

## COMMITTEE REPORT

**Committee:** West/Centre Area  
**Date:** 16 August 2007

**Ward:** Guildhall  
**Parish:** Guildhall Planning Panel

**Reference:** 07/01279/FULM  
**Application at:** Groves Working Mens Club Penleys Grove Street York YO31 7PN  
**For:** Erection of 4no. three storey townhouses, 8no. apartments in a three storey block and associated garages and car parking following demolition of existing buildings  
**By:** Mr Kevin Mohan  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 29 August 2007

### 1.0 PROPOSAL

#### SITE

1.1 The application relates to the remaining part of the former Groves Working Mens Club (WMC) site. This comprises of the club buildings - the managers building (2 storey), the bar rooms (2/3 storey) and the function room (single storey flat roof) and the hardstanding to the front (facing Penley's Grove Street). The southeast site boundary is roughly along the side of the coachhouse toward Penley's Grove Street and around the chestnut tree, which is outside the application site. The land to the southeast of the site was sold by the club owners in 2000 and subsequent planning applications were submitted by G B Developments (see 1.3). Permission has been granted for a three-storey block of residential units and a covered way through, which leads to car parking and the Coachhouse (which has been converted into residential).

#### PROPOSED DEVELOPMENT

1.2 The application proposes the demolition of the existing buildings. Against the northeast boundary of the site proposed is a 2/3 storey block to provide eight 1 and 2 bedroom units. Fronting Penley's Grove Street it is proposed to erect a linear block of four 4 bedroom houses (3 storey, second floor in roofspace) each with their own detached garage. The building line would be setback some 8.5 metres from the pavement, at the front there would be gardens and soft landscaping around the existing trees. Vehicle access would be from the north, at the corner of Jackson Street / Bowling Green Lane.

#### 1.3 PLANNING HISTORY

- Block of 10 flats (3 storey) and access to rear approved 2000 - 00/02381/FUL
- Conversion of Coachhouse into 2 dwellings approved 2000 - 00/00952/FUL

- 12 flats (southeast portion of site) with car parking between the lime tree and club refused in 1999 - 99/02993/FUL - one of reasons was the impact on the lime tree.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Schools Multiple (Spatial)

### 2.2 Policies:

CYGP1 Design

CYGP4A Sustainability

CYH4A Housing Windfalls

CYH5A Residential Density

CYL1C Provision of New Open Space in Development

CYC3 Change of use of community facilities

CYC6 Dev contributions to community facilities

CYED4 Developer contributions towards Educational facilities

## **3.0 CONSULTATIONS**

### INTERNAL

Environmental Protection Unit

3.1 The environmental protection unit have no objections to this application. The application refers to demolition of all buildings on site, therefore recommend that informatives are attached regarding contaminated land and the control of pollution during development.

City Development

3.2 With regards to the principle of the development, i.e. the loss of the community facility, advise that it has been considered previously that WMC which have operated as private members clubs have not been considered as community facilities. However, if the facilities could have been used without membership, then policy C3 of the Local Plan would apply. In this case the applicant would need to demonstrate that the loss of the facility is justified, by demonstrating that the use is surplus to requirements or there are alternative facilities nearby. The relevant housing policies also apply - H3, H4, and H5.

#### Highway Network Management

3.3 No objection. Advise that the site would need to be removed from the res-park zone, this has been agreed to. Recommend the access be widened so it is 5.5 metres - this has been annotated on the revised site plan. Otherwise recommend conditions requiring - vehicle areas and hardstanding to be surfaced, details of junction between site and Jackson Street to be agreed, turning area to be provided within site and no mud shall be on the highway during works.

#### Lifelong Learning and Culture

3.4 Contributions toward open space are required. These would go toward improving local sites such as Monk Bridge, Clarence Gardens, and to improve sports pitches within the East Zone of the Sport and Active Leisure Strategy. This has been agreed to.

#### Education

3.5 Do not require a financial contribution as there would be enough spaces in nearby schools to accommodate the development.

#### Drainage

3.6 No response to date.

#### Design, Conservation and Sustainable Development

3.7 Countryside Officer has recommended a bat survey be carried out. This has been undertaken and no evidence of bats were found. However if bats were located should the development commence, the applicant would need to contact DEFRA. This could be an informative of the approval.

3.8 Landscape architect advises the following - the Lime tree has a route protection area (RPA) with a diameter of at least 8.5 metres (around 7.5m is proposed). Therefore the proposed property is a bit close. However this is somewhat ameliorated by the reintroduction of a porous surface via the shrub bed and lawns. All of the windows on the main elevation of the two middle properties would face directly into the crown of the lime tree, which would be only about 2m from the building face. Therefore the likelihood of conflict is high, due to concerns over shading, aphid sap, leave fall into gutters, safety concerns (old Limes produce a lot

of small deadwood) and potential subsidence claims. The possibility to set the terraced row further back should be seriously investigated.

3.9 Otherwise the layout manages to retain both trees, that are worthy of long term protection, by utilizing the existing levels by keeping the front wall (this would be a condition), and accessing the site from the rear, and by keeping development away from the Horse chestnut which has a good healthy crown with no signs of early defoliation.

3.10 The routes of any new service runs should be provided, to ensure that these are not within the RPA of the lime and chestnut. It is important that this is considered before a decision is made so as not to jeopardize the protection of the tree once planning consent for the building is given. The applicant has been asked to look into this but it could be a condition of approval.

3.11 The existing tarmac construction must be removed very carefully under the crown spread of the trees and in particular adjacent to the trunks - in fact the area touching the trunk would preferably be left intact to crumble away over time so that there is no risk of damaging the bark. Protective fencing should be placed around the trees before any works start on site and the hard surfacing removed as a last phase of the development, to help spread the load of construction operations and avoid unnecessary compaction of the new areas of soil. Recommends a condition for landscaping and one to protect existing trees, these shall be attached.

## EXTERNAL

3.12 Planning Panel - No objections.

3.13 Safer York Partnership / Police Architectural liaison Officer (ALO) - No objection. An informative can be used to advise the developer on the Secure By Design scheme.

## Publicity

3.14 The application was publicised by site notice, press notice and letters of neighbour notification. The deadline for comments was 11.7.07. One letter has been received, it is in support the application, but requests that there are no vehicle access points allowed into the site from Penley's Grove Street.

## **4.0 APPRAISAL**

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#### 4.1 Key issues

Principle of development

Design

Amenity

Sustainability  
Impact on trees  
Highways  
Financial contributions

## 4.2 Relevant policy

### National policy

- PPS1: Delivering Sustainable Development
- PPG3: Housing (and forthcoming PPS3)
- PPG13: Transport

Of the Draft Local Plan (incorporating the 4th set of changes)

- GP1 states that development proposals must, respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with the surrounding area; avoid the loss of open spaces which contribute to the quality of the local environment; retain, enhance, or create urban spaces; provide and protect amenity space; provide space for waste storage; ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or overdominance
- GP4a states all proposals should have regard to the principles of sustainable development.
- H4a states that proposals for land not already allocated on the proposals map will be granted permission where: the site is within the urban area and is vacant, underused or it involves infilling, redevelopment or conversion of existing buildings; the site has good accessibility to jobs, shops and services; and it is of an appropriate scale and density to surrounding development and it would not have a detrimental impact on existing landscape features. H3c asks for a mix of housing on all sites.
- H5a states the scale and design of proposed residential developments should be compatible with the surrounding area and must not harm local amenity. It also recommends densities that development should achieve, 40 dwellings per hectare in urban areas.
- Policy C3 states permission will only be granted for the change of use of community facilities where; the proposal is of a scale and design appropriate to the character and appearance of the locality; it can be demonstrated that the existing facility is no longer needed; or where alternative sites can be provided.
- L1c states developments for all housing sites will be required to make provision for the open space needs of future occupiers. For sites of less than 10 dwellings a commuted sum payment will be required for off site provision.
- ED4 states that in considering proposals for new residential development, any consequences for existing educational facilities will be assessed in accordance with the approved supplementary planning guidance. Where additional provision is necessary as a direct result of the proposal, developers shall be required to make a

financial contribution toward the provision of such facilities. Similar guidance is included in policy C6.

## PRINCIPLE

4.3 The previous use of the site was a working men's club (WMC), this was predominantly a licensed premises; similar to a public house. The club closed as a consequence of declining membership and rising debts. According to the applicant, part of the site was sold to finance the continued running of the club, but after continuing to make a loss the existing members decided to close the club in 2006. Since then the site has been vacant and is somewhat of an eyesore. The inability of the club to continue running indicates it is no longer sufficiently required or justified. The decline of WMC's has been evident in the amount of planning applications for the closure and change of use of clubs sites in predominantly residential areas (Promenade WMC in St Benedict's Street, City Arms in Fawcett Street and Fishergate WMC in Wenlock Terrace are examples).

4.4 In terms of alternative facilities there are still the Clarence Street WMC and the Conservative Club in Clarence Street within walking distance of the site. Overall it is considered the loss of the site as a community facility is justified.

4.5 The proposed residential use would be on a previously developed site in a predominantly residential area, close to the city centre. As a housing windfall site, the location is fully compliant with policy H4a.

## DESIGN

4.6 The application proposes a mixture of houses (4) with four bedrooms and one and two bedroom flats (8). It is considered there is an acceptable mix of house types and sizes proposed in accordance with policy H3c.

4.7 The site is 0.1340 hectares in size. 12 units are proposed overall so the density (around 90 units per hectare) is over the amount required by policy H5a. This is not overdevelopment of the site though as it is considered to be in keeping with the high density housing around.

4.8 The development is sympathetic to its surrounds. The houses to the front of the site are in keeping with the (mostly) terraced houses on Penley's Grove Street although the building line steps back so a soft landscaped area can be accommodated around the mature tree(s) at this site front. The flat block at the rear replaces an existing structure of similar massing. As such the buildings would not be overdominant over the terrace on Park Crescent. Although the new building would be higher behind 5 & 6 Park Crescent, this is offset overall by the removal of the corner block (where the access is proposed).

4.9 The cycle and storage space proposed would be secure and covered in accordance with policy GP1. The detailing of the buildings are also to an acceptable standard. Material samples can be conditioned, reclaimed brick is proposed to be

used on the flats and overall the proposed materials would be sympathetic with the locality.

4.10 Overall the design of the development is in accordance with the relevant housing policies.

## RESIDENTIAL AMENITY

4.11 The occupants of the new houses would have adequate space and outlook. The houses do not raise any concerns regarding the amenity of surrounding occupants. The houses would be setback from Penley's Grove Street thus a reasonable distance from the buildings over that street, No.9, on the other side of the alley (Groves Lane) has a blank elevation into the application site, thus that dwelling would not suffer any loss of outlook, while overlooking / overshadowing would not be to an unacceptable level.

4.12 The main outlook from the proposed flats is over the parking court and northwest down Jackson Street. Outlook is acceptable and no overlooking would occur. As mentioned in 4.8 there would be no undue further overdominance or overbearing on the rear yards of the units on Park Crescent.

## IMPACT ON TREES

4.13 The Council's landscape architect advises that ideally the houses would be a metre further from the Lime tree. This is being looked into by the applicants. Highway network management advise that 500mm could be taken from the access road, without compromising vehicle movements. If another 500mm can be found then a revised layout could be submitted that would ensure the Lime tree would be compatible with the development and not harm future residents amenity.

## SUSTAINABILITY

4.14 The application has been submitted along with a sustainability statement. The main benefits of the development would be -

- Land use - the proposal involves the redevelopment of brownfield land and proposes more porous surfaces / soft landscaping.
- Location - the site is well located in terms of proximity to services and amenities. It also promotes walking and cycling.
- Construction and build - the development would comply with building regulations, it is stated that the intention is to exceed building regulations in terms of energy efficiency (for example solar panels are included in the scheme). The materials would be responsibly sourced - it is proposed to build the flat block using recycled brick from the surrounding buildings and timber from a renewable resource. The

remaining bricks onsite are also to be accommodated in the development, minimising waste.

- Ecologically sensitive - a bat survey has been carried out.
- Secure by design - could be an informative.
- Amenity is also part of a sustainable development. Amenity is acceptable for future residents.

## HIGHWAYS

4.15 Vehicle and cycle parking is proposed on site. There have been no objections from Highway Network Management, see 3.3.

## FINANCIAL CONTRIBUTIONS

4.16 In accordance with policy L1c of the Draft Local Plan, should the application be approved the applicant / developer would be required to make a contribution toward the provision of open space. Based upon the City of York Commuted Sum Payments document, the contribution for this development would be £16,668 which the applicant has agreed to.

4.17 There is currently adequate space in the schools within the catchment area of the site to accommodate the possible extra demand caused by this development. As such a contribution toward education facilities is not required.

## 5.0 CONCLUSION

5.1 A revised plan is awaited, which moves the proposed houses away from the lime tree, to ensure amenity for future occupants. Otherwise the proposal is considered to enhance the site and would be in accordance with the relevant planning policy.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

- 1 PLANS2 approved plans and other details
- 2 TIME2 time limit
- 3 A sample panel of the external brickwork to be used on the buildings shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. This panel shall be retained until a minimum of 2 square metres of



wall of the approved development has been completed in accordance with the approved sample.

The roofs shall be finished in slate in accordance with the approved plans.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location.

- 4 The boundary wall fronting Penley's Grove Street shall not be altered without the prior written consent of the Local Planning Authority. No new walls or fences above 1 metre high from ground level shall be erected in the area between the front of the houses hereby approved Penley's Grove Street.

Reason: In the interests of the visual amenities of the area.

- 5 LAND1 landscape scheme req.

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

Reason: To protect existing trees which are covered by a Tree Preservation Order and are considered to make a significant contribution to the amenity of this area.

- 7 Any change in surface material and/or surface levels proposed within the canopy spread and likely root zone of any trees shall be submitted to and approved by the Local Planning Authority prior to works commencing.

(It is recommended that the area of hardstanding touching the trunk is actually left intact to crumble away over time so that there is no risk of damaging the bark. Protective fencing should also be placed around the trees before any works start on site and the hard surfacing should be removed as a last phase of the development, to help spread the load of construction operations and avoid unnecessary compaction of the new areas of soil).

Reason: To protect existing trees which are covered by a Tree Preservation Order and are considered to make a significant contribution to the amenity of this area.

- 8 Prior to development commencing the routes of any new service runs shall be provided and agreed to in writing by the Local Planning Authority, to ensure

that these are not within the root protection areas of the lime and chestnut trees. The development shall be carried out in accordance with the approved details.

Reason: To protect existing trees which are covered by a Tree Preservation Order and are considered to make a significant contribution to the amenity of this area.

- |    |        |  |
|----|--------|--|
| 9  | HWAY10 | vehicle areas to be surfaced / drained |
| 10 | HWAY14 | access to be approved (details req)    |
| 11 | HWAY19 | car and cycle parking to be laid out   |
| 12 | HWAY31 | no mud on highway                      |
| 13 | S106OS | contribution – open space              |
| 14 | HT1    | height 10.5m houses, 10.7m apartments  |

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

### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to visual and residential amenity, highway safety and the provision of community facilities. As such the proposal complies with Policy H6 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, GP4a, H4a, H5a, L1c, C3, C6, ED4 of the City of York Local Plan Deposit Draft.

### INFORMATIVES

#### Contaminated Land

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.

#### Control of pollution

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order

to ensure that residents are not adversely affected by air pollution and noise, failure to do so could result in formal action being taken under the Control of Pollution Act 1974.

#### Secured by design

The applicant's attention is drawn to potential crime reduction by considering the Police 'Secured by Design' Award Scheme for this site. Full details and an application form for the scheme can be found on [www.securedbydesign.com](http://www.securedbydesign.com)

#### Bats

Should bats be located during building works, the work must stop and English Nature should be consulted for further information prior to work commencing.

2.

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 - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

You are also reminded that this development is considered not to be eligible for inclusion in res park zone R7.

#### Contact details:

**Author:** Jonathan Kenyon Development Control Officer  
**Tel No:** 01904 551323