

Paul Skelton Planning

Town and Country Planning Consultancy

Planning Statement

47 Rawcliffe Drive, York, YO30 6PD

Erection of 3-bedroom bungalow

May 2023

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RTPI

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1.0 Introduction

- 1.1 Paul Skelton Planning have been instructed to prepare this planning statement in support of a full planning application for the erection of a 3-bedroom bungalow on land to the rear of number 47 Rawcliffe Drive, York.
- 1.2 The site is within the built-up area of the City and the proposal has been brought forward in line with the emerging Development Plan's support for new housing growth within the City's boundaries.
- 1.3 The application is supported by the following documents:
- Planning application form
 - Planning drawings:
 - o 001 – Location and block plans
 - o 002 – Site plans
 - o 003 – Proposed floor plans
 - o 004 – Proposed roof plan
 - o 005 – Proposed elevations
 - o 006 – Proposed visualisations
 - This Planning Statement

2.0 The Site and its Location

- 2.1 The application site is located within the built-up area of Clifton Without. It comprises part of the site of the now closed Bright Beginnings Day Nursery. The site forms the majority of the rear garden of the Nursery and an area used for the parking of two cars. The garden area largely comprises of lawn, with a hard-surfaced area immediately adjacent the rear door of the former nursery. The parking area is surfaced with concrete.
- 2.2 Boundary treatments consist of a low wall and hedgerow to the front of the plot, facing Rawcliffe Drive. The hedgerow forms the boundary between the site and the driveway with the neighbouring property, No.49 Rawcliffe Drive; after this, the common boundary with No.49 consists of the side garage wall and approximately 1.8m high close boarded fence. The rear boundary, forming the boundary with No.2 Oriel Grove, comprises of a close boarded fence. Previously there were structures, including a garden shed type structure placed along this boundary, which have recently been removed.

3.0 The Proposed Development

- 3.1 The application proposed a 3-bedroom bungalow. There will be two small pitched roof dormer windows to the front of the property and a catslide roof dormer window to the rear elevation. The rear dormer will only have one window in it, which will serve a bathroom which will be obscure glazed. There will also be a small porch at the front of the property.
- 3.2 The bungalow is positioned in the plot so as to maximise the rear garden depth but also to respect the existing building line on Rawcliffe Drive. The ridge height will be

6.8m. The eaves height at the front of the building will be 3.7m, reducing to 3.2m at the rear.

- 3.3 To the rear is a small garden area which will be part lawn/part patio area. This will be bound by a 1.8m high close-boarded fence as existing. The southwest boundary, dividing the new house from the converted nursery building will again comprise a 1.8m high close-boarded fence. To the front will be a landscaped front garden with an area for the parking of one car which will replace part of the existing car parking area serving the nursery. Furthermore, provision is made for a cycle store to further improve the sustainability credentials of the proposal and there is also scope for solar panels to be applied to the roof of the dormer window.

4.0 Relevant Planning History

- 4.1 The relevant planning history for the site is as follows:

Reference	Description	Outcome
00/02711/FUL	Change of use with alterations from retail shop to day nursery/playschool	Permitted
09/00745/FUL	Porch to front	Permitted
13/00016/FUL	Erection of sail shade to front (retrospective)	Permitted
20/01015/FUL	Demolition of washroom to rear and erection of single storey side and rear extension to day nursery	Refused
21/00066/FUL	Single storey rear extension to form kitchen extension – resubmission	Permitted
22/02157/ERC	Change of use from Day Nursery (use class E) to 2no. flats (use class C3) under The Town and Country Planning (General Permitted Development) Order 2015 (as amended) - Schedule 2, Part 3, Class MA	Withdrawn
22/02506/ERC	Change of use from Day Nursery (use class E) to 2no. flats (use class C3) under The Town and Country Planning (General Permitted Development) Order 2015 (as amended) - Schedule 2, Part 3, Class MA (resubmission)	Prior Approval Approved

5.0 Planning Policy Context

The Development Plan

- 5.1 There is no adopted development plan for York.

The Emerging Development Plan

- 5.2 The Publication Draft Local Plan was submitted for examination on 25 May 2018 and the examination hearings concluded in September 2022. Having regard to paragraph 48 of the NPPF, the council affords limited to moderate weight to the policies of the emerging Local Plan at this stage of its preparation, subject to the extent of unresolved objections to each policy.
- 5.3 The Council has identified that Policy D1 (Placemaking) as being relevant to this application. It is understood that the Council attaches moderate weight to this policy in decision-making at this stage of the plan-making process.
- 5.4 Other relevant policies include:
- Policy DP2 (Sustainable Development)
 - Policy DP3 (Sustainable Communities)
 - Policy DP4 (Approach to Development Management)
 - Policy SS1 (Delivering Sustainable Growth for York)
 - Policy H2 (Density of Residential Development)
 - Policy ENV2 (Managing Environmental Quality)

Other Planning Policy Guidance Considerations

- 5.5 In the absence of an adopted development plan, the Council has historically relied upon the policies of the Development Control Local Plan (DCLP), which was approved for development management purposes in April 2005. The Council has identified the following policies as relevant to this application: GP1 (Design), GP4A (Sustainability); and GP10 (Subdivision of gardens and infill development and H4A (Housing Windfalls).
- 5.6 The Council acknowledges that these policies do not form part of the development plan for the purposes of s.38(6) and advise that its policies carry very limited weight.

National Planning Policy Framework

- 5.7 The latest version of the National Planning Policy Framework ('the NPPF') was published on 20 July 2021 and sets out the government's planning policies for England and how these should be applied. The Framework makes clear that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise, and that the Framework is such a material consideration.
- 5.8 The relevant policies of the NPPF will be referred to as appropriate in this Statement, and in particular those policies in sections 2 (Achieving sustainable development); 5 (Delivering as sufficient supply of homes); 11 (Making effective use of land); 12 (Achieving well-designed places); 13 (Protecting Green Belt Land), 15 (Conserving and enhancing the natural environment) and 16 (Conserving and enhancing the historic environment).
- 5.9 The Government published a consultation on changes to the NPPF in December 2022, and in doing so reiterated its commitment to delivering 300,000 new homes a year.

6.0 The Principle of Development

- 6.1 The site is located within the existing built-up area of the City and the proposals, as a matter of principle, therefore comply with the strategic housing policies of the emerging development plan, including Policy DP2 which seeks to address the housing needs of York's current and future population.
- 6.2 Nevertheless, as there is no adopted development plan, the Council cannot demonstrate a five-year supply of deliverable housing sites. As a consequence, having regard to paragraph 11d) of the National Planning Policy Framework (which is reflected in emerging Policy DP4), planning permission should be granted unless:
- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (as listed at footnote 7); or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole
- 6.3 This is not a situation where there are any areas or assets of particular importance, and therefore the presumption in favour of sustainable development ("*the tilted balance*") applies and planning permission should be granted unless there are significant and demonstrable impacts which outweigh the benefits of the proposal.
- 6.4 The benefits of the proposal are clear. Whilst tempered by the fact that the scheme proposes a single dwelling, that dwelling will contribute to housing land supply. This is important in a situation where a five-year land supply cannot be demonstrated by the Council, and even more so because, outside of the built-up area of the City, the council area is heavily constrained by green belt. Windfall sites such as this one are therefore crucial to ensuring a sufficient supply of housing is delivered to meet the City's needs.
- 6.5 Given the existing use of the property as a whole, the site constitutes brownfield land as defined in the NPPF glossary. Consequently, the proposal complies with paragraph 120 of the NPPF which requires planning decisions to c) give substantial weight to the value of using suitable brownfield land within settlements for, homes and other identified needs, and d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained. In addition to the approved flats, this will result in three new dwellings arising from the development of this brownfield site. This is particularly important for a city such as York which is so heavily constrained by Green Belt and its world-class historic environment.
- 6.6 Furthermore, economic benefits will arise both during construction, which, on the basis of the proposal will be carried out by local tradespeople, and post-construction with residents spending money in the local economy.
- 6.7 Finally, in combination with the conversion of the building to two flats, the development will improve the living conditions of neighbouring residents given the cessation of the nursery use. Firstly, the proposals in combination will remove the presence of a large number of children attending the property and playing in the garden. Whilst it is understood there have been no noise complaints regarding the existing use, this will help meet the aims of policies DP2 and ENV2 which seek to minimise and improve

noise impacts on surrounding uses. Secondly, the issues previously identified by the highways officer and neighbours in dealing with the previous application for an extension to the day nursery (21/00066/FUL) will be resolved. This will contribute towards meeting the aims of emerging Policy DP3 which seeks to minimise the impact of vehicle trips on the highway network.

- 6.8 In conclusion, the proposal represents sustainable development which will contribute to the supply of housing in the City. Given the current housing land supply position, permission should be granted unless there are significant and demonstrable harms which outweigh the clear benefits.

7.0 Other Material Considerations

Design

- 7.1 Section 12 of the NPPF seeks high quality design. The governments National Design Guide recognises that a well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including:
- the layout;
 - the form and scale of buildings;
 - their appearance;
 - landscape;
 - materials; and
 - their detailing.
- 7.2 Policy D1 of the Emerging Local Plan sets out similar criteria upon which to judge new developments. Policies DP2 and DP3 similarly require high quality design.
- 7.3 The proposal will result in high quality design which respects the character and appearance of surrounding development, without unduly affecting the living conditions of immediate neighbours.
- 7.4 The site layout and the form and scale of the dwelling have been designed so as to minimise the impacts on neighbours, whilst maximising the potential of the plot in line with advice at paragraph 120 of the NPPF, as referred to above. The property has been sited so as to minimise the impact on the garden of No.2 Oriel Grove to the rear whilst also respecting the existing building line on Rawcliffe Drive. The front garden and driveway arrangement reflects existing layouts in the area.
- 7.5 The design process has led to a dormer bungalow because of the potentially unacceptable impacts that could arise from a two-storey dwelling on the site. Bungalows are not an unusual feature in the area and the materials chosen will reflect that of the neighbouring dwellings. Similarly, dormer windows, of all styles, are a common feature in the area.
- 7.6 Overall, the proposed design complements the character and appearance of the area whilst respecting surrounding properties, by not impinging on the living conditions of

residents in accordance with the requirements of paragraph 130 of the NPPF, the National Design Guide and the emerging Development Plan.

Residential Amenity

- 7.7 Paragraph 130(f) of the NPPF seeks to ensure that developments create a high standard of amenity for existing and future users.
- 7.8 As set out above, this has been achieved by the design process in this case, which has identified that a two-storey dwelling may not be appropriate given the relationship with neighbouring dwellings. The ridge height has been kept to a minimum whilst the eaves height at the rear of the bungalow is restricted to 3.2m. The use of a catslide dormer rather than a box dormer minimises the apparent mass and bulk of the building also ensures that there will be no overbearing impact on the garden of No.2 Oriel Grove. Given this, and the distance from the boundary (approximately 4 metres), there will be no overbearing impact, loss of light or loss of outlook experienced by the occupiers of No.2 Oriel Grove.
- 7.9 There will be no overlooking of No.2 Oriel Grove as the only window proposed above ground floor on the rear elevation is the bathroom window which will be obscure glazed. This can be secured by condition.
- 7.10 Similarly, there will be no undue impact on No.49 Rawcliffe Drive as the building will be located adjacent to the single storey garage of that property. There are windows on the first floor of the flank elevation of No.49 however these windows serve a stairwell and a bathroom which are not habitable rooms.
- 7.11 Overall therefore, the ne bungalow will not give rise to any unacceptable impacts on the living conditions of nerighbouring dwellings.

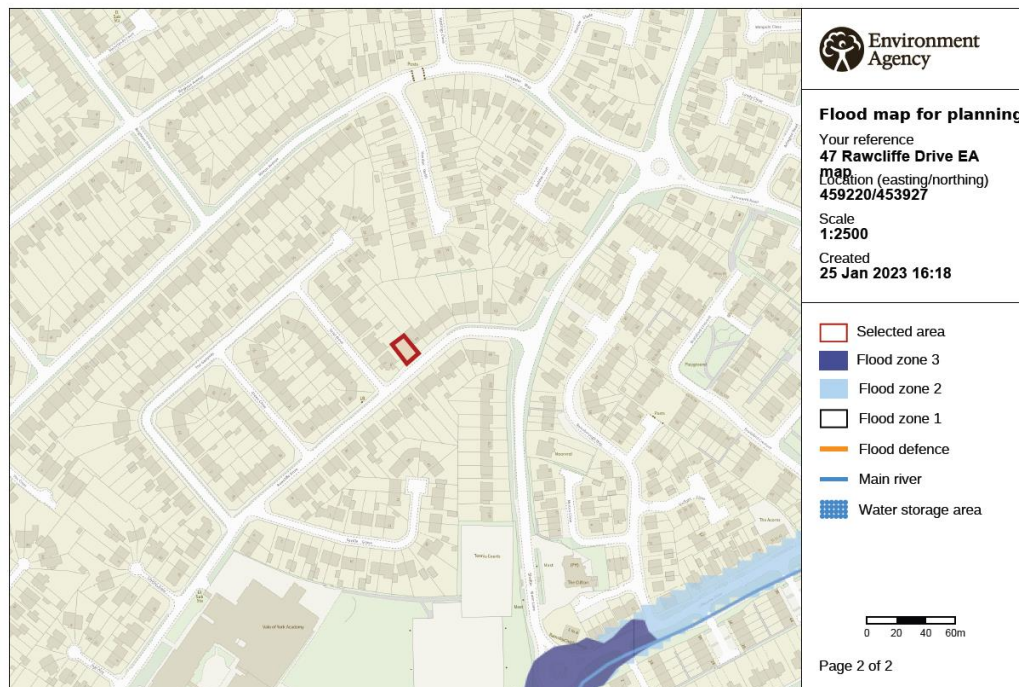
Access and Parking

- 7.12 Paragraph 110 of the NPPF states that when assessing applications for development, it should be ensured that:
- appropriate opportunities to promote sustainable transport modes can be taken up, given the type of development and its location
 - safe and suitable access to the site can be achieved for all users; and
 - any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 7.13 Emerging Policy T1 of the Local Plan provides that Development will be supported where it minimises the need to travel and provides safe, suitable and attractive access for all transport users to and within it. Sufficient convenient, secure and covered cycle storage, ideally within the curtilage of new buildings.
- 7.14 As set out above, the site is in a sustainable location within the City, with excellent public transport, cycle and pedestrian links to services and facilities nearby and across the City.

- 7.15 It is clear from the 2021 application that there have been significant concerns raised, highlighted by both the Highways Officer and local residents, regarding the authorised use of the site as a children’s day nursery. This proposal, in combination with the approved conversion of the main building to flats, will resolve those concerns.
- 7.16 The proposed layout, when combined with the approved plan for the conversion of the main building, will reflect the existing situation, with the car parking area for the new homes, replacing that used by the day nursery. There will be no additional highways hazards caused by the proposal – as set out above, there will be an improved situation when compared to the existing authorised use, as has been agreed by the Highways Officer on a previous site visit.
- 7.17 There is an appropriate level of car parking on-site to serve the proposed dwelling, with safe on-street parking available if necessary. Safe and secure cycle parking will be provided as per the layout plan.
- 7.18 Overall, the proposal is for a new dwelling in a highly sustainable location. There will be no additional highway hazards as a result of the proposals which caters for all modes of sustainable transport. The proposal therefore complies with the NPPF and the emerging Development Plan in this respect.

Flood Risk

- 7.19 The site lies within Flood Zone 1, the area at least risk of flooding, as demonstrated on the Environment Agency’s flood map for planning (see below).



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- 7.20 Both surface and foul water will be discharged into the existing sewage system serving this residential area.

8.0 Planning Balance and Conclusions

- 8.1 The principle of residential development is acceptable given the sustainable location of the site within the built-up area of the City.
- 8.2 As the Council is unable to demonstrate a five-year supply of deliverable housing sites, the decision-making framework is clear. Planning permission should be granted unless there are significant and demonstrable harms which outweigh the benefits of the proposal.
- 8.3 The benefits of the proposal are summarised as follows:
- The proposal makes a contribution towards housing land supply in a highly sustainable location;
 - The proposal is of a high quality design which complements the character and appearance of the area.
 - Economic benefits will arise both during and post construction.
 - The proposal will maximise the use of brownfield land for the provision of a new home – the NPPF requires this to be given substantial weight in decision-making.
 - The proposal, in combination with the conversion of the nursery building, will resolve any adverse noise and disturbance, and parking issues, associated with the current authorised use as a day nursery.
- 8.4 These benefits are to be considered in the context that there are no significant or demonstrable harms arising from the proposal. As demonstrated above, the proposal is in a sustainable location; it represents high quality design which has a positive impact on the character and appearance of the area; and there are no unacceptable impacts on the living conditions of neighbouring dwellings or highway safety.
- 8.5 Overall, the proposal represents sustainable development that accords with the emerging Development Plan and the National Planning Policy Framework. It is therefore respectfully requested that planning permission is granted.