

COMMITTEE REPORT

Date: 8 August 2013 **Ward:** Clifton
Team: Major and **Parish:** Clifton Planning Panel
 Commercial Team

Reference: 12/02491/FULM
Application at: Ashbank 1 Shipton Road Clifton York YO30 5RE
For: Change of use and conversion of building to form 5 no. apartments, construction of 4 no. 2.5 storey dwellings to rear, highways works, landscaping and associated infrastructure
By: Mr Graham Hogben, City of York Council
Application Type: Major Full Application (13 weeks)
Target Date: 2 November 2012
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

APPLICATION SITE

1.1 The host building is occupied by City of York Council and used for offices and as a care facility.

1.2 The building dates from the C19 and has flat roof extensions to each side which were added in the 1960's. There is a sunken garden behind the main building and an access road to the side which leads to a car park at the south end of the Ashbank site, Barleyfields and a private dwelling (3 Shipton Road).

1.3 The site is within the Clifton conservation area.

1.4 Barleyfields, a care home for persons over 55 which provides 26 units within a 3-storey building constructed in the 1970's is located to the western side of the site. To the east of the site is a detached building of comparable scale to Ashbank (prior to extensions) with a garden behind. There is green-field land to the south which is unallocated in the Local Plan.

PROPOSALS

1.5 Planning permission is sought for residential development at the site. It is proposed to convert the existing building into 5 flats - 1 x 1-bed, 4 x 2-bed. The C20 extensions to the building which detract from its appearance would be removed. The garden would be retained and 4 x 4-bed 2.5 storey houses are proposed where the car park presently is. The scheme has been revised. Previously 5 houses were proposed, which were 3-storey.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Clifton CONF

Floodzone 2 GMS Constraints: Floodzone 2

2.2 Policies:

H4A Housing Windfalls

HE2 & HE3 Development in historic locations & Conservation Areas

CYGP1 Design

CYHE10 Archaeology

CYHE11 Trees and landscape

CYNE6 Species protected by law

CYED4 Developer contributions towards Educational facilities

L1c Open space

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development

Archaeology

3.1 The site lies immediately to the north of the Area of Archaeological Importance. The area along Clifton has produced evidence for Roman cemeteries scattered along the line of the Roman road from the fortress. It is possible that there may be Roman burials located within this site. It will be necessary for a watching brief to be kept on all ground disturbances for this development.

Countryside officer

3.2 Emergence surveys carried out in June 2012 found a number of Common Pipistrelle Bats to be roosting in various locations around existing building (around the timber window frames). No major roosts were identified.

3.3 In order to avoid disturbance and damage to the bat roosts, the Method Statement included within the Final Bat Survey Report must be adhered to. Provided this occurs there should not be an impact on the roosts and a European Protected Species Licence would not be required for the work. If any work is proposed to the window frames (now or in the future) or in the immediate area which may impact on bats or the roost then an EPS Licence will likely be required and further advice should be sought.

Landscape Architect

3.4 The Lime tree at the front of the site and the pine and Horse Chestnut trees in the sunken garden behind the main building are worthy of TPO (Tree Preservation Order) status. The trees are shown as retained. With regards the proposed scheme the following points are made:

- The front boundary treatment must avoid any root damage to the Lime tree.
- It was asked that the car parking configuration provide less hard landscaping around the Pine tree and the proposed tree (between the proposed houses and the existing garden) and that the shared surface in front of the houses be a bound-gravel or similar to respect the setting. These requests have been addressed in the revised plan.

Flood Risk Management Team

3.5 Officers will require existing and proposed drainage details to ensure that surface water run-off from the site is reduced from the existing rate by 30%. If soakaways are to be used, these will need to be demonstrate to work to BRE standards.

Adults Children and Education

3.6 Require a contribution toward 2 primary school places. The contribution would be £23,968 as there is inadequate capacity at the school within the catchment area (Clifton Green School).

Economic Development Unit

3.7 No objection.

Environmental Protection Unit

3.8 No objections. However as the noise report concludes that noise from road traffic could affect the amenity of occupiers of the proposed dwellings a condition is recommended to secure appropriate sound insulation. As this is a large development and close to other residential properties a Noise Management Plan for construction is recommended.

EXTERNAL

Yorkshire Water

3.9 Require that sustainable drainage be considered and only if this is not feasible should other drainage methods be allowed.

Clifton Planning Panel

3.10 The panel request that there is adequate car parking and access arrangements for the proposed development.

Publicity and Neighbour Notification

3.11 Comments have been received from no.3 Shipton Road and on behalf of Barleyfields, both of whom use the same access road as the application site. Comments are as follows:

- Barleyfields confirm that they have no objection to the revised plan. It is asked that construction times be controlled to avoid undue disturbance to residents.
- The occupant of 3 Shipton Road are concerned that the access road will be blocked by parked cars/delivery vehicles and emergency access to the property may be compromised.

4.0 APPRAISAL

Key Issues

- Principle of the proposed use
- Visual impact / impact n conservation area
- Residential amenity
- Highway network management
- Drainage
- Ecology
- Archaeology
- Open space and education provision

PRINCIPLE OF THE PROPOSED USE

4.1 The host building will become redundant as the Council facilities are to be relocated. The city is in need of housing in sustainable locations and the National Planning Policy Framework advises that Local Planning Authorities deliver a wide choice of high quality homes. It recommends that empty buildings be brought into residential use, in particular offices. This has been re-enforced in recent policy which has made the conversion of offices to residential permitted development. The site is within the urban area; a sustainable location and the proposals are consistent with national and local policy.

VISUAL IMPACT, AND THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA

4.2 Policy HE2 states that within conservation areas, or locations which affect the setting of listed buildings development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regards to local scale, proportions, details and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks and other townscape elements, which contribute to the character or appearance of the area.

4.3 The Clifton Conservation Area description notes that one of the defining characteristics of the area is the important Victorian and Edwardian villas, which are set in substantial grounds. The proposals are considered to enhance the conservation area setting and therefore comply with policy.

- The C20 extensions to the main building, in particular the 3-storey side extension detract from the appearance of the host building setting. The extensions will be removed and the setting of the building restored.
- In accordance with Local Plan HE11 trees and landscaping on the site of value (the trees in front of the building and the sunken garden) will be retained and protected during construction.
- The development at the rear (where the car park is presently) will not detract from the conservation area setting, or urban grain/townscape, considering the development that has occurred in the C20 to the western side of the site (Barleyfields and Ouse Lea) in particular which have altered the character of the conservation area.
- The proposed houses are of a contemporary design which will add to the overall quality of the area, as recommended in the National Planning Policy Framework. The detailing on the buildings is contemporary but the design principles - the use of traditional materials (brick and slate), the building form and vertical emphasis within the elevations respect the local vernacular of buildings which are recognised as making a positive contribution to the areas character and appearance. The new houses are subordinate in scale to Ashbank and are of a scale and location to respect their neighbours.

RESIDENTIAL AMENITY

4.4 The National Planning Policy Framework asks that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Local Plan policy GP1: Design requires that development proposals ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

4.5 The proposed houses would have reasonable space standards and storage areas are provided for bins and cycles. All the units have outside amenity space.

4.6 The side elevation to plot 4 would be around 10m from the elevation of Barleyfields which looks onto the application site. There would also be a bedroom (dormer) window on this elevation (the other windows on the elevation are to circulation space). The separation in this case is deemed to be acceptable. There would not be undue overlooking from the single dormer window. The proposed building would not be over-dominant. The Barleyfields elevation is slightly angled therefore the windows look towards the gardens on the site and the access road, rather than directly at the proposed building.

4.7 Plot 1 on the eastern side of the site will be between 1m to 2m away from the side boundary and there would be no windows on the side elevation. The building would be visually dominant from the adjacent garden, but as this is toward the end of the garden and over 50m from the rear elevation of the neighbour, no.139, the impact would be acceptable.

HIGHWAY NETWORK MANAGEMENT

4.8 The access road is between 4 and 4.8m wide. There is adequate space for emergency access and vehicle manoeuvring (including waste collection). The vehicle entrance to Barleyfields would be improved (considering safety and traffic flow) by the proposal to set it further back from Shipton Road.

4.9 There would be 1 parking space for each apartment, 2 for each dwelling and 2 visitor spaces. The parking provision accords with parking standards established in the Local Plan.

4.10 Overall there are no objections on highway safety grounds and Barleyfields, who would gain 4 visitor parking spaces within the site, are content with the scheme.

DRAINAGE

4.11 In accordance with York's Strategic Flood Risk Assessment surface water run-off as a consequence of the proposed development will not be increased. A reduction in run-off will be possible as the area to be developed is currently all hard-landscaped and soft landscaping will be introduced.

ECOLOGY

4.12 NE6 relates to species protected by law. It 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 proposed mitigation measures.

4.13 The main building has suitable crevices that could provide access for bats, between roof slates, in soffits and fascias and around the windows. Emergence surveys located bats roosting in gaps between the brickwork and window frames. The buildings to be demolished have flat roofs and do not provide suitable habitat areas for bats.

4.14 Mitigation is required to ensure bats/bat habitats are protected during works. The proposed strategy set out in section 10 of the Final Bat Survey Report dated June 2012 is acceptable. This includes further survey work before works commence, no demolition during the breeding season or hibernation period and that no works occur to the roof and windows on the part of the building which is to be retained.

ARCHAEOLOGY

4.15 The area is just outside the City Centre Area of Archaeological Importance (which roughly terminates along the rear of the plots which face Clifton green) but it is possible that there may be Roman burials located within the site. As such a condition is necessary for a watching brief on all ground disturbances.

OPEN SPACE AND EDUCATION

4.16 Policy ED4 advises that in considering proposals for residential development any consequences for existing schools will be assessed. When additional provision is required as a result of the proposals, developers will be required to make appropriate financial contributions. Policy L1c asks for a contribution towards open space provision, where this is not provided on site.

4.17 The local primary school - Clifton Green is at capacity and therefore a contribution of £23,968 has been requested. There is no children's play or sports facilities on site. A contribution of £12,847 has been requested which would go towards facilities in the locality. A legal agreement will secure these contributions.

5.0 CONCLUSION

5.1 The proposed housing accords with national policy and will make a positive contribution to the cities housing stock, providing a mix of house types, including family houses in a sustainable location.

The scheme will enhance the conservation area setting and cause no undue harm, considering residential amenity, highway safety and flood risk.

5.2 Approval is recommended subject to a unilateral undertaking agreement, which would secure the following contributions -

- Education - £23,968
- Open space - £12,847 (off site children's play and sports provision)

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 TIME2 Development start within three years -

2 APPROVED PLANS

The development hereby permitted shall be carried out in accordance with the following plans:- Drawings 0200

Proposed site plan	300 F
Demolition plan	200
Plans of Ashbank	400 and 401
Plans of new houses	301 A, 302 B, 303 A, 304 C
Bin and cycle store	403

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

3 MATERIALS

The materials used shall be as annotated on the approved elevation drawings. Samples of the external materials to be used shall be approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials (samples to be provided on site for inspection).

A Sample panel of the brickwork to be used on the buildings (new houses and storage 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. The panel(s) shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

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

a) typical window details and their surrounds (including section to show windows set in their reveals).

b) dormers

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

5 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes a, b, and c; of Schedule 2 Part 1 of that Order and Part 2 Class A (walls or fences) shall not be erected or constructed (apart from to side boundaries at the rear between the houses hereby approved).

Reason: In the interests of visual amenity and 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 1995.

6 No new openings shall be added to the east facing side elevation of plot 1.

Reason: To prevent overlooking of neighbouring property.

7 LANDSCAPING

The development take place in accordance with the landscaping scheme (hard and soft measures) shown on the approved site plan.

The approved details shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

8 TREE PROTECTION DURING CONSTRUCTION

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

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

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

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

9 NEW WINDOWS TO ASHBANK

New windows to Ashbank shall be of a matching type and materials to the existing windows. The existing windows shall be retained.

Reason: In the interests of the appearance of the host building and the conservation area.

10 NOISE INSULATION

Prior to occupation of the residential units in Ashbank a scheme to provide adequate noise levels within the building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out accordingly.

Noise levels shall comply with the following World Health Organisation Standard BS5228 as follows:-

- Day time internal noise level in living rooms to be less than 35 dB(A) Leq 16 hour (07:00 to 23:00)
- Night time internal noise level in bedrooms to be less than 30 dB(A) Leq 8 hour (23:00 to 07:00)

Reason: To ensure adequate levels of amenity for future occupants.

11 AIR QUALITY

Ventilation to habitable rooms (bedrooms and living areas) in Ashbank, which face onto Shipton Road, shall be provided through continuous mechanical supply and extract (with heat recovery) away from the roadside (i.e. ideally to the rear of the property).

Reason: to protect the health of residents.

12 CYCLE STORAGE

The cycle parking shall be provided as shown on the approved plans and retained as such for the lifetime of the development. The cycle store shall be secured and the stands within shall be sheffield type.

Reason: To encourage sustainable modes of transport in accordance with policies GP1, and T4 of the City of York Draft Local Plan and section 3 of the National Planning Policy Framework.

13 DRAINAGE

Details of drainage shall be approved in writing by the Local Planning Authority prior to development commencing and the scheme shall be carried out in accordance with the approved details.

INFORMATIVE

The proposed soakaways shall 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. If soakaways prove to be unsuitable then alternative proposals shall be submitted which demonstrate peak run-off from the development will be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven connected impermeable areas).

Reason: To ensure the site is correctly drained and to prevent increased flood risk elsewhere, in accordance with City of York Councils Strategic Flood Risk Assessment.

14 BATS

The development shall be undertaken in accordance with the mitigation measures proposed in section 10.2 of the Final Bat survey by John Drewitt, dated June 2012.

Reason: To ensure no undue harm to species protected by law.

15 ARCH2 Watching brief required

16 NOISE7 Restricted hours of construction

17 HWAY31 No mud on highway during construction

18 HWAY40 Dilapidation Survey

7.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH
In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: pre application meetings, secured revised plans and through the use of planning conditions and agreements.

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