



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

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

Date: Thursday, 3 November 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 at 10.00 am on Wednesday 2 November 2016.

1. Declarations of Interest

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

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

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

2. Minutes (Pages 3 - 20)

To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee held on 6 October 2016.

3. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is **Wednesday 2 November 2016 at 5.00 pm.**

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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.

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4. Plans List

To determine the following planning applications:

a) 12 Water End, York YO30 6LP (15/00405/FUL)
(Pages 21 - 36)

Erection of 1no. dwelling. [Clifton]

b) 128 Acomb Road, York, YO24 4HA (16/00680/FULM)
(Pages 37 - 52)

Erection of 1 no. two storey building containing 2 no. flats following demolition of existing garage, and conversion of existing guest house/large house in multiple occupation into 8no. flats with associated car parking, cycle and bin storage, and a first and second floor extension to the rear elevation [Holgate]
[Site Visit]

**c) Hull Road Bowling Green, Alcuin Avenue, York
(16/01256/GRG3) (Pages 53 - 64)**

Erection of 4no. temporary modular buildings to provide cafe and community space [Hull Road] **[Site Visit]**

**d) Land to Rear of 9 - 11 Tadcaster Road, Copmanthorpe,
York (16/01673/FUL) (Pages 65 - 78)**

Erection of 4no. dwellings with detached garages (triple garage to serve 11 Tadcaster Road) and associated works including new driveway [Copmanthorpe] **[Site Visit]**

5. Urgent Business

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

Democracy Officer:

Name: Judith Betts

Contact Details:

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

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 2 November 2016**

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

TIME (Approx)	SITE	ITEM
10.15	Land To Rear of 9 - 11 Tadcaster Road Copmanthorpe	4d)
11.00	128 Acomb Road	4b)
11.45	Hull Road Bowling Green Alcuin Avenue	4c)

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City of York Council

Committee Minutes

Meeting	Area Planning Sub-Committee
Date	6 October 2016
Present	Councillors Galvin (Chair), Shepherd (Vice-Chair), Carr, Craghill, Gillies, Hunter, Cannon, Looker, Mercer and Orrell
Apologies	Councillor Flinders

Site	Visited by	Reason
12 Water End	Councillors Cannon, Carr, Hunter and Shepherd	As the recommendation was to approve and objections had been received.
Land at junction of Main Street and Back Lane, Knapton	Councillors Cannon, Carr, Hunter, Shepherd and Gillies	To enable Members to view the site given the site's location on the edge of the village in the Green Belt.
30 Southfield Close, Rufforth	Councillors Cannon, Carr, Hunter, Shepherd and Gillies	As the recommendation was to approve and objections had been received.
105 Tadcaster Road, Dringhouses	Councillors Cannon, Carr, Hunter, Shepherd and Gillies	As the recommendation was to approve and objections had been received.
4 Heathfield Road	Councillors Cannon, Carr, Hunter, Shepherd, and Gillies	As the recommendation was to approve and objections had been received.
42 Millfield Lane	Councillors Cannon, Carr, Hunter, Shepherd, and Gillies	As the recommendation was to approve and objections had been received.

Stonebow House, The Stonebow.	Councillors Cannon, Carr, Craghill, Hunter, Shepherd, Gillies and Craghill	As the recommendation was to approve and objections had been received.
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19. Declarations of Interest

At this point in the meeting, Members were asked to declare any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests that they might have had in the business on the agenda. None were declared.

20. Minutes

Resolved: That the minutes of the last Area Planning Sub Committee held on 8 September 2016 be approved and then signed by the Chair as a correct record.

21. Public Participation

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

22. Plans List

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

22a) Rowntree Wharf, Navigation Road, York (15/01891/FULM)

Members considered a full major application by Bonner One Ltd for the partial conversion of ground and first floor offices into 34 residential apartments, with associated works to upgrade bin storage, cycle parking and provide external flood and fire escape stairs.

There was no officer update on this item.

Three members of the public spoke in objection to this application:

Dr. Diane Lister, who expressed concern over the validity of the application and the fact that an additional 90 documents had been uploaded to the planning portal since the application was validated. She requested that the Committee reject or defer the application.

Brian Watson, who wished to again raise the issue of the escape route via steps. He highlighted the fact that disabled people would be unable to use this exit as there was a gap underneath the bottom step. Finally he stated his concerns about the number of people who would be required to operate the proposed system.

Chris Pickering, who spoke about crime prevention, development in flood zones and concerns that the car park was a listed building. He suggested that there should be an emergency ramp, rather than steps, to prevent extra work for the emergency services in the event of fire or flood.

Janet O'Neill, agent for the applicant, stated that she felt the changes which had been made since the last meeting now fully satisfied planning requirements. These included the fire escape being amended to reach the ground floor and the cycle stores being secured.

In response to Member questions the agent clarified:

- Fire and Rescue Authorities had been consulted on, and were satisfied with, the proposed application.
- Film had been used on the windows as secondary glazing was not appropriate on a listed building.
- Cycle parking was inside a converted lift housing and would be secure.
- In the event of there being a fire and flood scenario, fire-fighters would be on site to help with evacuation.
- Responsibility for continued flood safety awareness would lie with the building management company in the future.

Officers responded to speakers comments to confirm:

- It was not for the local authority to check ownership details.
Residents had been aware of the application for some time and nobody had brought this issue to the attention of planning department.
- In terms of the documents uploaded to the planning portal, reasonable amendments to applications were part of the planning process.

Councillor Craghill suggested that amendments be made to two conditions:

1. Condition 7 be amended to make the wording stronger.
Could this state that the waste and recycling scheme had to address the shortfall in waste and recycling capacity (in particular the 9 large recycling bins) and be approved by the Council.
2. Condition 9 be amended to state that tree planting should be linked to the life of the development.

These amendments were not taken forward.

Resolved: That the application be approved subject to the conditions detailed in the Officer's report.

Reason:

- I. Rowntree Wharf is sustainably located close to the city centre. The principle of providing new housing in this location is considered to be acceptable and to accord with NPPF policy which seeks to boost significantly the supply of housing. The loss of the employment use within part of the ground and first floor is considered to be acceptable.
- II. The proposal would result in less than substantial harm to heritage assets that, when balanced against the public benefits of the proposal and considering the additional weight to be attached to such concerns through the requirements of the Planning (listed building and Conservation Area) Act 1990, is considered to be acceptable.

- III. The parking, residential amenity and flood risk implications of the scheme are acceptable when considered in the context of NPPF policy and subject to appropriate conditions.

22b) Rowntree Wharf, Navigation Road, York (15/01892/LBC)

Members considered a listed building consent application by Bonner One Limited for internal alterations associated with partial conversion of ground and first floor offices to 34 no. apartments.

Updates and discussion for this item were as minute item 22a (Rowntree Wharf, Navigation Road, York (15/01891/FULM)).

Resolved: That the application be approved subject to the conditions detailed in the Officer's report.

Reason: It is considered that the benefits of the development are sufficient to outweigh the less than substantial harm to the building identified in this report even when attaching additional weight to the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (that is to have special regard to the desirability of preserving a listed building, its setting or any features of special architectural or historic interest). The proposal complies with national and local planning policies in respect of the historic environment.

22c) Stonebow House, York, YO1 7NY (16/01003/FUL)

Members considered a full application by Oakgate Central for a change of use of the 5th floor from office (Use class B1) to residential (use class C3) and an extension to the top floor and first floor to create 5no. residential units, extended floor space and change of use of ground floor units to flexible uses within use classes A1/A3/A4, with associated external alterations to car parking and landscaping.

Officers circulated an update, which was attached to the online agenda following the meeting. This included a proposed

condition to replace condition 12 in the planning report, further detail on landscaping and amendments to conditions on waste collection and air quality.

Members received written representation from Councillor Craghill , along with some proposed amendments to conditions, full details of which were attached to the online agenda following the meeting.

Brian Watson spoke in support of the application. He suggested the proposed development was sympathetic to the surrounding area and that bringing the building back into use was a positive step. He stated that the design would enhance the whole structure.

Chris Darley, agent for the applicant, explained that his team had worked closely with officers to develop a proposal that was a significant enhancement to both the building and local area. He stated it was hoped that works would be complete by October 2017.

In response to Member's questions, Officers clarified:

- The balustrade along the top length of the building was functional and an integral part of the original design of the building and although consideration had been given to removing it, there would have been a need to replace it with something else to ensure public safety.
- Discussions were ongoing with BT about placement of the public telephone box.

After a lengthy debate, Councillor Craghill moved a motion to include a condition for there to be a planter included in the application, to replace the current 'Edible York' bed. Councillor Looker seconded this motion. When put to the vote the motion fell.

Councillor Cannon moved to add a condition stating that outside seating should have limited hours of use – between 0800 and 2300. Councillor Craghill seconded this motion. When put to the vote it was tied, but fell when the Chair used his casting vote.

Members stated that overall this was a huge improvement in design terms to the existing building and would provide much needed residential accommodation in the city centre.

Resolved: That the application be approved subject to the conditions in the Officer's report

Reason:

- I. The proposed refurbishment of the building looks to resolve a number of issues with the lower level of the building. The scheme would provide an active commercial frontage to Stonebow, improve the public realm and increase natural surveillance. The east side of the building is an area where crime and disorder is in particular a problem due to the lack of natural surveillance. The scheme will address this and provide a more welcome and overlooked public space.
- II. The refurbishment is sympathetic and honest to the architecture of the host building in that the definitive concrete frame will be retained and refurbished. The concrete balustrade around the podium and at the top of the tower are now to be retained. The new elements and materials would compliment, and not detract from, the building's appearance.
- III. Overall the works will improve the character and appearance of the conservation area and the vitality of this part of the city centre. Reasonable levels of residential amenity can be secured by the use of planning conditions. There would be no undue effect on highway safety or in respect of flood risk.
- IV. The works reasonably comply with planning objectives in the NPPF and would not conflict with the council's statutory requirement in terms of dealing with change in conservation areas, as established in the Planning Act.

22d) 4 Heathfield Road, York, YO10 3AE (16/01892/FUL)

Members considered a full application by Mr D Rose for a two storey and single storey side and rear extensions, hip to gable roof extension and dormer to rear.

Officers updated Members stating that a letter had been received from Rachel Maskell MP in support of the residents' objections.

There were two speakers in objection to the application.

Patricia Jackson, a neighbour, who discussed the overdevelopment of the area and expressed concern that her house and garden would be overlooked by a balcony. She also suggested that the number of Houses of Multiple Occupation (HMO's) was leading to a degradation of the area.

Councillor Mark Warters suggested that this property was not authorised to act as a HMO and that the proposed application would damage the street scene and affect the level of daylight reaching neighbouring properties.

Daniel Rose, the applicant, clarified that the property was operating as a HMO within the guidelines, as it had been in operation before April 2012. He stated that he felt he had been accommodating to the concerns of neighbours. In answer to questions he confirmed:

- This property was already a HMO and the number of occupants would therefore not increase.
- There had been students occupying the property for a significant amount a time with no problems – he was a responsible landlord who was often at the property.
- On approval of this application he would apply for a lawful use certificate to operate as a HMO.

Officers clarified to Members that:

- Prior to the introduction of Article 4 in April 2012 permission was not necessary to operate as a HMO. Mr Rose had provided tenancy documents which showed that this property had been used in this manner since March 2012.

- The additional bedrooms would not class as intensification of use, as this is based on occupants not bedrooms.
- The property would be subject to housing licensing if it became a three storey property.

Resolved: That the application be refused.

Reason:

- I. The proposed extension represents a significant over-development of the site. The proposed two-storey rear/side extension in close proximity to the boundary would be an un-neighbourly addition that would result in significant harm to the existing living conditions of no.3 Heathfield Road because of its overbearing impact.
- II. The two-storey element of the extension projects to the side of the existing house, this form of development is uncharacteristic of this part of the street (two-storey side extensions have been added to properties at the head of the cul-de-sac where the plots are more spacious), the closing of the gap between dwellings would result in significant harm to the appearance of the street scene.
- III. The proposals are contrary to policy H7 and GP1 of the Development Control Local Plan (2005) and the provisions of the National Planning Policy Framework in particular paragraph 17 which requires 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.

**22e) 30 Southfield Close, Rufforth, York, YO23 3RE
(16/01635/FUL)**

Members considered a full application by Mr Alex Kirby for roof extensions including raising the height of the ridge, erection of

front gable extension, side and rear extensions and new detached garage with access from rear (revised scheme).

Officers circulated an update which contained objections from neighbours following the third and final amendments and associated neighbour consultation period. It also contained one comment in support of this application. The full update was attached to the online agenda following the meeting.

Kevin Herbert, a neighbour, spoke on behalf of several local residents. He stated that the proposed development would be overbearing, particularly as it was situated toward the front of the plot. He explained that the plot sat half a metre higher than the adjacent plot which would further exacerbate the overshadowing.

Alex Green, agent for the applicant, stated that, as this was a large plot, the development would not be overbearing to neighbouring properties. He cited a two storey property that had recently been erected at the back of the site as an example of development in the local area. He proposed that, if Members felt it necessary, the drainage and working hours could be conditioned.

In response to Member questions the agent confirmed that the chimney on the proposed development would sit 1metre higher than the neighbouring property.

After debate Councillor Gillies moved refusal, on the grounds that the application would be incongruous to the street scene. This was not seconded and the motion fell.

Resolved: That the application be approved, subject to the conditions in the Officer's report and the following additional conditions:

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

Reason:

- I. It is acknowledged that the proposed alterations and extensions to the bungalow will result in a significant change to the height and massing of the dwelling, however given the various property styles in the cul-de sac, the scale of the plot and the retention of matching materials to the front of the dwelling, the proposed changes are considered to harmonise with the various heights of dwellings in the vicinity that would not result in a dominant or overbearing structure in the street scene.
- II. Given the orientation of the development in relation to neighbouring properties and the design and layout of the proposals it is not considered that the proposals would have a significant impact on residential amenity. As such the scheme is considered to comply with guidance in the NPPF, draft Local Plan policies GP1 and, H7, design principles in the Rufforth Village Design Statement and the Council's House Extensions and Alterations SPD.

**22f) 105 Tadcaster Road, Dringhouses, York, YO24 1QG
(16/01744/FUL)**

Members considered a full application by Mr Robert Brown for a two storey and single storey rear extension (revised scheme).

Officers circulated an update, full details of which were attached to the online agenda following the meeting. This contained one additional objection.

Helen Hussey, representing a number of local residents, spoke in objection to the application. She cited the loss of privacy and amenity for neighbouring residents, in particular the proximity to 107 Tadcaster Road.

John Casterton, a local resident also spoke on behalf of a number of objectors. He expressed concern about overshadowing and suggested that other extensions in the area

did not overlook neighbours in this way. He circulated an alternative proposal for the extension, which was attached to the online agenda following the meeting.

Grace Brown, the applicant, suggested that her family had already made significant compromises in terms of this plan. She stated that it was a progressive design, which added significantly to the original build. She also proposed that, if Members felt it necessary, they would be willing to alter the plan for the first floor and finish it in brick slips.

After discussion Members felt that, whilst they had sympathy with neighbouring residents, with the addition of brick slips to the first floor there were no grounds to refuse this application.

Resolved: It was delegated to officers to approve the application subject to the receipt of a revised drawing showing the first floor clad in brick slips.

Reason:

- I. It is acknowledged that the revised scheme is a move away from the more traditional form of extension that is more common in this area. It is considered that a contemporary design and materials would still harmonise with the host dwelling and would not harm the appearance of the dwelling or surrounding street scene.
- II. Whilst objections have also been expressed in relation to harm to residential amenity, the impacts would not be significant. As such the revised scheme is considered to comply with guidance given in the NPPF, draft Local Plan policies GP1 and H7 as well as the Council's House Extensions and alterations SPD.

22g) Land At Junction Of Main Street And Back Lane, Knapton, York (16/00542/FUL)

Members considered a full application by Novus Investments Ltd for the erection of four dwellings.

There was no Officer update for this application.

Derek Spicer, representing local residents, spoke in objection to the application. He stated that this was an area of green belt land, primarily made up of farm sites, and that this application did not represent special enough circumstances to justify developing this land.

Matthew Stocks, agent for the applicant, suggested that this development fit with the Local Plan which proposed creating significantly more housing within the City. He stated that this development would be low density and consist of architect designed bespoke houses, built around a central courtyard, which would all be in keeping with the local area.

During discussion Members stated that as the Local Plan had not been agreed it could not be claimed that this development was in keeping with the plan, particularly in terms of development of green belt land. Members who had attended the site visit felt that the proposed application would detract from the openness of the area.

Resolved: That the application be refused.

Reason:

- I. 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, impact on the

character and appearance of the area and siting, design and landscape. 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).

- II. The site is an undeveloped area which is defined by hedge boundaries and is open on its eastern side. The village has relatively dense development along Back Lane and Main Street to the south side of the site; to the north development is less compact providing spaces and open views. The contrast of the rural setting of the village to the more dense development within its nucleus is important to its character and appearance. It is considered that the erection of four substantial dwellings with associated car parking, garaging and landscape treatment on a site that is elevated would be detrimental to the open rural setting of Knapton village and would cause harm to the character and appearance of the area. This would be contrary to the core planning principle of the National Planning Policy Framework of recognising the intrinsic character and beauty of the countryside and GP1 of the City of York Development Control Local Plan (Approved April 2005) which similarly expects proposals to respect or enhance the local environment.

22h) 42 Millfield Lane, York, YO10 3AF (16/01745/FUL)

Members considered a full application by Mr Sullivan for a two storey rear extension, single storey side and rear extension, rear dormer and detached cycle and bin store to rear.

Officers updated Members and stated that the plan had now been reduced in size and width.

In response to Member questions, Officers clarified:

- The property was currently in use as a small HMO.
- Although this did not have a certificate of lawful use, the applicant had provided evidence of its use as such prior to April 2012 in the form of tenancy agreements which had been cross checked with Council tax records.

During discussion members highlighted the need for a change in regulation of HMO's. However, this application was for a property which was well set back from the street, meaning the impact on neighbours would be minimal.

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

Reason: The proposal would result in no significant harm to the living conditions of the neighbours or the street scene and is considered to comply with the National Planning Policy Framework, draft local plan policies CYC GP1, and H7 and also advice contained within Supplementary Planning Document (SPD) 'House Extensions and Alterations' December 2012.

22i) 12 Water End, York, YO30 6LP (15/00405/FUL)

Members considered a full application by Z Collinson for the erection of one dwelling.

Resolved: Deferred.

22j) 25 Garden Flats Lane, Dunnington, York (16/00337/REM)

Members considered a reserved matters application by Mr and Mrs Craven for the approval of appearance, landscaping and scale for erection of detached dwelling and garage with room in roof to rear following approval of outline application 15/00442/OUT.

One written representation was received in objection to this application from Councillor Brooks. She suggested that the materials proposed were out of character with neighbouring buildings and would have an adverse impact on the local area.

Three people spoke in objection to the application:

Nick Preece, a local resident, who felt that the application was at odds with the character of the area and that this was inappropriate development just outside of a conservation area.

Stuart Kay, Chairman of Dunnington Parish Council, spoke on behalf of the Parish Council to express concern about the negative impact the application would have on the area. He stated that it went against the Village Design Statement and the appearance and scale was clear overdevelopment.

Councillor Mark Warters spoke as the Ward Member. He stated that he objected to this application on the grounds that the original consent was for a three bedroom bungalow and that this was now a four bedroom house. He also raised concerns about drainage at the site during construction.

Anna Craven, the applicant, stated that they had strived to achieve a respectful design which was sympathetic to the area. She highlighted that all materials were pending approval. She also explained that as this was a sloping site, 25% of the build would be below ground level.

In response to questions, Officers stated that the original outline consent never stated it was for a bungalow and that changes made complied with this consent.

Resolved: That the application be approved subject to the conditions in the Officer's report.

Reason: The application is for the scale, appearance and landscaping of a dwelling and double garage that were approved in outline in December 2015. The application accords with the National Planning Policy Framework and policies GP1, GP9 and GP15A of the 2005 local plan.

Councillor Galvin, Chair

[The meeting started at 4.30 pm and finished at 7.35 pm].

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COMMITTEE REPORT

Date: 3 November 2016 **Ward:** Clifton
Team: Major and **Parish:** Clifton Planning Panel
Commercial Team

Reference: 15/00405/FUL
Application at: 12 Water End York YO30 6LP
For: Erection of 1no. dwelling
By: Z Collinson
Application Type: Full Application
Target Date: 18 July 2016
Recommendation: Approve

1.0 PROPOSAL

1.1 Erection of a detached 2-bedroom single-storey dwelling 18m x 6m x 3.2m high to the roof plane. The building would have a contemporary style with a flat roof and three rooflights, one of which would project 0.8m above the roof plane. One off-street parking space would be provided for the new dwelling plus one replacement space for the host dwelling. A new access would be provided from a shared private road serving the host house and the adjacent John Burrill Almshouses. A dilapidated single garage on the site would be demolished to make way for the new dwelling.

1.2 When submitted the application was for a 2-storey dwelling with basement. It was unacceptable mainly due to impact on the Clifton Conservation Area and the amenity of local residents. The application has since been amended by reducing the height of the building from two storeys to one, lengthening the footprint on the ground floor, increasing the size of the basement and reducing the size of the new dwelling's curtilage.

1.3 The application was called in for determination by the Sub-Committee by (former) Councillor King due to the degree of local interest and feeling.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest: City Centre Area

Conservation Area: Clifton

Listed Buildings: Grade 2; 12 Water End York YO3 6LP

2.2 Policies:

CYGP1 - Design
CYGP4A - Sustainability
CYGP10 - Subdivision of gardens and infill devt
CGP15A - Development and Flood Risk
CYH4A - Housing Windfalls
CYHE2 - Development in historic locations
CYHE4 - Listed Buildings
CYNE6 - Species protected by law
CYNE7 - Habitat protection and creation

3.0 CONSULTATIONS

INTERNAL

Planning and Environmental Management (Conservation Architect)

3.1 The revised scheme will largely be hidden within the conservation area and views between significant parts of the conservation area would be preserved, as would the setting of the nearby listed almshouses. In forming the new access into the site the boundary hedge should be protected and the opening made as narrow as possible.

Planning and Environmental Management (Landscape Architect)

3.2 Given the low design of the building it will recede in views from Water End. The boundary to the site should remain vegetated to retain the character of the lane. If the applicant wishes to change the boundary treatment we should condition boundary details. There are no trees that are worthy of protection by way of a tree preservation order.

Planning and Environmental Management (City Archaeologist)

3.3 The site is in an Area of Archaeological Importance. The proposed development will have an impact on any archaeological features and deposits. Add conditions ARCH1 (archaeological excavation) and ARCH2 (Archaeological watching brief) to ensure that important below-ground archaeology is recorded.

Planning and Environmental Management (Ecologist)

3.4 The submitted bat survey found no evidence of bats using the garage. No objection subject to a condition requiring the development to include a sensitive lighting scheme.

Highway Network Management

3.5 No objections to the revised plans. Add conditions requiring details of car parking and cycle storage. The existing property is located in a residents parking zone but the proposed building would fall outside it. Therefore there would be no impact on the existing residents parking zone.

Public Protection

3.6 No objection. Add electric vehicle recharging condition.

Flood Risk Management

3.7 The proposed development is in medium Flood Zone 2. No objection to the proposed surface water attenuation measures.

EXTERNAL

Clifton Ward Planning Panel

3.8 Neither approves nor disapproves. Any approval must include safeguards to avoid the overlooking. Although the site lies within the Clifton Conservation Area, other building development in the immediate area and also located behind the houses facing the Green has been approved in recent years. The site of the proposed house is well away from the main property and from Clifton Green. Arrangements for refuse collection require technical consideration by the City Council. The proposals for felling and replacing trees should be agreed with the Council's professional staff.

Public Consultation

3.9 Objections from four parties were received in response to the initial consultation for a 2-storey dwelling. A further four objections were received from the same parties to the re-consultation on the amended scheme for a single-storey dwelling. The objections raise the following planning issues:

- Impact on the conservation area and listed terrace
- Impact on landscape and wildlife
- Light pollution
- Would exacerbate parking problems
- Overlooking
- Overshadowing
- Overbearing impact on adjacent properties

- Bat survey outdated
- Vehicle access inadequate
- Highway safety.

4.0 APPRAISAL

4.1 KEY ISSUES

- Principle of development for housing
- Impact on heritage assets
- Landscape
- Design
- Neighbour amenity
- Highway matters
- Flood risk and drainage
- Ecology

THE APPLICATION SITE

4.2 Part of the long, mature rear garden of an end-of-terrace house. The houses in the terrace are all listed and in Clifton Conservation Area. Along one side of the house and garden is a private vehicular access from Water End. It mainly serves the adjacent John Burrill almshouses but also serves a dilapidated garage within the application site and used by the occupiers of the host house. To the north of the application site the vehicular access becomes a green lane, which is part of an early public footpath and continues onto Shipton Road. The area is predominantly residential. The site lies within flood zone 2 and is in an area of archaeological importance.

PLANNING POLICY CONTEXT

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

4.4 In the absence of a formally adopted local plan the most up-to date representation of key relevant policy is the National Planning Policy Framework (NPPF). Paragraph 7 says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. The general presumption in favour of development does not apply in this case as the application affects designated heritage assets and is in a location at risk of flooding.

4.5 In addition to policies in the Framework to protect heritage assets Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Section 66 of the same Act states that in determining planning applications for development which affects a listed building or its setting the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The council's statutory duty under s.66 and s.72 requires considerable importance and weight must be given to any harm, even where that harm would be minor.

4.6 Although there is no formally adopted local plan the City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of s.38(6) 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. The most relevant Draft (2005) policies are listed at paragraph 2.2 of this report.

PRINCIPLE OF DEVELOPMENT FOR HOUSING

4.7 The NPPF states that local planning authorities should deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities (paragraphs 50-55). The proposal would provide much-needed housing in a sustainable location with good access to shops, services and public transport.

IMPACT ON HERITAGE ASSETS

4.8 The NPPF states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance (paragraph 126). When considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation. Any harm or loss should require clear and convincing justification (paragraph 132). Policy HE2 of the local plan states that within conservation areas and in locations that affect the setting of listed buildings development proposals must respect adjacent buildings open spaces, landmarks, and settings and have regard to local scale, proportion, design and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landscapes and other townscape elements that contribute to the character or appearance of the area. Paragraph 4.7 of the draft plan states that high quality contemporary designs which respect the historic context will be encouraged. Policy HE4 states that consent for development will only be granted if it would not have an adverse effect on a listed building.

4.9 The house would be located in an area characterised by openness and mature landscape gardens. The openness is preserved by the large and long garden plots to the rear of houses fronting the main roads, i.e. Water End and Shipton Road. Green boundaries and a high degree of tree cover enhance the landscape quality of the area. The 2-storey house initially proposed would have appeared as a prominent, modern building out of keeping with the listed terrace and the open character of the conservation area. The application would have caused unacceptable harm to these heritage assets. The dwelling now proposed would be much smaller and less prominent and be over 22m from the rear elevation of the listed building, separated by a retained mature garden landscape. The two buildings would not be seen together from most public vantage points. The setting of the listed building and the character and appearance of the conservation area would be preserved.

LANDSCAPE

4.10 Despite the mature landscaped character of the area the site has no trees that are worthy of protection by way of a tree preservation order. The most prominent of the trees proposed for removal is a large conifer. Its retention is desirable but as an individual tree it is not worthy of protection. The western boundary of the site abuts the private access lane/public footpath. Planting along the boundary is not of particular merit but it is visible from the lane and adds to the attractive character of the landscape. The western boundary would remain as existing - apart from the creation of a vehicular access into the site. A condition is recommended requiring submission of a landscape scheme (including replacement trees) and changes to the boundary treatment to ensure that the character of the landscape is largely retained.

DESIGN

4.11 The NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people (paragraph 56). Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (paragraph 64). Policy GP1 'Design' of the 2005 local plan includes the expectation that development proposals will, among other things: respect or enhance the local environment; use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape and incorporate appropriate landscaping. Policy GP10 'Subdivision of Gardens and Infill Development' states that planning permission will only be granted for the sub-division of garden areas or infilling to provide new development where this would not be detrimental to the character and amenity of the local environment.

4.12 The house would have a contemporary style, with a flat roof and large areas of glazing. The walls would be rendered. Whilst the buildings to the south (John Burrill Homes and the terraced houses at 2-12 Water Lane) are listed the proposed dwelling would read as an entirely separate building. The low height, flat roof and landscaped setting would minimise the building's visibility. The scale and appearance of the building are acceptable.

NEIGHBOUR AMENITY

4.13 The NPPF seeks to improve the conditions in which people live (paragraph 9). Policy GP1 of the 2005 local plan states that development proposals will be expected to ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.14 The nearest residential dwellings are the John Burrill almshouses. They are only single-storey high and are separated from the site by the almhouse's 2m-high boundary wall, the shared private lane, the boundary fence to the application site and mature planting. The development would have no material impact on the occupiers. The proposed bungalow would be 43m from the host house at No.12 Water End. This separation distance is well in excess of established minimum standards and would prevent any material impact on the occupiers of either dwelling. The initial, 2-storey, proposals would have caused overlooking, overbearing and some overshadowing of neighbouring gardens, particularly the garden on the north-west side of the application site. The reduction in height of the building significantly reduces these impacts, which are now acceptable.

ECOLOGY

4.15 Policy NE6 of the local plans states that where a proposal may have a significant effect on protected species or habitats applicants will be expected to undertake an appropriate assessment demonstrating their proposed mitigation measures. Planning permission will only be granted that would not cause demonstrable harm to protected species. Policy NE7 states that development proposals should retain and, where possible, enhance important natural habitats.

4.16 The proposed development includes the demolition of a pre-fabricated domestic garage. The application includes a bat survey undertaken in 2013. It involved a daytime inspection followed by an evening emergence survey, which found no evidence of bats using the garage. Since then the condition of the building has not changed. The council's ecologist is satisfied with the findings of the survey and remains of the view that the garage is unlikely to be a roosting site for bats. During the emergence survey low numbers of bats were recorded foraging and commuting in the immediate area. The introduction of additional lighting can be detrimental to commuting and foraging habitat for bats (and other wildlife). The lighting of the house should therefore be sensitively designed, with external lights on

short timers and motion sensors and minimal light spill onto surrounding vegetation. This approach is detailed in the method statement of the submitted bat survey report. Compliance with the method statement should be made a condition of approval.

HIGHWAY MATTERS

4.17 Access to the site from the public highway would be from Water End as existing. The drive is private. It is mainly used by the occupiers of John Burrill Homes but also by the occupiers of the host house at No.12 Water End. The number of traffic movements generated by the development would have no material impact on traffic levels in the area or highway safety.

4.18 The proposals include two accesses into the site from the private drive. One access would be as existing (it currently serves the garage to be demolished) and would serve the new house. The second access would be to a replacement parking space for the host house at No.12. Cycle storage has not been detailed so should be made a condition of approval.

4.19 The applicant's right to use the drive is disputed by the trustees of John Burrill Homes. However, property rights are not relevant to consideration of the planning merits of the application.

FLOOD RISK AND DRAINAGE

4.20 The site is in flood risk zone 2 so the application is accompanied by a flood risk assessment. The NPPF states that when determining planning applications local planning authorities should ensure flood risk is not increased elsewhere (paragraph 100). Development in areas at risk of flooding should only be considered appropriate where the most vulnerable development is located in areas of lowest flood risk and the development is resilient to flooding (paragraph 103). Policy GP15a of the local plan states that developers should ensure that the site can be developed, serviced and occupied safely and that discharges from new development should not exceed the capacity of existing/proposed sewers and watercourses. In National Planning Guidance a dwelling with a basement is classed as highly vulnerable (although in the current case the basement would be used only for a games room, utility room, bathroom and plant room). The application is therefore subject to the sequential test and exception test.

4.21 The aim of the sequential test is to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are suitable and reasonably available sites in areas with a lower probability of flooding. The council does not have a NPPF-compliant 5-year housing land supply and the city has a shortfall of deliverable housing land within flood zone 1.

Therefore, in order to meet the development needs of the city, the council has to consider applications for housing within flood zone 2. As the current application is for windfall housing development it cannot, by definition, be planned for.

Consideration of the sequential test should therefore be within the context of the wider housing land requirement and the 5-year land supply. Planning Practice Guidance advises that a pragmatic approach should be undertaken. Therefore as the application is for windfall housing development in a sustainable location in an existing residential area, the sequential test can be deemed to have been passed.

4.22 For the exception test to be passed it must be demonstrated that: (1) the development provides wider sustainability benefits to the community that outweigh flood risk; and (2) a site-specific flood risk assessment demonstrates 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. The application has wide benefits in that it would contribute to the provision of housing in the city, for which there is a clear need. The flood risk assessment submitted with the application includes flood resilience and mitigation measures in the event of flood.

4.23 Surface water run-off from the site would be stored on site and released at a restricted rate. The council's flood risk engineer has no objections to proposals.

ARCHAEOLOGY

4.24 The application site lies in an area of archaeological importance which has produced evidence of deposits from Roman to post-medieval origins therefore the potential for groundworks disturbing remains must be considered. The site also lies at the centre of a possible Anglo-Scandinavian village. Preservation of potential deposits will require controlled archaeological excavation prior to development. In order to ensure that important below ground archaeology is recorded conditions should be attached to any approval requiring archaeological excavation and an archaeological watching brief during construction.

5.0 CONCLUSION

5.1 The site is in a sustainable location and the application would contribute to the provision of much-needed housing in the city. The application would cause no harm to the Clifton Conservation Area and the listed buildings at Water End. The impact on archaeology can be mitigated through the recommended conditions. The proposal is acceptable in all other respects and complies with national planning policy in the National Planning Policy Framework and relevant policies of the 2005 City of York Local Plan.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with approved plans numbered C116.01.01/D and C116.01.02/C.

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

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

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

4 VISQ8 Samples of exterior materials to be app

5 ARCH1 Archaeological programme required

6 ARCH2 Watching brief required

7 No roof hereby approved shall at any time be used as a roof terrace or external seating area or for any other purpose incidental to the residential use of the development.

Reason: To protect the amenity of neighbouring residents.

8 All ecological measures and/or works shall be carried out in accordance with the details contained in Section 7.2 Method Statement of the Bat Survey report dated August 2013 by Wold Ecology Ltd submitted with the planning application and agreed in principle with the local planning authority prior to determination. In particular the measures and/or works shall include the provision of at least one bat box to be provided on trees within the application site or grounds of 12 Water End and for a sensitive lighting scheme to be installed.

Reason: To take account of and to enhance the habitat for a protected species.

9 Within one month of commencement of development details of secure cycle storage for at least one cycle, including means of enclosure, shall be submitted to by the local planning authority and approved in writing. Prior to first occupation of the dwelling hereby approved the cycle storage shall be provided within the site in accordance with the approved details and not be used for any purpose other than the parking of cycles.

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

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

Reason: In the interests of highway safety.

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

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

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

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

13 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) development of the type described in Classes A, B, C or E of Schedule 2, Part 1 of that Order shall not be erected or constructed unless permission has first been granted by the Local Planning Authority.

Reason: To protect the character and appearance of the Clifton Conservation Area and the setting of nearby listed buildings.

14 Prior to first occupation of the development the applicant shall install within the curtilage of the proposed dwelling a three-pin 13-amp electrical socket in a suitable position to enable the recharging of an electric vehicle within the curtilage using a 3m length cable.

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

NOTE: Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations, and be suitable for charging electric vehicles. The socket for the proposed dwelling should be suitable for outdoor use and have an internal switch within the property to enable the socket to be turned off.

15 NOISE7 - Restricted hours of construction

7.0 INFORMATIVES: Notes to Applicant

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

In considering the application, the local planning authority implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) by seeking solutions to problems identified during the processing of the application. In order to achieve an acceptable outcome the local planning authority negotiated a reduction in scale and massing to reduce the impact on the conservation area, listed buildings and neighbouring occupiers.

2. CONTAMINATION

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

3. DRAINAGE

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuD's). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order.

Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuD's.

If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to except surface water discharge, and to prevent flooding of the surrounding land and the site itself. City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

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

If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

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

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

4. CONTROL OF POLLUTION ACT

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

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

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00
Not at all on Sundays and Bank Holidays.	

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

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

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

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

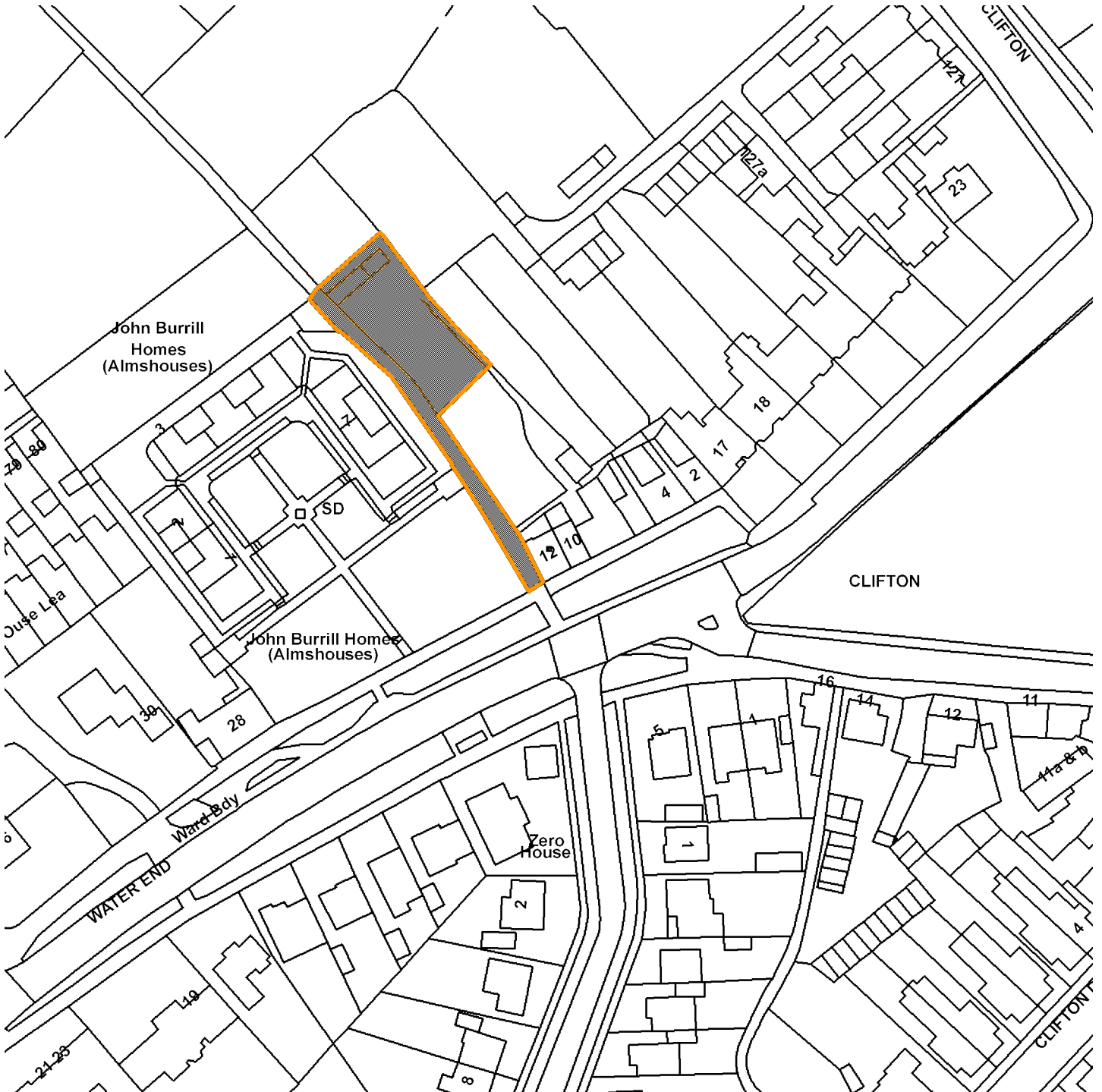
There shall be no bonfires on the site.

Contact details:

Author: Kevin O'Connell Development Management Officer
Tel No: 01904 552830

15/00405/FUL

12 Water End



Scale : 1:1120

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	26 September 2016
SLA Number	Not Set

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COMMITTEE REPORT

Date: 3 November 2016 **Ward:** Holgate
Team: Major and **Parish:** Holgate Planning Panel
Commercial Team

Reference: 16/00680/FULM
Application at: 128 Acomb Road York YO24 4HA
For: Erection of 1 no. two storey building containing 2 no. flats following demolition of existing garage, and conversion of existing guest house/large house in multiple occupation into 8no. flats with associated car parking, cycle and bin storage, and a first and second floor extension to the rear elevation
By: Charles Adam Development Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 7 November 2016
Recommendation: Approve

1.0 PROPOSAL

1.1 The application seeks planning permission for the change of use of a 19 bed guest house /House of Multiple Occupation (HMO) to 6 x 1 bed flats and 2 x 2 bed flats. The accommodation would be spread over 5 storeys. In addition a first and second storey extension is proposed to the rear elevation. A staircase to the basement would be added within the front garden. Within the rear yard 1 no. two storey building containing 2 x 2 bed roomed flats are proposed with access from Braeside Gardens. Four parking spaces are provided with a covered cycle parking and covered refuse bin storage.

1.2 The Victorian end terrace is not listed neither is it within a conservation area. It is in Flood Zone 1. The terrace by virtue of its height and design features has significant presence within the streetscene. The road to the side leads to a cul-de-sac (Braeside Gardens) of semi detached and terraced dwellings dating from the 1950s. There is a rear lane to the terrace, hardstanding covers the rear yards of this terrace, and the terrace has been altered to flats. The rear yards of the adjacent terrace (of a similar design) are used as gardens, the majority of this terrace has been retained as houses rather than split into flats.

1.3 Revised plans have been submitted revising the pair of semi detached dwellings to the rear of the site and replaced with a two storey building containing 2 no. flats. The orientation of the proposed building has been altered so it faces the access lane running to the rear of terrace, the side elevation facing Braeside Gardens. Usable cycle parking provision has also been proposed.

2.0 POLICY CONTEXT

2.1 Policies:

CYGP1	Design
CYGP10	Subdivision of gardens and infill devt
CGP15A	Development and Flood Risk
CYT4	Cycle parking standards
CYH4A	Housing Windfalls

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Highway Network Management

3.1 No objections, The development converts an 18 bedroom guest house, which more recently operated as a HMO containing 17 bedsits and a 2 bedroomed apartment into 10 apartments (4 containing 2 bedrooms and 6 containing 1 bedroom). The existing use utilised a car park which would allow 4-5 independently parked cars in it. As a guest house, maximum parking standards would allow 10 car parking spaces and as an HMO a maximum of 14 including visitor provision. It is therefore shown that the existing provision is around a third of that allowed to be provided. The number of flats proposed is 10, so a maximum of 12 spaces could be justified to include visitors. The applicant has provided 4 off street spaces which reflect both the ratio and the number of those provided previously. These spaces are proposed directly from the highway with pedestrian visibility splays, utilising dropped crossings, which will prevent indiscriminate parking on the road in these locations.

3.2 There is an existing problem with parking on the side street Braeside Gardens. Parking restrictions have been recently increased at the junction with Acomb Road to provide better visibility when exiting Braeside Gardens. We note a number of objections have been lodged relating to the existing indiscriminate parking on the narrow side street, including parking on the footway. This situation is an existing matter and could be referred to police or to Highway Regulation for inclusion in the annual review. The amount of on street parking as a result of this development is shown to be similar to that expected from its existing/ lawful use. It therefore would not be reasonable to introduce further parking restrictions as a result of this application.

3.3 The site is located close to a bus stop with a regular service into York city centre. The site is within walking distance of the amenities available in the district centre of Acomb.

Flood Risk Management Team

3.4 Additional information can be sought via condition

Public Protection

3.5 No objections, request condition requiring 2 no. sockets for vehicle recharging; and INF11

Education Planning Officer

3.6 No education contribution required

Public Realm

3.7 No open space contribution required

EXTERNAL CONSULTATIONS/REPRESENTATIONS

Holgate Planning Panel

3.8 No objections

Yorkshire Water

3.9 No comments received

Ainsty Internal Drainage Board

3.10 The board has assets in the area - Gale Lane Drain, a watercourse known to be at capacity. The applicant is advised that IDBs consent is required for discharge to this watercourse and development within 9 metres of the watercourse

3.11 The site is in an area where drainage problems exist and development should not be allowed until the LPA is satisfied that the surface water drainage has been satisfactorily provided for. The applicant indicates the intention to dispose of water from the site via main sewer. The IDB are unaware of any surface water sewers at this location but are aware of a combined sewer owner by Yorkshire Water. If the intension is to discharge into this asset the applicant must produce written evidence of consent along with confirmation that the sewer has sufficient capacity, and confirmation of where the asset ultimately discharges to. If the ultimate discharge is not a Board maintained watercourse then a Board would want to comment on the suitability of the receiving watercourse. If permission is not given, and there is an intention to discharge to a different asset, the applicant must identify that asset and obtain consent from the relevant authority.

Application Reference Number: 16/00680/FULM

If any discharge is to enter the IDB watercourse either directly, or via a third party assets, the rate of discharge must be agreed with the Board

3.12 Request condition requiring drainage details

Councillor Derbyshire

3.13 Objection on the following grounds:

- There are existing parking issues within Braeside Gardens with vehicles obstructing the road and pavements. The provision of parking is standard however in reality will encourage further parking on the road as there will be more vehicle owners than provision
- Area is subject to existing flooding and drainage problems, standard requirements may ease the impact of further development however in reality it will inevitably add to the existing problems
- HNM have requested further parking which can only impact on the limited vehicle parking provision on site,
- As such the proposal constitutes over-development of the site in mass and visual impact. Such buildings did not have large two storey extension built at a distance from the main house, and whilst this is a growing theme should be resisted in diluting the grandeur and setting of these period properties

Publicity and Neighbour Notification

3.14 Nine objections to original scheme:

- Proposed development provides inadequate parking provision
- Existing parking problems within Braeside Gardens, Moorgate, and Acomb Road and proposed development will exacerbate the parking issues
- Parking issues are resulting in road safety problems
- The provision of the two houses is overdevelopment
- Developers would have more return in provide parking for proposed flats
- Parking cause access problems for refuse lorries and emergency vehicles
- The double yellow lines are not adhered to or enforced
- No amenity space is provide for the occupants of the flats
- The proximity of the proposed houses to the flats would result in a poor level of amenity to the occupiers of the proposed dwellings, does not provide sufficient separation distance
- Would be out of character with the context, proposed houses would have a weak visual relationship with the host dwelling. Would appear alien and contrary to the grain and pattern of development
- The lack of parking should not be justified on the grounds of the adjacent bus route, people require more freedom and thus have cars

Application Reference Number: 16/00680/FULM

- Recent development in York have not made sufficient provision for vehicle parking

3.15 A petition with 16 signatures has been received, making the following points:

- Existing parking issues in Braeside Gardens, proposed development will exacerbate the issues
- Parking on pavements causing access problems to those using the pavements
- The proposed development provides insufficient parking provision
- Existing issues regarding drainage, concerned that there is insufficient capacity to accept more
- Parking issues preventing emergency vehicles from access Braeside Gardens
- Concerned regarding the density of the proposed development

3.16 Four objections to the revised scheme

- Parking issues close to the junction of Braeside Gardens and Acomb Road, restricts access to Braeside Gardens, particularly for larger vehicles such as refuse collection, ambulances etc
- The introduction of a building to the rear of 128 Acomb Road will remove vehicle parking
- Adequate parking facilities have not been provided
- Request the Highways Network Management consider improving the visibility splays when egressing the junction and extend the parking restriction into Braeside Gardens
- Existing problems with surface water and foul drainage in the area concerned the proposed development may exacerbate the issue
- Vehicles park on the pavements restricting access
- Concerns raised in response to original application have not been addressed by the revised proposals
- None of the other properties in the terrace have buildings in the garden/parking areas

4.0 APPRAISAL

KEY ISSUES

- Principle
- Design
- Residential Amenity
- Highways
- Drainage

ASSESSMENT

Planning Policy

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

4.2 The core principles of the NPPF include: seeking 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; taking full account of flood risk.

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

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

4.5 The public consultation on the Preferred Sites 2016 document and supporting evidence for the emerging City of York Local Plan has just ended and the responses are being compiled and assessed. The emerging Local Plan policies can only be afforded very limited weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base underpinning the emerging Plan is a material consideration in the determination of planning applications.

Principle of Development for Housing

4.6 The National Planning Policy Framework requires local planning authorities to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Policy GP4a states that all proposals should have regard to the principles of sustainable development.

4.7 The National Planning Policy Framework also states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Policy GP10 of the 2005 development control local plan states that planning permission will only be granted for infilling to provide new development where this would not be detrimental to the character and amenity of the local environment.

4.8 Policy GP1 of the local plan sets out the design requirements for development, which include: respecting the local environment; and having a scale and design compatible with neighbouring buildings and the character of the area.

4.9 The application site is between Acomb and the city centre. The site has good access to local shops and services as well as public transport and cycle links. It is therefore considered that the site is within a sustainable location.

Design and Appearance

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

4.11 The existing building is a 5 storey end of terrace building dating from the late 19th century. The road to the side leads to Braeside Gardens which is made up of pairs of semi-detached dwellings and a terrace dating from the 1950s. The yard to the rear of the host building is tarmac with a small dilapidated garage to the northern boundary, the other buildings within this terrace also have tarmac rear yards and garages at the northern edge with the exception of 134 Acomb Road which has a one and two storey off shoot that projects to half way down the rear garden/yard. It appears that many of the buildings in this terrace have been converted to flats.

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The terrace to the east of Braeside Gardens has retained the gardens and many have garages/outbuildings/parking areas at the northern boundary.

4.12 The conversion of the host building from a Guest House/HMO to 8 no. flats would include a first and second storey rear extension, together with the internal re-organisation to create the flats, and staircase to the front of the building to allow separate access for the basement flat, and the replacement of the timber windows with UPVC. The proposed extension would be in keeping with the appearance of the building and would be constructed above the existing ground floor extension. The existing extension is constructed of a brick which is a poor match to the rest of the building and therefore details of the materials should be sought via condition to ensure that the brick is similar in appearance to the original building.

4.13 The loss of some of the boundary wall to Braeside Gardens would be to the detriment of the character of the street. The wall is considered to have a positive visual impact on the amenity of the street. The proposed building will help to retain some of that enclosure but this is balanced against open areas to provide the parking provision. The pitched roof building within the yard would measure 8 metres by 8.9 metres and would be 7.3 metres in height. The revised design and scale of the building within the yard now reads as a subservient, ancillary building. It has the appearance of a mews development which is a typical with the character and stature of the host building. On balance it is considered that the proposed development of the rear yard would not be unduly harmful to visual amenity of the streetscene.

4.14 The staircase to the front of the host building to create separate access to the basement flat (1) is not an uncommon feature in these types of buildings. In addition it is noted that other buildings within the terrace have external front stairs to the basement flats. It is considered it would not result in harm to the visual amenity and character of the host building and terrace.

Highways

4.15 A number of concerns have been raised regarding existing parking issues within Braeside Gardens and the potential of the proposed development to exacerbate the parking problems in the street and the surrounding area.

4.16 The previous 19 bed guest house/HMO use had the potential to create a similar if not greater level of parking requirement than the proposed use. The existing rear yard can comfortably accommodate 4 vehicles. The proposed plans show 4 parking spaces, the spaces are directly from the highway with pedestrian visibility splays, utilising dropped crossings, which will prevent indiscriminate parking on the road in these locations. The drawing indicates that the parking spaces would be allocated to specific flats (the 4 x 2 bed flats). Cycle parking provision is 10 formal cycle parking spaces and flat 2 would have its own additional cycle store.

The parking issues are an existing matter and could be referred to Police or to Highway Regulation for inclusion in the annual review. The amount of on-street parking as a result of this development is shown to be similar to that expected from its existing/ lawful use. It therefore would not be reasonable to introduce further parking restrictions as a result of this application. It is considered that the lack of vehicle parking for all the proposed flats would not justify a reason for refusal particularly given the location of the site and the regular bus route that runs past the front of the building (No. 1, approx every 10 mins).

Residential Amenity

4.17 The proposed conversion of the existing building is not considered to result in the harm to the residential amenity of the occupants of the nearby dwellings. The siting of the refuse bin store would be set away from the windows of the neighbouring building - No. 130. The proposed rear extension to the host building would project 2.5 metres from the rear elevation and would result in some loss of morning light to the adjacent (west) windows of No. 130, however it is not considered that this would be so significant as to warrant refusal of the application.

4.18 The north elevation of the proposed new building would be 8.5 metres from the side boundary with 1 Braeside Gardens, and 10.5 metres from the house. 1 Braeside Gardens has 2 secondary windows in the elevation facing the proposed building. The windows in the north elevation of the proposed building are to bedrooms. It is considered that the distance between the buildings is reasonable and the siting of the proposed building would not result in a loss of privacy or a loss of light to the occupants of 1 Braeside Gardens.

4.19 The proposed building would be sited adjacent to the garage of 130 Acomb Road, the rear yard of 130 Acomb Road is tarmaced and appears to be used as a car park. It is considered that the siting of the proposed building would not result in a loss of light or overshadowing that would result in harm to the residential amenity of the occupants of 130 Acomb Road

4.20 The proposed accommodation is of a reasonable size and is considered to provide an acceptable quality of amenity for the future occupants of the flats.

Drainage

4.21 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. Local Plan policy GP15a: Development and Flood Risk advises discharge from new development should not exceed the capacity of receptors and water run-off should, in relation to existing run-off rates, be reduced.

Insufficient details have been submitted regarding the existing and proposed surface water disposal method however it is considered that additional information and an acceptable disposal method can be sought via a condition in this case.

4.22 There have been some concerns that there is not sufficient capacity to accept further foul drainage. Yorkshire Water were consulted on the application however they have not submitted any comments. It is considered to be a matter for the developer and Yorkshire Water.

5.0 CONCLUSION

5.1 The revised scheme for the conversion of the host building and the erection of two storey subservient building in the rear yard creating a total of 10 no. flats is considered to be acceptable. The proposal would provide homes within a sustainable and accessible location. On balance, the proposal complies with the policies of the NPPF and draft local plan policies GP1, GP10 and H4A.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 PLANS1 Approve plans

17.2015.PA03G 17.2015.PA04G 17.2015.PA06G

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used for the rear extension to the 128 Acomb Road and the two storey building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

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

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site. The information is sought prior to commencement to ensure that the drainage scheme is initiated at an appropriate point in the development process.

INFORMATIVE

Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuDs.

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

If SuDs methods can be proven to be unsuitable then In accordance with City of York Council's Strategic Flood Risk Assessment peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha connected impermeable areas). Storage volume calculations must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm.

Proposed areas within the model must also include an additional 30% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

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

5 HWAY17 IN Removal of redundant crossing

6 HWAY18 Cycle parking details to be agreed

7 HWAY19 Car and cycle parking laid out

8 Prior to occupation 2 No. three pin 13 amp external electrical sockets shall be installed in a suitable position to enable the charging of an electric vehicle within the vehicle parking spaces for Flats 9 and 10 using a 3m length cable.

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

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

9 NOISE7 Restricted Hours of Construction

**7.0 INFORMATIVES:
Notes to Applicant**

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

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

- Request revised plans
- Use of conditions

2. INFORMATIVE:

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

Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

3. INFORMATIVE:

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

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

Monday to Friday 08.00 to 18.00
Saturday 09.00 to 13.00
Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

4. INFORMATIVE:

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

5. THE PARTY WALL ETC ACT 1996

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

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

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

Contact details:

Author: Victoria Bell Development Management Officer

Tel No: 01904 551347

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16/00680/FULM

128 Acomb Road, York, YO24 4HA



GIS by ESRI (UK)



Scale : 1:1386

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Organisation	City of York Council
Department	CES
Comments	Location Plan
Date	24 October 2016
SLA Number	Not Set

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COMMITTEE REPORT

Date: 3 November 2016 **Ward:** Hull Road
Team: Major and **Parish:** Hull Road Planning
Commercial Team Panel

Reference: 16/01256/GRG3
Application at: Hull Road Bowling Green Alcuin Avenue York
For: Erection of 4no. temporary modular buildings to provide cafe
and community space
By: City of York Council
Application Type: General Regulations (Reg3)
Target Date: 7 November 2016
Recommendation: Approve

1.0 PROPOSAL

1.1 Planning permission is sought for the siting of 4 no. modular buildings to provide a cafe and community facilities for a temporary period of 4 years. The buildings would be sited on an unused bowling green. Paths would be cut into the former bowling green to allow access, they would be constructed using timber edging and recycled road planings. In addition a path would be laid through the existing landscape border between the children's play area and the cafe. An area to the south of the proposed units would be used as an outside seating area but would be retained as grass. Temporary consent is requested so it can be assessed if there is a demand for this facility. If this were found to be the case, and a suitable organisation could be found to run a permanent facility, then the option of a permanent building would be explored in the future. Refuse storage would be sited within one un-used room in the pavilion.

1.2 The applicant has advised that the current pavilion building adjacent to the site cannot be used as it is considered to be too small and not fit for the intended purpose. The pavilion is used as a base for York Flourish, as well as storage for tools and equipment by the CYC Environment and Community team.

1.3 The application is reported to sub-committee because the applicant is City of York Council and an objection has been received.

2.0 POLICY CONTEXT

2.1 Policies:
CYGP1 Design
CYGP7 Open Space
CYGP23 Temporary planning permission
CYS6 Control of food and drink (A3) uses
CYS7 Evening entertainment including A3/D2

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Highway Network Management

3.1 No objections. The car parking proposed originally in the park has been removed to give priority to pedestrian users of the recreational space. The cafe is for local residents who will reside within walking distance of the facility. On street parking is available adjacent to the park. Cycle parking has been provided.

Flood Risk Management Team

3.2 Surface water drainage information can be sought via condition

Public Protection

3.3 There is the potential for noise from the venue, and people attracted later in the evening, to cause complaint if it the site is inadequately managed. However it would appear that the Police are supportive of the proposals in terms of it being likely to reduce antisocial behaviour which may occur at the moment within the park, due to the increase supervision afforded by the proposals.

3.4 Request conditions for the adequate treatment and extraction of cooking odours, and details of machinery that will be audible from outside the premises.

Public Realm

3.5 There has been no bowling in the park for about 10 years and not aware of there being a shortage of greens in the city.

EXTERNAL

Hull Road Planning Panel

3.6 No comments received

Police Architectural Liaison Officer

3.7 No concerns about the use of this facility, which should be supported. No information has been supplied to show how crime prevention has been considered and how it will be incorporated into this proposal to protect the building and its fabric 'out of hours'.

This information should be a requirement in order to determine whether this development will comply with paragraphs 58 and 69 of the NPPF. Request a planning condition to secure full written details.

Environment Agency

3.8 No comments

Publicity and Neighbour Notification

3.9 One objection received making the following comments:

- Increase in vehicular traffic and associated parking increasing the risk to pedestrians and cyclists
- The proposed opening times (08.00 to 22.00 hours 7 days a week) are inappropriate for a residential area
- The value of the parkland will be diminished and construction is contrary to the principles of green recreational space.
- The centre may act as a focal point for anti-social behaviour.
- Consideration of noise and odour problems have not be satisfactorily addressed in the planning application

4.0 APPRAISAL

KEY ISSUES

- Loss of the bowling green
- Impact to visual amenity and character of the area
- Impact to residential amenity
- Crime and design

ASSESSMENT

Planning Policy

4.1 The National Planning Policy Framework (NPPF) indicates a strong presumption in favour of sustainable development. The NPPF sets out in its core principles that planning should seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

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

4.3 Policy GP23 refers to applications for temporary planning permission. It states that permission will be granted for the temporary use of land or the erection of buildings for a limited period, provided there would be no loss of amenity or the applicant can demonstrate that there is no viable permanent alternative immediately available; and where appropriate, plans are to be brought forward for permanent development.

Loss of Bowling Green

4.4 In paragraph 74 of the NPPF it states that existing open space, sports and recreational buildings and land, including playing fields, 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; 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.

4.5 The supporting document to the emerging Local Plan: Open Space and Green Infrastructure (2014) states that within the Hull Road ward whilst there is a surplus in parks and gardens there is a deficit in sports provision within the ward and the application site is shown as part of the current outdoor sports provision. The site is also shown as part of a District Green Corridor although the proposal is not considered to adversely impact on this.

4.6 The 'Playing Pitch Strategy' (2013) which is one of the supporting documents for the emerging Local Plan states there are 19 bowling greens and 24 bowling clubs within the city and whilst it states that the number of users has fallen it goes on to say there are programmes to retain and increase club membership, open up bowls to a new range of participants and find ways of raising the profile of the game. Therefore the existing greens should be afforded protection to accommodate this development work. However the report makes reference to the 2 no. bowling greens at Hull Road Park as being closed. Public Realm has confirmed it has been closed for 10 years, and a relatively large number of greens elsewhere in the city have closed in the intervening period. The land no longer has the appearance of a bowling green and could not be used as such without significant works. The siting of the unit would be for a temporary period and the intrusive works to allow for paths etc could be reversible and their removal could be sought via a condition.

Impact on the visual amenity and character of the area

4.7 The former bowling green forms part of a formal layout with the existing pavilion at its centre. The cafe/community space would consist of four rectangular modules one containing a kitchen and the 3 other units to be used as community/cafe space. The dimensions would be 13 metres by 10 metres, and 3.6 metres in height. There would be 1 no. ramped entrance and 2 no. stepped entrances.

The windows and doors would have blue roller shutters. The modular unit would be finished in off-white colour.

4.8 The proposed siting conflicts with the current symmetrical layout. The building would have a utilitarian appearance which is at odds with the character and visual amenity of the park and would result in some harm to its appearance. However, the proposed facility is likely to encourage more people to use the park and it is considered that the temporary harm is outweighed by the application's public benefits of providing community facilities. The applicant has expressed an intention that if the facility is successful then a permanent alternative would come forward. At such time consideration would be given to the location and appearance and respecting the character and appearance of the park.

Impact on residential amenity

4.9 The proposed unit would be visible from Alcuin Avenue; however the distance and the partial screening from the trees and some shrubs would mitigate any harmful impact.

4.10 The applicant has not specified the nature or extent of the cafe use. As such it is considered necessary and reasonable to condition further details regarding kitchen extraction etc in the interests of residential amenity. The proposed opening times of the cafe would be 08.00 to 22.00 hours Monday to Sunday, the community facilities would be open 08.00 to 22.00 hours Monday to Friday and 08.00 to 18.00 hours on Saturday. The building would be a minimum of 44 metres from the dwellings in Alcuin Avenue it is unlikely there would be any significant noise disturbance from the use of the proposed facility. However the use of the facility outside of these hours would be likely to result in noise and disturbance to nearby residents given the character of the area and the lack of other commercial uses. Therefore it is considered necessary to condition the opening hours.

Prevention of Crime

4.11 There is a requirement to consider crime and disorder implications, under S17 of the Crime and Disorder Act 1998. The NPPF states that decisions should aim to ensure development creates safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesions.

4.12 It is set out in paragraph 58 and 69 of the NPPF that planning decisions should aim to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

4.13 From the Police response there does appear to be an existing anti-social behaviour problem in the area.

The building would have a high visibility during daylight hours; however this is not the case during night time hours. The park is not locked at night. The proposed hours of use of the facility would be 08.00 hours until 22.00 hours, from the site visit there did not appear to be any lighting within the park. Roller shutters are proposed to the door and window openings. The elevations show the void under the units enclosed. Enclosing the unit within its own secure grounds is not considered reasonable in this park location and would be a detriment to the character of the park. However there are additional measures that could be undertaken to prevent anti-social behaviour and reduce the fear of crime such as illumination between the units and the park access etc and therefore it is considered necessary and reasonable to condition a statement of crime prevention measures and their implementation.

5.0 CONCLUSION

5.1 The proposed development would result in the temporary loss of open space that was formerly used as a bowling green. In addition by virtue of its appearance it is considered to result in some harm to the visual amenity and character of the park. The development would provide community facilities and a cafe which would be of benefit to the local community and encourage more users of the park. Temporary consent is requested by the applicant to test the demand for the facility; if there was a proven need a permanent proposal would come forward. It is considered that the temporary harm is outweighed by the application's public benefits of providing community facilities and by the fact that it would be in place for a limited period of four years.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 The building shall be removed by 30 November 2020 and the land shall be reinstated to its previous appearance and condition unless prior to that date a renewal of the permission shall have been granted in writing by the Local Planning Authority.

Reason: The temporary nature of the building is such that it is considered inappropriate on a permanent basis.

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

'West Elevation' received 04 October 2016;
'Site Plan' Revision 2 received 04 October 2016;
'Location Plan' received 04 October 2016;
'Plan and Elevations' received 04 October 2016;

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

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

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site. The information is sought prior to commencement to ensure that the drainage scheme is initiated at an appropriate point in the development process.

INFORMATIVE

Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuD's.

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

If SuDs methods can be proven to be unsuitable then must be attenuated to the existing Greenfield rate (based on 1.40 l/s/ha). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

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

4 There shall be adequate facilities for the treatment and extraction of cooking odours. Details of the extraction plant or machinery and any filtration system required shall be submitted to and approved in writing by the Local Planning Authority. Once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained and serviced thereafter in accordance with manufacturer guidelines.

Note: It is recommended that the applicant refers to the DEFRA Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (January 2005) for further advice on how to comply with this condition. The applicant shall provide information on the location and level of the proposed extraction discharge, the proximity of receptors, size of kitchen or number of covers, and the types of food proposed. A risk assessment in accordance with Annex C of the DEFRA guidance shall then be undertaken to determine the level of odour control required. Details should then be provided on the location and size/capacity of any proposed methods of odour control, such as filters, electrostatic precipitation, carbon filters, ultraviolet light/ozon treatment, or odour neutraliser, and include details on the predicted air flow rates in m³/s throughout the extraction system.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area.

5 Details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include average sound levels (LA_{eq}), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the background noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area.

6 Prior to the occupation of the development a statement of crime prevention measures to be incorporated in to the design of the scheme shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be implemented to the satisfaction of the Local Planning Authority prior to the occupation of any modular unit. Crime prevention measures shall accord with the advice set out in the National Planning Policy Framework and comply with the aims and objectives of 'secure by design'.

Reason: In the interest of the amenity of the users of the development and the park. So the proposed development will comply with paragraphs 58 and 69 of the NPPF: to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. The information is sought prior to commencement to ensure that the scheme is initiated at an appropriate point in the development process.

7 The building shall not be occupied until the areas shown on the approved plans for cycle parking have been constructed and laid out in accordance with the approved plans, this area shall be used for such purposes until 30 November 2020 (the expiry of the temporary planning consent), the land shall be reinstated to its previous appearance and condition unless prior to that date a renewal of the permission shall have been granted in writing by the Local Planning Authority.

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

8 The hours of operation of this approved use shall be confined to 08.00 to 22.00.

Reason: To safeguard the amenities of nearby residential properties.

7.0 INFORMATIVES: Notes to Applicant

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

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

- Sought additional information
- Requested revised plans
- Use of conditions

Contact details:

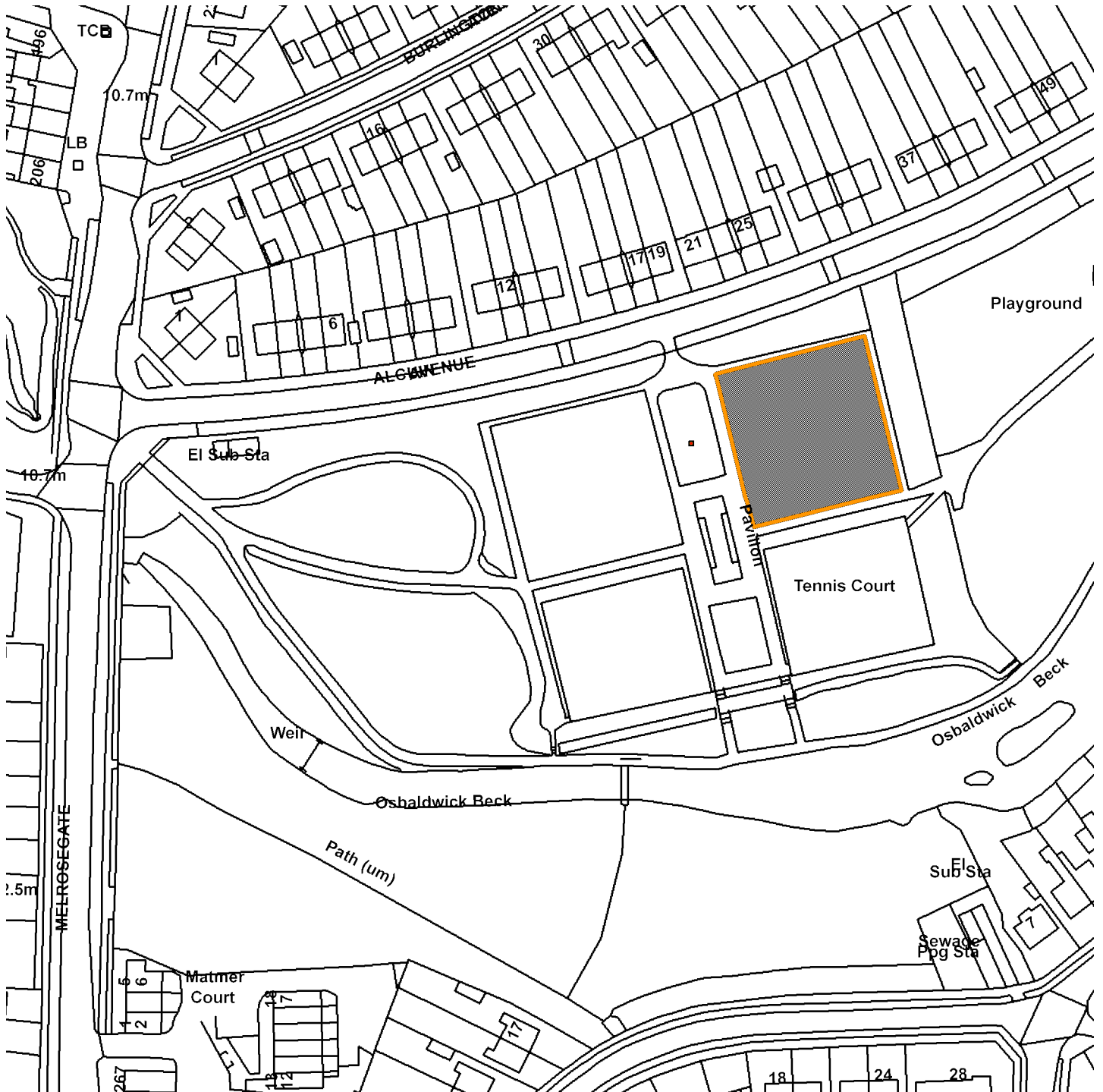
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16/01256/GRG3

Hull Road Bowling Green, Alcuin Avenue, York



Scale : 1:1386

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Organisation	City of York Council
Department	CES
Comments	Location Plan
Date	24 October 2016
SLA Number	Not Set

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COMMITTEE REPORT

Date: 3 November 2016 **Ward:** Copmanthorpe
Team: Major and **Parish:** Copmanthorpe Parish
Commercial Team Council

Reference: 16/01673/FUL
Application at: Land to Rear of 9 - 11 Tadcaster Road Copmanthorpe York
For: Erection of 4no. dwellings with detached garages (triple garage to serve 11 Tadcaster Road) and associated works including new driveway
By: Mr Andrew Piatt
Application Type: Full Application
Target Date: 4 November 2016
Recommendation: Approve

1.0 PROPOSAL

1.1 The application is for 4 new detached dwellings within the rear of Nos 9 and 11 Tadcaster Road. It is proposed to access the site via a new drive to the side of No.11 which will require the demolition of the existing garage to that property. A new detached 3 car garage is therefore proposed to the front of the existing property. The proposed dwellings have been individually designed in a relatively traditional form. Plots 1 and 4 have detached double garages while plots 2 and 3 have integral garaging. Materials are brick and render to the walls; clay tiles or slate to the roofs; chimneys are natural stone as are heads and cills; finally windows and doors are timber.

1.2 The site is currently a large lawned garden with the rear section fenced off and left fallow. There is mature hedging around the boundaries and a number of attractive trees both around the edges and in the centre of the site. It is proposed to keep the majority of trees and hedging. To the rear of the site is a more recent development of detached properties.

1.3 The application is brought to committee at the request of a ward councillor, Cllr Carr. He has raised concerns relating to the massing of the development, the size of the houses in relation to their plots and the impact on amenity of neighbouring residents.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation: Air Field safeguarding

2.2 Policies:

CYGP1 Design

CYGP4A	Sustainability
CYGP9	Landscaping
CYGP10	Subdivision of gardens and infill devt
CYNE1	Trees, woodlands, hedgerows
CYH4A	Housing Windfalls

3.0 CONSULTATIONS

INTERNAL

Planning and Environmental Management – City Archaeologist

3.1 This site is in the vicinity of line of the Roman Road which approached York from the south-west (Tadcaster/Calcaria). The line of the road is thought to pass in front of the existing houses - the exact line of it is unknown. In addition to the road, cemeteries are often found along approach roads into Roman settlements.

3.2 It is possible that groundworks associated with this proposal may reveal or disturb archaeological features particularly relating to the Roman period. It will be necessary to record any revealed features and deposits through an archaeological watching brief and a strip, map and record exercise.

3.3 The area of the new driveway which runs south from Tadcaster Road will need to be archaeologically monitored by method of a strip, map and record exercise as this is where the Roman road may cross the proposed development site. The rest of the groundworks associated with this proposal e.g. drainage and foundations will need to be monitored by an archaeological watching brief.

Public Protection

3.4 Conditions recommended.

Highway Network Management

3.5 Highways have made a number of comments related to:

- Detailing of the access point off Tadcaster Road
- Gradient of the initial section of access drive to be 1:20
- Access drive to be drained so that it does not discharge water on to the public highway
- Retaining wall within visibility splay to be no more than 600mm above highway level
- Cycle parking to be provided

These details can be conditioned.

EXTERNAL

Yorkshire Water

3.6 They express a preference for soakaways for surface water drainage if possible. They note that a public sewer crosses the site but appears unaffected by the proposals.

Ainsty Internal Drainage Board

3.7 A condition is suggested for approval of surface water drainage proposals.

Copmanthorpe Parish Council

3.8 Objection to the scheme for the following reasons:

- The heights of the proposed dwellings are excessive, not in keeping with neighbouring dwellings, and there are concerns that the proposed building will overlook several houses in Barbers Drive.
- The density of the development both in number of proposed houses and particularly in the size of the properties. This results in overdevelopment of the site.
- The access is onto Tadcaster Road which is the main route from Copmanthorpe to York and poses problems with extra traffic from an access drive which is proposed to take traffic from 4 large houses on a narrow front.
- There is a nearby development for senior citizens and the only pathway to Tadcaster Road is crossed by this access drive.
- Tadcaster Road is used by two bus routes and this creates a bottleneck at the position of the access onto Tadcaster Road.
- There are concerns about displacing wildlife from the area, particularly bats. A survey of bats is requested for the site.
- Drainage is a concern with the property regularly flooding and discharging into adjoining properties. The site is also thought to have a covered stream.
- The proposed dwellings are not in keeping with the Village Design Statement in that the proposed houses are very large for the site and consequently close together. This presents a particularly large block of buildings.
- It is noted that the proposal is for a number of chimneys with wood burning stoves and this gives considerable concern about smoke pollution where previously there has been none.
- The area is currently a dark area and the proposal includes considerable automated illumination which will result in light pollution.

Neighbour Notification and Publicity

3.9 Thirteen objections and 1 letter making general comments have been received raising the following planning issues:

- Boundary lines on the East of the site plan seem incorrect
- Proposals should be moved West to reduce impact on Barbers Drive properties
- Hedges should be retained at their current height to protect privacy
- The garage to plot 4 will overshadow the neighbouring property
- The roof pitch of plot 4 should be reduced to limit overshadowing
- Side windows to plot 4 should be obscure glazed to limit overlooking
- There should be a restriction on putting more side windows in plot 4
- Permitted development rights for extensions should be removed
- The houses are too large for their plots
- The choice of materials, particularly render, is not in keeping with the locality
- The new properties are much taller than those on Barber Drive
- There is a surface water drainage problem and frequently standing water in the gardens
- Concern about maintenance of the trees and hedges and access to these
- Light pollution from the new dwellings and during construction
- Noise impact from the new dwellings
- External sound systems should be banned
- There should be a planting scheme with plants large enough to provide screening
- The scheme conflicts with the Copmanthorpe Village Design Statement
- An increase in the impermeable surface will occur and exacerbate surface water flooding issues
- Trees have been removed from the site and this has increased problems with flooding
- There are too many windows to the rear and these overlook neighbours
- The houses won't make much difference to the housing shortage in the city and will be too expensive for most people
- Concern about increase in traffic flow
- Pollution from wood burners
- No consultation with neighbours and the scheme doesn't take in to account the impact on neighbours
- Impact on wildlife
- Overbearing impact on neighbouring properties
- The scale and density of the development is too much
- The access is not suitable for refuse and emergency vehicles
- Overshadowing of neighbouring properties
- Noise and disturbance to Tadcaster Road properties as a result of the new access

4.0 APPRAISAL

4.1 Key Issues

- Principle of the development
- Visual impact
- Impact on neighbouring residential amenity
- Drainage issues
- Highways and access
- Protected species and existing planting

4.2 The National Planning Policy Framework (March 2012) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. It also sets out 12 core planning principles that should underpin both plan-making and decision-taking. A principle set out in Paragraph 17 is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings and proactively drive and support sustainable economic development to deliver the homes that the country needs.

4.3 Paragraph 186 states that Local Planning Authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. Paragraph 187 states that 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. Paragraph 47 seeks to boost significantly the supply of housing.

4.4 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the content of the NPPF.

4.5 The planned consultation on the Preferred Sites for the emerging City of York Local Plan went before Executive on 30 June, following a meeting with the Local Plan Working Group on 27 June. The proposals are now subject to an eight-week public consultation which started in July. The emerging Local Plan policies can only be afforded very limited weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base underpinning the emerging Plan is a material consideration.

4.6 The relevant City of York Council Local Plan Policy is GP1. Policy GP1 'Design' of the City of York Local Plan Deposit Draft includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by

noise, disturbance overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.7 Policy H4a of the DCLP is also relevant and suggests that planning permission on windfall housing sites may be granted where the site is under-used; has good access to jobs and public transport; is of an appropriate scale and density to surrounding development; and would not have a detrimental impact on existing landscape features. Policy GP10 states that planning permission will only be granted for the sub-division of existing garden areas (or plots) or infilling, to provide new development, where this would not be detrimental to the character and amenity of the local environment.

PRINCIPLE OF THE DEVELOPMENT

4.8 The proposal is on an unallocated site within a residential area. The proposal is in keeping with the residential character of the area and acceptable in principle, subject to other material planning considerations outlined in policies GP1, GP10 and H4a.

VISUAL IMPACT

4.9 The proposed dwellings are sited to the rear of Nos 7, 9 and 11 Tadcaster Road. These properties benefit from large gardens although it would appear that No.7 has historically sold the rear of their garden to No.9. To the rear of the site is a more recent housing development with properties sited on smaller plots. It would appear likely looking at the location plan that some of the land for this newer development originally formed part of the back gardens to the properties on Tadcaster Road.

4.10 As a result of the scale of the plots on Tadcaster Road, there is sufficient space to remove the existing garage to No.11 to construct a separate access road leading to the new development. From Tadcaster Road this access road will appear similar to other access points to the existing properties. The development itself is set so far off the road that it is unlikely that there will be any clear views of the new dwellings. In regards to the density of development, the proposal appears to fit between the very low density development on Tadcaster Road and the higher density development of the properties around Barber Drive. As such it is considered that the proposal will maintain the character of the area in terms of the density of development.

4.11 The properties are individually designed with good detailing and appropriate materials. Properties in the area are constructed from a mixture of brick and/or render and the proposal reflects this. It is appreciated that the properties on Barber Drive are predominantly brick but those on Tadcaster Road also use render on their

elevations. The site is not in a Conservation Area and as the proposals are of an appropriate residential design with high quality materials it is considered that they are acceptable in this regard.

4.12 The properties are substantial in their height and scale but there is a space of approximately 3m between each property and 6m between plot 1 and the western boundary and 4m between plot 4 and the eastern boundary. While sited roughly in a line along the cul-de-sac there is some variation in the set back of the properties so as to give some interest in the streetscene. The houses themselves are 9m in height which is taller than properties on Barbers Drive however the new dwellings are a minimum of 20m from the existing properties and, with the mature planting on the boundary, will be visually separate from the existing.

4.13 In design terms, the proposal is considered to comply with the Copmanthorpe Village Design Statement. The proposal is variable in its plot size and house types with properties grouped along a small cul-de-sac. The design of the properties is appropriate to the local area with a scale and density in keeping with surrounding properties. The site is within the settlement area of Copmanthorpe and as such is within reach of an acceptable range of local services and public transport.

IMPACT ON NEIGHBOURING RESIDENTIAL AMENITY

4.14 Distances between the proposed and existing properties are considered acceptable to prevent overlooking. The closest point is between the corner of No.27 Barbers Drive and plot 4 where the distance is 20m. Similarly No.9 Barbers Drive and plot 4 are approximately 21m apart. These distances in themselves are considered acceptable to prevent overlooking but it should also be noted that properties do not look directly at each other but are generally angled so that the distances are often in fact greater. The exception being No.27 Barbers Drive which looks directly at the side/rear of plot 4 at a distance of 20m. Rear gardens for the new properties are of a good size to prevent overlooking to neighbours. The shortest rear garden is that of plot 3 which is a minimum of 12m to the rear boundary.

4.15 The properties have hipped roofs and this helps to reduce the bulk of the buildings and the impact on neighbouring residents. The distances between the proposed dwellings and neighbouring properties will help to reduce over-dominance as will the hipped roofs and the retention of existing landscaping will provide further screening.

4.16 While it is acknowledged that the introduction of 4 properties within this garden plot will alter the character of the area and will introduce increased activity, this will not be significant and would be activities normally associated with reasonable residential occupation.

The proposal is for 4 dwellings all with reasonably sized rear gardens which will help to ensure that the new properties are well separated from the existing. Boundary treatment and landscaping will provide further screening of properties.

4.17 The new drive will run alongside the western boundary of the site with No.15 Tadcaster Road. This property has a single storey element abutting the boundary. This area of the property is a living area and so there is some potential for noise impact from the proposed access road. However there are no side windows in the property and boundary treatments are good with no intention to amend them and landscaping is to be retained where possible. The relatively low intensity of use anticipated from 4 new houses is also considered to minimise the impact on amenity through noise disturbance from vehicles.

4.18 The proposal is considered likely to result in little significant increase in overshadowing of neighbouring properties. Any impact will be on the properties to the East of the site during the later part of the day when there may be some overshadowing to the rear gardens of 27-31 Barbers Drive. The overshadowing will occur at the end of their rear gardens and there will be no loss of light to the rear of the properties.

4.19 Concern has been raised about the impact of light pollution on neighbouring amenity. The NPPG recommends that light pollution may arise when new development materially alters light levels outside the development and/or has the potential to adversely affect the enjoyment or use of nearby buildings. It is considered unlikely that the level of external lighting associated with the 4 new houses will significantly impact on neighbouring amenity. It is noted that the site is within a village surrounded by other properties and neighbours are unlikely currently to experience levels of darkness experienced on isolated sites in the countryside and there is no reason to expect that the level of external lighting will be beyond that usually experienced with residential development.

4.20 Objectors have suggested that permitted development rights should be removed. Given that the properties are on sizeable plots with good rear gardens this is not considered necessary. NPPG recommends that such conditions rarely pass the test of necessity and should only be used in exceptional circumstances and it is not considered that the development requires such future restriction.

DRAINAGE ISSUES

4.21 Local residents have raised concerns about drainage issues on the site. This can be covered by condition and surface water discharge rates would need to be controlled to the greenfield rate as the site is previously undeveloped.

HIGHWAYS AND ACCESS

4.22 In highway safety terms, the proposal is considered to have little impact given the scale of the development and number of vehicle movements likely as a result of this. Tadcaster Road has reasonable visibility in both directions and 30mph speed limit is in force. It is considered that the proposal will have little impact on highway safety for either vehicles or pedestrians.

4.23 The access point from Tadcaster Road requires amendment which can be secured via a planning condition. As a result of the difference in levels between Tadcaster Road and the site, a condition to ensure the gradient of the access road does not exceed 1:20 is recommended as well as a condition to ensure surface water drainage doesn't discharge from the drive on to the highway. Cycle parking within properties is also to be conditioned.

PROTECTED SPECIES AND EXISTING PLANTING

4.24 Currently the rear area of the gardens has been left to grow wild allowing wildlife to flourish. Demolition is proposed of the existing garage and outbuildings of the house as well as some garden buildings. It is considered unlikely that the buildings attached to the house will contain bats as they have been extended relatively recently while the garden buildings are not of substantial construction. Nesting birds are given protection under separate legislation. Tree and hedge planting is to be retained as far as possible to provide screening and improve amenity and can be protected by condition. Where hedges are in neighbours' ownership, the applicant has no right to remove or damage them. The plans note that hedges will be reinforced where gaps occur.

5.0 CONCLUSION

5.1 It is considered that the scheme provides an appropriate use for a currently under-utilised area of garden.

The proposed dwellings are appropriately designed for this village location with an acceptable density of development between the large properties on Tadcaster Road and the more modest development on Barbers Drive. The scheme will provide good levels of amenity for future residents while having little significant impact on neighbouring residential amenity. The application is considered to be in accordance with policies GP1, GP10 and H4a of the draft Development Control Local Plan and the relevant policies of the NPPF.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 PLANS1 Approved plans

1452-104A; 1452-107C; 1452-100C; 1452-108; 1452-101B; 1452-102B; 1452-103B; 1452-106A.

3 VISQ8 Samples of exterior materials to be app

4 Trees, hedges and shrubs shown to be retained on plan 1452-100 Rev.B shall be protected during the development of the site by the following measures:-

- (i) A chestnut pale or similar fence not less than 1.2 metres high shall be erected at a distance of not less than 4.5 metres from any trunk;
- (ii) No development (including the erection of site huts) shall take place within the crown spread of the trees;
- (iii) No materials (including fuel or spoil) shall be stored within the crown spread of the trees;
- (iv) No burning of materials shall take place within three metres of the crown spread of any tree;
- (v) No services shall be routed under the crown spread of any tree without the express written permission of the Local Planning Authority.

Reason: In order to safeguard the existing landscape features of the site.

5 ARCH1 Archaeological programme required

6 ARCH2 Watching brief required

7 No work on the construction of the dwellings or garages or any hard surfaces shall be commenced until the Local Planning Authority has approved a scheme for the provision of surface water drainage works.

The approved scheme shall be implemented before the occupation of any of the approved dwellings development is brought into use.

The following criteria should be considered:

- * Any proposal to discharge surface water to a watercourse from the redevelopment of a brownfield site should first establish the extent of any existing discharge to that watercourse.
- * Peak run-off from a brownfield site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area).
- * Discharge from "greenfield sites" taken as 1.4 lit/sec/ha (1:1yr storm).
- * Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr event.
- * A 20% allowance for climate change should be included in all calculations.
- * A range of durations should be used to establish the worst-case scenario.

* The suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology.

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

8 HWAY19 Car and cycle parking laid out

9 HWAY14 Access to be approved, details reqd

10 HWAY9 Vehicle areas surfaced

11 EPU1 Electricity socket for vehicles

12 LC4 Land contamination - unexpected contam

13 Within the visibility splay as shown on plan 1452-108, the height of the retaining wall and vegetation shall not exceed 600mm above highway level. Vegetation shall be maintained at this height for the lifetime of the development.

Reason - In the interests of highway safety.

14 Prior to first occupation of the development hereby approved, details of 2 secure cycle parking spaces per property will be submitted to the Local Planning Authority and approved in writing. The approved details will be implemented and retained and maintained for the lifetime of the development.

Reason: To promote sustainable travel in accordance with section 4 of the NPPF.

15 NOISE7 - Restricted hours of construction

7.0 INFORMATIVES: Notes to Applicant

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

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

Requested revised plans with amendments to house types and site access.

2. SURFACE WATER DRAINAGE

The Applicant states that surface water will be discharged to public sewer.

If the relevant Water Company or its Agents cannot confirm that there is adequate spare capacity in the existing system, the Applicant should be requested to re-submit amended proposals showing how it is proposed to drain the Site.

The Applicant should provide information as to the point of discharge of the sewer in order that the Board may comment on the suitability of the receiving watercourse.

The Applicant should also provide details on the potential effect that the proposed discharge may have on the receiving watercourse.

The maximum discharge that will be accepted from an area that is shown to discharge to the sewer and then to a watercourse is that associated with agricultural run-off rates and is generally taken as 1.40 lit/sec/ha. With an allowance for any "brownfield" areas any of the site which are impermeable, have positive drainage and a proven connection to the watercourse (at the rate of 140 l/s/ha less 30%).

3. INFORMATIVE: Control of Pollution Act 1974

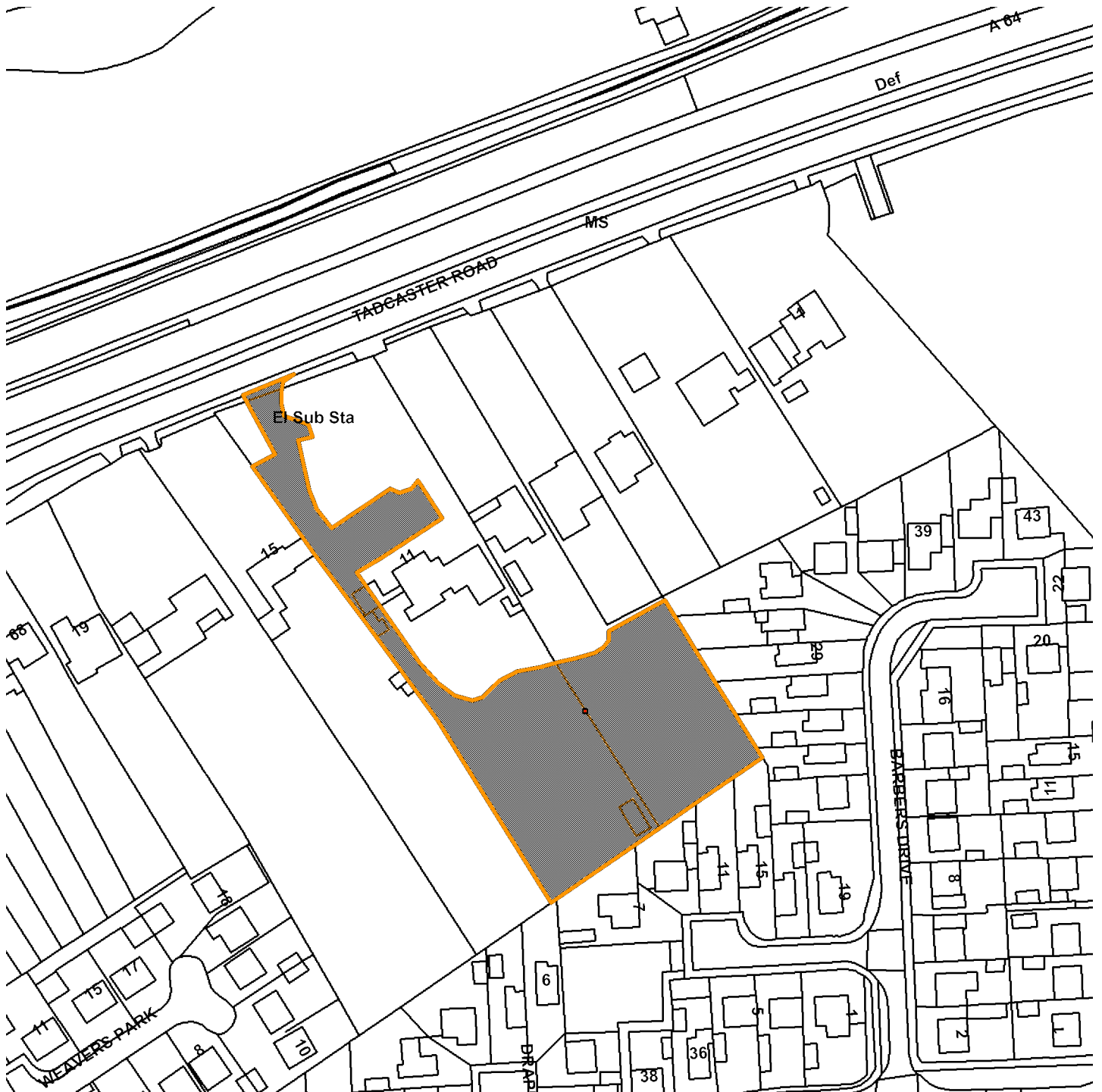
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16/01673/FUL

Land to R/O 9-11 Tadcaster Road, Copmanthorpe



Scale : 1:1386

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