



## 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, 6 March 2014
- 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 5 March 2014. The minibus for Members of the Sub-Committee will depart from Memorial Gardens at 10.00 am.**

#### 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. 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 5 March 2014 at 5.00 pm.**

**Please note that an audio recording will be made of this meeting and that includes any registered public speakers, who have given their permission. This recording can be played back at <http://www.york.gov.uk/webcasts>**

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

**The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at:**  
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## 3. Plans List

To determine the following planning applications:

- a) **25 Garden Flats Lane, Dunnington, York.** (Pages 3 - 18)  
**YO19 5NB (13/01960/OUT)**

Erection of detached dwelling and garage with room in roof to rear. [Derwent] **[Site Visit]**

- b) **Monk Bar Garage, Lord Mayors Walk,** (Pages 19 - 34)  
**York. YO31 7HB (13/03338/FUL)**

Erection of 2no. dwellings and garage block with 1no. residential flat following demolition of existing buildings. [Guildhall]  
**[Site Visit]**

- c) **Country Park, Pottery Lane, Strensall,** (Pages 35 - 42)  
**York. YO32 5TJ (14/00096/FUL)**

Change of use of part of caravan site to display and sell caravans.[Strensall]

- d) **May Gurney Limited, 312 Tadcaster Road,** (Pages 43 - 52)  
**York. YO24 1HF (14/00285/FUL)**

Change of use from office to private day nursery (use class D1) (resubmission). [Dringhouses and Woodthorpe] **[Site Visit]**

#### 4. **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

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

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

Contact details are set out above.

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

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 **(01904) 551550**

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**AREA PLANNING SUB COMMITTEE****SITE VISITS****Wednesday 5 March 2014****The mini-bus for Members of the sub-committee will depart  
Memorial Gardens at 10.00**

<b>TIME</b> <b>(Approx)</b>	<b>SITE</b>	<b>ITEM</b>
10:20	25 Garden Flats Lane Dunnington	<b>3a</b>
11:10	312 Tadcaster Road	<b>3d</b>
11:40	Monk Bar Garage Lord Mayors Walk	<b>3b</b>

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**COMMITTEE REPORT**

**Date:** 6 March 2014                      **Ward:** Derwent  
**Team:** Major and                      **Parish:** Dunnington Parish  
                    Commercial Team                      Council

**Reference:** 13/01960/OUT  
**Application at:** 25 Garden Flats Lane Dunnington York YO19 5NB  
**For:** Erection of detached dwelling and garage with room in roof  
                    to rear  
**By:** Ms Anna Craven  
**Application Type:** Outline Application  
**Target Date:** 4 September 2013  
**Recommendation:** Approve subject to Section 106 Agreement

**1.0 PROPOSAL**

1.1 Outline application for the erection of an L-shaped detached dwelling with detached double garage. A new access would be created from Garden Flats Lane. The application is for layout and access only; scale, appearance and landscaping are reserved. The main part of the building would be approximately 13m x 8m. A perpendicular projection would be approximately 7m x 5m. Since submission the application has been amended to include a maximum height of 4.5m (typical bungalow height) for the dwelling and the detached garage.

1.2 In 2006 an application for a detached house on the site was refused due to (1) being incongruous with the character of the area and the quality of the garden spaces in this part of Garden Flats Lane and (2) poor level of amenity for the occupiers of the existing dwelling and neighbouring properties. The subsequent appeal was dismissed.

1.3 The main differences between the refused scheme and the current proposal are:

- The maximum height has been reduced from 5.5m to 4.5m;
- The total footprint of the development (including the double garage) has increased from 112sqm to 186sqm;
- The orientation within the site has been changed from parallel (to the side boundary) to oblique;
- The attached garage is now detached and closer to the public highway;
- The access drive between the existing houses is 1m further from the boundary with No.23.

1.4 The application has been called-in by Cllr Brooks on the following grounds: incongruous backland development; noise and disturbance due to the proposed access, driveway and car parking; the development would be contrary to policies H4, GP1 and GP10 of the 2005 Draft Local Plan.

## 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

CYGP9 Landscaping

CYGP10 Subdivision of gardens and infill devt

CGP15A Development and Flood Risk

CYGP4A Sustainability

CYL1C Provision of New Open Space in Development

## 3.0 CONSULTATIONS

### INTERNAL

#### Flood Risk Management

3.1 No objections. The submitted information is sufficient to satisfy our outline application requirements. Add a condition requiring drainage details to be submitted for approval.

#### Communities, Culture and Public Realm

3.2 As there is no on site open space commuted sums should be paid to the Council for (a) amenity open space - which would be used to improve a local site within the parish (b) play space - which would be used to improve a local site within the parish and (c) sports pitches - which would be used to improve a facility within the East Zone of the Sport and Active Leisure Strategy. The contribution to off site provision is to be based on the latest York formula through a Section 106 Agreement.

#### Environmental Protection Unit

3.3 No objections. Add low emission condition and contamination/construction informatives.



### Highway Network Management

3.4 No objections. The revised driveway width of 3.2m is acceptable. The first 5m of the drive (from the public verge) should be sealed to prevent gravel etc ending up on the public highway. The proposed garage is big enough to accommodate stored cycles.

### EXTERNAL

### Dunnington Parish Council

3.5 Objection: Garden grabbing; Planning permissions quoted by the applicant for schemes in Dunnington are not comparable; The proposal is contrary to the Dunnington Village Design Statement; Does not respect the form layout, density and materials of the local area; Impact on privacy and amenity of adjacent occupiers; Would exacerbate existing surface water flooding.

### Ouse & Derwent Internal Drainage Board

3.6 Request a condition requiring either the site's suitability for soakaways to be ascertained or for drainage details, including attenuation, to be submitted for approval.

### Public Consultation

3.7 Eleven responses have been received raising the following planning issues:

- No different to previous application
- Loss of open character
- Out of keeping with character of the area
- Garden grabbing
- Impact on setting of the conservation area
- Loss of privacy
- Visual impact on adjacent occupiers
- Disturbance due to vehicle lights/noise
- Increase in traffic
- Inadequate access
- Reduces availability of houses with large gardens
- Will do little to alleviate housing need
- Retained trees would be put at risk
- Precedent for other backland development.

## **4.0 APPRAISAL**

### 4.1 KEY ISSUES

- Principle of development for housing
- Street Scene.
- Neighbour amenity

- Highway issues
- Open space
- Flood risk and drainage

## THE APPLICATION SITE

4.2 Part of the substantial landscaped rear garden of a detached dormer bungalow in a residential area within Dunnington village. The site is not in the green belt or in a conservation area. To each side are bungalows. To the rear are 2-storey detached houses in Gorse Hill. Site boundaries are defined by substantial hedges and/or close-boarded fencing. There are a number of trees on the site, mainly at the north-eastern end.

## POLICY CONTEXT

4.3 National planning policy is set out in the National Planning Policy Framework (NPPF). The essence of the framework is the presumption in favour of sustainable development which, for decision-taking, means approving without delay development proposals that accord with the development plan. Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless: (1) any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole; or (2) specific policies in the framework indicate development should be restricted (paragraph 14). Local planning authorities should seek to approve applications for sustainable development where possible and work with applicants to secure developments that improve the economic, social and environmental conditions of the area (paragraph 187).

4.4 The City of York 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 National Planning Policy Framework. Relevant local plan policies are listed in section 2.2 of the report.

## PRINCIPLE OF DEVELOPMENT FOR HOUSING

4.5 The National Planning Policy Framework requires local planning authorities to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Policy GP4a states that all proposals should have regard to the principles of sustainable development. The application site is in a sustainable location within the settlement limit of Dunnington, which has local services and is served by public transport.

4.6 The National Planning Policy Framework also states that local authorities should consider policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Policy GP10 of the 2005 draft local plan specifically refers to development in rear gardens. It states that planning permission will only be granted for the sub-division of garden areas or infilling to provide new development where this would not be detrimental to the character and amenity of the local environment. The Dunnington Village Design Statement 2006 (VDS) states that new housing developments should provide housing types suitable to meet the needs of all sections of the population. Applying these policies to the application site, the principle of development of the site for housing is acceptable subject to the proposal not having a detrimental impact on the character and amenity of the area.

## STREET SCENE

4.7 The NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people (paragraph 56). Permission should be refused for poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (paragraph 64).

4.8 Policy GP1 of the local plan sets out the design requirements for development, which include: respecting the local environment; and having a scale and design compatible with neighbouring buildings and the character of the area. The Dunnington VDS states that new buildings should: respect and enhance adjacent properties and the areas in which they are sited; and respect the form, layout and density of development in the locality. Furthermore, that ideally they should not exceed the existing rooflines in height, though variety of style should be encouraged.

4.9 The proposed bungalow would be built in the rear garden of No.25. The rear gardens of most of the houses in Garden Flats Lane and surrounding streets vary in length from about 7m to 28m, which is a typical range for a suburban residential area. The application property however is one of a group of six houses with gardens ranging from about 50m to 75m. The application site is one of the longest. Furthermore it is significantly wider than any other property in Garden Flats Lane. For example the garden is 26m wide on average compared with 16m for the neighbouring house at No.23 and 13m for No.27. The combination of length and width make the application site uniquely large in comparison to the other gardens in Garden Flats Lane. Whilst the design is reserved, the height and footprint are typical for a 3-bedroom bungalow without habitable rooms in the roof space. The proposed bungalow would be approximately 1.2m lower than the existing dwelling at No.25 which, in addition, occupies a higher position within the site. The bungalow would also be significantly lower than the 2-storey houses in Gorse Hill to the rear and lower than the adjacent bungalows at 23 and 27 Garden Flats Lane.

Bearing in mind the large size of the site and the height of adjacent buildings, the scale of the proposed development would not appear overly large, cramped or out of keeping with the character of the area.

4.10 The double garage would be visible from the public highway, as a background feature between the existing dwellings at 23 and 25 Garden Flats Lane. The distance between the public verge and the garage would be 43m. At this distance the garage would appear as the garage to one of the two adjacent houses. It would not be prominent, nor would its appearance be out of keeping with the character of the area.

4.11 The proposed bungalow would be 65m from the public highway at Garden Flats Lane. Whilst the house would be visible from the public highway, it would only be seen as a distant feature, glimpsed between the proposed garage and the existing house at No.25. In summary, neither the house nor the garage would have a significant impact on the street scene as seen from any public viewpoint.

4.12 In order to create the new access part of a mature boundary hedge along the highway boundary would have to be removed. Neither the hedge nor the bushes and shrubs are protected. Part of a line of shrubs and bushes along the boundary with No.23 would also have to be removed. These shrubs and bushes would be replaced, post construction, by a new line of planting approximately 1.5m wide between the access drive and the side boundary. Details should be made a condition of approval.

## NEIGHBOUR AMENITY

4.13 Policy GP1 of the 2005 local plan states that development proposals will be expected to ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. The bungalow would be 35m from the existing house at No.25 and 29m from the nearest houses at the rear, i.e. nos 6 and 7 Gorse Hill. These separation distances well exceed the council's minimum standards for preventing overlooking and overbearing. Furthermore, the house would be partially screened from the adjacent properties by specimen trees, mature hedging and outbuildings outside the application site. The occupation of the bungalow is unlikely to have any material impact on the neighbouring occupiers in terms of noise, lighting or general disturbance.

4.14 The drive would pass close to the existing house at No.25. However, no windows or doors of No.25 abut the drive. The occupiers are therefore unlikely to be significantly affected by the comings and goings in connection with the bungalow.

4.15 The adjacent bungalow at No.23 has windows that face the proposed driveway.

However, the nearest of these windows would be 5.8m from the driveway, separated by a fence and boundary planting. No.23 has been extended to the rear, including more windows facing the driveway. These windows are almost 9m from the driveway, again separated by a fence and planting.

Irrespective of the submitted plans, this fencing should be increased to 1.8m or alternative fencing provided. Officers consider that the separation distances, together with the increased height of the fencing, would be sufficient to prevent vehicles in connection with the proposed bungalow having a significant impact on the adjacent occupiers in terms of noise, lighting and/or general disturbance.

4.16 The doors of the double garage would face north-west, away from the boundary with No.23. This would minimise the risk of any nuisance to the occupiers of No.23 caused by the opening/closing of the garage doors and of vehicles accessing the garage. The location of the doors should be made a condition of approval.

## TREES

4.17 The site has a number of mature trees, particularly at the north-eastern end of the site. The trees would not be affected by the development, although they would need to be protected during construction. This should be made a condition of approval.

## HIGHWAY ISSUES

4.18 Access, parking and cycle storage are all acceptable, subject to standard conditions being applied as appropriate. The development would have no material impact on traffic or highway safety.

## DRAINAGE

4.19 The site is in flood zone 1 and should not suffer from river flooding. The Council's flood risk engineer has witnessed a soakaway test at the site, which demonstrated that soakaways would be a suitable means of drainage and attenuation. A condition should be imposed requiring drainage details to be submitted for approval.

## OPEN SPACE

4.20 The development would require, under policy L1c of the 2005 local plan, a financial contribution towards the provision off-site of open space. The figure cannot be calculated until the number of bedrooms is known, i.e. at the reserved matters stage. Nevertheless the applicant has agreed to the principle of making the contribution and is preparing a section 106 unilateral undertaking to that effect.

Planning permission should not be formally granted until a satisfactory, signed, undertaking has been received by the council.

## OTHER MATTERS

4.21 The site is not in and does not abut a conservation area. Whilst the boundary of Dunnington Conservation Area lies to the south and west of the application site the conservation area will not be affected by the proposals. Approving the application would not set a precedent for other development in back gardens because of the large size and particular characteristics of this particular site.

## 5.0 CONCLUSION

5.1 Development of housing in back gardens can have a significant adverse impact on the character of residential areas and the amenity of neighbouring occupiers. Policy GP10 of the local plan recognizes this by only permitting backland development where it would not be detrimental to the character and amenity of the local environment. Since 2012 applications have to be judged against the National Planning Policy Framework, the essence of which is the presumption in favour of sustainable development. In cases such as the current application, where the development plan is absent or relevant policies are out of date, planning permission should be granted unless any adverse impacts would clearly outweigh the benefits. Despite the 2006 refusal and the inspector's dismissal at appeal it is difficult to argue that adverse impacts of the current application outweigh the benefits.

5.2 The site is in a sustainable location with good access to local services and public transport. The use would be in keeping with the residential area and would not be prominent from any public viewpoint. The site is unusually large and separation distances are generous. The low maximum height would preclude any habitable rooms (and therefore overlooking) at first-floor level and there is significant screening from adjacent properties. Noise from vehicles entering and leaving would be mitigated by a solid fence along the boundary. Furthermore, whilst the application is for only one house it would help to provide much-needed housing in the area. Officers conclude that the proposal would not be detrimental to the character of the local environment and the amenity of neighbouring occupiers. On balance the application accords with the National Planning Policy Framework and policy GP10 of the 2005 local plan.

## COMMITTEE TO VISIT

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

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 from 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: Scale, appearance and landscaping 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 only in accordance with drawings numbered 13007-002/A and 13007-004/A received 27 January 2014

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

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), development of the type described in Classes A, B, C, D and E of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of the character and appearance of the area and the amenity of adjacent occupiers 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.

5 Notwithstanding the information contained on the approved plans, the height of the approved dwelling and garage shall not exceed 4.5 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level.

Any such physical works or marker shall be retained at all times during the construction period.

Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area or the amenity of adjacent occupiers.

6 Notwithstanding the approved plans the development shall not commence until details of boundary treatment have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the protecting the amenities of neighbouring occupiers and the character and appearance of the area.

7 Prior to the development coming into use, the vehicular access, driveway and manoeuvring areas shall be surfaced in resin bonded gravel and positively drained within the site.

Reason: To protect the neighbouring occupiers from road noise and to adequately drain the site whilst preventing loose material spilling onto the public highway.

8 The width of the driveway between nos 23 and 25 Garden Flats Lane shall not exceed 3.2m.

Reason: To enable adequate landscaping to be provide between the driveway and the boundary with 23 Garden Flats Lane in the interests of the amenity of adjacent occupiers and the character of the immediate area.

9 HWAY22 Internal turning areas, details reqd -

10 Vehicular access to the interior of the garage hereby approved shall be provided from the north-west only.

Reason: In the interests of the amenity of the adjacent occupiers at No.23 Garden Flats Lane.

11 DRAIN1 Drainage details to be agreed -

12 Before the commencement of development, including the importing of materials, excavations, utility works, 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 development operations, 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 locations for stored materials. It shall also include construction details and methodology for the driveway where it is located within the canopy spread and potential rooting zones of the trees.

Reason: To protect existing trees which are considered to make a significant contribution to the amenity of this area and the development.

13 The applicant shall install a standard domestic 13A electrical socket on an internal or external wall. This shall be capable of charging at a minimum of 3KWh for up to 8 hours without overheating the cabling or socket. A 32Amp socket shall be supplied which can offer up to 7KWh continuous charging with a control and protection function on a specific circuit (to avoid overload through use of other appliances on the circuit), using Mode 2 charging protocols. Where mounted on an external wall, a suitable weatherproof enclosure for the socket shall be provided.

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

## **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 has negotiated changes to the ridge height, driveway width and surfacing and sought evidence of the suitability of soakaways, thus enabling a positive outcome to be achieved.

### **2. CONTROL OF POLLUTION**

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. CONTAMINATED LAND

In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment shall be undertaken and where remediation (clean-up) is necessary a remediation scheme shall be prepared and approved in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and approved in writing of the Local Planning Authority.

NOTE: Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part 2A of the Environmental Protection Act 1990.

### 4. UNILATERAL UNDERTAKING

This planning permission includes a unilateral undertaking to make a financial contribution towards off-site public open space.

#### **Contact details:**

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

**Tel No:** 01904 552830

Application Reference Number: 13/01960/OUT

Item No: 3a

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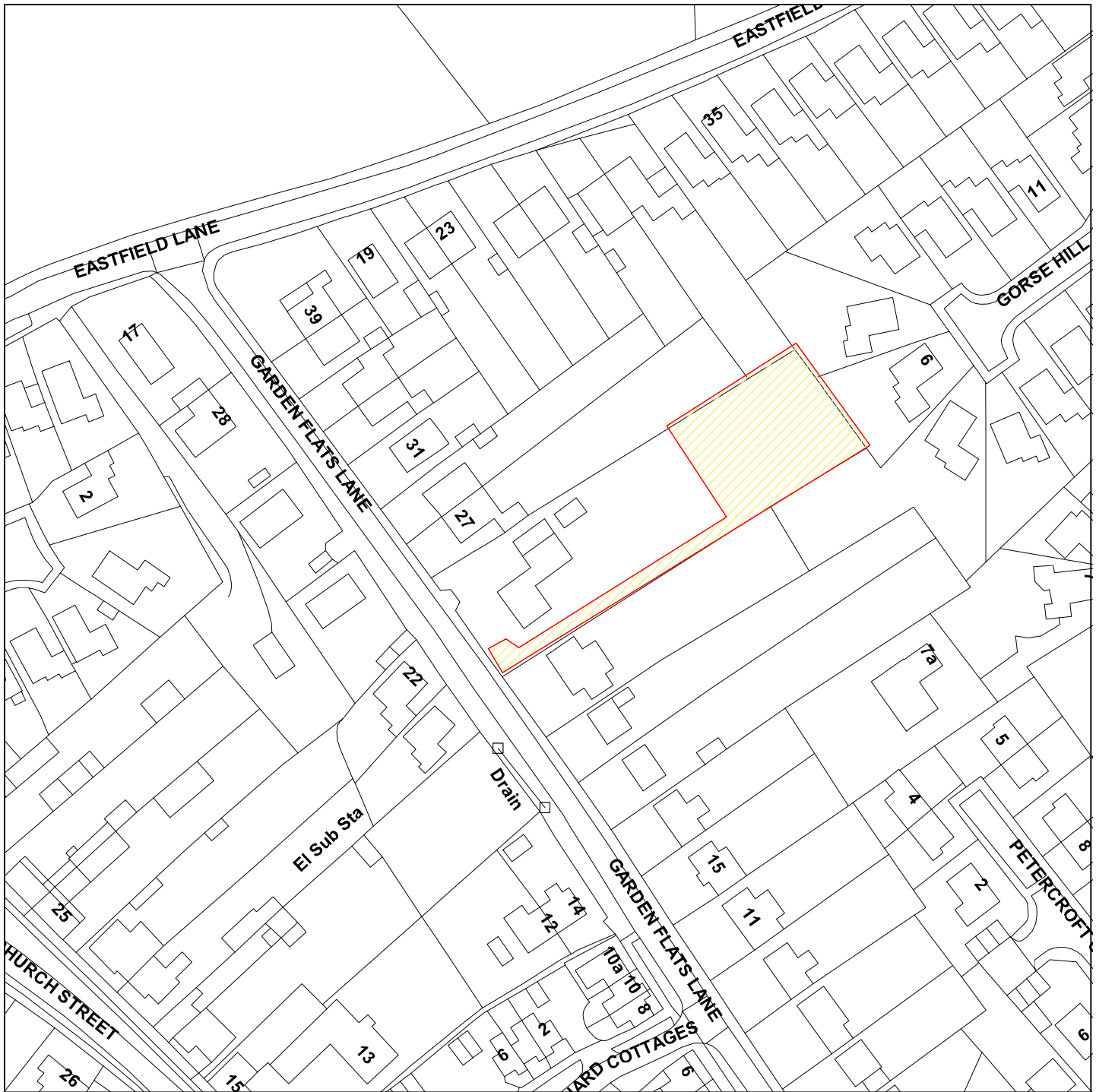
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# 13/00923/FULM

## 25 Garden Flats Lane



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	24 February 2014
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 6 March 2014                      **Ward:** Guildhall  
**Team:** Major and                      **Parish:** Guildhall Planning Panel  
                    Commercial Team

**Reference:** 13/03338/FUL  
**Application at:** Monk Bar Garage Lord Mayors Walk York YO31 7HB  
**For:** Erection of 2no. dwellings and garage block with 1no.  
                    residential flat following demolition of existing buildings  
**By:** Mr and Mrs Plowman  
**Application Type:** Full Application  
**Target Date:** 17 December 2013  
**Recommendation:** Approve

**1.0 PROPOSAL****Application site**

1.1 The site accommodates a group of single storey garages that are vacant. The garages sit towards the rear of the site, abutting the bank to the grade 1 listed City Walls. The site is within the Central Historic Core Conservation Area and the city centre as defined in the 2005 Development Control Local Plan (DCLP). It is at the end of a C19 terrace of commercial units to the east. The land to the west is landscaped and forms the bank/ditch to the City Walls.

**Proposals**

1.2 Planning permission is sought for a group of 3 dwellings.

1.3 One building would be a two-storey block which would accommodate one unit and storage for bikes and cars(x2); this would sit in the southeast corner of the site. The other two units would be within a building which would be adjacent to the street, they would be predominantly single story/part two storey. There would be areas of flat roof where there would be a rooftop garden, set behind the parapet wall. The houses would be of brick construction. The rectangular two-storey unit would have a slate roof, whilst the main building where 2-storey would have a curved roof, clad in slate coloured zinc.

1.4 The application has been called to committee by Councillor B Watson, to assess the impact on the historic setting.

## 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

Scheduled Ancient Monuments: SMR 13280 York Minster Precinct Inc. Section of City Walls

### 2.2 Policies:

CYGP1	Design
CYH1	Housing allocations
CYHE2	Development in historic locations
CYHE3	Conservation Areas
CYHE10	Archaeology
CYL1C	Provision of New Open Space in Development
CYGP4B	Air Quality

## 3.0 CONSULTATIONS

### INTERNAL

### Design, Conservation and Sustainable Development

3.1 The scheme has officer support. The existing buildings and hard-standing detract from important views and the setting of York's defining cultural assets - the city walls with the Minster beyond. The proposed new buildings (units 1 & 2) respond to this sensitive context by providing a transition between the blank gable of the existing C19th buildings and the landscape bank and ditch. The greater part of the development would move away from the city walls to respect the high significance of these important heritage assets and to enable their immediate setting to be greened. Proposals would improve the quality of the foreground to these assets, enhancing their setting and views (of the listed buildings) and thereby better revealing their significance.

3.2 Considering massing, materials, character and landscape, the proposals would have greater merit than the existing poor quality buildings and spaces of this neglected site. The street-scene would be enhanced as would the character and appearance of the conservation area in this location.



## **Environmental Protection Unit**

### Air quality

3.4 The application site is within City of York Council's AQMA and Gillygate/Lord Mayors Walk form one of the areas of 'technical breach', where exceedences of the annual mean nitrogen dioxide objective have been observed in recent years. As such it is recommended that living and bedroom windows facing the road are non-opening. The rooms would have mechanical ventilation, drawing clean air, from away from the road. This can be secured via a planning condition.

3.5 The plans indicate garage space for 2 cars to the rear of the development. In line with the NPPF and City of York Council's adopted Low Emission Strategy it is recommended that parking provision on-site should include facilities for recharging electric vehicles.

### Noise

3.6 It is possible to condition the internal noise aspect of the development, so noise levels meet World Health Organisation standards. However, Officers' opinion is that noise predominantly from road traffic along Lord Mayor's Walk will cause serious annoyance to those trying to enjoy the proposed roof gardens. Where a development has a garden it is reasonable to expect that within this space that the occupiers are not subjected to serious annoyance from noise. Therefore the Environmental Protection Unit can not support this application as the proposed development will provide sub-standard accommodation.

### Land contamination

3.7 The site has previously been used as a garage mechanics and properties within 50m have been used for various activities, including a Leather Goods Manufacturer, a Printers, a Blacksmiths and an Iron/Tin Workers. These past activities may have given rise to land contamination. It is asked that soil sampling is undertaken to ascertain whether the land is contaminated and whether remediation is necessary. This process can be dealt with through a planning condition.

## **Highway Network Management**

3.8 Officers note that the existing hard-standing to the rear of 1-15 Lord Mayors Walk is currently adopted highway. There is no objection to extinguishing part of the highway which is required to enable the proposed development. The parking spaces in the area could still be accessed.

3.9 Officers asked for there to be two spaces and secure cycle parking in the garage, rather 3 car parking spaces. This has been addressed in the revised plans.

3.10 The res-park area is under stress and officers advise that future occupants of the proposed houses should not be eligible for permits.

## **Flood Risk Management**

3.11 No objection. Ask for a condition to agree the site specific drainage details.

## **Public Realm officers**

3.12 Ask for commuted sums to be made for amenity open space and play space which would be used to improve a local site such as Clarence Gardens, St Maurice's churchyard or Wigginton Road allotments and sports pitches - to improve a facility within the North or East Zone of the Sport and Active Leisure Strategy.

## **EXTERNAL**

## **Conservation Areas Advisory Panel**

3.13 The panel expressed a general preference that the site should not be developed. However, there was agreement that where this prominent site is to be developed it must demonstrate control in responding to context. The panel suggested that the proposal had significant potential. However, its success requires a rigorous resolution of the details picking up the rhythm of the adjacent terrace. The brick / window and eaves details are all critical and level of information originally submitted did not evidence sufficient control of these important details.

## **English Heritage**

3.14 English Heritage's initial advice was that further information was required with regards windows on the front elevation, relationship with the ditch and bank of the City Walls, and clarity on the roof design and oriel window.

3.15 The revised details submitted address initial concerns. English Heritage considers the scheme meets policy requirements for new development in historic locations and support the proposals. It is noted that Scheduled Monument Consent would be required for the demolition of the buildings which abut the bank of the walls.

## **York Civic Trust**

3.16 Consider that the present height and footprint of buildings on-site should not be exceeded. As recommended by the English Heritage topic paper on future development affecting the City Walls. The application constitutes an over-development of the site and because of its height and massing, would have a detrimental impact on the setting of the City Walls.

## **Publicity and Neighbour Notification**

3.17 One comment in support of the application has been made. Residential development in the city is welcomed. The application site is currently in a state of neglect, the proposed development would significantly improve the outlook both from the walls, and from the street. The design looks interesting and the proposed development includes a lot of garden and roof garden which will bring a lot of greenery into the site. It's good to see proposals for residential accommodation in the city.

## **4.0 APPRAISAL**

### **4.1 Key issues**

- Principle of residential development of the site
- Impact on the setting and designated heritage assets
- Amenity of neighbours and future occupants of the proposed dwellings
- Open space requirements
- Highway network management

### **Principle of residential development of the site**

4.2 Residential development of the site would be compliant with both national and local planning policy. The proposals would comply with the National Planning Policy Framework (NPPF) which seeks to boost significantly housing supply and advises there should be a presumption in favour of sustainable development. It specifically encourages the re-use of previously developed land (paragraph 111). In the 2005 Local Plan the site is allocated for housing. The site is classed as previously developed land in planning terms and is sustainably located within the urban area. As such the site is one where local policies also seek to steer new development.

4.3 The development would help meet an identified housing need, which is recommended in the NPPF. Houses are proposed, rather than flats, and the units would be 2 and 3 bed. The dwellings would be the type identified as being most in demand in the latest York strategic housing market assessment.

### **Impact on the setting and designated heritage assets**

4.4 The site is within the Central Historic Core Conservation Area, it is next to the grade 1 listed City Walls. The Town and Country Planning Act regulations advise that in determining planning applications the Local Planning Authority should have special regard to the desirability of preserving any listed building and its setting, any features of special architectural or historic interest. It must also pay special attention to the desirability of preserving or enhancing the character and appearance of any

conservation area. According to the NPPF, there may only be harm to the character and appearance area where there is adequate justification.

4.5 CABE and English Heritage publication: Building in Context considers a successful approach will:

- Relate well to the geography and history of the place and the lie of the land
- Sit happily in the pattern of existing development and routes through and around it
- Respect important views
- Respect the scale of neighbouring buildings
- Use materials and building methods which are as high in quality as those used in existing buildings
- Create new views and juxtapositions which add to the variety and texture of the setting.

4.6 Local Plan policy GP1: Design and HE2: Development in Historic Locations require that development proposals respect or enhance the local environment; giving due consideration to materials, layout, scale, mass and design.

4.7 Design parameters for re-development of the site have been set out in the Central Historic Core Conservation Area Appraisal (Monkgate Character Area) and by English Heritage in their position paper on the walls 2011.

- The Central Historic Core conservation area appraisal suggests that development on-site is limited to single storey building of high quality to maintain the dominance of the walls and allow views over them towards the Minster.
- The English Heritage paper identifies alternative approaches; either to remove the buildings and reinstate the ditch and rampart (continuing the clearance of previous years); or to build on the existing footprint to a height below the top of the city walls.

4.8 The scheme would broadly comply with policy with regards design and has officer support in this respect. The proposals will meet policy requirements on development in conservation areas as the development would enhance the setting.

4.9 The design is contemporary and proposes high quality materials (including York hand-made bricks and slim metal framed windows). The materials, layout and massing are considered, so the development would respect the historic environment and setting of the grade 1 listed City Walls. The proposals have been revised since the original submission, adding clarity to the design and large scale drawings. The design has developed with guidance from officers and English Heritage, who are in support of the scheme also.

4.10 The layout and massing is considered to produce a scheme which would retain views through the site, of both the City Walls and Monk Bar. The two storey building would be on the footprint of the garage building it would replace. It would be some 800mm taller in maximum height, but the pitched roof form would move the massing away from the bank of the walls, making the walls more prominent.

Apart from the two living rooms the second building would be single storey. The building would only be 6m wide at first floor level. Distant views through the site, towards Monk Bar would be provided and the setting would be enhanced by moving the buildings away from the City Walls and its bank.

4.11 The development would be successful in maintaining the character of the street. The gradual step down to single storey means the massing does not appear out of place along the street, but sits comfortably with the terrace. Although this approach conflicts with recommendations in the CYC conservation area appraisal (for single storey development only) it results in a balanced scheme, which meets the English Heritage recommendation for new buildings to be lower in height than the walls. Officers are content that in this respect the dominance of the City Walls is reasonably maintained.

4.12 The building is almost forced to turn its back onto the street due to noise and poor air quality, but the variation in building line and the deeply recessed narrow windows will provide some interest, along with the oriel and clerestory windows at first floor level.

4.13 A significant amount of garden would be introduced, at ground level and on the flat roof. This would be an improvement to the setting, which would be apparent from public views, in particular from the walls.

4.14 Slate cannot be used on the street frontage building due to the required roof form. The metal roof proposed would be a similar colour to slate, and would add interest due to the domestic scale in which it would be set out. Otherwise the materials proposed would be a high quality and would respect the setting - slate and handmade brick.

#### Archaeology

4.15 The site is within the City Centre of Archaeological Importance. Conditions will be required to ensure that the development accords with Local Plan policy HE: 10 Archaeology. It will be required that a watching brief on groundworks be undertaken and that the foundation design does not damage over 5% of archaeology. All works affecting the City Walls require Scheduled Monument Consent from English Heritage, which includes the impact on archaeology.

#### **Amenity for future occupants**

4.16 The NPPF requires that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

4.17 Three houses are proposed. There is parking for 2 cars and covered secure cycle storage for each dwelling.

Car parking standards in the Local Plan are maximums and given the sustainable location there is no policy objection to not having a space per unit. Alternatively it is deemed to be of more importance to promote sustainable modes of travel.

Requiring the cycle provision and charging points for electric vehicles would achieve such.

### Noise

4.18 The NPPF advises that planning decisions should aim to avoid noise from giving rise to significant adverse effects, giving due consideration to national standards. A noise report has been provided which demonstrates that noise levels within the building can meet national (World Health Organisation) standards and this can be secured through a condition.

4.19 Environmental Protection Unit have concerns that there would be undue disturbance in the rooftop garden and therefore this should be omitted or the scheme should be refused on amenity grounds. There are considerable benefits from the design that has a flat roof with garden. This keeps the building low, thus provides views of the City Walls, the garden will be an attractive feature viewed both from the walls and the proposed dwellings, and would add biodiversity and ecological value. All are positive to the conservation area setting and it would be unlikely such a high quality scheme would be delivered at this site for an alternative use. The future occupants would have a choice as to whether they actually sat out in the garden. The proposed garden is an integral aspect of the scheme and its benefits are deemed to outweigh the noise issue raised by the Environmental Protection Unit.

### Air Quality

4.20 Lord Mayors Walk is within the Air Quality Management Area. The NPPF advises that any new development in Air Quality Management Area's should be consistent with the local air quality plan. Local Plan policy GP4b requires that adequate mitigation will be required to limit public exposure to air pollutants.

4.21 The mitigation proposed in this case is that the development is orientated so living rooms do not face onto the road. There are bedroom windows on the road facing elevation. A condition can require that the windows serving these do not open and air of reasonable quality is provided mechanically.

### **Amenity of surrounding occupants**

4.22 There is a retail premises next door to the proposed development with a single storey storage building to the rear. The upper floor window would be somewhat overlooked, indirectly from proposed upper floor windows and potentially from the roof terrace. As the upper floors on the existing building are currently only used as storage/ancillary offices the level of overlooking is not objected to.

### **Open space requirements**

4.23 In accordance with Local Planning policy L1c a contribution towards open space would be required. The contribution would be £5,180.

### **Highway network management**

4.24 The National Planning Policy Framework advises that developments should:

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

4.25 Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

4.26 The proposals would meet the NPPF requirements; an electric vehicle charging point can be secured through a planning condition, as can secure cycle storage. The applicant will need to arrange to have part of the highway extinguished, to accommodate the development. This would be secured under a separate process to the planning application and is not material to the planning decision.

## **5.0 CONCLUSION**

5.1 The site is designated for housing in the Local Plan, the proposed houses are of the type identified as being in most need in the city and will regenerate a vacant site which detracts from the conservation area. The scheme is compliant with the NPPF and Local Plan objectives with regards housing in this respect. The scheme is well considered and proposes high quality materials, the conservation area would be enhanced and there would be no undue effect with regards amenity and highway safety.

5.2 The site is owned by the City Council; financial contributions required towards open space provision (£5,180) and for Traffic Regulation Orders (£3,000) would be secured by Property Services at the time of sale and distributed accordingly.

## 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: - Drawings 1700 -  
Floor plans 01A, 02A, 03A  
Elevations 6A, 7A, 9A, 10A, 12A  
Sections / Large scale details 05A, 06A, 14, 15, 16, 17, 18, 19, 20, 21  
Landscaping scheme 1707-01

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 materials used shall be as annotated on the approved drawings. Samples of the external materials to be used shall be approved in writing by the Local Planning Authority prior to the commencement of construction of the pertinent building. The development shall be carried out using the approved materials (samples to be provided on site for inspection).

Sample panels of the brickwork to be used on the buildings 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 construction of the pertinent building. 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 their sensitive location.

4 Large scale details and/or specifications as appropriate of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction and the works shall be carried out in accordance with the approved details.

- a) typical details of the framed external glazed and solid panels
- b) typical example of each window type (shown in the context of the reveal)
- c) windows which extend upwards to form the balustrade
- d) the oriel window
- e) external doors (shown in the context of the reveal)
- f) garage doors



- g) details of the setting out of the panels of the roof
- h) any vents, grills, or other protrusions through the walls or roofs

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

5 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority.

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

Details to include:

- a) Peak surface water run-off from the proposed development, restricted to a maximum 7.5 lit/sec.
- b) Site specific details of the flow control device manhole limiting the surface water to the 7.5 lit/sec.
- c) Storage volume calculations, using computer modelling must be provided, and must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. The full range of modelling shall be provided.
- d) Site specific details of the storage facility to accommodate the 1:30 year storm and details of how and where the volume above the 1:30 year storm and up to the 1:100 year storm will be stored.
- e) Proposed ground and finished floor levels to Ordnance Datum shown on plans. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.
- f) Consent shall be sought from Yorkshire Water to connect additional foul and surface water into their sewers and their easement requirements.

Reason: To reduce flood risk, in accordance with Local Plan Policy GP15: Development and Flood Risk and paragraph 103 of the National Planning Policy Framework.

6 Unless otherwise agreed in writing by the Local Planning Authority, all windows to habitable living spaces (bedrooms and living spaces) facing Lord Mayors Walk, shall be non-opening. Mechanical ventilation shall be provided to

draw clean air from the rear of the building away from the roadside.

Prior to occupation of the development a maintenance schedule for the ventilation systems and clarification of the responsibility for running costs and maintenance works shall be approved by the Local Planning Authority and the development shall be carried out accordingly.

Reason: In accordance with Local Planning Policy GP4, to protect the health of future occupants as the site is within a designated air quality area.

7 The building envelope shall be constructed so as to achieve internal noise levels of 30 dB LAeq, 1hour and 45 dB LAMax between 23:00 and 07:00 in bedrooms and 35 dB LAeq, 1hour between 07:00 and 23:00 in all other habitable rooms. These noise levels are with windows shut and other means of ventilation provided. The detailed scheme shall be approved in writing by the local planning authority and fully implemented before the use hereby approved is occupied.

Reason: To protect the amenity of future occupants from noise

8 Prior to first occupation of the development hereby approved at least one electric vehicle charging point shall be provided within the garage.

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

INFORMATIVE: Electric Vehicle Recharging Point means a free-standing waterproof recharging unit capable of charging two electric vehicles simultaneously with the capacity to charge at both 3kw (13A) and 7kw (32A) that has sufficient enabling cabling to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point.

For further information on how to comply with this condition please contact City of York Council's Low Emission Officer Derek McCreadie.

9 The area shown as cycle storage on drawing 01A (proposed ground floor plan) shall be provided prior to first occupation of the development and retained for such use at all times, unless otherwise agreed in writing by the Local Planning Authority.

The cycle parking shall be secure which means the provision of a lockable store for each unit, alternatively provision of a secure means of locking cycles within the space annotated on the plan.

Reason: To promote 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.

10 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 A, B, C, D and E of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: Due to the potential impact on heritage assets 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.

11 The development shall not be occupied until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme (hard and soft measures) which shall illustrate the number, species, height and position of trees and shrubs to be planted. 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 visual amenity and the appearance of the conservation area given the proximity of the site to the Grade 1 listed City Walls.

12 Details of any external lighting (type and location) shall be approved by the Local Planning Authority prior to their installation and installed in accordance with the agreed details.

Reason: To consider the impact of lighting on the conservation area setting and ecology, in accordance with paragraphs 109 and 126 of the NPPF.

13 ARCH1 Archaeological programme required

14 ARCH3 Foundation design required

15 Prior to the commencement of any works on the site, a detailed method statement identifying the programming 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 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.

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

16 HWAY 40 Dilapidation survey

## **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 involving English Heritage, provided design advice and sought revisions in order to make the scheme acceptable and through the use of planning conditions.

### **2. INFORMATIVE - Control of Pollution Act 1974**

#### **Contact details:**

**Author:** Jonathan Kenyon Development Management Officer

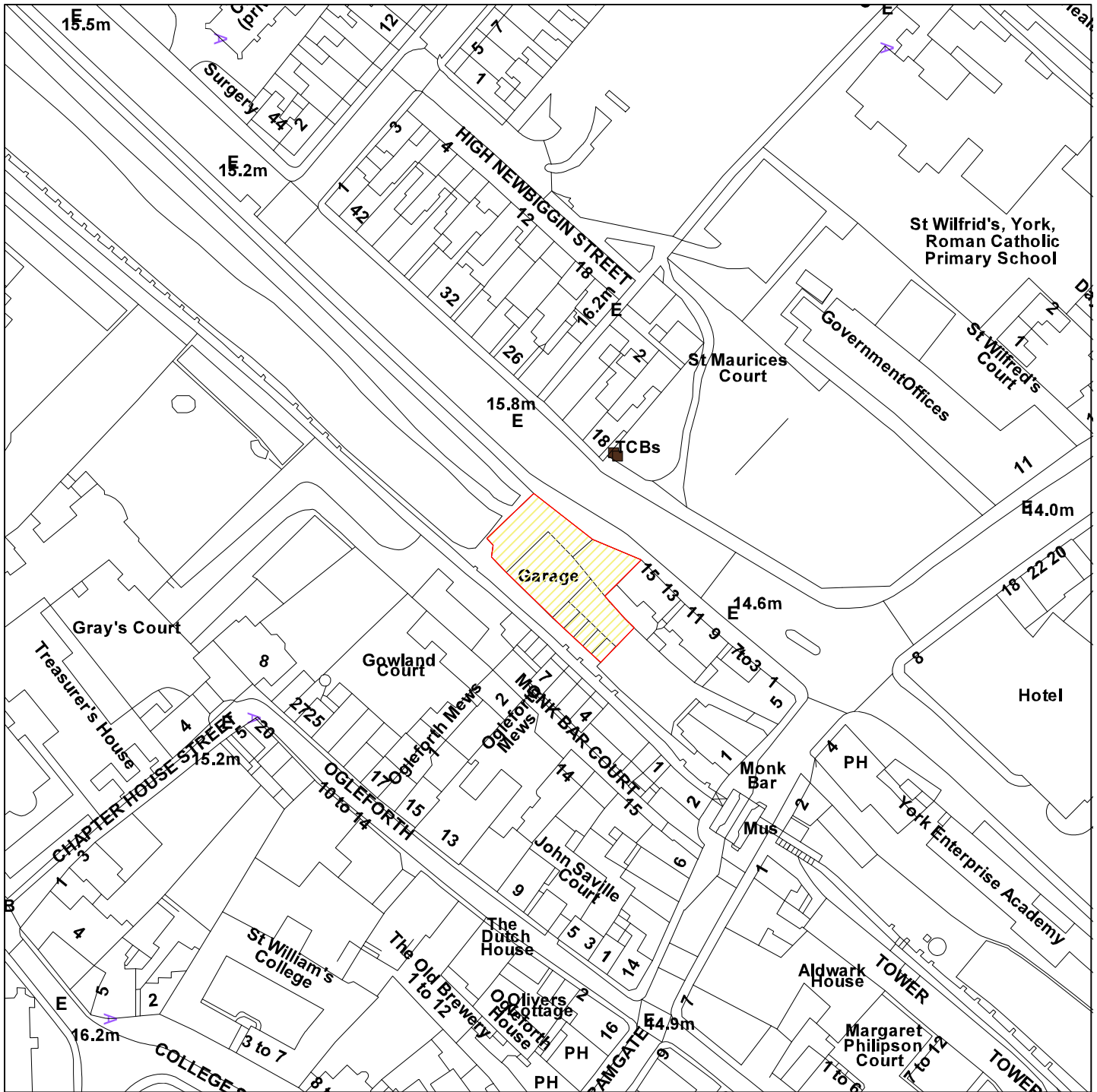
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13/03338/FUL

Monk Bar Garage



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	25 February 2014
SLA Number	Not Set

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**COMMITTEE REPORT**

**Date:** 6 March 2014                      **Ward:** Strensall  
**Team:** Major and                      **Parish:** Strensall With Towthorpe  
Commercial Team                      Parish Council

**Reference:** 14/00096/FUL  
**Application at:** Country Park Pottery Lane Strensall York YO32 5TJ  
**For:** Change of use of part of caravan site to display and sell  
caravans  
**By:** Miss Raquel Nelson  
**Application Type:** Full Application  
**Target Date:** 14 March 2014  
**Recommendation:** Refuse

**1.0 PROPOSAL**

1.1 Country Park Pottery Lane Strensall comprises a 40 pitch touring caravan site in the process of development lying within the Green Belt to the north west of Strensall village. Planning permission is presently sought for the change of use of an area of up to 6 pitches directly to the north of the existing amenity/site office block for the retail sale of touring caravans on an appointment only basis.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001  
DC Area Teams East Area (2) 0005

2.2 Policies:

CYGB1      Development within the Green Belt  
CYV5      Caravan and camping sites

**3.0 CONSULTATIONS**

3.1 Strensall with Towthorpe Parish Council object to the proposal on the grounds that:-

- the proposal would lead to access to the site being maintained throughout the year even during the period when the previous planning permission indicates that it should not be operational;
- the proposal would not be appropriate development within the Green Belt; and

- the types of caravan to be sold from the site remain unspecified with static caravans being significantly more visually harmful to the open character of the Green Belt than touring caravans.

3.2 One letter of objection has been received in respect of the proposal expressing concern in relation to:

- the impact of the proposal upon the open character of the Green Belt;
- the appropriateness of introducing a retail use of this nature within the Green Belt;
- the lack of clarity in terms of the types of caravan to be sold ;
- the maintenance of access to the site throughout the year when a previous permission had restricted the site to a seasonal pattern of usage ;
- the visual impact of the lighting that has been erected along the site access road.

## **4.0 APPRAISAL**

### **4.1 KEY CONSIDERATIONS INCLUDE**

- Impact upon the open character and purposes of designation of the Green Belt;
- Sustainability of the proposal.

### **STATUS OF THE YORK DEVELOPMENT CONTROL 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 GREEN BELT**

4.3 Central Government Planning Policy in respect of planning in Green Belt areas as outlined in paragraph 89 of the National Planning Policy Framework identifies new built development within the Green Belt as inappropriate and therefore automatically harmful unless it comes within one of a number of specific categories including the provision of appropriate facilities for outdoor recreation as long as the openness of the Green Belt is preserved and there is no conflict with Green Belt purposes.



4.4 Policy GB1 of the York Development Control Local Plan sets out a clear policy presumption that planning permission will only be forthcoming in the Green Belt where the scale, location and design of such development would not detract from the open character of the Green Belt, conflict with the purposes of including land within the Green Belt and be for one of a number of purposes deemed to be appropriate including essential facilities for outdoor sport and recreation.

4.5 The application site comprises a 40 pitch touring caravan site, the planning permission for which has yet to be fully implemented. The current application has been justified by the applicant on the basis that the sale of up to six caravans on an appointment basis throughout the year would be ancillary to the primary caravan site use. However the proposal would result in the layout of additional pitches at the more visually sensitive northern end of the site. The operational permission in respect of the site as a whole, seeks that the site be closed between November and March in order to safeguard the openness of the Green Belt, as this is the period when the surrounding landscaping gives the lowest level of protection. A landscape supporting statement has been submitted with the proposal, however this relates instead to the current planning permission for the operation of the caravan site instead (ref:- 12/03270/FUL). By the introduction of an outdoor retail use the proposal would be inappropriate development within the Green Belt. In order to overcome the usual presumption against inappropriate development within the Green Belt a case for "very special circumstances" should be advanced. It has not been in this case. The proposal is not therefore felt to be appropriate in terms of either the requirements of paragraph 89 of the National Planning Policy Framework or Policy GB1 of the Development Control Local Plan.

4.6 During the peak period of operation of the caravan site during the summer months the additional impact of the retail use would be more modest, however for much of the year it is likely to be a significant element of the operation of the site and during the winter months the primary operation taking place. The layout of the site has become dense and heavily engineered in appearance with a network of formalised pitches with concrete or gravel bases, service roads and associated service connections. The proposed activity would only result in further harm to the open character of the Green Belt. A year round use that would by its nature involve a significant amount of comings and goings would also require enhanced lighting which of itself would be harmful to the open character of the Green Belt.

#### SUSTAINABILITY OF THE PROPOSAL:-

4.7 The site lies a significant distance to the north west of Strensall village and is accessed via comparatively narrow and windy roads. Customers of the site will approach by car creating disturbance to adjoining properties. At the same time it is unclear to what extent caravans will be delivered and removed by commercial vehicles with associated impacts.

No indication has been given as to how the caravans to be sold would be repaired and maintained at the site with further implications for the sustainability of the proposal.

## **5.0 CONCLUSION**

5.1 The Country Park , Pottery Lane, Strensall comprises a 40 pitch touring caravan site presently in the process of development lying within the Green Belt to the north west of Strensall village. Planning permission is sought for the sale of up to 6 caravans on an area directly to the north of the amenity/office block on the basis of a level of retail sales being ancillary to the approved caravan site use. The caravan site use has not however been implemented.

5.2 The proposed sales area would result in the creation of additional pitches to service it and would constitute inappropriate development within the Green Belt. No case for "very special circumstances" has been advanced in justification. The proposed sales use would be active throughout the year including through the November to March period when the site would otherwise be closed and when the level of protection afforded by the surrounding landscaping would be at its lowest. Significant and visually harmful levels of site lighting would also be required to facilitate such a winter time use. Impact upon the openness of the Green Belt arising from the proposal would therefore be both significant and harmful.

5.3 The application is at the same time unclear as to levels of potential retail customers who would visit the site and how the caravans to be sold would be delivered. As a direct function of the nature of the proposal and its potential clientele virtually all journeys to the site will be by car and along roads that are not necessarily ideal. It can be clearly argued that like a car or commercial vehicle dealership the proposal would be more appropriately located in sustainability terms within the urban area. It is felt therefore that the proposal is not acceptable in planning terms and it is recommended that planning permission be with held.

## **6.0 RECOMMENDATION: Refuse**

1 The proposal by virtue of extending the developed area of the site and by introducing an element of outdoor retail use throughout the calendar year would materially harm the open character of the Green Belt and the purposes of including land within it by introducing a land use more appropriately located within the urban area contrary to Policy GB1 of the York Development Control Local Plan and paragraph 89 of the National Planning Policy Framework.

## **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 an attempt to achieve a positive outcome:

It was suggested that the application be withdrawn pending a detailed justification to be brought forward for the proposal.

However, the applicant was unwilling to withdraw the application, resulting in planning permission being refused for the reasons stated.

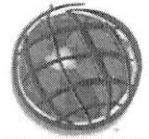
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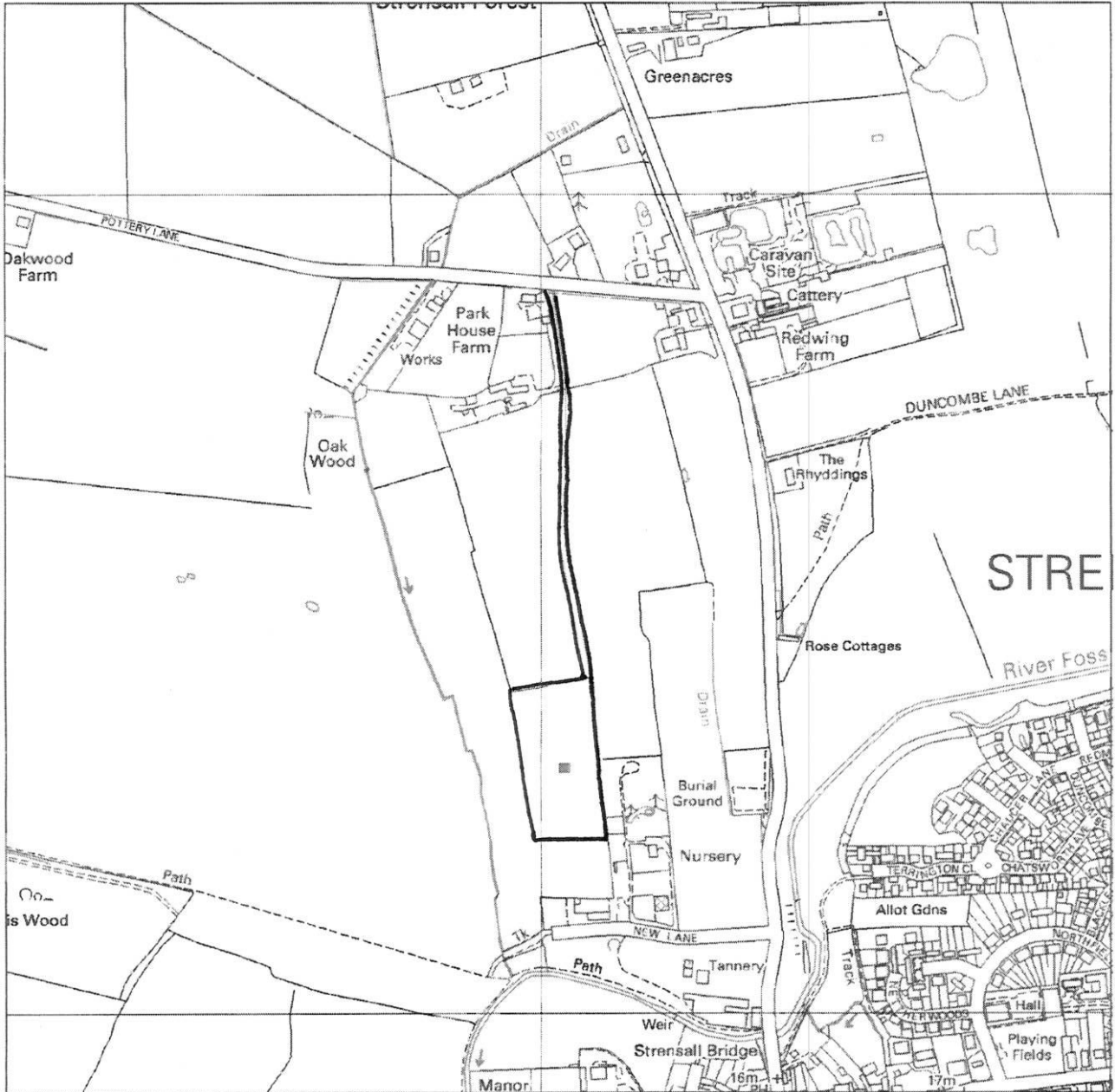
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14/00096/FUL



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	24 May 2013
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 6 March 2014                      **Ward:** Dringhouses And  
Woodthorpe

**Team:** Major and                      **Parish:** Dringhouses/Woodthorpe  
Commercial Team                      Planning Panel

**Reference:** 14/00285/FUL

**Application at:** 312 Tadcaster Road York YO24 1HF

**For:** Change of use from office to private day nursery (use class  
D1) (resubmission)

**By:** Mrs Vanessa Warn

**Application Type:** Full Application

**Target Date:** 4 April 2014

**Recommendation:** Refuse

**1.0 PROPOSAL**

1.1 The application seeks permission for the change of use of existing office accommodation (Class A2 Financial and Professional Services) to a children's day care nursery (Class D1 Non Residential Institutions) at 312 Tadcaster Road.

1.2 A previous application was submitted in November 2013 but was subsequently withdrawn in order for additional supporting information to be submitted.

1.3 The application has been called in by Cllr Reid in order for Members to assess the merits of the scheme.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation: Conservation Area Tadcaster Road

2.2 Policies:

CYGP1      Design  
CYC7      Criteria for children's nurseries

**3.0 CONSULTATIONS**

INTERNAL

Environmental Protection Unit

3.1 There would be no noise disturbance as a result of internal noise generated from the building. However, concerns are raised in connection with the potential noise disturbance which could be generated as a result of children playing outside.

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Of particular concern is the amenity of the residents of 314 Tadcaster Road and St Helens Rehabilitation Unit which is located to the rear off Nelsons Court. As a result it is suggested that a condition is attached to any approval limiting the number of children outside to a maximum of 30. If the applicant is not willing to accept this condition the application should be refused.

### Sustainable Transport Services

3.2 The travel plan submitted is inadequate, detailing the current travel options to and from the premises, including the current trends by way of modal split. It should contain measures encouraging more sustainable travel which would include for example options for walking cycling and public transport. There are no targets to indicate intentions to reduce car use and increase active travel modes. There are no suggested initiatives as to how sustainable travel is to be encouraged. The current proposal could not be endorsed as a comprehensive travel plan for the purpose of securing a planning consent.

### Highway Network Management

3.3 Object on the grounds that the proposal has inadequate staff parking facilities on site which will lead to pressure for on street parking within the vicinity. A maximum of 23 staff spaces should be provided where as only one is proposed. The car park layout provides space for 2 visitors however; the layout is inadequate with a number of spaces not meeting Council requirements in terms of space to the rear. This will lead to drivers being forced to reverse out of the site onto Tadcaster Road or the neighbouring properties driveway at a point where there is high pedestrian and cycle activity. These vehicles will also conflict with pedestrians/cyclists accessing the nursery to drop children off.

### Family Information Services

3.4 The immediate and surrounding areas to this development have been identified as a pressure point for current and future childcare demand. Some additional capacity would be beneficial and give greater choice to families.

## EXTERNAL

### Dringhouses and Woodthorpe Planning Panel

3.5 No objections

### Publicity and Neighbour Notification

3.6 At the time of writing the report one letter of objection on behalf of the residents of 310 Tadcaster Road has been received raising the following points:

- 312 Tadcaster Road has a single driveway entrance wide enough for only one
- Will result in significant congestion at the road side and entrance when multiple vehicles arrive to drop off children or to collect them
- Parents may park in the private car park of 310 Tadcaster Road



- The turning circle does not provide any benefit to the parents and will result in cars that enter the site having to reverse onto Tadcaster Road or into the drive of 310 Tadcaster road to allow it to pass
- Cars will have to stop on Tadcaster Road right where the bus stop is
- Safety risk to children attending the site by foot or cycle due to the high number of vehicle movements

## **4.0 APPRAISAL**

### **4.1 Key Issues**

- Principle of development
- Noise
- Highway Safety

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. A principle set out in paragraph 17 is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

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.

4.4 Paragraph 32 states that plans and decisions should take account of whether safe and suitable access to the site can be achieved for all people. Paragraph 34 states plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

4.5 The relevant City of York Council Draft Deposit Local Plan Policies are GP1 and C7. 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.

4.6 Policy C7 'Children's Nurseries' states that planning permission will be granted for the development of, or change of use to, a children's nursery provided: adequate internal and external play space is provided; and where development will not adversely affect the amenity of neighbouring properties or the residential character of the area; and the proposed development is well served by footpaths, cycleways and public transport routes. It goes on to state that the number of children can be conditioned where this is considered acceptable. Although the Local Plan has never been formally adopted, it is considered that this policy reflects sound planning principles.

## **SCHEME**

4.7 The application site comprises of a large detached property set back off Tadcaster Road. It was previously occupied by the Yorkshire Tourist Board but has been vacant since April 2013. Conversion works in connection with the proposed use would be minimal including minor internal alterations, two new patio doors, the provision of a new access from the kitchen and the provision of a timber framed canopy to the rear. At present the site provides parking to the front and rear with the whole site being hard surfaced. The scheme seeks permission to landscape the rear area to provide a garden, planting, vegetable patches and shelters for use by the children.

4.8 The maximum capacity would be 110 children creating 25 full time staff and 20 part time staff. The supporting statement states that it is estimated that the site would run at 50% capacity by the end of the initial 12 months. One staff and twelve visitor car parking spaces are proposed which would be served off an access shared with the adjoining flats at 310 Tadcaster Road. Secure cycle parking would be provided for staff and visitor cycle spaces would be provided to the front of the property.

## **PRINCIPLE OF DEVELOPMENT**

4.9 Policy C7 specifically deals with the provision of children's nurseries. The criteria state that the loss of residential accommodation from the housing stock is a cause for concern. The building was previously used as office accommodation and not residential and would continue to provide employment for up to 45 members of staff. The internal and external amenity space to be provided for the children is considered to be acceptable and would provide a secure and pleasant setting for the children. However, the condition specifically relates to the potential for a loss of amenity to neighbouring properties. It is considered that the main cause of loss of amenity is the potential for noise disturbance.

## **NOISE IMPLICATIONS**

4.10 As part of the planning application the applicant supplied a Noise Report. It indicated that the noise level at a neighbours facade would be 40dB resulting from sounds from within the building. According to guidance this figure would fall within the 'Good' criteria and as such no mitigation would be necessary to protect neighbours from noise from within the nursery.

4.11 However, concerns are raised in connection with noise generated from children playing within the garden. Noise levels from an existing nursery at Boston Spa were taken whilst 30 children were playing outside in order to assess the potential noise disturbance. The noise report assumed that the noise being generated would emanate from the middle of the garden area. It is believed that the noise would be significantly worse if the children were closer to the neighbouring properties. The report identified that the noise level, when measured at a distance of 12m from the facade of the residential property at 314 Tadcaster Road, would fall outside the guide on acceptable internal noise levels and above the World Health Organisation level of 35dB. In addition the outdoor amenity space of number 314 Tadcaster Road may be adversely affected with a potential noise level being generated of 60dB. The WHO recommends that noise in excess of 55dB could cause serious annoyance.

4.12 Likewise the noise level when measured at a distance of 8.5m from the rehabilitation unit building to the rear of the site would result in an expected noise level within the hospital which is above the level identified for noise intrusion to hospitals. Therefore the noise may affect the hospital patient's ability to rest and recover. However, it is considered that limiting the number of children allowed to be outside at any time to a maximum of 30 would not result in an unacceptable level of noise. The applicant has stated that they would be willing to accept such a condition were the application to be approved.

## **HIGHWAY IMPLICATIONS**

4.13 The main cause of concern in connection with the application relates to highway implications. The plan indicates the provision of 12 visitor car parking spaces and 1 staff car parking space. Based on the proposed number of staff (25 full time and 20 part time) and children (110) which could be accommodated on site the CYC Annex E maximum car parking standards identify that a maximum number of 23 staff spaces and 12 visitor spaces should be provided.

### Visitor Parking

4.14 The submitted plans indicate 12 visitor car parking spaces and 16 cycle parking spaces. The car park is served via a shared access with 310 Tadcaster Road. A bus stop is located to the front of the site and parking restrictions are present.

4.15 Based upon data taken from the nationally recognised TRICS database a nursery of this size can be anticipated to generate in the region of 120 vehicle movements during the AM/PM peak periods (60 vehicles in/60 vehicles out). The applicant has undertaken a survey of parents who have expressed an interest in sending their children to the nursery. The survey identified that 39% would travel to the site by car. This equates to a maximum of 43 vehicle movements in and out if all the children were dropped off individually or approximately 36 vehicle movements in and out if the cars were dropping off siblings. However, this was a relatively small survey and the numbers could be more in line with those outlined in the TRICS figures.

4.16 Whilst the number of spaces to be provided for visitors meets the Council's maximum standards concerns are raised in connection with the car park layout. A number of the spaces to the front of the property do not provide an adequate distance to the rear to allow for cars to manoeuvre in and out of the spaces. As such it is considered that, even though a turning area has been provided, a number of vehicles may be forced to reverse out of the site either onto Tadcaster Road or into the neighbouring drive of 310 Tadcaster Road. These reversing manoeuvres would result in a conflict with pedestrians and cyclists accessing the site to their detriment of their safety.

4.17 Due to the on site congestion which may result from the inadequate parking layout concerns are raised that illegal parking may arise as a result, either on the highway or grass verge to the front of the site. Parts of the adjacent highway are covered by double yellow lines. The enforcement of illegal parking within these areas would be very difficult to achieve. Limited waiting restrictions, such as double yellow lines, may only be enforced when no activity has been observed at a vehicle for 10 minutes. This would give adequate time for parents to park, drop children off at the nursery and leave before any enforcement action could be taken. Parking to the front would result in a safety hazard to highway users, such as pedestrians and cyclists, and would result in the detriment of the free flow of traffic along Tadcaster Road.

4.18 Parking to the private parking area at 310 Tadcaster Road may also arise if the car park is full or conflicts between vehicles entering and leaving the site arise. This site is privately owned and concerns have been expressed by the occupiers of the property.

#### Staff Parking

4.19 There is a significant shortfall in the provision of on site parking for staff with only a single space being provided. The applicant has submitted a Travel Plan with the application. This states that staff will be encouraged to travel to the site by means other than the private car. The site is well served by bus routes and cycle routes.

The applicant states that the contract of employment for all staff will clearly state that there is no staff parking on site and that they will not be allowed to park on local residential streets. In addition they suggest parking at the Askham Bryan Park and Ride site and the nursery minibus would collect and drop off the staff.

4.20 Whilst the applicant has confirmed how the lack of staff parking would be managed internally officers still have concerns in connection with the lack of on site staff parking and the inadequate Travel Plan. Based on census journey to work data and the implementation of a very strong travel plan a reasonable target to achieve is 50% of staff travelling to work by car. As there are no available public car parks within the vicinity it is considered that these are likely to be displaced onto the adjacent highway. The nearest residential streets available for legitimate parking are 150m away from the site on Nelsons Lane and Ainsty Grove. Both of these streets have a history of parking issues which have been reported to the Traffic team. It is appreciated that the owner is prepared to manage this internally but this could not be conditioned or enforced by the Council were permission to be granted and as such the implication of additional on street parking in an area where the streets have reached saturation point need to be considered.

## **5.0 CONCLUSION**

5.1 It is considered that whilst there appears to be a shortfall of nursery places within the vicinity the lack of staff parking within the site and the poorly designed car parking layout would result in the displacement of cars onto the adjacent highway to the detriment of the free flow of traffic, impact upon residential street and represent a hazard to highway users. Officers recommend refusal.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Refuse**

The proposed development would provide very limited parking on site and combined with the lack of on-street parking in the vicinity will lead to the uncontrolled parking of vehicles on the public highway. Such parking will be to the detriment of the free flow of traffic, will impact upon the service reliability of public transport, including Park & Ride services and will represent a safety hazard to highway users, particularly vulnerable highway users such as cyclists. The application therefore fails to accord with advice contained within NPPF section 32 which states that decisions should take account of whether safe and suitable access to the site can be achieved for all people.

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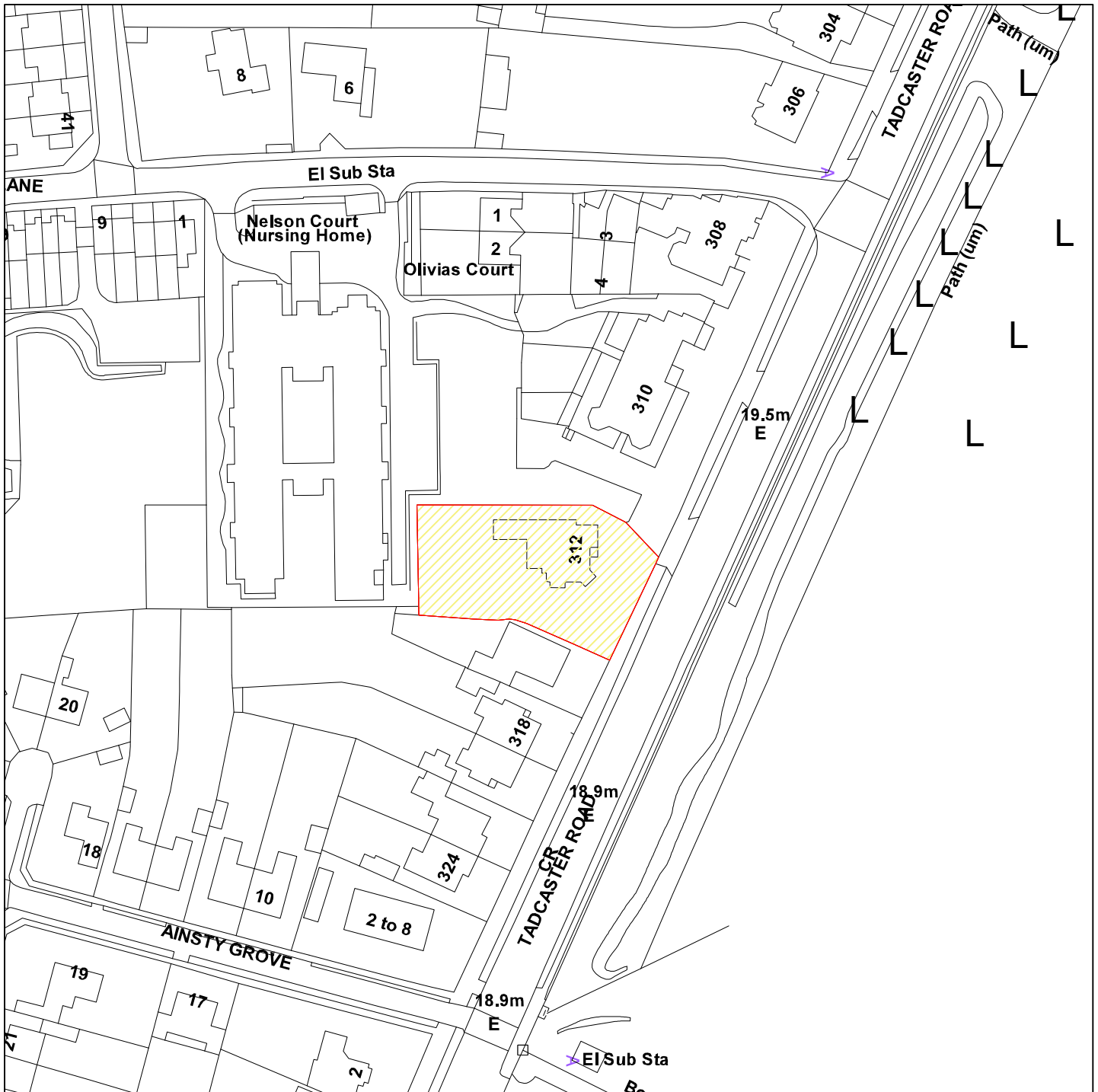
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# 14/00285/FUL

May Gurney Limited



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<b>Date</b>	24 February 2014
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