



Notice of meeting of

East Area Planning Sub-Committee

To: Councillors Moore (Chair), Hyman (Vice-Chair), Hall, King, D'Agorne, Greenwood, Smallwood, Vassie, M Waudby and B Watson

Date: Thursday, 28 September 2006

Time: 2.30 pm

Venue: The Guildhall, York

AGENDA

1. **Declarations of Interest**

At this point Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

2. **Public Participation**

At this point in the meeting members of the public who have registered their wish to speak regarding specific planning applications, other agenda items or matters within the remit of the Sub-Committee can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is Wednesday 27 September 2006 at 5.00pm.

3. Plans List

To determine the following planning applications related to the East Area.

- a) **Land Lying to the South of Centurion Office** (Pages 2 - 8)
Park, Tribune Way, York (06/01594/OUTM)
- b) **Tang Hall Library, Fifth Avenue, York** (Pages 9 - 16)
(06/01558/GRG3)

4. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out below.

Democracy Officer:

Name: Jill Pickering

- Telephone – (01904) 552030
- E-mail – jill.pickering@york.gov.uk

**EAST AREA PLANNING COMMITTEE
28 September 2006**

Index to plans list items

SITE	OFFICER	ITEM	VISIT	WARD
06/01594/OUTM Outline 12 houses at Tribune Way, Clifton Moor.	MJ	3a	V	Skelton/ Rawcliffe & Clifton W.
06/01558/GRG3 Tang Hall Library Extension, Fifth Avenue.	HB	3b	V	Heworth

SITE VISITS - Wednesday 27 September 2006

- 10.00am** Meet coach at Clarence Street. Return to Clarence St. after visits.
- 10.15** Tribune Way, Clifton Moor. Outline application for 12 houses with access from Hornbeam Close. Meet at Tribune Way.
- 11.00** Tang Hall Library extension, Fifth Avenue, Heworth.

3.0 CONSULTATIONS

3.1 Internal

3.1.1 Highway Network Management - Residential layouts are designed to a road hierarchy in accordance with the CYC Residential Design Guide. Hornbeam Close, as a cul-de-sac spur off the main access route, was set out as an informal shared surface road. Such designs aim to provide a less formal layout in order to restrict vehicle speeds to well below 20mph. Elements of such designs to reduce vehicle speeds include tortuous layouts and variable surface widths.

National guidance has indicated that the use of tortuous routes and informal/shared surface layouts can directly influence driver behaviour and reduce vehicle speeds. Such layouts have been demonstrated to not increase the risk of accidents.

The cul-de-sac currently serves 12 dwellings. Guidance contained in the CYC Residential Design Guide advises that shared surface roads (such as Hornbeam Close) are capable of adequately serving up to 25 dwellings as a cul-de-sac. Therefore even with the proposed development the total number of dwellings served by the cul-de-sac does not exceed this advised level.

Based upon recognised national survey information the proposed dwellings would generate in the region of an additional 7 vehicle movements in the peak hours. It is officer view that the surrounding junctions and highway layout can accommodate the negligible increase in traffic without any detriment to either highway safety or the free flow of traffic.

Officers therefore consider that there are no technical/construction nor highway safety reasons why a formal objection should be raised.

3.1.2 Economic Development - The land should remain for employment purposes. The applicant has made little attempt to find innovative solutions to letting the units or undertaken a full investigation into alternative light industrial uses. Allowing residential development on this land may create a precedent and reduce employment land provision over time.

3.1.3 Conservation and Design - No objections. The site lies adjacent to a scheduled ancient monument and an archaeological watching brief condition should be included with any approval.

3.1.4 City Development - Policy H2a sets a target of 50% affordable housing on sites of 0.3ha and over in urban areas. The application site is above this threshold and therefore affordable housing should be provided. Policy H5a requires residential developments to achieve minimum net residential densities, subject to the character of the surrounding area and local amenity considerations. The proposed density of approximately 35 dwellings per hectare (dph) meets the minimum requirement set out in PPG3, but falls short of the 40 dph for urban areas recommended in policy H5a. However, given the need to meet minimum separation distances to site

boundaries and adjacent residential dwellings, the density as proposed may be considered appropriate.

3.2 External

3.2.1 Clifton Without Parish Council - Object to the application because the site is designated for employment and light industry.

3.2.2 Clifton Moor Business Association - No comments at the time of writing the report.

3.2.3 Yorkshire Water - No objections, various conditions were suggested to be included with any approval.

3.2.4 Response to neighbour consultation letters and site notice posted 09/08/06 - 24 objections received and one petition signed by 97 local residents. The following points were raised in the objection letters:

- a) additional traffic in a quiet cul-de-sac making it unsafe, particularly for children (x19)
- b) Hornbeam Close is not wide enough for two way traffic (x13)
- c) The development may create a 'rat run' for cars trying to avoid the Clifton Moor Gate / Water Lane traffic lights (x8)
- d) Hornbeam Close is unsuitable to be used by construction lorries (x2)
- e) infringe on current privacy levels (x2)
- f) drainage and sewerage problems (x10)
- g) general inconvenience / nuisance (x3)
- h) noise (x4)
- i) disruption (x3)
- j) opens Hornbeam Close up to potential acts of vandalism and crime (x4)
- k) affect the market value of current houses (x4)

4.0 APPRAISAL

4.1 Key Issue(s):

- Loss of Standard Employment Site
- Residential Density
- Affordable Housing
- Highways

4.2 The Application Site - An application was submitted and later withdrawn earlier in 2006 for residential development at the application site plus light industrial developments. At this time access to the residential development was to be via Tribune Way off Clifton Moor Gate. The applicant purchased extra land to the south of the proposed residential development which has now provided the land owners with the opportunity to apply for access to the proposed new dwellings through Hornbeam Close. The application site is allocated as a standard employment site

where B1 (Business), B2 (General Industrial), and B8 (Storage or Distribution) uses are desired.

Loss of Standard Employment Site

4.3 Draft Local Plan Policy E3b states that standard employment sites (such as Centurion Park) will be retained within their current use class. Planning permission for other uses will only be given where: a) there is a sufficient supply of employment land to meet both medium and longer term requirements in both qualitative and quantitative terms; AND conforms with ONE of the following criteria: b) unacceptable environmental problems exist; or c) the development of the site for other appropriate uses will lead to significant benefits to the local economy; or d) the use is ancillary to an employment use.

4.4 The application for outline permission to erect 12 dwellings must conform with part a) and one of parts b) to d) in policy E3b as outlined above. Parts b) and d) do not appear to be of relevance for this application as environmental problems are not evident and residential development is not considered ancillary to the existing employment site. The applicant has failed to demonstrate how the proposal satisfies sections a) and c). First considering section a), the applicant has failed to supply robust evidence which justifies the loss of employment land for present and future B1, B2, and B8 use. An Economic Development Officer looked into the application and concluded that there has been little attempt to find innovative solutions to letting the current redundant office/light industrial units on the site. Whilst the application site is relatively small in relation to the entire site it could set a precedent for further reduction in employment land provision over time. Due to the constraints placed on the availability of greenfield development sites around York by the existing Green Belt, it is particularly important to ensure that land currently designated for employment uses are safeguarded for their identified land-uses. It has also not been demonstrated how the 12 new dwellings would provide significant benefits to the local economy, therefore the proposal does not satisfy section c).

Residential Density

4.5 Draft Local Plan Policy CYGP1 states that development proposals will be expected to be of a density that is compatible with neighbouring buildings, spaces and the character of the area.

4.6 Draft Local Plan Policy H5a states that proposed residential developments should be compatible with the character of the surrounding area. Applications for all new residential developments should aim to achieve net residential densities of 40 dwellings per hectare in the urban area.

4.7 The proposed development is for 12 dwellings on approximately 0.33ha, this equates to approximately 36 dph. This is within the 30 - 50 dph as recommended in Planning Policy Guidance 3: Housing. The Local Plan aims to achieve 40 dph in the urban area. However, given the physical separation which would be required between the proposed dwellings and previous residential and commercial developments in the area the proposed density is considered acceptable. The density of the existing housing development south of the application site is of a similar density to that proposed.

Affordable Housing Provision

4.8 Draft Local Plan Policy H2a states that proposals for all new housing development with a site area of 0.3Ha or more in the urban area will be required to provide affordable housing provision. The target level is 50%, consisting of 45% affordable rent and 5% for discounted sale.

4.9 There is a continued need for the development of affordable housing within York. The Housing Need Survey shows that there is both the demand and need for affordable housing in order to meet current and future accommodation needs. The applicant claims the size of the site is below 0.3ha however it has been measured electronically by the council as being approximately 0.33ha. Therefore the affordable housing condition applies and 6 of the proposed 12 dwellings should be affordable. The applicant has not indicated a willingness to provide affordable housing nor has there been an attempt to justify in terms of financial viability of the scheme as to why affordable housing cannot be accommodated on the site.

Highway Issues

4.10 There were a large number of neighbour objections concerning the suitability of Hornbeam Close as an access road for 12 new dwellings. Highway Network Management looked into the proposal and could not find any strong reason for refusing this application. It has been suggested that the cul-de-sac is capable of supporting 25 dwellings. The structure and design of the road act as a barrier to travelling at speed along Hornbeam Close.

Local Resident Concerns

4.11 The main neighbouring concerns were listed in section 3.2.4 of this report and are labelled a) to k). These concerns are briefly addressed below:

- a) + b) These concerns are primarily addressed above (4.10). Hornbeam Close has a shared surface which is used by both pedestrians and vehicles. Whilst the residential developments would increase vehicle numbers in the area it is considered that they could be accommodated safely as part of the existing housing development.
- c) No through route to connect the new housing development to Tribune Way is proposed.
- d) This application is outline only and this is not a material consideration at this point.
- e) This would be considered on a reserved matters application and cannot be fully assessed at outline stage.
- f) This comes under the remit of Building Control and is not a material planning consideration.
- g) + h) +i) Some general inconvenience and disruption is inevitable with all building work. Nuisance could be controlled by planning conditions as part of any reserved matters approval.
- j) It is not clear how a new residential development would open up the area to further crime. Any reserved matters application can be considered within the 'Designing Out Crime' initiative.
- k) This is not a planning consideration.

5.0 CONCLUSION

The proposed residential dwellings would result in the loss of employment land. This site has been designated as such to accommodate present and future employment need.

The site is above 0.3ha and therefore 50% affordable housing should be provided on the site, the applicant has not expressed a willingness to provide this.

COMMITTEE TO VISIT

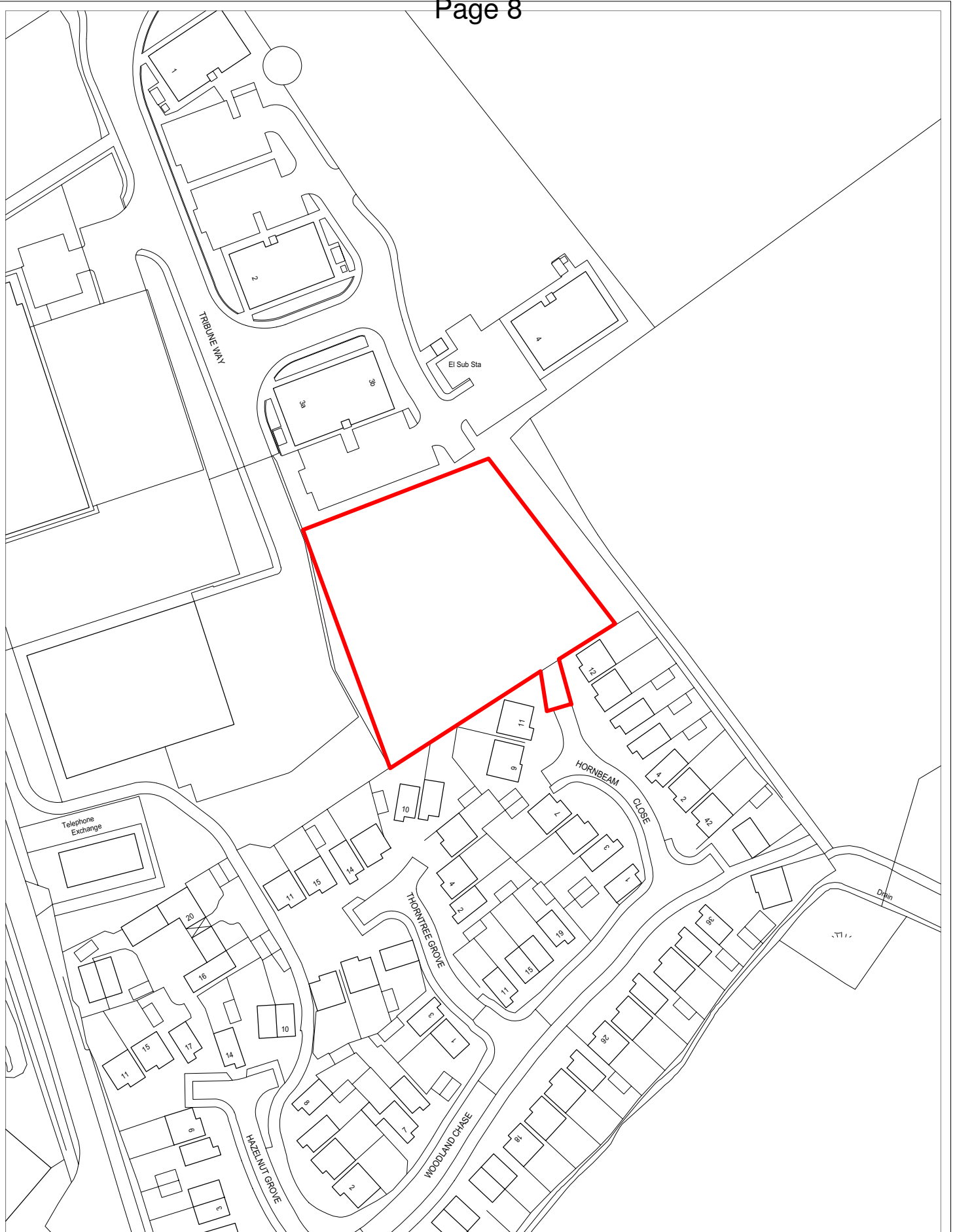
6.0 RECOMMENDATION: Refuse

- 1 The application site lies within an area which is designated as a standard employment site. It is considered that it has not been proven that there is a sufficient supply of employment land to meet immediate and longer term requirements or that the proposed change of use would lead to significant benefits to the local economy. Therefore the proposal is considered contrary to Policy E3b of the City of York Draft Local Plan.
- 2 The proposal does not provide for the affordable housing needs of the community, as described in policy H2a of the City of York Draft Local Plan, incorporating the 4th set of changes and as supported in Planning Policy Guidance 3: Housing.

7.0 INFORMATIVES:

Contact details:

Author: Michael Jones Development Control Officer
Tel No: 01904 551325



CITY OF
YORK
COUNCIL

TRIBUNE WAY 06/01594

SCALE 1:1250
Originating Group

DRAWN BY PSL
Project

DATE 18/9/2006
Drawing No.



9, St. Leonards Place, York, YO1 2ET
Telephone: 01904 613161

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City of York Council LA 1000 20818

and a revised plan showing minor alterations to the layout of the car parking area at the request of Officers.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGP1
Design

CYGP3
Planning against crime

CYGP4A
Sustainability

CYT4
Cycle parking standards

CYC1
Criteria for community facilities

CYGP9
Landscaping

CYGP11
Accessibility

3.0 CONSULTATIONS

3.1 Internal

(i) Highways - Tang Hall Library is currently served by a vehicle access from Fifth Avenue and has approximately 21 car parking spaces. The car park serves both the library and adjacent health centre and is currently poorly laid out making manoeuvring difficult. Surveys carried out on behalf of the applicant demonstrate that the demand for car parking often exceeds the available number of spaces. This is confirmed by site visits which have demonstrated that the shortfall in available parking is leading to vehicles parking in an indiscriminate manner on grassed areas within the site or on the adjacent public highway. The site also provides access to Sustrans Route 66 cycleway which is heavily used by children attending local schools in addition to pedestrians and cyclists visiting the library and health centre.

The proposed extension to the library is likely to attract more visitors to the site and therefore potentially increase demand on the already oversubscribed car park. The reconfigured car park layout provides 28 spaces which is in accord with CYC maximum standards. The revised layout also provides designated disabled bays, improved manoeuvring areas and improved cycle parking. The new shared pedestrian/cycle path provides safe direct access to the Sustrans Route 66.

There are no highway objections to this proposed, subject to conditions being attached to cover surfacing of vehicle areas, new access, pedestrian visibility splay, no mud on highway and phasing/implementation of the revised car park layout.

(ii) Environmental Protection Unit - No objections. However this site is in close proximity to residential properties. I therefore have concerns regarding nearby residents being adversely affected by noise during any demolition, construction or refurbishment works. I also have concerns regarding possible contamination of the site. Therefore, request conditions regarding construction working hours and contamination.

(iii) Environment and Conservation – No comments.

3.2 External

Heworth Planning Panel - No objections.

Objection letter from residents of 7 Gillamoor Avenue on following grounds:

- Proposals will change view of green grassed area, lead to overlooking and loss of quiet environment;
- Feel extension would be too high, nearly as high as two storey, and would dwarf existing extension;
- Question need for high ceilings given use as children's library;
- Only 3 metres from boundary, encroaching further and cutting out any view and a lot of light, casting shade over garden;
- Suggest extension be wider rather than larger;
- Question need for windows to children's library as none at present;
- Doors from children's library would allow activities outside, increasing noise levels and encouraging children to play at the back of the library increasing anti-social behaviour;
- Concerned about land left behind the building, which would be appealing for vandals, anti-social behaviour and more accessible to burglars;
- No landscaping proposed to rear of building to soften the view of the new extension and to help reduce noise from the change of use of the land;
- Compromise could be achieved by reducing height, making extension wider rather than longer and placing the windows to the front/side of the building, introducing fencing, lighting and planting to the rear would increase the security.

4.0 APPRAISAL

4.1 The main considerations are:

- principle of development
- design and impact on visual amenity

- affect on residential amenity
- parking provision and highway safety
- crime prevention
- sustainability

4.2 Policy GP1 requires development in general to be compatible in its layout, scale, mass and design with neighbouring buildings, spaces and character of the area and to ensure that nearby residents are not unduly affected by noise disturbance, overlooking, overshadowing or dominated by overbearing structures. Other policies referred to in Section 2.2 require accessibility, landscaping, sustainability and cycle parking to be addressed in all new development. In particular, Policy C1 of the Draft Local Plan requires community facility development to, firstly, be of a scale and design appropriate to the character and appearance of the locality and, secondly, fulfil a recognised need.

4.3 The proposal involves extension of and alterations to an existing community building that is located within the urban area of the city in order to expand and improve the facilities for the benefit of the wider community. The applicant has stated that the alterations are proposed as part of a city wide strategy between adult and community education and libraries to develop adult learning facilities in local communities and particularly in this area, where there are very few community based facilities. It is therefore considered to be acceptable in principle and would fulfil a need for improved facilities at the library identified by consultation with users.

4.4 The size and scale of the extension are substantial, doubling the ground floor area of the building. However, the proposal would enhance what is a rather bland, utilitarian building and consequently the visual amenity of the area as well as providing a pleasant and versatile environment with a wider range of facilities for its users.

4.5 The extension would be visible from neighbouring properties, particularly those on Gillamoor Avenue who back onto the library and are therefore the main residents affected by it. The extension has been designed to reduce any potential harm to the amenity of these residents by incorporating a sloping of the roof towards these neighbouring houses with limited fenestration and other openings. It would be set a minimum of 3m in from the boundary with a maximum height for the outer wall of 5m above existing ground level, as such it would not result in an unduly oppressive or overbearing structure. Any overshadowing would be in the late afternoon and mainly limited to the grassed area adjacent to the extension. A 1.8m high close boarded fence is proposed on the boundary to help prevent overlooking from the six small low level windows in the eastern elevation, which the agent has confirmed are to provide light to and interest within the children's library that they will serve. The boundary fencing and the external play/activities area do not in themselves require planning permission as the former is less than 2m in height and the latter would not constitute a material change of use of the land providing the activities are ancillary to the operation of the library.

4.6 The alterations to the car parking area would improve provision and arrangements at the site. The Council's Highway Officer is satisfied with the proposals, subject to conditions being attached to any approval as set out in Section

3.1. However, the changes would potentially impact more on the residents of 296 Fifth Avenue located to the west of the site due to the extension of the parking forward of the front building line of the house and closer to the boundary. This has been raised with the applicant's agent, who has submitted a revised plan that moves the car parking one metre to the east by omitting a 1m strip of landscaping to allow a more substantial planting in a 2m strip along the boundary with no. 296, in order to help mitigate any disturbance from car activity to the residents of this property. The agent has also confirmed that a 1m high close boarded fence could be erected on the boundary for the section forward of the house if considered necessary. A condition requiring details of cycle parking facilities to serve the extended library is recommended be attached to any approval.

4.7 With regards to the security at the site, no windows are proposed on the publicly accessible southern and western elevations of the extension and the applicant has agreed to a condition to enclose the outdoor children's area with a 1.8m high fence, which would protect the six windows on the eastern elevation. The remainder of the site is currently open and publicly accessible, and would remain so, due to the existing pedestrian and cycle link with the Sustrans Cycle Route.

4.8 The applicant has submitted a statement on sustainability as required by Policy GP4a of the Draft Local Plan. This addresses the current accessibility of the site and improved accessibility to the site. It states that the additional space for new activities will ensure the facilities are sustainable in the future, prolonging the life of the building. The materials of construction would provide high levels of thermal performance and the heating system boiler is to be replaced to minimise energy costs and carbon output.

5.0 CONCLUSION

5.1 On balance, the application is considered to be acceptable in planning terms and is therefore recommended for approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2

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

Drawing number THL/010 revision C dated 06 July 2006 and received 07 July 2006; Drawing number THL/011 revision A dated 08 Sept 2006 and received 11 September 2006.

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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

4 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 and shrubs to be planted within the area to the east of the extension hereby approved and within the verges in the car park. 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.

5 A 1.8 metre minimum height close boarded fence shall be provided to enclose the area to the east of the extended building and a 1 metre high close boarded fence shall be provided along the boundary with 296 Fifth Avenue to the front of the dwelling house, before the extended library and the car parking area adjacent to the front of no. 296 come into use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the residential amenity of neighbouring residents and in order to reduce the opportunity for crime.

6 HWAY10

7 The development shall not be begun until details of the junction between the car park and the highway have been approved in writing by the Local Planning Authority, and the development shall not come into use until that junction has been constructed in accordance with the approved plans.

Reason: In the interests of road safety.

8 HWAY25

9 HWAY31

10 Prior to the commencement of development details of phasing and implementation of the revised car parking layout shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure adequate off-street car parking is available for the existing library and health centre during construction works, in order to prevent the overspill of car parking onto the adjacent public highway which would be to the detriment of free flow of traffic and safety of highway users.

- 11 Prior to the development commencing details of the cycle parking facilities to serve the extended library shall be submitted to and approved in writing by the Local Planning Authority. The extension shall not be occupied until the cycle parking facilities have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

- 12 All construction and demolition or refurbishment works and ancillary operations, including deliveries to the site and dispatch from the site shall only be carried out between the hours of 08.00 and 18.00 Mondays to Fridays and 09.00 to 13.00 on Saturdays and not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents during the construction of the development.

- 13 Any suspect contaminated materials detected during site works shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development of the site.

Reason: In the interests of the health of the future occupants

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 amenity, residential amenity, parking provision and highway safety, crime prevention and sustainability. As such the proposal complies with Policies GP1, GP3, GP4a, GP9, GP11, T4 and C1 of the City of York Draft Local Plan (incorporating 4th set of changes, 2005).

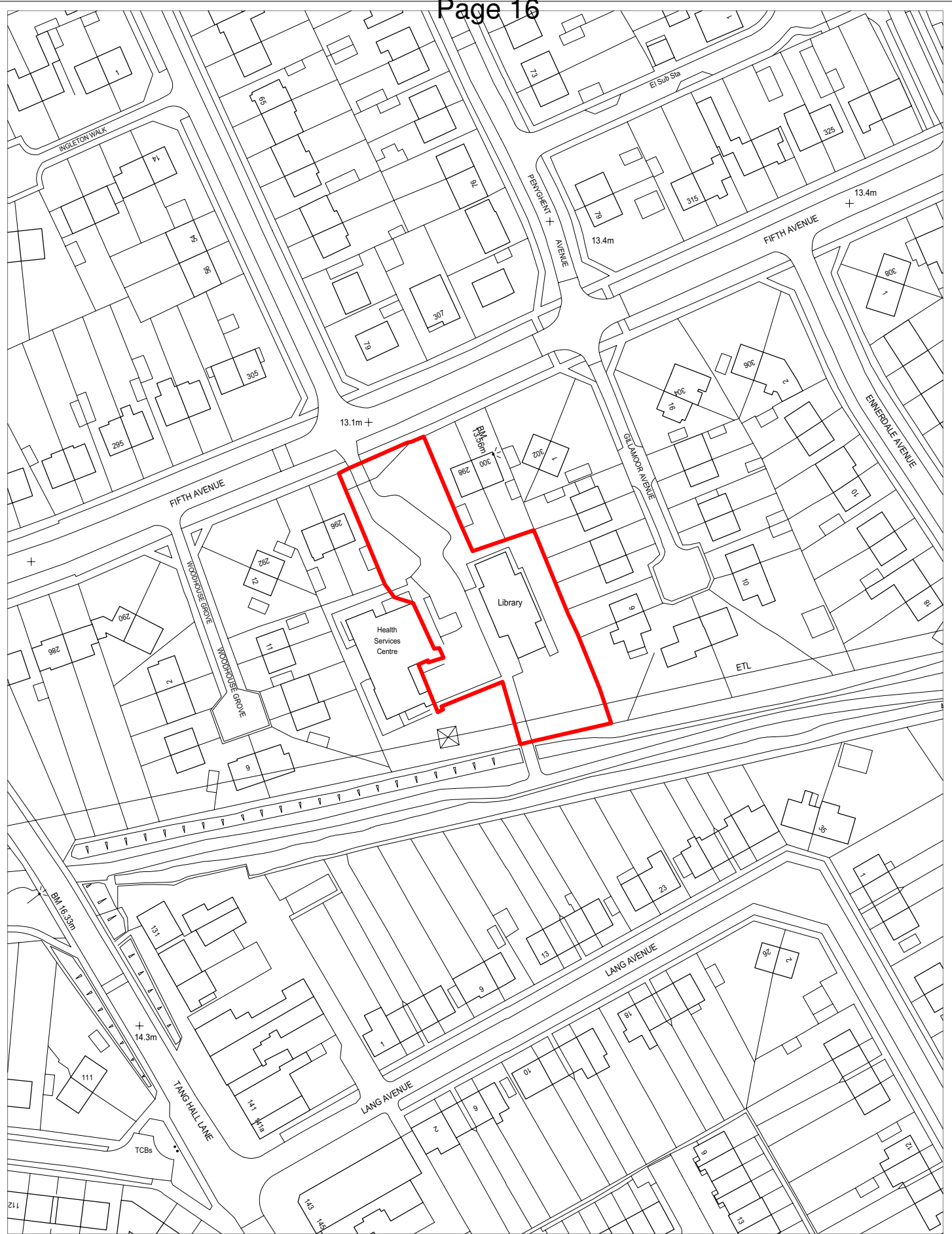
2. INFORMATIVE:

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

Contact details:

Author: Hannah Blackburn Development Control Officer
Tel No: 01904 551477



TANG HALL LIBRARY

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