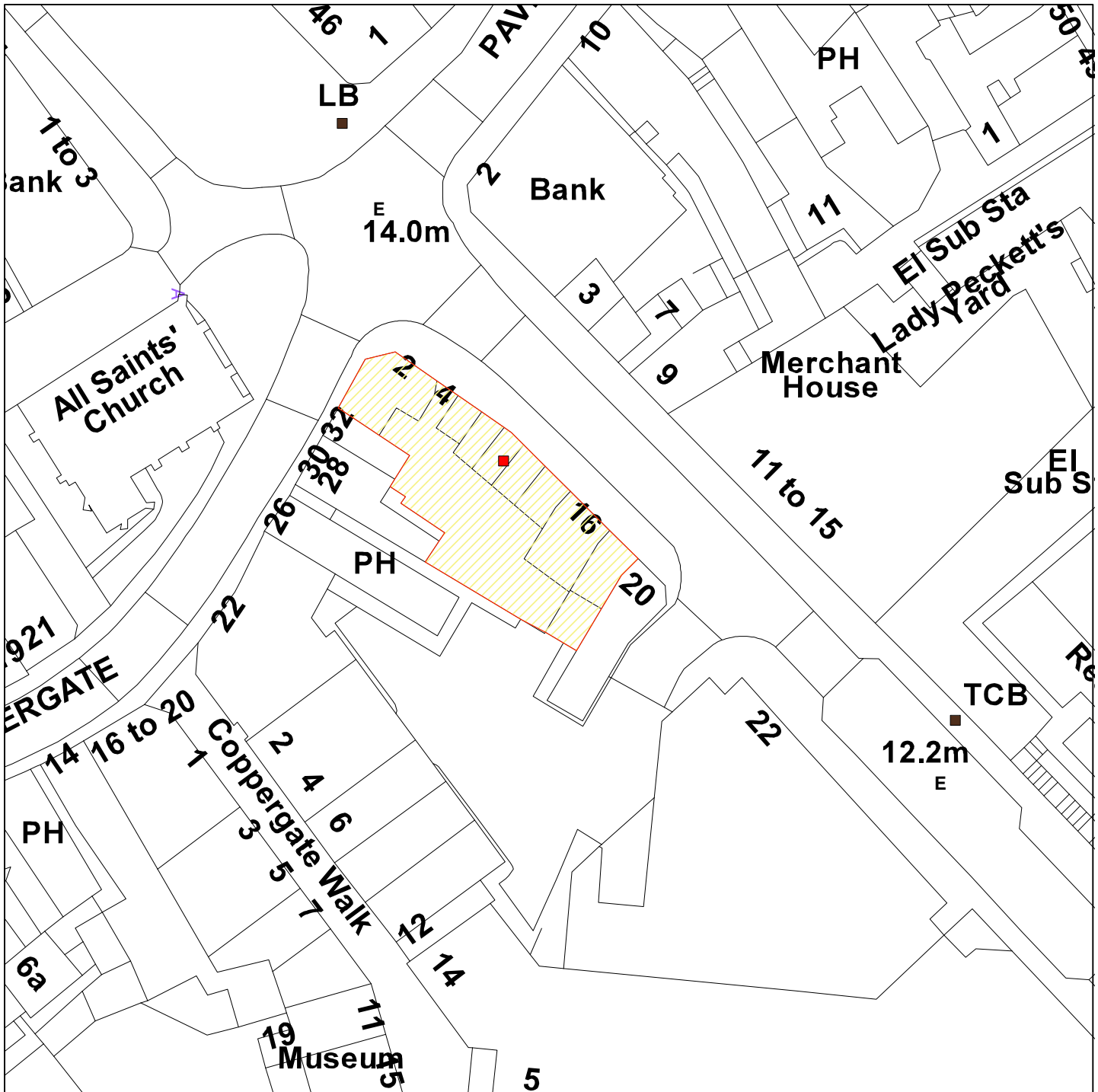
**Tel No:** 01904 551323

# 2 - 16 Piccadilly

13/02559/FULM



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	23 August 2013
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 5 September 2013      **Ward:** Dringhouses And Woodthorpe  
**Team:** Householder and Small Scale Team      **Parish:** Dringhouses/Woodthorpe Planning Panel

**Reference:** 13/02155/FUL  
**Application at:** 1 Allendale York YO24 2SF  
**For:** Single storey side extension  
**By:** Mrs Margaret Gosling  
**Application Type:** Full Application  
**Target Date:** 23 August 2013  
**Recommendation:** Householder Approval

**1.0 PROPOSAL**

1.1 The application seeks permission for the erection of a single storey side extension to the existing bungalow at 1 Allendale.

1.2 The application is being brought to committee as the applicant works for the City of York Council within Development and Regeneration.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

2.2 Policies:

CYGP1  
Design

CYH7  
Residential extensions

### **3.0 CONSULTATIONS**

#### 3.1 Internal

None

#### 3.2 External

Dringhouses and Woodthorpe Planning Panel - No objections

Neighbours - No comments received

### **4.0 APPRAISAL**

#### 4.1 Key Issues

- Design
- Impact upon neighbours amenity

4.2 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. One of 12 principles 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.

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

4.4 The 2005 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 limited except where in accordance with the content of the NPPF.



4.5 The relevant City of York Council Local Plan Policies are H7 and GP1. Policy H7 'Residential Extensions' of the City of York Local Plan Deposit Draft sets out a list of design criteria against which proposals for house extensions are considered. The list includes the need to ensure that the design and scale are appropriate in relation to the main building; that proposals respect the character of the area and spaces between dwellings; and that there should be no adverse effect on the amenity that neighbouring residents could reasonably expect to enjoy.

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

4.7 The Council has a Supplementary Planning Document (SPD) for House Extensions and Alterations. The SPD was subject to consultation from January 2012 to March 2012 and was approved at Cabinet on 4 December 2012. The SPD offers overarching general advice relating to such issues as privacy and overshadowing as well as advice which is specific to particular types of extensions or alterations. The underlying objectives of the document are consistent with local and national planning policies and is a material consideration when making planning decisions.

## SCHEME

4.8 The application site is a small semi-detached bungalow at the junction with Allendale and Sherringham Drive. The property has a large side garden area which is partially fenced off to provide privacy to the rear garden. The application seeks permission for a single storey side extension, which would also project out to the rear, and would provide a car port and kitchen extension.

4.9 The proposed extension would project out to the side by 3.5m and would be set back from the front elevation by 0.5m. It would provide an open sided carport to the front element and a kitchen extension to the rear. It would project out past the rear elevation of the host dwelling by 1.25m and would be constructed with a gable end to match the existing.

## AMENITY

4.10 There would not be any detrimental impact upon neighbours amenity in terms of loss of privacy or overshadowing due to the location of the proposed extension away from any shared boundary. The dwelling to the rear is set at a distance and sides onto the application site.

4.11 The main concern with the application was the impact upon the character of the area and on the streetscene. The site is relatively prominent due to its corner position and low open landscaping. As originally submitted the scheme proposed a higher ridge than the host dwelling and a width of over half the original dwelling. Revised plans have reduced the width, height and set the extension back from the front elevation in order to create a more subservient scheme. The extension would be set approximately 3m in from the pavement, which runs to the side of the application site, retaining the space around the dwelling. In addition the open sided carport which forms the front element of the extension reduces the bulkiness of the scheme further.

## 5.0 CONCLUSION

5.1 It is considered that the proposed extension would not have any detrimental impact upon the character of the area or neighbouring residential amenity. Officers recommend approval.

## 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:-

Revised drawings received 20th August 2013

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

3 VISQ1 Matching materials -

## **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:

Revised plans submitted to reduce the width and height.

#### **Contact details:**

**Author:** Heather Fairy (Mon - Wed) Development Management Officer

**Tel No:** 01904 552217

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# 1 Allendale

13/02155/FUL



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<b>SLA Number</b>	Not Set

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