



Notice of meeting of

East Area Planning Sub-Committee

To: Councillors Moore (Chair), Cregan (Vice-Chair), Douglas, Firth, Funnell, Hyman, King, Taylor, Vassie and Wiseman

Date: Thursday, 13 September 2007

Time: 2.00 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. Minutes

(Pages 4 - 27)

To approve and sign the minutes of meetings of the Sub-Committee held on 9 and 30 August 2007.

3. 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 12 September 2007 at 5.00pm.

4. Plans List

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

- a) **20 Byron Drive, York (07/01433/FUL)** (Pages 28 - 31)
Single storey pitched roof side and rear extension after demolition of garage [*Skelton, Rawcliffe and Clifton Without Ward*].
- b) **PC World, Unit 18, Monks Cross Shopping Park, Monks Cross Drive, Huntington (07/01498/FULM)** (Pages 32 - 37)
External alterations to, and construction of first floor within units 18 and 19 [*Huntington and New Earswick Ward*].
- c) **Site at the Junction of Jockey Lane/Kathryn Avenue, Huntington (07/00843/FULM)** (Pages 38 - 53)
Erection of foodstore with associated car parking, access and landscaping (resubmission of 06/02293/FULM) [*Huntington and New Earswick Ward*].
- d) **Land Lying to the South of Centurion Office Park, Tribune Way, York (07/01337/OUTM)** (Pages 54 - 59)
Outline application for the erection of care home (C2 use) [*Skelton, Rawcliffe and Clifton Without Ward*].
- e) **Unit 34, Kettlestring Lane, York (07/01526/FULM)** (Pages 60 - 66)
Change of use from Class B1 (light industrial) to Builders Merchant (sui generis) [*Skelton, Rawcliffe and Clifton Without Ward*].
- f) **The Villa, Main Street, Elvington (07/01806/FUL)** (Pages 67 - 71)
Erection of 1 no. dormer bungalow with attached garage to rear [*Wheldrake Ward*].
- g) **47 Usher Lane, Haxby, York (07/01762/FUL)** (Pages 72 - 75)
Single storey pitched roof rear extension [*Haxby and Wigginton Ward*].

5. Clifton Hospital: Outstanding Section 106 in (Pages 76 - 79) relation to Management of the Landscape

This report details progress made on the outstanding Section 106 agreement in relation to Clifton Hospital.

6. Urgent Business

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

Democracy Officer:

Name: Jill Pickering

- Telephone – (01904) 552061
- E-mail – jill.pickering@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

Contact details set out above

**EAST AREA PLANNING
SUB-COMMITTEE****SITE VISITS****WEDNESDAY 12 SEPTEMBER 2007**

TIME	OFFICER	SITE
10:15am	HS	20 Byron Drive, York

Pool car will leave St Leonard's Place car park at 10:00am

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If you would, you will need to:

- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
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The majority of councillors are not appointed to the Executive (38 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Advisory Panel (EMAP)) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

Scrutiny Committees

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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City of York Council

Minutes

MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	9 AUGUST 2007
PRESENT	COUNCILLORS MOORE (CHAIR), CREGAN (not for 4b)(VICE-CHAIR), DOUGLAS, FIRTH, FUNNELL (not for 4d), HYMAN (not for 4f), KING, TAYLOR (not for 4d), VASSIE (not for 4d) AND WISEMAN

21. INSPECTION OF SITE

The following site was inspected before the meeting:

Site	Attended by	Reason for Visit
Enclosure Farm, Main Street, Heslington	Cllrs Moore, Hyman, King and Taylor	To familiarise Members with the site and its relationship to neighbouring properties.

22. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda.

Councillor Hyman declared a personal and prejudicial interest in Plans Item 4f (31 Lea Way, Huntington), as he knew the architect. He left the room and took no part in the debate.

Councillor Cregan declared a personal and prejudicial interest in Plans Item 4b (J A Magson, Audax Road, York) as his daughter worked for Network Rail. He left the room and took no part in the debate.

23. MINUTES

RESOLVED: That the minutes of the meeting of the Sub-Committee held on 12 July 2007 be approved as a correct record and signed by the Chair.

24. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme.

25. PLANS LIST

Members considered a schedule of reports of the Assistant Director (Planning and Sustainable Development), relating to the following planning

applications, outlining the proposals and relevant policy considerations and setting out the views and advice of consultees and officers.

25a. 219 Melrosegate, York (07/01100/FUL)

It was reported that this application had been withdrawn prior to the meeting.

25b. J A Magson, Audax Road, York (07/01195/FULM)

Consideration was given to a major full application, submitted by Network Rail Corporate Offices, for new cladding to external elevations and installation of plant including new enclose at J A Magson Ltd, Audax Road, York.

Officers updated that paragraph 3.3 of the report should read Clifton Without Parish Council and not Clifton Without Planning Panel. They also said that conditions 7, 8 and 9 (as set out in the report) were no longer relevant.

Members agreed that condition 7 be retained as external work would be taking place. They agreed that conditions 8 and 9 could be removed.

RESOLVED: That the application be approved subject to the conditions outlined in the report excluding conditions 8 and 9.

REASON: That the proposal, subject to the conditions listed in the report (excluding conditions 8 and 9), would not cause undue harm to interests of acknowledged importance, with particular reference to design, landscaping, sustainability, cycle parking standards, highway safety and accessibility. As such the proposal complies with Policies GP1, GP4a, GP9, GP11, T4 and T20 of the City of York Local Plan Deposit Draft.

25c. Enclosure Farm, Main Street, Heslington (07/01046/FUL)

Members considered a full application, submitted by Mr Brown, for the proposed conversion of redundant agricultural buildings to 3 No. domestic dwellings (resubmission).

Officers updated that conditions 3, 6 and 20 in the report and had been amended. An e-mail had been received from Mr Morgan at Mo Mo Architecture (agents for the applicant) which answered some of the questions that had been raised at the site visit the previous day. The e-mail confirmed that:

- The Barn A site area was 1605 sq.m, the extension was 187 sq.m.
- The windows to the North east elevation of Barn A have always been open
- With regard to materials, these will be clay pantiles and reclaimed brickwork to approval and to match in with the existing structures.

- Pedestrian access will be allowed to the garden area to the north of Barn B, for the purpose of maintenance and repair, and removal of garden waste, an additional bin will be provided.
- Effort will be made to retain the plum tree to the garden of Barn D

An e-mail had also been received from a local resident in objection to the proposed development. The e-mail raised concerns regarding the Garden Plot being overdeveloped, possible use of the new accommodation to house students, overlooking from rear windows, sealing of the upper door at the rear of the property and the pitch of the roof of Barn A.

Representations were received from the agent to the applicant who clarified the points listed in his e-mail (as set out above). Members asked him whether he had submitted a sustainability statement and he replied that he had not yet been asked for one. Members requested that the officers address the sustainability concerns directly with the applicant and his agent.

Members discussed the existing door on the upper floor of Barn A and agreed that it should not be blocked off as it was a feature of the building. They agreed that it was an excellent and high quality development of what was a derelict site. Some Members felt that there should be more provision for recycling, more garden space and railings on the steps leading from the upper door. Members agreed that sustainability was very important and requested that a sustainability statement be provided.

RESOLVED: That the application be approved subject to the conditions listed in the report and the following amended conditions:

1. [Amended condition 3 to read as follows with amendments in italics] – Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B, C, D, E, F *and H* of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which without this condition, may have been carried out as “permitted development” under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

2. [Amended condition 6 to read as follows with amendments in italics] – 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.

New windows and doors, including openings, lintels, cills and reveals; rooflights (which should be conservation style design of a dark finish); eaves and verges; vent details, including method of blocking up; and junctions of new extensions/additions to existing buildings, including method of attachment.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of preserving the character and appearance of the buildings and the conservation area.

3. [Amended condition 20 to read as follows with amendments in italics] – The first floor windows in the east facing elevation of the building referred to as Barn A on the approved drawings, shall be fitted with obscure/opaque glazing and shall remain as such at all times. No other openings shall be created in the east facing elevation of the existing barn or its extension at any time *nor in the south facing elevation of the building referred to as Barn D.*

Reason: In the interests of residential amenity.

4. The development shall be completed in accordance with the requirements of code level 3 of The Code for Sustainable Homes (DCLG) March 2007. This shall be demonstrated to the satisfaction of the local planning authority.

Reason: To ensure that the development accords with the criteria of Policy GP4a of the City of York Local Plan 2005.

REASON:

That the proposal, subject to the conditions listed above and those detailed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to Green Belt, impact on the Conservation area, impact on amenity, impact on ecology, impact on archaeology. As such the proposal complies with Policies GB1, GB2, GP1, GP4A, GP10, NE1, HE2, HE3, HE10, H3C, H4A, H5A and LIC of the City of York Local Plan Deposit Draft.

25d. 196A Fulford Road, York (07/01571/FUL)

Consideration was given to a full application, submitted by Mr M R Bradley, for the change of use from 2 No. maisonettes to single house in multiple occupation.

Officers updated that they had received an extra plan indicating the location of cycle and bin storage.

Representations were received from the Applicant's Agent who had attended to answer any questions that arose.

RESOLVED: That the application be approved subject to the conditions listed below and those outlined in the report.

1. There shall be no vehicle parking or storage of refuse bins on the forecourt of nos.196 and 198 Fulford Road in association with the use hereby approved at any time.

Reason: In the interests of the general amenity of the area and to preserve the character and appearance of the Fulford Road Conservation Area.

REASON: That the proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to visual amenity, the conservation area, setting of the adjacent listed building, residential amenity of both future and surrounding occupants and highway safety. As such the proposal complies with national advice in PPS3 (Housing) and PPG15 (Planning and the Historic Environment), Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies HE2, HE3, T4, H8 and H11 of the City of York Draft Local Plan.

25e. Tang Hall County Primary School, Sixth Avenue, York (07/01517/GRG3)

Members considered a general regulation application (Reg 3), submitted by the City of York Council, for the creation of a multi use games area at Tang Hall County Primary School.

Officers asked Members to delegate, to themselves, the details regarding satisfactory and secure access to the Multi Use Games Area and to the changing facilities and toilets within the school buildings outside of school hours. Members agreed.

RESOLVED: That the Officers be delegated authority to approve the application subject to receipt of satisfactory details of access to the school in order to not compromise the safety of the school.

REASON: That, subject to the conditions outlined in the report, the proposal would not cause undue harm to interests of acknowledged importance, with particular reference to design and impact on residential amenity. As such

the proposal complies with Policy GP1 of the City of York Local Plan Deposit Draft.

25f. 31 Lea Way, Huntington (07/01126/FULM)

Members considered a major full application, submitted by Carlyn Limited, for the erection of 14 no. dwellings after demolition of existing house (resubmission).

Officers updated that there was a correction to the information contained in paragraph 1.1 of the report regarding the mix of dwelling types. The correct mix was four 2 bedroom houses, five 3 bedroom houses, four 4 bedroom houses and one 4 bedroom dormer bungalow.

An additional representation, in objection to the proposed development, had been received from a local resident and this was circulated at the meeting. It contained the following points:

- There would be an increase in traffic arising from the additional 14 dwellings adding to the already existing problems regarding the volume of traffic in the vicinity.
- An additional 14 properties will put a strain on the already heavily stretched utilities; especially on drainage and water.
- The noise and disturbance of the construction of 14 dwellings will be unbearable.

Officers had now received a revised surface water and foul water drainage scheme and further comments had been received from City of York Council Structures and the Drainage Engineer. Additional information had also been provided by the applicant regarding the location of the culvert to which the Foss Internal Drainage Board had referred. This has been shown to be 6 metres outside of the site boundary. No surface water drainage connection to the culvert is proposed.

A further document had also been received from York Consultancy, regarding drainage, and this was circulated at the meeting. This stated that the proposed foul and surface water design was now acceptable with the following condition:

- The surface water attenuation scheme should be designed in accordance with the submitted plans, to adoptable standards, and offered for adoption to Yorkshire Water under a Section 104 Agreement.
- The outfall discharge should be limited to 4 litres per second to the existing sewer (in the 1 in 30 year return period) and this will be limited by the use of a vortex control chamber provided by HydroBrake or Crown Water or similar.
- The pipe from the vortex control chamber to the existing adopted sewer should be a 150mm pipe laid at minimum falls.

- Finished ground levels should not differ significantly from the existing.
- Foul sewerage shall be in accordance with the submitted plans.

Members questioned whether the drainage plans would be sufficient and Officers responded that the drainage engineers were happy with the scheme that had been put forward. Members also asked whether Yorkshire Water would be adopting the drainage system and Officers said that this was unknown but the system would be built to adoptable standards.

Representations were received, in objection, from a local resident who said that the proposed development would overload the sewage/drainage system which was already inadequate. There was a very high water table in the area and this plot of land was lower than the surrounding area. He did not believe that the sewerage and drainage problems had been addressed properly.

Representations were received, in support of the application, from the applicant's agent. He said that the applicant had discussed the concerns regarding drainage, raised by Officers, and these had now been addressed satisfactorily. He said that the design of the drainage system was over and above what Yorkshire Water had asked for.

Members asked the agent for the applicant whether he had considered grey water recycling and rain harvesting and he said that the applicant would be willing to look at this.

Some Members felt that the drainage system needed to be more sustainable and felt that the site had not been adapted to cope with the present changes in climate. There was also a pond within the site and some Members felt that this should be retained to encourage surface water drainage.

RESOLVED: That the application be approved subject to the conditions outlined below.

1. The development shall be begun not later than the expiration of the three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

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

Drawing No. 012.01.02 received 14 May 2007

Drawing No. 012.01.03 rev E received 7 August 2007

Drawing No. 012.01.04 received 14 May 2007

Drawing No. 012.01.05 received 14 May 2007
Drawing No. 012.01.06 received 14 May 2007
Drawing No. 012.01.07 received 14 May 2007
Drawing No. Y157/D/2 received 6 August 2007
Drawing No. Y157/D/1D received 6 August 2007

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. Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

4. Details of all means of enclosure to the site boundaries and all boundary treatments within the site shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

Reason: In the interests of the visual amenities of the area.

5. The development shall be completed in accordance with the requirements of code level 3 of The Code for Sustainable Homes (DCLG) March 2007. This shall be demonstrated to the satisfaction of the local planning authority.

Reason: To ensure that the development accords with the criteria of Policy GP4a of the City of York Local Plan 2005.

6. The site shall be developed with separate systems of foul and surface water drainage on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

7. Development shall not begin until details surface water drainage works, including the storage and pumping of surface water, have been submitted to and

approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

8. The discharge rate of surface water from the site to the adopted sewer shall not exceed 4 litres per second and shall be limited to this maximum level by vortex control chamber and the pipe from the vortex control chamber to the existing adopted sewer shall be 150 mm diameter and laid at minimum falls unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of the proper drainage of the site and to prevent flooding.

9. The site shall not be occupied and no piped discharge of water from the development site shall take place until works to provide surface and foul water drainage have been completed in accordance with the approved details.

Reason: To protect the environment and in the interests of the proper drainage of the site.

10. Foul water drainage of the site shall be in accordance with the approved plans.

Reason: For the proper drainage of the site.

11. No development, including building, filling or other permanent obstruction shall be located over or within 6 metres measured from the outside edge of the pipe forming the culverted watercourse.

Reason: To ensure that access to the culvert is available for maintenance and prevent damage.

12. All drainage routes through the Site shall be maintained both during the works on Site and after completion of the works.

INFORMATIVE:

Provisions shall be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the Site are not adversely affected by the development.

Drainage routes shall include all methods by which water may be transferred through the Site and shall include such systems as 'ridge and furrow' and 'overland flows'. The affect of raising Site levels on adjacent property must be carefully considered and appropriate measures taken to negate influences.

Reason: To protect the area from flooding

13. There shall be no raising of ground levels on the site.

Reason: To prevent flooding of adjacent properties.

14. No development shall commence on site until a scheme for the provision of affordable housing (Affordable Housing Plan) as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with Policy H2a of the Draft City of York Local Plan and the Affordable Housing Advice note adopted April 2005. The scheme shall include:-

i) The numbers, type and location on the site of the affordable housing provision to be made

ii) The timing of the provision of the affordable housing

iii) The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing

iv) The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and means by which such occupancy shall be enforced.

REASON: To comply with Policy H2a of the Council's Draft Local Plan (4th Set of Changes April 2005) and the aims of PPS1 and PPS3.

15. No development shall commence unless and until a scheme to ensure the provision of adequate additional foundation and secondary school places within the local catchment area has been submitted to and approved by the local planning authority.

Reason: The education provision within the catchment area of the development has insufficient capacity to take more pupils, such that additional places are required in the interests of the sustainable development of the city in accordance with Policy C6 of the Development Control Local Plan and the Council's Supplementary Planning Guidance

"Developer Contributions to Education Facilities" dated January 2005.

INFORMATIVE:

The provisions of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, The obligation should provide for a financial contribution calculated at £32,540.00. The basis for this calculation is contained within the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

No development can take place on this site until the condition has been discharged and you are reminded of the Local Planning Authority's enforcement powers in this regard.

16. 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 (including boundary treatments). 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.

17. Protective fencing to BS5837: 2005 shall be erected around all existing trees shown to be retained (and neighbouring trees where they may also be affected). Before the commencement of development including site clearance, demolition, building, or other operations, including the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing to be shown on a plan; phasing of works; type of construction machinery/vehicles to be used; arrangements for loading/off-loading; parking arrangements for site vehicles; locations for storage of

materials; location of site cabin and marketing cabin as appropriate. The protective fencing will also include the existing grassland shown to be retained around the trees that are subject to a TPO.

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

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

18. No development shall commence on site until full details of a Great Crested Newt mitigation plan to offset the impact of the development has been submitted to and approved in writing by the local planning authority. This plan shall include the following:
 - i. further survey if appropriate to determine the extent of the overall Great Crested Newt meta-population;
 - ii. A Wildlife Protection Plan of how development work is to be carried out to take account of the presence of Great Crested Newt
 - iii. Details of the mitigation/compensation provision is to be made to replace the habitat lost through development to ensure that there is no significant impact on the population overall
 - iv. The measures to ensure that no Great Crested Newt are harmed by the development work
 - v. The timing of all operations

The mitigation plan shall thereafter be implemented on site in accordance with an agreed timetable.

Reason: In the interest of protecting a protected species and its habitat.

19. a. A desk study should be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on site, including the potential for the migration of landfill gas. This shall

include a site description and a site walkover and shall be submitted to and approved by the local planning authority prior to development of the site.

b. A site investigation shall be undertaken based upon the findings of the desk study. The investigation shall be carried out in accordance with BS10175: Investigation of potentially contaminated land: code of practice. The results of the investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on site.

c. A risk based remedial strategy shall be developed based upon the findings of the site investigation. The remedial strategy shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing on site. The remedial strategy shall have due regard for UK adopted policy on risk assessment.

d. A validation report shall be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development commencing on site.

e. Any contamination detected during site works that has not been considered within the remedial strategy 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 on site.

Reason: To protect the health and the wider environment

20. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B, C, D and E of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the adjoining residents and the long term health of protected trees the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

21. No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be recorded during the construction programme.

22. The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

23. Fully detailed drawing illustrating the design and materials of roads, footpaths and other adoptable open spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the start of construction on site.

Reason: In the interests of highway safety.

24. No dwelling to which this planning permission relates shall be occupied unless or until the carriageway basecourse and kerb foundation to the new estate road and footpath to which it fronts, is adjacent to or gains access from, has been constructed. Road and footway wearing courses and street lighting shall be provided within three months of the date of commencement on the construction of the penultimate dwelling of the development.

Reason: To ensure appropriate access and egress to the properties, in the interests of highway safety and the convenience of prospective residents.

25. The development shall not come into use until the junction with the public highway has been constructed in accordance with the approved plans.

Reason: In the interests of road safety.

26. The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have

been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

27. Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the LPA.

Reason: In the interests of the safety and good management of the public highway.

28. Prior to commencement of any works on site, a management plan identifying programming and management of construction works shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the provision for unloading of delivery vehicles and measures to prevent dirt from being transferred on to the highway.

Reason: In the interests of highway safety.

29. No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The Open space shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1c of the Development Control Local Plan which requires that all new housing sites make provision for the open space needs of future occupiers.

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £17,521.00.

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded

of the local planning authority's enforcement powers in this regard.

30. Unless otherwise agreed in writing by the local planning authority a management plan for the on site drainage scheme (including details of maintenance and detailing responsibility for management of the works) shall be submitted to and approved in writing by the local planning authority before the development hereby approved is first occupied.

Reason: To ensure the future maintenance and operation of the drainage works.

31. Details of a scheme for the collection and use of rainwater for domestic purposes (including grey water recycling for internal use and rain water storage for external use) shall be submitted to and agreed in writing by the local planning authority before development commences on site. The approved scheme shall be implemented on site before the dwellings hereby approved are first occupied.

Reason: In the interests of sustainable development.

REASON:

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:

- principle of development for housing;
- density;
- visual appearance, including landscaping;
- sustainability;
- impact on trees;
- impact on wildlife;
- neighbour amenity;
- access, parking and highway safety;
- drainage;
- affordable housing;
- impact on local services;
- crime prevention;
- construction impact.

As such the proposal complies with Policies GP1, GP3, GP4a, GP9, GP10, ED4, GP15a, NE1, NE6, H2a, H3c, H4a, H5a, L1c and T4 of the City of York Local Plan Deposit Draft.

25g. Impress Creative Imaging, Amy Johnson Way, York (07/01401/FULM)

Consideration was given to a major full application, submitted by Ken Kay, for the change of use from print works (Class B2) to storage for medical records (Class B8) and alterations at the rear.

Members discussed the security on the site considering the confidentiality of the material to be stored there.

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

REASON: That, the proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to employment development, visual appearance and highway issues. As such the proposal complies with policies E4, GP1, T4 and T13a of the City of York Local Plan Deposit Draft.

Councillor R Moore; Chair

The meeting started at 2.00 pm and finished at 3.40 pm.

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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	30 AUGUST 2007
PRESENT	COUNCILLORS MOORE (CHAIR), CREGAN (VICE-CHAIR), DOUGLAS, FUNNELL, HYMAN, KING, MORLEY (SUB FOR CLLR FIRTH), TAYLOR (NOT IN ATTENDANCE FOR AGENDA ITEM 4A) AND WISEMAN
APOLOGIES	COUNCILLOR FIRTH

26. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda. No interests were declared.

27. INSPECTION OF SITE

The following site was inspected before the meeting:

Site	Attended by	Reason for Visit
78 Penyghent Avenue, York	Cllrs Douglas, Funnel, Hyman Moore, Taylor and Wiseman	To familiarise Members with the site and its relationship to neighbouring properties.

28. MINUTES

RESOLVED: That the minutes of the Sub-Committee meeting held on 26 July 2007 be approved and signed by the Chair as a correct record.

29. CHAIRS REMARKS

The Chair asked Members to confirm that they had no objections to the attendance of Freddie, a guide dog in training at the meeting. Freddie was accompanied by his trainer Councillor Douglas.

30. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme.

31. PLANS LIST

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

31a. 78 Penyghent Avenue, York (07/01603/FUL)

Members considered a full application, submitted by Mr A Mountain, for the erection of a conservatory to the rear of 78 Penyghent Avenue, York.

Reference was made to concerns expressed by the neighbour from possible loss of light and Officers displayed a sun path chart which showed that there would be a very small loss of light towards the end of the day which it was felt would have very little effect on the property. It was also confirmed that the conservatory roof would be low, hipped and sloped away from the neighbour's boundary.

Officers referred to the report at 4.8 in the fifth paragraph and stated that an amendment was required to omit the word "directly" so the sentence read, "A covenant is a legal issue and is not relevant to the consideration of the application". They confirmed that a covenant was a civil matter and therefore was not relevant to the application.

Cllr Hyman referred to the site visit the previous day and stated that he now had no objections to the application other than in relation to the opening windows onto the boundary of No 80. He requested that the top lights should be non-opening to prevent any nuisance being caused to neighbours.

RESOLVED: That approval be granted subject to the conditions listed in the report and the addition of the following condition:

1. The windows to be inserted in the side (south) elevation of the conservatory facing 80 Penyghent Avenue shall be non-opening and shall be thus maintained.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, the proposed first floor extension would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the residential amenity of neighbours or the impact upon the street scene. As such the proposal complies with Policies H7 and GP1 of the City of York Local Plan Deposit Draft.

31b. Acres House Farm, Naburn Lane, Fulford (07/01646/GRG3)

Members considered a full application, submitted by the City of York Council, for the construction of a vehicle access from Naburn Lane.

Officers updated Members and circulated a sheet, which detailed amendments to suggested conditions. The first related to an amended plan which had now been received showing all the land, which was required for the access road. The second change referred to the addition of the words "Notwithstanding the submitted details" and the third change was to Condition 8 to ensure that prior to commencement of the development a scheme should be submitted to and agreed in writing by the Local Planning Authority.

Officers also confirmed that the hedge along Naburn Lane was in the ownership of the Council, as Highway Authority who would be responsible for the replacement of new hedging should any die or be removed. They also confirmed that the total area of agricultural land to be lost by the construction work represented 0.8% of the total holding of Naburn Lodge Farm.

RESOLVED: That the application be approved subject to the conditions listed in the report and the imposition of the following amended conditions:

i) Condition 2 (Plans): The development hereby permitted shall be carried out only in accordance with the following plans: -

Drawing no. HE/DEC/07010/151-102 Rev.A 'Proposed Access onto B1222' dated 22/08/07 July 2007 and received 22 August 2007;

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

ii) Condition 6 (Access Road): Notwithstanding the submitted details, the access road, including edge restraint, shall be constructed a minimum of 2.5m from the base of the hedge along Naburn Lane and along the northern boundary of the field.

iii) Condition 8 (Hedge planting): Prior to the commencement of development, a scheme shall be submitted to and agreed in writing by the Local Planning Authority for the planting of native hedgerow to fill gaps in the full length of the hedge along the site frontage with Naburn Lane, to the following specification: Staggered, double row, 60cm to 90cm high plants, 30cm spacing between plants. Composed of 60% hawthorn, 20% blackthorn and the remaining percentage made up of the following: Dog Rose, Dogwood, Hazel, Field Maple, Holly, Guelder Rose.

The hedging shall be planted before the end of the next tree planting season (November-March) following the completion of the development in a location suitable for the growth of the hedge/trees.

Any new hedging that within a period of five years from the completion of the development dies, is removed or becomes seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the purpose and openness of the Green Belt, agricultural land, hedgerow and highway safety. As such the proposal complies with Planning Policy Guidance Note 2: Green Belts, Planning Policy Statement 9: Biodiversity and Geological Conservation and Policies GP1, GP14, NE1, GB1 of the City of York Draft Local Plan.

31c. Bootham Junior School, Rawcliffe Lane (07/01605/GRG3)

Members considered a full application, submitted by Bootham School, for the construction of an outdoor play area.

Officers updated that the recommendation should read "Approval" at paragraph 6.0, page 26 of the report. They also confirmed that the problem of security and possible anti social behaviour arising from the development had been raised with Bootham School. The school had confirmed that approximately 2 years ago similar problems had arisen and a 2.4m anti-intruder fence had been erected on the eastern boundary of the site, this had dramatically reduced problems on site. They also confirmed that they had in house security who conducted random visits to the site and they felt that these combined measures would be sufficient to control any problems that arose in the future.

RESOLVED: That the application be approved subject to the imposition of the conditions listed in the report.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to design and impact on residential amenity. As such the proposal complies with Policy GP1 of the City of York Local Plan Deposit Draft.

**32. HOWARD SMITH, ASSISTANT AREA TEAM LEADER,
CITY STRATEGY**

The Chair reported that this was the last meeting of the East Area Planning Sub-Committee to be attended by Howard Smith, Development Control Officer, prior to his move to Exeter.

On behalf of Members past and present, the Chair expressed his thanks for Howard's work for the Sub-Committee and wished him well in his new post.

CLLR R MOORE, Chair

The meeting started at 2.00 pm and finished at 2.20 pm.

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COMMITTEE REPORT

Committee: East Area **Ward:** Skelton, Rawcliffe, Clifton
Without

Date: 13 September 2007 **Parish:** Rawcliffe Parish Council

Reference: 07/01433/FUL

Application at: 20 Byron Drive York YO30 5SN

For: Single storey pitched roof side and rear extension after
demolition of garage

By: Mr N Winn

Application Type: Full Application

Target Date: 13 August 2007

1.0 PROPOSAL

1.1 This is a full planning application for a single storey side and rear extension following demolition of a car port.

1.2 The plans have been amended since first submitted to increase the driveway length to 5.5 metres.

1.3 The application has been brought to committee at the request of Cllr Moore following the late notification of neighbours.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

None

2.2 Policies:

GP1 - Design

H7 - Residential extensions

3.0 CONSULTATIONS

INTERNAL

3.1 HIGHWAYS NM: The proposed garage is narrower than minimum width. The driveway should be a minimum of 5.5 metres (with a non protruding garage door) to prevent vehicles overhanging the footway.

EXTERNAL

3.2 RAWCLIFFE PARISH COUNCIL: No comments received.

3.3 PUBLICITY: The application has been advertised by neighbour letter. One response has been received raising the following points.

- concern with limited time for comment
- objection due to scale of extension
- will dominate garden
- significant visual impact
- loss of light to kitchen
- noise from extractor fans

4.0 APPRAISAL

4.1 This is a full planning application for a single storey side and rear extension following demolition of an existing garage. A similar extension was recently permitted at 18 Byron Drive (ref. 06/01990/FUL).

4.2 Policy H7 of the draft local plan gives criteria for residential extensions. The design, materials and scale of the proposed building are considered sympathetic to the dwelling and sufficient garden space is retained.

4.3 The key issues are the amenity of adjoining occupier and parking.

Amenity

4.4 The proposals would replace an existing carport and whilst they would extend down the boundary the eaves level is low and the affected neighbour has a garage positioned back from the dwelling and adjacent the boundary. The affected neighbour is southwest of the proposed extension. As such no overbearing impact or loss of light is considered to result.

Parking.

4.5 The proposed space at the side of the dwelling is intended to be used as a workshop/store and would accommodate bins, recycling and cycles. One parking space is provided on the driveway (5.5 metres long) and this is in accordance with CYC maximum parking standards. A non-protruding garage door can be conditioned.

5.0 CONCLUSION

5.1 It is considered that the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to visual impact parking and highway safety. As such the proposal complies with Policies GP1, T4 and H7 of the City of York Local Plan Deposit Draft and is recommended to be approved.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing Number 2007 26 01A received 7 August 2007

Drawing Number 2007 26 03A received 7 August 2007

Drawing Number 2007 26 04A received 7 August 2007

or any plans or details subsequently agreed in writing by the Local Planning Authority as an 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 VISQ1 Matching materials

4 HWAY30 Non-protruding garage doors

7.0 INFORMATIVES:

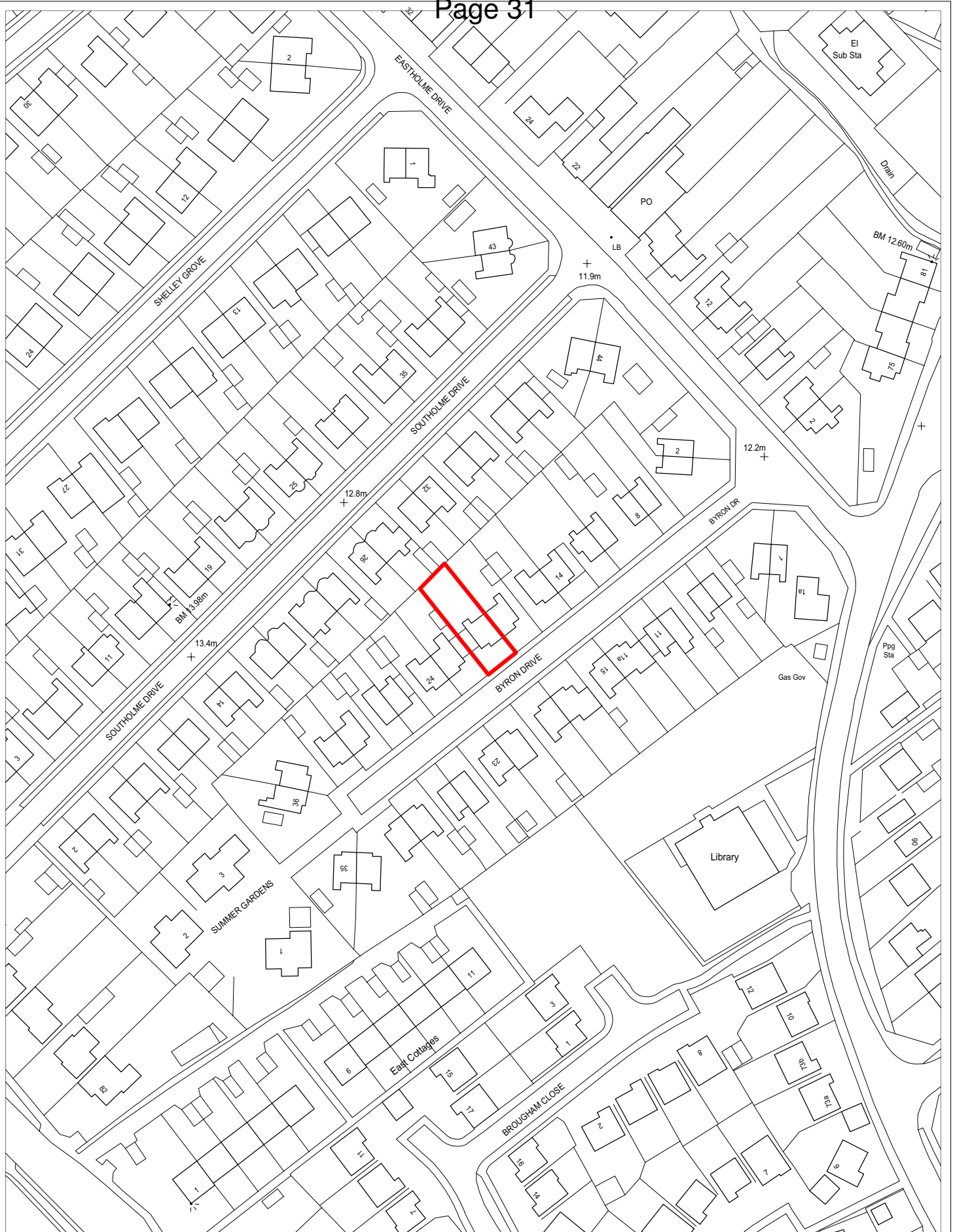
1. REASON FOR APPROVAL

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 impact parking and highway safety. As such the proposal complies with Policies GP1, T4 and H7 of the City of York Local Plan Deposit Draft.

Contact details:

Author: Howard Smith Assistant Area Team Leader

Tel No: 01904 551352



CITY OF
YORK
COUNCIL

20 BYRON DRIVE - 07/01433

SCALE 1:1250
Originating Group

DRAWN BY PSL
Project

DATE 3/9/2007
Drawing No.



COMMITTEE REPORT

Committee: East Area
Date: 13 September 2007
Ward: Huntington/New Earswick
Parish: Huntington Parish Council

Reference: 07/01498/FULM
Application at: P C World Unit 18 Monks Cross Shopping Park Monks Cross Drive Huntington
For: External alterations to, and construction of first floor within units 18 & 19.
By: Monks Cross Shopping Park Trust
Application Type: Full Application
Target Date: 19 September 2007

1.0 PROPOSAL

1.1 The application site is for units 18 and 19 at Monks Cross Shopping Park, currently occupied by PC World.

1.2 This application (ref. 07/01498/FULM) has been submitted for external alterations and construction of a first floor, as an alternative scheme to the recent planning permission (2006) for units 18 and 19 (ref 06/01725/FUL & 06/01727/FUL). At the time of this decision the applicant demonstrated that a material commencement had been made on works for which a certificate of lawfulness (ref. 05/02255/CLD) was granted prior to changes to the General Development Procedure Order (GDPO) that brought some mezzanine floors under planning control. The mezzanine floors could therefore be lawfully installed within units 18 and 19 at Monks Cross Shopping Park. This was a 'fall-back' position against which this and the previous applications were assessed. A pragmatic view was taken at that time that whilst the mezzanine floors differed slightly from those, which were previously deemed lawful, the additional floor space that resulted did not exceed that subject of the Lawful Development Certificate.

1.3 The extant planning permission splits units 18 and 19 down the middle to create 2 units of circa 1900 sqm each. This new proposal seeks to reconfigure the approved floor area to create 2 alternatively sized units - unit 19 (2899 sqm/31,000 sqft) and unit 18 (929 sqm/10,000 sqft). The extant permissions and the proposed development both have full cover 1st floors.

1.4 A parallel application is under consideration to vary condition 3 of the outline planning consent (ref. 3/66/650K and 3/61/207G) to allow the sale of a extended range of goods from the 2899 sqm/31000 sqft unit here proposed. Under current restrictions units over 15000 sqft are restricted from selling clothing, fashion accessories, jewellery, music, cameras, domestic music equipment or toys.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

SP9 Action Area

2.2 Policies:

GP1 - Design

S2 - Out of centre retail warehouse criteria

SP6 - Location strategy

SP7A - The sequential approach to development

SP7B - York City Centre and Central Shopping Area

SP8 - Reducing dependence on the car

3.0 CONSULTATIONS

INTERNAL

3.1 HIGHWAYS NETWORK MANAGEMENT: No objection.

3.2 CITY DEVELOPMENT: Proposal

3.3 The application site is for units 18 and 19 at Monks Cross Shopping Park, currently occupied by PC World. PC World will vacate the unit in 2008. Application 07/01498/FULM has been submitted for external alterations and construction of a first floor, which involves changes to the recent planning permission (2006) for units 18 and 19 (ref 06/01725/FUL & 06/01727/FUL) to meet Debenham's requirements. At the time of this decision the applicant demonstrated that a material commencement had been made on works for which a certificate of lawfulness was granted prior to changes to the GDPO that brought some mezzanine floors under planning control. The mezzanine floors could therefore be lawfully installed within units 18 and 19 at Monks Cross Shopping Park. This was a 'fall-back' position against which applications were assessed. A pragmatic view was taken at that time that whilst the mezzanine floors differed slightly from those, which were previously deemed lawful, the additional floor space that resulted did not exceed that subject of the Lawful Development Certificate.

3.4 The extant planning permission splits units 18 and 19 down the middle to create 2 units of circa 1900 sqm each. This new proposal seeks to reconfigure the approved floor area to create 2 alternatively sized units - unit 19 (2899 sqm/31,000 sqft) and unit 18 (929 sqm/10,000 sqft). The extant permissions and the proposed development both have full cover 1st floors.

3.5 The second application (07/01515/FUL) seeks to amend the existing condition 3, which applies to Monks Cross Shopping Park to allow Debenhams to occupy the larger unit (unit 19) and operate as a 'mini department store'. Condition 3 of the original consent restricts the minimum size of the units and also restricts the nature of goods to be sold in units that exceed 15,000 sqft. Any unit greater than 15,000 sqft cannot sell: men's, women's and children's clothing and footwear; fashion accessories; watches and jewellery; music and video recordings and video/CD Rom, games; cameras and other photographic equipment; domestic tv, video and hi-fi equipment and toys.

3.6 National Guidance. To deliver the Government's objective (Planning Policy Statement 6) of promoting vital and viable town/city centres development should be focussed in existing centres in order to strengthen and where appropriate regenerate them. Need must be demonstrated for any application for a main town centre use which would be in an edge or out of centre location and which is not in accordance with the City of York Development Control Local Plan. In addition an assessment of impact is required.

3.7 Regional Guidance . Policy E1 (Town and City Centres) of the existing Regional Spatial Strategy (RSS) states that: "Existing city and town centres (including market and coalfield towns) will continue to be the main focus for shopping, cultural, social, leisure and business services, development plans should make adequate provision for this and require proposed developments to reflect the scale and character of the centres to which they relate; where a development represents a variation in these terms a full appraisal of sustainability will be required."

3.8 Policy SOC3 (Retail and Leisure Facilities) of the existing RSS states that: "In preparing development plans, local planning authorities should establish hierarchies for the centres in their areas which should identify the regional, sub-regional and local roles of city and town centres and, in particular those centres to which policies SOC3a) and E1 should apply". "Local Planning authorities should: (i) maintain a good quality, level and range of provision for retail and service needs appropriate to serve the catchment area;"

3.9 Policy E2 (Town Centres and Major Facilities) of the emerging RSS states that: "City and town centres will be the main focus for office, comparison shopping, health, education, casino, leisure, recreation, entertainment, cultural, public services, business services and other uses which generate a high level of people movements. These uses should not be located outside of these centres if they would undermine the delivery of the Plans Core Approach (YH1 - YH8)"

3.9 Finally, policy Y1 (York Sub Area) of the emerging RSS states that: "All plans, strategies, investment decisions and programmes for the York sub area will, where relevant, seek to: Diversify and grow the York economy by encouraging the business and financial services sector, knowledge industries (including 'Science City'), leisure and retail services and the evening economy and developing its tourism sector and 'Tourism Gateway' function for the region and the whole of Northern England".

3.10 PPS6 states that retail is a main town centre use and therefore should be encouraged. Government objectives encourage a range of shopping services with the choice to meet the needs of the local community. This is supported within the RSS, which states again that shopping will be one of the main focuses of existing city and town centres. We are also encouraged to maintain a good quality, level and range of provision for retail with the overall for York to diversify and grow the economy.

3.11 Local Guidance. York gives clear priority to its City Centre as the main focus of commercial activity in order to protect its continuing role as a sub-regional shopping centre and commercial centre for North Yorkshire. The local plan supports the City's central shopping area as the main focus for retailing activity. Policy SP7b (York City

Centre and Central Shopping Area) stipulates that the City Centre is to remain the main focus for commercial leisure and tourism and retail development to ensure its continuing role as a major sub-regional shopping centre.

3.12 Conclusion. There are no specific policy objections. It is recognised that this proposal seeks to reconfigure the approved floor area to create 2 alternatively sized units both of which would meet the minimum floor space threshold of 10,000 sqft as set out in Policy S2 of the Development Control Local Plan. The applicant has demonstrated that a material commencement has been made on works for which a certificate of lawfulness was granted prior to changes to the GDPO that brought some mezzanine floors under planning control. The mezzanine floors could therefore be lawfully installed within units 18 and 19 at Monks Cross Shopping Park.

EXTERNAL

3.13 HUNTINGTON PARISH COUNCIL: No comments received.

3.14 PUBLICITY: The application has been advertised by neighbour letter, site notice and press notice to which no public response has been received.

4.0 APPRAISAL

4.1 The applicant has demonstrated that a material commencement has been made on works for which a certificate of lawfulness was granted prior to changes to the GDPO that brought some mezzanine floors under planning control. Mezzanine floors can therefore be lawfully installed within units 18 and 19 at Monks Cross Shopping Park. This is the 'fall-back' position against this application is assessed.

4.2 It is recommended that a pragmatic view is taken, and whilst the mezzanine floors differ slightly from those which have previously been deemed lawful, the additional floor space that would result does not exceed that subject of the lawful development certificate.

4.3 Externally the proposals include first floor windows to front and side elevations, an additional entrance feature tower (to match existing) and fire exit.

4.4 The external alterations are well organised and sympathetic to the existing building. The impact of the additional floor space does not exceed that which could be lawfully constructed without consent. Hence there is no objection to this application.

5.0 CONCLUSION

5.1 It is considered that the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the vitality of the City Centre, highway impact and visual amenity. As such the proposal complies with Policies GP1, SP8 and S2 of the City of York Local Plan Deposit Draft. The application is therefore recommended to be approved.

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 The development hereby permitted shall be carried out only in accordance with the following plans:-

Drawing Number P/30K revision C received 20 June 2007

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

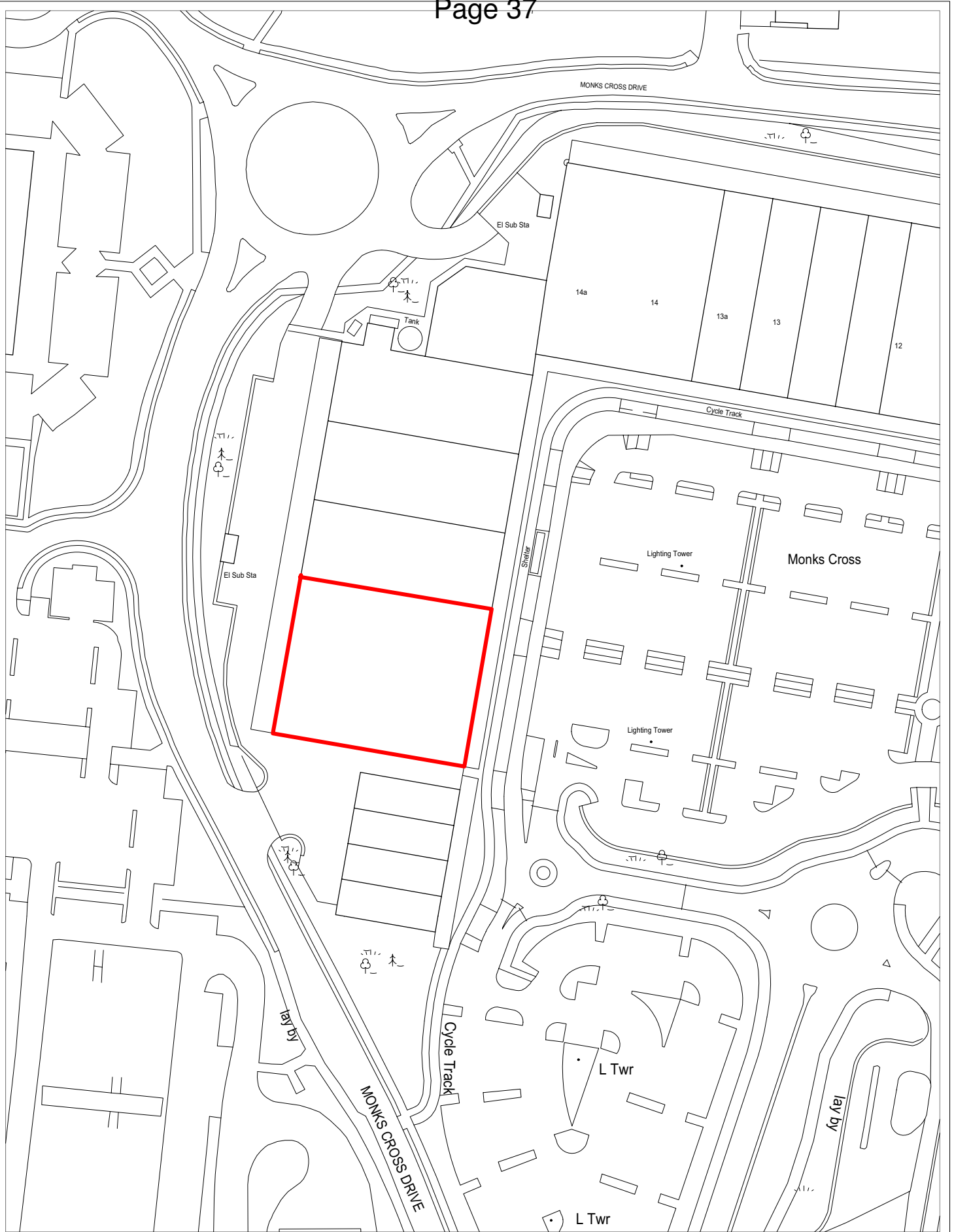
Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

- 3 VISQ1 Matching materials

7.0 INFORMATIVES:

Contact details:

Author: Howard Smith Assistant Area Team Leader
Tel No: 01904 551352



CITY OF
YORK
COUNCIL

PC WORLD, MONKS CROSS - 07/1498/FUL



SCALE 1:1250
Originating Group

DRAWN BY PSL
Project

DATE 3/9/2007
Drawing No.

2.2 Policies:

CYE3B
Existing and Proposed Employment Sites

CYSP7A
The sequential approach to development

CYGP1
Design

CYGP4A
Sustainability

CYGP3
Planning against crime

CYT4
Cycle parking standards

CYT7C
Access to Public Transport

3.0 CONSULTATIONS

3.1 Internal

3.1.1 Highway Network Management - The proposed food store includes customer parking for 69 vehicles to the rear, which is accessed off Kathryn Avenue. These include 4 disabled spaces and 4 parent/child spaces, which are in accordance with Local Plan standards. Additional facilities include a drop off bay for customers and 2 taxis spaces.

Covered parking for 16 customers cycles is to be provided close to the main entrance to the store and staff will be able to park their cycles within the storage area of the building. These arrangements are considered acceptable for the proposed use.

Access to a specifically designed goods unloading bay will take place from within the rear parking area and the applicants indicate that one HGV per day will be needed to service the store.

The store is accessible by sustainable modes of transport, with shared pedestrian/cycle footways already in place along Jockey Lane and a signalled crossing point on the frontage of the proposed store. A 30 minute frequency bus service operates along Jockey Lane and the Monks Cross Park and Ride service is to be found close by operating a 10 minute service into the City Centre.

An assessment of the operating capacity of the nearby Jockey Lane/ Kathryn Avenue junction has been undertaken by the applicants transport consultant in the post development situation, and this shows that the junction will continue to operate within capacity with no significant queuing or delays to traffic.

The applicant has agreed to fund the introduction of new carriageway give-way markings at the Kathryn Avenue vehicular access to the store in order to denote priorities at this point. A contribution of £21,452.53 towards the Monks Cross Transport Masterplan has been negotiated. This figure is based on estimated modal splits for the net trip generations, and should be secured by way of a section 106 agreement.

There are no highway objections to this application subject to a section 106 agreement covering a contribution to the Monks Cross Transport Masterplan.

Following deferment of the application at the July Committee the Highways Team offered additional information. This is presented below:

The site has an existing land use as car sales/servicing which could be brought back into use at any time without planning consent.

The traffic consideration for this application is the net difference in traffic generation from the proposed change of use to a foodstore.

The Traffic Assessment considers the future network scenario and has taken into account all committed and future development in the area.(Monks Cross North/South, P&R etc)

The document has demonstrated that the proposal will not have a detrimental impact on the surrounding highway network and the adjacent signalised junction in particular will still operate within capacity.

The store entrance is located on the Jockey Lane frontage which is well positioned for adjacent signalised pedestrian crossings. The stores entrance at this point also improves the pedestrian linkages with the rest of the retail park.

National guidance encourages such layouts with car parking to the rear and pedestrian access most convenient as part of a package of measures to promote sustainable travel.

The disabled bays are located as close as practicable to the main entrance given the layout and are within distances recommended in national guidance. Provided that attention is paid to the detail of the surfacing and the route is at grade there will not be a significant disadvantage. The location of disabled bays as close as possible to the main entrance is only part of a package to cater for disabled users of facilities which includes surfacing and adequate car park bay dimensions (often seen as critical)

3.1.2 City Strategy - Make the following comments:-

Loss of Employment Land - Whilst not actually allocated on the City of York Local Plan Proposals Map, the site is formerly an employment use, and therefore, protected for employment purposes under policy E3b (Existing and Proposed Employment Sites).

Policy E3b is intended to protect previous and current employment land for employment uses. Permission for alternative uses will only be permitted if a number of criteria in the policy can be met. The applicants have set out a comprehensive case for the redevelopment of this former employment site for retail use.

The quantitative and qualitative analysis of the proposed development, in order to justify the proposal. Given the arguments offered by the developers in terms of employment land provision, the potential benefits to the local economy, the fact that the site has been marketed for employment use with out success, and the assessment of alternative sites, officers do not wish to raise an objection in terms of loss of employment land provision.

Retail need / sequential assessment of sites - Policy S2 of the City of York Local Plan requires a Retail Impact Assessment for out of centre retail developments. This should address the following issues:

- * The quantitative and qualitative need for the development, including increase in sales areas;
- * The sequential approach, as outlined by policy SP7a;
- * The impact on the vitality and viability of York City Centre and Acomb and Haxby District Centres;
- * Accessibility by a choice of means of transport and the likely impact on car use.

- The quantitative and qualitative need for the development, including increase in sales areas

The proposed new store is in an out of centre location - all relevant PPS6 retail policy tests appear to have been addressed.

There are a number of competing supermarkets in the North of York area, but they are currently overtrading at significant levels compared to company averages, and draw trade from a very wide catchment , beyond the expected catchment of the proposed Aldi store.

Analysis of turnovers of existing stores and commitments that would be derived from within the new Aldi store catchment demonstrates that in 2008 there is over £9m of convenience retail to support new floorspace. This would be sufficient to justify a new Aldi store which would have an expected turnover of £3.65m.

- The sequential approach, as outlined by policy SP7a;

In line with PPS6 and policy SP7a, the order of assessing sites is City Centre, edge of centre or district centres and finally, other accessible out of centre locations. Additionally, existing retail allocations should be assessed. This preference was outlined to the developers following withdrawal of the previous planning application on the site. The Retail Impact Assessment accompanying the current application comprehensively assesses sites in these locations, in terms of a number of detailed criteria, inc accessibility, policy constraints, planning history, highways, physical / amenity constraints, ownership, suitability, viability and availability. It therefore appears to adequately address this approach, and concludes that there are no appropriate or available sites within the context of the sequential approach. Many of the sites have been discounted on the grounds of not being available within the required timescales.

- The impact on the vitality and viability of York City Centre and Acomb and Haxby District Centres.

York City Centre and Haxby District Centres are healthy, thriving centres and it is considered that they will suffer minimal trade impacts as a result of a new Aldi store. A significant proportion of the anticipated turnover is likely to come from the existing Fulford Road store and most will be from other out of centre stores such as Netto Clifton Moor, Tesco Clifton Moor and Asda Monks Cross.

- Accessibility by a choice of means of transport and the likely impact on car use.

The proposed development is located close to the Monks Cross Park and Ride, where buses run every 10 minutes. Clearly, this increases the accessibility of the proposal by public transport, and reduces dependence on the car.

In summary, for the retail element, the scheme is supportable in retail needs and impact terms, subject to a maximum of 1,580 sq.m gross floorspace (retail sales area 1,125 sq.m). A condition to limit comparison goods to no more than 15% of the net sales area should be attached. No additional mezzanine floors should be permitted.

3.1.3 Landscape Architect - States the 'landscaping' that is referred to in the 'Design & Access Statement' is minimal and does not substantially contribute to the setting for the development. Nonetheless it is better than what is there now (virtually nothing).

The scheme introduces a degree of planting along the elevation with Jockey Lane and at the car park entrance. The removal of the existing building and introduction of a car park to the rear improves the conditions for the existing trees just outside the boundary and presents an opportunity to plant some new trees within the boundary.

Proposed areas of planting should include as much tree planting as possible, utilising suitable species such as Fastigate Hornbeam/Beech, Birch and Pines. The ground cover planting should express seasonal change and colour.

3.1.4 Environmental Protection Unit - no objections to this application. The applicants have provided a desk study and a limited site investigation of the areas surrounding the existing buildings on site. Site investigation is required for the remainder of the site as some of the buildings were used as vehicle repair workshops and the ground beneath them may contain higher levels of contamination, particularly hydrocarbons. It is noted from the conclusions of the site investigation report that some gas protection measures have been recommended. It is possible that an overestimation or indeed an underestimation of the measures required has been made based on the findings of 4 gas monitoring visits made over a relatively short period i.e. one month. It is recommended that any permission given should contain conditions relating to further site investigation and gas monitoring.

In addition, as it is likely that the car park would have some sort of lighting, possibly high level, a condition should be attached requiring that details of lighting intensities

and spillage patterns is submitted for approval, to ensure high light levels don't cause a nuisance. Lastly, as there will be a need for a considerable number of refrigeration units, details of all plant and equipment should be submitted for approval to ensure there is no noise nuisance caused.

The Environmental Protection Unit considers there to be no air quality grounds on which to object to this application.

3.2 External

3.2.1 Huntington Parish Council - Object strongly to this application. The following comments were made:

- Need has to be demonstrated. It is not felt that the case is strong enough to justify another 15,000 sq. ft. food store in this area. Taking into account Asda, Sainsbury's and Marks and Spencers on Monks Cross already in addition to a number of local shops in the surrounding area.
- The catchment area defined by Aldi is wide and far reaching and indicates that extra car traffic is seen as the way to generate customers, at the cost of parking capacity and road congestion.
- The land is designated as 'employment land'. Aldi suggests that there would only be 12 full time employment positions.
- Although there has been a transport plan for this area, it is rapidly being overtaken by events. A) local parking capacity has been affected by mezzanine infill of major stores and by growing employment locally. B) Planning permission has been given to a new garden centre very close to this site. C) The Park and Ride Service critically depends on easy access on and off Kathryn Avenue, yet this application presumes car and delivery access using the same route as that of the proposed store, only metres from new traffic lights. D) The proposed provision of 80 car parking spaces makes no reference to staff parking. If the car park is full or inaccessible due to delivery vehicles where are cars to park. E) The conversion of Pepsi-Max Raceway to a Park and Ride facility adds to road usage. F) Jockey Lane, as a major thoroughfare, only works because of the double yellow lining put in well before these changes to traffic levels. G) Employment generated by the development of South Monks Cross will again affect the highways and transport situation.
- Allowing this application would amount to commercial gain at the expense of further threats to public thoroughfares, public transport, increasing congestion and risk. In the absence of real need, an updated coordinated transport plan and improvements for pedestrians, cyclists and motorists this application should be rejected.

3.2.2 Public Consultation - Two letters of objection received. These were from England and Lyle Chartered Town Planners and 5 Burton Avenue in Clifton. The following points were made:

- The proposal represents an unacceptable loss of employment land. The applicants have not adequately demonstrated a lack of demand for this employment land. The marketing campaign undertaken by MWH/Lamb and Co. to test market demand for this employment land was not sufficiently robust. The terms under which the units were offered to the market were onerous so as to discourage interest from potential occupiers. There is a continuing strong demand for units of this existing size and type in this location.

- The applicant has sought to use results of an unenthusiastic marketing campaign as proof that this unit can no longer be let in its current form or established use. The marketing particulars explicitly stated that the unit was to be let on a temporary basis only.

4.0 APPRAISAL

4.1 Key Issues:

- Loss of Employment Land
- Retail Need / Suitable Location
- Design / Appearance
- Sustainability
- Highways / Transport / Parking

4.2 The Application Site - The proposed Aldi store would be located on the corner of Jockey Lane and Kathryn Avenue in Huntington. The most recent use of the site was as a car dealership. The unit is currently vacant but has a history of employment use including the manufacture of machine tools and office accommodation. South of the location of the proposed foodstore is a further unit which was most recently used as a car repair garage. This site also has a history of employment use but is currently vacant. The whole application site is unallocated 'white land' on the Local Plan Proposals Map.

4.3 The Proposal - This application seeks permission to demolish the two existing units on the site and to erect a new foodstore. The foodstore would have an external area of 1580 sq. m of which 1125 sq. m would be dedicated to retail floorspace. The Aldi store building would be situated in the northern portion of the site fronting onto Jockey Lane. The side elevation faces Kathryn Avenue to the west and contains the main customer entrance. South of the site would be the car park which would accommodate 69 cars. There would also be spaces for two motorbikes, 16 bicycles, and there is a taxi drop off point. Vehicular access to the car park and service/delivery access would be via Kathryn Avenue using the existing access. The loading bay is situated to the south end of the store building.

4.4 Loss of Employment Land - Both the northern and southern sections of the site have operated as business employment uses previously, therefore the site is classified as an employment site and Policy E3b applies. Policy E3b states that planning permission will only be granted for a change of use from an employment site to another use where criteria a) to d) are satisfied.

- a) there is a sufficient supply of employment land to meet both immediate and longer term requirements over the plan period in both quantitative and qualitative terms; and
- 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.

The proposal must comply with part a) AND ONE of parts b) to d).

4.5 In order to satisfy part a) of Policy E3b an analysis was submitted of the supply and demand in quantitative terms of employment land in York. This examined the allocation in the Local Plan and the Employment Land Monitoring Report April 2005 (including updates). This analysis comes to the conclusion that there is more employment land allocated than needed within the plan period up to 2011. In qualitative terms marketing information has been submitted to show that the site is not in demand for employment uses. This is accompanied by two letters from Lamb and Co who are a commercial property and development consultants. These letters state that both sections of the application site have been marketed but there has not been strong interest since the unit was let to York Used Cars for a temporary time in 2006. A marketing brochure was submitted which shows that the northern part of the site has been marketed. The brochure advertises the site as being available on a 'temporary basis' and a 'short term' lease. The applicant contends that these statements were included to provide flexibility for people wanting to test the attractiveness of their business before committing to a long term lease. However, this flexibility is not specifically stated on the brochure and may have been considered by possible occupiers as a restriction or constraint to the site rather than an opportunity. As part of the additional information submitted after the application was deferred is a further marketing brochure which shows that the southern part of the site has been marketed since its last use in 2001. In addition to the marketing details, a list of available alternative sites which could be used for employment purposes at a similar scale to the application site was submitted by the applicant.

4.6 If it is considered that the application has satisfied part a) of Policy E3b, then the next test is whether it complies with either part b), c) or d). Parts b) and d) are not relevant for this site. The applicant claims that the proposal complies with part c) in that it creates jobs. The argument put forward by the applicant is that according to the English Partnerships Employment Densities (2001) data the proposed retail unit would create potentially more employment than if the existing car showroom operated. However, this has to be taken in context. The application form states that 13 staff would be employed on the site which is not particularly high given the size of the site. The site has a history of a B1 and B2 use which would traditionally employ significantly more people than the proposal. However, the site is currently vacant and therefore 13 more jobs than at present would be created. It also has to be considered what alternative use the site may have in the foreseeable future which would generate greater employment levels.

4.7 Retail Need / Suitable Location - The retail statement submitted with the application addresses the need for further convenience goods retailing and states why this site is sequentially preferable to others within the city. Regarding retail need it is argued that existing stores are overtrading in that they are generating a greater turnover than the national average for those stores. It is stated that this shows that there is a residual capacity for more convenience goods stores within the city and new food stores can be accommodated without harming the viability of existing units. Commitments to building new stores such as Sainsbury's and Morrison's at Foss Islands have been included in the calculations and this level of floorspace subtracted from the spare capacity figure.

4.8 In line with PPS6 and Local Plan Policy SP7a the retail statement assesses alternative sites using a number of criteria including accessibility, policy constraints,

planning history, highways issues, physical constraints, and availability. It concludes that there are no appropriate or available sites which are preferable to the application site. The statement then looks at the impact on York City Centre and the district centres of Haxby and Acomb. It is concluded that the impact on York City Centre would be minimal as it is currently thriving and healthy and it does not look to compete with the retail units within the centre which are predominantly comparison goods which Aldi does not cater for. It is considered that the impact on Acomb would also be minimal given the distance between the district centre and the application site. Haxby is within the catchment area of the proposed store and thus the impact is likely to be greater on this district centre. The Local Plan and PPS6 look to protect district centres. The report does not thoroughly address the impacts that a new Aldi store would have on existing convenience retail shops, namely Sommerfield and Co-op. It could be argued that these units are more of a top up shopping facility for Haxby/Wigginton residents and are therefore not directly comparable with retail stores on Monks Cross. The report concludes that a new Aldi would draw most of its trade away from Aldi (Fulford), Asda (Monks Cross), Sainsbury's (Monks Cross), Tesco (Clifton Moor), and Netto (Clifton Moor). These stores operate at overcapacity and therefore a new retail unit of the size proposed is unlikely to harm their viability.

4.9 Design / Appearance -The store would be of a modern 'split roof' design. The unit would be predominantly constructed with grey aluminium cladding. A cantilevered glazed canopy over the entrance would be erected. This area of Monks Cross is dominated by large retail units. It is considered that the proposed new food store would fit in visually with the surrounding area. The proposed unit appears well positioned on the plot and is set back a little from the footpath on Jockey Lane. An element of green landscaping is proposed around the site to help soften the visual impacts of the development. The units currently on site are typical of the area in that they are of large bulky design; their removal to make way for the new store and car park would not harm the character and appearance of the area.

4.10 Part of the reason for the deferment of the application was the store layout and its relationship to the car park. The Highways team submitted further information which re-iterates their view that this is acceptable and the distance from the store entrance to the disabled car parking bays is within guide lines. The distance from the proposed store entrance to the furthest disabled bay is approximately 77m. This is significantly less than the maximum preferred distance for the visually impaired; wheelchair users and ambulatory without walking aids identified by the DFT and is generally consistent with the distance recommended for those using a stick. There is a direct pedestrian route from the disabled parking bays to the store entrance.

4.11 Sustainability - The proposed development is located close to Monks Cross Park and ride where buses run every ten minutes. This bus route connects Monks Cross to the city Centre as do buses 13, 16 and 17 with the bus stop being approximately 150 m from the proposed food store. Cycle parking facilities would be available consisting of fifteen double cycle stands. This provides a sustainable transport choice and reduces dependence on the car. A sustainability statement was submitted with the application and this was added to since deferment of the application. The statement lists each section of Local Plan Policy GP4a and states how the proposal complies with those policies. This statement re-iterates that the

site is within a sustainable location. In terms of use of renewable energy and minimising waste the following points are considered most relevant:

- existing materials will be salvaged and recycled where possible with all waste brickwork and concrete crushed to be re-used for the proposed development;
- timber rafter roof construction would be used rather than traditional steel construction;
- a high level of insulation would be used;
- SUDS would be implemented if existing ground conditions permit;
- materials used in construction would seek to maximise the use of renewables;
- high efficiency and low emission combination boilers would be used;
- low energy lighting would be used in the warehouse and toilet areas.

4.12 Highways / Transport / Parking - A transport assessment was submitted with the application. The Highway Officers comments on this report can be found in section 3.1 of this report. As can be seen the proposal is considered acceptable to the officer in terms of its impact on the local highway network. The car and cycle parking provision is in line with standards set out in the local plan.

4.13 Crime Prevention - In line with Local Plan Policy GP3 a Crime Prevention Statement was submitted with the application. The report highlights how crime prevention has been taken into account in the proposal. This includes good natural surveillance of public spaces and paths, secure cycle parking facilities, a car park barrier to stop the car park being used when the store is closed, security fencing around the car park, and lighting within the car park.

5.0 CONCLUSION

Proposal is considered to be in accordance with local and national planning policies. The additional information relating to the distance from the store entrance to the car park, sustainability, and marketing of the southern site have addressed the reasons for deferment of the application.

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 only in accordance with the following plans:-

Drawing Numbers AL(2) 320 Rev PL1, AL(2) 321 Rev PL1, AL(0) 10 Rev PL1 received by the CoYC on 12/04/07

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 The amount of comparison goods sales floorspace shall be limited to no more

than 15% of the net floorspace granted permission. The remainder shall be retained for the sale of convenience goods.

Reason: To minimise the impact of comparison goods sold at the store competing with York City Centre retail outlets selling the same goods.

4 No mezzanine floor shall be installed into any part of the unit at any time unless agreed in writing with the Local Planning Authority.

Reason - To safeguard the rights of control of the Local Planning Authority and to ensure a sequential approach to the provision of retail development in accordance with PPS6 is achieved and to safeguard York City Centre and District Centres identified in the Local Plan.

5 The retail sales area shall not exceed 1125 sq m at any time unless agreed in writing with the Local Planning Authority.

Reason - To safeguard the rights of control of the Local Planning Authority and to ensure a sequential approach to the provision of retail development in accordance with PPS6 is achieved and to safeguard York City Centre and District Centres identified in the Local Plan.

6 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. 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.

7 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

8 HWAY9 Vehicle areas surfaced

9 HWAY13 Access to be improved

10 The development shall not come into use until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerb to match adjacent levels.

Reason: In the interests of good management of the highway and road safety.

- 11 HWAY18 Cycle parking details to be agreed
- 12 HWAY19 Car and cycle parking laid out
- 13 HWAY21 Internal turning areas to be provided
- 14 HWAY31 No mud on highway during construction

15 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with the approved plans, or arrangements entered into which ensure the same.
- Carriageway markings Kathryn Avenue

Reason: In the interests of the safe and free passage of highway users.

- 16 HWAY40 Dilapidation survey

17 Prior to commencement of any works, a detailed method of works statement shall be submitted to and agreed in writing by the LPA. This statement shall include the precautions to be taken to ensure the safety of the general public, the method of securing the site, access to the site and the route to be taken by vehicles transporting the demolition and construction material and the hours during which this will be permitted.

Reason: to ensure that the works are carried out in a safe manner and with minimum disruption to users of the adjacent public highway.

18 Gas monitoring shall be carried out on the site over a period to be decided in consultation with the City of York Council Contaminated Land Officer, to consider the effect of any localised gas migration or production. The survey shall be undertaken and the results submitted to the local planning authority prior to any works being carried out on the site.

Reason: to determine if gasses are being emitted from the site which may be detrimental to the health and safety of the occupants.

19 Based on the information from the gas survey, proposals for a gas protection regime shall be submitted to and approved by the local planning authority prior to the commencement of any development on site.

Reason: to protect the health and safety of the occupants.

20 a) A further site investigation shall be undertaken based upon the findings of the desk study and first site investigation submitted by the applicant. The investigation shall be carried out in accordance with BS10175: Investigation of

potentially contaminated land:code of practice. The results of the investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on site.

b). A risk based remedial strategy shall be developed based upon the findings of the site investigation. The remedial strategy shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing on site.

Informative: the remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).

c). A validation report shall be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development commencing on site.

d). Any contamination detected during site works that has not been considered within the remedial strategy 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 on site.

reason: To protect the health and safety of workers on site, future occupiers of the site and the integrity of structural components and any proposed underground services.

e). A timetable of proposed remedial works shall be submitted to the local planning authority prior to any works being undertaken on site.

reason: To protect the health and safety of workers on site, occupiers of the site and the integrity of structural components and any proposed underground services.

21 Prior to the development hereby approved coming into use details of the illumination of the car parking area on the site shall be submitted to and approved in writing by the Local Planning Authority and the agreed scheme implemented and maintained on site.

Reason: To protect the living conditions of the nearby residential properties and to prevent light pollution.

22 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 sound levels (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 occupiers of nearby premises.

23 The development hereby permitted shall not come into use until the following highway works, give way and centreline white lining at the junction of Kathryn Avenue and the spur serving the development site, have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

Reason: In the interests of the safe and free passage of highway users.

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 the impact on the street scene and retail planning issues. As such the proposal complies with Policies GP1, GP3, SP7a, E3b, T4 and T7c of the City of York Draft Local Plan.

2. INFORMATIVES:

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:

Section 184 - Stuart Partington (01904) 551361

3. You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

4. If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

The developer's attention should also be 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 attached to any planning approval, failure to do so

could result in formal action being taken under the Control of Pollution Act 1974:

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

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00
Not at all on Sundays and Bank Holidays.	

2. 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".

3. 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.

4. 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.

5. 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.

6. There shall be no bonfires on the site."

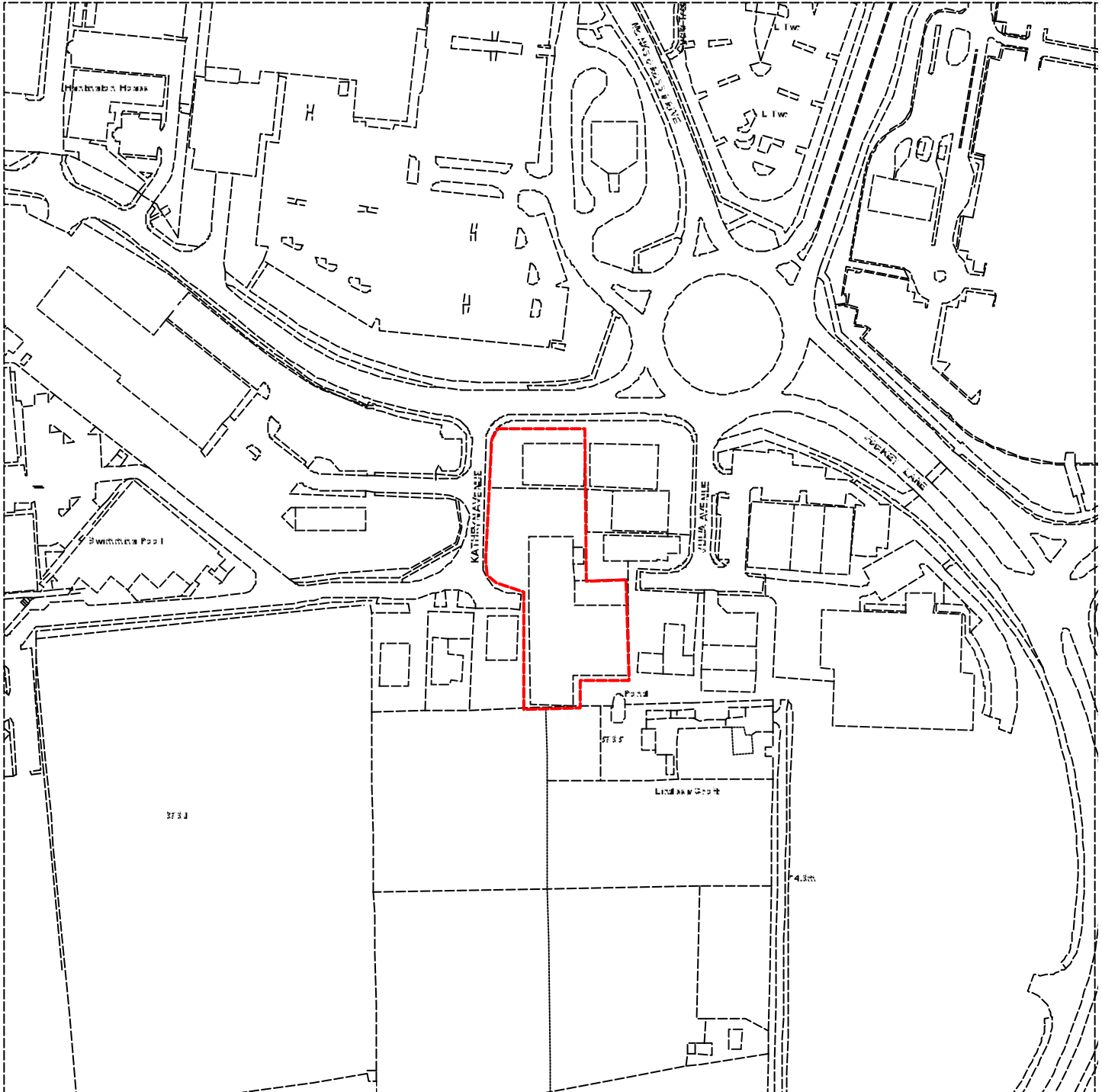
Contact details:

Author: Michael Jones Development Control Officer

Tel No: 01904 551325

Site at junction of Jockey Lane Kathryn Avenue

Ref 07/00843/FULM



Scale : 1:2500

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Organisation	City of York Council
Department	Development Control
Comments	Application Site
Date	29 June 2007
SLA Number	

CYH17
Residential institutions

3.0 CONSULTATIONS

3.1 Internal

3.1.1 City Development - As the land is currently allocated as a standard employment site, the proposal would be a loss of employment on the site. Therefore Policy E3b is relevant. As part of this the applicant must show that in both qualitative and quantitative terms the site is no longer contributing to the stock i.e. no longer suitable for employment use. If Policy E3b is satisfied then Policy H17 is relevant. The residential care home is located close to B1, B2, and B8 use and would therefore not sit well with its surrounding uses.

3.1.2 Countryside Officer - There is little of significance on the site. There should be some enhancement to the hedge along the boundary with Bootham Stray for both visual and biodiversity reasons. A water vole population has recently been found in nearby ditches. Also great crested newts are recorded from across the Stray close to Wigginton Road. It is not considered that either of these need to be particularly addressed in this application as the land is not suitable habitat, however, should the work affect or require alteration to drainage on the adjacent land, then there could be significant issues that need to be addressed. A three storey building in this location could accommodate biodiversity enhancement and this could be conditioned.

3.1.3 Environmental Protection Unit - No objections, however the site is in close proximity to residential properties and light warehousing etc. Therefore concerns are raised regarding noise from the industrial area affecting the amenity of residents of the care home. There are also concerns that noise from the care home may affect the amenity of the nearby residential properties.

3.2 External

3.2.1 Clifton Without Parish Council - Deferment of this application is strongly recommended until such time as a site entrance and parking is detailed. It is considered that in the interests of safety this should be a key matter for ambulances, fire and rescue services and the general safe availability of parking facilities.

3.2.2 Clifton Moor Business Association - No objections.

3.2.3 Yorkshire Water - Four conditions suggested to be included with any approval.

3.2.4 Public Consultation - One letter of objection received from adjacent office unit. The following points were raised:

- The car parking spaces allocated to a care home with 60 bedrooms and a staffing level of above 20 is wholly inadequate. Families who visit will struggle to park resulting in people using unsafe parking positions.
- The plot of land would be overdeveloped with there being little space around such an enormous building. This would not be acceptable when viewed from the

residential dwellings or the office units nearby. It is also not a good environment to have a care home surrounded by office and industrial developments.

- The proposed building is too high and would make the premises imposing.

4.0 APPRAISAL

4.1 Key Issues:

- Principle of Development
- Access
- Living Conditions of the Care Home
- Impact on Local Residents

4.2 Relevant Local Plan Policies

The Local Plan identifies Centurion Park as a Standard Employment Allocation. Policy E3b seeks to protect employment sites and states that planning permission for other uses will only be given where:

- a) there is a sufficient supply of employment land to meet both immediate and longer term requirements over the plan period in both quantitative and qualitative terms; and
- 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.

4.3 Local Plan Policy H17 states that planning permission will only be granted for residential institutions where the development, together with existing residential institutions or unimplemented planning permission for that use, would not give rise to a concentration likely to have an adverse impact on residential amenity and where it is positively located relative to local facilities and public transport.

4.4 Principle of Development - The first consideration within this application is regarding the principle of a development of this type in this location. The proposed care home is not an employment use and therefore is a change of use of the site from its standard employment allocation. Part a) and one of parts b), c) and d) of Policy E3b would need to be satisfied in order to justify the loss of this employment site. Detailed information has not been submitted with this application which shows that there is a sufficient supply of employment land in the immediate and long term. A previous application on this site, reference number 07/00248/OUTM, was partly refused based on it not being proven that there is a sufficient supply of employment land in quantitative and qualitative terms. The constraints placed on the availability of greenfield development sites around York by the existing Green Belt adds particular importance to ensuring that land designated for employment uses is safeguarded for such uses. A further consideration is what impact the care home would have on the future development of the site. Centurion Park is allocated for B1, B2, and B8 use which have the potential to conflict with a residential care home. The construction of a care home in this location limits the future development potential of the site in addition to resulting in the loss of part of the site to a non-employment use.

4.5 This application varies from the previous application in relation to Policy E3b in that it is considered to satisfy part c) of this policy. It is estimated by the applicant

that over 60 jobs could be created on site which would bring significant benefits to the local economy. The figure of 60 new jobs is based on an estimate of the number of rooms and on the size of the site. This figure seems reasonable. A care home was approved on 0.3 hectares of land off Manor Lane in Rawcliffe in 2004, reference number 04/00479/FULM, which was expected to create around 68 full time equivalent jobs. However, overall it is officer opinion that the proposal does not comply with Policy E3b due to part a).

4.6 Access - Vehicular access to the site is considered to be acceptable in terms of its impact on the local highway network. The area is designated for employment purposes and such there is likely to be significant transport movements from any use on this site. The access road is already in place and capable of serving the number of vehicle movements expected from a care home on a site of this scale. However, access for pedestrians, is considered to be poor. In order for residents to enter and leave the site they must pass through a business park before reaching a bus stop or any local services. It is considered that the business park would act as both a perceived and actual barrier for residents, particularly the infirm or physically disabled who are likely occupiers of the premises.

4.7 Living Conditions of the Care Home - A consideration in approving a care home in outline for this site is the likely living conditions of residents. The proposal is clearly part of an industrial/business estate and not the residential estate to the south. The care home would have a warehouse to the west and an office development to the north. It is considered that if constructed using suitable materials and in accordance with noise conditions recommended by the Environmental Protection Unit that there would not be significant harm in terms of noise or general disruption. However, the care home would be isolated from both the local residential area and from local services or facilities. There is little indication of the level of care required at the care home and therefore it cannot be concluded whether the population of the care home would be able to leave the site unaccompanied. Having regard to the foregoing it is considered that the location of the care home would not provide an acceptable local environment for the residents and is therefore contrary to H17 of the Local Plan.

4.8 Impact on Local Residents - The dwellings towards the end of Thorntree Grove and Hornbeam Close immediately border the site. The site is allocated for B1, B2, or B8 use and thus there is an expectation that a significant development will operate from this site at some stage. In terms of the impact on these dwellings it is considered that a care home could be designed to not appear harmful to the living conditions of these residents and would indeed provide a buffer between their properties and the business/office park. However, it is also considered that a light industry or office development could be located here without causing significant harm to local residents. No letters of objection were received from local residents.

4.9 On balance, notwithstanding the creation of an estimated 60 new jobs and the potential for a scheme to be developed which does not harm the living conditions of neighbouring dwellings, it is considered that the proposal is not acceptable. In summary the application has failed to satisfy part a) of Policy E3b and provides a poor quality local environment for future residents of the care home located within an established business park.

5.0 CONCLUSION

5.1 It is considered that the proposal fails to satisfy Policies E3b and H17 of the City of York Draft Local Plan.

6.0 RECOMMENDATION: Refuse

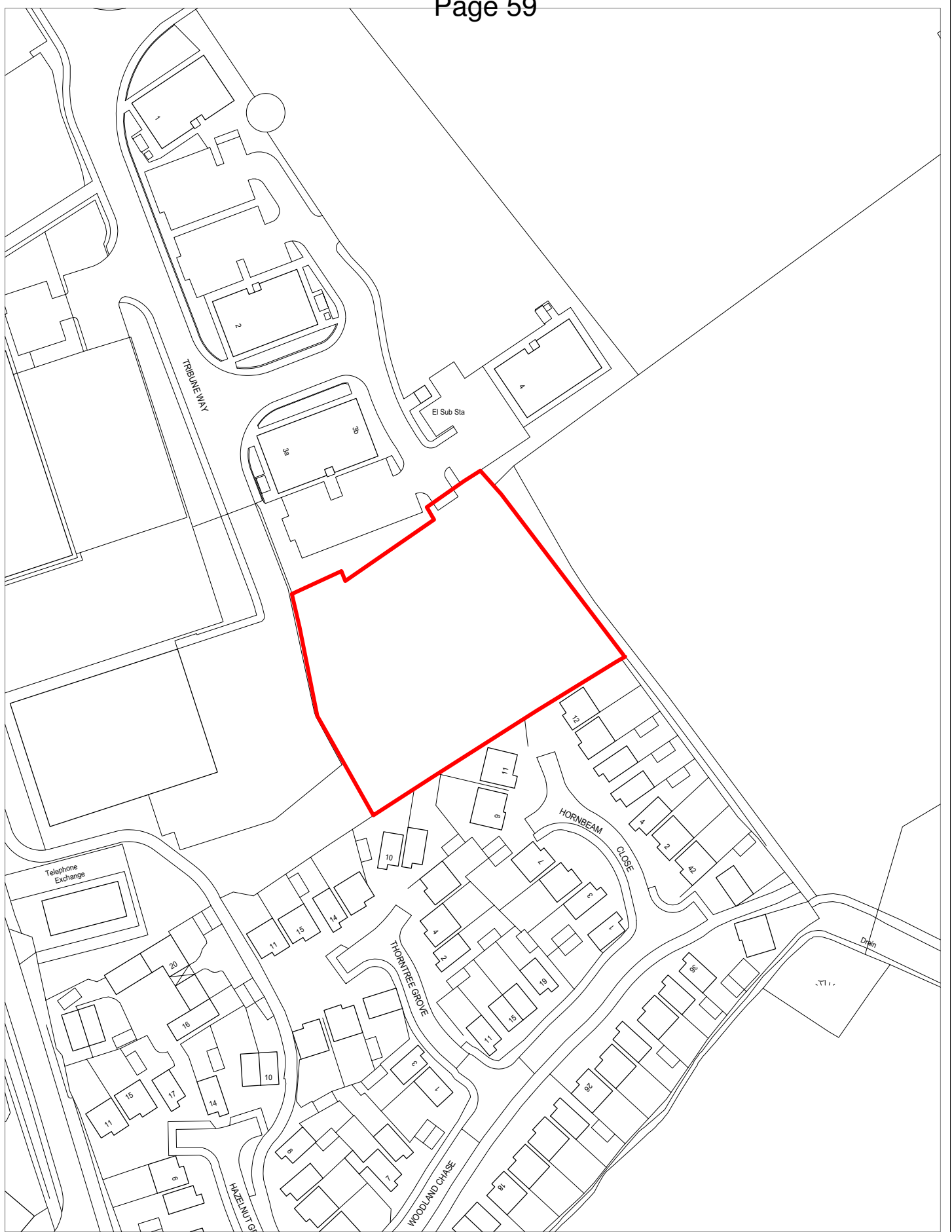
1 The application site lies within an area which is designated as a standard employment site. It is considered that it has not been proven that there is a sufficient supply of employment land to meet immediate and longer term requirements or that this site is no longer required in quantitative and qualitative terms for employment purposes. The proposed development, by virtue of its sensitivity to noise is considered to constitute a poor neighbour to a business park, and one that is likely to result in restrictions on the use of the neighbouring business premises. Therefore the proposal is considered contrary to Policy E3b of the City of York Draft Local Plan.

2 It is considered that the location of the proposed care home, namely within an established business park, would provide a poor quality living environment and an unsatisfactory outlook of a business/industrial nature for residents of the care home. Access to and from the residential unit is through a business park consisting of B1 and B8 uses which would act as a perceived barrier for residents to access local services and facilities. The proposal is therefore considered contrary to Policies GP1 and H17 of the City of York Draft Local Plan and Central Government advice contained within Planning Policy Statement 1 "Delivering Sustainable Development".

7.0 INFORMATIVES:

Contact details:

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



CITY OF
YORK
COUNCIL

OUTLINE APPLICATION FOR KEYLAND GREGORY LTD. - PROPOSED CARE HOME, TRIBUNE WAY, CENTURION PARK - 07/01337

SCALE 1:1250
Originating Group

DRAWN BY PSL
Project

DATE 16/8/2007
Drawing No.



need for planning consent. It is considered that the traffic that could be generated under this consent is unlikely to be materially different to the application proposed. Access to the site is via an existing business park area and the traffic that will be generated will not have a material impact on the surrounding highway. Adequate parking and servicing facilities have been provided within the site curtilage.

Economic Development Unit - No comments to make on this application.

City Development - No formal written comments at the time of writing the report.

3.2 External

Clifton Without Parish Council - No objections.

Clifton Moor Business Association - No objection is made, however it is felt that the change of use would increase traffic flow along an already extremely congested thoroughfare. There are already several builders merchants nearby with significant obstruction caused in Kettlestring Lane by the various pick up trucks, HGV's and other such vehicles who attend during the course of a working day.

Public Consultation - No correspondence received.

4.0 APPRAISAL

4.1 Key Issues:

- Principle of Development
- Visual Impact
- Highways

4.2 The Existing site and its History - Records indicate that the site was given outline consent in 1982 for general industry with a warehouse approved in 1985. It is thought that the warehouse currently on site relates to this approval. The site was approved for light industrial use in 1991. The site itself is approximately 0.51 ha in size with the industrial style unit located towards the south west corner of the site. The unit currently has a floor space of 1555 sq m which includes a mezzanine floor. The application form states that the site is currently vacant, its most recent use was as a light industrial processing plant relating to producing product packaging. A low-lying fence borders the site with a degree of green landscaping on the front and rear boundaries. There is a silver birch tree close to the rear of the east elevation of the unit.

4.3 The Proposal - The proposal under consideration is to change the current B1 use to a builders merchants. The physical changes to the site involve the erection of a 2.4 m high security fence around the boundary and the resurfacing of the yard which would increase the level of hard standing and reduce the amount of green landscaping. The builder's merchants occupying the site are a growing company that now operate 24 branches in the UK. The current businesses have enabled them to provide a reasonable level of detail in terms of how this site would operate.

4.4 In summary approximately 40 % of the overall site area would be used for the outdoor storage of materials. Within the unit itself part of the mezzanine floor would be removed reducing the overall floor space of the unit. This unit would then be used for the storing of materials which are not suitable for outdoor storage and for two offices and staff facilities. An additional vehicular access incorporating a roller shutter door would be installed in the east elevation of the unit in order to allow for a more efficient service in terms of material delivery and collection. The door would be located close to the existing silver birch which is proposed to be removed. The builder's merchants would be expected to employ 19 full time staff in total including 11 office staff, 4 yard workers, 3 delivery drivers, and a yard foreman. The business would be used by individuals who require a small amount of material for smaller developments through to larger builders who may require large delivery of building supplies. The site is expected to be operational between 07:00 and 18:30 Monday to Friday and 07:30 to 13:00 on Saturday with it being open to customers 07:30 to 17:30 Monday to Friday and 08:00 to 12:00 on Saturday. Details regarding deliveries and expected car movements are presented in the highways section, paragraph 4.9 of this report.

4.5 Principle of Development - It is considered that a builders merchants is a "sui generis use" and is not technically an employment use. The most recent use of the site was thought to be a B1 light industrial operation. Therefore under Policy E3b of the Local Plan the site has an employment allocation. This policy states that in order to change the use of a site away from that of an employment use (generally B1, B2, or B8 use) the proposal would have to satisfy part a) and one of parts b) to d) of the policy. A builders merchant includes a significant element of B8 use, namely the storage and distribution of building materials. A further consideration is that the type of jobs which would be created by the builders merchant, namely office workers, delivery drivers and fork lift truck drivers, and a yard foreman are consistent with a B1, B2, and B8 operation on this site. Therefore no objections are raised to the principle of this development as it is considered that the proposed use is consistent with a typical employment use. It is considered that this is the type of area where a builders merchant would typically be located due to its incompatibility with residential areas. In fact there is a builders merchants opposite the site which was approved in 1987. Furthermore there are a number of premises within the Clifton Moor business area which are not B1, B2, or B8 premises.

4.6 If Policy E3b is considered to be relevant, i.e. that the site would be losing its employment status, then it falls to be considered whether the proposal complies with part a) and ONE of parts b) to d) which are presented below:

- a) there is a sufficient supply of employment land to meet both immediate and longer term requirements over the plan period in both quantitative and qualitative terms; and
- 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.

Little information has been submitted which attempts to address part a) of Policy E3b. An analysis of existing employment land has not been submitted in either quantitative or qualitative terms. Neither has it been shown that this site is no longer

suitable or desirable for B1, B2, or B8 use. However, it is considered that through the creation 19 full time jobs the proposal is in compliance with part c) of Policy E3b.

4.7 Visual Impact - Policy GP1 of the Local Plan states that proposal should respect the local environment, be of a layout, scale, mass and design which is compatible with neighbouring buildings and the character of the area. The proposed change of use would undeniably significantly alter the physical appearance of the site. At present there is a larger open car park with a small boundary fence around the boundary. If planning permission is granted the amount of hard standing would increase at the expense of part of the green landscaping strip at the rear. The hard standing would be partially used for building material storage and a 2.4 m high fence would be erected around the site for the security of these materials. The site would appear more stark in appearance with a greater intensity of use of the land. However, the site is located in an area which is generally business/industrial based with no residential development in the immediate vicinity. It is considered that this type of location is where one would expect a builders merchants to be located. Some detailing could be conditioned, such as the type of boundary fence used and the height of material storage, in order to maintain some control over its visual appearance if considered necessary. On all four sides of the site are industrial and office developments with a further builders merchants to the north. Therefore, it is considered that a builders merchants would not look out of place in this area or harm the general character of the area. The site would be illuminated during hours of darkness. These details are not shown on the plans and could be conditioned to ensure the lights are both efficient and minimise light pollution in the area.

4.8 Due to the proposed intensification of the use of this site it is important to ensure that good quality green landscaping is used around the site boundary in order to soften the overall visual impact. This is particularly important in the south west corner of the site where a office building borders the site boundary. If all of the green landscaping is removed from this area it would leave a rather bleak outlook from the rear of this building. The current plan shows very little green landscaping around the site with the majority of existing green landscaping removed. However, it has been agreed verbally with the agent that additional landscaping is required. A new plan has not been received at the time of writing the report but it is anticipated that this will have been submitted prior to committee. It is anticipated that the new plan will show a hedge to the northern and southern boundaries and additional tree planting and a wider landscaping strip to the south.

4.9 Highways/Traffic - It is anticipated that there would be approximately 12 major deliveries to the customer per day, these would be in a 26 or 17.5 tonne lorry or in a 2.5 tonne wagon depending on the size of the delivery. Approximately 50 customers would be expected to arrive per day to collect materials. In terms of the delivery of materials to the site for storage and sale there would be on average 1 articulated lorry and a further 4 deliveries by large van or lorry per day. 18 car parking bays would be provided for staff and customers with 2 covered bicycle stands erected which are able to securely hold 3 bicycles each. The Highways Team determined that the proposed level of traffic would not materially affect the surrounding highway network given that the area is a busy business park area. Adequate parking, servicing and turning facilities have been included within the scheme in accordance with local standards which should ensure that any highway conflicts are minimised.

5.0 CONCLUSION

5.1 It is considered that the proposal would not cause significant harm to the operation and visual appearance of the area subject to suitable conditioning of the site.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Revised Plan (Number as yet unknown)

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 LAND2 Retention of trees shown on plans

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 hedges. 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 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing and shall be erected in accordance with these approved plans.

Reason: In the interests of the visual amenities of the area.

6 Prior to the commencement of the development, details of any external lighting to be used on the site shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the position of the lighting columns, their height, and their levels of luminance. The lighting shall be installed in accordance with these approved details and thereafter maintained

Reason: In the interests of the visual amenities of the area and to reduce waste from light pollution.

7 Details of the layout of the site, including the location for the outside storage area of building materials and supplies and their maximum storage height above the existing ground level, shall be submitted to the Local Planning Authority for approval prior to development commencing. The site shall operate in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the area

8 HWAY18 Cycle parking details to be agreed

9 HWAY19 Car and cycle parking laid out

10 No gate shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

11 HWAY35 Servicing within the site

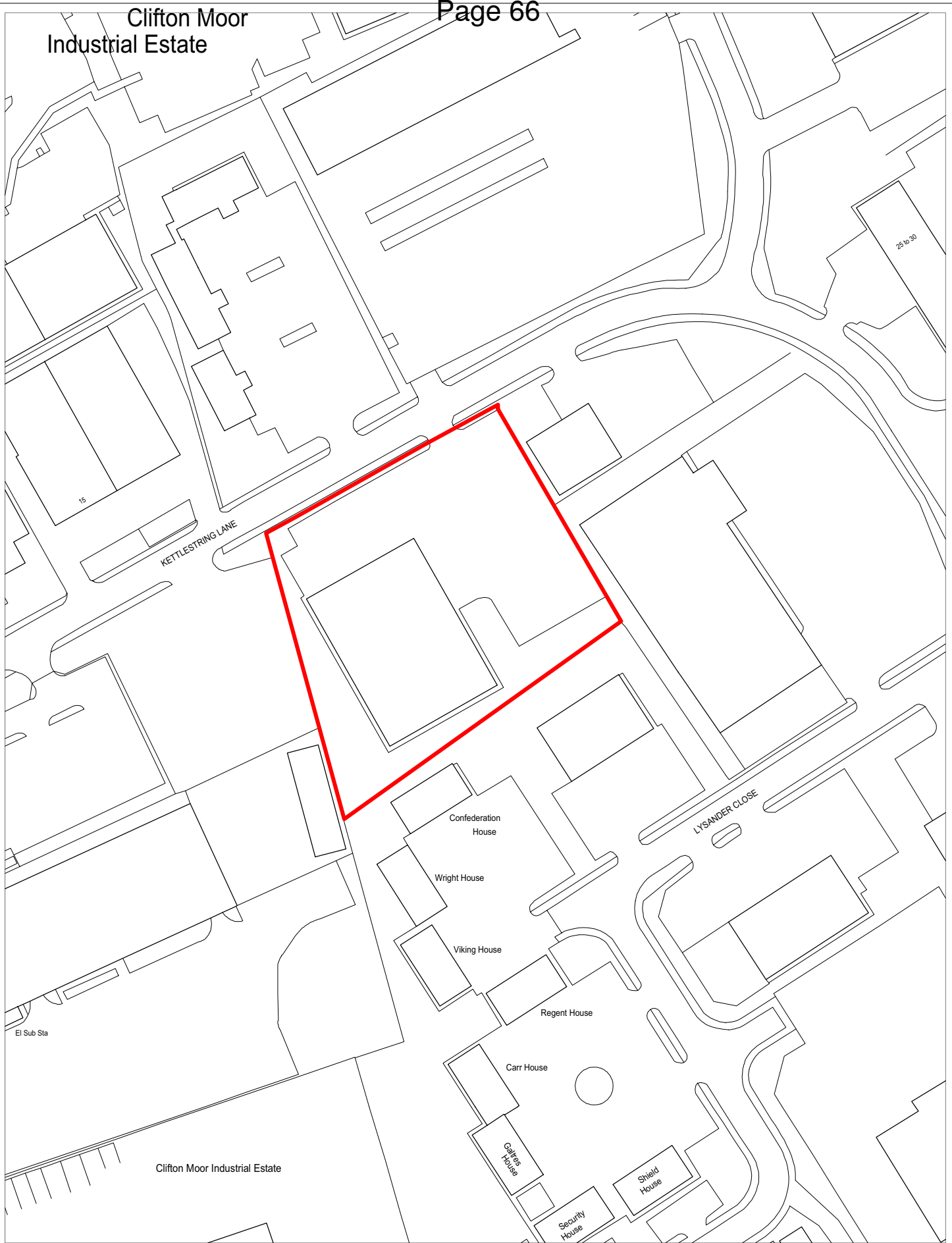
7.0 INFORMATIVES: Notes to Applicant

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 the impact on the character and operation of the area. As such the proposal complies with Policy GP1 of the City of York Draft Local Plan.

Contact details:

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



CITY OF
YORK
COUNCIL

UNIT 34 KETTLESTRING LANE - 07/01526



SCALE 1:1250
Originating Group

DRAWN BY PSL
Project

DATE 3/9/2007
Drawing No.

9, St. Leonards Place, York, YO1 2ET
Telephone: 01904 551550

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City of York Council LA 1000 20818

PARISH COUNCIL - Object - Vehicle turning within the site is not specified and the access is on a narrow bend.

NEIGHBOURS

At the time of writing this report objections were raised from two neighbours. The following concerns were raised:

Approval of the scheme would open the floodgates for the development of gardens.

Should not increase traffic on to the busy and dangerous highway.

Would prefer an outlook of trees rather than a house.

4.0 APPRAISAL

4.1 Proposals to make more efficient use of land for residential accommodation within previously developed accessible locations are in line with the thrust of current local and national planning policy. However, in assessing the acceptability of the application it is important to ensure that the proposal does not cause harm to issues of acknowledged importance.

4.2 Policy GP10 and H4a of the Local Plan relate to infill development and the subdivision of gardens. They place particular significance on avoiding over-development and ensuring that new development is not detrimental to the character and amenity of the local environment. The application site is within the defined settlement limit of Elvington although it is not within the Elvington Conservation Area. The south-west corner of the rear garden abuts the green belt.

4.3 The key issues to address when assessing this application are considered below:

IMPACT ON THE STREETSCENE

4.4 The proposed house will be largely screened from residential streets by existing development. Most of the hedgerow to the front of the property can be retained.

4.5 There are trees to the west elevation of the garden that are visible from Main Street. These have not been plotted on the plan and it is unclear if the access to the site will impact on these. Issues relating to the trees around the site will be updated at Committee taking account of the response from the Council's Landscape Architect.

IMPACT ON NEIGHBOURS' LIVING CONDITIONS AND ENVIRONMENT

4.6 The proposed dwelling is in relatively close proximity to surrounding houses and/or gardens. It is considered that providing vegetation is retained along the boundary with Middleton House an adequate screen to this garden will remain. It is considered that there is adequate separation to the house and bulk of the garden of the host property and 1 Lorraine Avenue to avoid undue harm to living conditions. It is also considered that the use of the drive will not cause significant harm to the living conditions of the host property or Glen House.

4.7 The key properties impacted upon are 3 Lorraine Avenue and Grange House. The principal concern relates to the proximity of the proposed dwelling to the

gardens of these two properties. The side elevation of the proposed dwelling is only around 6 metres from the short rear garden of 3 Lorraine Avenue, although there is considerable vegetation along this boundary. At its nearest point the proposed dwelling would be only around 5 metres from the rear garden of Grange House. It is considered that in the context of a relatively low-density environment this level of separation is inadequate. It is considered that it is possible to design out overlooking from the proposed house, however, this would not overcome harm to the enjoyment of the external spaces that is derived from the current openness associated with the area. The increased activity associated with the new development is also likely to be intrusive. If the gardens of the two properties were longer, or the existing form of development more urban, it is considered that the harm to character and the intrusion of built development would not be so significant to merit refusal. However, it is considered that the scale and position of the proposed development is beyond what could be said to be reasonable in the context of the local environment. In taking this position regard is given to the limited space for the applicant to provide planting along the north and north eastern boundary of the site.

IMPACT ON TREES

4.8 At the time of writing this report the response from the Council's Landscape Architect is awaited. Any response received will be reported to Committee. The submitted drawings have not shown the location and canopy of trees. There is a thick belt of trees along the south and west boundaries of the garden. It may be the case that the house would be located so close to these trees that either the trees would be damaged or the trees would reduce very significantly the light entering the south elevation of the proposed dwelling. There is also the potential that there could be pressure to remove the trees in the future given their proximity to the house. The loss of the trees would create potential overlooking issues and also increase the prominence of the proposed dwelling when viewed from several properties. Because of the absence of this information it is not possible to show that the development can co-exist with the surrounding trees.

HIGHWAYS

4.9 Highway network management raise no safety objections to the principle of development. Despite concerns from residents and neighbours it is considered that issues relating to access, visibility and manoeuvring could be addressed by condition.

5.0 CONCLUSION

For the reasons outlined above it is recommended that the application be refused.

6.0 RECOMMENDATION: Refuse

1 The proposed dwelling would be located in close proximity to the relatively small rear gardens of Grange House and 3 Lorraine Avenue. It is considered that the development would appear prominent and intrusive when viewed from these properties and have a detrimental impact on the established character and amenity of the local environment. As such the proposal fails to comply with Policy GP1

(criterion b and i), Policy GP10 and Policy H4a of the City of York Local Plan 4th Set of Changes 2005.

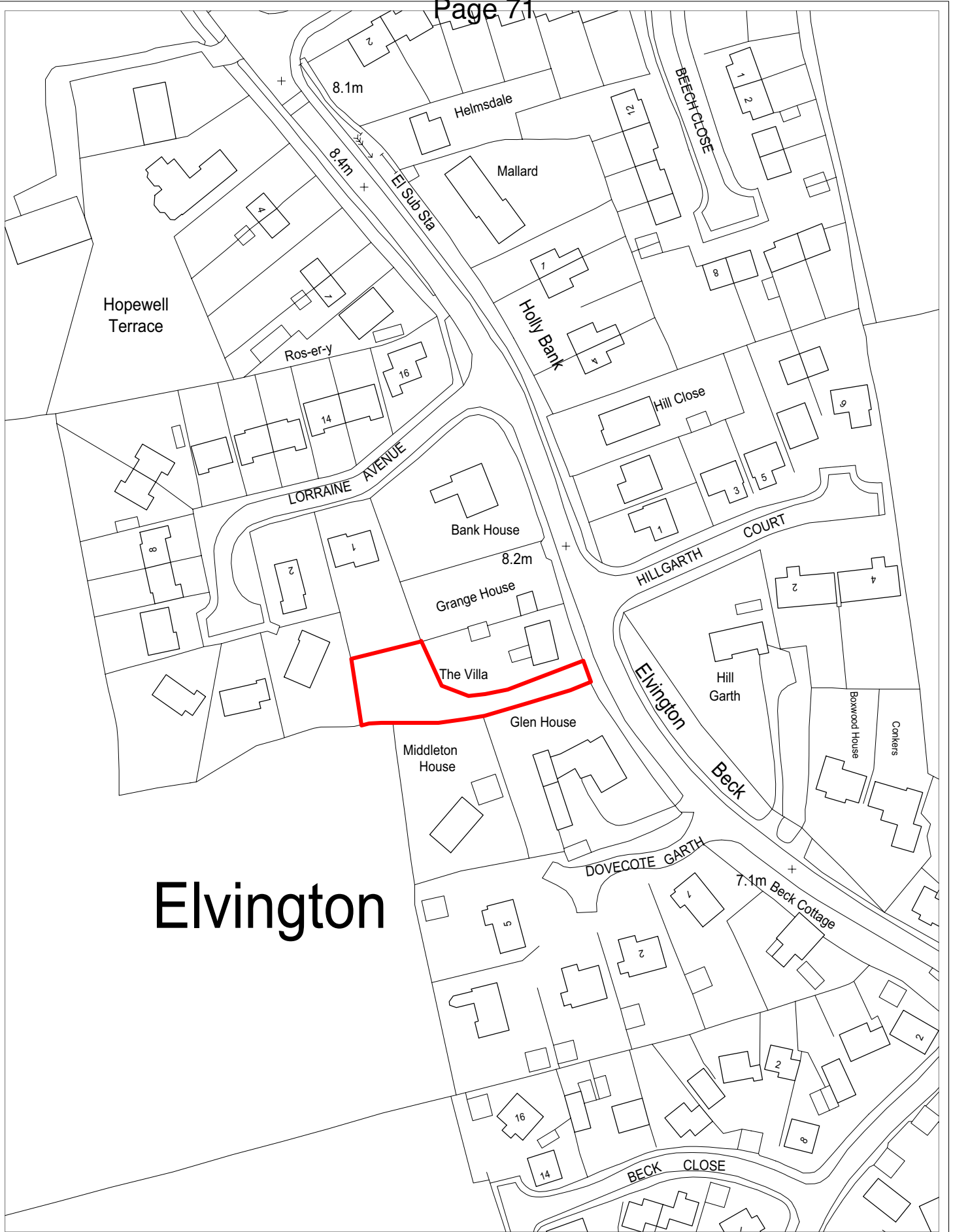
2 The proposed application fails to demonstrate that the proposed dwelling and vehicular access can co-exist with the existing trees that surround the site. It is considered that the removal of the trees would have an unacceptable impact on the character of the area and would adversely affect the neighbours' privacy and outlook. As such the proposal fails to comply with Policy GP1 (criterion a, c and d), Policy GP10 and Policy H4a of the City of York Local Plan 4th Set of Changes 2005.

7.0 INFORMATIVES:

Contact details:

Author: Neil Massey Development Control Officer (Wed/Thurs/Fri)

Tel No: 01904 551657



Elvington



CITY OF
YORK
 COUNCIL

THE VILLA, ELVINGTON - 07/01806



SCALE 1:1250
 Originating Group

DRAWN BY PSL
 Project

DATE 3/9/2007
 Drawing No.

3.2 External

3.2.1 Haxby Town Council - No Objections

3.2.2 Comments From Neighbours - None

4.0 APPRAISAL

4.1 Key Issue(s): Effect Upon Neighbours And The Surrounding Area.

4.2 Assessment: The Application Site -The proposed extension will be positioned between the existing rear kitchen extension and will be built up to the shared boundary. This relatively large extension, with a projection of 6.3 metres is in proportion with the size of the original dwelling, which is sited within a substantial plot. The roof will be pitched away from the neighbouring property reducing the impact on the shared boundary. The design and scale is appropriate to the main dwelling and it is not considered that the proposal will result in over -development of the site or reduce the outside amenity within the curtilage.

4.3 Draft Local Plan Policy CYGP1 states that development proposals will be expected to (i) respect or enhance the local environment; (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings

4.4 Draft Local Plan Policy CYH7 states that planning permission will be granted for residential extensions where: (a) the design and materials are sympathetic to the main dwelling and the locality of the development; and (b) the design and scale are appropriate in relation to the main building; (d) there is no adverse effect on the amenity which neighbouring residents could reasonably expect to enjoy

4.5 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 states that (1.12) Good design and a scale of development that respects the original dwelling and established pattern of development are essential to making a quality extension.

4.6 Effect upon the Street Scene: The development will be effectively unseen from public areas. The applicant intends to use materials that match the existing property. Therefore the proposal is unlikely to detract from the character and appearance of the area.

4.7 Effect upon the Neighbours: The main planning issues raised by this application are whether the proposed development would have a detrimental impact on the residential amenities of nearby properties and the visual appearance and amenities of the surrounding area.

The neighbouring property on the shared boundary (no. 49) has a conservatory which is built on the boundary and has a similar projection to the proposed extension. Existing fencing provides a sufficient degree of boundary treatment and it is not considered that the long projection on the shared boundary would be seen as an overbearing structure when viewed from the neighbouring properties within close proximity, or would result in a significant loss of light for neighbouring properties.

5.0 CONCLUSION

The development will be effectively unseen from public areas and the design and materials are considered acceptable. The rear garden is well screened and it is not considered that the development will appear overbearing or give rise to any unreasonable loss of amenity to adjoining residents as a result of unreasonable overshadowing or loss of light.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 VISQ1 Matching materials

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

Submitted plans received on 24 July 2007

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.

7.0 INFORMATIVES:

Notes to Applicant

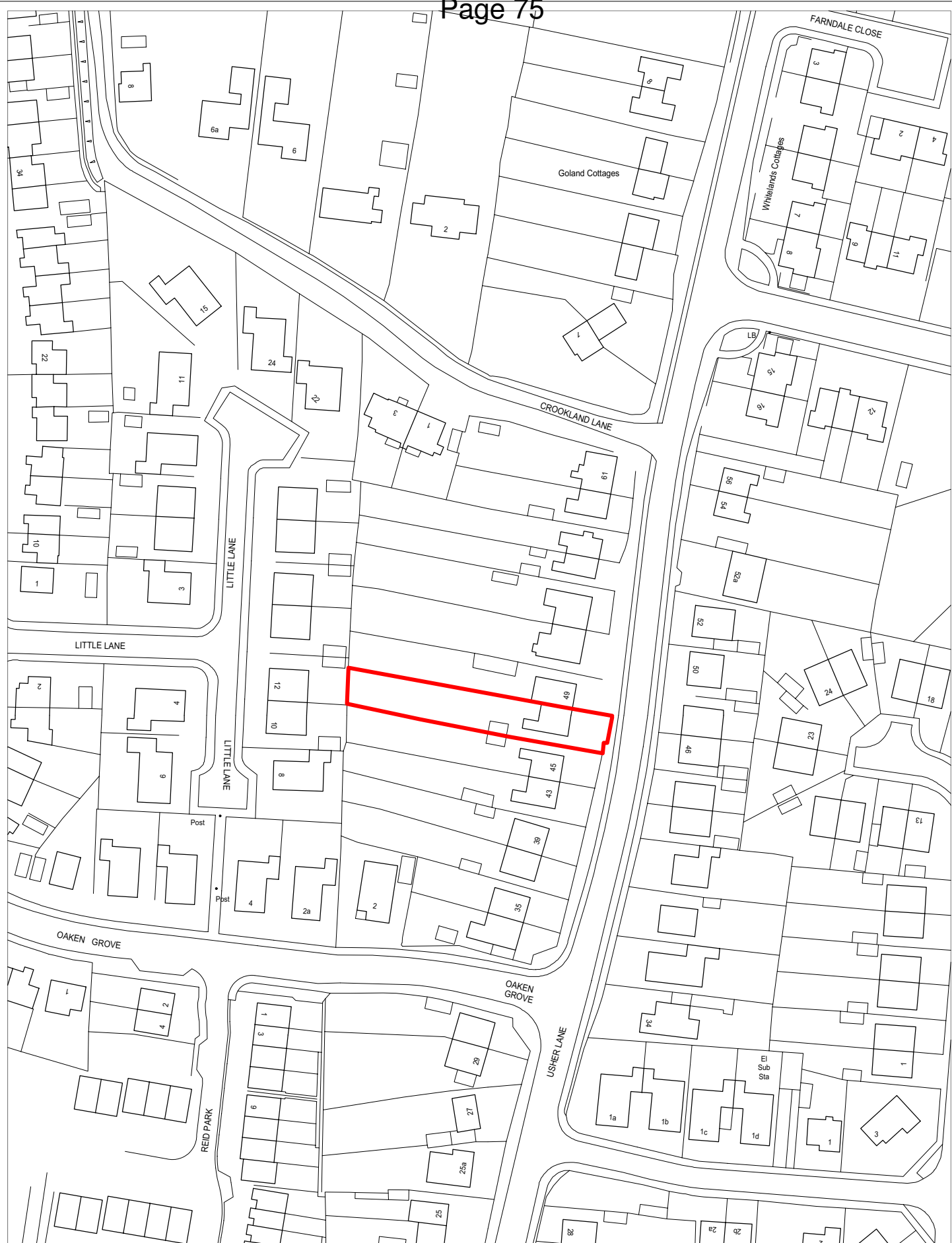
1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, the proposed first floor extension would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the residential amenity of neighbours or the impact upon the street scene. As such the proposal complies with Policies H7 and GP1 of the City of York Local Plan Deposit Draft.

Contact details:

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CITY OF
YORK
COUNCIL

47 USHER LANE, HAXBY - 07/1762/FUL

SCALE 1:1250
Originating Group

DRAWN BY PSL
Project

DATE 3/9/2007
Drawing No.





East Area Planning Sub-Committee**13 September 2007**

Report of the Director of City Strategy

Clifton Hospital : Outstanding Section 106 in relation to Management of the landscape.**Summary**

1. This report details the progress made on the outstanding Section 106 in relation to Clifton Hospital. Members are asked to note the contents of the report.
2. **Background**
 - 2.1 A report was prepared in April 2007 with regard to the current status of the outstanding Section 106 Agreement on the old Clifton Hospital Site.
 - 2.2 The report outlined the main conditions of the Section 106 that were still outstanding. These related to :-
 - i) The transfer of 1ha of land at the southern end of the site to the Council for £1 as open space. The transfer of this land was approved by the Council in Feb 2006.
 - ii) The dedication of a public footpath from Shipton Rd to the Open Space.
 - iii) The submission of a landscape plan and five year management plan for the site by Persimmon's.
 - iv) The implementation of these plans.
 - v) The clearance and maintenance of the old sewage work site to the Council's satisfaction.
 - 2.3 With regard to legal matters, it was reported that both the land transfer and the proposed footpath link were both with the Council's Legal section for a formal creation to be made. The work necessary to form the footpath route had though already been carried out and the route was in use.
 - 2.4 With regard to the management plan and its implementation, nothing had yet been formally received, however, land management following the prescription set out by the Council's Countryside Officer in 2004 was being implemented on an annual basis under the supervision of the Countryside Officer
 - 2.5 Further work on the restoration of the old sewage works site had also been carried out but there were still issues that needed to be resolved in order to bring the area to a standard where it could be managed properly. This

included removal of rubbish and surface debris to allow proper seeding to occur. Discussions on this were still pending for resolution this year.

- 2.6 Other work that was still pending included the limited tree planting work and the enrichment of the balancing pond.

3. Consultation

- 3.1 Further discussion with Persimmon's has taken place..

4. Analysis

Update Sept 2007

- 4.1 With regard to the Section 106 agreement, although it had not yet been fully implemented, at least in formal terms, substantial progress had been made and only a few issues were still outstanding.
- 4.2 The legal aspects were awaiting implementation by the Council's Legal Section, the management plan and the reinstatement of the old sewage treatment works were awaiting further consultation with Persimmons.
- 4.3 With regard to the transfer of the land to the Council and the creation of the new public footpath, these are still with the Council's Legal Section and they have been asked to progress this as soon as is possible.
- 4.4 With regard to the management plan, the main elements of the plan produced by the Countryside Officer have again been carried out, although the weather this year has made things very difficult and ragwort has been a particular problem. Discussions on formalising this plan though could not unfortunately take place as reported because the representative in Persimmon's dealing with this matter had left.
- 4.5 Similarly with the sewage treatment plant, no further discussions could be undertaken during the summer.
- 4.6 Persimmons have however, now appointed a replacement and a meeting was arranged for 30 August to discuss the outstanding issues. At this meeting the main reinstatement issues for the old treatment plant were agreed. This was to clear the whole site of existing coarse vegetation this autumn and carry out a final litter clearance. The area will then be herbicide treated in the spring and the Council's Countryside Officer will source a local wildflower seed mix to reseed the area in summer 2008.
- 4.7 With regard to the management plan, Mr R. Noble of Persimmon's will review the plan prepared by the Council and set up a further meeting to discuss the matter with a view to finalising it by the end of the year.
- 4.8 It is anticipated therefore that the main elements of the Section 106 will be resolved by the end of this year so that it can be signed of in 2008.

Corporate Objectives

- 5.0 The management of this site ensures that the green separation between Clifton Without and Clifton is retained. Its management is therefore important in order to retain this separation in good condition.

Implications

- 6.1 There are no financial implications with regard to this report.
- 6.2 There are no Equality implications.
- 6.3 Human Resources implications are limited to the time spent by the Countryside Officer in organising and supervising the management of the Clifton Hospital site.
- 6.4 There are no Legal, Crime and Disorder or IT Implications with regard to this report.
- 6.5 The property implications were dealt with within the report regarding the transfer of land to the Council in Feb 2006.

Risk Management

7. There are no known risks with regard to the implementation of the proposals on the Clifton Hospital site.

Recommendations

8. Members are requested to note the progress made with regard to the completion of the Section 106 agreement and the ongoing work still required in order to achieve a satisfactory conclusion to this long standing case, hopefully in 2008.

Reason: To update Members on progress with the Section 106 agreement conditioned as part of the planning application for the Clifton Hospital site.

Contact Details

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Chief Officer's name Mike Slater
Title Assistant Director Planning & Sustainable
Development, City Strategy

Report Approved

Date 3 September 2007

Specialist Implications Officer(s) List information for all

Implication ie Financial
Name
Title
Tel No.

Implication ie Legal
Name
Title
Tel No.

Wards Affected: Clifton Without

All

For further information please contact the author of the report

Background Papers:

Joint Report of the Directors of Development Services and Leisure Services to the Executive Committee 1st Feb 2006 on the Acquisition of Land at Clifton Hospital.