



## 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, 10 January 2008

**Time:** 2.00 pm

**Venue:** The Guildhall, York

### AGENDA

**Please note that there are no site visits scheduled for this meeting.**

**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. Exclusion of Press and Public**

To consider excluding the public and press from the meeting during consideration of the Annexes to agenda item 7 on the grounds that they contain information classed as exempt under Paragraph 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006. This information, if disclosed to the public would reveal that the Authority proposes to give, under any enactment a notice under or by virtue of which requirements are imposed on a person or that the Authority proposes to make an order or directive under any enactment.

**3. Minutes**

(Pages 3 - 10)

To approve and sign the minutes of the meeting of the Sub-Committee held on 13 December 2007.

#### **4. Public Participation**

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is Wednesday 9 January 2008 at 5.00pm.

#### **5. Plans List**

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

**a) Brooklands, Outgang Lane, Osbaldwick, York (Pages 11 - 19)  
YO19 5UP (07/02801/FULM)**

Change of use of former coachworks to educational training facility (Use D1) [*Osbaldwick Ward*].

**b) The Estate Office, Monks Cross Drive, (Pages 20 - 30)  
Huntington, York YO32 9GZ (07/02606/FULM)**

Construction of new three storey office after removal of existing single storey office [*Huntington and New Earswick Ward*].

#### **6. Clifton Hospital: Outstanding Section 106 in (Pages 31 - 33) relation to management of the landscape**

This report details progress made on the outstanding Section 106 Agreement in relation to Clifton Hospital. Members are asked to note the contents of this report.

#### **7. Enforcement Cases Update (Pages 34 - 106)**

Members will consider a report which provides a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by the Sub-Committee.

#### **8. Urgent Business**

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

Democracy Officer:

Name: Jill Pickering

- Telephone – (01904) 552062
- E-mail – [jill.pickering@york.gov.uk](mailto: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.

## About City of York Council Meetings

### Would you like to speak at this meeting?

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);
- find out about the rules for public speaking from the Democracy Officer.

**A leaflet on public participation is available on the Council's website or from Democratic Services by telephoning York (01904) 551088**

### Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

### Access Arrangements

We will make every effort to make the meeting accessible to you. The meeting will usually be held in a wheelchair accessible venue with an induction hearing loop. We can provide the agenda or reports in large print, electronically (computer disk or by email), in Braille or on audio tape. Some formats will take longer than others so please give as much notice as possible (at least 48 hours for Braille or audio tape).

If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

Every effort will also be made to make information available in another language, either by providing translated information or an interpreter providing sufficient advance notice is given. Telephone York (01904) 551550 for this service.

যদি যথেষ্ট আগে থেকে জানানো হয় তাহলে অন্য কোন অর্ধাতে তথ্য জানানোর জন্য সব ধরনের চেষ্টা করা হবে, এর জন্য দরকার হলে তথ্য অনুবাদ করে দেয়া হবে অথবা একজন দোঅবী সরবরাহ করা হবে। টেলিফোন নম্বর (01904) 551 550।

*Yeteri kadar önceden haber verilmesi koşuluyla, bilgilerin terümesini hazırlatmak ya da bir tercüman bulmak için mümkün olan herşey yapılacaktır. Tel: (01904) 551 550*

我們竭力使提供的資訊備有不同語言版本，在有充足時間提前通知的情況下會安排筆譯或口譯服務。電話 (01904) 551 550。

اگر مناسب وقت سے اطلاع دی جاتی ہے تو ہم معلومات کا ترجمہ مہیا کرنے کی پوری کوشش کریں گے۔ ٹیلی فون (01904) 551 550

*Informacja może być dostępna w tłumaczeniu, jeśli dostaniemy zapotrzebowanie z wystarczającym wyprzedzeniem. Tel: (01904) 551 550*

### **Holding the Executive to Account**

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

### **Who Gets Agenda and Reports for our Meetings?**

- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to;
- Public libraries get copies of **all** public agenda/reports.

## City of York Council

## Committee Minutes

---

MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	13 DECEMBER 2007
PRESENT	COUNCILLORS MOORE (CHAIR), CREGAN (VICE-CHAIR), DOUGLAS, FIRTH, FUNNELL, HYMAN, KING (FOR AGENDA ITEMS 1-3, 4A, B & F), TAYLOR, VASSIE (EXCEPT AGENDA ITEMS 4D & E) AND WISEMAN
IN ATTENDANCE	COUNCILLOR SCOTT (FOR AGENDA ITEMS 1-3, 4A, B & F)

---

**65. INSPECTION OF SITES**

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
Novotel, Fewster Way, York	Councillors Moore and Douglas	At the request of Cllr D'Agorne
Cherry Lodge, 38 Burton Stone Lane, York	Councillors Moore, Douglas & Wiseman	As objections have been received and the application is recommended for approval
30 Carlton Avenue, York	Councillors Moore and Douglas	As objections have been received and the application is recommended for approval
St Olave's School, Queen Anne's Road, York	Councillors Moore, Douglas, King & Wiseman	As objections have been received and the application is recommended for approval, and to allow new Members to view the site
63 Willow Glade, Huntington, York	Councillors Moore, Douglas & Wiseman	As objections have been received and the application is recommended for approval

**66. 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 Vassie declared a personal prejudicial interest in agenda item 4a (Novotel, Fewster Way, York) as he had recently employed the architect for the scheme. He left the room and took no part in the discussion or decision on the item.

Councillor Hyman declared a personal non-prejudicial interest in agenda item 4c (30 Carlton Avenue, York) as the speaker in objection to the application was known to him.

Councillor Firth declared a personal non-prejudicial interest in agenda item 4f (St Olave's School, Queen Anne's Road, York) as his children formerly attended the school.

Councillor King declared a personal non-prejudicial interest in agenda item 4f (St Olave's School, Queen Anne's Road, York) as he had already made his views, in objection to the application, known in the press. He addressed the Sub-Committee from the floor, then left the room and took no further part in the discussion or decision on the item.

**67. MINUTES**

RESOLVED: That the minutes of the meetings of the Sub-Committee held on 8 November 2007 and 22 November 2007 be approved as a correct record and signed by the Chair.

**68. PUBLIC PARTICIPATION**

It was reported that nobody had registered to speak, under the Council's Public Participation Scheme, on general issues within the remit of the Sub-Committee.

**69. 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.

**69a Novotel, Fewster Way, York YO10 4AD (07/02408/FULM)**

Members considered a major full application, submitted by The Accor Group, for alterations and extensions to the existing hotel and replacement of existing bedroom windows.

The case officer outlined revised wording for the proposed reason for refusal, which made reference to specific parts of national and local planning policies. He reported that 8 additional letters had been received following submission of revised drawings and outlined the objections they contained. He also reported that the submitted petition had been updated and now contained 377 signatures.

Representations were received in objection to the application, on behalf of the residents of William Court and regarding the size of the proposed development, and in support of the application, from the applicant's agent. Representations were also received from Cllr David Scott, in objection to the application.

Members expressed concern regarding the overbearing appearance of the proposed building when viewed from William Court and also from the river. They also raised concerns relating to the level of car parking provision and the appearance of the 'Brise Soleil' window units.

RESOLVED: That the application be refused.<sup>1</sup>

REASON: It is considered that the proposed extension would appear unduly intrusive and overbearing when viewed from the habitable windows in the north elevation of the properties at 19-25 William Court by virtue of its scale, siting and overall massing, together with its distance from these residential properties. As such the living conditions of the occupants of these residential properties would be unduly harmed by virtue of the development, contrary to the core principle of sustainable development set out in Planning Policy Statement no.1 (2005) "Delivering Sustainable Development", and criterion "e" of policy V1 and criteria "b" and "i" of policy GP1 of the City of York Draft Local Plan 2005.

Action Required

1 To issue the decision notice and include on the weekly JB planning decision list within agreed timescales.

**69b Cherry Lodge, 38 Burton Stone Lane, York YO30 6BU (07/01723/FUL)**

Members considered a full application, submitted by Steven Green, for change of use to a house in multiple occupation (HMO).

Representations were received from Cllr David Scott, Clifton Ward Councillor, in objection to the application. The applicant also attended the meeting to answer Members' questions.

Some Members expressed concern that the building had the potential to be a family home and should not therefore become an HMO.



RESOLVED: That the application be approved, subject to the conditions listed in the report.<sup>1</sup>

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 principle of development, impact on the conservation area, occupier amenity, neighbour amenity, refuse/recycling and highway issues. As such the proposal complies with policies GP1, and H8 of the City of York Local Plan Deposit Draft.

Action Required

1 To issue the decision notice and include on the weekly JB planning decision list within agreed timescales.

**69c 30 Carlton Avenue, York YO10 3JZ (07/01323/FUL)**

Members considered a full application, submitted by Barry Thompson, for a two storey pitched roof side and rear extension and change of use to 2 no. x 2 bedroom flats.

Representations were received in objection to the application, from a neighbouring resident, and in support of the application, from the applicant. The applicant also circulated photographs of the site for Members' consideration.

Members expressed concerns regarding the loss of a family home and overlooking of adjacent properties. They also highlighted the poor access to the cycle store and the lack of amenity for future occupiers, in terms of the size of the garden and the lack of direct access to it for residents of the proposed first floor flat. Some Members also expressed concern regarding the levels of on-site parking provision.

RESOLVED: That the application be refused.<sup>1</sup>

REASON: It is considered that the first-floor extension and use of the upper floor as a separate dwelling would result in an unacceptable increase in **overlooking** of the house and garden at 17 Wolviston Avenue to the detriment of the amenities of the occupiers contrary to policies GP1 and H7 of the City of York draft Local Plan.

It is considered that the proposed conversion to flats would result in the **loss of a family house**, a type of dwelling for which there is a clearly identifiable need within the City of York, thereby increasing the disparity between the supply of family houses and the supply of flats, contrary to the conclusions of the York Strategic Housing Market

Assessment, which has been formally approved by the local planning authority for development control purposes.

It is considered that the proposal would provide an unacceptably small area of **useable amenity space with poor access from the first floor flat** to the detriment of the residential amenity of the future occupiers.

It is considered that the proposed **access to the cycle store** at the rear of the property would be inadequate, due to its narrow width, and would result in occupiers of the dwellings being deterred from using the store, contrary to the council's sustainable travel objectives and policy T4 of the City of York Draft Local Plan.

Action Required

1 To issue the decision notice and include on the weekly JB planning decision list within agreed timescales.

**69d 20 Byron Drive, York YO30 5SN (07/02419/FUL)**

Members considered a full application, submitted by Neil Winn, for a single storey pitched roof side and rear extension after demolition of a garage (resubmission).

Representations were received in objection to the application, from a neighbouring resident.

Members expressed concern regarding the impact of the proposed development on the adjacent property at 22 Byron Drive.

RESOLVED: That the application be refused.<sup>1</sup>

REASON: It is considered that the proposed extension would result in an unacceptable impact on the amenity and living conditions of the occupiers of the adjacent dwelling (22 Byron Drive) by virtue of its size, scale, massing and proximity to the boundary and the loss of light and outlook that would result.

Action Required

1 To issue the decision notice and include on the weekly JB planning decision list within agreed timescales.

**69e 52 Naburn Lane, Fulford, York YO19 4RL (07/02459/FUL)**

Members considered a full application, submitted by Mr & Mrs Telfer, for a conservatory to the rear of the property.

Officers reported a correction to the last sentence of paragraph 1.1. so that it read, "The proposed conservatory measures 3m x 3m in footprint and 2.9m in height to the ridge".

RESOLVED: That the application be approved, subject to the conditions listed in the report.<sup>1</sup>

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 impact on the amenity and living conditions of adjacent occupiers and the openness of the Green Belt . As such the proposal complies with Policies GP1, H7 and GB4 of the City of York Local Plan Deposit Draft.

Action Required

1 To issue the decision notice and include on the weekly JB planning decision list within agreed timescales.

**69f St Olave's School, Queen Anne's Road, York YO30 7AA (07/01775/FUL)**

Members considered a full application, submitted by The Bursar, for the erection of a footbridge over an existing public footpath on land adjacent to St Olave's Prep School (resubmission).

Officers clarified that the application was identical to the previous scheme, which had been refused, although additional information had been submitted regarding the lighting, to address concerns regarding light spillage. They reported that 3 additional letters of objection had been received and outlined the issues they contained. They also advised that condition 2 needed to be updated to make reference to the most recent plans and that a further condition was required requiring the submission of lighting details for approval.

Representations were received in objection to the application and in support of the application, from the applicant's architect. The speaker in objection circulated photographs of the site for Members' consideration. Representations were also received from Cllr David Scott and Cllr Ken King, Clifton Ward Councillors, in support of the application and in objection to the application respectively.

Members expressed a number of concerns about the application, including its impact on the conservation area and the impact of the lighting on the open character and appearance of the area.

RESOLVED: That the application be refused.<sup>1</sup>

- REASON: (i) The proposed footbridge will have an adverse impact on the character of the Clifton Conservation Area. This is by virtue of its poor design and appearance and general visual presence which will enclose views along the public footpath over which the footbridge would span. This will have an adverse impact on the rural setting and generally open character of the Conservation area at this point and as a consequence would have an adverse impact on views both into and out of the Conservation area. The loss of two trees within the grounds of St. Peter's School which further contribute to the character of the Conservation Area will also affect the setting and character of the area. The proposal is therefore considered contrary to advice and guidance in PPG15 (Planning and the Historic Environment) and to Policies HE2 (Development in Historic Locations) and HE3 (Conservation areas) of the City of York Draft Local Plan incorporating the 4th set of changes approved April 2005.
- (ii) The additional levels of lighting will have an adverse impact on the generally open character and appearance of the area by virtue of increased levels of lighting in the area. This is considered contrary to Policies GP1 (Design) part f and HE2 (Development in Historic Locations) of the City of York Draft Local Plan incorporating the 4th set of changes approved April 2005.

Action Required

- 1 To issue the decision notice and include on the weekly JB planning decision list within agreed timescales.

**69g 63 Willow Glade, Huntington, York YO32 9NJ (07/02453/FUL)**

Members considered a full application, submitted by Mr E Flint and Miss S Smith, for the variation of condition 4 of consent ref: 03/03705/FUL to allow the annex and curtilage to be occupied independently of 63 Willow Glade (retrospective) (resubmission).

The case officer reported that the Highways Officer had no safety concerns regarding the position of the parking space.

Representations were received in objection to the application, from a neighbouring resident, and in support of the application, from the applicant.

Members expressed the view that the building was unsuitable for occupation independently of the host property, owing to its relationship and juxtaposition to that property and the lack of private amenity space.

RESOLVED: That the application be refused.<sup>1</sup>

REASON: It is considered that the building, by virtue of its relationship and juxtaposition to the host property, and by virtue of the lack of private amenity space, is unsuitable for occupation independently of 63 Willow Glade.

Action Required

1 To issue the decision notice and include on the weekly JB planning decision list within agreed timescales.

R MOORE, Chair

[The meeting started at 2.00 pm and finished at 4.35 pm].

**COMMITTEE REPORT**

**Committee:** East Area                                   **Ward:** Osbaldwick  
**Date:** 10 January 2008                                 **Parish:** Osbaldwick Parish Council

**Reference:** 07/02801/FULM  
**Application at:** Brooklands Outgang Lane Osbaldwick York YO19 5UP  
**For:** Change of use of former coachworks to educational training facility (Use D1)  
**By:** York College  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 26 February 2008

**1.0 PROPOSAL**

1.1 The application site is located within Osbaldwick Industrial Estate, and is accessed off Outgang Lane. The site area is 0.27 hectare. The application site itself is shown under the Local Plan Proposals Map to be unallocated ('white land') within settlement limits. It is not within a Green Belt.

1.2 The site contains a vacant 1,375sq.m industrial building, formerly occupied by Pocklington Coachworks. The building has been vacant for approximately 4 years. The site also contains associated car parking and internal turning areas. Adjoining the site there is a mixture of light/general industrial units, storage buildings, and bulky goods retail units,.

1.3 This is a change of use planning application to convert the existing use to Class D1 training facility for a temporary period of 5 years. It is proposed to provide construction training facilities with a strong emphasis on plumbing, brickwork, plastering, electrical installations and carpentry training. Consent has been sought for a temporary period of five years. No alterations are planned for the external elevations of the building other than repainting (which does not require planning permission). Members may recall that planning permission was granted to the same applicant in November 2007 for the use of the former Wickes building at Lysander Close (Clifton Moor Industrial Estate) as a construction training facility. However, due to circumstances beyond their control, the applicant was unable to compete on the lease arrangements with the landlord. For this reason, the applicant urgently requires an alternative facility to secure the successful delivery of construction training.

1.4 The application sites contain in total 3 separate car parking areas. The existing forecourt to the front of the building would contain 18 existing and 2 additional parking bays; 12 spaces would be provided within an area of land to the east of the industrial building. Further to the east contains a strip of land, which would be capable of parking 12 vehicles. Hence there would be in total 44 vehicle parking spaces and 15 cycle parking spaces serving the proposed D1 use.

**1.5 RELEVANT PLANNING HISTORY**

1.6 00/02933/FUL: Erection of two storey extension to existing industrial unit. Permission was granted on 15.2.2001.

1.7 02/02415/FUL: External alterations and formation of first floor. Permission was granted on 23.9.2002.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Contaminated Land

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Floodzone 3 Flood Zone 3

2.2 Policies:

CYGP15  
Protection from flooding

CYGP3  
Planning against crime

CYE3B  
Existing and Proposed Employment Sites

CYGP11  
Accessibility

CYT4  
Cycle parking standards

CYGP4A  
Sustainability

## **3.0 CONSULTATIONS**

INTERNAL:

3.1 Highways (Network Management):

- Outgang Lane is the spine road for an industrial estate and as such is subject to many daily HGV movements. Many aspects of this road have suffered as a consequence resulting particularly to damage to the verges and footways due not only to HGV movements but inconsiderate parking. It is therefore considered important that any vehicles associated with this development are accommodated within the site so as not to interfere with existing traffic movements. The level of existing HGV movements should not be greatly affected as only one HGV per week is anticipated as a consequence of this development.

- A total of 44 parking spaces are to be provided in three blocks; 20 to the front and 12 to the rear adjacent to the main building plus a further 12 in an adjoining plot. 4 spaces within the frontage block are designated disabled but only two (nos 4&5) fully comply with the disability requirements of having 1.2m additional strips along both sides of the bays. The additional 1.2m strip to the rear is considered optional as the bays are in a single flight with little likelihood of being obstructed to the rear by other vehicles. This flight of parking bays appears, however, to extend into an existing manoeuvring area and it would seem more practical to rearrange them against the boundary fence. This may also have the benefit of making more space available for both manoeuvring on-site and additional parking near the gated entrance should the need arise.
- 15 cycle storage spaces are included in the application but no details are shown. The cycle storage should be both covered and secure. Having regard to the likely ages of the students then it is also recommended that covered motor scooter/cycle spaces also be provided, at a suggested rate similar to cycles
- The site is approximately 200m from the No6 bus route at a frequency of nominally 10min intervals. An East Yorkshire route to Stamford Bridge also runs along Murton Lane but at a nominal frequency of only 5 per day. The site is therefore considered convenient for public transport.
- The number of students is estimated at between 5 and 150 daily with an "average" figure of approximately 100. It is further contended that as the students would be mostly in the age range of 16 to 18 years old then the probability of car ownership would be "well under 50%". It is considered that this figure is reasonable.

It is therefore considered that the likelihood of the incidence of highway damage as a consequence of on-road/footway/verge parking can be reduced if the above measures are employed. It is noted, however, that at the main new college a policy of charging to use the car parks has resulted in localised all-day parking in predominantly residential streets much to the annoyance of local residents; it is therefore suggested that any on-site parking be freely available to all staff, pupils and visitors.

No highway objections are raised subject to conditions relating to the following:

- full details to be submitted of car, cycle, motorcycle and disabled parking and turning on the site. The facilities so approved shall be provided within three calendar months of the buildings being first occupied and shall be thereafter maintained
- all areas used by vehicles to be surfaced, sealed and positively drained.
- Travel Plan to be submitted and approved.

3.2 City Development Unit consulted. Response received 19 December 2007. The following comments were made:

- As the proposed use is neither commercial nor residential, the applicant need not submit a sustainability statement.
- The applicant's intention to construct internal classrooms which enable more efficient use of energy is supported.
- The site is well served by public transport access, as bus route no.6 runs along Osbaldwick Link Road/Osbaldwick Lane at 10 minute intervals during peak hours.
- A full BREEAM assessment would not be required in policy terms.



-As the proposal seeks to change the use of an employment site, in accordance with policy E3b the applicant is expected to explain how long the site has been vacant and the level of occupier interest for an alternative employment use, to submit a statement on the supply of alternative employment land in York, and to describe why the site is no longer suitable for employment use.

-No objections in principle.

3.3 Environmental Protection Unit consulted. Response received 19 December 2007. No objections subject to conditions.

3.4 Sustainability officer consulted. Response received 19 December 2007 - BREEAM assessment is not required for a temporary change of use application.

EXTERNAL:

3.5 Osbaldwick Parish Council. No response received 24 December 2007.

3.6 Neighbours consulted and press advertised: No response received 2 January 2008.

3.7 Safer York Partnership consulted. Response received 19 December 2007. The following comments were made:

- the existing fencing and border boundaries are recommended to be upgraded,
- ground floor windows should be fitted with window opening restrictors,
- all vulnerable ground floor windows and doors are recommended to be security-tested,
- the security of this development should be further enhanced by discouraging casual intrusion authorised persons or non-members,
- the following should be considered: Proximity Access Control systems (PAC), a door entry phone systems with electronic lock release, or a combination of these.
- entrances should be well lit, both internally and externally,
- a well designed and carefully installed CCTV system is recommended,
- appropriate lighting around the site should be provided,
- no objections subject to a secured by design condition.

#### **4.0 APPRAISAL**

4.1 The main issues to be considered are as follows:

- i. Loss of employment land
- ii. Sustainability
- iii. Parking standards and Highway safety
- iv. Environmental Protection
- v. Flood Risk

#### **LOSS OF EMPLOYMENT LAND**

This application seeks consent to change the use of an existing employment land to Class D1 Education use. Therefore policy E3b of the City of York Draft Local Plan 2005 applies. This policy states planning permission for other uses will only be given

if the proposed use would fulfil the criteria set out in this policy, one of which is that the development would lead to significant benefits to the local economy.

The purpose of this application is to provide construction training facility with a strong emphasis on brickwork training. According to the applicant, the very rapid and significant growth in the demand for construction training in recent years has resulted in a need for the College, as the major construction trainer in the area, to ensure that a supply of skilled labour continues to be provided to serve the local construction projects.

Due to the nature of the construction training programmes proposed, the most appropriate type of accommodation to facilitate such training would be an industrial unit. The applicant states that the very rapid growth in the demand for construction training over the last 2 to 3 years has meant that the projections of the space requirements for this activity at the time the new college was planned were an underestimate. Given that the proposed facility has not been provided for on the new college site, and bearing in mind that it is extremely unlikely that such a facility could be provided within an existing school or college site, on balance it is considered that the loss of employment land in this instance is acceptable, by virtue of the benefits it would have on the local economy and local employment opportunities.

In addition, apart from the insertion of stud partition walls at one end of the building to form classroom, canteen and office facilities, the vast majority of the building would not be altered either internally or externally, thus it could be returned to its former use with relative ease.

### SUSTAINABILITY

It is considered that the proposal has taken into account the principles of sustainable development as set out in policy GP4a of the City of York Draft Local Plan 2005. The proposal would involve the re-use of an existing vacant building rather than erecting a new building for the same purpose but only for a temporary period of 5 years. The site is accessible by modes other than private vehicles. In particular, the site is well served by the purple line bus route, providing regular service to and from York city centre. Furthermore, the College operates a Green Travel Plan, which actively encourages car sharing, the use of public transport and encourages the use of bicycles. 15 secure cycle parking spaces will be provided.

The proposal would promote social inclusion and would deliver other social benefits by maintaining existing participation, retention and achievement levels in education. The development would maintain existing vocational learning provision and maintain existing links with local employers to increase future employment prospects and meet local skills and training requirements. This in turn would help to create more sustainable communities.

### PARKING STANDARDS AND HIGHWAY SAFETY

Attention is drawn to the comments of Highways (Network Management) in the consultations section of this report. No highway objections have been raised to the principle of the proposal. Minor amendments have been requested to the proposed car and cycle parking arrangements, which can be secured by condition. In addition,

it is also recommended that the building is occupied in accordance with the aims, measures and outcomes of a "Green Travel Plan" that has been submitted to and approved by the Local Planning Authority. The College already operates a Green Travel Plan which actively encourages car sharing, the use of public transport and encourages the use of bicycles, and this could be applied relatively easily to the application site.

#### ENVIRONMENTAL PROTECTION:

The site is proposed to be used for teaching brickwork and providing training for this construction trade for local young people, adults and unemployed. Due to the nature of the proposed training programmes, there is a potential that noise could emanate from the premises, harming the amenity of occupants from the nearby caravan site in particular. Nevertheless, this can be addressed by an appropriate noise level restriction condition and hours of operation condition. In addition, provision does exist within current legislation such as the Environmental Protection Act 1990 to deal with statutory nuisances. No objections were raised by Environmental Protection Unit subject to conditions.

#### FLOOD RISK

The application site is within Flood Zone 3, which means the land has a 1 in 100 or greater annual probability of river flooding. Nevertheless it is not considered in this instance that a Flood Risk Assessment is required, as the proposed change of use would not result in a more vulnerable use than the existing use.

Having taken the above into account, it is considered that the proposed development accords with Planning Policy Statement No.1 "Delivering Sustainable Development", policy SOC2 'Education' of the Regional Spatial Strategy for Yorkshire and the Humber (2004) and the policies set out in the City of York Local Plan. Hence, this application is recommended for approval.

#### 5.0 CONCLUSION

For the above reasons this application is recommended for approval.

#### 6.0 RECOMMENDATION: Approve

1 This use shall cease by 26 February 2013 unless prior to that date the consent of the Local Planning Authority has been obtained to extend the period of the permission.

Reason: So that the Local Planning Authority may assess the impact of this use upon the surrounding area.

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

yc3, yc4, yc5, yc6, yc7, yc1Rev A and yc2 Rev A as received by the City of York Council on 27 November 2007 and on 20 December 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 Prior to the development coming into use full details shall be submitted to and agreed in writing by the LPA of the car, cycle, motorcycle and disabled parking and turning on the site. The facilities so approved shall be provided within three calendar months of the buildings being first occupied and thereafter maintained free of any obstruction that would prevent their intended use.

Reason: To ensure all vehicles associated with the development can be accommodated within the site and clear of the public highway in the interests of highway safety

4 Within three months of the development first coming into use all areas used by vehicles shall be surfaced sealed and positively drained within the site in accordance with details submitted to and agreed in writing by the Local Planning Authority of the surfacing and drainage treatments.

Reason: To prevent the egress of water and loose material onto the public highway

5 The site shall hereafter be occupied in accordance with the aims, measures and outcomes of a Travel Plan that shall be submitted to and approved in writing by the LPA within six months of the date of this permission.

Reason: To ensure the development complies with Central Government advice contained in Planning Policy Guidance Note 13 -"Transport" and with Policy T13a of the City of York Local Deposit Draft Local Plan, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other modes of transport to and from the site, together with provision of parking on site for these users.

6 Prior to the occupation of the site for Class D1 use, details of the activities within the area outside the building other than vehicle parking and vehicle manoeuvring shall be submitted to and approved in writing by the local planning authority. Once approved the area outside the building shall be used for the approved activities only unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the amenities of adjoining occupants and local residents.

7 Unless otherwise agreed in writing by the Local Planning Authority, the hours of operation of the site shall be confined to the following hours:

Monday to Friday 8:30 - 21:30

Saturday 8:30 - 18:00

Not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of neighbouring occupants.

**7.0 INFORMATIVES:**

**Notes to Applicant**

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the loss of employment land, sustainability, parking standards and highway safety, environmental protection and Flood Risk. As such the proposal complies with Policies E3b, GP4a, T4, GP15a, GP3 and GP11 of the City of York Local Plan Deposit Draft.

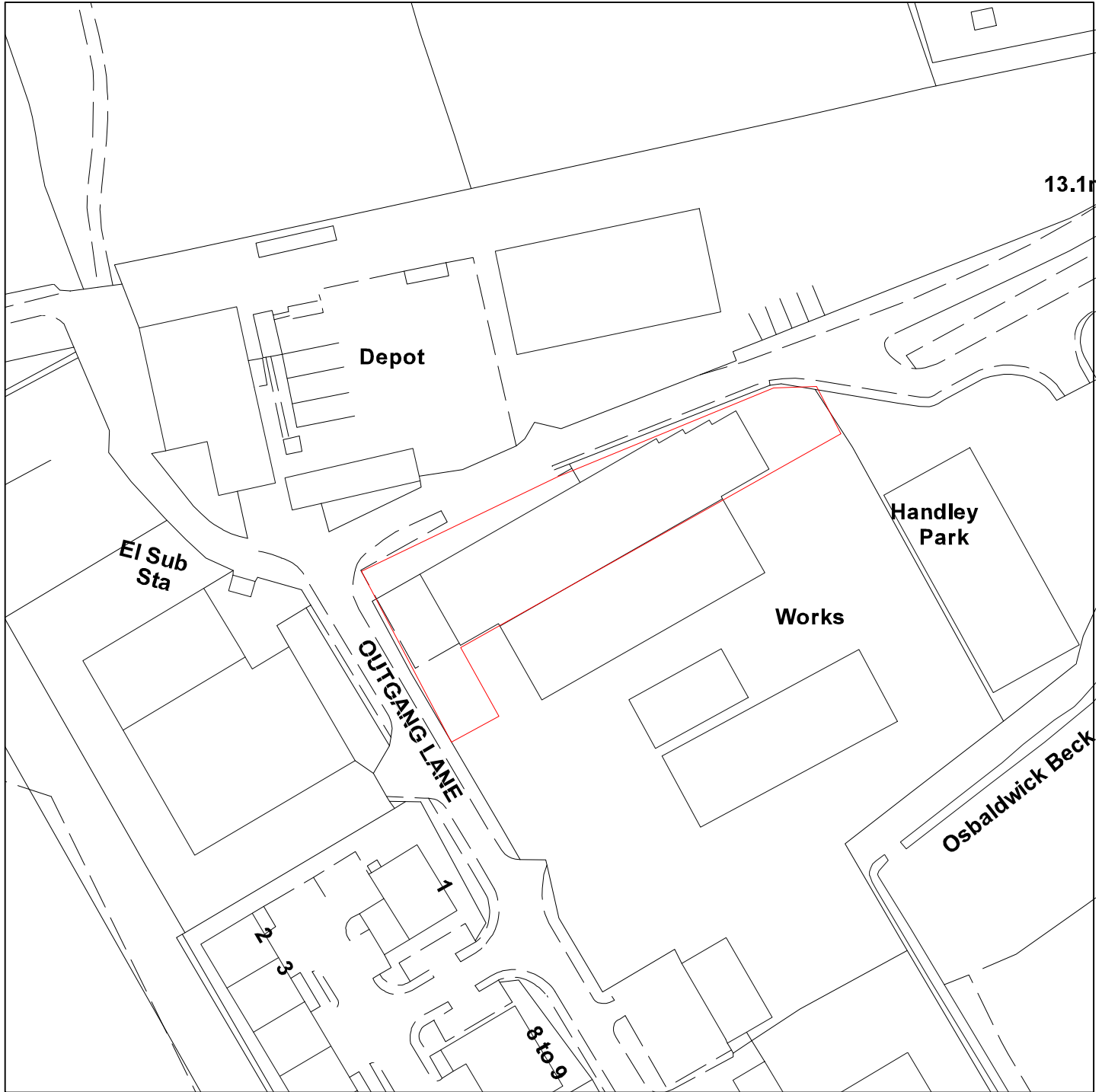
**Contact details:**

**Author:** Billy Wong Development Control Officer

**Tel No:** 01904 552750

# Brooklands Outgang Lane

Ref 07/02801/FULM



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

<b>Organisation</b>	CYC
<b>Department</b>	DEDs
<b>Comments</b>	Application site
<b>Date</b>	28 December 2007
<b>SLA Number</b>	

**COMMITTEE REPORT**

**Committee:** East Area  
**Date:** 10 January 2008

**Ward:** Huntington/New Earswick  
**Parish:** Huntington Parish Council

**Reference:** 07/02606/FULM  
**Application at:** The Estate Office Monks Cross Drive Huntington York YO32 9GZ  
**For:** Construction of new three storey office after removal of existing single storey office  
**By:** Smith And Ball  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 1 February 2008

**1.0 PROPOSAL**

1.1 This is a revised planning application for the erection of an office building on land at Monks Cross Drive currently occupied by a single storey building which functions as the site office. The site lies between retail buildings and offices.

1.2 The scheme as originally approved is an 8.2m high two storey structure with an overall floor area of 818 sq.m (planning ref. no. 07/00364/FUL). The revised scheme shows the overall floor area would be increased by 252sq.m to 1,070sq.m. This is to be achieved by creating an additional floor. As such the proposed three storey office block would measure 10.2m high.

1.3 In relation to the adjoining buildings, the office block to the north of the application site (known as "Arabesque House") is a two storey structure with an overall height of 8.0m. To the south of the application site lies a large 10.0m high retail warehouse currently occupied by Argos. There would be a 16.0m gap between the proposal and Arabesque House; it would be 11.0m away from Argos.

1.4 The site frontage includes a landscaped area within which it is proposed to provide 10 car parking spaces. Five additional car parking spaces have been proposed to the side of the building, and 14 covered cycle parking spaces would be located to the front of the building beside the main entrance. The site area is 0.142 ha.

1.5 The existing mound facing Monks Cross Drive forms part of the landscaped features within the site. It is located in a prominent position with a concentration of tall and mature trees. The plan submitted shows the existing mound would be retained.

**RELEVANT PLANNING HISTORY**

1.6 07/00364/FUL: Construction of new 2 storey office after removal of existing single storey office (resubmission). Permission was granted on 28.3.2007.

1.7 06/02630/FUL: Construction of new 2 storey office after removal of existing single storey office. This application was withdrawn on 26.1.2007.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

### 2.2 Policies:

CYGP1  
Design

CYSP8  
Reducing dependence on the car

CYGP3  
Planning against crime

CYGP4A  
Sustainability

CYGP9  
Landscaping

CYT4  
Cycle parking standards

CYE4  
Employment devt on unallocated land

CYSP7A  
The sequential approach to development

CYNE1  
Trees, woodlands, hedgerows

## **3.0 CONSULTATIONS**

### INTERNAL

3.1 City Development Unit consulted. Response received 7 December 2007. The following comments were made:

-This application is to expand/redevelop an existing office in an out of centre location and not within the City Centre. Therefore in accordance with Planning Policy Statement no.6 (2005) "Planning for Town Centres" a sequential test to demonstrate that there are no more central sites for the development is required.



- It should also demonstrate that there is a need for the development, that the development is of an appropriate scale, that there are no unacceptable impacts on existing centres, and that the location is accessible.

3.2 Urban Design and Conservation consulted. Response received 16 November 2007. The following comments were made:

- No objections as the scheme does not appear to alter the previously proposed external areas.
- However the loss of existing planting remains a concern.
- The details submitted with the application purport to retain the existing mound. There will however be a slight cutting back of the bottom of the mound adjacent to the proposed car park, resulting in the loss of some trees including a reasonably large pine.
- It would not be acceptable to introduce a path along the eastern edge of the new car park, which would eat into the mound even further.
- A landscaping condition and a condition to protect the existing planting shown to be retained have been recommended.

3.3 Environmental Protection Unit consulted. Response received 26 November 2007. The unit have no objections subject to a condition to address possible contamination and a standard demolition and construction informative.

3.4 Highway Network Management. Response received 30 November 2007. The following comments were made:

- No objections were raised to the previous application from a highways perspective subject to standard highway conditions.
- This application is an extension of only 250sqm to an already approved scheme, as such there are considered to be no sustainable highway objections to the application.
- It is recommended that the amount of cycle parking should increase from the 14 spaces shown up to a minimum of 18.
- Conditions recommended.

## EXTERNAL

3.5 Neighbours consulted and site notice posted. Expires 5 December 2007. No response received.

3.6 Huntington Parish Council consulted. Response received 27 November 2007. The Council objected due to the following reasons:

- the development has severely inadequate parking facilities for the proposed size of the development,
- the site is already heavily congested, and has not been expanded in any way to provide for the increase in usage of the said site.

3.7 Foss Internal Drainage Board consulted. Response received 19 November 2007. No objections subject to condition.

## 4.0 APPRAISAL

4.1 The main issues to be considered are as follows:

- i. Employment Development on Unallocated Sites
- ii. Sequential Approach to development
- iii. Design and External Appearance
- iv. Landscaping
- v. Sustainability and Parking Standards
- vi. Other considerations

#### EMPLOYMENT DEVELOPMENT ON UNALLOCATED SITES

4.2 This application relates to an office redevelopment/expansion, although the application site has not been allocated for such use. Nevertheless in accordance with policy E4 of the City of York Draft Local Plan there is no objection in principle to office development which involves the redevelopment of existing buildings within the built up area of the city, provided that the scale and design is appropriate to the locality.

#### SEQUENTIAL APPROACH TO DEVELOPMENT

4.3 Central Government advice in Planning Policy Statement no.6 "Planning for Town Centres" (PPS6) requires a sequential assessment to be submitted for office developments in an out of centre location. The purpose of the assessment is to demonstrate that there are no other more central sites available for the development before the consideration of an out of centre location. PPS6 also requires the applicant to demonstrate that there is a need for the development, that the development is of an appropriate scale, that there are no unacceptable impacts on existing centres, and that the proposed location is accessible.

4.4 In accordance with policy E4 of the Regional Spatial Strategy for Yorkshire and the Humber (2004), Policy SP7a (criterion c) of the City of York Draft Local Plan 2005 further states that planning permission will be granted for office development with a net floor space of over 400sq.m in an out of centre location, where it can be demonstrated that York City Centre and Edge of City Centre sites have been assessed and are incapable of meeting the development requirements of the proposal.

4.5 This application has been considered bearing in mind that the principle of an office development in this location has already been established by virtue of the previous planning approval (07/00364/FUL). The main purpose of this application is to increase the floorspace by an additional 252sq.m to 1,070sq.m. Hence the floor area under consideration is the additional 252sq.m, not the 818sq.m that has already been approved. Due to the extent of the additional increase (which falls under the threshold of 400sq.m (net)), in accordance with policy SP7a of the City of York Draft Local Plan 2005, it is not considered that a sequential assessment and an impact assessment are required.

#### DESIGN AND EXTERNAL APPEARANCE

4.6 The proposed building is separated from Arabesque House by 16 metres and from the blank side wall of Argos by 11 metres. The building is L shaped in plan with

a leg of the L standing 2m forward of the adjacent Arabesque House. There is however no established or visually important building line. The design of the building breaks up its massing through the use of materials and articulating building elements. The height of the building is considered to sit well alongside two storey offices to the north and a large retail warehouse to the south. As such the proposals are considered to accord with the aims of PPS1 and Draft Local Plan Policies GP1 and E4.

## LANDSCAPING

4.7 The existing landscaped mound to the site frontage would provide partial but effective screening for the proposed development from public view. Furthermore, due to its prominence from Monks Cross Drive the existing mound contributes significantly to the visual appearance of the area. As such its proposed retention is welcomed. By virtue of the siting and configuration of the proposed car park there would be a slight cut back of the bottom of the mound. However, due to the small scale of the reduction it is unlikely that the proposed work would unacceptably harm the visual appearance of the locality. There are no trees within the application site which are subject to Tree Preservation Order. Nevertheless due to their important values to the general landscape and amenity of the area a condition to protect the existing planting shown to be retained is recommended. In order to soften the existing landscape further a standard landscaping condition is also recommended. For the purpose of protecting the existing mound from any possible further development a condition requiring its retention at all times is considered necessary.

## SUSTAINABILITY AND PARKING STANDARDS:

4.8 Policy GP4a "Sustainability" of the City of York Draft Local Plan 2005 sets out a list of criteria development should take into account. In the case of this development, the site is within walking distance from existing bus stops on Monks Cross Drive. It is also within walking distance from the shopping centre. The footpath and cycle networks, accessed directly from the site, connect to the main facilities in the Monks Cross area, including bus connections and the Park and Ride site, and the strategic cycle network serving the north east part of the city. Having taken the above into account, it is considered that access into the site can be gained by means other than private vehicles.

4.9 Planning Policy Guidance no.13: Transport (published 2001) stresses the importance of discouraging users of new development from driving to the site by limiting the availability of parking in order to restrict vehicle movements. Furthermore, Appendix E of the City of York Draft Local Plan 2005 stated that each development proposal is assessed "using the maximum standard as a starting point". Having considered the above national and local planning policies, together with the consideration that access into the site can be gained by means other than private vehicles, it is considered that the number of vehicle parking spaces proposed is acceptable. Furthermore, the limited number of parking spaces within the application site would restrict vehicle movements, which in turn would help to minimise further traffic congestions at Monks Cross.

4.10 With regard to cycle storage, the originally submitted application indicated that 14 covered cycle storage would be provided on site. However, Appendix E of the City of York Draft Local Plan 2005 sets out a minimum standard of 1 cycle space per 60 sq.m of office space. Hence, for an office development with a floor space of 1,070sq.m a minimum of 18 cycle spaces should be provided ( $1,070\text{sq.m} \times 1 / 60\text{sq.m} = 17.8$  spaces) and not the 14 originally shown. A revised site layout plan has subsequently been submitted to rectify the shortfall.

4.11 The principle of sustainable development has been incorporated as part of the scheme. These include the use of heat reflecting glass to control solar gain and to ensure that any heat loss through window areas will be compensated for in the rest of the building fabric. This will be achieved by the appointment of a specialist consultant. In addition, careful choice of external light fittings will be employed to ensure that light pollution will be kept to a minimum. In order to demonstrate how these measures are to be incorporated into the building a condition requiring the above details to be submitted to and approved in writing by the local planning authority has been recommended.

#### OTHER CONSIDERATIONS:

4.12 Highway safety: Highway (Network Management) has been consulted and consider that the proposed parking and access arrangements, together with the proposed increase of 252 sq.m floor space to the original scheme, would not create conditions prejudicial to highway safety. Standard highways conditions have been recommended should planning permission be granted for the proposal. These include compliance with a Travel Plan submitted with the application.

4.13 Environmental Protection: Environmental Protection Unit have no objections to this application. However, as there could be potential contamination issues within the site a watching brief condition has been recommended.

4.14 Having taken the above into account, it is considered that the proposed development accords with the national planning policies and the policies set out in Regional Spatial Strategy (2004) and the City of York Draft Local Plan (2005). Hence, this application is recommended for approval.

#### 5.0 CONCLUSION

By virtue of the above this application is recommended for approval.

**6.0 RECOMMENDATION:** Approve

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

Drawing Number A785.2006.3/11 Rev C received 20 December 2007

Drawing Number A785.2006.3/14 received 1 November 2007

Drawing Number A785.2006.3/18 received 1 November 2007

Drawing Number A785.2006.3/13 received 1 November 2007

Drawing Number A785.2006.3/17 received 1 November 2007  
Drawing Number A785.2006.3/12 received 1 November 2007  
Sustainability Statement received 1 November 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.

- 2 TIME2 Development start within three years
- 3 VISQ8 Samples of exterior materials to be app
- 4 HWAY10 Vehicular areas surfaced, details reqd
- 5 HWAY18 Cycle parking details to be agreed
- 6 HWAY19 Car and cycle parking laid out
- 7 HWAY21 Internal turning areas to be provided
- 8 HWAY31 No mud on highway during construction

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

Reason: To protect the appearance of the building, amenity of occupiers of the proposed premises and those of nearby buildings.

10 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.

Reason: To protect the amenity of neighbouring occupants and the wider environment.

11 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.

12 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 planting 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 around the base of the existing mound; phasing of works; 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 line shall be adhered to at all times during development to create an exclusion zone. None of the following activities shall take place within the exclusion zone: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation, 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 and planting before, during and after development which are fundamental to the amenity of the area and development.

13 The existing landscaped mound as shown on the approved plans shall be retained at all times and shall not be removed without prior written consent of the Local Planning Authority.

Reason: The existing landscaped mound is considered to make a significant contribution to the amenities of this area.

14 Details of how the following measures are to be incorporated into the building shall be submitted to, and approved in writing, by the Local Planning Authority and the approved details implemented on site before the building hereby approved in first brought into use.

- measures to reduce solar gain
- means of ventilation and heating
- use of recycled materials in construction
- measures to make efficient use of water (including rainwater harvesting)

- use of low or zero carbon energy sources
- details of refuse and recycling storage

Reason: In the interests of sustainable development.

15 The building hereby approved shall only be occupied in accordance with the Travel Plan received 1 November 2007 or with an amended Travel Plan that has been submitted to and approved in writing by the Local Planning Authority.

Any amended Travel Plan should be based on the Council's 3 - phase strategy with regard to:-

i/ The responsibility of the developer for cycle parking/storage, provision of lockers and showers for use by cyclists and funding mitigation measures for unauthorised parking within the site.

ii/ The responsibility of the site manager or a dedicated manager of each building or groups of buildings for target setting for non - car transport, annual monitoring and provision of IT/teleconferencing facilities.

iii/ The responsibility of individual tenants/purchasers/occupiers for the appointment of a travel co-ordinator, the promotion of cycling, walking, use of park and ride and public transport, providing a car share database, providing interest free loans for cycles and/or bus passes, providing LPG pool cars, encouraging home working/flexi hours, provision of company cycles and making payments to employees for cycle mileage.

Reason: To ensure that employees are encouraged to travel by sustainable modes.

16 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.	

Reason: To protect the amenity of neighbouring occupants.

17 DRAIN1 Drainage details to be agreed

18 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 10.2 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved

development does not have an adverse impact on the character of the surrounding area.

**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 employment development, sequential approach to development, design and external appearance, landscaping, sustainability, highway safety and environmental protection. As such the proposal complies with Policies SP8, GP1, GP3, GP4A, GP9, T4, E4, SP7a and NE1 of the City of York Local Plan Deposit Draft.

2. 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:

i. 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".

ii. 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.

iii. 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.

iv. 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.

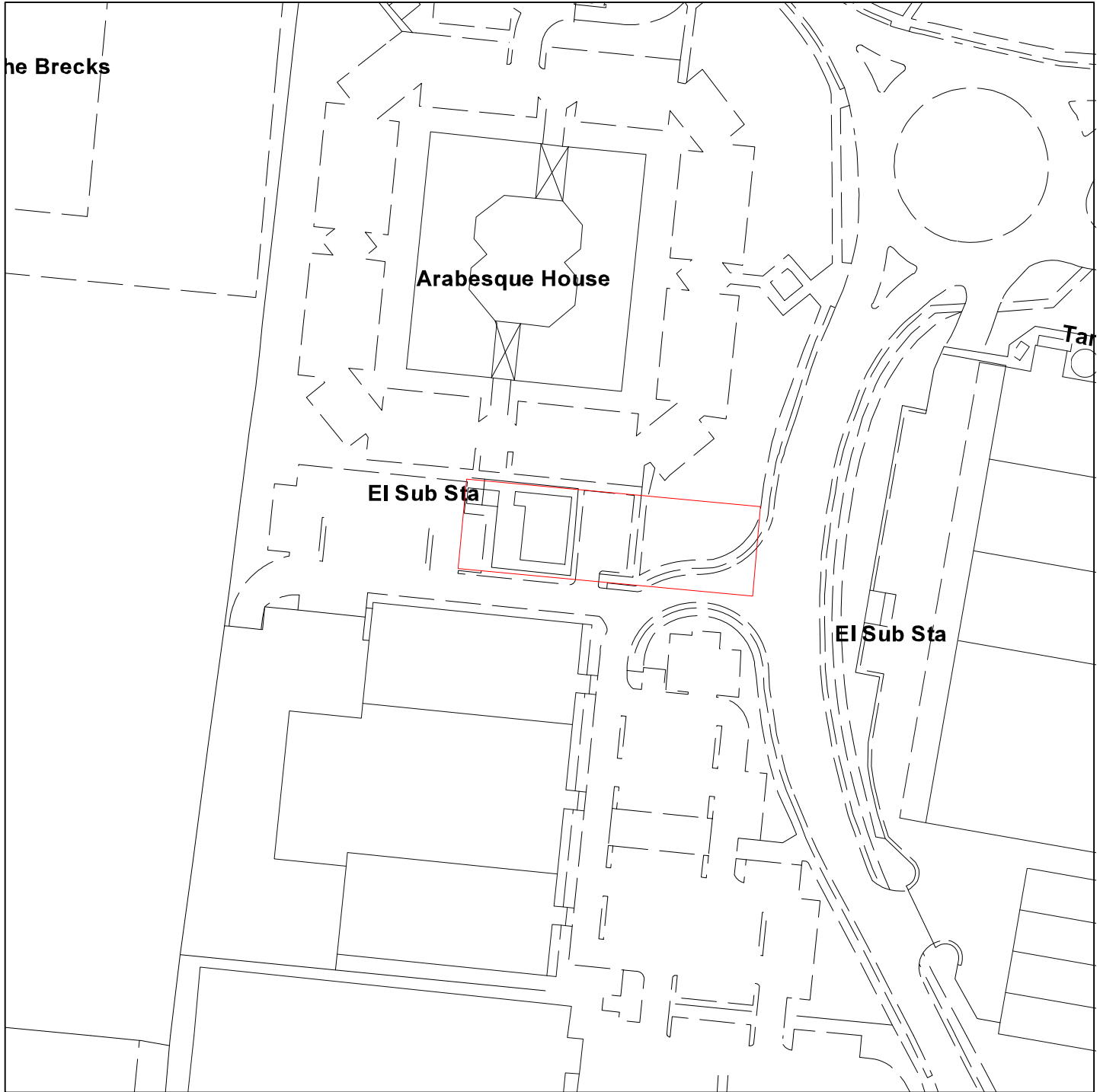
**Contact details:**

**Author:** Billy Wong Development Control Officer  
**Tel No:** 01904 552750



# The Estate Office Monks Cross Drive

Ref 07/02606/FULM



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

<b>Organisation</b>	CYC
<b>Department</b>	DEDs
<b>Comments</b>	Application site
<b>Date</b>	28 December 2007
<b>SLA Number</b>	



---

**East Area Planning Sub-Committee**

10 January 2008

Report of the Director of City Strategy

**Clifton Hospital : Outstanding Section 106 in relation to Management of the landscape.****1. Summary**

- 1.1 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 August 2007 with regard to the current status of the outstanding Section 106 Agreement on the old Clifton Hospital Site.
- 2.2 The report set out the current position of 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.
  - 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 the Section 106 agreement, it was noted that although not yet fully implemented in formal terms, substantial progress had been made and only a few issues were still outstanding.
- 2.4 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.
- 2.5 With regard to the management plan, the main elements of the plan produced by the Countryside Officer had been carried out, although the weather had made things very difficult and ragwort has been a particular problem. Discussions on formalising this plan had not been progressed because the representative in Persimmon's dealing with this matter had left.
- 2.6 Similarly with the sewage treatment plant, no further discussions had taken place.

- 2.7 However, it was noted that Persimmons had recently appointed a replacement and a meeting had taken place just prior to the last meeting of the East Area Planning sub-committee 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 would then be herbicide treated in the spring and the Council's Countryside Officer would source a local wildflower seed mix to reseed the area in summer 2008.
- 2.8 With regard to the management plan, Mr R. Noble of Persimmon's would 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.
- 2.9 It was anticipated therefore that the main elements of the Section 106 would be resolved by the end of 2007 so that it could be signed off in 2008.

### **3. Consultation**

- 3.1 No further discussion with Persimmon's has taken place..

### **4. Analysis Update Dec 2007**

- 4.1 In order to facilitate the review of the outline plan prepared by the City of York Council, a copy was passed on to Persimmon's in October 2007.
- 4.2 No work has yet been carried out to complete the reinstatement of the old sewage works site.
- 4.3 Solicitors acting for Persimmon's were contacted in early December by the Council's Legal and Rights of Way Teams with regard to the transfer of land and the creation of the Public Right of Way.
- 4.4 No response has yet been received with regard to these matters.
- 4.5 A request was made to Persimmon's in early December for a meeting to consider the draft management plan for the site. Unfortunately, because of work pressures, it has not been possible for this to take place, although a meeting has been proposed for mid to late January.

### **5. Corporate Objectives**

- 5.1 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.

### **6. 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 February 2006.

**7. Risk Management**

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

**8. Recommendations**

- 8.1 Members are requested to note the lack of 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.
- 8.2 A report be prepared in April 2008 to update members on any progress made.

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**

**Author:**  
**Author's name** Bob Missin  
**Title** Countryside Officer  
**Dept Name** DCSD  
Tel No. 1662

**Chief Officer Responsible for the report:**  
**Chief Officer's name** Mike Slater  
**Title** Assistant Director Planning & Sustainable Development

**Report Approved**  **Date** 02 January 2008

**Specialist Implications Officer(s)** List information for all  
Implication ie Financial                      Implication ie Legal  
Name  
Title  
Tel No.

**Wards Affected:** Clifton Without

**All**  tick

**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 1<sup>st</sup> Feb 2006 on the Acquisition of Land at Clifton Hospital.



---

## **Planning and Transport (East) Area Sub-Committee**

10 January 2008

Report of the Director of City Strategy

### **Enforcement Cases - Update**

#### **Summary**

1. The purpose of this report is to provide Members with a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by this Sub-Committee.

#### **Background**

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

#### **Current Position**

6. Members should note that 51 new cases were received for this area within the last quarter. 55 cases were closed and 208 remain outstanding. There

are 58 Section 106 Agreement cases outstanding for this area after the closure of 9 for this quarter. One case has resulted in the service of formal notices.

### **Consultation**

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

### **Options**

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

### **Corporate Priorities**

9. Improve the actual and perceived condition and appearance of city's streets, housing estates and publicly accessible spaces.

### 10. **Implications**

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

### **Risk Management**

11. There are no known risks.

### **Recommendations**

12. That Members contact the relevant Enforcement Officer to discuss any particular case detailed in the attached ongoing annex and also note the cases closed annex.

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

**Contact Details**

**Author:**

**Author's name**

Mandy Swithenbank/  
Alan Kendall  
Planning Enforcement Officer

**Chief Officer Responsible for the report:**

**Chief Officer's name**

Michael Slater  
*Assistant Director (Planning and Sustainable  
Development)*

**Dept Name** City Strategy  
Tel No. 551376/551324

**Report Approved**

**Date** 28/12/2007

*Chief Officer's name  
Title*

**Report Approved**

**Date** 28/12/2007

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

*Implication ie Financial*

*Name*

*Title*

*Tel No.*

*Implication ie Legal*

*Name*

*Title*

*Tel No.*

**Wards Affected:** *All Wards*

**All**

**For further information please contact the author of the report**

**Background Papers:**

Environment and Development Services Business Plan (2000/2001).

Report to Area Sub-Committee in July 2007 – Enforcement Cases Update.

**Annexes**

Annex A - Enforcement Cases – Update (Confidential)

By virtue of paragraph(s) 6 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted



By virtue of paragraph(s) 6 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted