



Notice of a public meeting of

Area Planning Sub-Committee

To: Councillors McIlveen (Chair), Douglas, Horton, King, Looker, Fitzpatrick, Galvin (Vice-Chair), Watt, Cuthbertson, Hyman and Warters

Date: Thursday, 3 July 2014

Time: 2.00 pm

Venue: The George Hudson Board Room - 1st Floor West Offices (F045)

A G E N D A

Site Visits for this meeting will commence on Wednesday 2 July 2014. The minibus for Members of the Sub-Committee will depart from Memorial Gardens at 10.00am.

1. Declarations of Interest

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. Exclusion of Press and Public

To consider excluding the public and press from the meeting during consideration of annexes to agenda item 6 (Planning Enforcement Cases- Update) on the grounds that they contain information that if disclosed to the public, would reveal that the Authority proposes to give, under any enactment or notice by virtue of which requirements are imposed on a person or that the Authority proposes to make an order or directive under any enactment. This information is classed as exempt under Paragraph 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

3. Minutes (Pages 3 - 12)

To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee held on 5 June 2014.

4. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit 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 2 July 2014 at 5.00 pm.**

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The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at http://www.york.gov.uk/downloads/download/3130/protocol_for_webcasting_filming_and_recording_of_council_meetings

5. Plans List

To determine the following planning applications:

- a) **Pack of Cards, 164 Lindsey Avenue, York. YO26 4RL (14/00763/FULM)** (Pages 13 - 28)
Erection of 14no. flats with associated parking following demolition of public house. [Holgate] **[Site Visit]**
- b) **39 Goodramgate, York. YO1 7LS (14/01089/FUL)**
(Pages 29 - 34)
Change of use from public highway to customer seating area in connection with existing cafe use at 39 Goodramgate. [Guildhall] **[Site Visit]**
- c) **Laura Ashley Ltd, 11 Little Stonegate, York. YO1 8AX (14/01133/FUL)** (Pages 35 - 42)
Change of use to a restaurant and/or drinking establishment (A3 and/or A4 use class) and associated external alterations [Guildhall] **[Site Visit]**
- d) **York College, Sim Balk Lane, York. YO23 2BB (14/00899/FULM)** (Pages 43 - 54)
Erection of two storey building to accommodate construction skills centre (use class D1) following demolition of existing meeting centre. [Dringhouses and Woodthorpe] **[Site Visit]**
6. **Planning Enforcement Cases-Update** (Pages 55 - 58)
The purpose of this report is to provide Members with a continuing quarterly update on planning enforcement cases.
7. **Urgent Business**
Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Name: Judith Betts

Contact Details:

- Telephone – (01904) 551078
- E-mail [_judith.betts@york.gov.uk](mailto:judith.betts@york.gov.uk)

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 and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

AREA PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 2 July 2014****The mini-bus for Members of the Sub-Committee will depart
Memorial Gardens at 10.00**

TIME (Approx)	SITE	ITEM
10:15	Pack Of Cards 164 Lindsey Avenue	5a)
10:50	York College Sim Balk Lane	5d)
11:20	39 Goodramgate	5b)
11:40	11 Little Stonegate	5c)

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City of York Council

Committee Minutes

Meeting	Area Planning Sub-Committee
Date	5 June 2014
Present	Councillors McIlveen (Chair), Douglas, Looker, Fitzpatrick, Watt, Cuthbertson, Hyman, Warters, Barton (Substitute for Cllr Galvin), Cunningham-Cross (Substitute Cllr Horton) and Semlyen (Substitute for Cllr King)
Apologies	Councillors Horton, King and Galvin

Site	Visited by	Reason for Visit
Proposed Monk Stray Access Gates, Stockton Lane	Councillors Barton, Cuthbertson, McIlveen, Warters and Watt.	As the recommendation was for approval and objections had been received
Fulford School, Fulfordgate	Councillors Barton, Cuthbertson, McIlveen, Warters and Watt.	As the recommendation was for approval and objections had been received
Holmedene, Intake Lane, Acaster Malbis	Councillors Barton, Cuthbertson, McIlveen, Warters and Watt.	As the recommendation was for approval and objections had been received
1 Dringthorpe Road	Councillors Barton, Cuthbertson, McIlveen, Warters and Watt.	As the application had been called in by Cllr Hodgson on the grounds that the application has been ongoing with numerous revised plans being submitted but no resolution reached.

1. Declarations of Interest

At this point in the meeting, Members were asked to declare any personal, prejudicial or disclosable pecuniary interests they might have in the business on the agenda.

Councillor McIlveen declared a personal and prejudicial interest in plans item 4e (Fulford School, Fulfordgate) as Northern Power Grid was a client of his employer. He stood down from the chair and left the room for this application and took no part in the discussion or vote on this application.

2. Minutes

RESOLVED: That the minutes of the meetings of the Area Planning Sub Committee held on 10 April and 8 May 2014 be approved and signed by the Chair as correct records.

3. Public Participation

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the committee.

4. Plans List

Members considered a schedule of reports of the Assistant Director (City Development and Sustainability) relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and Officers.

4a) Proposed Monk Stray Access Gates, Stockton Lane

This application was withdrawn by the applicant prior to the meeting.

4b) Car Park, Bootham Row, York (14/00833/ADV)

This application was withdrawn by the applicant prior to the meeting.

**4c) Holmedene, Intake Lane, Acaster Malbis, York. YO32 2PY
(14/00447/FUL)**

Members considered a full application from Mr Michael Meek for a two storey front, first floor side, single storey front extensions and balcony to the side.

Councillor Galvin had submitted a letter in support of the proposals which made the following comments:

- Although there may not be “special circumstances”, there was a need for the extension to facilitate accommodation for ageing parents
- The proposed changes would in fact enhance the overall appearance of the property and show a much more balanced frontage.
- The proposals would not have a harmful effect on the green belt as the view from the road and the surrounding area would remain almost unchanged due to the location of the property.

Mr Michael Meek, the applicant, had registered to speak in support of the application. He explained that the proposed changes would allow him to be able to care for his elderly parents at the property while allowing them all sufficient space in order to be able to live together harmoniously. He stated that the proposed changes would give the building a better appearance and the changes were sympathetic to both the building and the surrounding area.

Members accepted that the proposed design may well be an improvement on current house although acknowledged that design was an issue of personal preference. They noted however that taking into account the previous extension, the proposed extensions including the addition of the balcony, the percentage increase would be 53% on the original footprint which was far in excess of the 25% maximum increase guideline in policy GB4 of the Development Control Local Plan. They also considered the view of the building from the main road and the effect on neighbouring properties and expressed the view that the proposed changes would have an overbearing effect. They agreed that while the applicant’s intentions were laudable this was not very special circumstances, and Greenbelt Policy must take priority in this case.

Resolved: That the application be refused.

Reason: It is considered that the proposed increase in height of the existing side extension, the scale and design of the two storey front extension and the creation of a balcony would not appear subservient in relation to the host dwelling and would represent a disproportionate addition. Furthermore, the resultant dwelling would have an awkward appearance which would be at odds within this location and would be detrimental to the rural character of the area. As such, the proposal would conflict with advice relating to design contained within the National Planning Policy Framework (March 2012), and with Policies GP1 (a, b and c) and H7 (a and e) of the City of York Draft Development Control Local Plan and advice contained within Section 7 of York Supplementary Planning Guidance on House Extensions and Alterations (2012).

It is considered that the proposed extension would constitute a disproportionate addition to the original dwelling and thus constitutes an inappropriate form of development that would, by definition, be harmful to the Green Belt. It is considered that the proposal would be harmful to the openness of the Green Belt, and thus would be contrary to national planning advice contained within paragraphs 88 and 89 of the National Planning Policy Framework (March 2012) and Policies GB1 (Development in the Green Belt) and GB4 (Extensions to Existing Dwellings in the Green Belt) of the City Of York Draft Local Plan.

4d) 1 Dringthorpe Road, York. YO24 1NF (14/00489/FUL)

Members considered a full application from Mr W Jones for a two storey side extension (resubmission)

Officers explained how the current application differed from the previous application which had been refused in November 2013 and subsequently dismissed at appeal in January 2014.

The applicant, Mr W Jones, had registered to speak in support of his application. He advised the committee that the current application was a resubmitted scheme which addressed the concerns which had given rise to the previous refusal of the

application. He assured Members that he had put a lot of effort into the scheme and had responded to questions from the planning officer. He confirmed that he had spoken to all his neighbours and that they were happy with the proposals.

From the photo of the street scene, Members noted that many of the semi-detached properties had been altered and extended in different ways so that the traditional street scene had changed.

With regard to the supplementary planning guidance in relation to rooflines, Members noted that this was guidance and not a requirement for strict observance. They considered that due to its location on the street corner, it was unlikely to create the effect of terracing.

Members agreed that while this was not necessarily a perfect solution, given the history of the site, it was in everyone's interest, including the neighbours, to find a resolution for the applicant. They noted that neighbours did not object to the proposals.

Members questioned whether it was possible to remove permitted development rights to prevent any further increase in living space and were advised that it would be possible but such a condition would need to be justified, it may be reasonable for example to add a condition removing permitted development rights for conversion of the garage in order that bike storage etc was maintained.

Members expressed concern about the possible treatment of the frontage of the plot and suggested adding a landscaping condition requiring the front section of the garden to be landscaped and a new tree planted. Officers advised that a scheme such as this would not normally be subject to a landscaping condition and that there would need to be an exceptional reason to justify it. Members stated that they felt that it was necessary in order to protect the appearance of the street scene.

Resolved: That the application be approved subject to conditions regarding matching materials, approved plans and additional conditions requiring the front garden to be landscaped and removing permitted

development rights to prevent the garage being used for living accommodation in the future.

The wording of the following conditions has been taken from the decision letter dated 6 June 2014, sent to the applicant following the meeting.

- 1 The materials to be used externally shall match those of the existing buildings in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

- 2 The development hereby permitted shall be carried out in accordance with the following plans:- N-01-D 02 Rev. C

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

- 3 No further development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme for the front garden which shall include the planting of a new tree. The scheme shall illustrate the number, species, height and position of trees and shrubs. 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 in the

interests of the appearance of the street scene.

- 4 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), the garage shall not be converted into living accommodation and a garage or similar door shall be retained.

Reason: The proposed development extends to the full width of the property, the conversion of the garage 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 would result in a loss of cycle and bin storage which would be contrary to the local planning authority's aim of reducing the need for the private car and encouraging cycling in the city.

Reason: The proposals are considered to comply with the national Planning Policy Framework, City of York Council Development Local Plan Policies H7 and GP1 and Supplementary Planning Guidance to Householders.

4e) Fulford School, Fulfordgate, York. YO10 4FY (14/00641/FUL)

Members considered a full application from the City of York Council for the erection of a detached building to house an electrical substation.

The Council's Engineering Technologist attended the meeting to answer any queries Members might have with regard to the need for the substation and choice of location.

Mary Urmston had registered to speak on behalf of Fulford Parish Council. She stated that the Parish Council was opposed to the erection of a substation on this site. She acknowledged the need for the substation due to the school's expansion plans and the Germany Beck development, but pointed out that the chosen site was directly adjacent to a public footpath and tennis

court. She suggested that a decision on this application should be deferred until the school's expansion plans became subject to consultation in order that the school's expansion plans and this application could be considered alongside each other. She questioned whether the substation needed to be as powerful as stated and whether there were any other suitable alternative sites.

The Council's Engineering Technologist confirmed that all other sites had been discounted and advised that the 11,000 volts output was required as this substation would serve not just the school but the local neighbourhood with the existing substation being disconnected if this was approved.

One Member commented that if a tree was removed from a local authority site such as this, another tree should be replanted.

Members acknowledged the school's need to expand and agreed that not approving the substation would leave the neighbourhood vulnerable. They accepted that the building would impact on the street scene to some extent due to its functional appearance. However they accepted that there were no other suitable sites for the substation and that this was the best option for both the local community and the school.

Resolved: That the application be approved subject to the conditions listed in the report.

Reason: The new substation is essential to allow an adequate electricity supply to be maintained to the proposed enlarged school. Because of safety and technical reasons there are no alternative preferable locations. On balance, it is not considered the harm caused by the structure to the setting of the approach to the school as well as the adjacent open space, is such to outweigh the benefits from maintaining an electricity supply to the vital facility.

4f) 60 Hunters Way, York. YO24 1JJ (14/00925/FUL)

Members considered a full application from Mr and Mrs Cragg for a single storey rear extension and dormer window to the rear.

Resolved: That the application be approved subject to the conditions listed in the report.

Reason: The proposals are considered to comply with the national Planning Policy Framework, City of York Council Development Local Plan Policies H7 and GP1 and Supplementary Planning Guidance to Householders.

5. Other Remarks

Councillor Warters raised concerns with regard to the enforcement of conditions/informatives which restricted the carrying out of demolition and construction works to specific times of the day. He referred to one site in particular and officers advised that they had written to the landowner in question regarding the breach of condition and were addressing the issue and would continue to monitor this site.

Councillor McIlveen, Chair (except for item 4e (Fulford School) where he left the room as he had declared a prejudicial interest and Cllr Hyman was elected to chair this item in the absence of the vice chair)

[The meeting started at 2.00 pm and finished at 3.35 pm].

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COMMITTEE REPORT

Date: 3 July 2014 **Ward:** Holgate
Team: Major and **Parish:** Holgate Planning Panel
Commercial Team

Reference: 14/00763/FULM
Application at: Pack of Cards 164 Lindsey Avenue York YO26 4RL
For: Erection of 14no. flats with associated parking following
demolition of public house
By: Mr Peter Atkinson
Application Type: Major Full Application (13 weeks)
Target Date: 2 July 2014
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 The application site is on the corner of Lindsey Avenue and Sowerby Road. It comprises a part two storey, part single storey public house which is set back behind car parking. The public house is now closed and has been sold. There is a 3-storey building to the east, which accommodates shops at ground floor and two levels of residential above. The building is set back around 7m from the road, behind a forecourt. There are two-storey houses in other directions.

1.2 The proposals are for housing on the site; 14 flats within an L-shaped building which would be 3-storey, stepping down to 2-storey at each end. Car parking (11 spaces) would be accommodated behind the building.

1.3 There have been amendments to the scheme since the original submission. The changes being that the building has been reduced in volume at each end and the black bricks are no longer proposed.

1.4 The application is reported to Sub-Committee because it is a 'Major Application'.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:
Air safeguarding GMS Constraints: Air Field safeguarding 0175
DC Area Teams GMS Constraints: West Area 0004

2.2 Policies:

CYGP1 Design
CYGP4A Sustainability

Application Reference Number: 14/00763/FULM

Item No: 5a

CYT4	Cycle parking standards
CYL1B	Loss of local leisure facilities
CYH4A	Housing Windfalls
CYL1C	Provision of New Open Space in Development
CYED4	Developer contributions towards Educational facilities

3.0 CONSULTATIONS

Communities, Culture and the Public Realm

3.1 As there is no on-site open space commuted sums should be paid to the Council for

- amenity open space - to improve a local site such as West Bank Park or Howe Hill allotments
- play space - to improve a local site such as Sidings Gardens or West Bank Park
- sports pitches - to improve a facility within the West Zone of the Sport and Active Leisure Strategy.

Education

3.2 Advise no contribution towards education would be required.

Holgate Planning Panel

3.3 No objections

Publicity and Neighbour Notification

3.4 In response to the initial consultation, objections were received from neighbours on Lindsey Avenue (2x group objections), 58 Manor Drive North and 9 Sowerby Road. There was one letter in support of the scheme. There was re-consultation because revised plans were received. No further comments were made.

Comments are summarised as follows-

- Comment in favour of the design of the proposed houses.
- Loss of sunlight and outlook from surrounding houses.
- Overlooking/loss of privacy to flats on opposite side of Lindsay Avenue
- Overlooking and over-dominant over houses on Manor Drive North
- Noise from future occupants.
- Increased demand for on-street parking.
- Residents have queried the ground conditions, and whether extra structures can safely be accommodated. It has been noted that recently there has been damage to the pavements and external walls at 171-177 Lindsay Avenue.

4.0 APPRAISAL

4.1 Key Issues

- Principle of the proposed use

- Design
- Residential Amenity
- Highway management
- Sustainable design and construction
- Open space and education contributions
- Other matters

Principle of the proposed use

4.2 Local Plan policy L1b advises that permission will only be granted for the change of use/loss of leisure facilities (including pubs) where it can be demonstrated that the facility is no longer needed or there are alternative sites in the catchment area.

4.3 There are alternative facilities (drinking establishments) along Acomb Road and in the local centre less than 500m away and as such there is no conflict with L1b.

4.4 The thrust of the NPPF is to significantly boost housing supply, and this includes making use of previously developed and underused sites, in particular in sustainable locations. These requirements are also outlined in Local Plan policy H4a which relates to windfall sites for housing.

4.5 The application site is previously developed; the public house has closed. The site is within a residential area, within walking distance of a local centre (Acomb) as identified in the Local Plan. Residential development of the site is compliant with planning policy in this respect.

4.6 The NPPF has a presumption in favour of housing development when it is deemed to be sustainable. It asks that LPA's identify housing need, considering size and type and deliver adequate housing to meet demand.

4.7 The development would have 7x 2-bed flats and 7 x 1-bed flats. 2-bed dwellings are identified as being in high demand in the city and there is no objection to housing mix proposed.

Design

4.8 According to the National Planning Policy Framework, a core planning principle is to always seek to secure high quality design. Local Plan policies GP1: Design and H4a: Housing Windfalls advise on design. They require proposals respect or enhance the local environment, considering density, layout, scale, and mass that is compatible with neighbouring buildings, spaces and the character of the area; use of appropriate materials; avoid the loss of, or create townscape features, which contribute to the quality of the local environment.

4.9 The site is at the edge of a mid C20 development of housing ranging in scale from single to three storey, all of buff brick and set back from the road. There are earlier C20 semi-detached red brick houses to the west and three gardens back onto the application site. There is a 3-storey block of flats to the immediate east, two storey houses to the north and south face the application site.

4.10 The houses would be set back around 3-5 m from the street, behind gardens, and would respect local building lines and urban grain. The introduction of landscaping would improve the setting. The car parking and bin store areas would be screened from public views by the building and landscaping, which is a positive aspect of the scheme. The angled edges to the building give a contemporary feel to the designs and add interest and value.

4.11 In part the proposed building is 3-storey, as is the block to the east. The building steps down to 2-storey at the northern and eastern edges to respect the 2-storey houses. The ends have also been redesigned, the building line has been cut back, to further reduce massing in these areas. In relation to the original scheme, the change makes the proposed building less dominant and improves outlook.

4.12 The flat roof proposed would keep the development at a low height and allows the varied building line. It fits with the overall contemporary design approach and a parapet detail would conceal the roof construction from views. The neighbouring houses that the development would be seen alongside have low pitched roofs with concrete tiles. The contemporary approach works well in its own right and would compliment the setting, the quality of the scheme would diminish if a similar roof form were added. A buff brick is proposed for the dwellings, which would be in-keeping with the setting.

4.13 The development would respect the area, considering layout, scale, design and materials and is deemed to be acceptable in this respect.

Residential Amenity

4.14 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 proposals have no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

Overlooking

4.15 The scheme has been amended since the initial submission. On the 'rear' elevation, which looks towards the rear gardens of 56 and 58 Manor Park Drive, there would only be one narrow bedroom window and a corner window to the living space at first floor level. The upper floor level would be recessed and only have a corner window.

The windows would be over 4.5m from the side boundary and over 30m from the rear of the houses. Given the limited number of windows, their size and the separation, there would not be undue overlooking. At the front the houses would be 19/20m from the flats above the shops on the opposite side of Lindsey Avenue. This is 1 or 2 m shorter than typical in the area and would be reasonable. There would be no windows on the northern facing elevation.

Over bearing/Over dominance

4.16 The scheme has been revised since the original submission and it would not appear over-bearing or over-dominant. The building would step down to 2-storey at each end and the building line cuts back, reducing the massing of the building. The building has also been moved a metre further from the gardens to the west. Because of the location of the windows on the houses to the north, their outlook would be beyond, not directly at, the proposed end elevation. There would not be an undue loss of light or outlook suffered by neighbours, due to the scale of the building and separation distances.

Noise

4.17 A residential use does not raise any amenity concerns regarding noise. If future occupants were to cause undue noise, this would be an issue for the Noise Patrol Team.

Highway management

4.18 The NPPF seeks to promote sustainable modes of transportation. Local Plan policy T4 seeks to promote cycling and states that all new development should provide storage for cycles at a rate of at least one space per dwelling. Car parking standards are set out in the Local Plan appendices at a maximum of 1 space per 1 or 2 bed dwelling.

4.19 The 2-bed units each have an internal bike storage area, which we have been advised are BREEAM compliant. The 7 x 1-bed flats have a space identified in the communal areas. It is not clear how these spaces will fit or be designed and this will need to be agreed through a planning condition.

4.20 There are 11 on site car parking spaces. This is adequate, it fits with Council standards, and there are alternatives to private car travel as the site is within walking distance of public transport and a local centre.

Sustainable design and construction

4.21 When 10+ dwellings are proposed local policy requirements are that schemes achieve at least a BREEAM Code for Sustainable Homes rating of 3 stars. This can be secured through a planning condition.

Open space and education contributions

4.22 Policy L1c states developments for all housing sites will be required to make provision for the open space needs of future occupiers, based upon the latest planning guidance note(s) on open space.

4.23 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.

4.24 The open space contribution is calculated as £10,584. This can be secured through a unilateral undertaking supplied by the applicants. There is currently capacity in nearby schools and therefore a contribution is not required in this respect.

Other matters

4.25 Neighbours have made comment as to whether the ground conditions are suitable to accommodate further development. This is not material to the planning decision in this case; it would be the responsibility of the developer to ensure the new development would be safe. This would also be covered by the Building Regulations.

5.0 CONCLUSION

5.1 There would not be an undue loss of public facilities, as required by local planning policy and paragraph 70 of the NPPF and the site is suitable for housing, which national policy seeks to promote. As such proposals in principle are policy compliant. There would be no undue impact, as required by Local Plan policy GP1; the design is suitable for the locality and there would be no undue effect on residential amenity and highway safety.

5.2 Approval is recommended subject to receipt of an acceptable unilateral undertaking to provide the open space contribution of £10,584.

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:-

Drawings 441/03 (02) 003B, 004C, 006C, 020B, 021B, 030B

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

3 Details

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.

- Windows and their surrounds, including recessed brickwork detail (to show windows recessed, set in the reveals)
- Parapet
- Balconies and boundary railings (to confirm colour finish)
- Access gates to courtyard and access to bin store

Reason: In the interests of visual amenity.

4 Materials

A sample panel of the brickwork to be used on this building shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

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.

5 Landscaping

Prior to occupation of the development hereby approved a detailed soft landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs to be planted shall be submitted to and approved in writing by the Local Planning Authority.

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.

The hard-landscaping, as shown on the approved site plan, shall be implemented prior to occupation of the dwellings hereby approved.

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

6 Code for Sustainable Homes

The development shall be constructed to at least Level 3 of the BRE Code for Sustainable Homes (CSH). A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority prior to occupation of the building. Should the development fail to achieve level 3 of the Code a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve level 3 of the code. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and Paragraphs 4.1 to 4.6 of the Interim Planning Statement 'Sustainable Design and Construction'.

7 Drainage

Development shall not begin until site specific details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details thereafter.

Reason: To reduce flood risk, in accordance with Local Plan Policy GP15: Development and Flood Risk and paragraph 103 of the National Planning Policy Framework.

INFORMATIVE:

The submitted details shall incorporate the following:

- Existing and proposed ground levels and drainage routes. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.
- Calculations and invert levels to ordnance datum of the existing and proposed surface water system.

- Peak surface water run-off from the development shall be attenuated to 70% of the existing rate, in accordance with a scheme to reduce run-off to be submitted to and agreed in writing by the Local Planning Authority (based on 140 l/s/ha of connected impermeable areas). The scheme submitted shall include storage volume calculations, using computer modelling, allowing for a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model shall also include an additional 20% allowance for climate change. The modelling shall use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. Details of run-off rates including calculations of both the existing and proposed rates shall also be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

- Additional surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

Note that consent will also be required from Yorkshire Water.

8 Cycle parking

Details of the communal cycle parking 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. The details shall show the spaces are covered and secure and workable (can include manufacturers details)

The cycle storage for the 2-bed houses shall be provided prior to occupation of the dwellings and retained for such use for the lifetime of the development.

Reason: To ensure adequate space for such storage, and to promote sustainable modes of transport in accordance with policies GP4a and T4 of the City of York Draft Local Plan and the National Planning Policy Framework.

9 Land contamination

Site Investigation

Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) shall be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons. A written report of the findings shall be produced, submitted to and approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Submission of Remediation Scheme

Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be submitted to and approved in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Verification of Remedial Works

Prior to first occupation or use, the approved remediation scheme shall be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10 Construction Environmental Management Plan

Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting during the site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents from noise dust and vibration

The CEMP shall consider -

Noise and vibration:

Types of machinery to be used

Selection of machinery justify why quieter machinery not used

Use of acoustic barriers

Prefabrication off site etc

Measures to minimise impact e.g. limiting duration of noisy activities

Recorded monitoring (including location, results and mitigation measures needed)

Details of standards used for determining the acceptability

Dust prevention:

Use of wheel washes

Use of road sweepers

Storage and location of materials and stock piles

Use of barriers

Use of water bowsers and spraying

Recording of monitoring (including location, weather conditions, results and mitigation measures needed)

Lighting:

Whether over night work is proposed

Whether security lighting will be installed

The expected lux levels generated at the boundary by any lighting

Application Reference Number: 14/00763/FULM

Item No: 5a

Light mitigation measures needed to address lux levels

Complaints

How the public can contact the site

Who is the point of contact for complaints?

How complaints will be recorded

Procedures for dealing with complaints

Procedures for updating the complainant, what will happen in the event that the complaint is not resolved.

11 Bin storage

The area shown as bin storage and its enclosure as shown on the approved drawings shall be provided prior to occupation of the approved dwellings.

Reason: To ensure adequate space for such storage, and to promote recycling in accordance with policies GP1 and GP4a of the City of York Draft Local Plan and the National Planning Policy Framework.

12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no door, window or other opening additional to those shown on the approved plans shall at any time be inserted in the north side elevation of the property (which faces 160 and 162 Lindsay Avenue) and the east end elevation.

Reason: In the interests of the amenities of occupants of adjacent residential properties.

13 NOISE7 – Restricted hours of construction

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 advice, secured amendments to the scheme, to make it acceptable in planning terms, and through the use of planning conditions/securing of unilateral undertaking.

2. LEGAL AGREEMENT

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development

Contact details:

Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323

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14/00763/FULM

Pack Of Cards, 164 Lindsey Avenue



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COMMITTEE REPORT

Date: 3 July 2014 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 14/01089/FUL
Application at: 39 Goodramgate York YO1 7LS
For: Change of use from public highway to customer seating area
in connection with existing cafe use at 39 Goodramgate
By: Ms F M Abelidis
Application Type: Full Application
Target Date: 3 July 2014
Recommendation: Approve

1.0 PROPOSAL

1.1 The application relates to part of the highway in front of 39 Goodramgate, the ground floor of which is occupied as a cafe. The premises are situated between another coffee shop next door at 41 and Boyes retail premises.

1.2 The site is within the Central Historic Core Conservation Area and Goodramgate is one of the City Centre Footstreets, which are pedestrianised through the daytime with vehicle access for certain permit holders.

1.3 The application is for a pavement cafe which would be situated on the carriageway. The area would be approx 1.5m by 3m and the plans show it would accommodate two tables. The pavement cafe would only operate during footstreet hours.

1.4 This application was called in by Councillor Watson, on highway safety grounds and because of the loss of parking provision.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006
Conservation Area GMS Constraints: Central Historic Core CONF

2.2 Policies:

CYS6 Control of food and drink (A3) uses
CYHE3 Conservation Areas

Application Reference Number: 14/01089/FUL

Item No: 5b

3.0 CONSULTATIONS

Highway Network Management

3.1 No objection provided a 3m wide road width is maintained for vehicles to pass. Officers note that a pavement cafe licence from Highway Network Management will also be required.

Guildhall Planning Panel

3.2 Object strongly because the existing footway is already too narrow for the footfall of this street and although the street is pedestrian it is the most abused foot street in York

Publicity and Neighbour Notification

3.3 The deadline for public comment was 25.6.2014. At the time of writing the report the following comment had been received from the owner/operator of the adjacent retail premises:

- Welcome the idea of making Goodramgate more attractive to shoppers and pavement cafes in general, however in this case are concerned at the effect on the flow of pedestrians as to service the proposed eating area customers and waiting staff will have to carry food and drink across the flow of pedestrians in close proximity to the adjacent store entrance.

4.0 APPRAISAL

4.1 Key Issues

- Impact on the Central Historic Core Conservation Area
- Highway safety
- Amenity of surrounding occupants

Impact on the Central Historic Core Conservation Area

4.2 Local Plan policy requires that proposals maintain or enhance conservation areas. It is proposed to locate two tables on the road. The seating area would be enclosed by upright barriers, linked by a rope. The barriers would be coloured black. It is proposed to return the cycle racks, which had been located by the junction of Deangate and Goodramgate, after the Tour De France stage in July. The cycle racks are coloured black, and alongside these the furniture proposed would not detract from the streetscene. Typically they would also be screened in views along the street by the presence of parked vehicles also. A condition is recommended restricting the use of furniture other than that specified in the application.

Highway safety

4.3 The pavement cafe would be located in an area which could otherwise be used for parking by holders of a blue badge permit. The space is not currently marked for parking but highways officers advise that marked areas are for guidance only and blue badge permit holders may park anywhere along Goodramgate. Space for vehicles to pass would remain and the footpath would not be blocked. The road is 6m wide and therefore there would remain approx 4.5m for vehicles. As the proposals are only to operate the pavement cafe when the street is pedestrianised, there would be no undue effect on footfall or the ability of pedestrians (who have priority during foot-street hours) to move through the street. Whilst it is acknowledged that customers or waiting staff will cross the pavement to access the proposed seating area, given the size of the proposed seating area any conflict would be limited. Although there is limited vehicle use of the road during the footstreet hours, the arrangements are clear that drivers must proceed with care.

Amenity of surrounding occupants

4.4 The site is within the city centre where commercial uses are expected and the pavement cafe would only operate during the daytime. Overall there are no amenity issues.

5.0 CONCLUSION

5.1 The pavement cafe proposed would have an acceptable impact on the character and appearance of the conservation area and cause no harm to amenity. It would only be used during foot-street hours thus there should be no detrimental impact on vehicular and pedestrian movement and highway safety. Potentially there would be the loss of one space where blue badge permit holders could park; given the amount of alternative spaces, this is not regarded as grounds to refuse the application.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 PLANS1 Approved plans - 836-1 rev A

3 The pavement cafe shall only operate during foot-street hours (10.30 – 17.00 Monday to Sunday). Outside the permitted hours all furniture shall be stored within the premises.

Reason: In the interests of highway safety and the character and appearance of the Central Historic Core Conservation Area.

4 The furniture used shall be as per the approved plans only; tables, chairs and if a means of enclosure is used it shall be black upright posts linked by a rope.

At no times shall any furniture additional to that shown on the approved plans be stored on the highway.

Reason: In the interests of the character and appearance of the Central Historic Core Conservation Area

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: the use of planning conditions.

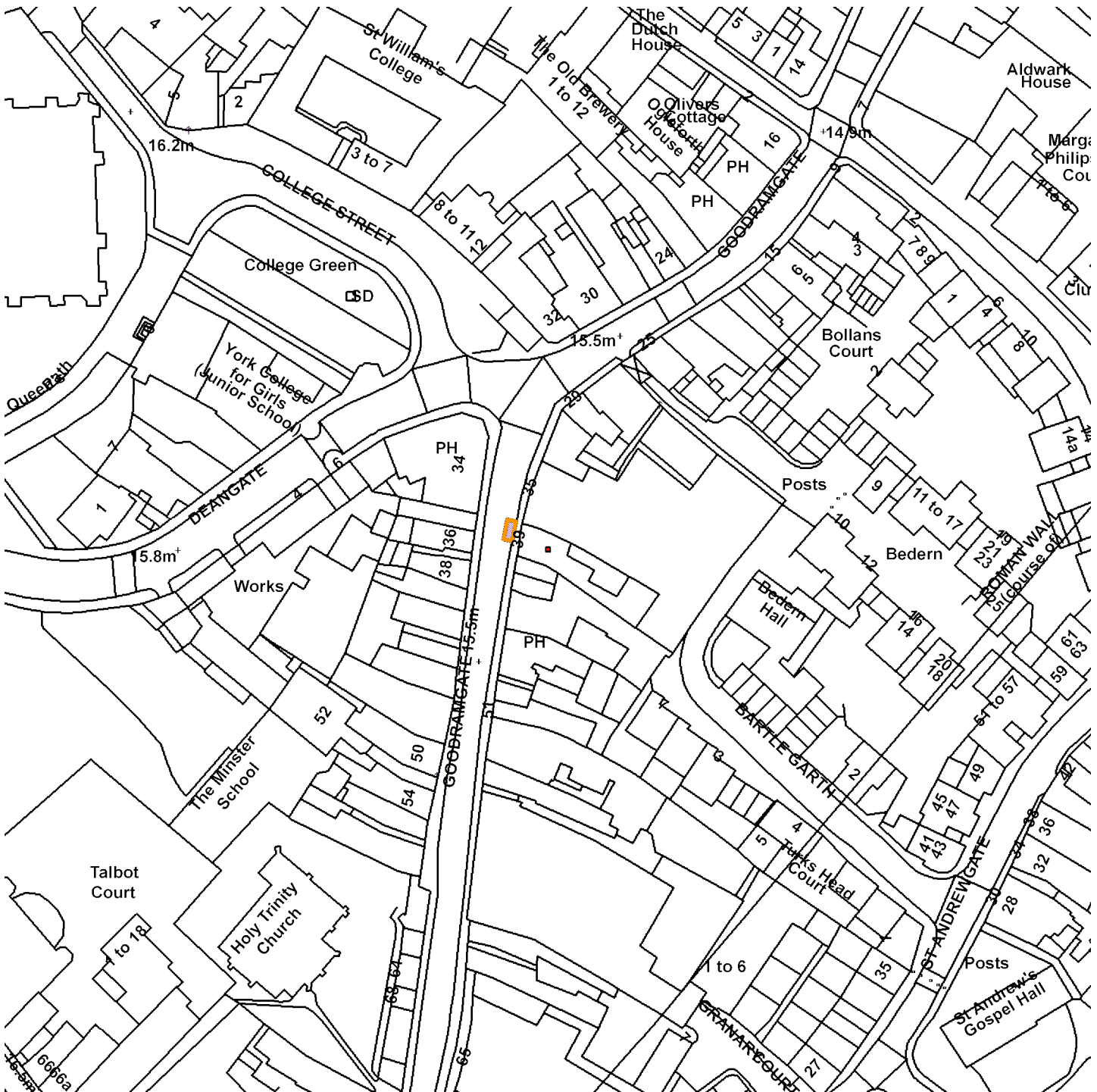
Contact details:

Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323

14/01089/FUL

39 Goodramgate



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COMMITTEE REPORT

Date: 3 July 2014 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 14/01133/FUL
Application at: Laura Ashley Ltd 11 Little Stonegate York YO1 8AX
For: Change of use to a restaurant and/or drinking establishment
(A3 and/or A4 use class) and associated external alterations
By: Rushbond Plc
Application Type: Full Application
Target Date: 9 July 2014
Recommendation: Approve

1.0 PROPOSAL

1.1 Proposals relates to 11 Little Stonegate, a 3-storey building with retail units at ground floor and offices above. Laura Ashley currently occupies part of the ground floor, this forms part of their shop that fronts on Davygate and gives them a frontage onto Little Stonegate. There is also a second smaller retail unit at ground floor level and an access to the upper floors. The site is within the Conservation Area.

1.2 The application is to use the three floors of the premises as either a cafe/restaurant or a drinking establishment. The application is clear that it wishes to have the flexibility only to use the premises as a drinking establishment. The specified opening times are between 07.00 and 02.00 the following day.

1.3 The application has been called in by Councillor Watson, to assess the loss of retail and increase in food/drink uses in the street.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

2.2 Policies:

CYS5 Non-retail uses in shopping streets

CYS6 Control of food and drink (A3) uses

CYHE3 Conservation Areas

3.0 CONSULTATIONS

Environmental Protection Unit

3.1 No objection in principle. Officers have made the following comments on the proposals

- It is thought the noise levels specified in the report may be an unfair representation of the area, as they were taken over the weekend, rather than through the week, when noise levels may be lower due to less activity.
- Concern that the premises could be more like a nightclub than a restaurant and loud music could affect the adjoining office buildings.
- Provided entertainment noise does not exceed the background noise level the neighbouring properties are unlikely to experience a loss of amenity due the music from the application site. In order to ensure that noise from the venue doesn't cause a loss of amenity to the occupants of nearby properties officers recommend the volume of the music within the premises is controlled by a tamper-proof noise limiter.
- Conditions are recommended to ensure that noise from all the plant or equipment at the site would not exceed 5dB (A) below the background noise levels and to control times of opening and deliveries.

Guildhall Planning Panel

3.2 Object in principle to adding another drinking establishment in what is already a problematic area.

Publicity

3.3 An objection has been received on behalf of Laura Ashley. Grounds for objection are as follows -

- The loss of the retail premises could lead to the brand leaving York due to the lack of alternative premises. The loss of retail would harm the vitality and viability of the city centre, contrary to the National Planning Policy Framework.
- Crime and disorder issues.
- Harmful impact on nearby residents due to the introduction of another bar in the area, as there will be increased noise and disturbance in the area.

Safer York Partnership

3.4 No response received

4.0 APPRAISAL

4.1 Key Issues

- Principle of the proposed use
- Impact on amenity
- Character and appearance of the conservation area

Principle of the proposed use

4.2 The NPPF requires that planning ensures the vitality of city centres. In doing so, it requires Local Authorities define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations.

4.3 Local Plan policy S5, which relates to shopping streets that are not designated as primary shopping streets, acknowledges that a mix of class a uses (including financial and professional uses, cafes and drinking establishments) is appropriate in such streets. S5 requires that proposals do not harm the vitality of individual streets.

4.4 Currently the ground floor area is sub-divided. There is a vacant retail unit (formerly hair-dressers), the rear entrance and trading area of Laura Ashley and the entrance to the upper floors which are also vacant. There are a hairdressers and beauticians opposite, and another vacant retail unit.

4.5 Footfall on Little Stonegate is low during the daytime compared to other streets within the central shopping area and it is dominated by cafes/bars and restaurants. There are two vacant retail units. Little Stonegate is not a primary shopping street and is therefore one where restaurants/bars are deemed to be appropriate. The retail frontage of the Laura Ashley unit is only approx 5.5m wide, the remainder of the frontage (approx 9m) does not contribute to vitality - the other retail unit is vacant, as are the offices which have a ground floor entrance. The proposed use would utilise the entire building. The Davygate (front) section of the Laura Ashley unit would be retained. The objection from Laura Ashley states that the change of use could result in the brand leaving the city centre although no evidence is given to support this statement. Overall there are not grounds to resist the change of use on the grounds that the loss of the retail premises would have an undue effect on the vitality of the street.

Impact on amenity

4.6 Policy S6 states that planning permission for the extension, alteration or development of premises for food and drink uses will only be granted provided:

- There is no unacceptable impact on the amenities of surrounding occupiers as a result of traffic, noise, smell or litter.
- The opening hours are restricted where this is necessary to protect the amenity of surrounding occupiers.
- Acceptable external flues and means of extraction have been proposed.
- Where security issues have been addressed.

4.7 The applicants have provided a noise report which confirms that noise breakout from the premises can be below the current background noise levels. This can be required through a planning condition. A condition can also require that the plant (kitchen, air-conditioning etc) do not exceed existing background levels. Typically planning conditions do not control the times of deliveries within the city centre, which predominantly are outside of footstreet hours. There are no residents living on Little Stonegate or Back Swinegate and to restrict delivery times on this premises alone would have no material impact upon the amenity of residents living in the city centre.

4.8 The proposed use would also require a premises license, and the license considers prevention of crime and disorder. There are a number of restaurants and bars situated along Little Stonegate and Back Swinegate. Consequently there is late night activity in the area and attributed to it a degree of noise, disturbance and potentially anti-social behaviour. Recent appeal decisions have given a clear steer that it is not appropriate to refuse proposals for drinking establishments in the city centre on the grounds that new premises would result in more people in an area and consequently leading to an increase in disturbance in surrounding streets. The Inspector's view has been that consideration should be focused upon actual noise from the premises itself.

4.9 There is no external space associated with the premises where waste could be stored. A condition is proposed to agree the strategy for waste storage/collection, to ensure there is no harm to the appearance of the conservation area and general amenity.

Character and appearance of the conservation area

4.10 The site is within a designated conservation area (Central Historic Core). Within such areas, the Council has a statutory duty to consider the desirability of preserving or enhancing the character and appearance of the area.

4.11 According to the plans the roof top plant would be situated far enough back on the roof so it would not be seen in public views. It would sit alongside existing rooftop plant. There would not be a material impact on the conservation area. The proposals do not include any other external changes.

5.0 CONCLUSION

5.1 The proposed use would not cause undue harm to the vitality of the street; it would bring the entire unit into use and therefore could potentially enhance vitality. Planning conditions can control noise, in the interests of amenity and ensure there is no harm to the character and appearance of the conservation area. As such proposals reasonably comply with the relevant Local Plan policies - S5, S6 and HE3 and do not conflict with national policy established within the NPPF. Approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 PLANS1 Approved plans - drawings 800 - 004E, 005B, 006B, 007C, 012B

3 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible outside of the site boundary when in use, shall be submitted to the local planning authority for approval. These details shall include maximum (L_{Amax} (f)) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of occupants of the nearby properties from noise.

INFORMATIVE: The rating level of any building service noise associated with plant or equipment should not exceed 5dB(A) below the background noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 1997.

4 Amplified or recorded music shall not exceed background noise levels at a distance of 1m from the application site.

Reason: In the interests of general amenity and the character of the conservation area.

5 The rooftop plant shall be confined to the areas indicated on the approved roof plan and elevations.

Reason: For the avoidance of doubt and in the interests of the appearance of the conservation area.

6 The premises shall only be open to customers between the hours of 07.00 and 02.00 (the following day) each day of the week.

Reason: In the interests of amenity.

7 Prior to the commencement of works to convert the premises into either of the approved uses details of waste and recycling storage areas within the premises shall be submitted for the written approval of the local planning authority. The approved details shall be provided prior to the commencement of the use and shall thereafter be retained solely for the purposes of storing waste and recyclable materials.

Reason: In the interests of the environmental quality of the area and the area and the character and appearance of the conservation area.

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 advice and the use of planning conditions.

Contact details:

Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323

14/01133/FUL

Laura Ashley Ltd, 11 Little Stonegate



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COMMITTEE REPORT

Date: 3 July 2014 **Ward:** Dringhouses and Woodthorpe

Team: Major and Commercial Team **Parish:** Dringhouses/Woodthorpe Planning Panel

Reference: 14/00899/FULM

Application at: York College, Sim Balk Lane, York YO23 2BB

For: Erection of two storey building to accommodate construction skills centre (use class D1) following demolition of existing meeting centre

By: Ms Louise Lawrence-Crockford

Application Type: Major Full Application (13 weeks)

Target Date: 11 July 2014

Recommendation: Approve

1.0 PROPOSAL

1.1 York College comprises a substantial curtain wall clad complex of recent construction providing a range of Further and Higher Education Courses on land adjacent to Tadcaster Road to the south west of the City Centre.

1.2 Planning permission is currently sought for the re-development of the meeting centre (the former Nursery building) and the partial re-development of the existing parking area at the south western edge of the site to provide a construction skills centre. This would enable a range of courses currently taught remotely from the main College Campus in Osbaldwick to be integrated fully within the remainder of the site. The new building would add some 2,833sq metres of net additional floor space to the College campus. Some 40 car parking spaces along with 14 motor cycle parking spaces and 4 disabled parking spaces would be lost, although the College has agreed to a major revision to its Sustainable Travel Plan in order to partially mitigate the loss.

1.3 The proposal is reported to the sub-committee as it is a 'major application'.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001
DC Area Teams GMS Constraints: West Area 0004

2.2 Policies:

CYED5	Further and Higher Education Institutions
CGP15A	Development and Flood Risk
CYGP1	Design
CYGP4A	Sustainability

3.0 CONSULTATIONS

INTERNAL

Environmental Protection Unit

3.1 No objection in principle to the proposal subject to any permission being conditioned to require mitigation against the possible presence of land contamination.

Highway Network Management

3.2 No objection in principle to the proposal subject to the proposal subject to any permission being conditioned to require the submission and prior approval of an updated sustainable travel plan, and a method of works statement.

Strategic Flood Risk Management

3.3 No objection in principle to the proposal but wish to see the existing sustainable drainage system/attenuation scheme expanded rather than reliance being solely placed upon the proposed green roof.

EXTERNAL

Yorkshire Water Services Limited

3.4 No objection to the proposal.

Dringhouses and Woodthorpe Planning Panel

3.5 No objection to the proposal.

Ainsty (2008) Internal Drainage Board

3.6 No objection to the proposal.

4.0 APPRAISAL

KEY CONSIDERATIONS INCLUDE

- * Impact upon the visual amenity of the wider street scene;
- * Sustainability of the proposal;
- * Impact upon the local pattern of surface water drainage;
- * Impact upon the level of available vehicle parking.

STATUS OF THE DEVELOPMENT CONTROL LOCAL PLAN

4.1 The York Development Control Local Plan was approved 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 VISUAL AMENITY OF THE WIDER STREET SCENE

4.2 Policy ED5 of the York Development Control Local Plan sets out a firm policy presumption in favour of new development at York College providing it is in accordance with the other policies in the plan. Central Government Planning Policy as outlined in paragraph 17 of the National Planning Policy Framework "Core Planning Principles" urges Local Planning Authorities to give significant weight to the need to proactively support sustainable economic development to deliver local infrastructure needs. The current proposal envisages the redevelopment of the former nursery and part of the adjacent car parking area to allow for the integration of the construction skills centre, presently located at Osbaldwick, within the main College Campus. The former nursery is 1 1/2 storeys in height and lies to the west of the main college building. This is set against the principal College building within the centre of the site which is some 5 stories in height and constructed in a mix of render and curtain wall cladding.

4.3 The proposal envisages the construction of a partially single/partially two storey building with the first storey in blue brick and the second storey in an off white render with a central glazed atrium on the northern elevation and timber panelling surrounding the upper floor windows. The ground floor would be used for tuition in brick laying, plastering and joinery and with the upper floor used for more formal class room based tuition. It is envisaged that the building would have a low pitched "green" roof which would contribute to lowering the quantity of surface water coming from the site.

4.4 The application site is sheltered in views from the north and north-west by local topography and mature landscaping at the site boundaries. The proposed building would be mainly visible from the south and south west in longer distance views approaching from Bishopthorpe along Sim Balk Lane. The proposed building would appear to step up towards the much higher buildings of the main College complex in views from the south west. The proposed massing and palette of materials make a clear reference to that of the main complex directly to the north east and it is felt that the proposal would have a minimal impact upon the visual amenity of the wider street scene.

SUSTAINABILITY OF THE PROPOSAL:-

4.5 Policy GP4a) of the York Development Control Local Plan sets out a clear policy requirement for new development proposals to demonstrate its adherence to the principles of sustainable development. The current proposal is intended to concentrate the remainder of the College's teaching functions covering an area, in the process of expansion on to the main College site. Previously practical tuition in construction skills took place remotely at a site in Osbaldwick with formal classroom teaching taking place at the main campus. This has proved substantially inefficient and costly in terms of the operation of two sites and the transport of staff and students between the two. The proposed development would therefore be substantially more sustainable.

4.6 In terms of the practical building design, the windows on the principal northern and southern elevations have been designed to maximise solar gain. The palette of materials has been designed to maximise the range that can be sourced sustainably and it is proposed that the building should incorporate a sustainable "green" sedum roof. It is also proposed to locate 120 sq metres of photovoltaic panels at first floor roof level along with a 75kw air source heat pump to contribute to the satisfying the energy demand of the new building.

4.7 The proposal would result in the loss of some 40 car parking bays and 14 motorcycle bays. The applicant has submitted a detailed Transport Statement with the proposal that indicates that there would be a minimal increase in demand for parking space as a result of the proposal. This indicates that the majority of teaching staff at the Osbaldwick site are also involved in teaching at the principal campus at present and the majority of construction students travel to College by non-car means. There has also been a lessening of demand for parking space at the site since the closure of the on-site Nursery. The applicant has indicated at the same time an intention to substantially revise the sustainable Travel Plan for the wider campus with the intention of improving the modal split between car/non-car means. This may be effectively secured by condition attached to any permission. The terms of Policy GP4a) of the Development Control Local Plan can therefore be complied with.

IMPACT UPON THE LOCAL PATTERN OF SURFACE WATER DRAINAGE

4.8 Policy GP15a) of the York Development Control Local Plan sets out a firm policy requirement for developers to 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. At the same time paragraph 103 of the National Planning Policy Framework seeks that Local Planning Authorities should ensure that in permitting development flood risk is not increased elsewhere.

4.9 The current proposal lies within Flood Zone 1 which has the lowest defined risk of flooding and is presently almost totally hard surfaced. Any increase in surface water arising from the proposal is therefore likely to be very modest. It is proposed to incorporate a "green" sedum roof as part of the overall scheme which would take up a proportion of the surface water. Some concern has been expressed in terms of the treatment of the remainder; however this can be dealt with by means of condition attached to any planning permission to ensure that the new development can be effectively linked to the existing attenuation system serving the site. The terms of Policy GP15a) of the Draft Local Plan and paragraph 103 of the National Planning Policy Framework can therefore be complied with.

IMPACT UPON THE LEVEL OF AVAILABLE VEHICLE PARKING:-

4.10 The proposal envisages the removal of 40 car parking, 14 motor cycle parking and 4 disabled parking bays from the lower level of the decked car park to the north. The access to the parking area would remain as now and no increase is envisaged in terms of staff or student numbers. A detailed Transport Statement has been submitted with the application. This indicates that the majority of staff from the Osbaldwick site already teach or have an office presence at the main College Campus and that a majority of students undertaking construction courses travel to College by bus. It is felt that the proposal would not therefore have a material impact upon the level of parking demand at the site. There has also been a lessening of demand for parking space at the site following on from the closure of the Nursery.

4.11 The College has an existing Sustainable Travel Plan to cover the Campus and as part of that provides a subsidised bus service for students travelling in to the main College site over a wide area. The applicant has indicated through the Transport Statement a wish to revise the Plan to allow for the construction of the new facility and to improve the existing modal split between car/non-car means. This would seek to expand the area covered by the existing subsidised bus service and to provide encouragement and incentives for students to cycle or walk to College

It is felt that subject to the submission and prior approval of a Travel Plan for the new facility that would update the existing, then the proposal would be acceptable in terms of its impact upon the level of available car parking.

5.0 CONCLUSION

5.1 York College comprises a substantial curtain wall clad complex of recent construction to the south west of the City Centre providing a range of Further and Higher Education Courses for students from a wide area.

Full planning permission is sought for the erection of a partially two storey construction skills centre on the cleared site of the former nursery at the south western edge of the site along with a section of the car parking directly to the north.

The proposed building has been designed according to sustainable principles and would closely match the existing building complex to the north in terms of its scale and palette of materials. As a consequence of the existing nature of the site it is unlikely that there would be a materially harmful increase in the level of surface water discharges and the loss of the car parking spaces can be effectively mitigated by the submission of a detailed Sustainable Travel Plan for the proposed development. The proposal is therefore felt to be acceptable in planning terms and approval is therefore recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

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

Drawing Refs:- York College Elevations 1 :100; York College Elevations in Context : York College Plans 1:200; York College Site Plan 1:500; York College Site Plan 1:1250; and 5546-01 Date Stamped 14th April 2014

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 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.

5 Prior to the commencement of the development hereby authorised full details of a scheme of mitigation for surface water discharges from the building hereby authorised shall be submitted to and approved in writing by the Local Planning Authority.

Such details shall include areas of compensation for loss of existing landscaped

areas and permeable surfaces and shall comprise either a proportionate increase in the capacity of the existing system of attenuation or a replacement on a like for like basis of existing impermeable surfaces with a landscaped or other permeable surface. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason: - To minimise flood risk and to secure compliance with Policy GP15a) of the York Development Control Local Plan.

6 Unless otherwise agreed in writing with the Local Planning Authority, prior to commencement of development the developer shall submit in writing and be approved by the local planning authority a formal pre-design BREEAM assessment for the design and procurement stages of the development. The developer shall submit a further BREEAM assessment after construction, at a time to be agreed in writing by the local planning authority. The developer shall submit a completion assessment when issued by the BRE. All assessments shall confirm the minimum 'Very Good' rating anticipated in the preliminary BREEAM assessment submitted with the application

Reason - To ensure the development complies with the principles of sustainable development

7 HWAY18 Cycle parking details to be agreed -

8 HWAY19 Car and cycle parking laid out -

9 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of construction works shall be submitted to and approved in writing by the LPA. The statement should include at least the following information;

- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- a scheme for signing the promoted construction traffic routing
- where contractors will park
- where materials will be stored within the site
- details of how the car parking area will be managed during the construction period to ensure adequate car parking remains
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

Reason - In the interests of highway safety and amenity of local residents

10 The development hereby approved shall not be occupied until a Full Travel

Plan for the college has been submitted and approved in writing by the LPA. The travel plan should be developed and implemented in line with local and national guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Within 12 months of first occupation of the development approved a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure the development complies with local and national transportation and planning policies to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users.

11 LC4 Land contamination - unexpected contam -

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:

Planning conditions to cover the approval of a surface water drainage scheme and to seek the submission and prior approval of a Sustainable Travel Plan for the College site.

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

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Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(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:

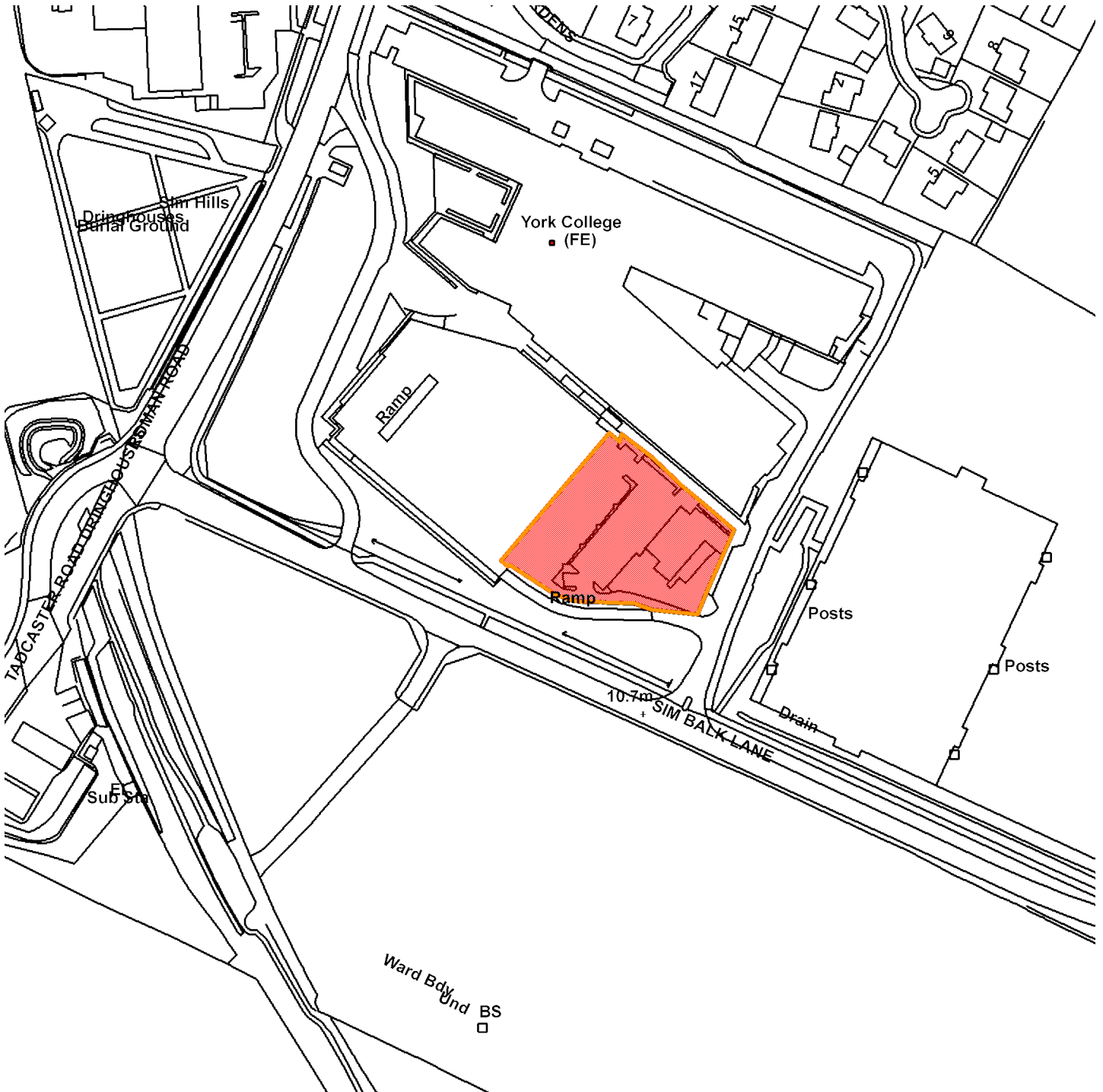
Author: Erik Matthews Development Management Officer

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14/00899/FULM

York College



Scale : 1:2119

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Organisation	Not Set
Department	Not Set
Comments	
Date	24 June 2014
SLA Number	Not Set

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Area Planning Sub-Committee

3 July 2014.

Planning Enforcement Cases - Update

Summary

1. The purpose of this report is to provide Members with a continuing quarterly update on planning enforcement cases.

Background

2. Members have received reports on the number of outstanding enforcement cases within the Sub-Committee area, on a quarterly basis, since July 1998, this report continues this process.
3. Some of these cases have been brought forward as the result of information supplied by residents and local organisations, and therefore "The annexes to this report are marked as exempt under Paragraph 6 of Part 1 of Schedule 12A of the Local Government Act 1972, as this information, if disclosed to the public would reveal that the Authority proposes to give, under any enactment a notice under or by virtue of which requirements are imposed on a person, or that the Authority proposes to make an order or direction under any enactment".
4. In order to give Members an up to date report, the schedules attached have been prepared on the very latest day that they could be to be included in this report on this agenda.
5. Section 106 Agreements are monitored by the Enforcement team. A system has been set up to enable Officers to monitor payments required under the Agreement.

Current Position.

6. Across the City of York Council area 94 new investigation cases were received within the last quarter. During the same period 77 cases were closed. A total of 496 ongoing investigations remain open.

There are also 188 Section 106 monitoring cases open. 12 such cases have been closed in this quarter as the contributions required through obligations contained in the S106 agreement

have been received. These obligations, and payments from on-going s106 cases total off-site financial contributions of £45364.

In this quarter 4 enforcement notices, 2 Section 215 (Untidy Land) Notices and 1 Planning Contravention Notices have been served. There has been 1 prosecution in the Magistrates Court for failing to comply with an enforcement notice. There are 3 further cases which are currently the subject of legal proceedings.

Consultation.

7. This is an information report for Members and therefore no consultation has taken place regarding the contents of the report.

Options

8. This is an information report for Members and therefore no specific options are provided to Members regarding the content of the report.

Council Plan 2011-2015

9. The Council priorities for Building strong Communities and Protecting the Environment are relevant to the Planning Enforcement function. In particular enhancing the public realm by helping to maintain and improve the quality of York's streets and public spaces is an important part of the overall Development Management function, of which planning enforcement is part of.

10. Implications

- Financial - *None*
- Human Resources (HR) - *None*
- Equalities - *None*
- Legal - *None*
- Crime and Disorder - *None*
- Information Technology (IT) - *None*

- Property - *None*
- Other - *None*

Risk Management

11. There are no known risks.

Recommendations.

12. That Members note the content of the report. Officers do try to update the individual reports and cases when necessary but it is not always possible to keep up with these straight away. Therefore if members have any additional queries or questions about cases on this enforcement report then please e-mail or telephone the case officers before 5pm on Tuesday 1 July 2014. Please note that the cases are presented in Ward order so hopefully this will make it easier for members to reference cases in their respective areas.

Also, if Members identify any cases which they consider are not now expedient to pursue and / or they consider could now be closed, giving reasons, then if they could advise officers either at the meeting or in writing, then that would be very helpful in reducing the number of outstanding cases, particularly older ones.

Reason: To update Members on the number of outstanding enforcement cases within the Sub-Committee’s area.

Contact Details

Author:

Gareth Arnold
Development Manager
551320

Chief Officer Responsible for the report:

Michael Slater
Assistant Director (Planning and Sustainable Development)

City and Environmental Services

Report Approved **Date** 24/06/2014.

Specialist Implications Officer(s) *List information for all Implications:*

Financial

Patrick Looker

Legal:

Andrew Docherty

Wards Affected: *All Wards*

Annexes- Enforcement Cases (Confidential)

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