

## COMMITTEE REPORT

**Date:** 9 November 2017      **Ward:** Dringhouses And Woodthorpe  
**Team:** Major and Commercial Team      **Parish:** Dringhouses/Woodthorpe Planning Panel

**Reference:** 15/02726/FULM  
**Application at:** 26 Tadcaster Road Dringhouses York YO24 1LQ  
**For:** Erection of 11no. dwellings  
**By:** William Cloughton  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 30 November 2017  
**Recommendation:** Approve subject to Section 106 Agreement

### 1.0 PROPOSAL

1.1 The application seeks permission for the erection of 11 dwellings following the demolition of an existing two storey dwelling at 26 Tadcaster Road and a single storey dwelling located centrally within the site and identified as being 9a Mayfield Grove. The site comprises of an area of approximately 0.5ha. Thirteen lock up garages with a large area of harstanding are also present within the site. The site is bounded to the north by the rear gardens of Mayfield Grove, to the east by Tadcaster Road, to the south and west by the car park of the public house and the rear gardens of St Helens Road. Access to the site would be where number 26 Tadcaster Road currently stands.

1.2 The scheme proposes two rows of 3 no. two storey three-bed terraced houses with rooms within the roof, two 4no bedroom two storey dwellings, two 3no bedroom dormer bungalows and one 5no bedroom two storey dwelling. Two off street parking spaces would be provided for each dwelling with no allocated visitor spaces.

1.3 The application site is within low risk flood zone 1. Tadcaster Road Conservation Area runs to the front of the site, although the development itself does not sit within the conservation area. No25 Tadcaster Road which lies almost opposite the entrance to the site is Grade II\* listed, Goddards House which is set back from Tadcaster Road and is Grade I listed and the Cross Keys public house which is Grade II listed. The front portion of the site, up to 9A Mayfield Grove, lies within the Dringhouses Area of Archaeological Importance.

1.4 The area around the site is predominantly residential with the surrounding houses being all of a similar size and scale dating from the mid twentieth century. Within the vicinity of the proposed entrance lies a hairdressers, petrol filling station and Pocklington carpets. A bus stop with layby is located to the front of the site along Tadcaster Road.

## RELEVANT HISTORY

03/04013/FUL - Erection of 16 dwellings in two blocks with ancillary garage blocks after demolition of existing buildings - Refused 25.01.2005

06/00103/FULM - Erection of 3 no 3 storey houses and a 3 storey block comprising 10 flats with ancillary garage and cycle parking blocks after demolition of existing buildings (Re-submission) Refused 20.03.2006

06/02780/FULM - Erection of three 3 storey houses and a 3 storey block comprising nine flats and one house with ancillary garage and cycle parking blocks after demolition of existing buildings (Re-submission) Refused 16.02.2007

## 2.0 POLICY CONTEXT

2.1 Development Plan Allocation: Areas of Archaeological Interest Dringhouses

2.2 Policies

### City of York Local Plan Deposit Draft 2005

CYGP1	Design
CYH4A	Housing Windfalls
CYGP10	Subdivision of gardens and infill devt
CYGP9	Landscaping
CYGP15	Protection from flooding
CYL1C	Provision of New Open Space in Development
CYGP4A	Sustainability
CYH5A	Residential Density
CYL1C	Open Space
CYED4	Developer Contributions Towards Education Facilities

### Emerging Local Plan Pre-Publication Draft September 2017

H2	Housing Density of Residential Developments
D4	Conservation Areas
D5	Listed Buildings
D6	Archaeology
ENV3	land Contamination
ENV5	Sustainable Drainage
G14	Trees and Hedgerows
G16	New Open Space Provision

## 3.0 CONSULTATIONS

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## INTERNAL

### Highway Network Management

3.1 Amendments to the access layout will include works to form the end of the lay-by of the bus stop, provision of improved pedestrian crossing with suitable visibility, relocation of the bus stop and shelter, new section of verge to discourage parking on the footway in front of the retail units. The bus stop will continue to function as normal with fewer car movements requiring access in the middle of the bay. All the traffic generated by the new housing will access the development via the widened access, which is suitable for the proposed development use, and weekly bin wagon access and turning.

3.2 Traffic generated by the development is expected to be in the order of 7 movements an hour in the peak hour. We maintain our opinion that the traffic generated by this site will be comparable/ less than that which could be generated by the garages and demolished residences. There would be no material intensification of use to the site as a whole and given the improvements it is considered that there are not significant highway grounds to warrant refusal of planning permission. Car parking meets council standards.

3.3 The location of the site is close to a bus stop with a number of services running from this stop. We seek a contribution of £15k towards providing a colour BLISS real time display at the stop adjacent to the access in order to promote sustainable travel and reduce the dependence on the private car. In addition, first occupiers should also be offered the choice of either a free 6 month bus pass or cycle/cycle equipment to the same value as the bus pass to the value of £160 per dwelling.

### Design, Conservation and Sustainable Development (Heritage Project Officer)

3.4 This site lies partly within the Dringhouses Area of Archaeological Importance and is located close to the line of the Roman Road to Tadcaster. An archaeological evaluation conducted on the site in 2004 revealed Roman features.

3.5 As the evaluation has demonstrated that Roman archaeology survives on the site and includes the possibility of burials an archaeological excavation is required on the site of the footprints of all proposed houses and roads. It will be necessary to record any revealed features and deposits through an archaeological watching brief on all other groundworks such as utility trenches across the site.

### Design, Conservation and Sustainable Development (Ecology and Countryside Officer)

3.6 An emergence survey was undertaken of the house and the bungalow. No bats emerged from the buildings during the survey and low levels of foraging activity took

place within the gardens. It is recommended that demolition follows good working practices with regards to bats.

3.7 With such few trees remaining the area would not be classed as an orchard for the purpose of the Biodiversity Action Plan or Priority Habitat, and the individual trees were assessed in the Arboricultural Survey as being of low quality.

3.8 The site was assessed for its potential to support great crested newts. The nearest pond (Mayfield Pond) was assessed as having poor suitability to support great crested newts and habitat connectivity to surrounding areas is limited. There will be no impact on great crested newts from the proposed development.

3.9 This area is likely to be currently unlit adding to its value for wildlife such as hedgehogs which are a species "of principal importance for the purpose of conserving biodiversity" covered under section 41 (England) of the Natural Environment and Rural Communities (NERC) Act (2006) and protected species such as bats. Whilst the development is unlikely to significantly impact on these species it will erode the habitat available to them.

3.10 However, there are no direct objections to this development on grounds of ecology. Enhancement to the proposed development could be achieved by using native species within the landscaping and including integral bird and bat boxes in the new buildings. If this application were approved a condition should be included to secure these enhancements.

#### Design, Conservation and Sustainable Development (Landscape Architect)

3.11 It is clear that some large shrubs/small trees have been removed in recent years. The site is not in a conservation area and none of the trees are currently subject to a tree preservation order (TPO). The combined effect of the fruit trees, and other native canopy trees and hedgerow trees, plus trees and shrubs at the bottom of the adjacent gardens, is that of an attractive vegetated setting both for the existing property and the high number of residential properties on Mayfield Grove and St. Helen's Road that back on to it.

3.12 Properties should be located outside of the RPA of retained trees, consideration should also be given to working areas e.g. for excavation of foundations and erection of scaffolding; plus the orientation of properties and garden size in relation to the shade cast by a tree, and the height of the tree in relation to its proximity to the property.

3.13 Smaller, shrubby tree species around the perimeter of the site, such as Hawthorn and Holly T18, 19 and 20 provide a valuable buffer between the adjacent gardens and the application site. Therefore, whilst these may not be worthy of a TPO, they are still worthy of retention due to the amenity they provide to neighbouring properties should development be allowed on this site.

## Design, Conservation and Sustainable Development (Urban Design)

3.14 Tadcaster Road is a primary important route into the city characterised by an excellent green landscape setting of trees in roadside verges and the open space of the Knavesmire, along with predominantly detached villa housing (from relatively modest to grand) generally set behind green front gardens in long frontages, interrupted only occasionally with side roads. The creation of a new access road off Tadcaster Rd erodes the positive characteristic of long roadside frontages creating two side roads in quick succession. Although the proposed access is relatively modest in capacity the setting will be open and perceived as wider than it is. It also rather maroons the adjacent building to the north which is bordered on the other side by a garage forecourt.

3.15 This uncharacteristic change impacts on the sensitivity of Tadcaster Rd conservation area (which the proposed site borders) and in particular Goddards House and gardens opposite.

### Public Protection

3.16 In terms of the noise impact six of the proposed dwellings would be located adjacent to the car park of the Cross Keys Inn on St Helens Road, with the 5 remaining detached properties being located to the rear of existing residential properties located on Mayfield Grove and St Helens Road. Whilst there is likely to be some impact associated with noise from any new dwellings provided the type of noise from residential properties would not be incongruous with the current noise level in the area which is primarily dominated by vehicle noise, some train noise and people (either in gardens or in the nearby school).

3.17 In terms of noise from the pub affecting the proposed nearest property, no details have been submitted with the application however no noise complaints have been received in connection with noise from the Cross Keys and as a result Public Protection do not have any objections on noise grounds. Conditions are suggested in connection with noise and dust during the construction and demolition phases of the development.

3.18 In terms of lighting proposed as part of the development no details have been submitted with the application. However it is assumed that any street lighting installed would need to comply with requirements of the highways department and associated standards. From a lighting impact assessment any lighting provided is likely to have an impact on the gardens of the existing properties where currently there is little or no artificial lighting provided. However the properties are located in a suburban environment where existing street lighting is provided in the area as a whole.

3.19 The submitted Phase 1 assessment shows that whilst the site is not known to have any recorded activity which may have resulted in contamination the site is

adjacent to other land uses which may have. As a result it is recommended that conditions be attached to any approval given.

3.20 The proposed 11 dwellings all have private parking facilities, some of which are provided on driveways and others within garages. Paragraph 35 of the NPPF states that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. A condition is recommended to provide a three pin 13 amp external electrical socket to allow for the charging of electric vehicles.

#### Public Realm

3.21 Financial contributions are required for Nelsons lane play area, improvements to Mayfields (Railway) pond area and improvements to Dringhouses Sports and Social Club pitches

#### Flood Risk Management

3.22 No objections to the scheme on the basis of the plans submitted

#### Children's Services, Education and Skills

3.23 A contribution of £19,317 is required. Nominally this would go towards the refurbishment of the kitchen at Dringhouses Primary to increase the production of school meals.

#### EXTERNAL

#### Conservation Area Advisory Panel

3.24 This appears to be a classic piece of backland development, which would impair the amenity of the existing properties, and there is a presumption against this. The Panel urged that the policy be upheld and the proposal refused.

#### North Yorkshire Fire and Rescue Service

3.25 No objections

#### North Yorkshire Police - Designing Out Crime

3.28 The revised proposals have taken into account crime prevention through environmental design recommendations

#### Ainsty Internal Drainage Board

3.29 The applicant has confirmed their intention to use a Yorkshire Water surface water sewer in Mayfield Grove, for the disposal of the surface water from the site. It would appear from the supporting information submitted by the applicant, that they have secured Yorkshire Water's agreement to discharge into that asset.

#### Yorkshire Water

3.30 No objections to the principle of the proposed separate systems of drainage on site and off site, the amount of curtilage surface water to be discharged to the public surface water sewer or the proposed points of discharge of foul and surface water to the respective public sewers in Mayfield Grove

#### Councillor Reid

3.31 Objecting to the scheme on the following grounds:

- Increase traffic close to the traffic lights and petrol station is foolhardy
- Overspill parking will arise on Mayfield Grove
- Mayfield Grove already congested from parking of staff from the adjacent school and nearby nursery
- In a 109.5 metre stretch there would be a major signalised junction, a bus lay-by serving 16 buses an hour, the new access serving 13 properties, petrol filling station access (with ATM machine and convenience store) and a junction serving the local primary school. On the opposite side of the road is an entrance to a National Trust property and a hotel. All have multiply traffic movements from both directions associated with them.
- Access to St Edwards Close opposite was not allowed in this location in 1974 due to highway implications
- Would bring vehicular movements close to the rear gardens of existing dwellings
- Inadequate parking provided on site
- The current lock up garages on site are not used and as such traffic movements are currently limited
- The bus layby is heavily used with regular bus services
- Dringhouses and Woodthorpe Planning Panel - Object on the following grounds:
  - Highway safety
  - Access presents a risk to pedestrians and vehicles
  - Traffic congestion is already present and this would increase it
  - Lack of on site parking

#### Neighbours and Publicity

3.32 Objections received on the following grounds:

- Already a high water table and this would increase run off from the site into neighbours gardens
- Gardens already flood
- Would put added pressure on the existing sewerage system
- Loss of privacy
- Loss of light
- Loss of two dwellings
- Increased traffic noise from the proposed access road
- Noise generated by vehicles parking
- Increased noise pollution from the residents
- Would be difficult to service the properties
- Access onto Tadcaster Road is inadequate
- Additional 22+ cars would need access onto Tadcaster Road
- Increased risk of accidents from cars turning right onto Tadcaster Road
- Inadequate on site parking
- Inadequate on site turning
- Additional cars will park on Mayfield Grove
- Mayfield Grove already suffers from on street parking by customers to the shops and staff from the nearby school
- Mayfield Grove is a cul-de-sac so parked vehicles will need to turn within the narrow street to exit
- High pedestrian movements along Mayfield Grove due to the rear access to the primary school
- Access is require for a number of residents with disabilities
- Pedestrian access would be retained to Mayfield Grove which could lead to criminal activity
- Increased air pollution
- Increased light pollution
- Removal of existing landscape features and wildlife habitat
- High density housing in a low density area, overdevelopment
- Not in character with the area
- Potential damage to the retained trees

3.33 The National Trust raise concerns in connection with the access and traffic. Goddards House is a Grade I listed arts and craft house which operates as the offices of the National Trust. The site is also open to the public. The proposed access would conflict with the existing access at Goddards House.

3.34 The heritage assessment should have assessed the property as national significance and then assessed harm to the setting of this property. Object as the proposal will alter the setting and therefore the experience of the property by creating a new vehicular access immediately opposite Goddards entrance.

One letter of support:

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3.35 The existing access to the garage is frequently used and moving it further from the traffic lights and improving visibility would be beneficial. In addition as the bendy busses no longer stop at the bus stop it could be shortened

## **4.0 APPRAISAL**

4.1 The key issues are:

- Principle of development
- Impact on neighbouring residential amenity
- Visual Impact
- Highways and parking
- Drainage
- Impact upon the setting of the listed buildings and conservation area
- Nature conservation
- Financial contributions

4.2 The National Planning Policy Framework (NPPF) states that there is a presumption in favour of sustainable development which, for decision-making, means approving without delay development proposals that accord with the development plan (paragraph 14). 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.

4.3 Paragraph 14 of the NPPF says that Local Planning Authorities should positively seek to meet the development needs of their area. Section 6 seeks to boost significantly the supply of housing. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

4.4 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. In considering proposals for new or improved residential accommodation, the benefits from meeting peoples housing needs and promoting the economy will be balanced against any negative impacts on the environment and neighbours' living conditions.

4.5 The City of York Development Control Local Plan (DCLP) 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 they accord with the NPPF. The relevant local plan policies are listed at paragraph 2.2 of the report.

4.6 DCLP Policy GP10 'Subdivision of Gardens and Infill Development' states that planning permission will only be granted for the sub-division of existing garden areas to provide new development where this would not be detrimental to the character and amenity of the local environment.

4.7 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.

4.8 The application site is within an urban area with good access to shops, services and public open space. DCLP Policy H4a on 'Housing Windfalls' supports the development of new housing on non-allocated sites where the site is underused, in a sustainable urban location, and is of an appropriate scale and density and will not have a detrimental impact on existing landscape features.

4.9 The Pre - Publication Draft Local Plan finished its consultation on October 30<sup>th</sup> 2017. It is considered that the draft Local Plan policies carry very little weight in the decision making process (in accordance with paragraph 216 of the NPPF). However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of planning applications.

4.10 Policies contained with the Emerging Local Plan include H3 which is concerned with balancing the housing market and states that proposals for residential development are required to balance the housing market by including a mix of types of housing which reflects the diverse mix of need across the city as defined by the most up to date Strategic Housing Market Assessment (SHMA). This includes flats and smaller houses for those accessing the housing market for the first time, family housing of 2 to 3 beds and homes with features attractive to older people. Proposals will be supported that are suitable for the intended occupiers in relation to the quality and type of facilities, and the provision of support and/or care. Individual sites will be expected to reflect the needs of the SHMA, subject to site specific circumstances and the character of the local area. Housing should be built as flexible as possible to accommodate a broad cross section of society to help meet a wide range of needs.

4.11 Policy D2 of the Emerging Local Plan states that development proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment. Development proposals that fail to take account of York's special

qualities, fail to make a positive design contribution to the city, or cause damage to the character and quality of an area will be refused.

## PINCIPLE OF THE DEVELOPMENT

4.12 The Council does not currently have an NPPF compliant five-year supply of deliverable housing sites. However, considerable work on sites has been undertaken as part of the emerging Local Plan process, which has assessed over 800 sites submitted through the Call for Sites in 2012 and subsequent consultations using the Council's site selection methodology. This methodology is based on the Plan's spatial strategy which seeks to protect the city's unique heritage, environmental assets, avoid areas of high flood risk and locate development in areas that are accessible by sustainable modes of transport and have access to key services.

4.13 NPPF paragraph 49 says:

*"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."*

4.14 Paragraph 49 applies to the determination of this application because the Council does not have a 5 year supply of deliverable housing sites.

4.15 Where the Council cannot demonstrate a five year housing land supply, paragraph 14 of the NNPF states that applications should be approved unless the adverse impacts significantly and demonstrably outweigh the benefits when assessed against policies in the Framework, taken as a whole, or specific policies in the Framework indicate that development should be restricted. This is known as the presumption in favour of sustainable development.

4.16 The application site has access to services and facilities along Tadcaster Road and within the wider area and is located along good transport links and in a sustainable location. The site is underused at present. All schemes still have to be judged against the impact on the character of the area, the impact upon adjacent residents and any other material considerations.

## IMPACT UPON NEIGHBOURING RESIDENTIAL AMENITY

4.17 The application site can be divided into two separate areas. To the front of the site, closest to Tadcaster Road it is proposed to erect two rows of three terrace properties. These would follow the side elevation of Pocklington Carpets back into the site. Car parking would be provided to the front with gardens proposed to the rear. The front aspect of the dwellings would overlook the parking areas and the access Road. The existing residential dwellings which face onto Mayfield Grove would lie approximately 40m away. They would back onto the car parking area which serves

the adjacent public house. As such there would be no loss of privacy as a result of the proposed terrace properties.

4.18 The remainder of the site would be developed with five detached dwellings which follow the linear form of the site. The majority of the principal windows look into the site as opposed to towards the site boundary. First floor obscure glazed windows are proposed which would open into bathrooms or secondary windows to bedrooms. The dwellings would be set between 25 and 36m from the rear elevations of the dwellings facing Mayfield Grove and between 18 and 28m from the dwellings facing St Helens Road. As there would only be obscure glazing to the first floor side elevations there would be no unacceptable loss of privacy as a result of the proposed development.

4.19 It is considered that the proposed dwellings are of a compatible size to neighbouring residential properties. The proposed terrace properties are relatively high to the ridge in order to provide accommodation within the roof space. However these are located at a considerable distance from existing dwellings and as such there would be no issues of overdominance arising. Plots 8 and 9 have the closest relationship with existing dwellings but these have been designed with a lower ridge height in order to reduce the impact and dominance.

4.20 Concerns have been raised that the proposed access through the site would result in an unacceptable noise disturbance to residents. However, the access would be a minimum of 22m from the rear of properties facing Mayfield Grove and either timber fencing is present or improved landscaping is proposed. Vehicular movements would also be limited due to the proposed number of dwellings and it is considered that the noise impact would be negligible.

## VISUAL IMPACT

4.21 Objections have been received that the proposed development is not in keeping with the character of the area and represents overdevelopment. The scheme involves the erection of 11 dwellings at a density of 22 dwellings per hectare. This is considered to be a relatively low density development for such a sustainable location. The numbers have been reduced due to site constraints and in order to create a development which would have limited impact upon neighbouring amenity.

4.22 As part of the development it is proposed to demolish 26 Tadcaster Road which is a 1930 detached dwelling. The street frontage within this location does not follow the character of the rest of the street in terms of large dwelling set behind long front gardens. The dwelling is located within a short row comprising a public house, carpet shop, dwelling, hairdressers and large petrol station. The buildings do not follow a formal building line. It is considered that the loss of the dwelling would not have any detrimental impact upon the streetscene in this location. The creation of a vehicular access would allow views into the site but due to the site layout and dwellings design the development would not appear overly intrusive or out of character within the area.

## HIGHWAY IMPLICATIONS

4.23 One of the main objections to the scheme involves the proposed access onto Tadcaster Road and the level of on site parking. Each dwelling has been provided with two off street parking spaces, with the terrace properties being provided with two outside car parking spaces and the remainder comprising one external and one within a garage. Cycle parking is provided for the terrace properties within a secure cycle store to the rear garden with the remainder of the properties being provided within the garages. Limited visitor parking is provided on site. However, the level of parking provided meets the council parking standards which are set at a maximum and as such no objections are raised.

4.24 In order to provide the access to the site it is proposed to demolish 26 Tadcaster Road and create a new vehicular access. At present an access is located between Pocklington Carpets and 30 Tadcaster Road which serves 13 lock up garages and the rear of number 30. Under the proposed scheme this would only serve the existing property at 30 Tadcaster Road.

4.25 Access to the new housing will be gained from a widened existing access following demolition of Number 26 Tadcaster Road. The design would incorporate a parking lay-by dedicated to the retail use. Amendments to the access layout will include works to form the end of the lay-by of the bus stop, provision of improved pedestrian crossing with suitable visibility, relocation of the bus stop and shelter and a new section of verge to discourage parking on the footway in front of the retail units. The bus stop will continue to function as normal with fewer car movements requiring access in the middle of the bay, to the lock up garages. All the traffic generated by the new housing will access the development via the widened access. The access meets highway requirements and allows for refuse vehicles to enter the site, turn within the site and leave in a forward gear.

4.26 Traffic generated by the development is expected to be in the order of 7 movements an hour in the peak hour. It is considered that the traffic generated by this site will be comparable/ less than that which could be generated by the garages and demolished residences. There would be no material intensification of use to the site as a whole and given the improvements it is considered that there are not significant highway grounds to warrant refusal of planning permission.

2.27 Highway Network management have requested a financial contribution towards the provision of a BLISS real time display and first occupiers should be offered the choice of either a free 6 month bus pass or cycle/cycle equipment to the same value as the bus pass to the value of £160 per dwelling. However, it is considered that this can not be sought as there are no relevant policies within the York Draft Local Plan 2005 or the Pre-Publication Draft Local Plan September 2017. As such the request does not meet all of the tests contained within Regulation 122 (2) of the CILR

## DRAINAGE

4.28 At present during heavy rainfall water runs off the site and stands in residential gardens to the lower end of Mayfield Grove. A number of test holes have been dug on site to establish the composition of the land. It was determined that due to the high clay composition of the site that soakaways would not function. As such the applicant has submitted a detailed drainage scheme which has been agreed in principle. The proposal involves the creation of two attenuation tanks which would hold surface water and discharge to the surface water sewer at a controlled rate of discharge. As such due to the presence of the attenuation tanks run off from the site would be reduced from its existing level to the benefit of the locality.

## IMPACT UPON THE SETTING OF THE LISTED BUILDING AND CONSERVATION AREA

4.29 Section 66 of the 1990 Act requires that in determining planning applications for development which would affect a listed building or its setting the LPA 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.

4.30 The NPPF at paragraph 129 states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

4.31 Paragraph 131 states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;...
- the desirability of new development making a positive contribution to local character and distinctiveness.

4.32 The NPPF, Chapter 12, Paragraph 132 states that 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. The more important the asset, the greater the weight should be. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting.

4.33 Paragraph 134 goes on to state that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

4.34 The NPPF glossary defines that the setting of a heritage asset is the surrounding in which a heritage asset 'is experienced'. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

4.35 The application site itself does not lie within the Tadcaster Road Conservations Area but the boundary runs to the centre of the road to the front of 26 Tadcaster Road. A number of designated heritage assets lie in close proximity to the application site, including the Gate House opposite, Goddards and The Cross Keys Public House. The Conservation statement states that 'Goddards is a large picturesque brick house designed by Brierley in 1926 and built in the Tudor Style; the garden here was by George Dillistone' and is identified as an important building.

4.36 The dwelling at number 26 Tadcaster Road lies immediately opposite The Gate House which serves Goddard House. The dwelling is of brick construction, from approximately the mid twentieth century, incorporating pantiles and double height bay windows all set behind a small front garden. The demolition of this building would open up the area and allow views into the application site and the proposed development beyond. It is considered that the existing dwelling does not contribute positively to the character of the area and itself is not included within the conservation area. Within this location the street frontage does not follow the pattern of development which can be found further along Tadcaster Road closer to the city centre. There is a clear mixture of building types and styles including the large petrol filling station. As such it is considered that its demolition and subsequent opening up of the access would not have detrimental impact upon the character of the area.

4.37 The listed gate house opposite looks onto the application site. However, removing the dwelling at 26 Tadcaster Road would appear to have limited impact upon the setting of the designated heritage asset. The new access is assessed as having a minor impact on the setting of these Designated Heritage Assets as the Integrity of these Assets of High Sensitivity will not be substantially compromised.

## NATURE CONSERVATION

4.38 There are no protected trees on the application site and a number of fruit trees were removed prior to the application being submitted. A number of mature trees are present within neighbouring properties grounds with their branches overhanging the application site, although none are subject to tree preservation orders. The scheme has been amended to reduce the level of development under the canopies but a small amount of development will remain within these areas. It is proposed to hand dig within these areas and construct the garage on a raft foundation to prevent any damage arising.

4.39 A detailed ecological assessment was submitted with the application and no objections are raised on the ground of loss of wildlife habitat or impact upon protected species.

## FINANCIAL CONTRIBUTIONS

4.40 The relevant policy is L1c of the City of York Councils Development Control Local Plan, adopted for development control purposes in April 2005, and the Councils Supplementary Planning Guidance "Commuted sum payments for open space in new developments – A Guide for Developers", updated in 2004.

4.41 In terms of the outdoor sports obligation, the 2007 and 2014 open space and green infrastructure studies and the Council's playing pitch strategy gives an indication of the geographical relationship of the development to existing open space, the quality of existing open space; therein confirming the need for additional investment to increase capacity or access to it. These identify a deficit of outdoor sport provision. To be able to cater for an increase in residents as a result of the development, there is a need to upgrade the local sports facilities to increase their carrying capacity. The contribution would be for Dringhouses Sports and Social Club sports pitch improvements. There is a deficit of children's play facilities and amenity open space within the Dringhouses and Woodthorpe Ward. To be able to cater for an increase in residents as a result of the development, there is a need to upgrade Nelsons Lane Play Area and Mayfields (Railway) pond area. A contribution of £27,164 is sought.

4.42 In connection with the financial contributions towards Education a developer contribution will only be sought where it has been proven that the affected schools have insufficient capacity to accommodate the additional pupils that would be generated solely by the proposed development in accordance with Policy ED4 and supplementary planning guidance. A payment of £19,317 is required for the refurbishment of the kitchen at Dringhouses Primary to increase the production of school meals as a direct result of the development.

4.43 The planning obligation requested under S106 of the Town and Country Planning Act 1990 in relation to the application meet all of the tests contained within Regulation 122 (2) of the CILR being:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development,

They are also considered to be compliant with the requirements of paragraph 204 of the Framework.

## **5.0 CONCLUSION**



5.1 It is considered that the development of this site for 11 dwellings is acceptable. The applicant has demonstrated that the acceptable drainage of the site can be achieved and no objections are raised to highway safety. The impact upon the setting of nearby listed buildings has been assessed and the impact upon residential amenity is considered to be acceptable. As such the application accords with policies contained within the Draft Local Plan, the Emerging Local plan, the NPPF and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The application is recommended for approval subject to satisfactory completion of a S106 legal agreement.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve subject to Section 106 Agreement to secure contributions of £27,164 towards the provision of sports, play area and amenity open space facilities and £19,317 to increase the capacity of Dringhouses Primary school.

1      TIME2      Development start within three years

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

Drawing numbers

Site Plan: ROG-305-029 002 Rev J  
Plots 1-6 YEW-2277-029 003 Rev A  
Plots 7 and 10 YEW-227-029 004 Rev A  
Plots 8 and 9 YEW-227-029 005 Rev A  
Plot 11 YEW-227-029 006 Ref A

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

3      VISQ8      Samples of exterior materials to be app

4      VISQ4      Boundary details to be supplied

5      LAND1      IN New Landscape details

6      ARCH1      Archaeological programme required

7      ARCH2      Watching brief required

8      Prior to the commencement of development details of the measures to be

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provided within the design of the new building to accommodate bats and provide nesting sites for birds shall be submitted and agreed in writing by the Local Planning Authority. The development shall be constructed in accordance with these approved details. Features suitable for incorporation for this group include the use of special tiles, bricks, soffit boards, bat boxes, bird boxes etc.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area.

9 Before the commencement of and during building operations, adequate measures shall be taken to protect the existing planting on this site. This means of protection shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials, the erection of site huts or the commencement of building works.

Reason: The existing planting is considered to make a significant contribution to the amenities of this area.

10 HWAY1 Details roads, footpaths, open spaces req.

11 HWAY7 Const of Roads & Footways prior to occup

12 HWAY18 Cycle parking details to be agreed

13 HWAY19 Car and cycle parking laid out

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

Relocation of bus shelter, flag pole, lighting column, feeder pillar, installation of BLISS real time display, formation of bus lay-by end, formation of access to the development, tactile crossing and verge and associated lining works as indicatively shown on Drawing ROG-305-029 002 Rev J

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

Informative: the works shall be carried out by a Section 278 Highways Act Agreement or suitable alternative.

15 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/excavation/preparatory and construction works shall be submitted to and

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approved in writing by the LPA. Such a statement shall include at least the following information;

- a dilapidation survey jointly undertaken with the local highway authority
- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- how vehicles are to access and egress the site
- how pedestrians are to be safely routed past the site
- details of any implications to the highway of demolition and waste removal vehicle operation
- where contractors will park to avoid affecting the highway
- how large vehicles will service the site
- where materials will be stored within the site
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

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

16 Foul and surface water shall be carried out in accordance with the Proposed Drainage Layout - drawing 16261-101 (revision 4)

Reason: In order to achieve the satisfactory drainage of the site

17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning Authority the windows in the southern elevation at first floor (opening into bedrooms 2 and 3) of plot 7 shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 3 or above and remain fixed shut.

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents

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

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

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

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

receptors.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

22 In the event that previously unidentified contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

23 A three pin 13 amp external electrical socket which is suitable for outdoor use shall be installed on the driveway or within the garage for each of the approved properties. The socket shall be located in a suitable position to enable the charging of an electric vehicle on the driveway using a 3m length cable.

Note: Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations 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.

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

24 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), development of the type described in Classes B and C of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or

alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 2015.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. 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:

Works in the highway - Streetworks Special Permission contact  
[streetworks@york.gov.uk](mailto:streetworks@york.gov.uk) Section 38/278 - contact Emma Leonard

2. Highway drainage has no right of connection to the public sewer network. As a last resort, highway drainage may be accepted under certain circumstances. If it can be demonstrated, through satisfactory evidence, that SUDS are not a viable option, there are no watercourses or highway drains available and if capacity is available within the public sewer network, highway drainage discharges to the public sewer network may be permitted. In this event, the developer may be required to enter into a formal agreement with Yorkshire Water Services under Section 115 Water Industry Act 1991 to discharge non-domestic flows into the public sewer network.

3. The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact Yorkshire Water Developer Services Team (telephone 0345 120 84 82, email: [technical.Sewerage@yorkshirewater.co.uk](mailto:technical.Sewerage@yorkshirewater.co.uk)) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

4. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on

site during this period and has shown it is absolutely certain that nesting birds are not present.

## 5. 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 revision to the site layout, design of dwellings and access
- Secured financial contributions towards educations, public open space and improved access arrangements
- Attached appropriate conditions

6. The developer's attention should also be drawn to the following which should be attached to any planning approval as an informative.

i. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228-1:2009 + A1:2014 and BS 5228-2:2009 + A1:2014, a code of practice for "Noise and Vibration Control on Construction and Open Sites".

ii. Best practicable means shall be employed at all times in order to minimise noise, vibration, dust, odour and light emissions.

iii. 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.

iv. There shall be no bonfires on the site.

### **Contact details:**

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