



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

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

Date: Thursday, 7 January 2016

Time: 4.30 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 leave from Memorial Gardens on Wednesday 6 January 2016 at 10.00 am

1. Declarations of Interest

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

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

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

2. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is **Wednesday 6 January 2016 at 5.00 pm.**

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 Officer (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at https://www.york.gov.uk/downloads/file/6453/protocol_for_webcasting_filming_and_recording_council_meetingspdf

3. Plans List

To determine the following planning applications:

a) Site Lying Between 92-100 The Village Strensall, York (15/02353/OUTM) (Pages 3 - 30)

Outline application for erection of 11no. dwellings including approval of means of access (resubmission) [Strensall] **[Site Visit]**

b) North Lodge, Clifton Park Avenue, York (15/01309/FULM) (Pages 31 - 50)

Erection 3-storey building forming 14 flats following demolition of existing buildings [Rawcliffe and Clifton Without]

c) 45 Windmill Rise, York YO26 4TU (15/02598/FUL) (Pages 51 - 58)

Two storey front and side extensions, single storey rear extension, formation of sloping roof to existing rear projection, front porch and detached garage/store to front [Holgate]

d) Bert Keech Bowling Club, Sycamore Place, York YO30 7DW (13/03727/FUL) (Pages 59 - 102)

Erection of 4no. two storey dwellings and 1no. three storey dwelling [Clifton]

e) 1 Hillcrest, Holtby, York YO19 5UB (15/02309/FUL) (Pages 103 - 110)

Two storey side extension and dormer window to rear [Osballdwick and Derwent] **[Site Visit]**

4. Urgent Business

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

Democracy Officer:

Name: Judith Betts

Contact Details:

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

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

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

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 **(01904) 551550**

AREA PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 6 January 2016**

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

TIME (Approx)	SITE	ITEM
10.20	1 Hillcrest, Holtby	3e
10.50	Site Lying Between 92 And 100 The Village, Strensall	3a
11.45	North Lodge, Clifton Park Avenue	3b

This page is intentionally left blank

COMMITTEE REPORT

Date: 7 January 2016 **Ward:** Strensall
Team: Major and **Parish:** Strensall With Towthorpe
Commercial Team Parish Council

Reference: 15/02353/OUTM
Application at: Site Lying Between 92 and 100 The Village Strensall York
For: Outline application for erection of 11no. dwellings including
approval of means of access (resubmission)
By: Shirethorn Limited
Application Type: Major Outline Application (13 weeks)
Target Date: 14 January 2016
Recommendation: Refuse

1.0 PROPOSAL

1.1 This is an outline application for the erection of residential development on 0.6Ha of land at The Village, Strensall.

1.2 As an outline application matters may be reserved for later submission. In this case matters reserved are layout, scale, appearance and landscaping details; the access arrangements have been provided as part of the submission. The site comprises land located on the south side of Strensall village. Access is from the village frontage and the land extends to 0.6ha. To the north and east is existing residential development to the south is the Scarborough to York railway line and to the west is open land.

1.3 Although in outline with matters reserved an illustrative layout indicates the erection of 11 houses. The proposed access is located between 100 and 102 The Village and consists of 5.5metres wide access road with 2 metre footpaths either side. The plan in the submitted access details appraisal shows visibility of 43 metres in either direction along The Village frontage.

PLANNING HISTORY

1.4 An application for the same proposal was withdrawn in May 2015 (application reference: 14/02962/OUTM)

1.5 In 1991 permission was granted on appeal for the site and adjoining land through to Southfields Road/Princess Road, 6.5Ha of land, to be developed for residential development. This appeal decision was quashed by order of the high court and the application re-determined by the Secretary of State in November 1995.

The November 1995 appeal was dismissed on the grounds that the development was premature pending the outcome of the then emerging local plan (Southern Ryedale Local Plan) and the site was in Green Belt and represented inappropriate development.

1.6 The North Yorkshire Green Belt local plan post modification document September 1995 showed the site being retained within the Green Belt and the last version of the Southern Ryedale Local Plan (not adopted) before Strensall became part of the city of York area showed the site within Green belt.

1.7 Early versions of the City of York Council Development Control Local Plan (1998, 1999 and 2003) shows the site retained within Green belt as does the Development Control Local Plan document adopted for development control purposes in April 2005.

1.8 The site has been allocated for development in the emerging local plan, paragraphs 4.23 to 4.25 of this report sets out the site selection process leading to the site's allocation.

2.0 POLICY CONTEXT

SP2	The York Green Belt
SP7a	The sequential approach to development
GB1	Development in the Green Belt
GB6	Housing Development Outside Settlement Limits
GP1	Design
GP4A	Sustainability
GP9	Landscaping
HE10	Archaeology
NE1	Trees Woodlands and Hedgerows

3.0 CONSULTATIONS

INTERNAL

Highway Network Management

3.1 Do not object to the principle of the proposal but are not satisfied with the detailed access arrangements shown on the submitted drawings. More information is needed to show how the access can be achieved with the position of adjacent driveways and existing landscape features.

Planning and Environmental Management – Ecology

3.2 A large population of great crested newts exists at the pond located c.200m west of the site, within Strensall Village Meadows SINC (Site of Importance to Nature Conservation). The application contains optimum terrestrial habitat for great crested newts. A European Protected Species Licence will be required from Natural England for the development. Currently there is similar habitat readily available around and within 250m of the pond and therefore if considered in isolation the loss of this relatively small area (0.6ha) is unlikely to have a significant impact on the long term conservation status of the population of great crested newts. The current proposals will reduce the area of optimum terrestrial habitat for great crested newts, making them more dependant on the land within the larger H30 allocation, which if developed is likely to have a more significant impact and require more substantial mitigation. Further detail on the habitat enhancement proposed in the ecology report is required to confirm that it is deliverable - gardens are considered to be of lower value and outside of any management control and therefore not generally acceptable as compensation.

Planning and Environmental Management - Archaeology

3.3 The construction of the proposed dwellings may reveal or disturb archaeological features relating to the village or to the earlier prehistoric-Romano-British landscape. A strip, map and record exercise is recommended to further investigate this area.

Public Protection

3.4 No objection to the principle of the development. Sound attenuation can be provided within the dwellings close to the railway line on the southern side of the site to protect the internal area of the dwellings from noise. Externally an acoustic fence will be needed along the southern boundary to protect external amenity areas. The acoustic fence should be 2 metres high. Details of the fence may be conditioned. Conditions are requested to protect the amenity of adjacent residents during the construction period, in relation to contamination of the site given its proximity to the railway line and to ensure the provision of electric recharging points for vehicles.

Flood Risk Management Team

3.5 Any comments will be reported verbally at the meeting.

EXTERNAL

Strensall Parish Council

3.6 The Parish Council object to the application. Their response is a 13 page document and can be summarised as follows:-

Application Reference Number: 15/02353/OUTM

Item No: 3a

Page 3 of 25

- Premature as the new Local Plan is still under consideration
- The site is outside the settlement limits for Strensall and within the Green Belt
- Despite reference to appeals in 1991 and 1995 the appeal at the Brecks shows that only the saved policies in the RSS are current guidance applications in Green belt are being refused in line with the Brecks decision.
- The 1991 appeal (which allowed permission on the site as part of a larger area) was quashed by the high court. The 1995 appeal was dismissed in which it was said that there was no basis to question the Green belt status of the site.
- The site fulfils four of the five purposes of Green Belt.
- The advice in the NPPF regarding Green Belt should be taken into account
- No changes in circumstances since the withdrawal of the last application the planning officer letter to the agent setting out the reasons why that application could not be supported is still relevant.
- Brownfield land should be considered for development before Green Belt
- The site access is unsuitable for the housing development
- Strensall Village Design Statement should be taken into account
- There were concerns about the development of the site in the further sites consultation (call for sites) to the Local Plan
- There is a wonderful variety of wildlife on the site.
- Yorkshire wildlife trust says there will be an adverse effect on wildlife including Greater Crested Newts
- The development will have an adverse effect on Strensall Village Meadows a Site of Interest to nature Conservation
- NPPF requires enhancement of the local environment
- Similar applications have been refused in York
- Since the 1960's lots of development without sufficient infrastructure being put in place.
- Strensall referred to as a village but has the population of a town
- The site provides the only remaining view from the village into open countryside
- Concerned about the capacity of existing surface and foul drainage to accept further development.
- Cumulative developments having an adverse effect on the capacity of Robert Wilkinson Primary school
- Scheme shows family housing which will have larger impact on school capacity
- Facilities in Haxby referred to by the applicant but there is no public transport to Haxby
- The development will cause further congestion on The Village.
- Health Centre likely to be overwhelmed by additional development
- Attention is drawn to the petition on behalf of residents by Cllr Ann Reid to the allocation of the site.

Foss Internal Drainage Board

3.7 Pumping of surface water to the water course is unacceptable to the Board. An infiltration method of drainage would be favoured. Surface water run off shall be restricted to existing green field run off rates. Conditions are requested.

Yorkshire Water Services

3.8 No comments.

Network Rail

3.9 Would like to place a holding objection on the application due to lack of drainage information. All foul and surface water must be directed away from the railway. Drainage should be conditioned. Network Rail set out a comprehensive list of safety requirements in relation to development near railway lines. Such requirements do not preclude planning permission but require care to be taken with construction machinery, access, boundary protection, sound proofing, drainage and landscaping. Network Rail's comments will be forwarded to the applicant for information.

Natural England

3.10 No objections

Yorkshire Wildlife Trust

3.11 Due to the isolated nature of the triangle of fields to the north of the railway track, it is considered that the development will not have an adverse impact on the protected sites to the south of the railway such as the Yorkshire Wildlife Trust's Strensall common reserve, the larger Strensall common SAC or most of the Sites of Importance for Nature Conservation (SINC). Strensall Village Meadows SINC is however likely to be affected by the development. The SINC is designated for its population of Great Crested Newts. The development will affect the amount of land available for the newts to forage in. The current plans for mitigation are not sufficient to ensure that the development will not adversely impact on the population of great crested newts. A more effective mitigation strategy would be to include an area of mitigation land in the adjacent field managed to provide optimal foraging habitat for Great Crested Newts as well as an additional breeding pond. This strategy would accord with advice in the NPPF.

Ward Councillors

3.12 A letter of objection has been received from the local members for Strensall - Cllr Paul Doughty and Cllr Helen Douglas covering the following points:-

Application Reference Number: 15/02353/OUTM

Item No: 3a

Page 5 of 25

- Concerns centre around the loss of an essential greenbelt wedge and the impact on the local infrastructure including local roads, related congestion and access, amenities, wildlife, local schools and drainage.
- The principal material planning consideration is that this application cannot demonstrate very special circumstances for developing in the greenbelt.
- As with the Brecks site the development is considered premature.
- There are still significant brownfield opportunities for available development across the city
- There is also proven recognition that we already have at least a 5 year supply of housing land available in the council authority area.
- The revisions to the new local plan are yet to be published
- No applications on this site should be considered before the Local Plan is in place. Councillors have further questions and concerns regarding its selection to come forward for development.
- Concerned about only part of the site coming forward.
- There is intense local opposition
- Concerned about traffic and highway restrictions within the village and the impact of further development on existing facilities and roads.
- The site is also in very close proximity to an area of nationally significant nature conservation.
- The local primary school is at capacity.
- The sewage system is at capacity in Strensall and needs significant investment before any more development. Network rails comments in this regard should be noted.
- Strensall has taken more than its fair share of houses
- Strensall cannot go on accepting significant new development in Strensall without consideration of the wider local environment and infrastructure - that includes roads and amenities.

Julian Sturdy MP

3.13 A letter of objection has been received covering the following points:-

- The site is within the Green Belt and no very special circumstances have been shown. The NPPF says that substantial weight should be given to harm to the Green Belt
- The development is premature. The recent change to the Council administration means that site allocations will be reviewed
- The village infrastructure will not cope with future substantial development in the area.
- The access to the site is close to two other junctions and will be a safety hazard.

Neighbour Notification and Publicity

3.14 At the time of writing this report 54 letters of objection have been received covering the following points:-

- Development of the site has previously been refused by the Secretary of State due to the site's Green Belt location.
- The developer has not shown exceptional circumstances
- Unmet housing need does not constitute exceptional circumstances
- The proposed access on to the village is a road that already suffers from congestion, is opposite a play area and emerges on to a bus route near a bus stop.
- Access from Southfields Road is inappropriate because of the narrowness of the road, traffic levels along the road, elderly residents and their proximity to bus stops and local shops
- Local infrastructure/facilities are at capacity
- Strensall has taken more than its fair share of development and is now more like a town than a village
- In recent years the area has become an area for nature with birds/wildlife even Deer
- No village residents appear to be in favour of the development.
- Drainage problems
- Strensall has insufficient amenities for the existing residents
- The proposals are for large homes when it is affordable houses that are needed.
- The constant resubmission of application is not fair to residents
- The strategic Housing land availability Assessment which is in part used to justify the development is out of date and does not take account of new guidance.
- The scheme as designed will significantly impact on the gardens of 100 and 102 The Village
- Schemes in other areas have been refused in Green Belt despite significant shortfall in housing supply
- The application is a precursor to further development.
- Traffic generation has been worked out on the basis of 11 dwellings when clearly the access is to serve the whole of the allocation (up to 71 dwellings).
- The York design guide would preclude all the development being served from the access without emergency access arrangements. The access should be conditioned as suitable only for the 11 houses proposed.
- The layout does not take into account existing trees.
- Continued substantial development results in Strensall growing to a size which damages the friendly village character.

- The decision on the Brecks site sets a precedent for consideration of other Green Belt sites in the village.

4.0 APPRAISAL

4.1 Key Issues

- Planning policy
- Green Belt
- Site layout
- Access
- Ecology
- Conservation Areas
- Noise
- Residential Amenity
- Drainage
- Open Space, School places and Affordable housing
- Network Rail
- Housing land supply

PLANNING POLICY

National Planning Policy Framework (NPPF)

4.2 Paragraph 7 of the NPPF says that there are three dimensions to sustainable development economic, social and environmental. These roles should not be taken in isolation because they are mutually dependant (paragraph 8).

4.3 Paragraph 14 says that at the heart of the 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.

4.4 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, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it; 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.

4.5 Paragraph 50 of the NPPF supports the delivery of a wide choice of high quality homes to create a sustainable, inclusive and mixed community. Local Authorities are therefore required to plan for a mix of housing based upon current and future demographic needs of different groups in the community and which reflects local demand. Paragraph 34 states that developments should be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Paragraph 152 (Strategic priorities within the Local Plan Area) states that Local Planning Authorities should seek to achieve the three dimensions of sustainable development, avoid adverse impacts and pursue alternative options which would reduce or eliminate such impacts.

4.6 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).

4.7 Section 9 'Protecting Green Belt Land' says that the essential characteristics of Green Belts are their permanence and openness (paragraph 79). Paragraph 88 says that 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. With regard to new buildings paragraph 89 says that the construction of new buildings is inappropriate subject to a number of exceptions which does not include the erection of dwellings exception where these are for agricultural or forestry purposes or form part of a rural exception site (affordable housing).

4.8 Section 11 of the NPPF aims to conserve and enhance the natural environment and requires the planning system to contribute by 'minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures' (Para 109). In preparing plans, Paragraphs 110 and 113 are required to minimise effects on the environment and set criteria based policies which protect biodiversity to enable commensurate protection to their status as well as the contribution they make to wider ecological networks.

Paragraph 118 requires that in considering planning applications the aim should be to conserve and enhance biodiversity.

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

4.10 The NPPF says at Annex 1, paragraph 216, that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the Framework policies, the greater the weight that may be given). Weight may also be given to relevant policies in emerging plans according to the stage of preparation (the more advanced, the greater the weight that may be given), the extent to which there are unresolved objections (the less significant, the greater the weight) and the degree of consistency of the relevant emerging plan policies to the Framework policies (the closer they are, the greater the weight).

National Planning Practice Guidance (NPPG)

4.11 The NPPG explains how weight may be given to policies in emerging plans. Arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account.

4.12 Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.

4.13 The NPPG also sets the methodology for determining suitable land supply for housing as well as the objectively assessed need. It supplements the NPPF by setting the starting point for the 5 year housing supply and determining the trajectory of available, suitable and deliverable sites.

4.14 The NPPG advisers that unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the 'Very special circumstances' justifying inappropriate development on a site within the Green Belt.

Development Plan

4.15 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the retained policies of the Yorkshire and Humber Regional Spatial Strategy (RSS). These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt. The policies require 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.

Local Plan

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

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

4.18 The site is shown as being located within Green Belt on the proposals map in the plan.

4.19 Policy GB6: 'Housing Development Outside Settlement Limits' is relevant given that this site sits outside of the settlement limit for Strensall as shown on the proposals map for the DCLP. This policy states:

'Housing development (other than replacement dwellings) outside defined settlement limits in the Green Belt and open countryside will only be permitted where:

- a) It is essential for agriculture or forestry in that area; or
- b) It is for affordable housing development on small 'exception' sites that comply with the criteria outlined in policy GB9'

4.20 Furthermore policy GB1 says that planning permission for development will only be granted where development would not detract from the open character of the Green Belt, it would not conflict with the purposes of including land within the Green Belt and development would not prejudice the setting and special character of York.

Emerging Local Plan

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

4.22 The emerging Local Plan identifies the city's need for housing. Policies within the draft plan sets out how this need would be met across the city through a series of policies supporting housing allocations and associated uses. Specifically, policy H1 sets out the potential housing allocations. The application site is included within a larger allocation identified as H30: Land to the South of Strensall Village. H30 was identified through the Local Plan Site Selection process and allocated for 71 homes to be phased in the short-term (years 1-5 of the trajectory).

Evidence Base - Site Selection Process

4.23 The application site was submitted as part of the call for sites process. Given that this was adjacent to/part of other site submissions to the south of Strensall Village, the site was amalgamated into a larger site. The Preferred Options Site Selection Technical Paper indicates that any development of this site would need to be sympathetic to the surrounding area and character especially considering the close proximity of Strensall Conservation Area and a number of listed buildings. The site also included and is adjacent to areas of nature conservation designations - SINC sites. These areas include a significant grassland and large Great Crest Newt population which would limit development of the site and require mitigation. In light of this part of the site was removed to reduce the available developable area to 2.53ha; the application area remained part of the site. The paper also states that the site only has a single connection to highway; limited frontage/depth, visibility splays would need checking; it is however in a sustainable location with access to services. Noise and vibration from the railway line would also need further investigation. The site is at low risk of flooding (Flood Zone 1). The site was accepted as an allocation with a revised boundary and presented as an allocation in the Preferred Options Local Plan (2013).

4.24 Further evidence was received through the Preferred Options consultation which technical officers reviewed.

The outcomes of this were published in the Further Sites Consultation and concluded that no changes to enlarge the site should be made. The application site was included within the limits of the allocation (identified as site H30 in the plan).

4.25 The site was subsequently included within the Publication draft Local Plan (2014).

Strensall Village Design Statement (VDS)

4.26 Strensall VDS was approved in March 2015. The comprehensive document sets out the villages aspirations for future development within the village in particular design guidelines for future development are set out (page 32) and Annex A to the document (page 35) sets out what the villages would like to see for the village. This includes improvements to infrastructure and amenities before new development at the village extremities are considered.

4.27 In the absence of a formally adopted local plan the most up-to date representation of key relevant policy issues is the NPPF. It is against this Framework that the application proposal should principally be addressed.

GREEN BELT

4.28 The site is located within the general extent of the Green Belt as described in the RSS. The policies in the RSS have been retained in order to establish long term development limits that safeguard the special character and setting of the historic city. The site is shown as being within Green Belt on the proposals map in the DCLP; however the emerging plan shows the site, as part of a larger site, allocated for residential development. The RSS is the development plan for York. The DCLP and the emerging local plan are non-statutory documents. As set out in s.38 (6) of the 1990 Act determinations should be made in accordance with the development plan unless material considerations indicate otherwise. The site is considered to be within the general extent of the Green Belt as described in the RSS and it is considered that the site should be considered as being within the Green Belt.

4.29 Although paragraph 14 of the NPPF sets out a presumption in favour of sustainable development. In accordance with the footnote referenced within paragraph 14 the presumption in favour of sustainable development does not apply in Green Belt locations.

4.30 Paragraph 89 of the NPPF establishes that the construction of new buildings, with a number of exceptions, is inappropriate in the Green Belt. Similar to Paragraph 89, GB1 of the DCLP is permissive of certain development in the Green Belt. The proposal is not for any of the purposes listed and confirms the position within paragraph 89 of the NPPF that all other forms of development within the Green Belt are considered inappropriate.

The applicant's submission does not argue that any of the exceptions set out in paragraph 89 apply to the site. The NPPF confirms at paragraph 87 that inappropriate development is by definition harmful to the Green Belt. Paragraph 88 says substantial weight would need to be given to harm by reason of inappropriateness and any other harm. Very special circumstances will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

OPENNESS AND PURPOSES OF GREEN BELT

4.31 The site is accessed from The Village frontage via a strip of land that is currently grassed. The width of the access area varies but the submitted plans indicate that there is sufficient land to construct an adoptable highway with the frontage opening up to provide visibility splays to the site frontage. The proposed access is currently bounded by hedging to both sides. The main application area borders the rear of houses to the Village on the north side and a relatively new residential scheme, The Sidings, to the east. The railway line lies to the south and an established hedge line forms the western boundary. The field is, at present, uncultivated. The site is visible in views back to the village from Flaxton Road and Lord's Moor Lane and is also visible from the rear of existing properties adjacent to the site and to a lesser extent from The Village frontage. The proposed development will introduce built development on to a currently open area of land and thus openness would be reduced. Paragraph 79 of the NPPF indicates that openness and permanence are essential characteristics of Green Belt. The introduction of development on to an undeveloped site that is relatively visible particularly from the south and west would result in a loss of openness.

4.32 Paragraph 80 of the NPPF sets out the purposes of Green Belt. These include, amongst others, to check the unrestricted sprawl of large built up area; 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. It is considered that the site, which is open to the fields beyond the railway line and visible in views towards the village, contributes to openness and assists in safeguarding the countryside from encroachment. This helps to achieve urban regeneration by encouraging the recycling of derelict land and other urban land rather than green field sites. Members may be aware of the Secretary of State's decision to refuse planning permission for residential development on The Brecks to the east of the village. This decision expressed the view that although development would not have a direct and significant bearing on the historic character of the City, nonetheless, extending close to the rail corridor into the City would have a visual impact upon that transport route so the proposed development would contribute to sprawl. As this site is closer to the railway line a similar conclusion could be reached in relation to this development.

Given the size of the site harm to the Green Belt would, in my opinion be moderate (less than the significant weight attached to this issue by the Secretary of State in relation to The Brecks given the application site's size).

4.33 In summary, the proposal would be inappropriate development. According to the NPPF, paragraph 87, inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. The proposal would also cause a loss of openness and harm to the purposes of including land in the Green Belt.

SITE LAYOUT

4.34 All matters related to the site layout apart from the entrance from The Village have been reserved however the indicative layout submitted shows 11 detached dwellings set around an adopted standard highway. The layout allows for access through to the adjacent land indicating that it would be possible to serve the remainder of the allocation in the emerging plan from the same access point.

4.35 The density requirements in the DCLP are for 40 dwellings per hectare in urban areas and 30 dwellings per hectare elsewhere. The emerging local plan is currently looking for densities higher than this in urban areas at 50 dwellings per hectare and 35 dwellings per hectare in rural areas. Policies require that consideration is given to the overriding character of the area when designing a layout and the appropriate density and acknowledge that compatibility with a site's surroundings will be important.

4.36 The illustrative layout does not acknowledge the existing characteristics of the site such as existing tree cover and hedging identified on the survey plan. The provision of detached houses does not acknowledge the mix of development within the village and misses the opportunity to provide for a range of house types. Were the principle of development to be supported conditions would be needed to ensure that reserved matters applications responded to the need for a range of housing in a setting that retained existing site characteristics in order to comply with the housing mix and design requirements advocated within the NPPF (Section 6 and 7)

HIGHWAYS

4.37 In principle, access from The Village can be achieved to serve the development. However as this outline application includes details of access Officers are not satisfied that all access details have been adequately submitted to ensure the visual quality of the site and the optimum safety for cyclists, pedestrians and vehicles. The properties immediately adjacent to the access have driveways which are in close proximity to the access which may be affected by the kerb radii and visibility splays. Ideally hedge and tree cover should be retained along the frontage where possible.

Additional information on the access arrangement has been sought but not provided. It is also unclear whether the access arrangements would be able to serve any further development were the remainder of the housing allocation to be forthcoming. Without additional information officers are not clear if there is any harm attributable to the proposed access arrangements. Given that the access arrangements are not a reserved matter a reason for refusal based on the lack of information is recommended.

ECOLOGY

4.38 To the south and east of the site is Strensall Common. Strensall Common is a site of special scientific interest (SSSI) and a Special Area of Conservation (SAC). The land is within the zone for consultation with Natural England. Natural England does not raise any objections to the proposals. Our Ecologist is satisfied that the development will not impact on Strensall Common.

4.39 There are several sites of regional and local importance for nature conservation close to the site:-

- Strensall village meadows located to the west of the site is a site of importance to Nature Conservation (SINC). It is designated for species rich wet grassland, ridge and furrow and a large population of Great Crested Newts.
- Land immediately to the west of the village Meadow SINC is a site of local Interest (SLI) which is a site of semi improved grassland with a large population of marsh orchids.
- There are a further two SLI's on the southern side of the railway line important for their moderately species rich semi-improved grasslands.

Our Ecologist's view is that these sites are unlikely to be affected by the development except in relation to Great Crested Newts.

Great Crested Newts (GCN)

4.40 There is no breeding habitat for amphibians within the site but it does provide suitable terrestrial habitat within 250 m of a known GCN population. The ecology report with the application confirms that there is a large population of GCN in the pond within the SINC to the west of the application area. GCN receive full protection under the Conservation of Species and Habitats Regulations 2010. As the development of the site would lead to the loss of optimum terrestrial habitat and a high risk of injuring or killing individual newts during construction a European Protected Species Licence from Natural England would be required

4.41 Government advice (ODPM Circular 06/2005, paragraph 98 & 99) states that the presence or absence of protected species, and the extent to which they could be affected by the proposed development, should be established before planning permission is granted, since otherwise all material considerations might not have been considered in making the decision.

4.42 The development will result in the loss of GCN habitat and potential harm to individual newts. When a European Protected Species licence is required the competent authority (that is City of York Council) must consider the likelihood of a licence being granted and therefore need to be satisfied that the 'three tests' are met

These are:

- overriding public interest;
- no satisfactory alternative, and
- maintenance of favourable conservation status.

The tests of overriding public interest and no satisfactory alternative are difficult to address with the current status of the emerging local plan. Officers are unclear until the sites to be allocated for development is finalised if there are sufficient satisfactory alternative development sites. Furthermore given the conclusions of this report that the site is within Green Belt and very special circumstances can not be shown to outweigh definitional and any other harm no overriding public interest for the development can be established.

4.43 To assess the maintenance of favourable conservation status test, officers must determine if the proposed mitigation is sufficient. As submitted the application shows mitigation proposed through habitat enhancement however this is shown as within domestic gardens. Gardens are considered to be of lower value for GCN and outside of any management control and therefore not generally acceptable as compensation. Based on the submitted information within the application it appears that the application is unlikely to pass the three tests and this should be a reason for refusal of the application. The applicant has submitted further information on the provision of alternative replacement habitat and the 'three tests'. This additional information will need to be reviewed by our Ecologist. Members will be updated on this matter at sub-committee. However based on the submitted information insufficient habitat enhancement has not been provided and it appears that the development is unlikely to be granted a European Protected Species licence.

4.44 In the context of the general landscape of the area it is considered that the hedgerow to the western boundary is of site/local value; it is clearly part of an old field system with the hedge line continuing south of the railway line and also connecting to a hedge line running west along the railway. The survey plan submitted with the application shows the position of the hedge however the submitted layout does not show the hedge retained.

The application should be conditioned to ensure the hedge is retained. The Ecologist also advises that the opportunity should be taken, through landscaping conditions, to reinstate the hedgerow on the eastern and southern boundaries of the site.

STRENSALL CONSERVATION AREAS

4.45 Strensall has two conservation areas. Strensall (village) conservation area, located to the west of the application site was originally designated in 1979 and its boundary was amended in 2001 and 2011. An appraisal of the conservation area was undertaken in November 2010. Strensall Railway Building's conservation area was designated in 2001 and is located to the east of the application site.

4.46 The applicant has submitted an assessment of the impact of the development on the conservation areas. The assessment concludes that development of the site would not adversely impact those elements of both conservation areas that are considered important.

4.47 Strensall village conservation area - characterised by linear village street, arising from the combination of buildings, front boundaries, trees and the line of the street and the survival, in places, of the traditional outer edges of the village form, its side lanes with vernacular farm buildings, and the relationship with the open countryside at St Mary's Churchyard. The site is separated from the conservation area by dwellings along the village frontage immediately to the west of the application site. Views back to the conservation area from Flaxton Road and Lord's Moor Lane and from the railway would bring additional built development in to views of the rear of the conservation area however with an appropriately designed scheme of two storey development it is considered that the development would not detract from the principal characteristics of the Conservation area defined in the Conservation area appraisal.

4.48 Strensall Railway Buildings Conservation area - characterised by the late 19th century terraces of small brick-built houses erected for both the railway workers and those employed at the local brick works set adjacent to the old station, a listed building, which forms a group with the old signal box. Views through to the conservation area from the site are limited by the development of the Sidings on the east side. The setting of the conservation area would not be affected by development of the site.

4.49 The site selection process undertaken to inform allocations for the emerging local plan did not raised any concerns about the proximity of the site to adjacent conservation area boundaries.

NOISE

4.50 A noise assessment was undertaken by Environmental Noise Solutions, on behalf of the applicant, to establish the current noise climate on site as the proposed housing would be located at a distance of approximately 10 metres away for the edge of the York to Scarborough railway line. It is understood that this section of railway line is regularly used with up to 33 scheduled rail services between between 0700 to 2300 hours. In addition it is understood that there is 1 scheduled rail service during the night time period between 2300 to 0700 hours, with this normally occurring at 0650.

4.51 Predicted background noise levels to the southern end of the site found that the daytime Leq (16 hour) sound level is around 54dB (A), with a night time Leq (8 hour) sound levels of 41dB (A). At these levels Public Protection are satisfied that the internal noise environment in any property on the site will meet the requirements of BS8233 and the World Health Organisation Guidelines on Community noise levels of 35dB(A) Leq during the daytime and 30dB(A) Leq during the night time periods, with standard double glazing units.

4.52 In terms of garden noise levels, Public Protection advocate that sound levels in gardens should not exceed 50dB (A) Leq 16 during the daytime. This level is 4dB lower than levels predicted within the report. As a result Public Protection would request that a condition be placed on any approval required that a sound barrier, approximately 2 metres in height, be provided along the southern boundary of the site.

RESIDENTIAL AMENITY

4.53 The nearest properties to the site are those located on The Village frontage and to the east of the site on The Sidings. Were the principle of development to be supported there is sufficient space to achieve adequate separation between the existing and proposed development. The details of the access road would need to acknowledge its proximity to existing residential boundaries, vegetation should be retained as far as possible and alternative landscaping and boundary treatment agreed where necessary to ensure existing garden along the length of the access remain enclosed.

DRAINAGE

4.54 The site falls within Flood Zone 1, low risk and should not suffer from river flooding. Objectors raise concerns about drainage. Objectors are concerned about the proposal to dispose of surface water into Bone Dyke and about the increasing pressure being placed on existing pumping stations and their ability to deal with sewage.

4.55 The application is supported by a drainage strategy; Yorkshire Water, do not object to the principle of the development. The Internal Drainage Board do not support a pumped drainage system for surface water as proposed within the drainage strategy but acknowledge that an infiltration system at green field run off rates could be used to drain the site. Officers are satisfied that were the principle of development to be acceptable a means of disposal of surface water could be achieved through appropriate planning conditions limiting the surface water run off from the site. The comments of Flood Risk Management are awaited and will be reported to committee.

OPEN SPACE, SCHOOL PLACES AND AFFORDABLE HOUSING

4.56 There is substantial concern from objectors about how Strensall village can accept more houses without a commensurate increase in local infrastructure. The application proposes to provide contributions towards open space, affordable housing (despite affordable housing not being required in Strensall for schemes below 15 dwellings) and school places through commuted sums. Under paragraph 204 of the NPPF and Regulation 122 of the Community Infrastructure Regulations 2010 a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Further information is required to ensure that such commuted sums are necessary to ameliorate the impact of the development. Further information will be provided at sub-committee on this matter.

NETWORK RAIL

4.57 Network Rail place particular constraints upon development adjacent to the railway line in order to protect the railway line and in the interests of public safety. Details of Network Rail's requirements will be forwarded to the applicant. Such requirements do not prevent the development of the site but may impact upon the way any scheme would be implemented to ensure that railway land is protected at all times during and on completion of the development.

HOUSING LAND SUPPLY

4.58 In the absence of an agreed housing figure the applicant has assessed the 5 year housing land supply in two alternative ways. By either working using the figure required in the revoked part of the Regional Spatial Strategy (850 dwellings per annum) or by using the preferred options figure in the presently halted local plan process (1090 Dwellings per annum). Taking into account the need to provide for a backlog of under provision and a buffer (of 20%) the applicant considers that the council have between a 2.48 and 2.9 years of land supply over the 5 year period.

In the opinion of the applicant's agent the only credible source of housing land supply at the moment is likely to be from small to medium sites such as the application site.

4.59 Planning and Environmental Management (Forward Planning) says that a report to members of the Local Plan Working Group on 29th September 2015 included an indicative five year housing supply position but the report makes it clear that work on the five year land supply is ongoing and can not be concluded until a series of decisions have been made on both factors effecting housing demand and on the future portfolio of sites. The report indicates that based on work to date it is estimated that the current housing supply (at 1st April 2015) is around 4,904 for the period 2015/2016 to 2019/2020. However given that the debate about the components of the housing demand and supply is ongoing it cannot be concluded currently that a NPPF compliant five year housing land supply can be demonstrated.

4.60 The NPPG advisers that unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the 'very special circumstances' justifying inappropriate development on a site within the Green Belt. One could however conclude that in the planning balance there is a planning benefit associated with the provision of additional housing to meet a shortfall of housing within the City of York area.

OTHER CONSIDERATIONS - VERY SPECIAL CIRCUMSTANCES

4.61 The applicant's view is that it is consistent with recent appeal decisions and evident from the technical documents to the emerging local plan that the site does not contribute to Green Belt functions. Consequently the continued protection of the application site as Green Belt implied by saved regional Strategy policies would be inappropriate. If assessed on the basis that the site has Green Belt status the applicant considers that there are clear special circumstances that would weigh in favour of the development of the site. These are set out in the supporting statement summary and conclusions and are:-

- The Green Belt Local Plan Inspector and two appeal inspectors concluded, firmly, the site did not perform a Green Belt function.
- The 2005 Development Control Local Plan is outdated and its policies have been superseded by a more up to date evidence base produced for the preferred Options Local Plan June 2013.
- The technical background documents to the emerging local plan support the proposed allocation of the site for housing development as part of the wider H30 allocation in the Preferred Options draft plan.
- The absence of a five year land supply.
- The uncertainty surrounding the future supply of housing given the uncertain timescale for the adoption of the local plan.

- The lead in times for many of the larger housing allocations on the Local Plan.

4.62 Members may be aware of the refusal by the Secretary of State of a called in application on a site known as The Brecks to the east of Strensall. This application was for 102 houses and was recommended for approval based on the sites location in the settlement limits, its history of being excluded from the Green Belt in emerging documents and acknowledgement in these documents that the site served no Green Belt function, the safeguarding of the site for future development and the proposed allocation in the emerging plan. The Secretary of State did not consider that this history of exclusion from the Green Belt and the proposed allocation in emerging plans represented sufficient reasons to override Green belt considerations for a site acknowledged to be in the general extent of the Green Belt In the case of the Brecks the historical and proposed allocations were not seen as having sufficient weight to outweigh definitional and any other harm to the Green Belt.

4.63 The application site has a similar history of being considered for development through various plan documents back to the 1990's however the site was retained in the Green Belt and outside the settlement limits in those documents. The recent allocation in the emerging publication draft Local Plan has yet to be subject to any independent examination and there were reasonably significant objections to the site allocation following the consultation into the preferred options version of the local plan (2013). Officers consider that the decision on The Brecks site is a significant decision when considering how to approach this application furthermore as the site was not removed from the Green Belt in historic documents and remains in the Green Belt in the DCLP weight could be attached to the planning history as a very special circumstance on this site in any case.

4.64 In officers opinion the very special circumstances put forward by the applicant are not sufficient other considerations to outweigh the definitional harm and other harm (that is harm to the purposes of Green Belt and openness and, harm arising from ecology) identified in this report. As advised by paragraph 87 and 88 of the NPPF development that is harmful to the Green Belt for which there are no very special circumstance should not be approved.

5.0 CONCLUSION

5.1 The application site, comprising undeveloped land to the rear of The Village Strensall, is considered to be within the general extent of the Green Belt as defined in the RSS. Residential development on the site is considered to be inappropriate development in the context of section 9, paragraph 89 of the NPPF.

5.2 The NPPF confirms at paragraph 87 that inappropriate development is by definition harmful to the Green Belt.

Paragraph 88 says substantial weight would need to be given to harm by reason of inappropriateness and any other harm.

Very special circumstances will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

5.3 In officers opinion the very special circumstances put forward by the applicant; that the Green Belt Local Plan Inspector and two appeal inspectors concluded, firmly, the site did not perform a Green Belt function; the 2005 Development Control Local Plan is outdated and its policies have been superseded by a more up to date evidence base produced for the preferred Options Local Plan June 2013; the technical background documents to the emerging local plan support the proposed allocation of the site for housing development as part of the wider H30 allocation in the Preferred Options draft plan; the absence of a five year land supply; the uncertainty surrounding the future supply of housing given the uncertain timescale for the adoption of the local plan; the lead in times for many of the larger housing allocations on the Local Plan is adopted, are not sufficient other considerations to outweigh the definitional harm and other harm (that is harm to the purposes of Green Belt and openness and harm arising from ecology) identified in this report. As advised by paragraph 87 and 88 of the NPPF development that is harmful to the Green Belt for which there are no very special circumstance should not be approved.

5.4 The development will result in the loss of great crested newt habitat and potential harm to individual newts. When a European Protected Species licence is required the competent authority (that is City of York Council) must consider the likelihood of a licence being granted and therefore need to be satisfied that the 'three tests' of overriding public interest, no satisfactory alternative and maintenance of favourable conservation status are met. To assess the maintenance of favourable conservation status test information we must determine if the mitigation is sufficient. Mitigation has been proposed through habitat enhancement however this is shown as within domestic gardens. Gardens are considered to be of lower value for GCN and outside of any management control and therefore not generally acceptable as compensation. Therefore there is insufficient information about proposed mitigation to confirm that it is deliverable.

5.5 Insufficient information has been submitted with the application for the Local Planning Authority to be satisfied that the proposed access arrangements can satisfactorily accommodate the proposed development.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 Policy YH9 and Y1 of the Yorkshire and Humber Plan - Regional Spatial Strategy to 2026 defines the general extent of the Green Belt around York with an outer boundary about 6 miles from the city centre.

The site is identified as Green Belt in the City of York Development Control Local Plan (Approved April 2005). It is considered that the proposed development constitutes inappropriate development in the Green Belt as set out in section 9 of the National Planning Policy Framework which is by definition harmful to the Green Belt. No 'very special circumstances' have been put forward by the applicant that would outweigh harm by reason of inappropriateness and any other harm, including the impact on the openness of the Green Belt and conflict with the purposes of including land within Green Belt, and ecology. The proposal is therefore considered contrary to advice within the National Planning Policy Framework, in particular section 9 'Protecting Green Belt land', guidance within National Planning Practice Guidance (March 2014), in particular the section 'Housing and Economic Land Availability Assessment', and Policy GB6 of the City of York Development Control Local Plan (Approved April 2005).

2 Insufficient information has been submitted with the application for the Local Planning Authority to be satisfied that the proposed access arrangements can satisfactorily accommodate the proposed development without detriment to the free flow of traffic, the safety of pedestrian, the visual amenity of the area and to an adequate standard to accommodate the proposed development and potential adjacent land allocation. Without additional information the Local Planning Authority is not satisfied that the development complies with the requirements of paragraph 17 and paragraph 32 of the National Planning Policy Framework which requires safe and suitable access to sites and high quality design.

3 The development will result in the loss of Great Crested Newt (GCN) habitat and potential harm to individual newts. Circular 06/2005 'Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning' says Local Planning Authorities must consider the likelihood of a European Protected Species licence being granted and therefore need to be satisfied that the 'three tests' of overriding public interest, no satisfactory alternative and maintenance of favourable conservation status are met. As submitted the application shows mitigation proposed through habitat enhancement however this is shown as within domestic gardens. Gardens are considered to be of lower value for GCN and outside of any management control and therefore not acceptable as compensatory habitat. In addition given the Green Belt status of the site there is no overriding public interest to grant planning permission for the development. It is considered that the development fails to comply with the requirements of circular 06/2005 and does not accord with the advice in Paragraphs 109 and 118 of the National Planning Policy Framework which seeks to conserve and enhance biodiversity.

**7.0 INFORMATIVES:
Notes to Applicant**

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

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

Advice provided on previous withdrawn application that the site was in Green Belt and could not be supported. Additional information was sought through the earlier application with regard to highways and ecology. No additional information on these matters was submitted with this application.

Notwithstanding the above, it was not possible to achieve a positive outcome, resulting in planning permission being refused for the reasons stated.

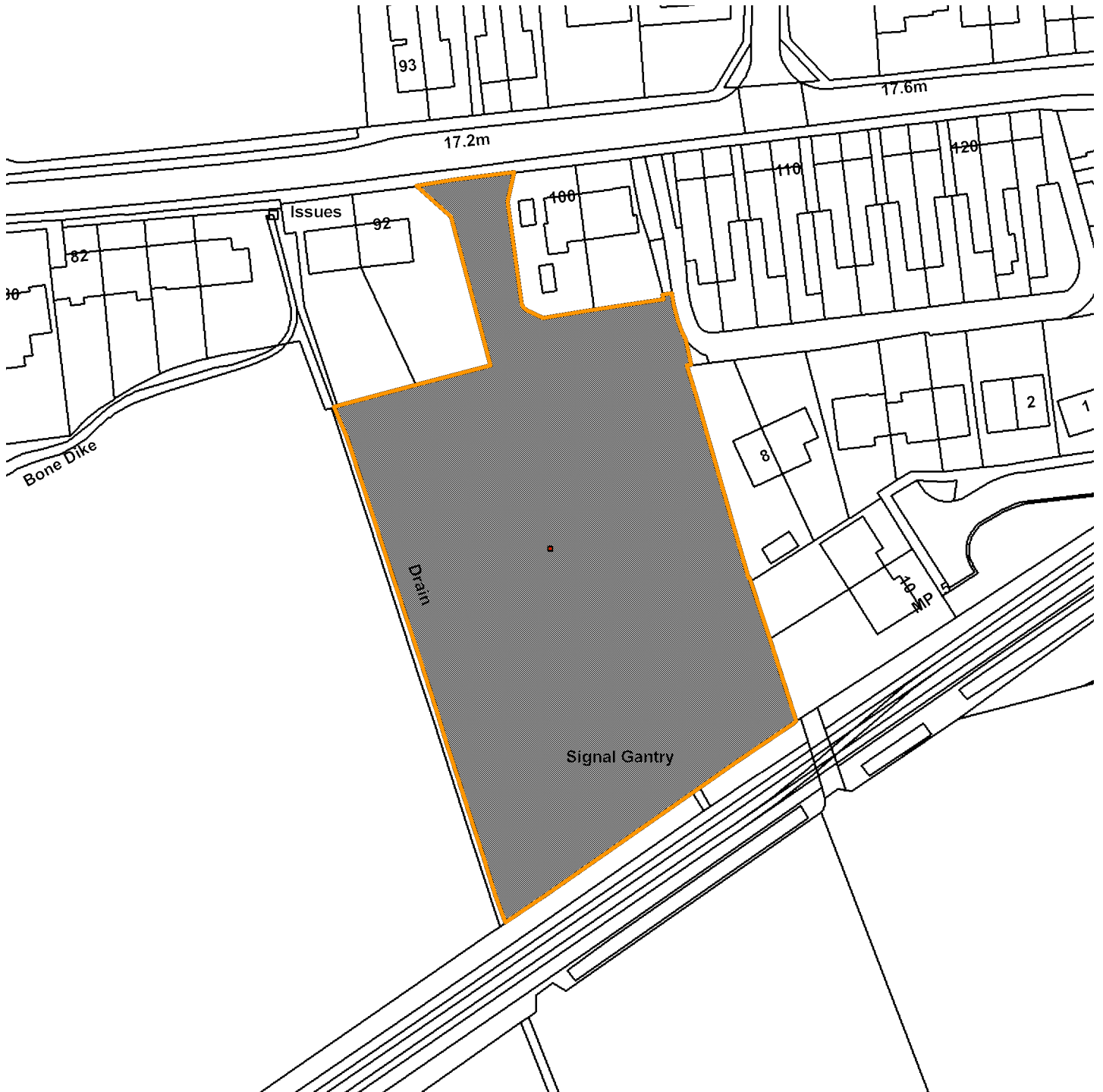
Contact details:

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

This page is intentionally left blank

Site Lying Between 92 And 100 The Village Strensall

15/02353/OUTM



Scale : 1:1059

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	22 December 2015
SLA Number	Not Set

This page is intentionally left blank

COMMITTEE REPORT

Date: 7 January 2016 **Ward:** Rawcliffe and Clifton
Without
Team: Major and **Parish:** Rawcliffe Parish Council
Commercial Team

Reference: 15/01309/FULM
Application at: North Lodge Clifton Park Avenue York
For: Erection 3-storey building forming 14 flats following demolition of
existing buildings
By: Gem Holdings (York) Limited
Application Type: Major Full Application (13 weeks)
Target Date: 14 January 2016
Recommendation: Refuse

1.0 PROPOSAL

1.1 The application is to demolish the existing two storey building and replace with a three storey building creating 14 flats (12 x 2 bed flats and 2 x 1 bed flats).

1.2 The existing building is original to the old Clifton Hospital, and is thought to be Greystones - the clerks building, the building has recently been used as offices. The building is not listed. The site is not within a conservation area. The site is within Flood Zone 1. The path to the south of the building is adopted highway. The site is within the general extent of the greenbelt. The trees to the north east boundary have specific tree preservation orders, and all trees within the area are covered by a group tree preservation order.

1.3 There is a care home to the west of the site; to the south of the site is an office building which has recently gained planning permission for change of use to an outpatients hospital, they are separated by a public/adopted footpath. To the north and east of the site is Shipton Road.

1.4 A change of use of the offices to 11 no. flats (use class C3) under Class J Part 3 Schedule 2 of Article 3 of The Town and Country Planning (General Permitted Development) Order 1995 has recently been granted for this building (14/01983/ORC).

1.5 Revised plans have been submitted showing the balconies closest to the care home removed, a rearrangement of the parking places, and an outside cycle storage area.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP1 Design

CYGP3 Planning against crime

CYGP4A Sustainability

CYGP9 Landscaping

CYGP13 Planning Obligations

CGP15A Development and Flood Risk

CYNE1 Trees, woodlands, hedgerows

CYNE6 Species protected by law

CYNE7 Habitat protection and creation

CYGB1 Development within the Green Belt

CYGB6 Housing devt outside settlement limits

CYGB10 Major development sites in GB

CYT4 Cycle parking standards

CYH4A Housing Windfalls

CYE3B Existing and Proposed Employment Sites

CYL1C Provision of New Open Space in Development

CYED4 Developer contributions towards Educational facilities

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Highway Network Management

3.1 No objections, Access to the development is from an unadopted access road. Car parking and turning is in accordance with CYCs Appendix E standards. Access to the nearest bus stop is available via the public footpath.

3.2 Cycle parking is not fully detailed. It should be enclosed, secure, and accommodate 1 cycle per unit, to achieve our standards an open shelter does not meet our standards, however further cycle parking details may be conditioned

3.3 Due to the location, size of the properties proposed and limited off-street parking, the development has the potential to still attract multiple car ownership but without the off-street facilities to accommodate them. Agreement has been secured from the developer that they provide the following contributions/measures to incentivise sustainable travel thus reduce the potential impact on the highway;

Application Reference Number: 15/01309/FULM

Item No: 3b

First occupiers to be offered the choice of either a free cycle (or vouchers up to the value of £160 per unit) or 6 month bus pass per unit.

Planning and Environmental Management

Conservation Officer

3.4 No comments received

City Archaeologist

3.5 Object, the proposal for demolition of North Lodge and construction of residential flats will have a significant and detrimental impact on an undesignated heritage asset.

3.6 Clifton Hospital has its origins in the 1845 Lunacy Act which required each of the three authorities in the York area to provide accommodation for pauper lunatics which had previously been housed in various madhouses and workhouses as well as at York Lunatic Asylum. The North and East Ridings formed a Joint Committee to develop a combined institution and a site was chosen off the Shipton Road, north of Clifton Ings and northwest of the city. George Gilbert Scott in partnership with William Bonython Moffatt provided the plan for the original building based upon the usual corridor plan of the time. The main gate was protected by a lodge cottage (North Lodge, subject of this application).

The loss of this significant and prominent building of the 19th century mental hospital is to be regretted. If the application is approved, the building will require full recording prior to demolition. A condition requiring a full Historic England Level 3 Record will be necessary

Landscape Architect

3.7 It is impossible to perpetuate the line of large-species, mature trees along Shipton Road, and avoid potential conflict with future occupants, in order to retain the setting of the approach to the city along Shipton Road, and to retain the historic parkland setting of Clifton Park. These trees, plus the existing North Lodge building, and e.g. the orchard further south, and the ornamental trees that adorn Clifton Park Avenue are valuable elements that inform the local landscape character and also make reference to the history of the former Clifton hospital site, the setting of which can still be read today. Despite not being listed or in a conservation area, North Lodge is of distinctive architectural and historic value. The potential loss of trees combined with the loss of North Lodge would be detrimental to the quality of the local landscape character and the legible heritage assets of the city.

3.8 In accordance with the City of York Heritage Topic Paper, two of the six key characteristics of the city are of notable relevance to this site - 'Architectural character' and 'Landscape & Setting'.

3.9 The young Oak T2 has good future potential and could become a sizeable tree, thereby perpetuating the valuable line of trees that are characteristic of Shipton Road. The proposed building not only brings the building line closer to Shipton Road on this corner, it also brings the building right up to the canopy of Oak T2, thus preventing its development into a valuable specimen. Request that the building line of the southeast arm should be drawn back from Shipton Road to allow the development of the Oak (T2) and to reduce the likelihood of conflict with future residents. One or two large-species trees or tall trees could be planted on the Shipton Road frontage to make use of the space created by the building as compensation, however, as it is residential that is proposed, rather than office space, there is likely again to be a future conflict with tree cover along Shipton Road.

Ecology Officer

3.10 A preliminary bat survey was undertaken in April 2015 and found the building to have moderate-high bat roost potential. Subsequent emergence surveys undertaken in May and June 2015 revealed two common pipistrelle roosts of solitary bats. As the entire building is to be demolished it is not possible to retain the roost and a European Protected Species Licence from Natural England will be required.

3.11 No roosts were identified within any of the mature trees along the roadside and access from within Clifton Park but regular foraging was recorded here. The boundary trees and hedgerow are to be retained as part of the proposals. However an ash tree at the northern end of the site (T6 in the Tree Statement) has been recommended for removal.

3.12 Seek conditions for the protection of bats during demolition, and the provision of bat and bird mitigation. Request informative advise the developer of Section 1 of the Wildlife and Countryside Act 1981

Flood Risk Management Team

3.13 No objections, details of the drainage scheme can be sought via condition

Public Protection

3.14 In terms of noise from the A19 no noise assessment has been submitted with the application.

Ideally a noise report should have been submitted to demonstrate that the internal noise levels in the proposed properties could achieve the levels detailed with the World Health Organisation Guidelines details of the building envelope can be sought via condition.

3.15 In terms of noise from the construction and demolition phases of the development request a Construction and Environmental Management Plan together with the hours of construction and demolition being controlled.

3.16 The submitted Phase 1 site assessment identifies that the sites former use as part of a hospital may have given rise to contamination. It is recommended that further site investigation is carried out to determine whether land contamination is present. If contamination is found, appropriate remedial action will be required to ensure that the site is safe and suitable for its proposed use. This can be sought via condition

3.17 For flats (< 50 units) request that at least one parking bay must be marked out for use by electric vehicles only, together with charging infrastructure and cabling

Public Realm

3.18 As there is no on site open space provided with this development off site payments are sought for Play - to be used at Rawcliffe Parish Council play area on Rawcliffe Lane Amenity Open Space - to be used at Rawcliffe Country Park Sports pitches - to be used at Rawcliffe Parish Council sports area on Rawcliffe Lane. Neither Rawcliffe Lane or Rawcliffe Country Park have received 5 obligations since 06 April 2010

School Services

3.19 An S106 education contribution is not required as there are spaces available in local schools.

EXTERNAL CONSULTATIONS/REPRESENTATIONS

Rawcliffe Parish Council

3.20 Object, there being a general presumption in favour of retaining and preserving buildings which make a positive contribution to the character and appearance of the area; the PC considers that demolition of the existing historic building would have a detrimental impact on the amenity of the surrounding area.

3.21 The PC has no objection to the initial proposal for 11 flats/apartments on this site but considers that the existing building should be preserved and alterations to accommodate the proposed flats/apartments within this building.

Clifton (Without) Parish Council

3.22 Object, the PC consider that the parking provision is inadequate for the size of the development - 18 spaces for 14 flats, inc visitor spaces. The PC oppose the demolition of the existing building, which has historical significance to the area. Request if the building can not be re-developed

Police Architectural Liaison Officer

3.23 Within the period between 1 September 2014 and 31 August 2015 there were 68 crimes and 28 anti-social behaviour incidents which is considered to be high. Suggest a number of Crime Prevention Through Environmental Design principles, intended to ensure that should this site be developed as proposed, reducing the opportunities for crime and anti-social behaviour to occur. They accord with the core principles and design objectives set out in the National Planning Policy Framework.

Yorkshire Water

3.24 No comments received

Neighbour Notification And Publicity

3.25 Three letters of objection on the following grounds:

- The proposed new development exceeds the footprint and general massing of the small, existing building;
- Loss of premier employment facilities.
- The loss of a prominent historic lodge building (of locally listable quality as a prominent surviving building of the mental hospital).
- The very poor design of the new building which bears no relation to its setting.
- The precedent that will be set for the further, speculative loss or change of use of other office buildings on the site to housing purposes.
- If the continued use of the North Lodge building for office purposes is considered no longer feasible (and considered no compelling evidence has been provided), then would support its reversion to its historic residential use.
- The existing building has a very attractive appearance, with its weathered stone. The eye is led upwards past strongly delineated windows towards the top of the building, which is characterised by an interesting interplay of roofs and bold, prominent chimneys. These features will be lost if the building is demolished, and are not replicated in the proposed replacement flats.
- North Lodge originally marked the entrance to a large mental hospital which operated on the Clifton Park site for about 150 years. It is one of only a handful of buildings from the hospital which are still standing and is a worthy

reminder of the history of this part of York, and a positive contribution to York's heritage.

- The proposal does use brownfield land and create housing however request that the existing building is redeveloped opposed to the demolition.
- The proposed development lacks the character of the period building it replaces.

3.26 One letter of comments from the neighbouring nursing home. Request that the construction team is made aware that nursing home residents require a degree of sensitivity when the construction works are planned. Request a programme of works and access plan. Request that building works are within reasonable hours to protect the residents. Request prior notice of the demolition times so they can advise and prepare the residents. If there is to be an increase in dust require notice as some residents have lung conditions and they can ensure the windows are closed. Also request details of the route the contractors intend to use as the residents use the immediate areas for recreation and walks.

Ward Councillor – Councillor Sam Lisle

3.27 Object to the proposal on the same grounds as the parish council's. The existing building is a historic building, and the loss of the building would have a detrimental impact on the amenity of the area.

4.0 APPRAISAL

RELEVANT SITE HISTORY

- 14/01983/ORC - Proposed change of use of from offices to 11no. flats (use class C3) under Class J Part 3 Schedule 2 of Article 3 of The Town and Country Planning (General Permitted Development) Order 1995 - No objections
- 10/02160/FUL - Two storey front extension new rooflights and solar panels, removal of chimney and replacement windows (resubmission) - Approved
- 10/00412/FUL - Two storey flat roofed front extension - Refused, for the following reason:

It is considered that the proposed development would, by virtue of the design, harm the appearance of the building and character of the area. The proposed extension takes no account of the design of the host building or surrounding area and would appear incongruous within its surroundings.

- 01/00027/FUL - Erection of pitched roof two storey, single storey and first floor extension to rear at North Lodge and Greystones - Approved

- 3/104/276C/FA (1996) - Change of use of alterations and extensions to former lodge house to form restaurant and public house (use class A3) - Refused

KEY ISSUES

- Planning policy
- Green belt
- Loss of office space
- Design and Appearance
- Residential Amenity
- Ecology
- Drainage

ASSESSMENT

PLANNING POLICY

4.1 The saved policies of the Yorkshire and Humber Regional Spatial Strategy (May 2008) set out the general extent of the City of York Green Belt. Whilst the Regional Spatial Strategy for Yorkshire and Humber (the RSS) has otherwise been revoked, its York Green Belt policies have been saved together with the key diagram which illustrates those policies and the general extent of the Green Belt around York. These policies comprise the development plan for York.

4.2 The National Planning Policy Framework (NPPF) was published in March 2012. It sets out government's planning policies and is material to the determination of planning applications. The NPPF is the most up-to date representation of key relevant policy issues (other than the Saved RSS Policies relating to the general extent of the York Green Belt) and it is against this policy Framework that the proposal should principally be addressed.

4.3 The NPPF sets out the presumption in favour of sustainable development unless specific policies in the NPPF indicate development should be restricted. This presumption does not apply in Green Belt locations.

4.4 The site is within the City of York Green Belt as defined on the City of York Development Control Local Plan (DCLP) Proposals Map. The DCLP was approved for development control purposes in 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.

GREEN BELT

4.5 The application site is within a "major developed site in the Green Belt" identified within Policy GB10 the Development Control Local Plan (2005). This policy states that the preferred use of the site is for commercial and residential. The proposed development is within the developed site envelope shown in the proposal maps. NPPF does not make reference to major developed sites, it is considered that the major developed site envelope can be given only very limited weight when considering this application. The site is identified as green belt in the halted Local Plan.

4.6 The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of the greenbelt are its openness and permanence. The Green Belt serves 5 purposes: to check the unrestricted sprawl of large built-up 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

4.7 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. NPPF paragraph 89 states that the construction of new buildings is inappropriate in the Green Belt, save in the case of a list of exceptions including: limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. The proposed development is considered to fall within this exception.

4.8 The footprint of the proposed building is similar in scale to the existing. The proposed building would be of a similar height to the existing building, the massing would be slightly greater by virtue of the reduced roof variations. The access to the site would be from the existing road layout. The proposed building is within the existing built area and is not considered to impact further on the openness of the greenbelt and is considered to be in accordance with the 5 purposes of the green belt.

LOSS OF OFFICE SPACE

4.9 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).

Current Government policy is to assist the economy, sustainable development proposals should be allowed unless they would compromise the key sustainable development principles set out in national planning policy. Local planning authorities should seek to approve applications for sustainable development where possible and work with applicants to secure developments that improve the economic, social and environmental conditions of the area (paragraph 187). Planning should encourage and not impede sustainable growth therefore significant weight should be placed on the need to support economic growth through the planning system (paragraph 19).

4.10 Policies E3b of the Draft 2005 Local Plan seeks to keep all office uses in such use, unless there is an adequate supply of alternative premises over the plan period or where the proposed use will lead to significant benefits to the local economy. The broad intention of these policies does not conflict in principle with the NPPF.

4.11 The applicant argues that the current building provides poor quality office space and is under occupied. Current CYC information rates these offices as grade B. The applicant has not supplied any information as to the marketing of the offices. Neither has information been submitted as to why the current office stock could not be renovated to provide a better quality of office space. From the site visits it appears that much of the building was occupied. The agent states that as prior notification for the change of use of the building to 11 flats (14/01983/ORC) has been granted then the loss of the office space has been accepted. The Prior Notification process does not allow the loss of office space to be considered in the assessment process.

4.12 The proposal would result in the loss of the building being available for business use and would therefore negatively impact on the City's employment land requirements. The unit is a reasonable size and provides small scale office space. The applicant has not demonstrated that there is no longer a qualitative or quantitative need for this unit. There is a presumption in favour of sustainable development which, for decision-taking, means approving without delay development proposals that accord with the development plan. The NPPF is clear in that Planning should operate to encourage and not act as an impediment to sustainable growth. The NPPF states planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities. On balance it is considered that as prior approval for the change of use of the existing building to residential has been granted it is not considered that the application could be refused on the loss of office space.

DESIGN AND APPEARANCE

4.13 The pertinent NPPF core principles include: 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; encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value; 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; actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;

4.14 The existing building is considered to be non-designated heritage asset. The NPPG defines that non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions. Ideally, in the case of buildings, their significance should be judged against published criteria. The Historic England Conservation Principles - Policies and Guidance for the sustainable management of the historic environment (2008) are considered to be a reasonable guide for assessing the significance.

4.15 The existing building dates from original Clifton Hospital development and is considered to be the Greystones/Clerks building. It stands at the old vehicle /pedestrian entrance to the hospital, there is still evidence of the tree lined driveway. The original building is attractive with characterful design features (over sized chimneys with quoin detailing, gothic arched doorways, bay windows, stone mullions and surrounds, raised coped gables edges , stonework , etc) which are unusual in the York area but are of a consistent style with the main original hospital building(attributed to J.B & W Atkinson) , and the few that have remained. There have been some recent extensions and alterations to the building which are not considered to be sensitive to the style of the original building. The building is not listed, however it has a very positive impact on the character and visual amenity of the area as well as being of local historical value in its relationship to the original use of the site (many of the original hospital buildings have been demolished).

4.16 The NPPF states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred (135 and 136).

The NPPF (131) states that LPAs should take account of (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and (c) the desirability of new development making a positive contribution to local character and distinctiveness.

4.17 With regards to design the NPPF states that 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. It is, however, proper to seek to promote or reinforce local distinctiveness. It then goes on to state that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

4.18 The proposed building is not considered to result in harm to the streetscene when viewed from the Shipton Road, if the hedge and trees are retained along the eastern boundary creating an element of screening. The building would be similar in design quality to the recent business units and adjacent care home and on its own merits it is considered to be acceptable. However the existing building is considered to have a positive impact to the area and is highly visible from the public realm and unfortunately the replacement building is of poorer architectural quality and makes a much poorer contribution to the area in terms of visual amenity, character, loss of architectural variation, and distinctiveness.

PROVISION OF HOUSING

4.19 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. The loss of the building (and asset) should be balanced against the benefits of the proposed scheme. There is a need for housing and this proposal would supply 14 units. The fall back position is the use of the existing building as 11 flats (the use, not the start of development, would have to commence before 30 May 2016), which is a viable use consistent with its conservation.

4.20 It should be noted that an application could be made for prior notification of demolition of the building and this can only be assessed on health and safety issues. On balance it is not considered that the gain of 14 flats (net gain of 3 flats - 14/01983/ORC) outweigh the loss of this building/non designated heritage asset. In addition the design of the proposed building is of a lesser character, quality, and distinctiveness than the existing and as such fails to take opportunities for improving the character and quality of an area and the way it functions, and it does not seek positive improvements in the quality of the built, natural, and historic environment and therefore does not comply with the NPPF.

TREES AND LANDSCAPING

4.21 Policy NE1 'Trees, Woodlands and Hedgerows' of the Local Plan seeks to protect trees that are of landscape, amenity or nature conservation value by, inter alia, refusing development proposals that would result in their loss.

4.22 The mature trees to the eastern boundary with Shipton Road are a key positive characteristic of the area. The plans show the proposed building located close to the Young Oak Tree (T2) and 10 metre high Ash tree (T1) to the eastern boundary. The proposed development would prevent the Oak tree from reaching its potential by virtue of its proximity, and for this reason it is likely that there would be future pressure to fell this tree. It is considered that a replacement tree could be planted in further north west along the boundary to mitigate the loss and this could be sought via condition.

4.23 With regards to tree T1 the proposed car park follows a similar line to the existing. If the development was considered acceptable the construction of the parking area could be conditioned to take into account the root protection zone.

4.24 The trees are protected by a Tree Preservation order however if planning permission was granted it is considered prudent to condition the retention of the hedge along the shared boundary with Shipton Road, to provide an element of screening. In addition the hedge makes a positive contribution to Shipton Road and is a significant part of the character of the area (matures trees, soft landscaping and open areas). The outside area would be split into garden areas for the ground floor flats. It is considered prudent to also condition the minimum height of the hedge.

IMPACT ON RESIDENTIAL AMENITY

4.25 There is a nursing home to the west of the application site. The proximity of the proposal and the associated construction works will result disturbance to the residents of the occupants. If planning permission is granted it is considered prudent that the hours of demolition and construction are conditioned. Whilst we can not condition that the developer advise the neighbouring care home of timing of works (does not fulfil the tests set out in the NPPG) it is considered that it could be sought via informative.

4.26 The balconies closest to the nursing home have been removed in revised plans and elevations. The proposed building is not considered to result in overlooking or a loss of privacy to the occupants of the nursing home. The proposed flats are not considered to result in an undue increase in noise disturbance to the area.

4.27 The dwellings to the east are set at such a significant distance that it is not considered there would be any loss of residential amenity.

The other buildings in close proximity are of a business use and it is not considered that the proposed building would unduly impact on the running of the current businesses.

4.28 Public Protection seek that the envelope of the building is constructed to a standard to provide noise mitigation from Shipton Road, this is considered reasonable and compliant with the NPPF in providing good quality housing stock.

4.29 Public protection have also requested a vehicle re-charging socket, this is considered to comply with the aims of the NPPF and is consistently conditioned on other residential developments.

HIGHWAYS

4.30 The reduction in the height of the fence to the southern boundary with the enclosed public footway reduces some of the concerns regarding potential anti-social behaviour and potential maintenance issue regarding the enclosure of footway.

4.31 Some cycle storage has been proposed however it is not considered to be sufficient. 14 secure cycle spaces are required; it is considered that this can be sought via condition.

4.32 The vehicle access would be gated, the applicants have been advised to move the bin storage area closer to the gates however they have declined to move the area. They have confirmed that the refuse would be collected by a private company

OPEN SPACE AND EDUCATION CONTRIBUTION

4.33 Development Control Local Plan Policy ED4 states that the impact of new residential developments on local schools needs to be considered. Supplementary Planning Guidance to this policy sets out criteria for assessing the required financial contribution to be sought from residential developments. The Education Planning Officer has confirmed they do not require a contribution as there is sufficient space at the local schools

4.34 Policy L1c of the Local Plan states developments for all housing sites will be required to make provision for the open space needs of future occupiers; this is considered to be consistent with paragraph 73 of the NPPF. The open space requirement would be based upon 12 x 2 bed flats and 2 x 1 bed flats and would be £15,776. The contribution would go towards open space provision at Rawcliffe Lane and Rawcliffe County Park. The Community Infrastructure Levy Regulations 2010, Part 11, para 122 states that that contributions can only be required if: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the

development. Para 123 states that if a project or type of infrastructure has received 5 or more separate planning obligations, a further planning obligation can not constitute a reason for granting planning permission. Neither Rawcliffe Lane or Rawcliffe Country Park have received 5 obligations since 6 April 2010 as such the LPA can require the obligation and this can be sought via a legal agreement.

ECOLOGY

4.35 The NPPF sets out that the Planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; minimising impacts on biodiversity and providing net gains in biodiversity where possible.

4.36 To proceed with any proposed development which may affect the roost, there is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 for a European Protected Species (EPS) licence granted by Natural England.

4.37 The bat survey identified a small number of day roosts within the building which are occupied by solitary common pipistrelle bats. The roosts would be destroyed as part of the demolition works. Bat roosts are protected throughout the year, whether bats are present or not. As such a Natural England European Protected Species development license is required before building work can commence. The loss of the roost will not have a significant impact at a local, regional or national level. Loss of crevice roosting habitat will be mitigated for through the installation of long-lasting, professional quality bat boxes on site as part of the re-development scheme and/or integral bat bricks within the new build. Such habitat provision will ensure that ecological functionality of the site is maintained post-development and is also in line with local and national planning policy with regard to habitat enhancement. If planning permission is granted it is considered prudent to condition.

4.38 No roosts were identified within any of the mature trees along the roadside and lining the access from within Clifton Park, but regular foraging did take place around these during the activity surveys, particularly around the trees along the access road. The trees on the road side are very well lit (they are adjacent to high level street lighting) and this makes any use by roosting bats unlikely, and very little activity was recorded in this area during the surveys. These trees are protected by a Tree Preservation Order (TPO) and are being retained as part of the development scheme. The rest of the landscaped areas around the office building provide low quality habitat.

4.39 There was no evidence of barn owls nesting within the building however bird's nests were observed in the buildings, as such an informative advising the applicant of Section 1 of the Wildlife and Countryside Act 1981 could be added if the application is approved.

DRAINAGE

4.40 The site is within Flood Zone 1. The applicants have been unable to provide sufficient information regarding the proposed surface water drainage scheme. However it is considered that further details can be sought via condition.

5.0 CONCLUSION

5.1 The proposal is not inappropriate development in the Green Belt as defined by paragraph 89 of the NPPF and would not result in harm to the openness of the Green Belt. On balance, it is considered that this application for a replacement building whilst in a sustainable and accessible location and would create 14 flats (net gain of 3 flats -14/01983/ORC) does not outweigh the loss of existing building which is considered to be non designated heritage asset on the grounds of its attractive appearance, character, distinctiveness, social historical value and its connection to the previous use of the site as the public frontage of the hospital, (particularly as only a few of the hospital buildings now remain). The proposed building makes a much poorer contribution than the existing building, it is considered to be bland in visual amenity and character, and lack architectural variation and distinctiveness that the existing building exudes. The NPPF states that planning permission should be refused for development that fails to improve the character and quality of an area. Taking into account the existing building it is considered that the proposed development would result in a harmful impact on the character and visual qualities of the area.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposed development would result in the loss of a building considered to be a non designated heritage asset on the grounds of its attractive appearance, character, distinctiveness, social historical value and its connection to the previous use of the site as the public frontage of the former hospital. The existing building has a positive impact on the character and visual amenity of the area as well as being of local historical value. The creation of 14 flats is not considered to justify or outweigh the loss of the existing building with a replacement building that is bland and of poorer architectural quality and makes a much poorer contribution to the area in both visual amenity, character, loss of architectural variation, and distinctiveness (particularly as prior approval has been granted for the change of use of the existing building to 11 flats). For these reasons the proposed development is considered to be contrary to the policy and guidance set out in the National Planning Policy Framework which states that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions." (para 64).

7.0 INFORMATIVES:

Notes to Applicant

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

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

- Advised applicant of concerns regarding the design of the proposed building, gave opportunity to alter proposal
- Requesting details be added to the plans
- Revision to the car parking layout and proximity to trees etc

Notwithstanding the above, it was not possible to achieve a positive outcome, resulting in planning permission being refused for the reasons stated.

Contact details:

Author: Victoria Bell Development Management Officer

Tel No: 01904 551347

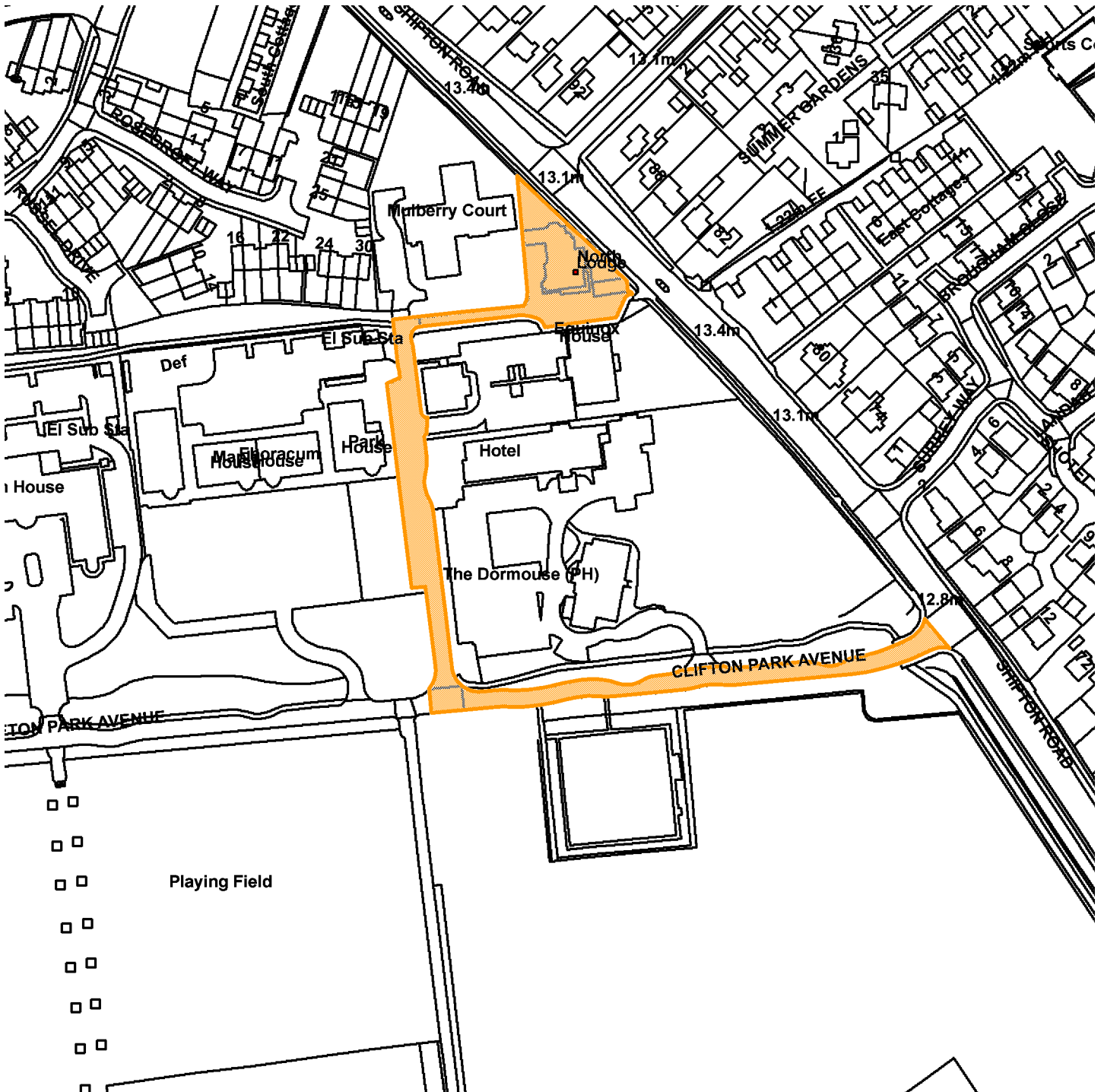
This page is intentionally left blank

North Lodge Clifton Park Avenue

15/01309/FULM



GIS by ESRI (UK)



Scale : 1:2119

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	22 December 2015
SLA Number	Not Set

This page is intentionally left blank

COMMITTEE REPORT

Date: 7 January 2016 **Ward:** Holgate
Team: Householder and **Parish:** Holgate Planning Panel
Small Scale Team

Reference: 15/02598/FUL
Application at: 45 Windmill Rise York YO26 4TU
For: Two storey front and side extensions, single storey rear extension, formation of sloping roof to existing rear projection, front porch and detached garage/store to front.
By: Mr John Howlett
Application Type: Full Application
Target Date: 18 January 2016
Recommendation: Householder Approval

1.0 PROPOSAL

1.1 This application seeks permission for the erection of a two-storey front and side extension; front porch, and the addition of a mono-pitched roof to existing single storey rear extension. A detached pitched roof store to the front is also proposed.

1.2 This large two-storey semi-detached dwelling is sited within a residential area, made up of a variety of mostly two-storey dwellings, of varying design, but of similar age.

1.3 This application is brought to committee for decision due to the applicant's wife working for City of York Council and involvement within the Development Management process.

RELEVANT PLANNING HISTORY

1.4 No. 47 Windmill Rise
Application No. 7/00/4620/PA - Two storey front extension forming stairwell; single storey front and side extension forming entrance and toilet. Approved 23.12.1982.
Application No. 07/01750/FUL - Conservatory to rear. Approved 23.08.2007

1.6 No. 44 Windmill Rise
Application No. 06/02634/FUL - Two-storey side extension. Approved 22.01.2007

1.7 No. 49 Windmill Rise
Application No. 07/01298/FUL - Two-storey front extension. Approved 27.07.2007

2.0 POLICY CONTEXT

2.1 Policies:

CYGP1 Design
CYH7 Residential extensions

3.0 CONSULTATIONS

HOLGATE PLANNING PANEL

3.1 No objection.

NEIGHBOUR NOTIFICATION/PUBLICITY

3.2 No responses received.

4.0 APPRAISAL

4.1 Key Issues:

- Visual impact on the dwelling and surrounding area;
- Impact on neighbouring amenity

POLICY CONTEXT

4.2 The National Planning Policy Framework (March 2012) sets out 12 core planning principles that should underpin both plan-making and decision-taking. Of particular relevance here is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Paragraph 187 states that Local Planning Authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible.

4.3 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.

4.4 Development Control Local Plan Policy H7 states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours.

4.5 Development Control Local Plan Policy GP1 refers to design, for all types of development. Of particular relevance here are the criteria referring to good design and general neighbour amenity.

4.6 The Council has a Supplementary Planning Document (SPD) for House Extensions and Alterations. The SPD was subject to consultation from January 2012 to March 2012 and was approved at Cabinet on 4 December 2012. The SPD offers overarching general advice relating to such issues as privacy and overshadowing as well as advice which is specific to particular types of extensions or alterations. Advice in the document is consistent with local and national planning policies and is a material consideration when making planning decisions. The document advises that side extensions should be subservient to the original dwelling, with the ridge height being lower than the original and the front elevation should be set behind the building line. The character of spacing within the street should be considered and a terracing effect should be avoided. Advice in paragraph 7.5 states that extensions should respect the appearance of the house and street unless a justification can be given showing how the development will enhance the streetscene. Proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing/loss of light or over-dominance/loss of light. Paragraph 15.1 advises that garages and other outbuildings, wherever possible, should reflect the style, shape and architectural features of the original building and not be detrimental to the space around it and that outbuildings should clearly be smaller in scale to the house. Paragraph 15.3 advises that garages and other outbuildings must not have a detrimental impact on the residential amenity of neighbours. Para 11.3 advises that porches should not normally project excessively beyond the front of the house or be overly wide; the glazing style, door location and materials and roof pitch should respect the original building.

ASSESSMENT

Proposed Extensions

4.7 The host dwelling is sited within a row made up largely of two-storey detached dwellings, of varying design; all well-set back from the highway, and within spacious plots; though the adjacent dwelling at No. 43 Windmill Rise is a bungalow. Many dwellings within this row have been altered and extended by way of two-storey front and side extensions, all of varying design. The host dwelling has already been significantly been extended by the addition of flat roof front, side and rear extensions.

4.8 The two-storey front extension will project to the same distance as the existing single storey front extension in place at the host, which is also in line with the front elevation of No. 43 Windmill Rise and it is not considered this element will appear unduly prominent, particularly when viewed from the highway to the front.

4.9 The proposed two-storey side element will be set-in from the common side boundary with No. 47 Windmill Rise by approx. 1 metre (where the existing side garage in place projects wholly to the side boundary); the ridge height will be set lower than that of the original dwelling, and it will be set-back from the proposed new front elevation, thus all of these elements will aid in giving it a subservient appearance, in line with CYC Supplementary Planning Guidance mentioned above. Sufficient space between the host and the neighbouring dwelling at 47 Windmill Rise will be retained, so as to retain the detached character of dwellings within the row. External materials and fenestration are proposed to be similar to the existing dwelling. The design of the pitch of the roof however does not follow that of the original dwelling, and may appear a little at odds; though again taking into account the set-back of the dwelling from the highway and also the trees and landscaping in place to the front of the host and No. 47 Windmill Rise, this is not considered to be so detrimental so as to warrant refusal. External access from the front to the rear of the dwelling will still be available.

4.10 The open nature of the proposed porch will reduce the visual mass, and along with the relatively modest scale proposed and traditional design, it is considered to be appropriate and may add interest to the proposed front elevation.

4.11 Due to the elevated position of the dwelling above Acomb Road, to the rear of the host site, the alteration of the proposed roof to the rear element will not be open to public view; though again the design and materials proposed are considered to be appropriate; including the addition of four rooflights and change from rear window to full-length glazed doors.

4.12 Little additional impact further to these works will affect neighbouring amenity for adjacent neighbours at No. 43 Windmill Rise; the addition of the pitched roof to the existing single storey rear extension is not considered to be overly visually dominant, when viewed from the side facing secondary window at this neighbouring dwelling; and due to the relatively modest height, it is not considered to result in significant additional overshadowing. The additional two-storey element to the front will be in line with the front elevation of this neighbouring dwelling, thus no additional loss of outlook will occur.

4.13 The other neighbouring dwelling at No. 47 Windmill Rise may be more affected due to the addition of the two-storey side element being close to this common side boundary. This neighbouring dwelling has one ground floor side facing kitchen window in place, facing the host, and an additional front window also serves this room. The proposed side extension will be set-off this common side boundary and together with the off-set of this neighbouring dwelling, it is not considered the side extension will not appear unduly prominent. Again, due to the adequate separation distance in place, along with the relatively modest height of the proposed roof to the existing rear extension, this will not appear unduly prominent for these neighbours.

Four ground floor side facing windows are proposed within the side elevation, at the host, to face towards this neighbouring dwelling, though 1.8 metre high side boundary treatment is proposed to be retained, so as to avoid loss of privacy to this neighbouring dwelling.

4.14 Sufficient car parking/cycle and bin storage areas will be provided within the proposed detached store and front driveway; along with ample amenity space being retained within the rear garden.

Detached Store to Front

4.15 Many examples of similar garages/stores, as that now proposed, are in place, in similar locations within the front gardens, within this row of dwellings. The scale and design, with pitched roof and brick and tile construction is considered appropriate, particularly taking into account the large size of the front garden and with the dwelling being well set back from the highway. High trees within the front garden will also provide some screening towards the garage. A condition is recommended to ensure that any additional hard-standing proposed to serve this store should be either made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

4.16 The major neighbouring impact of this element will be upon those adjacent neighbours at No. 43 Windmill Rise, as the store is proposed along this common side boundary. However, as this neighbouring dwelling also has a similar garage in place to the front, it is not considered this addition will result in serious additional loss of outlook from the front kitchen window. Due to the orientation of these two dwellings, it is not considered that undue overshadowing to this neighbouring kitchen will occur.

5.0 CONCLUSION

5.1 It is considered that these proposals will not harm the character or appearance of the dwelling or surrounding area, nor result in undue loss of amenity to neighbouring properties. The proposals are considered to comply with the NPPF, CYC Development Local Plan Policies H7 and GP1 and Supplementary Planning Guidance - House Extensions and Alterations (Approved 2012).

6.0 RECOMMENDATION: Householder Approval

1 TIME2 Development start within three years

2 VISQ1 Matching materials

3 PLANS1 Approved plans - 1731.4F; 1731.5E; 1731.6

4 Any additional hard-landscaping proposed within the front garden shall be either made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of your dwellinghouse.

Reason: In the interests of the proper drainage of the site to avoid the risk of flooding of adjacent land through increased surface water run-off.

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.

2. THE PARTY WALL ETC ACT 1996

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

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

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

Contact details:

Author: Carolyn Howarth Development Management Assistant (Tue-Fri)

Tel No: 01904 552405

45 Windmill Rise

15/02598/FUL



Scale : 1:1059

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	22 December 2015
SLA Number	Not Set

This page is intentionally left blank

COMMITTEE REPORT

Date: 7 January 2016 **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 PROPOSAL

APPLICATION SITE

1.1 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 was designated as open space in the 2005 Local Plan and it is within the Clifton Conservation Area.

PROPOSALS

1.2 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.

1.3 This application originally came to Planning Committee in August 2014, when 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. The application again went to committee in March 2015, because the legal agreement had not been completed and a change in national planning policy prevented the Local Planning Authority seeking planning gain for developments of under 10 dwellings.

1.4 Before the legal agreement was completed the aforementioned Government advice was revoked following a legal challenge. It is again allowable for Local Planning Authorities to seek planning contributions where reasonable and necessary to make the development acceptable in planning terms, however no more than 5 contributions are allowed towards any particular infrastructure project.

1.5 Members are again recommended to approve the application, subject to a Section 106 agreement. The agreement would secure funding of required highway works to accommodate the development and a contribution to off site open space/sports provision in the local area.

1.6 For reference, the two previous committee reports are attached at the end of this report at Annexes 1 and 2.

2.0 POLICY CONTEXT

2.1 Development Plan – 2005 Draft Local Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006
Conservation Area GMS Constraints: Clifton CONF
Schools GMS Constraints: Queen Anne 0253

2.2 Relevant 2005 Draft Local Plan 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

3.0 CONSULTATIONS

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

EDUCATION OFFICER

3.2 Officers advised that based on current data, no contribution towards education facilities is required.

FLOOD RISK MANAGEMENT

3.3 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

3.4 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.

SPORTS AND ACTIVE LEISURE

3.5 There is a shortage of children's play, amenity and sports provision in the locality, as detailed in the council's audit on open space. There is a nearby project, at Water Lane for a youth sports facility, which a contribution is sought towards. There have been less than 5 contributions towards this project.

ENVIRONMENT AGENCY

3.6 The Environment Agency 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

3.7 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.

4.0 APPRAISAL

4.1 Key Issues within this update are related to the proposed planning obligations. Previous committee reports have explained why the development of the site was acceptable in principle, in terms of flood risk, despite being in flood zone 3, and that there would be no undue effect on residential amenity, heritage assets and (subject to mitigation) highway safety.

PLANNING OBLIGATIONS

Highways

4.2 The proposed site access will necessitate alterations to existing parking restrictions on Sycamore Place. The resident's parking scheme in the area is already heavily subscribed. The development has off street parking and future residents would not be eligible for parking permits. A traffic regulation order will be required as a consequence of the development to formalise the changes. It is necessary the applicant funds these changes which are specific to the development.

Open / space sports

4.3 The NPPF states "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. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required".

4.4 The city has a shortfall of children's play facilities in this part of the city, as evidenced in the open space audit. There is a current project at Water End for youth's sports facilities towards which a contribution is sought. The level of contribution is derived from Local Plan policy L1c and the associated supplementary planning document.

4.5 The contribution required meets the tests established within the NPPG in that it is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.

Education

4.6 The NPPF states that the "Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities". Local Plan 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. The schools in the catchment currently have capacity and at this time there is no justification to seek an education contribution.

WHETHER THE APPLICATION IS ACCEPTABLE IN PRINCIPLE

4.7 The first committee report explained that the site was previously a bowling green, which was privately owned.

The facility has been closed for around 8 years, with no public access and over the city there has been a general reduction in demand for such sports facilities.

4.8 There is no conflict with policy in terms of loss of sports facilities, because the site is privately owned and has been closed for some time, and in principle housing development on what is now a brownfield site in the urban area is compliant with national policy, which is to boost housing supply and local planning policy which relates to housing on windfall sites.

FLOOD RISK

4.9 The site is in Flood Zone 3, where the risk of flooding is high. The NPPF 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.

4.10 The March 2015 committee report detailed how it was deemed the application passed the sequential and exception tests and demonstrated no increased flood risk.

RESIDENTIAL AMENITY

4.11 The NPPF 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.

4.12 There would be no undue impact on residential amenity and this was detailed in the August 2014 committee report.

HERITAGE ASSETS

4.13 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. The site is also within the City Centre of Archaeological Importance.

4.14 The original committee report explained how the development, based on its layout, scale, detailing and use of materials would preserve the conservation area.

4.15 Planning conditions are 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. The foundation design has been provided and will not damage over 5% of archaeology.

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.

5.2 Approval is recommended, subject to completion of a legal agreement to secure –

- 5k to fund traffic orders, and to amend res-parking required to allow the site access
- £18, 340 open space contribution towards sports facilities at Water End

5.3 The conditions of approval and informatives would be as approved by Members at the August 2014 planning committee; apart from changes as large scale details and the foundation design have now been submitted and agreed to by officers. It is not necessary for the Local Planning Authority to agree the routing of construction traffic, which will not be able to avoid travelling through residential areas between Bootham and the site.

6.0 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)

Large scale details –, 213, 214, 215, 216, 217, 219, 231

Foundation design as detailed in Dossier drawings 1303 - 300-303 and 310-313

3 Materials

The external materials to be used shall be as detailed on the approved drawings.

A sample panel 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.

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 occupation of the development and the works shall be carried out in accordance with the approved details.

- Flood gates (illustrating how any housing for demountable flood barriers can be installed without detriment to the appearance of the development).

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

5 Construction Environmental Management Plan

Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include –

- Measures for minimising the creation of noise, vibration, dust and lighting during the site preparation and construction phases of the development
- Where contractors will park
- Measures employed to ensure no mud/detritus is dragged out over the adjacent highway
- Arrangements for dealing with any complaints

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.

6 ARCH1 Archaeological programme required -

7 ARCH2 Watching brief required -

8 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.

9 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.

10 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.

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 NOISE

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:

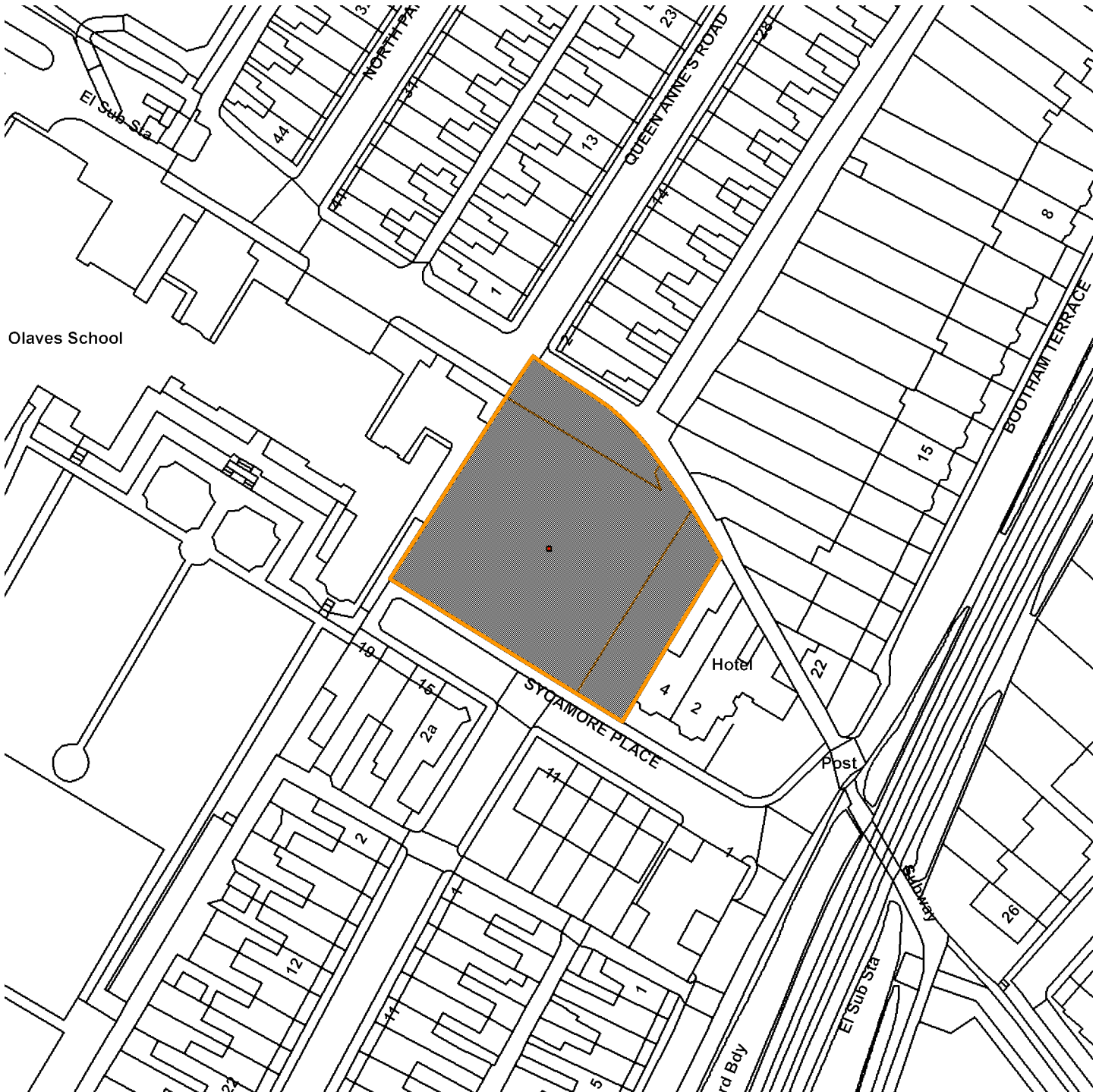
Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323

This page is intentionally left blank

Bert Keech Bowling Club, Sycamore Place

13/03727/FUL



Scale : 1:1059

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	22 December 2015
SLA Number	Not Set

This page is intentionally left blank

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.

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. They 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.
- 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 3rd and 4th 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 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.

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

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

COMMITTEE REPORT

Date: 7 January 2016 **Ward:** Osbaldwick and Derwent
Team: Householder and **Parish:** Holtby Parish Council
Small Scale Team

Reference: 15/02309/FUL
Application at: 1 Hillcrest Holtby York YO19 5UB
For: Two storey side extension and dormer window to rear
By: Mr G Millington
Application Type: Full Application
Target Date: 4 December 2015
Recommendation: Householder Approval

1.0 PROPOSAL

1.1 No.1 Hillcrest is a medium-sized, modern, detached dwelling, located within the village of Holtby. The development of the village has been exclusively limited to dwellings lying either on the village street, or located in modest post-war cul-de-sacs, running directly off it. The application property is one of the latter and unlike its immediate neighbouring properties (who's large rear gardens border open countryside) its modest rear garden borders the side/ rear garden of Rowan House and it has a long side garden, running parallel with Hillcrest itself. The proposal seeks permission for a two-storey side extension and rear dormer to create a lounge, 2.no en-suites at first floor and a bedroom (en-suite) in the loft space. The submitted drawings show a completed house with up to six bedrooms

1.2 The application has been called in by Councillors Warters and Brooks on the grounds that it is contrary to local plan policy GB2 and NPPF paragraph 89 as it is disproportionate in respect of the original dwelling.

Relevant Property History

- 15/00761/FUL Two storey side extension, single storey rear extension, porch to front and detached garage to side. Approved 02.06.2015
- 15/01440/NONMAT Non-material amendment to permitted application 15/00761/FUL to add bay window to front. Refused 05.08.2015
- 15/01817/FUL Two storey side extension, single storey rear extension, porch and bay window to front and detached garage to side (amendment to add bay window). Approved 07.10.2015

1.3 The approved two-storey side extension has been completed and the detached garage is nearing completion.

2.0 POLICY CONTEXT

2.2 Policies:

CYGP1	Design
CYH7	Residential extensions
CYGB1	Development within the Green Belt
CYGB2	Development in settlements "Washed Over" by the Green Belt

3.0 CONSULTATIONS

Holtby Parish Council

3.1 Object - excessive development for the site and concerns expressed by neighbours.

Neighbour Notification and Publicity

3.2 Three letters of objection have been received, raising the following issues:

- Would result in parking and access issues.
- Increased occupancy would lead to a greater number of cars additional on-site car parking spaces should be provided.
- Overdevelopment of the site - not in keeping with the surrounding area.
- Highway safety concerns relating to a tight narrow bend on this cul-de-sac.
- Proposal would create a disproportionate addition contrary to Green Belt policy.

4.0 APPRAISAL

4.1 Key Issues

- Impact upon the Green Belt
- Visual impact on the Street Scene
- Impact on neighbouring properties

PLANNING POLICY FRAMEWORK

4.2 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the retained policies of the Yorkshire and Humber Regional Spatial Strategy (RSS).

These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt. The policies require 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.

National Planning Policy Framework (2012)

4.3 The National Planning Policy Framework states "The Government attaches great importance to Green Belts. 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."

4.4 Para. 80 of the NPPF states that the Green Belt serves 5 purposes:

- To check the unrestricted sprawl of large built-up 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

4.5 Paragraph 89 establishes that the construction of new buildings, with a number of exceptions, is inappropriate in the Green Belt. Point 3 allows "the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building." Point 5 allows for "limited infilling in villages."

Local Plan

4.6 The City of York Council does not have a formally adopted Local Plan. Nevertheless the City of York Draft Local Plan Incorporating the Fourth Set of Changes Development Control Local Plan (Approved April 2005) (DCLP) was approved for development control purposes. Its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

4.7 The application property lies within village settlement of Holtby, which is washed over by the Green Belt on the proposals map in the plan.

4.8 Policy GB1 "Development in the Green Belt", states that planning permission will only be granted where the scale, location and design would not detract from the open character of the Green Belt AND it is for one of the following purposes,

including; the limited extension, alteration or replacement of existing dwellings and limited infilling in existing settlements. Policy GB2 "Development in settlements washed over by the Green Belt" states that extensions to existing dwellings would be acceptable on the basis that the location, scale and design of the proposed development would be appropriate to the form and character of the settlement and neighbouring property. The NPPF does not specifically refer to village settlements "washed over" by the Green Belt which limits the weight that can be given to DCLP policy GB2.

4.9 Policy H7 - "Residential Extensions" 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. Policy GP1 - "Design" refers to design, for all types of development. Of particular relevance here are the criteria referring to good design and general neighbour amenity'.

House Extensions and Alterations Draft Supplementary Planning Document (2012)

4.10 The SPD is a material consideration and a basic principle of the guidance is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the street scene generally. In particular, care should be taken to ensure that the proposal does not dominate the house or clash with its appearance with the extension subservient to the original dwelling. The character of spacing within the street should be considered and a terracing effect should be avoided. Proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing/loss of light or over-dominance/loss of light.

Holtby Village Design Statement

4.11 The Village Design Statement is a material consideration and requires all future development in the village to respect the character of the settlement, by being appropriate to the site in terms of size, scale and style. Any new extensions should be sympathetic to location or village character. The VDS shows the application site as being within the village envelope.

ASSESSMENT

Impact upon the Green Belt

4.12 The footprint of the original property was about 46sq.m. The implementation of the previously permitted extension and garage and the proposed extension would constitute an increase of approx 178%, compared to the original property. It will also result in an additional degree of massing, as two storey extensions will have been added to both sides of the property.

Objectors have argued that this would be a disproportionate addition and as such inappropriate development in the Green Belt.

4.13 If the current proposal was considered to be 'disproportionate' it would then be deemed as 'inappropriate development' which is by definition harmful to the Green Belt. The 5 purposes of the Green Belt as set out in paragraph 80 of the NPPF are set out in paragraph 4.4 above. The assessment of disproportionate or proportionate domestic extensions should not be made purely in a mathematical way by reference to size, but should include appearance and visual impact. Because of its location within the village the proposal does not conflict with the 5 purposes of the Green Belt it is also not considered to harm openness. In its context and in reference to harm to the Green Belt, the proposals are not considered to be disproportionate and therefore are not considered to be inappropriate development in the Green Belt.

Visual Impact on the Street Scene

4.15 The proposed extension will incorporate materials which match those of the existing dwelling. It will be set down significantly from the ridge and also set back significantly from the existing front building line. It will sit comfortably within the very long side garden and also appear balanced (as one of two side extensions to the original dwelling). The proposed rear dormer on the original dwelling is modest in scale and will incorporate a pitched roof. There is no single design approach on Hillcrest itself and it is not considered the enlarged property will impact adversely on the character and appearance of the street scene, or immediate surrounding area. The proposal will comply with policy GP1 and H7 of the DCLP and with the guidance contained within

Impact on Residential Amenity

4.16 The proposed extension and rear dormer, will be completely screened from No.2 Hillcrest. In terms of Rowan House, to the south, it will be set quite close to the shared garden boundary. However, the distance to this property is quite significant and there are no additional windows indicated on the facing side elevation. The shared boundary is well screened by trees, shrubs and a hedge and this property lies south of the application site. In consequence, no significant issues arise in terms of overshadowing, over-dominance, or loss of privacy.

Other Issues

4.17 Planning permission was granted in June 2015 for the construction of a detached garage with a new vehicle access, driveway and turning head. The garage is currently under construction. The off-road parking provision would meet the maximum standards contained within the DCLP.

5.0 CONCLUSION

5.1 The proposal is considered to be acceptable as it complies with the National Planning Policy Framework (2012), local plan policies GP1,GB1, GB2 and H7, advice contained within Supplementary Planning Document (SPD) 'House Extensions and Alterations.' December 2012 and advice contained within the Holtby Village Design Statement.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Householder Approval

1 TIME2 Development start within three years

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

Drawing No.22-93-2A (plans and elevations) site plan.

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

3 VISQ1 Matching materials

7.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, The Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) 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: Paul Edwards Development Management Assistant

Tel No: 01904 551642

1 Hillcrest Holtby

15/02309/FUL



Scale : 1:1059

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	22 December 2015
SLA Number	Not Set

This page is intentionally left blank