



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

- To:** Councillors Watson (Chair), Galvin (Vice-Chair), Douglas, Cuthbertson, Hyman, Fitzpatrick, Gunnell, Looker, McIlveen, Merrett and Watt
- Date:** Thursday, 5 March 2015
- Time:** 2.00 pm
- Venue:** The George Hudson Board Room - 1st Floor, West Offices (F045)

**A G E N D A**

**The mini-bus for Members of the Sub-Committee will depart from Memorial Gardens on Wednesday 4 March 2015 at 10.00am**

**1. Declarations of Interest**

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

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

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

**2. Minutes**

(Pages 3 - 14)

To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee held on Thursday 5 February 2015.

**3. Public Participation**

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officers on the contact details listed at the foot of this agenda. The deadline for registering is **Wednesday 4 March 2015 at 5.00pm.**

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

Please note this meeting may be filmed and webcast or audio recorded and that includes any registered public speakers, who have given their permission. The broadcast can be viewed at <http://www.york.gov.uk/webcasts> or, if sound recorded, this will be uploaded onto the Council's website following the meeting.

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

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

To determine the following planning applications:

- a) **550 Huntington Road, York, YO32 9QA** (Pages 15 - 32)  
**(14/02613/FUL)**

Change of use from dwelling (use Class C3) to house of multiple occupation (use Class C4) and single storey extension to rear. [Huntington/New Earswick] **[Site Visit]**

- b) **Former Car Repair Garage, to rear of 70 to 72 Huntington Road, York (14/02713/FUL)** (Pages 33 - 56)

Variation of conditions 2 and 20 and removal of condition 15 of permitted application 13/00349/FUL to amend approved plans to allow previously proposed integral garages to be used as habitable rooms and for the construction of 4 no. garages adjacent to western boundary. [Guildhall Ward]

- c) **Turpin Smithy, 83C Main Street, Fulford, York, YO10 4PN (14/02580/FUL)** (Pages 57 - 70)  
Change of use from coach house to residential dwelling (Use Class C3) with single storey extension. [Fulford Ward] **[Site Visit]**
- d) **Carr Infant School, Ostman Road, York, YO26 5QA (14/02927/FULM)** (Pages 71 - 86)  
Erection of two-storey school building (use class D1) with associated hard surfaced play and circulation areas and demolition of existing school building. [Acomb Ward] **[Site Visit]**
- e) **Land to the South of 26 Pottery Lane, York (14/02959/FUL)** (Pages 87 - 104)  
Erection of 6no. dwellings to include ecology park. [Heworth Ward] **[Site Visit]**
- f) **York St John University Sports Centre, Haxby Road, York, YO31 8TA (14/02836/FULM)** (Pages 105 - 118)  
Construction of sports hall with associated changing, teaching and social facilities following demolition of pavilion. [Huntington/New Earswick Ward] **[Site Visit]**
- g) **Bert Keech Bowling Club, Sycamore Place, York YO30 7DW (13/03727/FUL)** (Pages 119 - 152)  
Erection of 4no. two storey dwellings and 1no. three storey dwelling. [Clifton Ward]
- h) **12 Barley View, Wigginton (14/02173/FUL)** (Pages 153 - 168)  
Erection of detached dwelling to side of 12 Barley View with detached double garage and new vehicular access from Rye. [Haxby and Wigginton Ward]
- i) **26 Earswick Chase, Earswick, York, YO32 9FY (15/00117/FUL)** (Pages 169 - 174)  
Single storey rear extension. [Strensall Ward]

## 5. Urgent Business

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

### Democracy Officers:

Name: Louise Cook/Catherine Clarke (job share)

### Contact Details:

- Telephone – (01904) 551031
- E-mail – [louise.cook@york.gov.uk](mailto:louise.cook@york.gov.uk)  
[/catherine.clarke@york.gov.uk](mailto:catherine.clarke@york.gov.uk) (when emailing please send to both addresses)

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**

**AREA PLANNING SUB COMMITTEE****SITE VISITS****Wednesday 4 March 2015****The mini-bus for Members of the sub-committee will depart  
Memorial Gardens at 10.00am**

<b>TIME</b> <b>(Approx)</b>	<b>SITE</b>	<b>ITEM</b>
10:15	Carr Infant School, Ostman Road	4d
11:00	York St John University Sports Centre, Haxby Road	4f
11:30	550 Huntington Road	4a
12:10	Land to the South of 26 Pottery Lane	4e
12:45	Turpin Smithy, 83C Main Street, Fulford	4c

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City of York Council

Committee Minutes

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Meeting	Area Planning Sub-Committee
Date	5 February 2015
Present	Councillors Watson (Chair), Galvin (Vice-Chair), Cuthbertson, Fitzpatrick, Gunnell, McIlveen, Merrett, Watt, Richardson (as a substitute for Cllr Douglas) and Ayre (as a substitute for Cllr Hyman)
Apologies	Councillors Douglas, Hyman and Looker

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Site	Visited by	Reason for visit
5 The Leyes, Osbalwick	Councillors Galvin, Merrett, Watson and Watt.	As the recommendation was for approval and an objection had been received.
11 Halifax Court	Councillors Galvin, Merrett, Watson and Watt.	As the recommendation was for approval and an objection had been received.
Former Car Repair Garage to rear of 70-72 Huntington Road	Councillors Galvin, Merrett, Watson and Watt.	As the recommendation was for approval and an objection had been received.

#### 40. Declarations of Interest

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

Councillor Fitzpatrick declared a personal interest in agenda item 5a (City of York Council, West Offices, Station Rise) as the council's diversity champion and associate of the Travellers Trust.

#### **41. Exclusion of Press and Public**

Resolved: That the press and public be excluded during the consideration of annexes to agenda Item 7 (Planning Enforcement Cases Update) on the grounds that they are classed as exempt under Paragraphs 1, 2 and 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

#### **42. Minutes**

Resolved: That the minutes of the meeting of the Area Planning Sub Committee held on 8 January 2015 be approved and signed by the Chair as a correct record, subject to the third paragraph of minute 39d (32 Tranby Avenue, Osbaldwick) being amended to read "Some Members felt that if permission was granted, the suggested informative 3 (Damage to Highway and Verge – Highway Regulation) should be amended to make it clear that this included the use and protection of the **grass verge** as well as the public highway itself and this change was agreed. The resolution would be amended to read "That the application be approved subject to the conditions listed in the report and the amendment to Informative 3 as detailed above."

#### **43. Public Participation**

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the Committee.

#### **44. Plans List**

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



**44a) City of York Council, West Offices, Station Rise, York YO1 6GA (14/02320/FUL)**

Members considered a full application from Councillor Mark Warters for the use of the car park and forecourt at West Offices as a traveller site with three caravan pitches and associated bin storage area.

Representations were received from Mr Mike Hammill of Laverack Associates in support of the scheme. He read a statement which stated that the application strongly demonstrated the public's feelings that the local council were often seen to be unnecessarily restrictive and unprogressive in respect of planning applications. He acknowledged that the development could never be built as the applicant did not own the land but that the application had been submitted in order to draw attention to the council's policy of trying to enforce outlying villages to accept traveller sites whilst excluding them from the city centre. He stated that officers had not worked with the applicant to try and find solutions to enable the application to be approved and that if refused, the application would be appealed giving the applicant further publicity.

Councillor Mark Warters, the applicant, addressed the committee. He stated that this application presented the opportunity for the council which had for a number of years advocated extra gypsy caravan sites at Elvington, Nayburn, Rufforth and the withdrawn site at Dunnington and expanded the site at Osbaldwick. He responded to issues raised in the officer's report explaining that West Offices would be the both the amenity block and management building for the site. After speaking, Councillor Warters left the room for the debate and vote on the application, in accordance with paragraph 3.3 of the Planning Code of Good Practice, as he had a prejudicial interest in the application.

Members acknowledged that while there was a need for additional travellers sites in and around York, this was not a suitable location which would provide a unacceptably poor standard of amenity for its occupiers. Members agreed that the proposed grounds for refusal as set out in the agenda papers were valid.

Resolved: That the application be refused.

Reason: The caravan site, due to its location, size and design would provide an unacceptably poor standard of accommodation for the occupiers contrary to paragraphs 4 and 24 of national planning policy guidance in Planning Policy for Traveller Sites 2012. The use as a caravan site would, due to the visual impact of the caravans, horse grazing, bin stores, outside storage and ancillary paraphernalia cause harm to the setting of designated heritage assets for which there is no clear and convincing justification and which is not outweighed by public benefits of the scheme, contrary to paragraphs 132 and 134 of the National Planning Policy Framework 2012 and policies HE2 (Development in Historic Locations) and HE4 (Listed Buildings) of the 2005 City of York Draft Local Plan.

#### **44b) Traffic Island, Station Rise, York (14/02465/FUL)**

Members considered a full application from Councillor Mark Warters for the erection of a statue on the traffic island at Station Rise.

Mr Mike Hammill of Laverack Associates spoke in support of the application. He read out a statement which acknowledged that while the development could never be built, as the applicant did not own the land, it was still a valid planning application. He stated that it raised genuine concerns and was being submitted in response to control by the ruling party over any criticism. He stated that a planning application was the only way for an individual to draw attention to these problems and waste. He advised that York had fewer statues than many other cities and it would provide the opportunity to create a matching pair with the existing George Leeman statue.

Councillor Mark Warters addressed the committee as the applicant. He expressed dismay that the officer's report contained little information on the proposed statue. He asked Members to consider the implications that refusing this application might have on any future applications for statues in the city. After speaking, Councillor Warters left the room for the debate and vote on the application, in accordance with

paragraph 3.3 of the Planning Code of Good Practice, as he had a prejudicial interest in the application.

Some Members raised concerns that if the application was approved and a statue erected, pedestrians could gather round it to view it which could cause a danger to pedestrians and traffic.

Officers advised that the reason for recommending refusal was that the proposed statue would undermine and devalue the existing George Leeman statue and members noted these reasons.

Resolved: That the application be refused.

Reason: The proposed statue would undermine and harm the high communal and artistic significance of C19th and C20th statues, memorials and other heritage assets within the immediate area of the application site which enrich the lives of citizens and visitors to York. In particular, the statue would undermine and harm the setting of the George Leeman statue which has high historic significance, by being too close to it and by copying its C19th artistic style in a less dignified setting. It would harm the settings of the existing heritage assets and therefore fail to preserve the character and appearance of the conservation area as required in legislation, and be contrary to Policies HE2 and GP1 of the City of York Development Control Local Plan and national planning guidance as contained in the National Planning Policy Framework.

#### **44c) 5 The Leyes, Osbaldwick, York, YO10 3PR (14/02515/FUL)**

Members considered a full application (retrospective) from Mr James Featherstone for the change of use from residential (use Class C3) to House of Multiple Occupation (HMO) (use Class C4).

Mr James Featherstone, the applicant, addressed the committee. He explained that he was both the landlord and owner of the property and he would rent the other three bedrooms to working people. He advised that four cars would fit

on the drive therefore there would be no need to park on the road corner. He explained that the property had been operating as an HMO for 6 months, and no problems had been raised by neighbours during this time. He assured members that he had tried to keep the property looking like a family house and would continue to maintain it to high standard.

Councillor Mark Warters, raised concerns with regard to the loss of a family home to the letting market and questioned the accuracy of the HMO database and whether it gave a true picture of the number of HMOs in Osbaldwick taking into account those which had been set up without planning permission.

While Members acknowledged Cllr Warters' concerns about the need to ensure the accurate recording of HMOs in the city, they expressed the view that this was a very good example of an HMO application with the house being kept tidy and well looked after with no additional building work required.

Resolved: That the application be approved subject to the conditions listed in the report.

Reason: The property is within the urban area, well served by local facilities and close to public transport routes. The dwelling is considered to be of a sufficient size, and with an acceptable internal layout, for use as a HMO. The thresholds within the Council's Supplementary Planning Document have not been exceeded and as such the proposal is considered to comply with Policy H8 of the Draft Local Plan.

**44d) 11 Halifax Court, York, YO30 5ZE (14/02333/FUL)**

Members considered a full application from Miss Emma Brownbridge for the erection of a detached dwelling.

Officers advised that in response to the comments of the Council's Landscape Architect, the agent had stated that the proposed house would enjoy an un-shaded garden from morning through until late afternoon in the summer months. The agent had also requested that the application be determined on the basis of the submitted plans disregarding the boundary fence line on site.

Officers stated that if Members were minded to approve the application, it was requested that delegated authority be given to Officers to approve the application with any additional conditions following the receipt of comments from Yorkshire Water. They requested that an additional condition was included to require a tree protection method statement to be submitted for approval in line with the comments of the Landscape Architect.

A registration to speak had been received from Mr Kevin Stones but he was not in attendance at the meeting.

Some Members raised concerns with regard to the amenity of the future residents of the proposed house due to its small size. They questioned whether it was overdevelopment of the plot advising of the need to consider the size of the remaining garden at no 11 for future residents of this property. It was suggested that the development could lead to a loss of sunlight to neighbouring properties at numbers 11, 15 and 17 Halifax Court and that the trees on western boundary could cause problems in future years.

With regard to concerns raised in relation to the development of gardens, Officers confirmed that the National Planning Policy Framework (NPPF) stated that local authorities may wish to put in place a policy restricting the development of residential gardens, and policy GP10 of the Draft Local Plan was in accordance with the NPPF. This allows for sub division of plots where it was not detrimental to the amenity and character of the local environment and was of an appropriate scale and density and would not impact on existing landscape features.

Members noted they were constrained by what the applicant had delineated as the site boundary on the application. Whilst the fence line on the site did not reflect the drawing they acknowledged that they were unable to control this. With regard to access onto Water Lane, they noted that highways did not object to the application subject to conditions and an informative. They acknowledged that the proposals complied with planning policy.

Resolved: That delegated authority be given to officers to approve the application with any additional conditions following the receipt of comments from

Yorkshire Water, and with the addition of a condition to require a tree protection method statement to be submitted for approval in line with the comments of the landscape architect.

Reason: The proposal represents the efficient use of land in a sustainable location at low risk of flooding and for a use that is compatible with the surrounding area. The proposed house would be of traditional design and comparable in its scale to surrounding buildings. Its access and parking arrangements are acceptable in terms of highway safety. Drainage from the site could be satisfactorily addressed. The building would not have a detrimental impact on the visual amenity of the area due to the differing housing styles and informal layout of the street. The site could accommodate the dwelling proposed without causing substantial harm to the amenity of neighbouring residents. The property would be in close proximity to mature trees within a neighbouring property and, whilst the dwelling could be built without harm to the trees, it would have a smaller useable garden and experience significant shade from the trees in the summer months. However, on balance, the proposal is considered to be acceptable in planning terms, subject to conditions.

**45. Former Car Repair Garage, To Rear Of 70 To 72 Huntington Road, York (14/02713/FUL)**

Members considered a full application by Dimmack Brothers Ltd for the variation of conditions 2 and 20 and the removal of condition 15 of permitted application 13/00349/FUL to amend approved plans to allow the previously proposed integral garages to be used as habitable rooms and for the construction of four garages adjacent to the western boundary of the site.

Due to having an interest in the application as he knew an objector, the Development Manager left the room during consideration of this item and the Development Control Officer responsible for this application provided advice to Members regarding this application.

The officer provided an update to the committee. She stated that they had received one additional letter of objection which

raised concerns that the increase in number of buildings could reduce the area of surface water run off and permeability of the ground for rainwater. She referred to a previous email sent to officers in which concerns had been raised about the way the builders had approached the development, that a mock up of the proposed garages had been put up on site and that the builders were acting outside the agreed limits of the permission.

She informed Members that an additional letter had also been received from the Environment Agency advising that the council must satisfy itself that the proposed amendments would not increase flood risk elsewhere. The garages could be designed to allow the free ingress and egress of possible future flood flows so as not to displace them onto others. It should be ensured that resulting surface water run off was not increased and that ground level was not raised above existing levels. A condition was proposed to ensure that this could be achieved through the inclusion of permeable areas to the garage floors.

The Officer also advised that the Flood Risk Management Team had responded to confirm they were satisfied with drainage details submitted and but required a slight amendment to the plan to show that drainage was connected not to the gully outside the site but extended to the surface water sewer network in Dennison Street. An amendment would be required to condition 2 to refer to the correct and updated plans.

Officers provided some information in relation to an issue of relative densities of the application site in relation to the adjacent site which had been raised by a Member at the site visit.

Mr Roger Pierce addressed the committee on behalf of residents of 72 and 74 Huntington Road. He raised concerns about the accuracy of the site plan and reminded Members that the application was retrospective as work had already commenced on site. He expressed the opinion that if granted the proposals would lead to overdevelopment of the site and would lead to a loss of outlook from the living areas for existing residents and loss of residential amenity due to the outlook onto garage roofs.

Mr Chris Nugent, the applicant, addressed the committee and explained that he had submitted the application to ensure that the full potential of the site was realised for both existing and

new residents. He pointed out that the new footprint would still be less than when the site was set out as a car repair workshop. With regard to the mock up on site, he explained that this was not intended to aggravate residents but to show how invisible the changes would be to residents.. He advised that the roofline of the garages had been designed following lengthy consideration so residents would not be able to see the garages. Residents had had the opportunity to comment on the proposed changes and the majority had been in favour of these.

Some members raised concerns that the apex of the garage roofs would be able to be seen by residents using their rear gardens although it was pointed out that the main objector at no 72 would not be able to see the roofs due to considerable tree foliage. Discussion took place as to whether it would be possible to lower the height of the garage roofs by using a different type of tile. The applicant advised that he would be happy to do what was necessary to be able to optimise the site for existing residents and was willing to consider the possibility of lowering the roof pitches and using roller garage doors.

Resolved: That the application be deferred to a future meeting of the committee.

Reason: In order that further discussion can take place between the applicant and officers with regard to the possibility of lowering the pitch of the garage roofs to make them less visible.

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

Members received a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1 October to 31 December 2014, and which provided them with a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date was also included in the report.

Resolved: That the report be noted.

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



**47. Planning Enforcement Cases Update**

Members received a report which provided them with a quarterly update on planning enforcement cases.

Resolved: That the report be noted.

Reason: To update Members on the number of outstanding enforcement cases within the Sub-Committee's area.

Councillor Watson, Chair

[The meeting started at 2.00 pm and finished at 5.10 pm].

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**COMMITTEE REPORT**

**Date:** 5 March 2015                      **Ward:** Huntington/New Earswick  
**Team:** Householder and Small Scale Team                      **Parish:** Huntington Parish Council

**Reference:** 14/02613/FUL  
**Application at:** 550 Huntington Road York YO32 9QA  
**For:** Change of use from dwelling (use Class C3) to house of multiple occupation (use Class C4) and single storey extension to rear.  
**By:** Mr D Russell  
**Application Type:** Full Application  
**Target Date:** 5 January 2015  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application property is a vacant two-storey dwelling located towards the northern end of Huntington Road. It has three bedrooms on the first floor. There is a small front garden and large rear garden (approximately 38m long). There is a narrow vehicle access to the rear via the side of the house.

1.2 The property is attached to an office (548). The office is currently vacant. The Council's planning records indicate that 548 has been in commercial or retail use since at least the 1980's. The office has been much extended to the rear and has parking for around 3 cars on the hard surfaced front garden.

1.3 It is proposed to extend 550 Huntington Road and change the use of the dwelling to a 5 bedroom house in multiple occupation (Use Class C4). The change from a dwelling to a small house in multiple occupation (3-6 occupants) does not normally require planning permission, however, in York the Council has made an Article 4 Direction requiring planning permission for the change of use from a dwelling to Class C4.

1.4 The external changes proposed include a 5 metre single storey rear extension and the removal of an existing small rear off-shoot. It is intended to provide 4 car parking spaces for the 5 occupiers. Three spaces are proposed in the rear garden and one in the front garden.

1.5 The application has been referred to the sub-committee by the Assistant Director due to the level of local interest and the concerns of local members.

## Planning History

1.6 In September 2014 (14/02136/FUL) a planning application was submitted involving number 550 and the adjacent office. Number 550 was intended to be converted to a small HMO (6 bedrooms) and the office converted to a 9 bedroom HMO. A shared car park was proposed to the rear. The application was withdrawn.

## 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYH7 Residential extensions

CYGP1 Design

CYH8 Conversion to flats/HMO/student accom

CYGP15 Protection from flooding

CYNE1 Trees, woodlands, hedgerows

CYT2A Existing Pedestrian/Cycle Networks

CYT4 Cycle parking standards

## 3.0 CONSULTATIONS

INTERNAL

### Planning & Environmental Management

3.1 As set out in the Draft Houses in Multiple Occupation Supplementary Planning Document, thresholds of 20% of all properties being HMOs across a neighbourhood and 10% at street level have been established as the point at which a community can tip from balanced to unbalanced. At the neighbourhood level of 550 Huntington Road there are currently 6 known HMOs out of 1309 properties, 0.46%. Within 100m of 550 Huntington Road there are currently no known HMOs out of 43 properties, 0%. As such, in accordance with the provisions of the Draft HMO SPD, neighbourhood street level thresholds have not been breached and further change of use to a HMO is likely to be acceptable. Albeit an assessment of residential amenity (bin storage, parking etc.) and the ability of the area to absorb further change of use should also be undertaken.

## Highway Network Management

3.2 No objections to the proposed development from a highways point of view. The developer seeks to convert a semi detached dwelling into a five bedroomed HMO.

Three car movements per hour (averaging 1 every 20 minutes) in or out of the site at peak times would be expected. This would not cause undue extra pressure on the highway from that which is lawfully allowed currently. Access is to be taken from existing vehicular dropped crossing, the visibility is good from the outside of the bend with a large verge behind the footpath. Four car parking spaces are provided for the HMO on site. The number of off street car parking spaces meet the Annex E standards for HMOs and includes a space for visitors. The three spaces at the rear are accessed by a narrow driveway and turning area. One space is provided to the front of the property, similar to neighbouring properties. Cycle parking for the new residents can be provided in accordance with Annex E parking standards and details may be conditioned. The property is close to facilities, Monks Cross and the city centre by bike. A bus stop is located outside the property which will allow residents easy access to the city by public transport.

3.3 A number of objections have been received for this planning application relating to highway safety. No accidents have been recorded by the police in this area for the last 5 years. Parking on street has been cited by a number of residents as a safety problem, although the highway regulation team have no records of complaints of parking in the vicinity of the site. A bus stop is situated outside the property, so parking is not available on street directly outside the property as it would cause obstruction. Some on street parking is available in the vicinity of the site as cycle markings are only advisory. We do not envisage any extra parking to that expected by the residential property as it stands due to the increase in number of parking spaces available within the curtilage of the site. We therefore are unable to pursue any contributions for traffic orders from the developer. However, due to the large volume of traffic concerns raised about the existing parking problem, we have passed the concerns of the residents regarding the existing on-street parking to our Highway Regulation team who will consider adding the issue to 'The annual review of waiting restrictions for the consideration of and changes to double yellow lines'.

## EXTERNAL

3.4 A site notice was posted on 3 December 2014 and neighbours consulted by letter. Neighbours, the parish and objectors were further consulted in response to revised drawings showing amended parking arrangements.

Huntington Parish Council

3.5 Object to the application on the following grounds:

- The proposal overdevelops the property and leads to the loss of garden to car parking.
- It harms the area's character. Inadequate refuse provision.
- Loss of family housing.
- The accommodation is sub-standard and would not appeal to working professionals. There would be problems from smoking and anti-social behaviour.
- There is no provision for people with disabilities.
- Insufficient and inadequate parking and turning areas will lead to on-street/on - pavement parking creating a hazard for users of the road and footpath including cyclists and users of mobility scooters.
- The proposal will exacerbate existing foul drainage problems.
- The application says no trees will be lost - this is not true. Builders are not complying with Health and Safety Executive requirements.
- The proposal will not improve the local environment and economy.
- The house is too small to meet the 4 bedroom requirement of Policy CYH8 of the Local Plan.
- On-going construction work is creating local problems.
- Up to 10 residents is out of character - local homes have only a maximum of 4 occupants.
- The proposal conflicts with NPPF advice regarding improving economic, social and environmental conditions.

Julian Sturdy MP

3.6 The site is inappropriate for a HMO due to inadequate car parking provision and the risks that on-street car parking will create to cyclists including school children. The access is on a dangerous section of road. The proposal will exacerbate drainage problems.

Neighbour Notification/Publicity

3.7 120 letters of objections have been received along with a petition signed by 210 people. Some objectors have written to object more than once. No objectors have written to support the scheme following the revisions that were received. The petition opposes the scheme because of safety/highway safety concerns.

The comments that have been received are summarised below.

### Traffic and parking issues

3.8 The use could generate up to 10 car users through double occupancy of rooms. The use will also generate many trips by visitors. It is not in a location accessible to non-car users. Will lead to parking on Huntington Road or on nearby side roads. In addition, access to the rear parking is too narrow to be functional. The access only allows one car to enter at a time which will lead to cars reversing on to the road. The turning area is inadequate. Cars entering and existing the site is a hazard to people waiting for buses, including the large number of children who gather after school. Should have parking restrictions outside the property.

3.9 The section of Huntington Road is dangerous and there have be been a large number of accidents (not all reported). Visibility is poor as it is on a curve in the road and a brow of the hill and vehicles travel at high speeds. Cars parked on the street will obstruct neighbours views when exiting. The bus stop is also a hazard. Locals know not to park on the road. Allotment users and parents of school children park in the area. The road is getting busier still and is used by many school children as well as school buses and emergency vehicles. Parked cars conflict with the safety and convenient use of the cycle lane which is widely used by children. The adjacent office already puts pressure on parking and the HMO will increase comings and goings.

3.10 If a septic tank needs to be emptied the access is inadequate (Officer note: Foul drainage is to be to the main sewer).

3.11 Cycle parking within the site is inadequate.

### Drainage

3.12 The area suffers from poor surface water and foul drainage. It is an old system and cannot cope with 5 or 10 extra people with 5 shower rooms. Gardens also suffer from poor surface water drainage and the changes will exacerbate this.

### Noise and disturbance

3.13 The occupiers will not have the same interest in the community and will not maintain the property. Many occupiers will be transient. The property is already an eyesore. Could be up to 10 or 15 people in the overcrowded home with noise impacts including at night and through vehicles parking in the rear garden (light pollution and fumes). The removal of the planned acoustic fence will detract further. Bin storage is inadequate and a lack of appropriate behaviour in respect to refuse disposal will lead to vermin. Occupants smoking outdoors is intrusive and polluting.

### Character

3.14 It is a family area and homes are occupied by families or individuals and couples (there are no flats or HMO's) and the HMO is out of character. It should be a family home as it is close to schools and has a large garden. The front garden should be used for vegetation not parking and the use of the front garden for HMO

car parking is contrary to the Council's own advice. Car parking in the rear is an eyesore and will lead to the loss of green space. Proposed grasscrete is unsightly.

#### Risk to children

3.15 There are no controls over who will occupy the home and it probably will not be professionals because of the poor quality of accommodation. The location close to schools and child facilities should be noted.

#### Precedent

3.16 The proposal will be a precedent for other HMOs and if this application is approved the adjacent vacant office will also become a HMO.

#### Other planning issues

3.17 A bat survey should be carried out.

The HMO could become a hostel/refuge.

Bin storage at the rear is a hazard and this has been confirmed by the safety officer of North Yorkshire Fire and Rescue Service.

### **4.0 APPRAISAL**

4.1 The key issues:

- The principle of the development and planning policy
- Impact on the character of the area
- Impact on residential amenity
- Highway Safety and Parking
- Foul and surface water drainage
- The safety of children
- Harm to wildlife

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 core 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.



4.4 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the NPPF. Policy H7 'Residential Extensions' of the Local Plan sets out a list of design criteria against which proposals for house extensions are considered. The list includes the need to ensure that the design and scale are appropriate in relation to the main building; that proposals respect the character of the area and spaces between dwellings; and that there should be no adverse effect on the amenity that neighbouring residents could reasonably expect to enjoy. Local Plan Policy GP1 'Design' states that development proposals will be expected to respect or enhance the local environment and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and vegetation. The design of any extensions should ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.5 The Council has a Supplementary Planning Document (SPD) for House Extensions and Alterations. The SPD was subject to consultation from January 2012 to March 2012 and was approved at Cabinet on 4 December 2012. It is described as a draft as the City of York Council does not have an adopted Local Plan. The SPD offers overarching general advice relating to such issues as privacy and overshadowing as well as advice which is specific to particular types of extensions or alterations. The underlying objectives of the document are consistent with local and national planning policies and the advice in the SPD is a material consideration when making planning decisions.

4.6 Policy H8 of the Local Plan relates to conversions including changes to Houses in Multiple Occupation. The specific requirements of the policy are that:

- the dwelling is of sufficient size (min 4 bedrooms) and the internal layout is shown to be suitable for the proposed number of households or occupants and will protect residential amenity for future residents.
- external alterations would not harm the appearance of the area;
- adequate on and off road parking and cycle parking is incorporated;
- it would not create an adverse impact on neighbouring amenity through noise disturbance or residential character by virtue of the conversion alone or cumulatively with a concentration of such uses;
- adequate provision is made for the storage and collection of refuse and recycling.

NB - Case officer comment - it is considered that the four bedroom size threshold is not applicable to small HMO's as at the time the policy was written there was no small HMO use class (3-6 residents) and in the absence of the Article 4 Direction planning permission would not be required for the change of use.

4.7 A supplementary planning document (SPD) entitled 'Controlling the concentration of Houses in Multiple Occupancy' was approved by the Council on 15th April 2012 (and reviewed 2014). The document expands upon policy for assessing applications for new small and large HMO's. The new SPD states that the change of use from dwellings to HMO's will be permitted where:

- a) The property is in a neighbourhood area where less than 20% of properties are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/sui generis HMO planning consent and are known to the Council to be HMOs; and
- b) Less than 10% of properties within 100 metres of street length either side of the application property are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/sui generis HMO planning consent and are known to the Council to be HMOs; and
- c) The accommodation provided is of a high standard which does not detrimentally impact upon residential amenity.

4.8 Policy GP15a of the City of York Local Plan Deposit Draft relates to flood risk. The policy seeks to ensure that sustainable drainage methods are used where practical and proposals do not increase floor risk elsewhere.

4.9 Policy NE1 relates to Trees, Woodlands and Hedgerows. It states that such features will be protected where they are of landscape, amenity, nature conservation or historical value.

4.10 Policy T2a states that permission will not be granted for any development that compromises the safety of users of cycle routes.

4.11 Policy T4 sets out cycle parking standards. The Appendix E standard for homes in multiple occupation accommodation is 1 space per bedroom.

4.12 The car parking standard contained in Appendix E of the Local Plan for an HMO is 1 space per 2 units (bedrooms). Giving a maximum requirement of 3 spaces for a 5 bed HMO. The maximum standard for a 3 bedroom dwelling within use class C3 is 2 spaces.

### **Principle of development**

4.13 The introduction of the Article 4 direction requiring planning permission to change a property from a dwelling to a HMO was driven by evidence to demonstrate that it is necessary to control the number of HMOs across the city to ensure that communities do not become imbalanced. However, the SPD recognises that HMO's make an important contribution to York's housing offer in providing flexible and affordable accommodation. The SPD does not say or imply that individual

HMO's are unacceptable in particular residential areas of the city or that such uses are unacceptable where few are located nearby. Paragraph 50 of the NPPF states that to create 'sustainable, inclusive and mixed communities, local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community'.

4.14 The proposed HMO is located adjacent to a bus stop with a regular service between Huntington and the city centre. It is also well related to cycle routes. In addition, there are several employers within walking or easy cycling distance of the property. It is noted that the proposal would lead to the loss of a family dwelling, however, the new accommodation would provide a type of accommodation that is in limited supply in the area. The Local Planning Authority has no controls over the age, employment or educational status of the prospective occupants of the existing or proposed property and there are no reasonable grounds to seek to control this.

4.15 The extended property is an acceptable size to accommodate 5 adults living as a shared house. All of the bedrooms are an adequate size and the communal space is sufficient for 5 individuals. 4 bedrooms are en-suite. It is considered that the rooms would appeal to a cross section of the population. The garden is of a good size and cycle and car parking is conveniently provided. The property has bedrooms on the ground floor and first floor and as such the accommodation could be of value to a person with restricted mobility.

### **Impact on the character of the area**

4.16 The property is being renovated as part of the proposals and it is not considered that the building or extension will appear unsightly in the street.

4.17 The surrounding area is largely residential in character. The proposed HMO is a residential use. It is noted that there are no HMO's in the immediate vicinity, however, this is not a reason to refuse the application. The intention of the Council's SPD on HMO's seeks to avoid an over-concentration of such uses. In this case there are currently 6 known HMOs out of 1309 properties within the neighbourhood area, 0.46%. Within 100m of 550 Huntington Road there are currently no known HMOs out of 43 properties. It is not considered that use of the front garden for the parking of a car is out of character within the area and a section of the boundary wall is intended to be retained. It is not considered that car parking in the rear garden will harm local character given it will be partly screened by fencing. It is noted that there has previously been the use of the rear garden for car parking.

4.18 The rear extension would be adjacent to the blank side elevation of the rear off-shoot of the vacant office. It is sufficiently separated from 552 Huntington Road to avoid undue harm in respect to light or outlook. It will not detract from the streetscene.

## **Impact on residential amenity**

4.19 It is not considered that noise from the occupants of the HMO would cause undue harm. It is noted that the property is not physically attached to another residential property. In addition, Huntington Road is a relatively well used route and as such traffic noise is present. It is noted that a bus stop is located immediately to the front of the property. Objectors' comments regarding the harm from outdoor smoking and parties are noted, however, there is no specific evidence that the occupation of the property as an HMO would give rise to such problems. Environmental protection legislation is in place to protect all residents from unacceptable noise nuisance.

4.20 The key issue in assessing the impact on living conditions is considered to be whether vehicle movements within the rear garden and between 550 and 552 Huntington Road would cause undue harm in respect to noise and light pollution. Properties in this section of Huntington Road vary in terms of their front garden size. Properties to the south of the application property generally have relatively large front gardens which have considerable space to park and turn more than one car. The properties to the immediate north tend to have smaller front gardens with limited parking space. Two properties to the north (562 and 566) have created parking areas to the rear accessed from Huntington Road. It would appear that the occupants of the application property have previously parked cars to the rear, however, the hard surfacing is now partly grown over and a large garage that was located to the rear has been demolished.

4.21 The applicant intends to create three parking spaces to the rear. It is not considered that three parking spaces are excessive in terms of the comings and goings associated with a residential property in a suburban location. It is noted that there is a history of vehicle movements to the rear of the application property. 1.8m high fencing is proposed around the parking area and this will help to limit the impact of nuisance from car headlights. The vehicles will be parked more than 15m from the garden boundary with the property to the rear. It is not considered that any impact from noise, fumes or lighting would be so harmful to overall amenity levels to justify refusal.

4.22 The re-surfacing of the access and turning area will be conditioned to ensure that it is a 'fixed' surface rather than loose gravel. This will help to control noise levels.

4.23 A condition is recommended to require the owner to adhere to a suitable management plan regarding the maintenance of the property .

4.24 There is ample space for refuse storage at the rear of the property. It is not considered necessary to construct an enclosure for the containers as the proposed location is discrete when viewed from the street and neighbouring properties. Bins can be stored an adequate distance from doors so as not to be an obstruction or fire risk.

4.25 It is proposed to make the front garden available for the parking of a car. It is not considered that this would detract from the streetscene as the majority of the front boundary is proposed to be retained and the parking of cars in front gardens is common in the area. Refuse bins and containers are proposed to be stored to the rear.

### **Highway Safety and Parking**

4.26 Issues relating to highway safety have been closely considered by the Council's Highway Network Management Team and regard has been given to the property's location close to schools and a well used bus stop. Car parking standards exceed those contained in the Local Plan. Officers do not consider the use will create highway safety concerns to pedestrians, cyclists, the occupants of the property or other users of the highway.

4.27 A large number of neighbours have raised concerns in respect to the safety of the section of Huntington Road where the property is located and have expressed particular worries about the impact the proposal will have on on-street car parking. Due to the level of concern the matter has been forwarded to the Highway Regulation team who will consider adding the issue to 'The annual review of waiting restrictions for the consideration of and changes to double yellow lines'.

4.28 The provision of 4 car parking spaces for 5 bedrooms is considered appropriate. The maximum car parking standard for HMO's outside of the city centre and district centres contained in the Development Control Local Plan is 1 space per 2 bedrooms. This would equate to 2 or 3 spaces for the proposed HMO. The vehicle access to the side of the house is 2.6m wide. This is sufficient for cars to pass through. The section of access beside the house is straight and only extends for a short distance. For reference the width of most modern cars (with mirrors) falls within the range of 1.9m - 2.15m and car parking spaces are typically 2.4m wide.

4.29 The provision of secure cycle parking is proposed in stores in the rear garden. The design and retention of this can be controlled by condition.

## **Foul and surface water drainage**

4.30 The proposed surfacing of the access and parking areas will be permeable and will not increase flood risk. The extension is not of a scale to enable attenuation of surface water discharge. An informative has been included in respect to the use of soakaways where practical.

4.31 It is not considered that the use of the property by 5 residents would put significant additional pressure on the foul drainage system. The issue has been discussed with officers in the Council's building control team and they do not consider that the changes cause foul drainage concerns.

## **The safety of children**

4.32 Several residents have written to express concerns that the occupants may put at risk the safety of children visiting local schools and centres and waiting at the bus stop. The case officer is not aware of the identity of any prospective occupiers of the HMO and no information has been submitted by objectors to indicate why the occupants would be a risk to children.

4.33 Hostels are not within the C4 use class and as such planning permission would be required for a change from a HMO to a hostel.

## **Harm to wildlife**

4.34 The proposal will not result in the removal of any trees or vegetation that would be worthy of protection by a Tree Preservation Order or is otherwise of significance to the amenity of the wider area. A bat survey is not necessary as works do not impact upon the roof/eaves of the property. An informative can be included outlining the applicant's responsibility in respect to the protected species.

## **5.0 CONCLUSION**

5.1 The key documents against which the proposal is assessed are the National Planning Policy Framework, the Development Control Local Plan that was approved for Development Control purposes in April 2005 and the supplementary planning document (SPD) entitled 'Controlling the concentration of Houses in Multiple Occupancy' approved by the Council on 15th April 2012 (and reviewed 2014).

5.2 The Article 4 direction requiring planning permission for a change from a dwelling to a small HMO within the York urban area came into force in April 2012. The aim of the SPD is to avoid an undue concentration of HMO's in any part of the city. It does not seek to exclude such uses in particular residential neighbourhoods. In addition, concerns relating to HMO's contained within the Council's SPD largely relate to the impact that concentrations of such uses can have rather than the

impact of isolated properties. The introduction to the SPD states that HMO accommodation makes an important contribution to York's housing offer in that it provides flexible and affordable accommodation.

5.3 The number of existing HMO's in the surrounding area is well below the threshold at which it is considered there is an excessive concentration of such uses. The property would generally be considered to be one that would cause minimal impact in terms of neighbouring living conditions as it is not attached to any other residential accommodation. In addition, it is located on a wide and well used road and to the front is a bus stop.

5.4 A number of objectors have stated that the property could be occupied by 10 residents as the rooms are shown to have double beds, however, the Use Classes Order makes it clear that if more than 6 residents occupy a small HMO it is likely to move into the large HMO (i.e. sui generis) use class.

5.5 Many neighbour objections relate to traffic safety issues and the proximity to a school and bus stop. Visibility from the access of the proposed HMO is good and the parking standards within the site exceed the maximum figures set out in the Local Plan. Based on the Local Plan parking standards it is not expected that the level of vehicular comings and goings would significantly exceed that of a family dwelling or that the pressure for parking would normally force residents to park on the street.

5.6 Although the section of Huntington Road where the property is located has a cycle lane, there are no restrictions on on-street car parking. Because of the number of neighbours who have raised highway safety concerns in respect to the dangers of people parking here, the matter has been raised with the Council's Highway Regulation team who will consider the need for double yellow lines.

5.7 It is recommended that the application is approved.

## **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:-

Revised site plan (2014/42/01 F) received by the Local Planning Authority on 13 February 2015, revised ground floor plan (2014/42/05 E) received by the Local Planning Authority on 24 December 2014, revised elevations (2014/42/07 E) received by the Local Planning Authority on 24 December 2014, proposed first floor

plan (2014/42/06 A) received by the Local Planning Authority on 7 November 2014.

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

3 VISQ1 Matching materials -

4 The property shall not be occupied as a house in multiple occupation until the areas shown on the approved plans for parking and manoeuvring of vehicles and cycles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

5 Prior to the development coming into use, the vehicular access and parking and turning areas shall be surfaced, sealed and positively drained within the site.

Reason: To prevent the egress of water and loose material onto the public highway and to prevent noise disturbance in the interests of residential amenity.

6 Notwithstanding the submitted details, prior to the occupation of the property as a house in multiple occupation, details of the proposed permeable surfacing of the parking and turning areas within the site shall be submitted to and approved in writing by the Local Planning Authority. The HMO shall not be occupied until the surfacing has been provided within the site in accordance with the approved details, and it shall be retained as agreed.

Reason: To avoid increasing flood risk and to minimise noise from vehicle movement.

7 Notwithstanding the submitted details, prior to the occupation of the property as a house in multiple occupation, details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The house in multiple occupation shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

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

8 Notwithstanding the submitted details, prior to the occupation of the property as a house in multiple occupation, details of the proposed boundary fence to be erected around the parking and turning area in the rear garden and between the side access and 552 Huntington Road shall be submitted to and approved in writing



by the Local Planning Authority. The house in multiple occupation shall not be occupied until the fencing has been erected within the site in accordance with the approved details, and it shall be retained and maintained as agreed.

Reason: To screen the car parking and minimise the impact of glare from vehicle headlights.

9 The use and development shall be implemented in accordance with the approved plans and thereafter notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no development of the type described in Class A (extensions) or Class B and C (roof addition/alterations) and Class E (outbuildings) of Schedule 2 Part 1 of that Order shall be undertaken at property unless planning permission has first been granted in those respects.

Reason: In the interests of the amenity of the occupants of the House in Multiple Occupation, the Local Planning Authority considers that it should exercise control over the erection of any future extensions and outbuildings that, without this condition, may have been carried out as "permitted development" under the above class of the Town and Country Planning (General Permitted Development) Order 1995.

10 Prior to the occupation of the property as a house in multiple occupation, a management plan shall be submitted to and agreed in writing by the Local Planning Authority and shall be implemented as agreed unless otherwise agreed in writing by the Local Planning Authority. The management plan shall relate to the following areas:

- i) Information and advice to occupants
- ii) Garden maintenance
- iii) Car parking and refuse and recycling facilities
- iv) Property maintenance

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

## **7.0 INFORMATIVES: Notes to Applicant**

### **1. INFORMATIVE - BATS**

Under the requirements of Wildlife and Countryside Act should any evidence of bats roosting within the roof space be found the Council's ecologist should be notified immediately and work halted.

## 2. INFORMATIVE - SOAKAWAYS

Where practical soakaways should be used to drain the extension and outbuildings.

## 3. 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 an acceptable outcome:

Revised drawings submitted to increase parking provision.

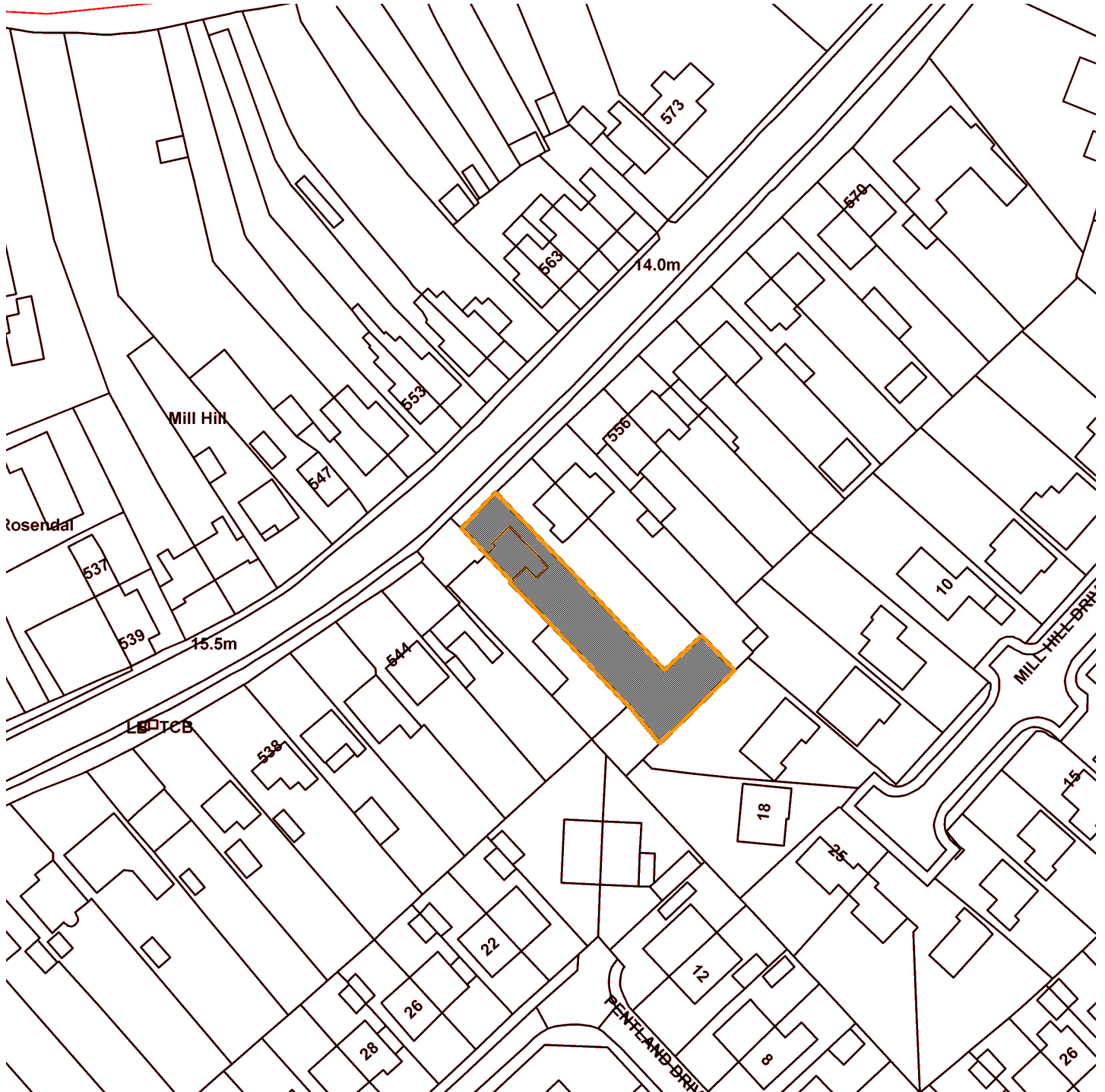
### **Contact details:**

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14/02613/FUL

550 Huntington Road



Scale : 1:1059

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	24 February 2015
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 5 March 2015                      **Ward:** Guildhall  
**Team:** Major and                      **Parish:** Guildhall Planning Panel  
                    Commercial Team

**Reference:** 14/02713/FUL  
**Application at:** Former Car Repair Garage to Rear of 70 To 72 Huntington Road York  
**For:** Variation of conditions 2 and 20 and removal of condition 15 of permitted application 13/00349/FUL to amend approved plans to allow previously proposed integral garages to be used as habitable rooms and for the construction of 4 no. garages adjacent to western boundary.  
**By:** Dimmack Brothers Ltd.  
**Application Type:** Full Application  
**Target Date:** 29 January 2015  
**Recommendation:** Approve

**1.0 BACKGROUND**

1.1 This application was reported to the Area Planning Sub-Committee on the 5th February 2015 with a recommendation that Members approve the application. A copy of the report is attached as Annex 1.

1.2 Members may recall that the application was deferred for the applicant to review the height, design and materials of the garage block.

1.3 An amended plan has been submitted which shows the garage block reduced in height by 200mm. This has been achieved by reducing the pitch of the roof to 20 degrees (as it slopes from eaves level at the joint boundary). The changed roof pitch means that the ridge of the roof is 500 mm further from the joint (western) boundary. The applicant has indicated that the new pitch of roof will still allow for a slate roof covering; however this may require another waterproof membrane underneath the slates or other additional structure to secure the tiles.

1.4 Members may also recall that an update was provided to committee which indicated that the Environment Agency did not object to the application but that Officers should be satisfied that the proposed amendments will not increase flood risk elsewhere. The Environment Agency said that the garages could be designed to allow the free ingress and egress of possible future flood flows so as not to displace them onto others. It should be ensured that resulting surface water run off is not increased and that ground level is not raised above the existing levels. Members were informed that the proposed garages were to have permeable floors and the

details and retention of these floors was proposed as an additional condition (see condition 19 below).

1.5 Members are asked to review the remainder of the report at Annex 1 which addresses the proposed material amendment details as a whole.

## **2.0 CONCLUSION**

2.1 The conclusions of the report are not changed as a result of the amended details. The conclusions are set out in the original report at Annex 1 and are as follows:-

- The amended layout and additional garages are considered to provide an acceptable relationship with the adjacent properties and therefore there is no basis to resist the application on residential amenity grounds.
- The new garage arrangement provides for the turning and parking of vehicles and is acceptable to Highway Network Management.
- It is not anticipated that the additional garages will increase the risk of flooding to adjacent properties.
- This minor material amendment application is considered to be acceptable.

## **3.0 RECOMMENDATION:** Approve

1 The development shall be begun not later than the 9th July 2016.

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

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

REA-017-013 Site/Location Plan. REA-017-013 01A Site Plan. REA-017-013 02H Proposed Site Plan. REA-017-013 03G Proposed Ground Floor Plan. REA-017-013 04F Proposed First Floor Plan. REA-017-013 05F Proposed Second Floor Plan. REA-017-013 06F Proposed Third Floor Plan. REA-017-013 07E Proposed elevations (sheet 1 of 2). REA-017-013 08E Proposed Elevations (sheet 2 of 2). REA/117/013 10D Garage Plans and elevations. Flood Risk Assessment dated 3 June 2013.

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

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

4 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

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

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

6 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

7 Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the LPA.

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

8 No gates shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

9 Prior to the commencement of the development a detailed plan showing all proposed works ( new build or repair and alterations) to boundary walls shall be submitted to and approved by the Local Planning Authority. Thereafter the approved detail shall be implemented to the satisfaction of the Local Planning Authority before any dwelling is first occupied.

Reason: To ensure the scheme complies with the flood risk Assessment requirements and in the interest of visual amenity and the residential amenity of adjacent residential dwellings.

10 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to c of this condition have been complied with:

a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be

produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

(ii) an assessment of the potential risks to:

- human health,

- property (existing or proposed) including buildings, crops, livestock, pets, woodland



and service lines and pipes,

- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

#### b. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is

subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The

scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### c. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

11 C2 Reporting of Unexpected Contamination In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the previous condition, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the previous condition.

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

12 The development shall be carried out in accordance with the submitted Flood Risk Assessment (by Yew Tree Associates, dated 03/06/13) and the following mitigation measures it details:

- i. Finished floor levels will be set no lower than 9.7m above Ordnance Datum (AOD).
- ii. The development should incorporate the flood proofing measures detailed on pages 8, 9 & 10.
- iii. Permeable surfaces will be used parking and footpath areas; there will be a reduction in the impermeable surfacing area from 100% of the existing site to approximately 40%.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to reduce the overall amount of surface water runoff by the introduction of permeable surfaces.

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development of the type described in Classes A to F of Schedule 2, Part 1 of the Order shall be erected or provided.

Reason: The site is closely related to adjacent residential properties and provides close relationships within the site. Any further development would need to be considered in this context and taking into account the introduction of further impermeable areas into an area of flood risk.

14 The ground floor area of the dwellings hereby approved shall not be used for bedroom accommodation.

Reason: To reduce the impact of flooding on the proposed development and future occupants.

15 Large scale details at a scale of 1:20 (and where appropriate cross sections) of the following shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Development shall be carried out in accordance with the approved details.

a) Roof cappings/flashings, edge details, soffits

b) Windows, and external doors.

c) Balconies.

Reason: So that the Local Planning Authority may be satisfied with these details

16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows or other openings shall be inserted in the rear elevation of unit 1 facing the garden area of 70 Huntington Road without the prior written approval of the Local Planning Authority.

Reason: To protect the residential amenity of the occupants of 70 Huntington Road

17 Individual flood gates/water tight external doors shall be fitted to each dwelling.

Reason: To ensure that possible future flood flows are not pushed onto others and so that the Local Planning Authority may be satisfied that adequate flood protection measures have been provided.

18 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, and carried out in accordance with these approved details.

Details to include:

(i) Calculations and invert levels to ordnance datum of the existing surface water system should be provided together with details to include calculations and invert levels to ordnance datum of the proposals for the new development. This will enable the impact of the proposals on the downstream watercourse to be assessed.

(ii) The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties. Where existing ground levels are to be raised to satisfy the EA's minimum ground floor level requirements then details should be provided to prevent surface water discharging onto nearby properties.

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

(iii) An appropriate assessment should be carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to accept surface water discharge from the proposed permeable paving, and to prevent flooding of the surrounding land and the paving itself.

Please note that City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

(iv) If the above permeable paving proves to be unsuitable then in accordance with City of York Council's Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

Please note that the introduction of landscaped areas within the scheme only provides a 20% reduction in surface water run-off.

(v) Construction details of the proposed flood protection wall to the eastern boundary tied into the wall from the adjacent development by Barrett Homes and constructed to 10.81m AOD.

(vi) Construction details of the individual flood gates/water tight external doors to be fitted to each dwelling

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and adequate flood protection measures have been provided.

19 Details of the permeable paving to the garage floors shown on drawing REA/117/013 10 rev D shall be submitted to and approved in writing before the construction of the garage area is commenced. Thereafter the permeable paving shall be installed in accordance with the approved detail before the garages are brought into use and maintained as a permeable surface thereafter.

Reason: To reduce the risk of flooding to the proposed development, future occupants and adjacent properties.

#### **4.0 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:

- Amended plans received following consideration and discussion of initial amendments

#### **Contact details:**

**Author:** Diane Cragg Development Management Officer (Mon/Tues/Wed)  
**Tel No:** 01904 551351

Annex 1 – 5 February 2015, Former Car Repair Garage to Rear of 70 To 72  
Huntington Report.

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**COMMITTEE REPORT**

**Date:** 5 February 2015      **Ward:** Guildhall  
**Team:** Major and      **Parish:** Guildhall Planning Panel  
Commercial Team

**Reference:** 14/02713/FUL  
**Application at:** Former Car Repair Garage To Rear Of 70 To 72 Huntington Road York  
**For:** Variation of conditions 2 and 20 and removal of condition 15 of permitted application 13/00349/FUL to amend approved plans to allow previously proposed integral garages to be used as habitable rooms and for the construction of 4 no. garages adjacent to western boundary  
**By:** Dimmack Brothers Ltd.  
**Application Type:** Full Application  
**Target Date:** 29 January 2015  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 Planning permission was granted for the development of this former garage site at Gladstone Street, Huntington Road York on the 10th July 2013. The approval related to the erection of a terrace of four dwellings with two detached and two integral garages.

1.2 Planning permission has subsequently been given for various minor material amendments to the scheme in September 2014. These amendments included change to the external materials, removal of an upper floor projection which marginally reduced the upper floor area and marginally increased the lower floor area, change to the top floor terraces to a simplified design, change to the balconies to introduce support ( rather than being cantilevered) and subdivision of the external outdoor community space to provide separate gardens for plots 2 and 3.

1.3 The application site is to the north end of land which formerly accommodated Minster Engineering, now redeveloped for housing. To the north of the site is the residential garden of 74 Huntington Road; to the west are existing properties along Huntington Road and to the south vehicular access from Gladstone Street, the garden area to 68 Huntington Road and the redeveloped engineering site.

1.4 The land is immediately adjacent to the Heworth/Heworth Green/East Parade/Huntington Road conservation area which was designated in 1975. The conservation area encompasses the Huntington Road frontage and the River Foss corridor. The site itself is a former industrial site, which was last used as a car repair garage. The entrance to the land is via a single width access from Gladstone Street.

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The entrance is currently gated. The plot is 21 metres deep (north to south) and between 20 and 40 metres wide (west/east) with an area of 0.065 of a hectare.

1.5 The construction of the four dwellings is now well under way. This application relates to amendments to the scheme which seek to change the approved garage layout, so that two additional detached garages are provided and approved integral garages changed to additional living space consisting of improved kitchen/ dining areas. These amendments require the variation of condition 2 which relates to the approved plans, condition 20 which requires full elevation details of the garages and bin store to be provided and subsequently implemented in accordance with the submitted details and the removal of condition 15 which prevents the alteration of the integral garages to living accommodation.

1.6 The amended garage layout and two additional garages are to be located on the western boundary of the site. The garaging is to be provided in a single block of four garages with the rear elevation running along the western boundary. The block is just over 11 metres wide, designed with an uneven pitched roof so that the rear wall of the garage block is 1.89m in height rising to maximum height of 3.8.m at the ridge and dropping to 2.5 metres at the front elevation. The change to the integral garages involves the removal of the garage doors, insertion of new windows to the front elevation of the building and the introduction of patio doors on the side elevation of plot 1 and the rear elevation of plot 4.

1.7 The application has been called in to Sub-committee by Councillor Brian Watson as the previous application was decided by committee and this proposal is for further development which may impact on surrounding residents.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001  
DC Area Teams Central Area 0002

2.2 Policies: CYGP1 Design

## **3.0 CONSULTATIONS**

INTERNAL

Highway Network Management

3.1 No objections. Parking and turning are acceptable.

Flood Risk Management Team

3.2 Any comments will be reported verbally.

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## EXTERNAL

Guildhall Planning Panel

3.3 Any comments will be reported verbally.

Police Architectural Liaison Officer

3.4 No objections

Environment Agency

3.5 Any comments will be reported verbally..

Neighbour notification/Publicity

3.6 Four letters of objection have been received covering the following points:-

- There was a site meeting about this proposal 8 months ago and it was indicated by the Planning Officer that further applications for amendments would not be welcomed.
- The applicant departed from the approved details at ground floor level and has now inserted two windows overlooking the garden of the property to the north of the site.
- The amendments will further undermine the amenity of neighbouring properties
- Concerned that the builders have not approached the development of the site in a professional way and that the amenity of properties will be adversely affected by the new location of the garages.
- The proposal now proposes to double the area of permeable ground space to be used for garaging thus creating more of a flood risk.
- The original development was allowed at three storeys to allow garages to be integral
- Find the approach of the builders to be disingenuous
- Felt that the original proposal was over-development the proposals will only make the flooding and congestion worse.
- Original, revised proposals were supported but struck a fine balance - compromise between the competing interests of the height, volume and footprint of development, permeability to prevent flooding, adequate car parking, sufficiency of open space and the interests of residents to secure reasonable privacy and avoidance of loss of sunlight & daylight.
- No objection to the re-siting of the garages. However, object most strongly to the material imbalance between competing interests created by the change of use of the integral garages to living rooms. This will reduce the permeability of the (reduced area of) open land, reduce the size of the open space and reduce the capacity of the site to accommodate the two+ cars likely to be generated by the four houses.

- The application should be refused and enforcement action taken over any deviations from the approved plans.
- This development has spoiled views over the river Foss. The proposed garages will further restrict light from the rear of properties on Huntington Road.

## 4.0 APPRAISAL

4.1 The key issues for this minor material amendment application are:

- The impact of the additional garages and other amendments on the amenity of adjacent dwellings
- Design and layout
- Highway, access and parking arrangements
- Flood risk
- Impact on the setting of the conservation area

### RESIDENTIAL AMENITY IMPACT OF THE ADDITIONAL GARAGES AND OTHER AMENDMENTS

4.2 The core principles set out in paragraph 17 of the National Planning Policy Framework (NPPF) include the expectation that development will always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. GP1 of the Development Control Local Plan (DCLP) includes similar expectations.

4.3 The garden area and properties of no. 74, 72, 70 and 68 Huntington Road share a common boundary and are located to the north, west and south of the application site. The site boundaries are delineated by existing boundary walls which in some cases have previously formed the wall to a building within the application site. The approved scheme proposed no new built development adjacent to the western boundary wall. The amended proposal is for garaging adjacent to this boundary. The garage design with uneven pitch would mean that the rear eaves of the building would be just visible above the wall with the height of the garages set off the boundary. The garage block would provide a further building within the development site which would be visible from the houses on Huntington Road and would give an appearance of the site being more developed. However the garage block would not detract from the existing properties amenities because its height and design would not dominate existing windows in the properties or dominate the garden areas and thus it is not considered that the existing properties residential amenities would be significantly affected by the garage proposal.

4.4 The garage block is set away from the southern boundary between 1 and 1.5 metres and is set away from the northern boundary by over 6 metres. The

relationship between the garage block and properties to the north and south is considered acceptable.

4.5 The changes to the houses to provide ground floor kitchen/dining areas will involve new window openings. An additional patio door in the gable end of plot 1 facing the western boundary is proposed. The additional doors will not detract from the amenity of adjacent properties because they are at ground level and separated from adjacent development by existing walls.

4.6 Concerns raised about additional windows being placed in the northern elevation have been resolved. These opening have been blocked up and the detail on the upper southern elevation accords with the approved scheme.

4.7 It is considered that the scheme is acceptable in relation to residential amenity having regard to paragraph 17 of the NPPF and GP1 of the DCLP.

## DESIGN AND LAYOUT

4.8 Section 7 of the NPPF requires good design. Paragraph 56 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. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment (Para 61).

4.9 The proposal will result in more built development on the site. The site is enclosed and set to the rear of Huntington Road so that the additional built development will not be visible in the wider context of the Huntington Road area. Having concluded that the development will not impact on the residential amenity of adjacent properties because of the design of the garage block it is considered that in the context of the current approval the development complies with the requirements of section 7 of the NPPF.

## HIGHWAY, ACCESS AND PARKING ARRANGEMENTS

4.10 The amended layout provides adequate space for the provision of parking and turning of vehicles. Highway Network Management raise no objections to the amended scheme.

4.11 The requirement, secured through a section 106 agreement, for the provision of a sum to ensure exclusion of the site from the adjacent residents parking scheme has been paid.

## IMPACT ON THE SETTING OF THE CONSERVATION AREA

4.12 The approved scheme was considered to change the impression of the site from the river frontage and hence the setting of the conservation area but overall the design of the scheme was considered to have a neutral impact on the conservation area. The amendments will not significantly change the impression of the scheme and does not affect the original conclusion that the scheme will have a neutral impact on the conservation area.

## FLOOD RISK

4.13 The application site falls within Flood Zone 3a where the risk of flooding is high. The Council's Strategic Flood Risk Assessment of April 2011 shows the site to be within Flood Zone 3a and is protected up to a 1 in 50 year flood event. Within such areas dwellings are classified as 'more vulnerable' within the NPPG (this superseded the technical guide to the NPPF which was in place at the time of the consideration of the application has very similar requirements). The NPPF refers to the Sequential Test and exception tests against which development in flood zone 3a should be considered. The original application considered the sites location and concluded that the development could be supported in Flood Zone 3a. The additional development will increase the amount of buildings on the site and concerns have been raised that this will increase the risk of flooding for existing properties as more of the site will be built on. The application proposes permeable surfacing within the garage areas and there are slight reductions in the levels on site adjacent to the houses. It is not anticipated that the additional garages will increase the risk of flooding to adjacent properties. The Environment Agency have initially commented that they have no objections to the scheme however further clarification has been sought given the sensitive location of the site in flood zone 3a. Any further comments received will be reported direct to committee.

4.14 The comments of our Flood Risk Management Team are awaited on the application. The scheme shows an increase in the storage capacity of the attenuation tank for surface water drainage to account for the increase in built development.

## 5.0 CONCLUSION

5.1 The amended layout and additional garages are considered to provide an acceptable relationship with the adjacent properties and therefore there is no basis to resist the application on residential amenity grounds. The new garage arrangement provides for the turning and parking of vehicles and is acceptable. It is not anticipated that the additional garages will increase the risk of flooding to adjacent properties. This minor material amendment application is considered to be

acceptable and in accordance with the relevant paragraphs of the NPPF and policy GP1 of the Development Control Local Plan.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve

- 1 The development shall be begun not later than the 9th July 2016.

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

- 2 PLANS 2 Approved plans and other submitted details

- 3 VISQ8 Samples of materials to be approved

- 4 LAND1 Landscaping to be submitted

- 5 HWAY18 Cycle parking details to be agreed

- 6 HWAY19 Car and cycle parking laid out

- 7 HWAY40 Dilapidation survey

- 8 No gates shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

- 9 Prior to the commencement of the development a detailed plan showing all proposed works ( new build or repair and alterations) to boundary walls shall be submitted to and approved by the Local Planning Authority. Thereafter the approved detail shall be implemented to the satisfaction of the Local Planning Authority before any dwelling is first occupied.

Reason: To ensure the scheme complies with the flood risk Assessment requirements and in the interest of visual amenity and the residential amenity of adjacent residential dwellings.

- 10 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to c of this condition have been complied with:

### a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

(ii) an assessment of the potential risks to:

- human health,

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

- adjoining land,

- groundwaters and surface waters,

- ecological systems,

- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

### b. Submission of Remediation Scheme

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

### c. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

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

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

12 The development shall be carried out in accordance with the submitted Flood Risk Assessment (by Yew Tree Associates, dated 03/06/13) and the following mitigation measures it details:

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- iii. Permeable surfaces will be used parking and footpath areas; there will be a reduction in the impermeable surfacing area from 100% of the existing site to

approximately 40%.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to reduce the overall amount of surface water runoff by the introduction of permeable surfaces.

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development of the type described in Classes A to F of Schedule 2, Part 1 of the Order shall be erected or provided.

Reason: The site is closely related to adjacent residential properties and provides close relationships within the site. Any further development would need to be considered in this context and taking into account the introduction of further impermeable areas into an area of flood risk.

14 The ground floor area of the dwellings hereby approved shall not be used for bedroom accommodation.

Reason: To reduce the impact of flooding on the proposed development and future occupants.

15 Large scale details at a scale of 1:20 (and where appropriate cross sections) of the following shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Development shall be carried out in accordance with the approved details.

- a) Roof cappings/flashings, edge details, soffits
- b) Windows, and external doors.
- c) Balconies.

Reason: So that the Local Planning Authority may be satisfied with these details

16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows or other openings shall be inserted in the rear elevation of unit 1 facing the garden area of 70 Huntington Road without the prior written approval of the Local Planning Authority.

Reason: To protect the residential amenity of the occupants of 70 Huntington Road



17 Individual flood gates/water tight external doors shall be fitted to each dwelling.

Reason: To ensure that possible future flood flows are not pushed onto others and so that the Local Planning Authority may be satisfied that adequate flood protection measures have been provided.

18 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, and carried out in accordance with these approved details.

Details to include:

(i) Calculations and invert levels to ordnance datum of the existing surface water system should be provided together with details to include calculations and invert levels to ordnance datum of the proposals for the new development. This will enable the impact of the proposals on the downstream watercourse to be assessed.

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

(iii) An appropriate assessment should be carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to except surface water discharge from the proposed permeable paving, and to prevent flooding of the surrounding land and the paving itself.

Please note that City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

(iv) If the above permeable paving proves to be unsuitable then In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-

case volume required.

Please note that the introduction of landscaped areas within the scheme only provides a 20% reduction in surface water run-off.

(v) Construction details of the proposed flood protection wall to the eastern boundary tied into the wall from the adjacent development by Barrett Homes and constructed to 10.81m AOD.

(vi) Construction details of the Individual flood gates/water tight external doors to be fitted to each dwelling

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and adequate flood protection measures have been provided.

## **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:

- Amended plans received following consideration and discussion of initial amendments

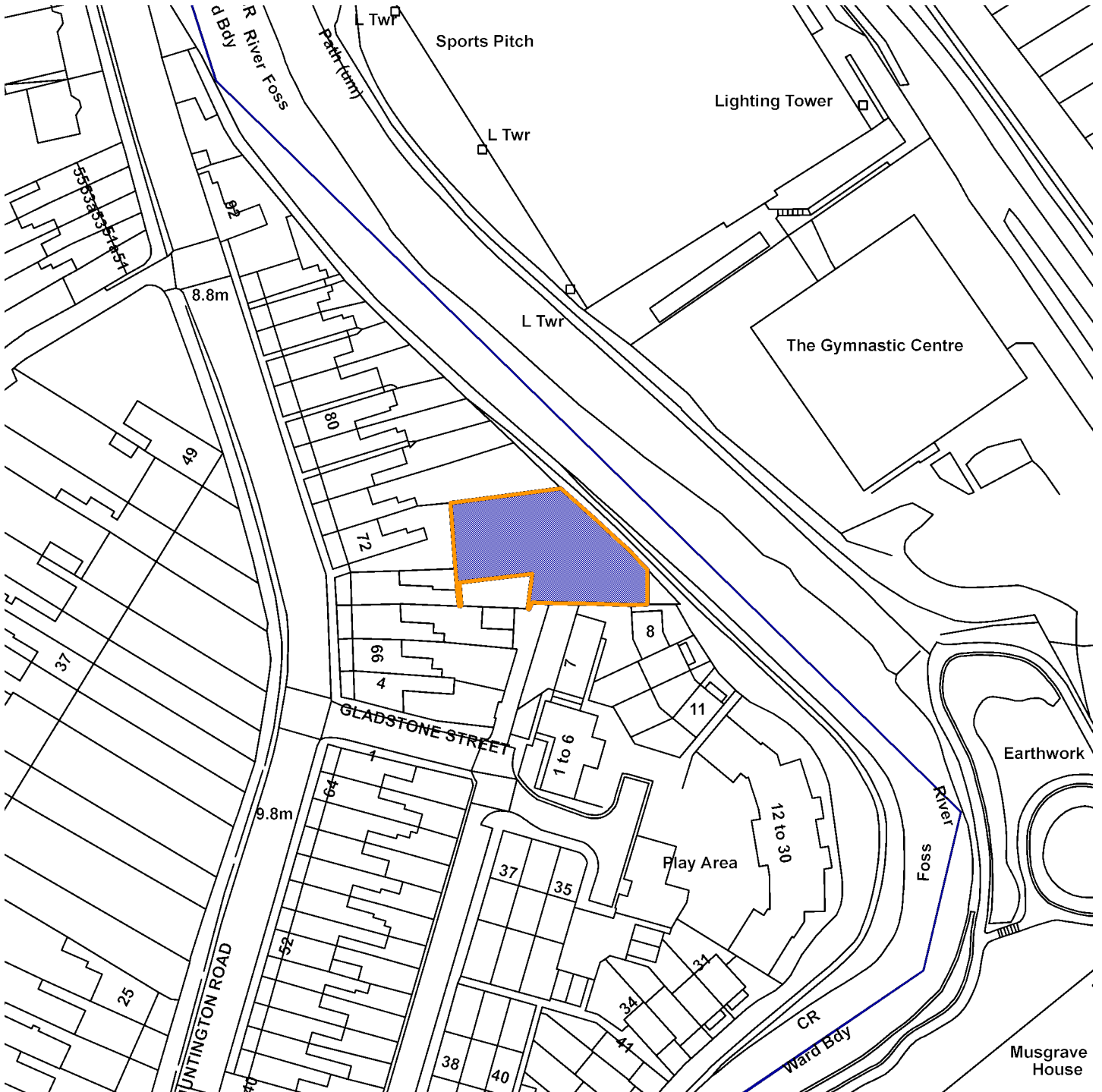
#### **Contact details:**

**Author:** Diane Cragg Development Management Officer (Mon/Tues/Wed)

**Tel No:** 01904 551351

14/02713/FUL

Former Car Repair Garage To Rear Of 70 To 72 Huntington Road



Scale : 1:1059

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	24 February 2015
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 5 March 2015                      **Ward:** Fulford  
**Team:** Major and                      **Parish:** Fulford Parish Council  
                    Commercial Team

**Reference:** 14/02580/FUL  
**Application at:** Turpin Smithy 83C Main Street Fulford York YO10 4PN  
**For:** Change of use from coach house to residential dwelling (Use Class C3) with single storey extension  
**By:** Mack and Lawler Builders  
**Application Type:** Full Application  
**Target Date:** 16 January 2015  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 This is a full application, partly retrospective, for alterations to an existing outbuilding and the change of the building into a detached one bedroomed dwelling with ground floor rear extension on a site to the rear of 81 to 85 Main Street formerly known as The Forge but now known as Turpin Smithy, Fulford.

1.2 The site is located on the east side of Main Street and is accessed via an archway within the buildings into a court yard. The courtyard and access point currently serves four existing dwellings (81, 83a, 83 b and 85 Main Street). There is also a right of access through the court yard to a fifth property, 83 Main Street. To the north of the site is a narrow public right of way between Main Street and School Lane to the south and east is existing residential development and to the west is Main Street, the residential frontage properties and the access point to the site. The frontage buildings are located on the back edge of footpath. The property to the rear, east, of the site is a detached bungalow.

1.3 The application site is a small area on the south east corner of the courtyard occupied by a detached brick built structure which has formerly been used for ancillary purposes to the previous uses of 81 and 85 Main Street. 81 and 85 Main Street have recently been converted back into separate dwellings but had formerly been used as a hotel and house in multiple occupation.

1.4 The proposal is to convert the outbuilding into a one bedroomed dwelling this will involve the following works some of which are retrospective:-

- Retrospective permission for the increase of the height of the building by two brick courses at the eaves and the corresponding increase in the ridge height of the building (applicant specifies that the building has increased from 5.1 to 5.35 m). (Other external alterations have been made to the structure including

the bricking up of doors and windows. These other works did not require planning permission).

- Alterations to the existing structure to allow for the new residential use including the insertion of new windows and doors in the elevations of the building.
- New velux windows to the northern facing roof slope
- Construction of a single storey flat, parapet roof, extension with atrium insert on the eastern elevation of the building to provide the kitchen/dining space for the conversion.
- Alterations to the external space around the building to provide a dedicated parking space for the dwelling.
- New boundary treatment the southern boundary wall being retrospective
- Retrospective alteration to existing lean-to structure on the southern boundary
- Associated parking and turning facilities

1.5 The site is within Fulford Village Conservation Area (no.30). The conservation area was first designated in 1998 and its boundaries extended in 2008.

1.6 The application has been called into committee by Cllr Aspden. The reason for the call-in is principally because of the harm to the character of the conservation area, including destroying the buildings rural character.

## PLANNING HISTORY

1.7 In 2008 planning permission was refused for the erection of a three bedrooled, two storey house replacing the existing building on the plot (planning ref: 08/00180/FUL - May 2008). The reasons for refusal related to the size, scale and position of the building which were considered to be an overdevelopment of the site and detrimental to the appearance of Fulford Conservation Area and the development having an unacceptable level of traffic movements from the site when considered in the context of the amount of development within the site and the substandard nature of the access. Such additional traffic movements were considered to be detrimental to highway and pedestrian safety.

1.8 In 2009 a further permission was refused for the conversion of the existing outbuilding together with two storey extension to create a 1 bedrooled house ( planning ref: 09/00146/FUL- March 2009). The scheme was considered detrimental to the character setting and appearance of the conservation area and lack of a bat assessment given the high potential for roosting bats within the area.

1.9 Although not the actual site of the application the following permissions have been granted and implemented within the courtyard.

- Certificate of Lawful development relating to the erection of a dwelling originally granted permission in the 1980's within the courtyard was granted in March 2007 (

planning ref: 06/02090/CLD). The certificate was granted and the new dwelling has been constructed.

- Planning permission was granted for the extension and alteration of 81 and 85 Main Street to revert back to three and four bedroom dwellings in June 2013 (planning ref: 13/00779/FUL). This permission has been implemented.

## 2.0 POLICY CONTEXT

2.1 Development Plan Allocation: Conservation Area: Fulford

2.2 Policies:

CYH4A	Housing Windfalls
CYGP1	Design
CYHE2	Development in historic locations
CYHE3	Conservation Areas

## 3.0 CONSULTATIONS

### INTERNAL

#### Highway Network Management

3.1 Initially Highway network management raised concerns that no turning area was shown within the site as part of the development. Following the submission of an amended plan they have verbally confirmed that there are no objections to the scheme. Their formal response will be reported to committee.

#### Conservation Officer

3.2 No comments received

#### Countryside Officer

3.3 No objections. Features to provide for bat activity should be included in the design of the scheme.

### EXTERNAL

#### Fulford Parish Council

3.4 Object to the application on the following grounds:-

- Unauthorised development - The building has already been altered beyond all recognition. It has been increased in height and width, the roof has been completely renewed, original brick work has been replaced, double walls with insulation have been installed, original openings have been removed and new openings have been introduced, services have been installed, a high brick wall has been constructed along the southern boundary. It would be regrettable if the

applicant were to benefit from these changes by misleading the Authority on the true extent of the development already undertaken.

- Bats - Prior to the submitted bat survey, the developer undertook a clandestine early morning clearance of the interior of the building, following which at least one dead bat was found on the ground nearby. This was reported to the Council at the time, but no action was taken. It is therefore inevitable that the submitted bat survey carried out at a later date would not reveal the presence of bats. The developer was well aware of the likely presence of bats at the time of the clearance work and his actions and misleading submissions are to be deplored.
- Design - The rural charm of the original building has been lost through its reconstruction into a stark and undistinguished building which does not reflect its setting. In particular, the unsightly blank wall of the west elevation is highly visible from within the site but fails to respect the local vernacular.
- Parking/Access - The courtyard access is not of sufficient width to serve a sixth dwelling. Vehicles can not safely reverse from the site.
- Harm to Fulford Conservation Area - The outbuilding is visible in views from Main Street and, prior to its alteration contributed positively to the historic character of the village. The changes are not in keeping with the historic function of the building and is detrimental to the character of the conservation area and views within it. Significant concerns have been raised about previous applications. There is no basis to override the strong presumption in favour of the preservation in conservation areas set out in S.72 of the Planning (Listed Building and Conservation Area) Act 1990. The outbuilding would be more suitable used as a garage and storage space.

#### Neighbour Notification/Publicity

3.5 Eight letters of objection have been received covering the following points:-

- No details have been provided of boundary between the site and 83a Main Street. A brick wall would be supported.
- Car parking is inadequate for the number of dwellings.
- Car parking should be specifically delineated.
- The building has inappropriately increased in height and width.
- Original openings have been removed and replaced.
- A high brick wall has been constructed along the rear garden boundary.
- Parking and access concerns within a very constrained site.
- This backland site should be utilised for the variety of existing occupiers of the site.
- Property has been largely rebuilt
- Bats were knowingly displaced a long time ago
- Displacement of vehicles on to the highway will affect local businesses along Main Street.
- Safety concerns about entrance/exit of the site.



3.6 One letter of support has been received which says that the alterations and extensions are considered to be in-keeping with the Conservation Area's character and appearance.

## **4.0 APPRAISAL**

### 4.1 Key issues

- Retrospective development
- Impact on Fulford Conservation Area
- Residential Amenity
- Highways, access and parking arrangements
- Protected species

## **NATIONAL PLANNING POLICY FRAMEWORK**

4.2 Paragraph 14 says that at the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development for decision taking this means that where the development plan is absent, silent or relevant policies are out-of-date granting planning permission unless specific policies in the framework indicate development should be restricted. (Foot note 9 indicates restrictions include designated heritage assets).

4.3 The core planning principles at Paragraph 17 include the expectation that planning should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives; always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; take account of the different roles and character of different areas, promoting the vitality of our main urban areas, conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;

4.4 Section 6 of the NPPF seeks to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities through local plan allocations.

4.5 Section 7 of the NPPF requires good design. Paragraph 56 says good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment (Para 61).

4.6 Section 12 of the NPPF is relevant to the site's Conservation Area Status. Paragraph 129 says that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including any development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

4.7 Paragraph 134 says that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefit of the proposal, including its optimum viable use.

4.8 The Planning (Listed building and Conservation Areas) Act 1990 section 72(1), with respect to any buildings or other land in a conservation area, places a duty on Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

#### LOCAL PLAN POLICY

4.9 Policies in the DCLP are considered to be relevant to this development where they are consistent with the advice within the NPPF. In this respect the most relevant policies to the proposal are GP1 'Design'; H4a 'Housing Windfalls'; HE2 'Development in Historic Locations'; and HE3 'Conservation Areas'.

#### FULFORD CONSERVATION AREA

4.10 The site is located to the rear of 81 to 85 Main Street, within the Fulford Conservation Area. The Fulford Conservation Area Appraisal (FCAA) refers to the properties specifically in paragraph 7.10 when it says 'On the east side of Main Street the age and status of the houses starts to increase after the Bay Horse pub, starting with No 95 and including a terrace of more modest houses Nos 79-89 which form an intact and attractive group where the street curves. The ancient and narrow path Chapel Alley leads off under No 81 towards School Lane on the eastern village boundary, with its two timber posts (to bar animals) a reminder of the village's agricultural origins.'

#### RETROSPECTIVE DEVELOPMENT

4.11 Work has already been carried out to the structure and there are varying views from the Parish Council and the Applicant's Agent about the extent of works that have already taken place. The agent says in his Design and Access Statement that certain works have already been carried out to the building these include: -

repointing of brick work, replacing roof rafters, new roof tiles, new inner block work, new first floor joists and replacement of a close boarded fence with low walls and railings. After being sent a copy of the survey drawings from the 2009 permission the agent later confirms that the roof has been raised (by 0.25 metres) and that existing openings have been removed/replaced although but that the building has not increased in width. The Parish Council believe that the increase in the roof height is nearer to half a metre, they also consider that the building has been widened considerable (1.6metres) and that windows have been bricked up with other openings added. From officers own observations it is clear that the height of the building has increased. The exact increase is not known but the pitch is steeper and there is an appreciable difference in the stature of the building. The openings in the structure have been altered in particular the front double doors have been removed. The position and shape of other openings has also changed. The works that have taken place, where they are not within the building, in Officers view require planning permission by virtue of Section 55 (2) of the Town and Country Planning Act 1990 which says, in effect, that development that materially affects the appearance of a building will require planning permission. In addition the boundary wall that has been constructed on the southern boundary is above 2 metres in height requiring planning permission and there is a small store area within the court yard on the southern boundary which has been increased in size this also requires planning permission. The acceptability of these building works is considered retrospectively as part of this application.

4.12 A structural report has been submitted which indicates that a new internal block wall and roof structure as well an internal concrete raft has been installed. The front elevation of the building has been reconstructed. The building is considered structurally sound now although the elevation of the building on the southern boundary needs repointing.

4.13 In addition it should be noted that the parking layout shown in this application is slightly different from the approved layout when the housing conversion to the front of the site was granted permission.

#### IMPACT ON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA

4.14 Although paragraph 14 of the NPPF sets out a presumption in favour of sustainable development, this development proposal falls within a designated heritage asset (conservation area). In accordance with the footnote referenced within paragraph 14 the presumption in favour of sustainable development does not apply.

4.15 The whole of the site is located within Fulford Conservation Area and the various documents referred to in the policy section above all require that regard is had to preserving or enhancing the character and appearance of the conservation

area. Indeed such a requirement is a duty under the Act. The FCAA describes the character of the area with specific reference to the site. The buildings and curtilage of 81 to 85 Main Street and the footpath to the north of the range of buildings are important element of the village's history.

4.16 The proposals is for the retention of the outbuilding with its additional height, the insertion of three roof lights, the insertion of new/ changed window openings in the northern elevation and the construction of a rear extension measuring 4.5 metres in length by approximately 4 metres in width. The extension will project forward of the existing northern wall by 0.5 metre and will be a flat roof parapet structure with atrium roof light insert. The height of the extension will be 3 metres to the parapet and 3.5 metres to the top of the glass atrium. Various new boundary walls are sought to be retained or constructed and car parking provided for the use.

4.17 The building has some visibility along the Main Street frontage. Its general proportions, front elevation and roof are clearly visible. Officers would agree with the Parish Council that the removal of the front double doors has reduced the quality of the appearance of the building however the changes to the height and other external changes do not, in any appreciable way, detract from the longer views of the building from adjacent properties and from the street frontage. The structure will look slightly more domestic with the insertion of roof lights. The projection of the rear extension by 0.5 metre beyond the existing northern wall will not be seen from the street frontage although the extension and boundary walls will be seen from the properties to the east and south. In Officers opinion the changes to the building and its new use would not erode the established character of this part of the conservation area; the building will still appear subservient to the surrounding structures and would have a neutral affect on its character and appearance. Furthermore when paying special attention to the desirability of preserving or enhancing the character or appearance of the area as set out in Section 72(1) the impact of the development on the character and appearance of Fulford conservation area is still considered to be neutral.

4.18 In the officer's view there will be less than significant harm to the heritage asset; the proposed development will secure a new use for an existing structure and an additional house in a sustainable location. The development would accord with the guidance within the NPPF and with the duty in section 72(1) of the Planning (Listed Building and Conservation Area) Act 1990.

## RESIDENTIAL AMENITY

4.19 The building is surrounded by residential properties. The presence of the existing building means that the properties to the Main Street frontage and the new dwelling on the northern boundary will see little difference in their current outlook. New window openings at ground and upper level will not impinge on their amenity.

4.20 The bungalow to the west of the site shares a common boundary with the rear and side garden area of the proposed dwelling and the ground floor extension will be visible from within their garden area. The bungalow is sited so that its garden is adjacent to the extension with its windows set away from the extension area. The height of the extension at approximately 3 metres high will not detract from the amenities of the bungalow and the proposed boundary walls will provide good privacy between the two dwellings.

4.21 The bungalow to the south of the site has a substantial corner garden. The new boundary wall that has already been constructed along the joint boundary is set well away from the bungalow and does not detract from the amenities of the property, in fact it's design and construction are of good quality and provide a good addition to the boundary treatment. The additional height on top of part of the wall to provide for the single storey extension will increase the wall by 1 metre for 4 metres of its length. This additional height is well away from the property and will not detract from the property's amenities.

4.22 The space within the courtyard has to provide for the existing four properties, the proposed additional dwelling and retain access for 83 Main Street. The success of the courtyard arrangement depends on the good organisation of space and relies upon occupiers using those spaces properly. The previous approvals for the frontage properties provided bin and cycle storage for all four properties and a single parking space each. This scheme provides for bin storage and cycle storage for the additional dwelling in an extended communal storage area it also shows a dedicated car parking space with turning area. With these facilities in place there is no planning reason to suggest that the site will cause detriment to adjacent residential amenity as the needs of the proposed unit are provided for within the site.

## HIGHWAYS ACCESS AND PARKING ARRANGEMENTS

4.23 The turning area provided within the site is considered adequate and the levels of parking and cycle provision for the development are acceptable.

## PROTECTED SPECIES

4.24 The application is supported by a bat survey. The comments of objectors are noted in relation to works undertaken before planning permission for the development was submitted. The bat survey was undertaken prior to any works taking place, at an appropriate time of year, following best practice methodology and it found no evidence of roosting bats. The works carried out in early 2014 were undertaken in accordance with the survey work. The work undertaken will have removed the features identified as suitable for use by bats and therefore development can proceed without impacting on bats. A condition is proposed to require the incorporation of features suitable for bats in the conversion of the building.

## 5.0 CONCLUSION

5.1 The proposal, subject to conditions would not cause undue harm to interests of acknowledged importance, with particular reference to the impact of the development on the Fulford Conservation Area, residential amenity, highways, access and parking arrangements and ecology issues relating to bats. As such the proposal complies with advice in the National Planning Policy Framework and Policies of the City of York Development Control Local Plan in as much as these policies are compatible with the National Planning Policy Framework. Consideration of the scheme has had regard to the duty under section 72 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. The scheme is considered to be acceptable for the reasons set out in this report.

## 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:-

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

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

4 Prior to the commencement of the development a large scale detail of the proposed boundary walls to the northern and eastern boundaries showing the finished height and capping detail shall be submitted to and approved in writing by

the Local Planning Authority. Thereafter the details approved shall be implemented to the satisfaction of the Local Planning Authority before the dwelling is first occupied.

Reason: In the interests of the amenity of the adjoining occupier and the appearance of the Fulford Conservation Area in accordance with the National Planning Policy Framework.

5 The dwelling shall not be occupied until the area shown on the approved plans for parking and manoeuvring of vehicles has been constructed and laid out in accordance with the approved plans; thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

6 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 to E of Schedule 2 Part 1 of that Order shall not be erected or constructed.

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

7 The dwellings hereby approved shall not be occupied until the cycle parking and bin store areas have been provided within the site in accordance with the approved plans, Thereafter these areas shall not be used for any purpose other than the parking of cycles and storage of bins and shall be made available at all times.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads, in the interests of the amenity of neighbours and to ensure the limited space in the rear court yard can function adequately in the interests of residential amenity.

8 No development shall take place until details have been submitted to and approved in writing by the Council of the measures to be provided within the design of the conversion and extension of the building to enhance the biodiversity of the area. The work shall be completed in accordance with the approved details prior to the occupation of the dwelling. NB. Features suitable for incorporation include measures for species that use buildings such as bats and birds.

REASON - This is proposed to take account of and enhance the habitat and biodiversity of the locality in accordance with the submitted ecology report and to

accord with guidance in paragraph 118 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 order to achieve a positive outcome:

- Amended plans discussed to ensure that the scheme relates to that which has been carried out on site and to address concerns raised by Highway Network Management.

#### **Contact details:**

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**Tel No:** 01904 551351



14/02580/FUL

Turpin Smithy 83 Main Street Fulford



Scale : 1:1059

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	24 February 2015
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 5 March 2015                      **Ward:** Acomb  
**Team:** Major and                              **Parish:** No Parish  
Commercial Team

**Reference:** 14/02927/FULM  
**Application at:** Carr Infant School Ostman Road York YO26 5QA  
**For:** Erection of two-storey school building (use class D1) with associated hard surfaced play and circulation areas and demolition of existing school building  
**By:** Mr Paul Beattie  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 20 March 2015  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 Carr Infant School comprises a large single storey brick and prefabricated panel built complex dating from the 1950s set within a suburban residential area of the city. Planning permission is sought for the erection of a two storey replacement School building on land directly to the south east of the existing school building presently partially used as green play space and as a parking area. The existing northern access from Almsford Road would be retained for staff parking and a purpose built hard play area would be constructed on the site of the existing building complex. The existing vehicular access from Ostman Road would be retained for deliveries and visitor parking. The present physical condition of the School is poor and the site layout is difficult to manage with a joint site with Carr Junior School and a number of different access points. The work is being undertaken under the DFES Priority Schools Building Programme.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001  
DC Area Teams West Area 0004

2.2 Policies:

CGP15A Development and Flood Risk  
CYGP1 Design  
CYED1 Primary and Secondary Education  
CYGP3 Planning against crime

### 3.0 CONSULTATIONS

#### INTERNAL

##### Planning and Environmental Management (Ecologist)

3.1 No objection to the proposal subject to an informative in respect of nesting birds and the need to obtain the licence of Natural England in the event of protected species being found on site.

##### Highway Network Management

3.2 Any response will be reported verbally.

##### Environmental Protection Unit

3.3 No objection subject to conditions to safeguard the residential amenity of neighbouring properties.

##### Flood Risk Management

3.4 Any response will be reported verbally.

#### EXTERNAL

##### Sport England

3.5 No objection subject to conditions to secure the appropriate drainage of the proposed playing field.

##### Yorkshire Water Services Limited

3.6 No objection to the proposal subject to any permission being conditioned to safeguard the line of a surface water sewer crossing the site and to secure the provision of surface water drainage scheme.

##### Natural England

3.7 No objection.

##### North Yorkshire Police Architectural Liaison Officer

3.8 No objection in principle but expresses concern in respect of the intervisibility of the rear parking area with the main school building.

##### Environment Agency

3.9 No objection.

##### The Ainsty (2008) Internal Drainage Board

3.10 No objection subject to an informative covering the need for consent for works within 9 metres of a Board maintained water course and a condition covering the prior approval of a scheme of surface water drainage.

### Neighbour Notification and Publicity

3.11 Three letters have been received. The following is a summary of their contents:-

- Support for the replacement of the existing building complex which is clearly in some disrepair;
- Security lighting should be proportionate to the needs of the school – at present it is excessively intrusive
- Concern in relation to the height of the building in comparison to the existing school
- Concern in relation to traffic flow on Almsford Road during the construction phase
- Concern in relation to working hours especially after 5pm and at weekends
- Arrangements and timing for the public consultation event, which was held during the working day, were far from acceptable
- There is no information about how access issues on Almsford Road will be managed during the construction phase
- At 6 metres high, the lighting is totally out of proportion and low level, less intrusive lighting should be installed. It should not be operational after 8 or 9pm.

## **4.0 APPRAISAL**

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- Impact upon the visual amenity of the wider street scene;
- Impact upon the residential amenity of neighbouring properties;
- Management of the Site During the Construction Process;
- Designing out Crime.

## STATUS OF THE YORK DEVELOPMENT CONTROL LOCAL PLAN

4.2 The York Development Control draft Local Plan was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications although it is considered that their weight is limited except when they are in accordance with the National Planning Policy Framework.

## IMPACT UPON THE VISUAL AMENITY OF THE WIDER STREET SCENE

4.3 Central Government planning policy as outlined in paragraph 72 of the National Planning Policy Framework urges Local Planning Authorities to give significant weight to the need to provide a sufficient choice of school places for new and existing communities. Policy ED1 of the York Development Control Local Plan states that new/extended primary and secondary education facilities will be

permitted providing they would meet a recognised need, they are of a scale and design appropriate to the character of the locality and an area of open space/playing field sufficient to meet the needs of pupils is incorporated in the development.

4.4 Carr Infant School comprises a 270 place community primary school with an attached 39 place nursery which has been selected for re-construction as part of the Priority Schools Building Programme on account of its poor condition. It forms a complex of interlinked brick built buildings dating to the 1950s within a joint site with Carr Junior School to the east. In addition to the poor structural condition of the buildings there is no significant hard play area. There are two vehicular access points, from Ostman Road and Almsford Road with residential development surrounding the school site on all sides. There is a significant change in level across the site with the school buildings up to 3 metres lower than the adjacent residential property. The western boundary of the site is also heavily landscaped.

4.5 The proposal envisages the complete clearance of the existing complex and the erection of a more physically compact two storey building with a conjoined school hall directly to the west. The main school building would be some 7.3 metres to the ridge and the school hall would be some 9.3 metres high to the ridge. The hall roof would be a shallow mono pitch with the school roof itself largely flat with a low brick parapet to accommodate natural ventilation terminals. The building would be pulled significantly forward into the site to the south east from its existing location to allow for the construction of a purpose built hard play area to the north west. This also allows for the existing building to be retained during the construction phase. The existing access from Ostman Road would be retained for deliveries and for visitor parking and the rear access from Almsford Road would give access to the staff parking area. The proposed building would relate well to the retained Junior School building which is in part two stories and its compact two storey form would be appropriate within the local townscape. The requirements of Policy ED1 of the Development Control Local Plan and paragraph 72 of the National Planning Policy Framework would therefore be satisfied.

## IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES

4.6 Policy GP1 of the York Development Control Local Plan expects new development to respect or enhance the local environment, be of a layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area and ensure that neighbouring residents are not affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. Central Government planning policy as outlined in paragraph 17 of the National Planning Policy Framework "Core Planning Principles" urges Local Planning Authorities to give significant weight to the need to safeguard a good standard of amenity to all new and existing occupants of land and buildings.

4.7 The existing school consists of a complex of buildings that come close to the boundary with residential property to the north and west, with the closest point to the west being some 22 metres and to the north 28 metres from the edge of the building complex. The local topography and mature landscaping at the site boundary gives a degree of protection to properties to the west however, the site is extremely open to the north. The proposal envisages the reconstruction of the school building in a more physically compact two storey form further to the south east. The new school building would be some 68 metres from residential properties to the west at its closest point and 60 metres from properties to the north at its closest point. Properties to the south on Ostman Road would be around 60m from the building. Whilst the new building would be a two storey form of development, the separation distances are significant and the applicant has agreed to further landscaping along the site boundary to mitigate any impact.

4.8 Concern has been expressed in respect of the height of the new building, however at 7.3 metres to the ridge and 9.3 metres to the ridge in the case of the hall, the building would retain a scale which would have a minimal impact upon the residential amenity of neighbouring properties in view of the distances involved. Concern has also been expressed in terms of the proposed lighting for the rear Almsford Road access to the site. The topography of the site would give a degree of mitigation to adjacent properties, at the same time a condition is recommended to secure the design and location of the fittings. The proposal is therefore considered to be acceptable in terms of its likely impact upon the residential amenity of neighbouring properties.

## MANAGEMENT OF THE SITE DURING THE CONSTRUCTION PROCESS

4.9 Concern has been expressed in relation to the management of the site during the construction process. The applicant has submitted a plan which indicates that the existing Ostman Road access which is easily accessible from Beckfield Lane and the adjoining strategic road network would be used exclusively by construction vehicles and deliveries with the site compound to the south east within the existing school field a significant distance from nearby residential property. The access from Almsford Road to the north would be retained for school use with an additional area within the hard play area in the centre of the site used for parking displaced by the temporary loss of the Ostman Road access. Concern arises because of the topography of the site and the configuration of the Almsford Road access. Any impact would however be temporary for the duration of part of the construction process and can be managed by a requirement for a Construction Environmental Management Plan as part of any permission.

## DESIGNING OUT CRIME

4.10 Concern has been raised in respect of some aspects of the layout from the perspective of designing out crime specifically the relationship of the staff car park

accessed from Almsford Road and main building complex. The issue has been specifically addressed by the applicant in the submitted Design and Access Statement. Whilst the staff car park would have to be accessed via the hard play area at some distance from the building, the site layout and complex of buildings has been greatly simplified with clear lines of sight created. Any remaining issue in terms of the car park accessed from the north and the associated approach can be dealt with through the introduction of the proposed cctv system which can be conditioned as part of any permission.

## ENVIRONMENTAL IMPACT ASSESSMENT

4.11 The proposal as being over 0.5 hectares in area falls within the indicative thresholds contained within Schedule 2 to the 2011 Town and Country Planning (Environmental Impact Assessment) Regulations. It has been screened against the relevant threshold criteria within Schedule 3 of the Regulations and found not to require Environmental Impact Assessment.

## 5.0 CONCLUSION

5.1 Carr Infant School comprises a large single storey brick and prefabricated panel built complex dating from the 1950s. Planning permission is sought for the erection of a two storey replacement School building on land directly to the south east of the existing building. The existing school complex is in poor structural repair and not suited to modern requirements and so the project is being undertaken under the umbrella of the Government's Priority Schools Building Programme. The proposed replacement would be erected at a significant distance from neighbouring residential property. The proposed pattern of scale and massing would reflect that of the adjacent junior school and is considered to be appropriate in respect of the visual amenity of the wider street scene. The development is considered to be acceptable and approval is recommended.

## 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:-

Drawing Refs:- BDP-03(PL)AP-100; BDP-03(PL)AP-101; BDP-03(PL)AP-102; BDP-03(PL)AE-101; BDP-03(PL)AE-102; BDP-03(PL)AS-100; BDP-03(PL)AS-101; BDP-03(PL)AX-100; BDP-03(9-)-LP-001E; BDP-03(9-)-LP-003B; BDP-03(9-)-LP-004A; BDP-03(9-)-LP-005B; BDP-03(9-)-LP-006F; BDP-03(9-)-LP-007A; SK01(6); SK2; 15955-1(Rev A); 15955-2(Rev A); 15955-3(Rev A); 15955-4(Rev A).

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

3 VISQ8 Samples of exterior materials to be app -

4 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees, shrubs and hard landscaping. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

5 Trees shown as being retained on the approved plans shall be protected in accordance with BS: 5837 Trees in relation to construction.

Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing; phasing of works; site access for demolition/construction and methodology; type of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading); parking arrangements for site vehicles; locations for storage of materials; locations of utilities. Details of existing and proposed levels and surfaces shall also be included.

The protective fencing line shall be adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation or deep-digging, parking or manoeuvring of vehicles; there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, or pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To ensure protection of existing trees before, during and after development which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area.

6 Prior to commencement of development the developer shall submit to the local planning authority a formal pre-design BREEAM assessment for the design and procurement stages of the development. The developer shall submit a further BREEAM assessment after construction, at a time to be agreed in writing by the local planning authority. All assessments shall confirm the minimum 'Very Good' rating anticipated in the preliminary BREEAM assessment submitted with the application

Reason - To ensure the development complies with the principles of sustainable development

7 LC4 Land contamination - unexpected contam -

8 Prior to any works commencing on site, a construction environmental management plan (CEMP) should be submitted and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration and dust resulting from the site preparation, demolition, groundwork and construction phases of the development. Once approved, the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

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

9 NOISE7 Restricted hours of construction

10 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible at the boundaries of the nearest residential properties when in use, shall be submitted to the local planning authority for approval. These details shall include maximum sound levels (LA max(f)) and average sound levels (LA eq), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed 5dB(A) below the background noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 1997 or exceed the background noise level at 1 metre from the

nearest noise sensitive facades when assessed in accordance with BS4142: 2014, including any acoustic correction for noises which contain a distinguishable, discrete, continuous note (whine, hiss, screech, hum, etc.); noise which contain distinct impulses (bangs, clicks, clatters, or thumps); or noise which is irregular enough to attract attention.

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

11 The replacement building shall not be occupied until a full Lighting Impact Assessment has been submitted to and approved by the Local Planning Authority. The report shall detail predicted light levels at neighbouring residential properties contain the following as a minimum

- i) Description of the proposed lighting: number of lighting columns and their height, and proposed lighting units.
- ii) Artificial lighting to the development must conform to requirements for Environmental Zone. E3 contained within Table 1 of the Institute of Light Professionals Guidance Notes for the Reduction of Obtrusive Lighting .

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

12 The development hereby approved shall not be occupied until a travel plan for the infant school has been submitted and approved in writing by the Local Planning Authority. The travel plan should be developed and implemented in line with local and national guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of the travel plan.

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

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

13 Prior to the replacement building being brought into use details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any

purpose other than the parking of cycles.

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

14 HWAY19 Car and cycle parking laid out -

15 No development shall take place until full details of the proposed means of surface water disposal including details of balancing and off-site works have been submitted to and approved in writing by the Local Planning Authority. The site shall be developed with separate systems of foul and surface water drainage on and off site. The development shall thenceforth be undertaken in strict accordance with the approved application details prior to the building being first occupied.

Reason:- To ensure that the site is safely and efficiently drained and to comply with Policy GP15a) of the York Development Control Local Plan.

16 Unless otherwise approved in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3 metres either side of the centre line of the 375mm sewer which crosses the site.

Reason:- To secure the safe and efficient maintenance of the infrastructure.

17 No development shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority:-

i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the new playing field which identifies constraints which could affect playing field quality; and

ii) Based upon the assessment carried out in pursuant to i) above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, cultivation and other operations associated with grass and turf establishment and a programme of implementation.

The approved scheme shall be carried out in full and in accordance with a detailed timescale approved in writing with the Local Planning Authority. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: - To ensure that the playing field is prepared to an adequate standard and to secure compliance with Policy ED1 of the York Development Control Local Plan.

18 Prior to the first occupation of the replacement building a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of pricing policy, hours of use, access by non school pupils/non members, management responsibilities and a mechanism for review. The approved scheme shall commence upon first use of the development.

Reason: - To secure safely managed community access, to ensure sufficient benefit for the development of support and to secure compliance with Policy ED1 of the York Development Control Local Plan.

19 Prior to its implementation full details of the proposed CCTV system for the site including numbers, location and design of cameras and associated columns shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason :- To minimise the risk of crime and to comply with Policy GP3 of the York Development Control Local Plan.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

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

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

- i) Clarification in respect of the site layout;
- ii) Clarification of the impact of the proposal upon potential bat habitat.

#### **2. INF11 CONTROL OF POLLUTION ACT 1974**

#### **3. BAT PROTECTION:-**

In the UK, due to the decline in bat numbers in the last century, all species of bat are protected by the Wildlife & Countryside Act (1981) as amended, Countryside and Rights of Way Act (2000) and the Conservation of Habitats and Species Regulations (2010). Because of their protected status, it should be noted that if bats are discovered during the course of the work, all works must cease and Natural England must be informed immediately. It is an offence for anyone to disturb or handle a bat without the appropriate licences. This may cause some delay but should not prevent

the work continuing, provided that due account is taken of their presence.

There are opportunities for the development to enhance the building for bats. This can be done without detriment to the building through bat friendly features which can be designed at the outset and include features such as bat bricks, bat tiles or an adapted fascia (see [http://www.bats.org.uk/pages/accommodating\\_bats\\_in\\_buildings.html](http://www.bats.org.uk/pages/accommodating_bats_in_buildings.html) for more information).

#### 4. BIRD HABITAT:-

All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended). To ensure that breeding birds are protected from harm during construction, works that would impact on building features or vegetation that would be suitable for nesting birds should be undertaken outside of the breeding bird season between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period. There are opportunities for the development to provide enhancement for birds without detriment to the building by the addition of bird boxes, examples of which can be found on the RSPB website [http://www.rspb.org.uk/makeahomeforwildlife/advice/helpingbirds/roofs/internal\\_boxes.aspx](http://www.rspb.org.uk/makeahomeforwildlife/advice/helpingbirds/roofs/internal_boxes.aspx).

#### 5. AINSTY (2008) IDB:-

The applicant is reminded that the consent of the Ainsty (2008) IDB is required in respect of any works undertaken within 9 metres of the banks of a Board maintained water course.

#### 6 CONDITION NO.9 CONSTRUCTION MANAGEMENT PLAN

The CEMP will be expected to address the following issues:

Noise - details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

Vibration - details should be provided on any activities which may result in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. Ideally all monitoring results should be recorded and include what was found and mitigation measures employed (if any).

Dust - details should be provided on measures the developer will use to minimise dust blow off from site, i.e. wheel washes, road sweepers, storage of materials and stock piles, use of barriers, use of water bowsers and spraying, location of stockpiles and position on site. In addition it is anticipated that details would be required of proactive monitoring to be carried out by the developer to monitor levels of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints. Ideally all monitoring results should be measured at least twice a day and result recorded of what was found, weather conditions and mitigation measures employed (if any).

In addition to the above the CEMP should also provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved.

**Contact details:**

**Author:** Erik Matthews Development Management Officer

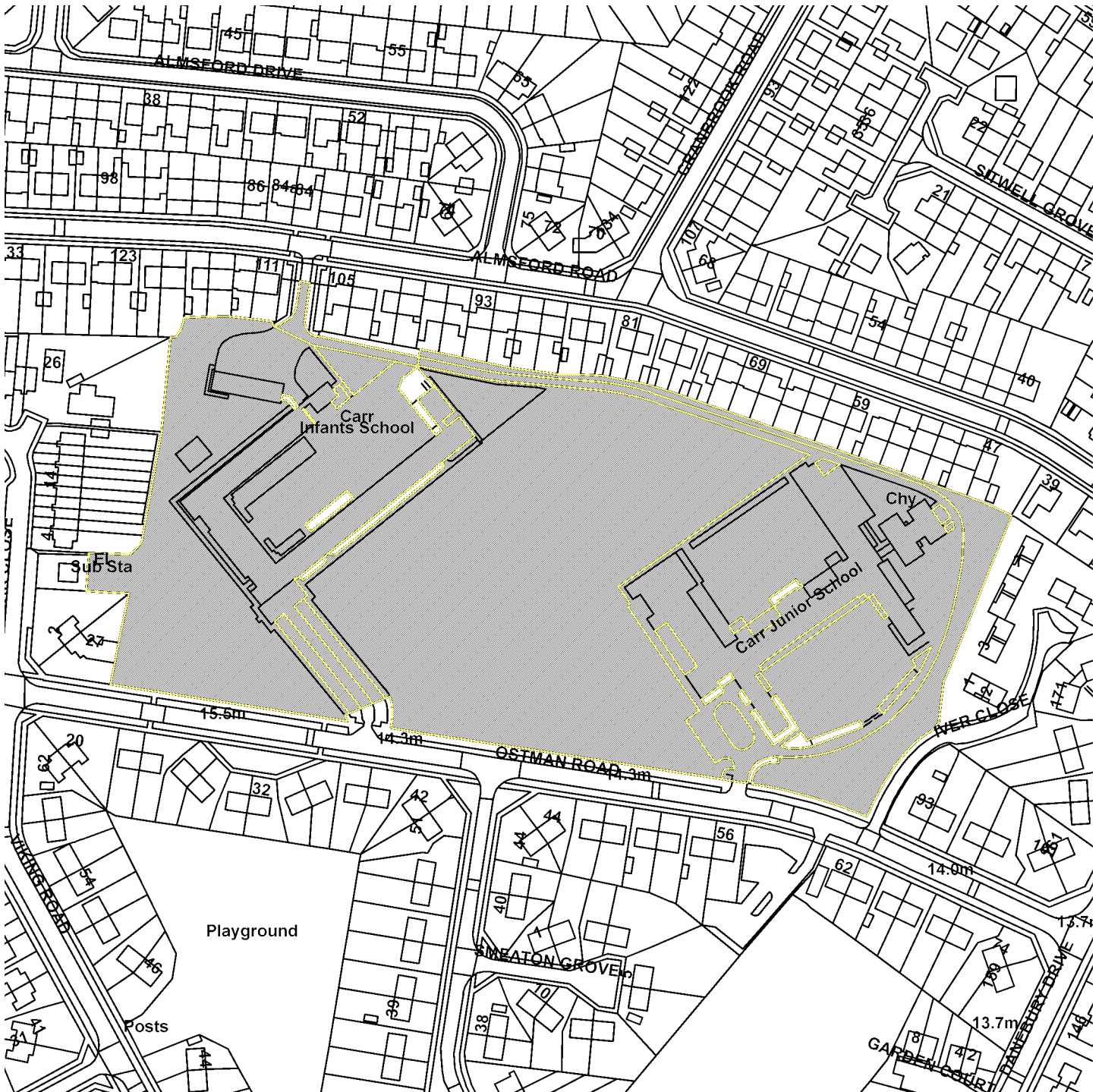
**Tel No:** 01904 551416

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14/02927/FULM

Carr Infant School Ostman Lane



Scale : 1:2119

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	24 February 2015
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 5 March 2015                      **Ward:** Heworth  
**Team:** Major and                      **Parish:** Heworth Planning Panel  
                    Commercial Team

**Reference:** 14/02959/FUL  
**Application at:** Land to the South of 26 Pottery Lane York  
**For:** Erection of 6no. dwellings to include ecology park  
**By:** City Of York Council  
**Application Type:** Full Application  
**Target Date:** 17 February 2015  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application relates to a linear piece of land, located on the east side of Pottery Lane. It is fenced off from the public highway and contains a number of trees. Heworth Golf Course lies to the east of the site. It is surrounded by houses to the north, south and west. A two storey building sits to the south containing four flats and to the north is the end-terrace house. A 33kv electricity cable crosses the site.

1.2 The application proposes the erection of 6 no. two-storey houses in three semi-detached pairs. One of the pairs would sit immediately to the north of 16-22 Pottery Lane, to the north of which would be an ecology park. The remaining two semi-detached pairs would be located within the northern half of the site. The houses would have an east-west orientation and would front onto the public highway. The buildings would be of traditional construction using a mixture of facing brickwork and cladding for walls and grey roof tiles with grey uPVC window frames and doors. Each property would have pedestrian and vehicular access from Pottery Lane and would incorporate one off-road parking space, cycle parking, refuse and recycling provision and a private rear garden. Metal railings are proposed along front boundaries with closed board timber fencing at the rear. The ecology park would be re-planted and would be secured by fencing and gates along its frontage with Pottery Lane set behind soft landscaping.

1.3 The application has been accompanied by a planning statement, design and access statement, statement of community involvement, contamination assessment, bat survey, ecological report, arboriculture assessment and drainage report.

1.4 The site was originally part of a larger area of land used as a pottery and had the original Pottery Lane running across it. It subsequently became part of the golf club and had buildings upon it associated with the club house, which was to the south of the site.

1.5 The application is reported to the sub-committee because the applicant is the City of York Council.

## 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001  
DC Area Teams East Area (1) 0003

2.2 Policies:

CYGP1	Design
CYGP3	Planning against crime
CYGP4A	Sustainability
CYGP6	Contaminated land
CYGP9	Landscaping
CGP15A	Development and Flood Risk
CYNE1	Trees, woodlands, hedgerows
CYNE6	Species protected by law
CYNE7	Habitat protection and creation
CYHE10	Archaeology
CYGB1	Development within the Green Belt
CYGB6	Housing devt outside settlement limits
CYT4	Cycle parking standards
CYH4A	Housing Windfalls
CYH5A	Residential Density

## 3.0 CONSULTATIONS

INTERNAL

### Ecology and Countryside Officer

3.1 The site currently comprises of an area of woodland and shrubs with species such as sycamore, poplar, ash, hawthorn, elder and birch. A bat survey was undertaken between April and August to investigate if bats are using the area for roosting, foraging and commuting, and to assess the impact of the development on bats. The trees on site were assessed for their potential to support roosting bats and were found to be unsuitable. A series of bat activity surveys found a moderate level of commuting and foraging activity by common pipistrelle at the site but concluded that there it is unlikely that there would be a significant impact from the development on the local population. The development retains a corridor of natural habitat and the southern boundary hedgerow which will maintain connectivity for commuting bats from the housing estate to the golf course and surrounding habitat, as well as an area for foraging bats.

3.2 It is proposed that the 'ecology park' is fenced with 1.8m high close boarded timber fence for security however this will prevent the movement of wildlife such as hedgehogs and it is recommended that fencing with gaps between the boards is used instead or small gaps be cut into the bottom of the panels. Additional planting in this area should be of native species.

3.3 Requests an informative be added as the vegetation on site is suitable for nesting birds.

#### Landscape Architect

3.4 Pottery Lane is virtually devoid of trees, other than the group of Poplars, Sycamores and Hawthorn within the application site located close to the bend in the road. As general greenery of significant height, the group of trees are currently of importance to the amenity of the street; they are also contiguous with the tree cover within the neighbouring golf course.

3.5 It appears that the majority of trees are likely to be self-sown on tipped earth, with various earth movements occurring more recently, which has resulted in soil built up around the base of some trunks and some basal damage. The majority of trees are considered to be low quality or of low value, e.g. due to poor structure/small size/young age, or, require removal due to e.g. decay. Thus these lower quality trees, despite the general greenery they provide, should not pose a restriction on development that is otherwise agreeable. None of the trees are within the highest category A.

3.6 Potentially a few of the trees are worth retaining because of their reasonable condition and form, combined with the contribution they make to the streetscape. In order to retain some mature greenery, it would have been preferable to retain and manage a block of trees at the northern end of the application site, thus freeing up the southern end for development. However a mains electricity cable runs across the lower end of the site, thus restricting development in the southern half. It is debatable whether the value of the trees outweighs the benefit of the proposed development given that none of the trees are considered to be high quality, and in consideration of the proposed mitigation measures through the planting of trees and under-storey within the green area named 'Ecology Park', plus the introduction of hedging along the street frontage. The existing trees are neither rare species, nor particularly good individual specimens; and they are situated on rough ground, including exposed rubble. The development of the site presents an opportunity to level the site and replant with a mix of trees and under-storey planting that would hopefully be suitably managed in perpetuity.

3.7 Please include condition LAND 1 and a condition for the approval of the boundary treatments, and lighting. The fencing around the ecology park should be secure but transparent, e.g. widely spaced Palladin, and the frontage planting should be a mixed-species hedge applied along the full length for uniformity. As the gardens are quite shallow, greenery by way of climbers on the rear fence is

recommended, such as Honeysuckle, Jasmine, and Clematis tangutica, and less invasive ivy species such as Hedera helix 'Glacier' or 'Green Ripple', plus hardy, low maintenance, semi-climbing shrubs such as Euonymus fortunei var. , Lonicera plieata mixed with ground cover roses. Suitable planting within the Ecology park would consist of a range of native, small-medium sized species such as Field maple, Crab apple, Hawthorn, with some faster-growing species such as Birch, Alder, Willow.

#### City Archaeologist

3.8 Requests condition ARCH1 be placed on any consent granted for this application.

#### Highway Network Management

3.9 No objections to the development from a highway point of view. There will be negligible impact on the network as a result of the application. Car parking meets the required standards. Cycle stores are included on the plans, details of which may be conditioned. Forward visibility is adequate and is on the outside of a bend. Pedestrian visibility may be conditioned.

#### Environmental Protection Unit

3.10 No objections are raised, though conditions are requested to overcome concerns regarding the potential for land contamination due to the historical land use of the site and land in close proximity to the site.

#### Flood Risk Management Team

3.11 The development is in low risk Flood Zone 1 and should not suffer from river flooding. There are no objections to the development in principle, subject to conditions being applied to any approval covering foul and surface water drainage.

### EXTERNAL

#### Yorkshire Water

3.12 Requests conditions be attached to any permission granted in order to protect the local aquatic environment and YW infrastructure. The site should be developed using separate systems of foul and surface water drainage, with foul water discharged to the existing sewer. A water supply can be provided.

#### Heworth Planning Panel

3.13 No objections.

#### Neighbour Notification/Publicity

3.14 One adjacent resident objecting on following grounds:

- No assessment of owls that currently reside in the trees that will be removed;

- No assessment of the potential damage to surrounding property from removal of trees and would welcome reassurance that it would not cause property movement.

## 4.0 APPRAISAL

### KEY ISSUES

- Whether the proposal constitutes inappropriate development, taking into account the effect on openness of the Green Belt and the purposes of including land within it; and,
- If so, whether the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations in order that the very special circumstances, necessary to justify the proposal, exist.

### POLICY CONTEXT

4.1 The development plan for York comprises the retained policies in the Yorkshire and Humber Regional Spatial Strategy YH9(C) and Y1(C1 and C2), relating to York's Green Belt. The policies require that the inner and the rest of the outer boundaries are defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

4.2 Central Government guidance is contained in the National Planning Policy Framework ("NPPF", March 2012). Paragraph 7 of the NPPF says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. The NPPF establishes a presumption in favour of sustainable development, though footnote 9 to Paragraph 14 specifically includes land designated as Green Belt among those policies in the Framework that indicate development should be restricted.

4.3 Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking. The principles include: seeking high quality design and a good standard of amenity for all existing and future occupants of land and buildings; protecting the Green Belt around main urban areas, recognising the intrinsic character and beauty of the countryside; taking full account of flood risk; conserving heritage assets; and, actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling.

4.4 In particular, Section 9 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence (paragraph 79). Paragraphs 87 and 88 state that inappropriate development is, by

definition, harmful to the Green Belt and should not be allowed except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

4.5 The Development Control Local Plan (DCLP) was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications, although it is considered that their weight is limited except when they are in accordance with the NPPF. The Draft Proposals Map that accompanies the Plan shows the site as falling within the general extent of York Green Belt.

4.6 In particular, Policy GB1 sets out a clear policy presumption against development in the Green Belt unless its scale, location and design would not detract from the open character of the Green Belt, would not conflict with the purposes of including land within the Green Belt and would be for one of a number of purposes deemed to be appropriate within the Green Belt. Policy GB6 only permits housing development outside defined settlement limits where it is either essential for agriculture or forestry, or is for affordable housing development on small 'exception' sites that comply with the criteria outlined in Policy GB9. Policy GB9 refers to a proven local need being demonstrated for sites that would not lead to coalescence of settlements and that are for schemes that are wholly affordable and remain so in perpetuity.

## OPENNESS AND PURPOSE OF GREEN BELT

4.7 The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence (paragraph 79). Paragraph 80 outlines the five purposes that the Green Belt serves. This includes: to check unrestricted sprawl of large urban areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and, to assist in urban regeneration by encouraging the recycling of derelict and other urban land.

4.8 The site is included within the York Green Belt on the Proposals Map accompanying the DCLP. Paragraph 89 of the NPPF considers the construction of new buildings as inappropriate in Green Belt, unless falling in the listed exceptions. One such exception is 'limited affordable housing for local community needs under policies set out in the Local Plan'. Whilst the DCLP contains policies that would allow affordable housing development on small 'exception' sites (policies GB6 and GB9), these have not been formally adopted and as such the weight that can be given to them is limited. As the proposed scheme does not fall within any of the



categories set out in paragraph 89, it would constitute inappropriate development that is, by definition, harmful to the Green Belt.

4.9 However, the site lies on the edge of the main urban area. The development plan for the City comprises the saved policies of the RSS. These establish the general extent of the Green Belt around York, though require that the inner boundaries are defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas. These inner boundaries are defined on the DCLP Proposals Map, which, although approved for Development Control purposes in 2005, is not an adopted document and does not form part of the development plan for the City.

4.10 Recent appeal decisions have attributed limited weight to the DCLP due to its unadopted status, however it is considered that the DCLP has more weight when the relevant policy is in accordance with the NPPF. An appeal decision in 2013 at Westview Close, Boroughbridge Road, York, is relevant to the consideration of this application in that it relates to a small, linear piece of land immediately adjacent to the built up edge of the city. In this case the Inspector noted the lack of an adopted local plan and the 'very limited weight' that could be given to the DCLP due to its status and age. Following consideration, the Inspector concluded that the appeal site served no obvious Green Belt function in relation to York and, as such, it would be inappropriate to keep it permanently open or continue to protect it as Green Belt.

4.11 This application relates to a small, linear piece of land that sits between a row of terrace properties to the north and a flat complex to the south within an established residential area and within a sustainable and accessible location. Whilst providing an area of greenery, it does read as part of the street scene, and more connected to the urban environment than the Green Belt beyond. The site is included in the Local Plan Green Belt Appraisal 2003 as part of the green wedge comprising the larger area of Heworth Golf Course and the historic Monk Stray. These wedges are described in the appraisal as 'large tracts of undeveloped land [that] prevent coalescence of different parts of the urban area'. However, as with the Inspector's conclusions in the Westview Close appeal, the site does not serve any obvious Green Belt function, given its limited size and appearance as an infill plot between existing residential development. Its outer edge would serve as a logical boundary to the urban area and inner extent of the Green Belt.

4.12 An important characteristic of the proposed development is the provision of affordable housing. The applicant has submitted a statement giving background to the provision of affordable housing in the City and confirms the significant and pressing need for new affordable homes. The 2011 North Yorkshire Strategic Housing Market Assessment (SHMA) identified a need of 790 affordable homes per annum for the city, which is more than has been built over all tenures in each of the last seven years. On average only 138 new affordable homes have been provided

each year over this same period. The scheme proposes six 2 bed homes, which meets the priority need identified in the SHMA.

4.13 The limited Green Belt function of the site and the proposed provision of affordable housing to meet an identified need, are other considerations to be taken into account in assessing the harm to the openness of the Green Belt and the purposes for allocating land within it.

## CHARACTER AND APPEARANCE

4.14 The scheme would require the removal of an existing group of trees on site that contribute to the general greening of the street due to their height and proximity to the highway. Their loss will have an adverse impact on the character and appearance of the area. However, it is noted from the tree survey that the majority of trees on site are not worthy of retention. Those that are most worthy of retention for their group value are located to the north of the site and are close to the neighbouring property, 26 Pottery Lane. The presence of the electricity cable is a significant site constraint that restricts development in the central section of the site. This, and the retention of the trees, would substantially reduce the extent of development and the viability of the scheme.

4.15 The proposed scheme would not in itself have a negative impact on the amenity of the area. The density, scale and massing of the new buildings would be in-keeping with those in the vicinity. The street is characterised by rows of four terrace properties with hipped roofs and in a uniform red brick and roof tile. The addition of the flatted housing scheme to the south of the site introduces a different housing design with a gabled roof and different materials. The proposed scheme sits between the two developments and although the external appearance and materials would differ, the new buildings are of good design and would sit comfortably between the existing properties without detracting from the street scene. The retention of an ecology park would help to mitigate the visual loss of the trees from the site.

4.16 As well as being in a sustainable and accessible location, the houses have been designed to achieve Level 4 of the Code for Sustainable Homes.

## ARCHAEOLOGY

4.17 Section 12 of the NPPF encourages local planning authorities to consider the impact of a proposed development on the significance of a designated heritage asset and avoid substantial harm or loss. The site does not fall within an area of archaeological importance as designated in the DCLP, though it is within an area where there are significant archaeological features. Records show that an Anglo-Saxon burial ground lies to the west of the site, a Roman burial ground to the south and there are a series of embankments on the land to the east associated with a

former pottery. In light of the above, an archaeological evaluation is required prior to development of the site. This can be addressed through a condition.

## TREES AND ECOLOGY

4.18 Paragraph 118 of the NPPF guides local planning authorities to conserve and enhance biodiversity by refusing significant harm that cannot be adequately mitigated and encouraging biodiversity in and around developments. Policy NE1 of the Draft Local Plan seeks to protect those trees that are of landscape, amenity, nature conservation or historic value, by, amongst others, requiring trees to be retained and adequately protected during development works and making tree preservation orders for trees which contribute to the landscape or local amenity. Policy NE6 only permits development that would not cause demonstrable harm to animal or plant species protected by law or their habitats.

4.19 The proposal would result in the loss of the trees on site that, whilst not the subject of a tree preservation order, serve a valuable amenity purpose in that they contribute to the appearance of the street scene. The majority of the trees are considered to be low quality, low value due to poor structure/small size/young age, or, require removal due to decay. Those trees identified as being category B and, therefore, most worthy of retention due to their group value and their contribution to the greening of the street, are located to the northern end of the site. The loss of the trees would result in harm to the visual amenity of the area. None of the trees are within the highest category A.

4.20 The group of trees is also of ecological value, in that it represents a good link and feeding corridor for bats between the River Foss, the golf course, the stray and the large ponds to the rear of Elmfield Terrace, at a point where there are relatively few buildings in between. The trees on site were assessed for their potential to support roosting bats and were found to be unsuitable. Owl activity was not specifically surveyed, although none was noted during the bat surveys. Good alternative foraging and roosting opportunities exist in adjacent habitat on the golf course.

4.21 However, the scheme includes an ecology park, which is to be a fenced off and planted with trees and shrubs to mitigate the visual loss of the trees and retain a bat corridor through the development. The loss of the trees is to be further compensated for by the planting of street trees in the highway verge. Conditions are required to cover the means of enclosure and planting of the ecology park.

## RESIDENTIAL AMENITY

4.22 Paragraph 17 of the NPPF seeks a good standard of amenity for all existing and future occupants of land and buildings. The separation distances to surrounding properties are considered to be acceptable to minimise any impact in terms of overlooking, overshadowing or sense of enclosure. The new houses would

be set over 20m from the houses opposite, nos. 9-23, at a distance of approximately 5.8m from that to the north, no.26, and approximately 5.6m to the flats to the south, nos.16-22. The inclusion of on site vehicle and cycle parking to serve each dwelling would minimise disturbance to existing residents from additional vehicles parking on the street. There would be sufficient private amenity space to serve future occupants. The gardens of the four houses at the southern end of the site are small, although the properties would benefit from an open outlook across the golf course. A 1.2m high fence is proposed along the rear boundary to reflect the open outlook.

## HIGHWAY SAFETY

4.23 The scheme provides one parking space per dwelling on a side driveway and secure cycle storage at the side of each dwelling. This is considered to be an acceptable level of provision for a scheme of two-bed dwellings. No objections are raised by the Council's Highway Officer, subject to conditions.

## FLOOD RISK AND DRAINAGE

4.24 The site is located in flood zone 1 (low risk) and, as such, should not suffer from river flooding. A drainage report has been submitted to support the application. This confirms that foul water would be drained to the public foul sewer and that the surface water drainage would be discharged to the public surface water sewer through an attenuation system formed from oversized pipes and via a flow control chamber.

## CONTAMINATION

4.25 A preliminary risk assessment has been submitted to support the application. The Council's Environmental Protection Unit raises no objection to the scheme on the basis of the submitted information, although conditions are recommended to address the potential for land contamination due to the historical land use of the site and land in close proximity to it.

## OVERALL GREEN BELT ASSESSMENT

4.26 The application site is allocated as Green Belt in the DCLP. The construction of new buildings in the Green Belt as proposed constitutes inappropriate development that would, by definition, be harmful to the openness of the Green Belt. Further moderate harm has been identified in terms of the impact to the character and appearance of the area from the loss of the existing trees. Inappropriate development is only permitted where there are other considerations that are sufficiently compelling to outweigh the harm by reason of inappropriateness and any other harm.

4.27 In this particular case, the site is located on the edge of the urban area where the inner extent of the Green Belt has still to be confirmed as part of an adopted local plan. It serves little Green Belt function. Furthermore, the scheme proposes the erection of six affordable homes that goes toward meeting a significant need in the City. On balance, it is considered that there are other compelling considerations that would constitute very special circumstances and would outweigh the identified harm to the Green Belt.

## 5.0 CONCLUSION

5.1 In conclusion, the application is considered to be acceptable in planning terms. Very special circumstances have been identified that are considered to outweigh the harm to the openness of the Green Belt. The site lies in a sustainable and accessible location and would contribute towards meeting the acute affordable housing need in the City. Whilst it would be preferable to retain the trees, their loss needs to be balanced against their condition and long term value, and the benefits offered by the replacement scheme. The impact on bats can be mitigated for by the inclusion of the ecology park. The impact on archaeology can be addressed by the requirement for further archaeological evaluation prior to construction. There is no harm to the amenity of existing and future occupants, nor to highway safety, flood risk or land contamination.

5.2 In light of the above, it is considered that the application accords with national and local planning policy and is recommended for approval, subject to conditions.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 PLANS1 Approved plans

Drawing nos. 5124500-ATK-POT-XX-DR-A-(20) 100 Rev.C; 5124500-ATK-POT-00-DWG-A-(20) 200; 5124500-ATK-POT-XX-DR-A-(20) 500 Rev.01

3 ARCH1 Archaeological Programme Required

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

A survey of the extent, scale and nature of contamination (including ground gases

where appropriate);

An assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

An appraisal of remedial options, and proposal of the preferred option(s).

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

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

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

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

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

5 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority.

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuDs). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing drainage system must only be as a last resort, therefore, sufficient evidence must be provided to discount the use of SuDs.

If SuDs methods can be proven to be unsuitable then in accordance with the City of York Council's Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. If existing connected impermeable areas are not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

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

Reason: In the interests of sustainable drainage and to ensure that the development can be properly drained with no foul or surface water discharges taking place until proper provision has been made for their disposal.

6 HWAY18 Cycle parking details to be agreed

7 HWAY19 Car and cycle parking laid out

8 HWAY25 Pedestrian visibility splays protected

9 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used, including surfacing materials, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

10 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

Informative: The fencing around the ecology park should be secure but transparent, e.g. widely spaced Palladin, and the frontage planting should be a mixed-species hedge applied along the full length for uniformity. The rear fencing for the gardens of the houses should be a fence with climbers, such as Honeysuckle, Jasmine, and Clematis tangutica, and less invasive ivy species, such as Hedera helix 'Glacier' or 'Green Ripple'.

Reason: In the interests of the visual amenities of the area and to protect the residential amenities of neighbouring occupants.

11 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs within the site, including the ecology park. 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.

Informative: Suitable planting within the ecology park should consist of a range of native, small-medium sized species such as Field maple, Crab apple, Hawthorn, with some faster-growing species such as Birch, Alder, Willow. The rear fencing for the gardens of the houses should be a fence with climbers, such as Honeysuckle, Jasmine, and Clematis tangutica, and less invasive ivy species, such as Hedera helix 'Glacier' or 'Green Ripple', plus hardy, low maintenance, semi-climbing shrubs such as Euonymus fortunei var, Lonicera plieata mixed with ground cover roses.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site, in the interests of visual amenity and nature conservation.

12 NOISE7 Restricted hours of construction



## 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:

- Imposition of conditions to address areas of concern.

#### 2. INFORMATIVE:

All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended). To ensure that breeding birds are protected from harm during construction, works that would impact on building features or vegetation that would be suitable for nesting birds should be undertaken outside of the breeding bird season between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period. There are opportunities for the development to provide enhancement for birds without detriment to the building by the addition of bird boxes, examples of which can be found on the RSPB website

[http://www.rspb.org.uk/makeahomeforwildlife/advice/helpingbirds/roofs/internal\\_boxes.aspx](http://www.rspb.org.uk/makeahomeforwildlife/advice/helpingbirds/roofs/internal_boxes.aspx).

3. INFORMATIVE: Control of Pollution Act 1974.

4. INFORMATIVE: Statutory Undertakers equipment

#### Contact details:

**Author:** Hannah Blackburn Development Management Officer

**Tel No:** 01904 551325

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14/02959/FUL

Land To The South Of 26 Pottery Lane



Scale : 1:1059

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	24 February 2015
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 5 March 2015                      **Ward:** Huntington/New Earswick  
**Team:** Major and Commercial Team                      **Parish:** New Earswick Parish Council

**Reference:** 14/02836/FULM  
**Application at:** York St John University Sports Centre Haxby Road York YO31 8TA  
**For:** Construction of sports hall with associated changing, teaching and social facilities following demolition of pavilion  
**By:** York St John University  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 11 March 2015  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application seeks planning permission for the erection of a “Hub Building” at York St John University Sports Centre, Haxby Road. The building would accommodate changing facilities, a strength and conditioning suite, flexible teaching and social space, catering facilities and a sports hall the equivalent size of five badminton courts. Additional landscaping and cycle parking would be provided.

1.2 The site forms part of a larger site (24ha) for which planning permission was granted in February 2013 for outdoor sports facilities including the creation of two full-size artificial playing pitches suitable for football and rugby, three netball courts, and three tennis courts, each with floodlighting with the exception of one tennis court. This forms York St John’s Sports Park.

1.3 The Sports Park comprises land on either side of Haxby Road, approximately 20 minutes walk from the Lord Mayors Walk campus. The previous permission has been implemented to the eastern side of Haxby Road and the formal pitches have been constructed, the lighting erected, vehicular access and egress provided and parking laid out. Work is currently underway to the western side of Haxby Road to undertake drainage and levelling works which when complete would provide seven full size grass pitches and three junior pitches being provided in total at the Sports Park.

1.4 Planning permission was also granted in August 2012 for the erection of a temporary building to the eastern side of Haxby Road to provide changing and teaching facilities until 30 September 2017. This building is to be retained on site until funds are available for a permanent replacement or the permission has been renewed. The new Hub building would encase and link with this building and be retained to allow for the continued use of the changing and teaching facilities.

1.5 The land is allocated as 'open space' within the Development Control 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 (2) 0005

2.2 Policies:

CYGP1	Design
CYGP4	Environmental sustainability
CYGP9	Landscaping
CYGP15	Protection from flooding
CYL1A	Sites for Leisure development
CYGP7	Open Space
CYT4	Cycle parking standards
CYNE1	Trees, woodlands, hedgerows

## 3.0 CONSULTATIONS

INTERNAL

### Planning and Environmental Management (Landscape Architect)

3.1 The character of the area has changed but the value of the trees in maintaining a suitably attractive and pleasant setting should not be undermined. Currently, the mature and young-mature trees within the application site contribute to the setting of the existing pavilion and provide a suitable attractive edge to the entrance and sports ground to the south.

3.2 The development would result in the loss of six trees, including one large Ash, which is clearly identifiable from Haxby Road, and four trees from the foreground group and one large tree to the rear. These losses would be unfortunate but in the light of the proposed facility they are acceptable provided that suitable replacements are included within a landscape scheme for the development. The Planning Statement states that "The scheme includes some low level planting to the south elevation of the sports hall". This is insufficient and a standard landscape condition should be attached.

### Highway Network Management

3.3 Car parking has been included in previously implemented application for the facility within this application. Cycle parking is to be provided which exceeds council parking standards.

### Environmental Protection Unit

3.4 The site is located across the road from the Nestle factory, with allotments and an industrial building to the North, and housing to the south and east of the site with the closest residential garden being approximately 85m away. No car parking is proposed and minimal predicted car use with peak am and pm levels of 8 arrivals and 8 departures. As such EPU are satisfied that noise associated with the use of the facilities, all of which will be indoors, will be unlikely to affect the amenity of the nearest residential properties.

### Flood Risk Management Team

3.5 The development is in low risk Flood Zone 1 and should not suffer from river flooding. Surface water is to be discharged via the existing surface water drainage system agreed for Phase 2 and capacity is available to accept discharge from the development. No objections are raised.

## EXTERNAL

### Foss Internal Drainage Board

3.6 The drainage strategy for the site has been the subject of earlier consultation and agreement had been reached on a peak surface water discharge rate of 6.02 l/sec/ha. As there would appear to be no amendments to the initial drainage strategy no objections are raised

### Yorkshire Water

3.7 On the basis of the information submitted no comments are made

### New Earswick Parish Council

3.8 Support the application

### Neighbour Notification/Publicity

3.9 Seven letters have been received raising the following points:

- Existing noise disturbance from the site would be increased
- Use of existing facilities already results in foul language, shouting and screaming
- The proposed social facilities could potentially include a drinks licence which would increase the level of disturbance
- Any light pollution should be minimised
- Existing floodlights already cause light pollution

- Loss of privacy
- Site should be used for residential purposes
- A number of trees have been removed and not replaced
- Increased loss of wildlife
- Due to the scale of the building the site will be utilised more than at present increasing the noise disturbance
- Additional vehicular movements to the site
- Additional pressure on the bus services

3.10 Letters of support have been received from Nestle Rowntrees RUFC, Rowntrees and Huntington Cricket Club, York St John Students Union, British Heart Foundation, York City Football Club and York City Football Club Foundation all stating that the proposal will improve facilities for the city allowing the various user clubs to attract new players and increase participation in sport.

## **4.0 APPRAISAL**

### **4.1 KEY ISSUES**

- Principle of the development
- Design and visual impact
- Neighbours amenity
- Sustainability
- Trees and landscape
- Drainage
- Highway implications

### **PRINCIPLE OF THE DEVELOPMENT**

4.2 The application site is allocated as Open Space in the Development Control Local Plan (DCLP) Policy GP7 'Open Space' seeks to retain land designated as open space and only allows development on such sites where:-

- a. there will be no detrimental effect on local amenity or nature conservation; and
- b. compensatory provision of an equivalent size and standard is provided in the immediate vicinity.

4.3 The NPPF promotes the development of social, sport and recreational facilities to meet community needs. Paragraph 70 of chapter 8 'Promoting Healthy Communities' in the NPPF states that planning decisions should plan positively for the provision and use of shared space, community facilities (such as sports venues) and other local services to enhance the sustainability of communities and residential environments. Paragraph 73 states that access to high quality open spaces and



opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Paragraph 74 explains that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: amongst other things, the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

4.4 Policy L1a of the DCLP states that new leisure developments should be considered against a needs assessment. In terms of proposals for out of centre leisure facilities it has to be demonstrated that there are no more central sites suitable to accommodate such a proposal or if it is to serve a local need it is of an appropriate scale.

4.5 The principle of developing an intensive sporting use on the site has previously been agreed and the external sporting facilities have already been provided. An assessment of the location in relation to the town centre and the need for the facilities has been justified. The master plan submitted with the original application indicated the presence of the Hub Building and addressed the need for the provision of teaching facilities and an internal sports hall on site.

## DESIGN AND VISUAL IMPACT

4.6 The NPPF 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. Policy GP1 'Design' of the City of York Local Plan Deposit Draft includes the expectation that development proposals will respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces.

4.7 The application site is located between the all weather pitches to the north and the grass playing fields to the south. The existing car park lies to the west with two new floodlit tennis/netball courts to the east. The original sports pavilion is located within this site, which is proposed to be demolished. Six trees would be removed as part of the development. The existing temporary modular building to the north would be retained and integrated into the Hub Building.

4.8 The building as a whole would have a footprint of 83m by 28m and would be divided into two sections. To the western side would be the Hub Building which would provide changing, teaching and social facilities. To the eastern side of the building would be the adjoined sports hall.

4.9 The Hub Building would have a footprint of approximately 41m by 28m. It would measure approximately 6.97m in height although a small brick parapet is proposed to screen the rooftop plant area. The building would contain changing facilities, a strength and conditioning suite, first aid room, teaching and social space as well as

catering facilities. External viewing decks are proposed to the north and south. The Hub Building would be constructed of facing bricks, glazing and rainscreen cladding with the modular building being enclosed by a screen wall.

4.10 The sports hall element of the scheme would measure approximately 42 metres by 28 metres. It would be equivalent in size to five badminton courts and would incorporate areas for storage. It would be covered with a curved tensile membrane roof extending to a maximum height of 10.4 metres. The material would be semi opaque to allow natural light into the area.

4.11 The application site is allocated as 'open space' in the Development Control Local Plan. The application site is not within the Green Belt and the open space allocation offers a lower level of protection and importance as open land than a Green Belt designation. The text supporting Development Control Local Plan Policy GP7 'Open Space' states that such land can contribute significantly to the form and character of the City. Open spaces are considered to serve several functions all at once, often combining opportunities for recreation with general amenity or nature conservation value.

4.12 The site is generally open in character, lying between two conservation areas, the Nestle/Rowntree factory conservation area and New Earswick conservation area. The open spaces to either side of Haxby Road represent a significant break between industry and the outlying village. The proposed Hub Building would be positioned centrally within the application site and would be located approximately 70m back from Haxby Road. The building would be clearly visible within the site and would be visually prominent. It would be partially screened from view from Haxby Road by the retained mature landscaping but where the site opens up at the access point it would also be clearly visible. The Hub Building has been located within the best position to serve the existing facilities within the site, be easily accessible from the existing car park and to allow for spectators to view the adjacent pitches. As such it would not be practical to relocate the building elsewhere within the site. Furthermore, the height of the building is regulated by the function that it serves in relation to the internal sports hall.

4.13 The materials used are not considered to be overly intrusive and the flat roof design is present on adjacent industrial sites. Lighting of the building would be kept to a minimum but would include the entrances to the building and pedestrian routes for safety reasons. The display of adverts would be controlled by the Advertisement Regulations.

4.14 It is considered that the character of the area has changed with the introduction of the sports facilities and the hard surfacing of the car parking. Whilst the building would be isolated within the centre of the site it is not considered that it would be detrimental to the character of the area.

4.15 The proposed building would result in the demolition of the existing pavilion. Whilst this building is small scale and of a traditional appearance it does not have any architectural merit that would justify its retention. The building is not listed or located within a conservation area.

## RESIDENTIAL AMENITY

4.16 One of the core principles of the NPPF 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. Policy GP1 'Design' of the City of York Local Plan Deposit Draft includes the expectation that development proposals will respect or enhance the local environment and 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.

4.17 The Hub Building is located centrally within the site. The nearest residential properties lie to the east of the site and are at a distance of approximately 80m away. The residential properties are separated from the site by the River Foss and a landscape strip. As the scheme seeks permission for indoor sports facilities it is not considered that there would be any undue noise disturbance as a result. The car parking facilities are located to the western side of the proposed building so people entering and leaving the building would be unlikely to result in any additional noise disturbance.

4.18 Concerns raised by neighbours that the facilities result in noise from users of the existing sports pitches is a management issue and does not have any bearing on this application. In addition concerns have been raised that the facilities will be used as an extension of the students union resulting in late night noise disturbance. The University have confirmed that the facilities will be used for the occasional gala or formal function but will not be used as a club house as existing student social facilities already exist within easy walking distance at the main campus.

## SUSTAINABILITY

4.19 DCLP Policy GP4a requires all issues of sustainability to be considered within a sustainability statement to be submitted with an application. This is broadly in line with the NPPF which places a strong presumption in favour of sustainable development, with sustainability considered to have a social, economic, and environmental role.

4.20 The submitted sustainability statement emphasises the sustainability of the site in terms of accessibility and transport choice and the fact that the University is required to achieve a BREEAM standard of at least 'very good' for new developments. In order to achieve this it is proposed to utilise thermal insulation,

natural ventilation and daylight where possible and incorporate low energy strategies.

## TREES AND LANDSCAPING

4.21 DCLP Policy GP1 states that development proposals should avoid the loss of open spaces or other features that contribute to the landscape and incorporate appropriate landscaping. Policy GP9 is concerned with landscaping and states that, where appropriate, development proposals will be required to incorporate a suitable landscape scheme. Policy NE1 is concerned with trees, woodlands and hedgerows and states that where proposals involve the removal of trees appropriate replacement planting with locally indigenous species will be required.

4.22 As part of the scheme it is proposed to remove six trees from the site. These include one large ash tree, four trees from the front of the site and one large one to the rear. Currently, the mature and young-mature trees within the application site contribute to the setting of the existing pavilion and provide a suitable attractive edge to the entrance and sports ground to the south. However, it is considered that there loss is acceptable provided that suitable replacements are included within a landscape scheme.

4.23 In order for the proposed building to sit comfortably in the landscape and relate to its setting, and in order to maintain the city's important tree stock, new trees should be planted to either side of the southern elevation and glazed rooms/external deck. These trees would serve to frame views out from the building to benefit the well being of the users, and also to frame views of the southern elevation and to make visual links with the perimeter of the overall sports grounds. Whilst the available space between the proposed building, utility runs, and the sports pitches is limited, it should be possible to plant large-species specimen trees within the application site.

## DRAINAGE

4.24 The NPPF states that development in areas at risk of flooding should be avoided, and that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. DCLP Policy GP15a requires developments to take account of flood risk and to reduce surface water run-off through sustainable drainage systems. The proposed development would result in a significant increase in the amount of impermeable land within the application site. The majority of the application site is within Flood Zone 1 which is the lowest category of flood risk. An area of land to the east of the site close to the River Foss is classified as being within Flood Zone 2 and 3.

4.25 As part of the original application details of the surface water storage system which would restrict run-off from the site onto adjoining land and into the Foss have been agreed under Phase 2. These calculations included the provision of the Hub Building and as such adequate capacity is available to accept the discharge.

## HIGHWAY IMPLICATIONS

4.26 The car parking provision was assessed as part of the original application and took into account the proposed Hub Building. The car parking has been laid out in accordance with the approved plans. Additional cycle parking is proposed adjacent to the entrance to the building and can be conditioned accordingly.

## 5.0 CONCLUSION

5.1 It is considered that the proposed development is acceptable. The resultant building would be located within a sustainable location where the principle of sporting facilities has previously been established. It would be visible from outside of the site, within the open aspect, but landscaping would reduce the prominence of the development. The loss of the trees can be justified on the basis that replacement planting takes place on site. There would be little additional impact in terms of noise disturbance and highway implications were assessed as part of the original application.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

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

3895-006 GA1 - Site location Plan  
3895-006 GA02 - Proposed Site Plan  
3895-006 GA03 - Proposed Ground Floor Plans  
3895-006 GA04 - Proposed First Floor Plans  
3895-006 GA06 - Proposed Elevations (1)  
3895-006 GA07 - Proposed Elevations (2)  
3895-006 GA09 - Updated Master Plan  
3895-006 3-MS01 - Proposed Sections

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

3 VISQ8 Samples of exterior materials to be app -

Application Reference Number: 14/02836/FULM

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4 LAND1 IN New Landscape details -

5 Before the commencement of development, including demolition, building operations, excavations, or the importing of materials, a method statement for the protection of existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority, including details and locations of protective fencing. The development shall be carried out in complete accordance with the approved method statement.

Reason: To protect trees that are considered to contribute to the amenity of the locality and/or development.

6 HWAY18 Cycle parking details to be agreed -

7 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 must be undertaken, and where remediation (clean-up) is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To protect human health and the wider environment.

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.

8 The building hereby approved shall only be in use between the hours of 08:30 to 23:00

Reason: To safeguard the amenities of nearby occupants.

## **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:

Addressed drainage issues  
Attached appropriate conditions

2. The submitted details show that there are surface water sewers recorded crossing the site. In this instance, building-over may take place under the control of Part H4 Building Regulations 2000 or diversion of by way of agreement with the riparian owner.

#### **Contact details:**

**Author:** Heather Fairy Development Management Officer

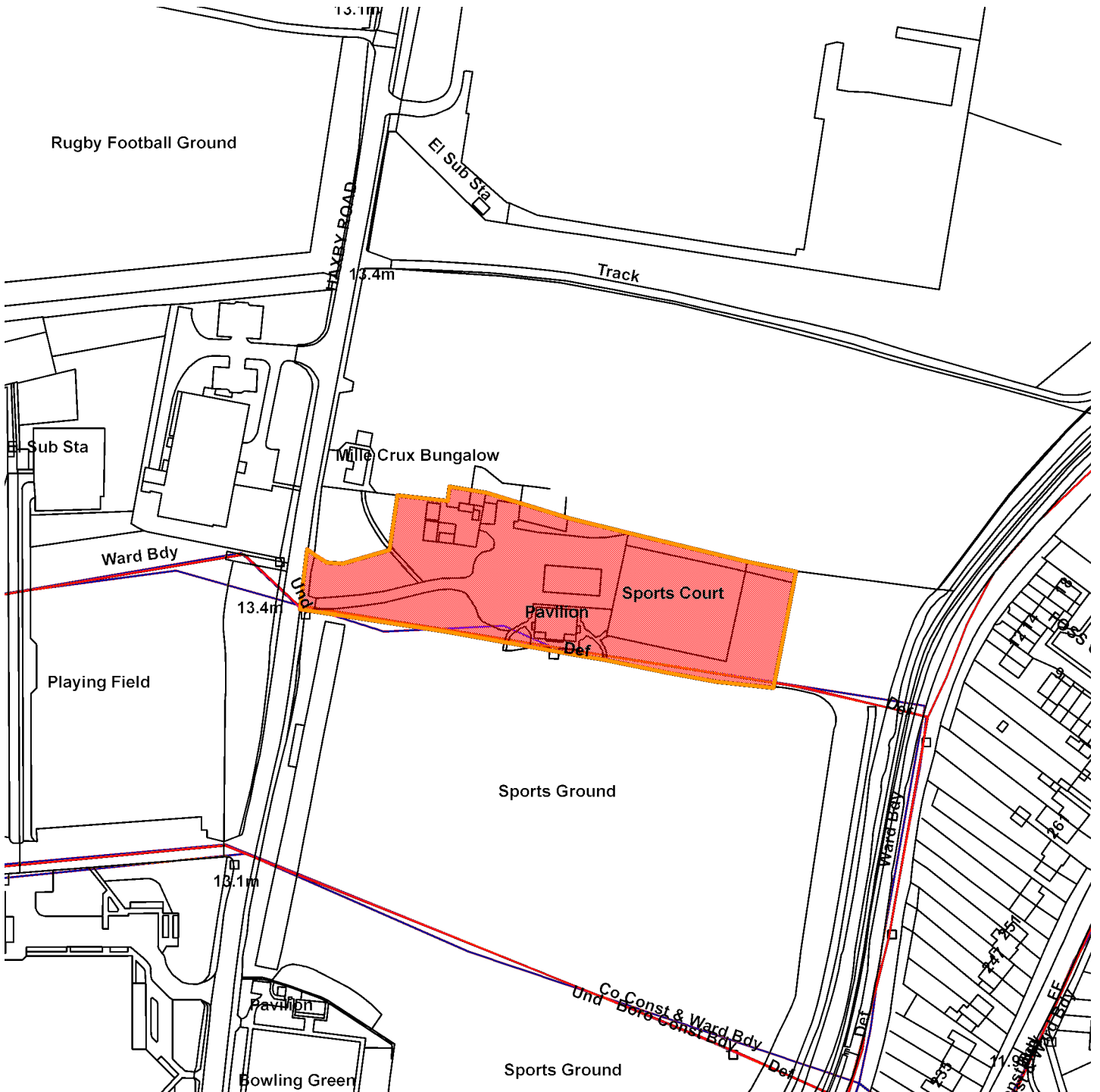
**Tel No:** 01904 552217

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14/02836/FULM

York St John University Sports Centre Haxby Road



Scale : 1:2119

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	24 February 2015
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 5 March 2015                      **Ward:** Clifton  
**Team:** Major and                      **Parish:** Clifton Planning Panel  
                    Commercial Team

**Reference:** 13/03727/FUL  
**Application at:** Bert Keech Bowling Club Sycamore Place York YO30 7DW  
**For:** Erection of 4no. two storey dwellings and 1no. three storey dwelling  
**By:** Mr David Brown  
**Application Type:** Full Application  
**Original Target Date:** 28 January 2014  
**Recommendation:** Approve subject to Section 106 Agreement

**1.0 BACKGROUND TO THIS REPORT**

1.1 At planning committee in August 2014 Members determined to approve the application, subject to completion of a unilateral undertaking, to secure contributions towards education provision and open space, and to fund a required traffic regulation order.

1.2 A completed unilateral undertaking is yet to be completed and the decision has not yet been issued. It is now proposed to grant permission subject to a different undertaking, due to changes in national planning advice, in the National Planning Policy Guidance (NPPG). As such the application is again being presented to members with a revised recommendation.

1.3 Based upon planning advice published in November 2014, within the NPPG, contributions should not be sought for small scale development (less than 10 houses) for contributions to pooled funding 'pots' intended to provide common types of infrastructure for the wider area. However, obligations can still be sought for site specific infrastructure – such as improving road access and the provision of adequate street lighting – where this is appropriate, to make a site acceptable in planning terms.

1.4 As such the contributions towards open space and education, which would be pooled, are no longer requested. The contribution to fund works to alter the highway are directly related to the development and are still requested.

1.5 Further information with regards the flood risk assessment and the sequential test, because the site is located in flood zone 3, is also detailed in this report.

1.6 The original committee report is at Annex 1 and should be read in conjunction

with this update.

## **2.0 PROPOSAL**

### **APPLICATION SITE**

2.1 The application relates to a former bowling club (Bert Keech) located on the north side of Sycamore Place, between Elliott's hotel at 2-4 Sycamore Place and St Olave's School. The bowling facility has not been used since 2008. The club-house buildings were demolished in 2012. The site is designated as open space in the 2005 Local Plan and it is within the Clifton Conservation Area.

### **PROPOSALS**

2.2 The application is for 5 houses; a 3-storey house attached to the side of no.4 and a terrace of 4 houses which would be lower at 2.5 storey. Each house would have its own garage and in-curtilage car parking spaces. Vehicular access would be from Sycamore Place and Queen Anne's Road.

## **3.0 POLICY CONTEXT**

3.1 Development Plan – 2005 Draft Local Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006  
Conservation Area GMS Constraints: Clifton CONF

3.2 Policies:

CYH4A	Housing Windfalls
CYGP1	Design
CYGP15	Protection from flooding
CYGP7	Open Space
CYGP10	Subdivision of gardens and infill development
CYHE3	Conservation Areas
CYHE10	Archaeology
CYL1C	Provision of New Open Space in Development
CYL1B	Loss of local leisure facilities
CYED4	Developer contributions towards Educational facilities

## **4.0 CONSULTATIONS**

4.1 A summary of the consultation responses pertinent to this update are listed below.

### **Education Officer**

4.2 A contribution of £23,968 for this development was requested, for two places at the local primary school which is oversubscribed.

### **Flood Risk Management**

4.3 Officers were content that the revised plans demonstrated that the development would be safe from flood risk and would not increase flood risk elsewhere.

### **Highway Network Management**

4.4 Officers requested a financial contribution to fund works in the highway -

The proposed access onto Sycamore Place will require a number of amendments to the traffic orders for the parking bays.

The development would require a traffic order to exclude future occupants of the proposed houses from the over subscribed residents parking zone.

### **Environment Agency**

4.5 The EA had no objection to the scheme, based on the revised flood risk assessment. They requested that if the scheme is supported, the LPA clearly demonstrate that the sequential and exceptions tests had been passed.

### **Publicity**

4.6 There were 16 objectors to the scheme, two comments in support and one neutral. On flood risk, the following comments were made -

- The site is in Flood Zone 3. The site shouldn't be developed, as there are a number of alternative sites for housing that are unaffected by potential flooding. There is therefore no pressing need for this site to be developed.
- The NPPF stipulates that only 'water-compatible' and 'less vulnerable' uses of land are appropriate in flood zone 3, where the site is located. Dwelling houses are within the 'more vulnerable' classification of land and are therefore not appropriate for this site. This is particularly relevant when there is not a permanent safe route to evacuate the properties in flood events.
- As development would reduce the ability of the site to store surface water, it becomes necessary to provide compensatory storage for the water on site (to avoid increased flood risk off-site). There is no indication in the FRA of how this is to be achieved and there is no apparent location on the site where it would be possible to create the necessary compensatory storage volumes at appropriate levels.

## **5.0 APPRAISAL**

5.1 Key Issues within this update are

- Flood risk
- Open Space and Education contributions

### **Flood risk**

5.2 The site is in Flood Zone 3, where the risk of flooding is high. The NPPF (National Planning Policy Framework) advises that when determining planning applications, Local Planning Authority's should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test. It must also be demonstrated that within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and the development would be safe from flood risk.

### **Sequential Test**

5.3 To pass the sequential test, it must be the case that the development could not be carried out at an alternative site, with lower flood risk. Guidance from the Environment Agency is that typically the area of search should extend over the whole of the authorities' area. Any alternative site must be reasonably available and of comparable size. Such sites would include those that are suitable, developable and deliverable, and where necessary, meet the Local Plan Policy criterion for windfall development.

5.4 The NPPF requires local planning authorities to identify a 5 year housing supply, with a buffer of 20% where there has been under delivery in previous years. The Council acknowledges that the city does not have a 5 year housing supply.

5.5 It is expected housing supply will be addressed when the new Local Plan is adopted. However a considerable amount of the housing proposed in the forthcoming plan is currently within the green belt, based on the 2005 Draft Local Plan proposals maps, and subsequently is unlikely to be deliverable at this time. In the 2014 publication draft of the Local Plan, only two of the designated sites propose 10 or less dwellings and are expected to be delivered in the short-term (1-5 years), these being York College (which has permission and is being built out by the house-builders) and Morrell House. There are not reasonably available alternative designated sites to accommodate the proposed development.

5.6 There have been a considerable amount of windfall sites at other previously developed sites in flood zone 3, where residential development has been permitted, in the interests of regeneration and to contribute towards housing need, given the lack of housing supply in the city. These have been permitted where the developments have been proven to be reasonably safe from flooding and not caused increased flood risk elsewhere. Examples include student developments at Navigation Road and the former Press Offices, 34 Piccadilly and United House Piccadilly, land at the rear of 29 Walmgate, 24 Fossgate, and land at rear of 70-72 and 22a Huntington Road (the latter being allowed on appeal) - applications 13/00349/FUL & 11/01981/FUL.

5.7 Overall, given the housing need in the city and lack of similar housing sites in the city that are reasonably available, the proposals are deemed to pass the sequential test.

### **Exception Test**

5.8 For the Exception Test to be passed it must be demonstrated that –

- The development provides wider sustainability benefits to the community that outweigh flood risk and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

5.9 The site specific FRA demonstrates that the proposed houses can be protected from flooding and flood risk will not be increased elsewhere. The proposals pass the exception test.

### Sustainability benefits

5.10 There are demonstrable sustainability benefits. The city does not have an adequate housing supply, in terms of delivery over previous years, and as there is no up-to-date Local Plan that identifies a deliverable future supply. The development would provide family housing, for which there is an identified need, in a sustainable location, on what is now a brownfield site. The scheme has been designed so it would not harm the character and appearance of the conservation area.

Whether the development would be safe for its lifetime and not increase flood risk elsewhere

5.11 The houses would be reasonably protected from flooding -

- The 2013 York FRA requires in such cases that development is protected from 1 in 100 year floods, finished floor levels of dwellings should either be above the existing ground level or 600mm above the 1 in 100-year (1%) flood level (11.46m AOD in this case), whichever is the higher. The proposals have a finished floor level of 10.86m AOD which is the 1 in 100 year flood level and around 1m higher than surrounding ground levels. Flood gates would protect up to the desired 11.46 AOD level, and the buildings would have flood resilient construction.
- It would be required future residents sign up to the Environment Agency Flood Warning Service.
- The means of escape would be from the rear of the houses, occupants would be aware of flood events given the amount of housing in this area already, which is in Flood Zone 3 and closer to the river and via the Environment Agency flood warning service. The means of escape off-site would not be at the desired AOD level. However, there was a similar scenario at a site on Dennison Street (off Huntington Road) where residential development was allowed on appeal (planning application 11/01981/FUL), despite no safe means of escape. The appeal was allowed on the grounds that the dwelling(s) themselves would be adequately protected, as would be the case here.

5.12 There would be no increase in flood risk elsewhere -

- There would be no loss of flood water storage on site. There would be floodable voids below the houses to store flood water. The storage area would provide space up to the 1 in 100 year flood level. Ground levels would not be raised; they would be lowered in parts of the rear gardens.
- An underground storage tank would be installed on site, which would store water and restrict its flow rate into the drainage system, thus reducing surface water run-off in relation to existing rates.

**Education & Open Space provision**

5.13 Policy ED4 advises that in considering proposals for residential development any consequences for existing schools will be assessed. When additional provision is required as a result of the proposals, developers will be required to make appropriate financial contributions.

5.14 There is no capacity at the local primary school. As such a contribution of £23,968 was sought. However the contribution would be pooled, to finance an increase in capacity to the school in due course. According to the NPPG, the type



of pooling proposed should not be sought for small scale developments for less than 10 houses. The NPPG guidance is up to date and carries more weight than local policy/guidance in this respect.

5.15 The NPPG also carries more weight than Draft 2005 Local Plan policy L1c, which relates to open space contributions which, are also pooled.

## 6.0 CONCLUSION

6.1 The scheme would assist with housing supply in the city, which is a Government priority and there are no significant adverse effects which would conflict with planning policy. Although the site is designated as green space in the 2005 Local Plan, it has not been used in such a way for the past 5 years. The scheme has been designed to mitigate against flood risk, and there would not be undue effects upon the character and appearance of the conservation area, residential amenity and highway safety.

6.2 Approval is recommended, subject to completion of a legal agreement to secure funding of traffic orders, to amend res-parking in the area £5k. The conditions of approval and informatives would be as approved by members at the August 2014 planning committee.

**7.0 RECOMMENDATION:** Approve subject to a revised Section 106 Agreement

1 TIME2 Development start within three years

2 PLANS1 Approved plans -  
Drawings 2270 02, 100, 101, 102, 103, 104, 105, 106, 107, 108 (revision B)

3 Materials

Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

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. 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.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it

clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance and in the interests of the appearance of the conservation area.

#### 4 Large scale details

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

- Eaves
- Dormers
- Roof-lights – manufacturer’s literature. To be conservation type with recessed fittings
- Any hand-rails / guarding to first floor terraces
- Front doors and their surrounds
- Windows and their surrounds
- Flood gates (illustrating how any housing for demountable flood barriers can be installed without detriment to the overall appearance).

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

#### 5 Landscaping

Prior to occupation of the development hereby approved the hard and soft landscaping proposals and highways works, as shown on drawing 2270-100 REV A shall be implemented.

A detailed soft landscaping scheme (to include the number, species, height and position of trees and shrubs) shall be approved by the Local Planning Authority prior to completion of construction. The approved soft landscaping scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area and to enhance biodiversity in accordance with paragraphs 58 and 109 of the National Planning Policy Framework.

#### 6 ARCH1 Archaeological programme required -

7 ARCH2 Watching brief required -

8 ARCH3 Foundation design required -

9 Flood risk management

The proposed finished floor levels shall be 10.86 AOD, as shown on the approved plans.

The following measures to manage flood risk, as established in the revised AAH Flood Risk Assessment AAH/0111/12FRA dated April 2014, shall be installed/undertaken prior to occupation and maintained for the lifetime of the development -

- Provision of demountable flood gates at entrances to the houses.
- No sleeping accommodation at ground floor level.
- Residents sign up to the Environment Agency flood warning service.
- The creation of a floodable void/compensatory flood storage under the houses, with apertures no higher than existing ground level. There shall be no loss of flood water storage on site and calculations shall be provided to demonstrate such prior to commencement of the development.
- A maintenance agreement shall be put in place, and adhered to at all times, to ensure that the proposed floodable voids do not become blocked with silts or stagnant water and therefore remain available for the storage of flood water for the lifetime of the development.
- On-site surface water drainage storage capacity with restricted run-off rates.

Reason: To prevent flood risk.

10 Foul and surface water drainage

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, and carried out in accordance with these approved details.

Details to include:

- Peak surface water run-off from the proposed development must be restricted to a maximum 5.5 lit/sec.
- Site specific details of the flow control device manhole limiting the surface water to the 5.5 lit/sec.
- 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 should be provided.

- 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.
- Proposed ground and finished floor levels to Ordnance Datum shall be 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.

Reason: To reduce flood risk and to ensure the proper drainage of the site.

INFORMATIVE: Consent should be sought from Yorkshire Water to connect additional foul and surface water into their sewers.

## 11 Electric Vehicle Charging Points

Prior to occupation of the houses hereby approved at least one electric vehicle charging point shall be provided within the curtilage of each unit.

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). In particular in this case given the likelihood that future occupants would own private cars.

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.

## 12 Highway Management

Prior to the commencement of any works on the site, a detailed method of works 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 and the development carried out accordingly. The statement shall include at least the following information;

- The routing that will be promoted by the contractors to minimise disruption to the highway network.
- Where contractors will park.
- 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 unduly be to the detriment of amenity of local residents, free flow of traffic or safety

of highway users.

### 13 Construction Environmental Management Plan

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

Reason: To protect the amenity of local residents from noise dust and vibration.

### 14 NOISE7

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

Reason: To protect the amenities of adjacent residents.

15 The garages hereby approved shall be used for domestic vehicles / cycles and storage only and shall not be converted or altered in any way without planning permission.

Reason: To ensure that adequate storage and secure cycle parking provision is retained in accordance with policies GP1 and T4 of the City of York Draft Local Plan, and to provide space for floodwater storage.

### 16 Permitted development rights

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, E and F; of Schedule 2 Part 1 of that Order shall not be erected or constructed.

There shall be no changes to the design of the front boundary gates and railings.

Reason: In the interests of the amenities of the adjoining residents, the appearance of the conservation area and to avoid increasing flood risk, 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.

17 The flat roof area to house 1 (at first floor level) shall not be used as an outside amenity area.

Reason: To ensure no undue impact on neighbour's amenity.

## **8.0 INFORMATIVES: Notes to Applicant**

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

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

### **2. LEGAL AGREEMENT**

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

### **3. CONTROL OF POLLUTION ACT**

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise.

### **4. RESIDENTS PARKING**

The applicant is asked to note that the development/property (as proposed), is not considered eligible for inclusion within the Residents Parking Zone, and it will be removed from such under the Traffic Regulations 1984. Upon commencement of development on the site the applicant is requested to contact the Councils Network Management Section (tel 01904 551450), in order that the amendments to the Residents Parking Scheme can be implemented prior to the occupation of the development.

### **Contact details:**

**Author:** Jonathan Kenyon Development Management Officer

**Tel No:** 01904 551323

Annex 1 – 7 August 2014, Bert Keech Bowling Club Report

## COMMITTEE REPORT

**Date:** 7 August 2014                      **Ward:** Clifton  
**Team:** Major and                              **Parish:** Clifton Planning Panel  
                    Commercial Team

**Reference:** 13/03727/FUL  
**Application at:** Bert Keech Bowling Club Sycamore Place York YO30 7DW  
**For:** Erection of 4no. two storey dwellings and 1no. three storey dwelling  
**By:** Mr David Brown  
**Application Type:** Full Application  
**Target Date:** 28 January 2014  
**Recommendation:** Approve subject to Section 106 Agreement

### 1.0 PROPOSAL

#### APPLICATION SITE

1.1 The application relates to a vacant parcel of land located on the north side of Sycamore Place, between Elliott's hotel at 2-4 Sycamore Place and St Olave's School. There is an alleyway to the north, and the back gardens of houses along Bootham Terrace and Queen Anne's Road beyond. The surrounding houses are predominantly terraced, the houses to the south, along Sycamore Place and Sycamore Terrace, date from the early C20, although there is a group of mid C20 3-storey houses with integral garages on the south side of Sycamore Place (at nos. 3-11).

1.2 The site is presently vacant. It is privately owned and was previously the Bert Keech Bowling Club. The bowling facility has not been used since 2008. The club-house buildings were demolished in 2012. The site is designated as open space in the 2005 Local Plan and it is within the Clifton Conservation Area.

#### PROPOSALS

1.3 The application is for 5 houses; a 3-storey house attached to the side of no.4 and a terrace of 4 houses which would be lower at 2.5 storey. The houses would respect the existing building line and building heights would be comparable to the hotel at 2-4 Sycamore Place and 2a on the opposite side of Sycamore Place. Each house would have its own garage and car parking spaces. Vehicular access would be from Sycamore Place and Queen Anne's Road.

## BACKGROUND

1.4 The proposal was subject to a public exhibition held in May 2013. The plans were altered following the consultation. The main design alterations being that the houses have adopted a more traditional approach, considering the use of materials and form. The rear outshots were originally timber clad with green roofs and there was more glass and zinc cladding on the front elevation. The building proposed next door to the hotel was to be flats and this has been altered to a single dwelling with garden.

1.5 The application has been referred to the Sub-Committee by the Assistant Director (Development Services, Planning and Regeneration) under paragraph 8(f) of the delegation scheme due to the policy issues involved and the volume of public representations made.

## 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Clifton CONF

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

Schools GMS Constraints: Queen Anne 0253

2.2 Policies:

CYH4A Housing Windfalls

CYGP1 Design

CYGP15 Protection from flooding

CYGP7 Open Space

CYGP10 Subdivision of gardens and infill development

CYHE2 Development in historic locations

CYHE3 Conservation Areas

CYHE10 Archaeology

CYL1C Provision of New Open Space in Development

CYL1B Loss of local leisure facilities

CYED4 Developer contributions towards Educational facilities

## 3.0 CONSULTATIONS

### INTERNAL CONSULTEES

#### Archaeology

3.1 The City Archaeologist has recommended conditions; for a watching brief, archaeological investigation and to agree the foundation design, as the proposals will impact on archaeological deposits.

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~~Item No: 4a~~



3.2 In order to understand the archaeology of the site and to facilitate development of the site, the applicant has commissioned a desk based assessment and an evaluation on the site. The archaeological evaluation in 2013 identified deposits associated with Roman metal working in the southeast area of the site. Pottery associated with the deposits shows that the industry was established by the 3rd century AD and had continued up until the late 3rd - 4th century AD.

### **Education Officer**

3.3 A contribution of £23,968 for this development is requested, for two places at the local primary school which is oversubscribed.

### **Flood Risk Management**

3.4 Officers raised objection to the original scheme, it was considered the proposed development would be unsafe, due to the proposed finished floor levels and there would be a loss in on-site flood water storage, which would increase flood risk elsewhere.

3.5 Officers are content that the revised plans address these issues. Planning conditions can be used to deal with flood risk and drainage.

### **Highway Network Management**

3.6 Officers raised the following points when considering the original plans-

- The proposed access onto Sycamore Place will require a number of amendments to the traffic orders for the parking bays which would need to be funded by the developers.
- The development would require a traffic order to exclude future occupants of the proposed houses from the over subscribed residents parking zone.
- There was concern not all of the car parking spaces/garages were workable. This has been addressed with the revised plans.
- A construction management plan should be sought to manage the impact on the highway network, considering the surrounding narrow streets and varying parking restrictions.

### **Sport & Active Leisure**

3.7 Officers recognise that this was a private facility and there is no obligation for it to become public open space. The bowlers from this site were relocated to alternative facilities (Clarence Gardens), as the green closed over 5 years ago.

3.8 Officers would be against the loss of open space in this residential area, as there is a shortage of children's play, amenity and sports provision in the locality. If this scheme is approved an off site contribution for amenity, children's play and outdoor sports provision would be required.

Based on current requirements, the contribution would be £18,340. This would be spent on sites within walking distance of the development. Current projects in the area include the provision of a junior football pitch, a youth bike track and enhancements to play facilities at Water End, which has been designed in response to local community consultation.

## EXTERNAL COMMENTS

### **Environment Agency**

3.9 The EA have no objection to the scheme, based on the revised flood risk assessment. The EA have recommended a condition that requires the development to be carried out in accordance with the FRA. The have also requested that if the scheme is supported, the LPA clearly demonstrate that the sequential and exceptions tests have been passed. It is noted that the LPA are also expected to assess whether the means of escape would be acceptable.

### **Clifton Planning Panel**

3.10 The planning panel welcomes the proposal, which would make good and effective use of what has become a somewhat derelict area.

3.11 The panel notes that there is also a technical objection regarding the status of the site (it is designated open space in the Local Plan), which will have to be resolved if the proposed development is to proceed. The panel does not regard it as within its remit to advise on this aspect.

### **Publicity**

3.12 There have been 16 Objectors to the scheme, two comments in support and one neutral. Comments are summarised as follows -

#### Loss of open space

3.13 The 2005 Local Plan designates the application site as open space. The loss of the space, without alternative provision, or demonstration that there are adequate open space typologies in the area, would be contrary to policy.

3.14 The development will result in the loss of a sports facility. Even if a bowling green isn't a viable use, there are other sports uses that the site could be put to - children's play, sports facilities for the school, etc. The plan put forward by St Olave's school to use the site as a sports facility would be consistent with the Active York Pitch Strategy document which identified that there are not enough high quality community accessible venues for the 62 Netball teams as well as other school teams that exist in York. There are also other uses to which the site could be put to. such as a community garden or allotments, which would also address the recognised shortage of open space in the Clifton Ward.

### Flood risk

3.15 The site is in Flood Zone 3. The site shouldn't be developed, as there are a number of alternative sites for housing that are unaffected by potential flooding. There is therefore no pressing need for this site to be developed.

3.16 According to the National Planning Policy Framework (NPPF) the proposed development is inappropriate. The NPPF stipulates that only 'water-compatible' and 'less vulnerable' uses of land are appropriate in flood zone 3, where the site is located. Dwelling houses are within the 'more vulnerable' classification of land and are therefore not appropriate for this site. This is particularly relevant when there is not a permanent safe route to evacuate the properties in flood events.

3.17 There is a chance that future occupants would be stranded in their houses in a flooding event, as there is not an adequate means of escape to safe ground. This would put the emergency services at risk.

3.18 As development would reduce the ability of the site to store surface water, it becomes necessary to provide compensatory storage for the water on site (to avoid increased flood risk off-site). There is no indication in the FRA of how this is to be achieved and there is no apparent location on the site where it would be possible to create the necessary compensatory storage volumes at appropriate levels.

### Amenity of neighbours

3.19 The Sycamore Guest House opposite will be overlooked, especially from the top floor windows.

3.20 The ability to ventilate the bathrooms at the neighbouring house (vents currently on side wall) and access would be lost.

### Highway safety

3.21 The properties are 5 bed, but only have 2 off street parking spaces each. There is potential for an increase in on-street parking as a result. It is noted that the site access would lead to the loss of one or two parking spaces and there would be further loss in car parking spaces during construction.

3.22 No cycle storage is shown - it is unlikely that sufficient space will be available within the proposed garages for a car and for bicycles which can be accessed easily and conveniently.

3.23 Concern over more traffic and on-street parking in what is already a congested area, due to the narrow streets, density of development and also the nearby schools. There is also concern as to how construction traffic would gain entry, in particular as Bootham Terrace and Queen Anne's Street are very narrow.

## Design

3.24 The side extension to house 1 does not appear integrated into the street scene. White aluminium window frames are proposed and these would be out of character with the conservation area.

## **4.0 APPRAISAL**

### 4.1 Key Issues

- Principle of the proposed use
- Impact on heritage assets - the conservation area and archaeology
- Flood risk
- Residential Amenity
- Highway safety
- Open Space and Education contributions

### **Principle of the proposed use**

4.2 The site is designated as public open space in the Local Plan 2005. The National Planning Policy Framework, in paragraph 74, advises that existing open space should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements (previous planning guidance advised such a test should consider any open space functions the space could provide); or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

4.3 There is a reasonable argument that the proposals would not conflict with paragraph 74 of the National Planning Policy Framework. The site is surplus to requirements in so far as there is no longer a need for the bowling green and its former users have been relocated.

4.4 O'Neill Associates have advised that the neighbouring St Peters school are willing to acquire the space and that they would use it as netball and tennis courts. A plan has been provided showing how two courts would fit onto the site. It is considered this planning application needs to be determined on its own merits.

There is no guarantee the school would acquire the site and as noted, the landowners do not appear to be willing to agree to this proposal.

4.5 Local Plan policies L1b: Loss of Local Leisure Facilities and GP7: Open Space and are applicable. L1b advises that the loss of leisure facilities will only be permitted when it can be demonstrated that either a need for the leisure facility no longer exists, or where there are appropriate alternative facilities in the catchment area. In order for proposals to comply with the GP7 it must be satisfied that there will be no detrimental effect on local amenity and nature conservation and compensatory provision in the locality must be provided.

4.6 The previous use of the site, as a bowling green, is surplus to requirements and there is no conflict with Local Plan policy L1b. The demand for bowling greens is in decline; this has been confirmed by the Sport and Active Leisure Team. The closest bowling green facilities are at Clarence Gardens, Wigginton Road and Haxby Road, where there is capacity. The application site is privately owned and there is no public access. It has been vacant / closed for over 5 years, and the bowlers were re-located to Clarence Gardens.

4.7 The background text to policy GP7 notes that designated open space can serve various functions, providing recreation, amenity, nature conservation. The application site is private and does not provide recreational or amenity space. The site has a boundary hedge but has no significant value in terms of biodiversity.

4.8 Policy L1c states developments for all housing sites will be required to make provision for the open space needs of future occupiers. A contribution has been agreed with the applicants towards facilities in the locality. The contribution would be £18,340. This would be secured via a legal agreement. The immediate locality has a healthy supply of public amenity / open space due to the proximity of Clifton Ings and Museum Gardens. There is a lack of children's and young peoples play facilities in the area and this was identified in the 2008 Open Space and Recreation Study. The closest current Council project is at Water End, for a youth sport facility - including a junior football pitch, bike track and upgrading existing play facilities. The financial contribution towards open space, should the development go ahead, would likely be towards this.

4.9 The application site is suitable for housing in so far as the proposals are compliant with Local Plan H4a which relates to windfall housing sites (which is consistent with national planning policy). The policy requires consideration is given to the character of the existing site, location, whether the replacement scheme is appropriate in scale and density to its surrounds and impact on landscape. The scheme is in accordance with H4a because -

- The development would be on a vacant site in the urban area, which is within walking distance of the city centre.
- The proposed scale and density is relevant to the setting.

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~~Item No: 4a~~

- There would not be undue harm to landscape features; openness will be maintained at the rear of the houses, and a vista through the site from Sycamore Terrace.
- The ecological value of the site could be enhanced through the planting of trees and introduction of domestic gardens.

### **Impact on the conservation area**

4.10 The site is within a designated conservation area (Clifton). Within such areas, the Council has a statutory duty to consider the desirability of preserving or enhancing the character and appearance of the area.

4.11 The pertinent design guidance is contained within Local Plan policy HE2: Development within Historic Locations. HE2 states that within conservation areas development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regards to local scale, proportions, details and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks and other townscape elements, which contribute to the character or appearance of the area. On design, National Planning Policy Guidance advises that a well designed place is one that re-enforces local distinctiveness, giving consideration to the local pattern of street blocks and plots; building forms; details and materials; style and vernacular.

4.12 The appraisal for the Clifton Conservation Area identifies one of the positive aspects of the area as being the 'Victorian and Edwardian terraces and semis in the new suburban residential streets often developed in the garden grounds of frontage properties'.

4.13 The application site, along with the land on the opposite side of the street, where there are now later C20 3-storey houses, was left open as terraced housing was developed to the south at the turn of the C20. Whilst the openness provides relief and a wider outlook, it exposes the rear elevations of the houses to the north, and it is not fundamental to the wider setting that the site remains un-developed. Appropriate development of the site would maintain the character and appearance of the conservation area and enhance biodiversity.

4.14 The scheme would be compliant with relevant design based policies, both national and those in the Local Plan - GP1: Design, GP10: Infill development and HE2: Development in Historic Locations.

- The layout would respect local character. The houses would follow the existing building line and layout along this side of the street. There would be deep gardens at the rear, which would maintain openness along the alleyway, and the gap in the development would preserve open views from along Sycamore

Terrace, whilst removing views of the rears of terraces (Bootham Terrace and Queen Anne's Road), which are not typically exposed in the locality.

- The houses would be of appropriate shape and scale, with the building heights being comparable to neighbours. House 1 would be attached to 4 Sycamore Place and would be of comparable massing, the rest of the houses would be lower and of a similar scale to the houses opposite. Their lower scale would also be appropriate in relation to the school buildings at the end of the street.
- The scheme has been developed to be contemporary and in-keeping with its setting. It complies with the principles established in policy HE2; characteristic materials are proposed as main elements - red brick walls and slate roofs. The detailing, design features and their scale - the use of bay windows, identifiable entrances and dormers represent a contemporary interpretation of the historic townscape which dominates the area; an approach advocated in the background text to policy HE2, which recommends high quality contemporary design that respects its context, rather than being a 'pale reflection' of the existing built environment.

## Archaeology

4.15 The site is within the City Centre of Archaeological Importance. A desk based assessment and evaluation of the site has been undertaken which has identified deposits associated with Roman metal working in the southeast area of the site, dating from the 3<sup>rd</sup> and 4<sup>th</sup> centuries. Conditions will be required to ensure that the development accords with Local Plan policy HE10; 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 (it would either be preserved in-situ or excavated).

## Flood risk

4.16 The site is in Flood Zone 3. In accordance with the National Planning Policy Framework in order for the proposals to be acceptable it must be demonstrated (in a site specific Flood Risk Assessment (FRA)) the development will be safe for its lifetime and not increase flood risk elsewhere (paragraphs 102 & 103). The development should also pass the sequential and exception tests.

### Flood risk elsewhere

4.17 Following revisions to the proposals there would be no loss of flood water storage on site, and consequently no increase in flood risk elsewhere. The scheme has been designed so there would be floodable voids below the houses, and flood water would flow into these areas. The storage area would provide space up to the

1 in 100 year flood level. No raising of ground levels would be permitted and ground levels would be lowered in parts of the rear gardens.

4.18 An underground storage tank would be installed on site, which would store water and restrict its flow rate into the drainage system, thus reducing surface water run-off in relation to existing rates. This would be compliant with York's Strategic Flood Risk Assessment.

#### Flood resilience

4.19 The houses would be reasonably protected from flooding. The site is in Flood Zone 3. The 2013 York FRA requires in such cases that development is protected from 1 in 100 year floods, finished floor levels of dwellings should either be above the existing ground level or 600mm above the 1 in 100-year (1%) flood level (11.46m AOD in this case), whichever is the higher. The proposals have a finished floor level of 10.86m AOD which is the 1 in 100 year flood level and around 1m higher than surrounding ground levels. Flood gates could be provided, to protect up to the desired 11.46 AOD level, and the buildings would have flood resilient construction. Overall officers and the Environment Agency are content that the houses would be reasonably safe from flooding.

4.20 It would be required future residents sign up to the Environment Agency Flood Warning Service.

4.21 The means of escape would be from the rear of the houses, occupants would be aware of flood events given the amount of housing in this area already in Flood Zone 3 and closer to the river and via the Environment Agency flood warning service. The means of escape off-site would not be at the desired AOD level. However, there was a similar scenario at a site on Dennison Street (off Huntington Road) where residential development was allowed on appeal (planning application 11/01981/FUL), despite no safe means of escape. The appeal was allowed on the grounds that the dwelling(s) themselves would be adequately protected, as would be the case here.

4.22 Planning conditions would be necessary to secure the proposed measures in respect of flood risk and drainage.

#### Sequential / Exception tests

4.23 The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding, however where development is necessary, it must be made safe without increasing flood risk elsewhere. National Planning Practice Guidance gives advice on the sequential test and concludes that "ultimately the local planning authority needs to be satisfied in all cases that the proposed development would be safe and not lead to increased flood risk elsewhere".



4.24 To pass the Exception Test it is required there are wider sustainability benefits to the community, which out-weigh the flood risk and there should be an appropriate site specific FRA.

#### Sequential test

4.25 The National Planning Policy Framework (paragraph 49) requires that planning enables a significant boost to housing supply, which means a presumption in favour of applications where housing development would be sustainable. The city has recently under-delivered on its annual housing targets and although housing sites have been allocated in the new Local Plan, these are subject to consultation and review before the plan is adopted. Many of the allocations are not deliverable in the short-term, only when the new plan is adopted. Recent appeal decisions have suggested the city does not have a deliverable 5 year housing supply; a national requirement.

4.26 There are other examples where residential development has been permitted in urban areas in flood zone 3 due to a combination of housing need and when site specific FRA's have been acceptable, for example at 34 and 36-44 Piccadilly and Student Accommodation schemes behind Walmgate, next to the River Foss.

4.27 Given the current lack of housing supply, as the proposed development is regarded as being acceptable in terms of flood risk and as the site is within an urban area rather than a less sustainable or green belt site, no objections are raised to the proposal in terms of the sequential test.

#### Exception test

4.28 The other sites referred to where housing has been permitted in Flood Zone 3 had considerable sustainability benefits in that derelict sites were regenerated and the vitality of the city centre enhanced. That needed houses are being supplied in a sustainable location is a sustainability benefit in this case. The development is associated with an acceptable site specific FRA which demonstrates that the proposed houses can be protected from flooding and flood risk will not be increased elsewhere, as flood water storage would be provided on site. On balance the scheme is considered to pass the exception test.

### **Residential Amenity**

4.29 The National Planning Policy Framework requires that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Local Plan policy GP1: Design requires that development proposals ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

4.30 The proposed development predominantly maintains the character of the area, considering building lines and massing, and consequently would not have an undue impact on its neighbours.

4.31 The rear building line would extend beyond no.4 (which is a guesthouse) by 3m but this element of the building would be single storey with flat roof. Previously the pavilion to the bowling club, which was single storey with a low pitched roof, sat against this boundary. The upper floors would not extend beyond the original rear building line of no.4.

4.32 The rear windows to upper floors of plot 1 would indirectly overlook the rear yard of no.4. The yard is a small area, which is all hard-standing; much of the rear plot has already been built over. There would be no undue overlooking in this respect. A planning condition can ensure that the flat roof first floor area to plot 1, which would be next door to 4 Sycamore Place, is not used as an outside amenity space as this would lead to overlooking between properties.

4.33 The occupants of no.4 raised concern that the proposed development would block outlets on their side elevation; vents for bathrooms etc. There would be a nominal gap between plot 1 and no.4 (shown on the proposed ground floor plan) to retain space for such vents.

### **Highway Network Management**

4.34 The intention of the National Planning Policy Framework is to encourage sustainable modes of transportation. The NPPF advises that larger scale residential developments should be located within walking distance of schools and shops and developments should be designed where practical to -

- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities
- incorporate facilities for charging plug-in and other ultra-low emission vehicles

4.35 The proposals comply with the National Planning Policy Framework in this respect as -

- The houses are in a sustainable location, within walking distance of the city centre
- Garages are proposed and are adequate size (6m by 3.5m internal) to store car and cycles.
- A condition can secure the provision of electric vehicle charging points at each dwelling.

- The layout has been revised to improve the accessibility of the parking spaces and there would be no material impact on the highway. The amount of car parking proposed is compliant with Local Plan standards. There would be no significant additional pressure on car parking on-street, as there are at least 2 off-street car parking spaces for each new house proposed. Also, it will be agreed through a legal agreement that future residents may not apply for res-park permits. The new access would lead to the loss of one on-street parking space; this is not regarded as a significant impact that would justify refusing the application.

## Education provision

4.36 Policy ED4 advises that in considering proposals for residential development any consequences for existing schools will be assessed. When additional provision is required as a result of the proposals, developers will be required to make appropriate financial contributions. There is no capacity at the local primary school. As such a contribution of £23,968 has been agreed.

## 5.0 CONCLUSION

5.1 The scheme would assist with housing supply in the city, which is a Government priority, and there are no significant adverse effects which would conflict with planning policy. Although the site is designated as green space in the 2005 Local Plan, it has not been used in such a way for the past 5 years. The scheme has been designed to mitigate against flood risk, and there would not be undue effects upon the character and appearance of the conservation area, residential amenity and highway safety. Approval is recommended, subject to completion of a legal agreement to secure -

- Open Space contribution - £18,340
- Secondary school provision - £23,968
- Funding of traffic orders, to amend res-parking in the area - £5k

## COMMITTEE TO VISIT

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

- 1 TIME2 Development start within three years
- 2 PLANS1 Approved plans -  
Drawings 2270 02, 100, 101, 102, 103, 104, 105, 106, 107, 108 (revision B)

### 3 Materials

Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

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. 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.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance and in the interests of the appearance of the conservation area.

### 4 Large scale details

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

- Eaves
- Dormers
- Roof-lights - manufacturers' literature. To be conservation type with recessed fittings
- Any hand-rails / guarding to first floor terraces
- Front doors and their surrounds
- Windows and their surrounds
- Flood gates (illustrating how any housing for demountable flood barriers can be installed without detriment to the overall appearance).

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

### 5 Landscaping

Prior to occupation of the development hereby approved the hard and soft landscaping proposals and highways works, as shown on drawing 2270-100 REV A shall be implemented.

A detailed soft landscaping scheme (to include the number, species, height and position of trees and shrubs) shall be approved by the Local Planning Authority prior to completion of construction. The approved soft landscaping scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area and to enhance biodiversity in accordance with paragraphs 58 and 109 of the National Planning Policy Framework.

- 6 ARCH1 Archaeological programme required -
- 7 ARCH2 Watching brief required -
- 8 ARCH3 Foundation design required -
- 9 Flood risk management

The proposed finished floor levels shall be 10.86 AOD, as shown on the approved plans.

The following measures to manage flood risk, as established in the revised AAH Flood Risk Assessment AAH/0111/12FRA dated April 2014, shall be installed/undertaken prior to occupation and maintained for the lifetime of the development -

- Provision of demountable flood gates at entrances to the houses.
- No sleeping accommodation at ground floor level.
- Residents sign up to the Environment Agency flood warning service.
- The creation of a floodable void/compensatory flood storage under the houses. There shall be no loss of flood water storage on site and calculations shall be provided to demonstrate such prior to commencement of the development.
- A maintenance agreement shall be put in place, and adhered to at all times, to ensure that the proposed floodable voids do not become blocked with silts or stagnant water and therefore remain available for the storage of flood water for the lifetime of the development.
- On-site surface water drainage storage capacity with restricted run-off rates.

Reason: To prevent flood risk.

## 10 Foul and surface water drainage

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, and carried out in accordance with these approved details.

Details to include:

- Peak surface water run-off from the proposed development must be restricted to a maximum 5.5 lit/sec.
- Site specific details of the flow control device manhole limiting the surface water to the 5.5 lit/sec.
- 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 should be provided.
- 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.
- Proposed ground and finished floor levels to Ordnance Datum shall be 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.

Reason: To reduce flood risk and to ensure the proper drainage of the site.

INFORMATIVE: Consent should be sought from Yorkshire Water to connect additional foul and surface water into their sewers.

## 11 Electric Vehicle Charging Points

Prior to occupation of the houses hereby approved at least one electric vehicle charging point shall be provided within the curtilage of each unit.

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). In particular in this case given the likelihood that future occupants would own private cars.

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 McCreddie.

## 12 Highway Management

Prior to the commencement of any works on the site, a detailed method of works 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 and the development carried out accordingly. The statement shall include at least the following information;

- The routing that will be promoted by the contractors to minimise disruption to the highway network.
- Where contractors will park.
- 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 unduly be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

## 13 Construction Environmental Management Plan

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

Reason: To protect the amenity of local residents from noise dust and vibration.

## 14 NOISE7

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

Reason: To protect the amenities of adjacent residents.

15 The garages hereby approved shall be used for domestic vehicles / cycles and storage only and shall not be converted or altered in any way without planning permission.

Reason: To ensure that adequate storage and secure cycle parking provision is retained in accordance with policies GP1 and T4 of the City of York Draft Local Plan, and to provide space for floodwater storage.

## 16 Permitted development rights

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, E and F; of Schedule 2 Part 1 of that Order shall not be erected or constructed.

There shall be no changes to the design of the front boundary gates and railings.

Reason: In the interests of the amenities of the adjoining residents, the appearance of the conservation area and to avoid increasing flood risk, 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.

17 The flat roof area to house 1 (at first floor level) shall not be used as an outside amenity area.

Reason: To ensure no undue impact on neighbour's amenity.

## **7.0 INFORMATIVES: Notes to Applicant**

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

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

### 2. LEGAL AGREEMENT

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

### 3. CONTROL OF POLLUTION ACT

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise.

### 4. RESIDENTS PARKING

The applicant is asked to note that the development/property (as proposed), is not considered eligible for inclusion within the Residents Parking Zone, and it will be removed from such under the Traffic Regulations 1984.



Upon commencement of development on the site the applicant is requested to contact the Council's Network Management Section (tel 01904 551450), in order that the amendments to the Residents Parking Scheme can be implemented prior to the occupation of the development.

**Contact details:**

**Author:** Jonathan Kenyon Development Management Officer

**Tel No:** 01904 551323

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13/03727/FUL

Bert Keech Bowling Club Sycamore Place



Scale : 1:1059

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	24 February 2015
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 5 March 2015                      **Ward:** Haxby and Wigginton  
**Team:** Major and                      **Parish:** Wigginton Parish Council  
                    Commercial Team

**Reference:** 14/02173/FUL  
**Application at:** 12 Barley View Wigginton YO32 2TY  
**For:** Erection of detached dwelling to side of 12 Barley View with detached double garage and new vehicular access from Rye Close  
**By:** Mr D Leeper  
**Application Type:** Full Application  
**Target Date:** 25 November 2014  
**Recommendation:** Approve

**1.0 BACKGROUND**

1.1 This application was reported to the Area Planning Sub-Committee on 8 January 2015 with a recommendation that Members approve the application. A copy of the report is attached as Annex 1.

1.2 Members resolved to defer the application in order to seek revised drawings to increase the separation distance between the proposed house and the existing house at No.12 Barley View. Members were concerned about the impact on the living conditions at No.12 because of the narrow gap between the two dwellings, particularly as the principal entrance to No.12 is in its side elevation. At the committee meeting the agent for the applicant suggested that this could be achieved by moving the proposed house towards the Rye Close boundary. Members also requested that access be shown into the rear garden of No.12 from (or alongside) the proposed garage and that the site plan be amended to show the existing side extension to No.14.

1.3 Revised plans have since been submitted by the applicant to address Members' concerns. The orientation of the proposed house has been changed slightly and has been moved further away from No.12. The house would, as a result, be closer to the highway boundary at Rye Close. However, whilst the set back would be just 0.4m at its narrowest point officers consider this to be acceptable in the context of the existing street scene. The distance between the new house and No.12's principal entrance door (and landing window) would now be 3.4m, increased from 1.1m previously. The proposed garage for the new house now has a rear pedestrian door opening out onto the occupiers' private amenity space. Officers consider that the revised proposals address Members' concerns.

1.4 A revised conclusion and recommendation to the previous report is below, otherwise there have been no material changes in circumstances since 8 January. Any further comments from local residents will be reported verbally. The application is recommended for approval subject to the conditions set out in the report of 8 January 2015, except for condition 2, which has been amended to list the revised plans.

## **2.0 CONCLUSION:**

2.1 The proposals as revised accord with the National Planning Policy Framework and relevant policies of the 2005 City of York Draft Local Plan and are acceptable.

## **3.0 RECOMMENDATION: Approve**

1 TIME2 Development start within three years -

2 The development hereby permitted shall be carried out only in accordance with drawings numbered 14:36:03 Rev.B, 14:36:04 Rev.A and 14:36:05 Rev.A.

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

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

Reason: In the interest of satisfactory and sustainable drainage.

4 No development shall take place until details of the proposed means of foul and surface water drainage have been submitted to and approved by the Local Planning Authority. Details shall include:

- a. Site specific details of the flow control device manhole, which shall limiting the surface water run-off to a maximum of 2.0 lit/sec.
- b. Storage volume calculations, using computer modelling to 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 shall include an additional 20% allowance for climate change. The modelling shall use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. The full range of modelling should be provided.
- c. 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.

d. A topographical survey showing the existing and proposed ground and finished

floor levels to ordnance datum for the site and adjacent properties.

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

5 VISQ8 Samples of exterior materials to be app -

6 In the event that contamination is found at any time when carrying out the approved development, the findings shall 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, approved in writing of the Local Planning Authority and implemented in full. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and approval in writing by the Local Planning Authority prior to first occupation of the development.

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

7 Prior to first occupation of the development the applicant shall install within the curtilage of the development, a three pin 13 amp electrical socket in a suitable position to enable the charging of an electric vehicle within the curtilage using a 3m length cable.

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

NOTE: Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations, and be suitable for charging electric vehicles. If located externally the socket shall be suitable for outdoor use and have an internal switch within the property to enable the socket to be turned off.

8 HWAY19 - Car and cycle parking laid out.

9 VISQ4 - Boundary details to be supplied.

10 NOISE7 – Restriction of hours of construction

## 4.0 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 sought amendments to address the impact on neighbouring occupiers and attached appropriate conditions to the approval, 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. VEHICLE CROSSING

Prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named: Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361.

**Contact details:**

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

**Tel No:** 01904 552830

Annex 1 – 8 January 2015 - 12 Barley View Report

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**COMMITTEE REPORT**

**Date:** 8 January 2015      **Ward:** Haxby and Wigginton  
**Team:** Major and      **Parish:** Wigginton Parish Council  
Commercial Team

**Reference:** 14/02173/FUL  
**Application at:** 12 Barley View Wigginton York YO32 2TY  
**For:** Erection of detached dwelling to side of 12 Barley View with detached double garage and new vehicular access from Rye Cross  
**By:** Mr D Leeper  
**Application Type:** Full Application  
**Target Date:** 25 November 2014  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 Demolition of a detached single garage and erection of a detached, 2-storey, 3-bedroom house measuring approximately 8.6m x 5m x 4.8m to the eaves and 8m to the ridge. A pair of single garages would be erected at the rear of the site with access from Rye Close. One of the garages would serve the new dwelling, the other garage would replace the garage to be demolished. An existing vehicular access from Rye Close would be widened to serve the two garages.

1.2 The application has been called in by Councillor Cuthbertson due to concerns raised by a local resident that the application would constitute overdevelopment of the site, could result in a terracing effect and, when added to the adjacent buildings, would be incompatible with existing properties due to an increase in massing.

**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:

CYGP1 Design  
CYGP4A Sustainability  
CGP15A Development and Flood Risk  
CYGP10 Subdivision of gardens and infill devt  
CYL1C Provision of New Open Space in Development

### 3.0 CONSULTATIONS

#### INTERNAL

##### Communities, Culture and Public Realm

3.1 As there is no provision for on-site open space commuted sums should be paid to the council for amenity open space, play space and sports pitches. The contribution to off-site provision is to be based on the latest York formula through a Section 106 Agreement.

##### Environmental Protection Unit

3.2 No objections. Add the council's standard conditions regarding unexpected contamination and recharging of electric vehicles.

##### Highway Network Management

3.3 No objections. Add a standard condition requiring car parking to be provided.

##### Flood Risk Management (Verbal)

3.4 No objections. Add a condition requiring drainage details to be submitted for approval.

#### EXTERNAL

##### Wigginton Parish Council

3.5 No objections.

##### Yorkshire Water

3.6 Clarification has been requested from the agent to show where foul and surface water connects to the public sewer network [and verbally on 19 December 2014:] In the absence of such information add conditions requiring separate systems of drainage and for drainage details to be submitted for approval.

##### Public Consultation

3.7 The consultation period expired on 7 October 2014. Seven objections have been received raising the following planning issues:

- Overdevelopment of the site;
- Scale, proportions and design are out of keeping with the area;

Application Reference Number: 14/02173/FUL

~~Item No: 4e~~

- Loss of sunlight/daylight to neighbouring houses;
- Loss of outlook from neighbouring houses;
- Would exacerbate existing flooding/drainage problems;
- Would worsen on-street car parking;
- Loss of highway safety due to increased traffic and reduced visibility.

## 4.0 APPRAISAL

### 4.1 KEY ISSUES

- Principle of development for housing;
- Visual appearance;
- Neighbour amenity;
- Highway issues;
- Flood risk;
- Highway matters;
- Open space.

### THE APPLICATION SITE

4.2 Part of the side/rear garden of a semi-detached, 2-storey house at the corner of Barley View and Rye Close. The area is suburban residential, principally bungalows and 2-storey houses, some of which have prominent extensions, The application site has a detached single garage accessed from Rye Close.

### 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

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.

4.6 The National Planning Policy Framework 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. Whilst garden sites such as this are excluded from the definition of previously-developed land the NPPF does not make them unsuitable for housing development. Local planning authorities are still expected to seek the efficient use of land, which focuses new residential development on sites in sustainable locations, which include the application site. The principle of the use of the land for housing is acceptable.

## VISUAL APPEARANCE

4.7 The National Planning Policy Framework acknowledges 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). Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (paragraph 64).

4.8 The scale, design and materials of the house are in keeping with the adjacent houses and the area generally. The front elevation would follow the general building line of adjacent houses and would be set back from the side boundary by between 1.5m and 3.5m. This set back is sufficient to maintain the general, open character of the street scene, particularly bearing in mind that two nearby houses have significant side extensions facing Rye Close that extend up to the public footway.

## NEIGHBOUR AMENITY

4.9 The main entrance to No.12 and a secondary first-floor window face the proposed house. But none of the windows of the proposed house would face No.12 and a sufficient gap would be retained for access to the front door. There would be no material loss of natural sunlight/daylight to neighbouring properties.

No other occupiers would have their amenity affected by the proposals. Separation distances would be sufficient to prevent significant overlooking or overbearing.

## FLOOD RISK/DRAINAGE

4.10 The site is in low risk flood zone 1 and should not suffer from river flooding. The application includes a drainage assessment, which describes how surface water run-off would be attenuated to provide a net gain over the current situation. Drainage details should be made a condition of approval.

## HIGHWAY MATTERS

4.11 Four off-street parking spaces would be provided (two for the new and two for the existing house) which is in accordance with the council's maximum parking standards. The proposal would have no material impact on traffic or highway safety.

## PUBLIC OPEN SPACE

4.12 The Council's leisure officers have sought a financial contribution towards public open space, in accordance with policy L1C of the 2005 local plan. National Planning Practice Guidance was revised on 28 November 2014 in respect of planning obligations. This states that tariff style planning obligations towards pooled funding 'pots' intended to provide common types of infrastructure for the wider area should not be sought from developments of 10-units or less. This guidance means that the part of policy L1c (Provision of New Open Space in Development) of the Development Control Local Plan which requires, for sites of less than 10 dwellings, a commuted sum towards off-site provision is no longer in accordance with National Planning Policy.

## 5.0 CONCLUSION

5.1 The proposal as revised accords with the National Planning Policy Framework and relevant policies of the 2005 City of York Draft Local Plan and is acceptable.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 The development hereby permitted shall be carried out only in accordance with drawings numbered 14:36:03, 14:36:04 and 14:36:05.

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

Application Reference Number: 14/02173/FUL

~~Item No: 4e~~

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

Reason: In the interest of satisfactory and sustainable drainage.

4 No development shall take place until details of the proposed means of foul and surface water drainage have been submitted to and approved by the Local Planning Authority. Details shall include:

a. Site specific details of the flow control device manhole, which shall limiting the surface water run-off to a maximum of 2.0 lit/sec.

b. Storage volume calculations, using computer modelling to 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 shall include an additional 20% allowance for climate change. The modelling shall use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. The full range of modelling should be provided.

c. 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.

d. A topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties.

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

5 VISQ8 Samples of exterior materials to be app -

6 In the event that contamination is found at any time when carrying out the approved development, the findings shall 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, approved in writing of the Local Planning Authority and implemented in full. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and approval in writing by the Local Planning Authority prior to first occupation of the development.

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



receptors.

7 Prior to first occupation of the development the applicant shall install within the curtilage of the development, a three pin 13 amp electrical socket in a suitable position to enable the charging of an electric vehicle within the curtilage using a 3m length cable.

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

NOTE: Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations, and be suitable for charging electric vehicles. If located externally the socket shall be suitable for outdoor use and have an internal switch within the property to enable the socket to be turned off.

8 HWAY19 - Car and cycle parking laid out.

9 VISQ4 - Boundary details to be supplied.

10 NOISE7 – Restriction of hours of construction

## **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 attached appropriate conditions to the approval, 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. VEHICLE CROSSING

Prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named: Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361.

#### **Contact details:**

**Author:** Kevin O'Connell Development Management Officer  
**Tel No:** 01904 552830

14/02173/FUL

12 Barley View Wiggington



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	24 February 2015
<b>SLA Number</b>	Not Set

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**DELEGATED REPORT**

**Date:** 5 March 2015                      **Ward:** Strensall  
**Team:** Householder and              **Parish:** Earswick Parish Council  
Small Scale Team

**Reference:** 15/00117/FUL  
**Application at:** 26 Earswick Chase Earswick York YO32 9FY  
**For:** Single storey rear extension.  
**By:** Mr and Mrs Cuthbertson  
**Application Type:** Full Application  
**Target Date:** 25 March 2015  
**Recommendation:** Householder Approval

**1.0. PROPOSAL**

1.1. The application site is a 2 storey detached property. Permission is sought for a small single storey rear extension measuring 1.8 metres x 1.45 metres with a total height of 2.9 metres. Planning permission is required because permitted development rights were removed when the housing development was originally constructed.

1.2. The application has been referred to the Planning Sub-Committee as the applicants are serving City of York Councillors.

**2.0. POLICY CONTEXT**

2.1. Policies:

CYGP1      Design  
CYH7        Residential extensions

**3.0. CONSULTATIONS**

Earswick Parish Council

3.1 No objections.

Neighbour Notification

3.2. Any responses will be reported verbally.

## 4.0. APPRAISAL

### KEY ISSUES

- Visual impact on the dwelling and the surrounding area.
- Impact on neighbouring properties.

4.1 The National Planning Policy Framework (March 2012) sets out 12 core planning principles that should underpin both plan-making and decision-taking. Of particular relevance 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.

4.2 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the content of the NPPF'. Policy CYH7 states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours.

4.3 Supplementary Planning Document (SPD) 'House Extensions and Alterations' December 2012 states that regard should be taken when assessing rear extensions to the 'impact of sunlight' and 'the relationship to windows' (on neighbouring properties).

4.4 The extension will be relatively small, and would be in the form of a porch infilling a corner outside an existing external door at the rear of the property. It would be constructed of matching brickwork up to a height of approx 0.9 metres, with the remainder of the structure being glazed. The extension would be barely visible from the street, it is not considered that the extension will be harmful to the appearance of the dwelling or to the character of the area.

4.5 The extension would not be visible from number 24 Earswick Chase, and would be screened from number 28 Earswick Chase by the existing detached garage at the application site. There is ample separation (approximately 24 metres) to the rear boundary of the site. As such, it is not considered that the proposal will have any effect upon neighbouring properties in terms of overbearing impact, loss of sunlight or loss of outlook. The extension is single storey so would not result in overlooking of neighbouring properties.

## 5.0. CONCLUSION

5.1. The proposal would not be harmful to the amenity of neighbouring residents or to the character of the area. Therefore the proposal would not conflict with Local Plan policies CYGP1: Design and CYH7: Residential Extensions, and the SPD on House Extensions and Alterations.

## 6.0. RECOMMENDATION: Householder Approval

- 1 TIME2 Development start within three years -
- 2 The development hereby permitted shall be carried out in accordance with the following plans:-

### DRAWING NUMBER 01 - EXISTING & PROPOSED PLAN & ELEVATIONS

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

## 7.0. INFORMATIVES:

### Notes to Applicant

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

In considering the application, The Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

### Contact details:

**Author:** Will Steel Development Management Assistant

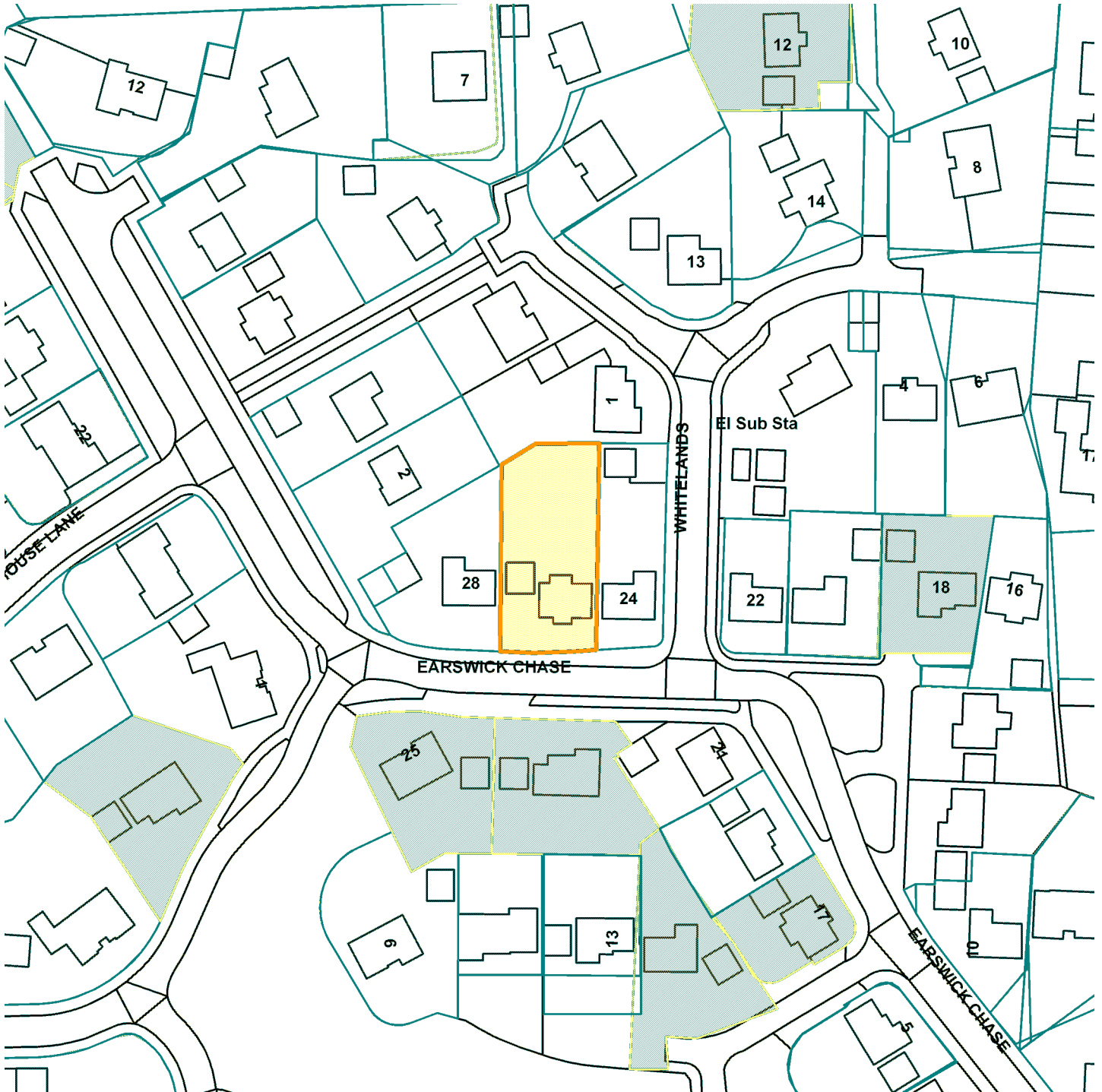
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15/00117/FUL

26 Earswick Chase Earswick



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	24 February 2015
<b>SLA Number</b>	Not Set

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