

**COMMITTEE REPORT**

**Date:** 6<sup>th</sup> November 2014      **Ward:** Haxby and Wigginton  
**Team:** Major and Commercial Team      **Parish:** Haxby Town Council

**Reference:** 14/01982/FUL  
**Application at:** The Memorial Hall 16 The Village Haxby York YO32 3HT  
**For:** Alterations and extension of village hall to include single storey side and two storey rear extensions and change of use of no. 14 The Village to form library and seminar rooms, erection of 5 no. craft workshops to rear of 66 North Lane and 3no. dwellings (use class C3) between 66 and 68 North Lane (resubmission)  
**By:** Haxby Town Council  
**Application Type:** Full Application  
**Target Date:** 15 October 2014  
**Recommendation:** Approve subject to Section 106 Agreement

**1.0 PROPOSAL**

1.1 Haxby Memorial Hall comprises a two storey brick built Victorian structure with more recent additions to the rear situated within a substantial and partially disused site occupying a prominent location within the Haxby Conservation Area.

1.2 Planning permission is sought for a scheme of refurbishment and re-development of the site including the erection of a range of five single storey craft units to the north west, 3no. two storey dwellings to the north, the provision of an extended Hall area with associated equipment storage within the main building and the inclusion of the Haxby Branch Library with associated seminar rooms within the main hall building. The present caretaker's accommodation would be relocated from the main building to one of the proposed dwellings as part of the scheme. The layout has been amended to address concerns in respect of car parking. A second phase to the proposal is also envisaged incorporating a sport hall depending upon further funding becoming available, but is not part of this application.

1.3 The proposal has been called in for consideration by the Area Planning Sub-Committee by Councillor Cuthbertson because of the significance of the development proposed.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Haxby CONF

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

Schools GMS Constraints: Oaken Grove Primary 0211

## 2.2 Policies:

CYGP15A	Development and Flood Risk
CYGP1	Design
CYHE2	Development in Historic Locations
CYH4A	Housing Windfalls
CYL1C	Provision of New Open Space in Development

## 3.0 CONSULTATIONS

### INTERNAL:-

#### Environmental Protection Unit

3.1 No objection in principle but wishes to see full remediation of the site in terms of contaminated land as there is evidence of contaminating land uses previously being present on the site.

#### Public Realm (Strategy and Contracts)

3.2 No objection to the proposal subject to the payment of a commuted sum in lieu of the provision of on-site open space.

#### Flood Risk Management Team

3.3 Raise concerns in respect of the level of information submitted with the proposal relating to surface water drainage.

#### Design Conservation and Sustainable Development

3.4 No response.

#### Highway Network Management

3.5 Raise concern in respect of the manoeuvrability of the proposed car parking layout. The application details have however been amended to address these specific concerns. The closure of the existing access from No 14 The Village is also sought at the same time along with a commuted sum of £500 for improvements to the adjacent bus stop.

### EXTERNAL:-

#### Haxby Town Council

3.6 No response.

Foss (2008) Internal Drainage Board

3.7 No objections to the proposal subject to any permission being conditioned to require the submission and prior approval of a surface water drainage scheme based upon the significant attenuation of flows into the surrounding environment.

Neighbours/Publicity

3.8 Three letters of objection have been received in respect of the proposal. The following is a summary of their contents:-

- Concern in respect of the impact upon residential amenity of surrounding properties from the construction of the three residential units on North Lane;
- Concern in respect of the impact of the proposal upon the local pattern of surface water drainage;
- Concern in respect of the impact of the proposed craft units on the residential amenity of neighbouring properties;
- Concern in respect of the impact of the proposal upon the safety and convenience of highway users in the locality.

**4.0 APPRAISAL****KEY CONSIDERATIONS:-****4.1 KEY CONSIDERATIONS INCLUDE:-**

- Impact upon character and appearance of Haxby Conservation Area;
- Impact upon the residential amenity of adjacent properties;
- Impact upon local pattern of surface water drainage;
- Impact upon the Safety and Convenience of Local Highway users.

**STATUS OF THE YORK DEVELOPMENT CONTROL LOCAL PLAN:-**

4.2 The York Development Control Local Plan was adopted for Development Control purposes in April 2005; its policies remain material considerations in arriving at Development Management decisions although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework.

**IMPACT UPON THE CHARACTER AND APPEARANCE OF THE HAXBY CONSERVATION AREA:-**

4.3 Policy HE2 of the York Development Control Local Plan sets out a firm policy presumption that within or adjacent to Conservation Areas new development proposals must respect adjacent buildings, open spaces and landmarks and have regard to local scale, proportion, detail and materials. Central Government Planning Policy as outlined in paragraph 131 of the National Planning Policy Framework urges Local Planning Authorities to give significant weight to the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that

conservation of heritage assets can make to sustainable communities including their economic vitality and the desirability of new development making a positive contribution to local character and distinctiveness.

4.4 Haxby Memorial Hall comprises a two storey brick built Late Victorian structure of some townscape importance lying in a prominent location within the street frontage of The Village within the Haxby Conservation Area. The building is not listed. A substantial yard lies to the rear which is currently used for parking and for open storage associated with adjoining businesses. The proposal envisages the erection of five single storey craft workshops at the western boundary of the site and 3no. two bedroom dwelling houses at the northern boundary of the site fronting on to North Lane. A series of disused out buildings would be cleared in order to facilitate construction of the new buildings with the central section of the rear yard area retained for parking. The proposed craft units would be constructed to a traditional design, in brick with a hipped slate roof. The proposed two bedroom dwellings fronting on to North Lane would similarly be to a traditional design executed in brick and slate with a hipped roof forming a short terrace of three properties with the upper floor absorbed partially within the roof line lit in part by traditional gabled dormers and roof lights. Adjoining residential properties along North Lane are of relatively recent construction with the exception of 68 North Lane which is Victorian and broadly contemporary with the Hall. With the exception of 66 North Lane which is a bungalow gable end to the street and therefore appears lower they follow a similar pattern of scale and massing. The proposed design for both elements of the scheme is felt to be appropriate in terms of its relationship to the Conservation Area.

4.5 In terms of the treatment of the existing Hall building, the caretakers house would become the Haxby branch library with a single storey partially glazed entrance extension incorporating a partially flat roofed element enclosed within a low parapet. A colour coated rolled steel canopy would be provided to demark the entrance. The reception area to the 1970s extension area to the rear would be demolished and the materials reused within library reception area. A partially brick partially cedar clad extension would at the same time be added above the remainder of the 1970s extension which could then easily be modified in the event of the erection of the Sports Hall envisaged in phase 2 of the project. This at the same time, enables the formation of a suitable double height space to allow for the playing of competitive sport in addition to musical and dramatic performances. The entrance to the rear yard area would be partially closed off for the first time with a traditional style black colour coated railing and double gate. Taken together the proposals would match the pattern of scale and massing of the surrounding area and would preserve and enhance the character and appearance of the Conservation Area in accordance with the requirements of Policy HE2 of the York Development Control Local Plan and paragraph 131 of the National Planning Policy Framework.

**IMPACT UPON THE RESIDENTIAL AMENITY OF ADJACENT PROPERTIES:-**

4.6 Policy GP1 of the York Development Control Local Plan sets out a firm policy proposal in favour of new development which respects or enhances the local environment, is of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area and ensures that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. Central Government Planning Policy as outlined in paragraph 17 of the National Planning Policy Framework "Key Planning Principles" urges Local Planning Authorities to give significant weight to the preservation of a good standard of amenity for all new and existing occupiers of land and buildings.

4.7 Concern has been expressed in respect of the relationship of the proposed craft units and the proposed residential units facing North Lane to other residential property within North Lane. The proposed craft units would be some 8.9 metres from the closest residential property No 66 North Lane at its nearest point. This is however an acceptable gable to rear distance with the residential property to the north east and is characteristic of the wider pattern of development in the locality. The proposed units would not give rise to an overbearing relationship or result in an issue of loss of privacy. In view of the concern about noise and potential late night activity it is recommended that the use of the units be conditioned to B1 (Business) use only (defined in the Use Classes Order as a use that can be carried out in any residential area) and that no external activity associated with the units should be allowed.

4.8 In terms of relationship to the proposed residential property, there is a 2 metre gable to gable gap with 66 North Lane to the west and a 2.4 metre gap to 68 North Lane, Northcote House to the east. There are no principal windows in the associated elevations and there would not be an issue of overlooking or loss of privacy. The new properties would be appreciable higher than 66 North Lane but would be set back from the frontage and would therefore be acceptable. At the same time the relationship reflects the pattern of development characteristic of the locality. There are no residential properties directly to the north of North Lane with a substantial belt of mature landscaping sheltering the rear gardens further to the north. The terms of Policy GP1 of the Development Control Local Plan and paragraph 17 of the National Planning Policy Framework would therefore be complied with.

**IMPACT UPON THE LOCAL PATTERN OF SURFACE WATER DRAINAGE:-**

4.9 Policy GP15a) of the York Development Control Local Plan sets out a firm policy presumption that developers must satisfy the Local Planning Authority that any flood risk will be successfully managed with the minimum environmental effect whilst ensuring that the site can be developed, serviced and occupied safely.

Central Government planning policy as outlined in paragraph 103 of the National Planning Policy Framework urges Local Planning Authorities to give significant weight in determining planning applications for new development to the need to ensure that flood risk is not increased elsewhere.

4.10 The application site lies within Flood Zone 1 which indicates the lowest risk of flooding. The site furthermore is presently entirely hard surfaced with the proposed scheme resulting in a material reduction in impermeable surfacing if implemented. The submitted application details provide outline drainage information based upon a scheme to provide attenuation of flows before out-falling into the local sewerage system. Whilst some concern has been raised in respect of localised surface water drainage issues within North Lane, the proposal would represent an improvement upon the existing situation and providing the detail of the proposed attenuation scheme is conditioned for further approval, the proposal is felt to be acceptable.

#### **IMPACT UPON THE SAFETY AND CONVENIENCE OF LOCAL HIGHWAY USERS:-**

4.11 Concern has previously been expressed in relation to the proposed car park layout and associated manoeuvrability. The layout has however been amended to address these concerns and the revised layout is felt to be acceptable. In terms of overall parking space numbers the proposal falls well within the Authority's Adopted Maximum Parking Standards and the site is readily accessible in terms of main public transport routes into the City Centre.

#### **SECTION 106 ISSUES:-**

4.12 The proposal falls to be addressed against Policy L1c) of the York Development Control Local Plan. This establishes a requirement for payment of a commuted sum in lieu of the provision of on-site open space. Allowing for the re-location of the existing Hall caretaker's accommodation to one of the three units to be constructed on North Lane this creates a requirement for a payment of £2,508. A commuted sum of £500 is also sought in respect of improvements to the adjacent bus stop. This may be secured by means of a Unilateral Obligation.

### **5.0 CONCLUSION**

5.1 Haxby Memorial Hall comprises a two storey brick built Victorian structure occupying a prominent location within street frontage of The Village within the Haxby Conservation Area. Planning permission is sought for a range of extensions and external alterations to incorporate the Haxby Branch Library within the building and to provide enhanced Hall accommodation and seminar rooms to increase the level of public usage. As part of the proposal it is intended to provide a block of three two storey two bed room dwelling houses accessible from North Lane and five small craft units within the existing rear yard area to the north west.

The proposed extensions would be sympathetic to the existing in terms of their pattern of scale and massing and would secure the character and appearance of the Conservation Area. At the same time the proposed dwellings accessible from North Lane and the craft units would be to a subtle traditional design. It is felt that the proposed work would have a minimal impact upon the residential amenity of adjoining properties and surface water drainage can be improved from the current situation. A commuted sum of £2,508 is required in lieu of the provision of open space and a sum of £500 in respect of improvements to the adjacent bus stop which may be secured against a Unilateral Obligation. The proposal is therefore felt to be acceptable in planning terms and approval is recommended.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve subject to Section 106 Agreement

1 TIME2 Development start within three years -

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

Drawing Refs:- PA05 Rev A; PA06 Rev A; PA12 Rev A; PA10 Rev B; PA11 Rev B; PA 07 Rev B and PA 08 Rev B. Date Stamped 16th January 2014 and PA 09 Rev F.

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

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

6 Trees shown as being retained on the approved plans / drawing PA09 Rev F 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 manoeuvring 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.

7 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, E and F of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of the amenities of safeguarding the character of the Haxby Conservation Area 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.

8 No development approved by this permission shall be commenced until the Local Planning Authority has approved in writing a Scheme for the provision of surface water drainage works. Any such Scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.



The following criteria should be considered:

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

Reason:

To ensure the development is provided with satisfactory means of surface water drainage, to reduce the risk of flooding and to secure compliance with Policy GP15a) of the York Development Control Local Plan.

- 9 EPU1 Electricity socket for vehicles -
- 10 LC1 Land contamination - Site investigation -
- 11 LC2 Land contamination - remediation scheme -
- 12 LC3 Land contamination - remedial works -
- 13 LC4 Land contamination - unexpected contamination -
- 14 HWAY31 No mud on highway during construction -
- 15 HWAY18 Cycle parking details to be agreed -
- 16 HWAY19 Car and cycle parking laid out -
- 17 NOISE7 Restricted hours of construction
- 18 The use of the craft units shall be restricted to uses falling within Use Class B1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (offices (other than those that fall within A2), research and development of products and processes, light industry appropriate in a residential area).

Reason: To safeguard the residential amenity of neighbouring properties.

19 No manufacturing, processing, sales or storage activity associated with the units hereby authorised shall be undertaken in the external space within the site.

Reason: - To secure the residential amenity of adjoining properties

20 Prior to completion of the development the existing access from No 14 The Village , to the adjacent highway shall be stopped up to the satisfaction of the Local Planning Authority and the verge reinstated.

Reason: In the interests of highway safety.

## **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 to the application:

Requested Submission of a Revised Car Parking Layout to the yard area to the rear.

### **2. CONTROL OF POLLUTION ACT 1974:-**

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

## **ANNEX 1**

- (b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".
- (c) All plant and machinery to be operated sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers' instructions.
- (d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.
- (e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.
- (f) There shall be no bonfires on the site

### **Contact details:**

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