



## Notice of meeting of

### East Area Planning Sub-Committee

- To:** Councillors Hyman (Chair), Cregan (Vice-Chair), Douglas, Firth, Funnell, King, Moore, Orrell, Taylor and Wiseman
- Date:** Thursday, 12 March 2009
- Time:** 2.00 pm
- Venue:** The Guildhall, York

### AGENDA

Site Visits for this meeting will commence at 10am on Wednesday 11 March 2009 from Union Terrace Car Park.

**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 5 - 18)

To approve and sign the minutes of the last meetings of the Sub-Committee held on 8 January and 5 February 2009.

**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 11 March 2009 at 5pm.

#### **4. Plans List**

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

- a) **8 Hall Rise, Haxby, York, YO32 3LP.** (Pages 19 - 34)  
**(08/02429/FUL)**

A full application for the demolition of existing bungalow and erection of 2 detached dwellings. (Resubmission) [Haxby & Wigginton Ward]

- b) **C D Bramall Garage, 260 Malton Road,** (Pages 35 - 43)  
**Huntington, York, YO32 9TE.**  
**(08/02816/FULM)**

A major full application for the change of use from car showroom to tile and stone warehouse/distribution outlet with ancillary retail sales (Sui Generis) (Resubmission) [Huntington & New Earswick Ward]

- c) **8 Audax Close, York, YO30 4RB.** (Pages 44 - 50)  
**(08/02511/FUL)**

A full application for the change of use to class use A5 (hot food takeaway)  
[Skelton, Rawcliffe and Clifton Without Ward] **[Site Visit]**

- d) **Dunnington Lodge, Elvington lane,** (Pages 51 - 61)  
**Dunnington, York, YO19 5LT.**  
**(09/00044/FUL)**

A full application to convert the existing farmhouse and attached cottage into an organic children's day nursery with associated landscaping and car parking. (Resubmission) [Derwent Ward]

- e) **The University of York, University Road,** (Pages 62 - 73)  
**Heslington, York, YO10 5DD.**  
**(08/02807/FULM).**

A major full application for a three storey building for the Centre of Immunology and Infection, with roof top plant room and associated parking, cycle parking and landscaping. [Heslington Ward] **[Site Visit]**

## 5. **Urgent Business**

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

### Democracy Officer:

Name: Laura Bootland

- Telephone – (01904) 552062
- E-mail – [laura.bootland@york.gov.uk](mailto:laura.bootland@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 11 March 2009**

<b>TIME</b>	<b>SITE</b>	
<b>10:00</b>	<b>Depart Union Terrace Car Park</b>	
<b>10:15</b>	<b>8 Audax Close</b>	<b>(4c)</b>
<b>11:00</b>	<b>York University</b>	<b>(4e)</b>



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- 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.

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### 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.**

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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.

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## **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

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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	8 JANUARY 2009
PRESENT	COUNCILLORS FIRTH, HYMAN (CHAIR), GREGAN (VICE-CHAIR), DOUGLAS, FUNNELL, MOORE, ORRELL, WISEMAN, PIERCE (SUBSTITUTE) AND D'AGORNE (SUBSTITUTE)
APOLOGIES	COUNCILLORS KING AND TAYLOR

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**INSPECTION OF SITES**

Site	Attended by	Reason for Visit
41 Lilac Avenue.	Hyman, Moore, Pierce, Orrell, Firth, Douglas	As the application is recommended for approval and objections have been received.

**59. 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. None were declared.

**60. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That the press and public be excluded from the meeting during consideration of the Annexes to agenda item 5 (Enforcement Cases Update) on the grounds that they contain 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 as exempt under Paragraph 6 of Schedule 12A Section 100A of the Local Government (Access to Information) (Variation) Order 2006.



**61. 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.

**62. 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.

**62a 41 Lilac Avenue, York, YO10 3AS (08/02445/FUL)**

Members considered an application for a two storey pitched roof side extension and new vehicular access.

Officers updated that they had received one additional letter of objection referring to the number of student properties in the area and the proposed vehicular access.

Members expressed concerns regarding the possible removal of the boundary wall should the application be approved and requested that conditions be added to ensure that some of the boundary wall be retained.

Certain Members queried the provision for cycle and bin storage and asked that conditions be added to ensure that suitable storage for both is provided at the property.

**RESOLVED:** That the application be approved subject to the conditions listed in the report and subject to the following additional conditions.<sup>1</sup>

Condition 7 – The existing boundary wall along the frontage of the site shall be retained in its entirety, except where required to form the new vehicular access from Lilac Avenue

Reason – In the interests of visual amenity.

Condition 8 – The existing shed shown as being retained shall remain on site and shall be made available at all times for cycle parking.

Reason – To ensure covered, secure, cycle parking is made available at all times.

Condition 9 – Prior to the commencement of the development, details of a dedicated area for the storage of refuse and recycling bins, including a convenient and unobstructed access route to and from the dwelling, shall be submitted to and approved in writing by the Local Planning Authority. The storage area and access route shall be provided in accordance with the approved details and shall be retained for their prescribed purpose at all times.

REASON: In the opinion of the Local Planning Authority, the proposal subject to the conditions listed in the report and above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the streetscene, the amenity and living conditions of adjacent occupiers, impact on trees, car parking and highway safety. As such the proposal complies with Policy H7 and GP1 of the City of York Local Plan Deposit Draft.

Action Required

1. Issue the decision notice and include on the weekly planning decision list within the agreed time scales. SS

**62b Ashfield Holiday Cottages & Touring Caravan Park, Hagg Lane, Dunnington, York, YO19 5PE (08/02506/FUL)**

Members considered a full application which seeks permission for the change of use of the field adjacent to an existing caravan park to accommodate an additional 24 pitches, conversion of part of a garage to a shower and toilet block.

Officers updated that an additional letter of objection had been received from a resident of Milestone Cottages raising concerns about possible drainage problems and asked if drainage conditions could be applied should the application be approved. Officers confirmed that the Drainage Board were happy with the application as long as any site run off drains away and does not affect any other drainage courses.

Representations in support of the application were heard from the applicant who advised that the openness of the green belt would not be adversely affected, the undeveloped green field is hedged on 4 sides which prevents the caravans being visible and impacting on visual amenity of the area, and that those using the site are encouraged to use the bus service 300m away.

Members queried exactly what the applicant is asking for as it was unclear to some members. Officers confirmed that the applicant would like to increase the use of the site from existing temporary use on certain days of the year to use the land all year round.

Certain Members felt they could support the application as the field is already being used as a caravan park and could see no reason to refuse. Members asked if conditions could be added to restrict the occupancy of the site to summer months if the application was approved. It was decided that this would not be possible as the conditions attached to the existing caravan site allow it to be occupied for almost the entire year.

Other Members considered the application to conflict with planning policy particularly in relation to the Green Belt and could not support the application.

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

REASON: 1.The proposals would significantly enlarge the area currently occupied by caravans, thereby further encroaching into an open area of Green Belt. The development is considered to represent inappropriate development in the Green Belt as the size, scale and location of the proposed caravan park extension, together with the activities associated with it, would harm the openness of the Green Belt. This is considered contrary to national planning guidance in Planning Policy Guidance Note 2 (Green Belts) and Policies GB1, V5 (a, d and f) and V1(f) of the City of York Draft Local Plan.

2.The proposals would enlarge the area currently occupied by caravans, thereby encroaching into the open countryside to the detriment of visual amenity and the attractive rural character of the area. This is considered contrary to policies GP1 (a, b, c, e), V5 and V1 (f) of the City of York Draft Local Plan.

3.It is considered that the proposed development would harm visual amenity and outlook from the rear of the fifth Milestone Cottage to the south of the application site. This by virtue of the new development encroaching into the field closest to these properties , and the proposed layout which shows caravans positioned along the southern boundary of the site, presenting a visually dominant development when viewed from the rear of these properties. This is considered contrary to Policies V1 (e) and V1 (b) of the City of York Draft Local Plan.

4.The site is not considered convenient for the use of public transport due to its isolated location down a country lane away from the nearest bus route. The proposals would therefore be likely to increase the number of vehicular journeys undertaken by visitors to

the site by private car, to the detriment of sustainable transport and development policies. This is considered contrary to Policies GP4a, V5 (e) and V1 (b) of the City of York Draft Local Plan.

Action Required

1. Issue the decision notice and include on the weekly planning decision list within the agreed time scales. SS

**63. ENFORCEMENT CASES UPDATE**

Members received a report providing a continuing quarterly update on the number of enforcement cases currently outstanding for the area.

Officers updated Members on a change of working methods which will assist them in processing new and old enforcement cases.

Members congratulated officers on the progress made since the last update and thanked them for their hard work.

RESOLVED: That the reports be noted.

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

K Hyman, Chair

[The meeting started at 2.00 pm and finished at 3.05 pm].

City of York Council

Committee Minutes

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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	5 FEBRUARY 2009
PRESENT	COUNCILLORS HYMAN (CHAIR), GREGAN (VICE-CHAIR), DOUGLAS, FIRTH, KING, MOORE, ORRELL, TAYLOR, WISEMAN AND PIERCE (SUBSTITUTE)
APOLOGIES	COUNCILLORS FUNNELL

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**1. INSPECTION OF SITES**

Site	Attended by	Reason for Visit
29 The Avenue, Clifton.	Cllrs Hyman, Moore, Firth, Douglas, Wiseman	To familiarise Members with the site.
Powerhouse, Hurricane Way, Clifton Moor.	Cllrs Hyman, Moore, Firth, Douglas, Wiseman	To familiarise Members with the site.
22 Middlebanks, Wigginton.	Cllrs Hyman, Moore, Firth, Douglas, Wiseman	In view of objections received when the recommendation is to approve.
1 Beans Way	Cllrs Hyman, Moore, Firth, Douglas, Wiseman	In view of objections received when the recommendation is to approve
Brook House, Main Street, Elvington	Cllrs Hyman, Moore, Firth, Douglas, Wiseman	To familiarise Members with the site.

**2. DECLARATIONS OF INTEREST****3. MINUTES**

RESOLVED: That the minutes of the meetings of the Sub-Committee held on 11 December 2008 and 17 December 2008 be approved as a correct record and be signed by the Chair.

**4. PUBLIC PARTICIPATION**

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

**5. 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.

**5a 1 Beans Way, York, YO31 1HT (08/01126/FUL)**

Members considered full application for a single storey detached dwelling on land adjacent to 1 Beans Way following the demolition of a garage, a single storey side extension and a porch to 1 Beans Way.

Officers confirmed that the proposal will have no adverse impact on drainage and that conditions 12 to 14 sufficiently deal with drainage issues.

Representations in support of the application were heard from the applicants agent who advised that the scheme has been substantially revised to address the reasons given for refusal of the original plan. She stated that the main reason for refusal was the size and position of the two proposed dwellings and this new proposal for a single dwelling scheme had taken this into consideration. The existing dwelling would be retained and altered. She advised the beech hedge would be retained, there would be provision for cycle and bin storage and a below ground surface water storage tank.

Members queried how much of the hedge would be lost and if it would be possible to retain more. It was noted that some of the hedge would need to be lost to accommodate highway requirements for the scheme. Members queried if a condition could be added to ensure the boundary hedge was maintained.

**RESOLVED:** That the application be approved subject to the conditions listed in the officers report and the following amended condition and informative.<sup>1</sup>

Condition 17 – Details of all means of enclosure to the site boundaries 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.

Informative: In order to comply with this condition, the details submitted for approval should incorporate the planting of a beech hedge to infill gaps in the existing hedge along the southern boundary of the site, adjacent to the footpath.

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 the principle of residential development, character and appearance, residential amenity, drainage, parking, highway safety, and sustainability. As such the proposal complies with Policies GP1, GP4a, GP10, T4, H4a, H5a, H7, L1c of the City of York Local Plan Deposit Draft.

Action Required

1. Issue the decision notice and include on the weekly planning decision list within the agreed timescales. SS

**5b 22 Middle Banks, Wigginton, York, YO32 2ZF (08/02485/FUL)**

Members considered a full application, (re-submission) for a two storey dwelling attached to the side of an existing dwelling.

Officers updated that the recommendation as detailed on page 42 of the agenda, should state “approve”. Members were updated that Condition 7 is an earlier version of the sustainability condition and a new version should be substituted. A condition requiring 5% renewable energy has been omitted and would also need attaching should the application be approved.

Members were advised that they had three options:

- If cycle storage is not an issue approve the application as it stands.
- If cycle storage is deemed essential, defer the application to allow ownership to be investigated and for the access to the cycle store to be incorporated into the application with Notice served on the owner.
- If the application is unacceptable for any reason, refuse permission.

Representations in objection to the application were heard from a neighbour who advised that if the application were to be approved the area would be cramped and there would be problems with access and parking.

Members felt that they could not support the application due to the negative impact on the amenity of neighbouring properties, the lack of cycle storage and problems with parking, access and security.

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

REASON: It is considered that the proposal would not provide acceptable or workable car or cycle parking arrangements for the occupiers of the existing and proposed dwellings. This would be likely to result in conflict between the future occupiers of the dwellings and an unacceptable standard of amenity. It is also considered that the proposed rear access to no. 22 Middle Banks would create an unacceptable security risk to the occupiers of adjacent properties within an otherwise secure area. Thus it is considered that the proposal would conflict with national planning advice within Planning Policy Statement 1 (“Delivering Sustainable Development”), Planning Policy Statement 3 (“Housing”) and DOE Circular 5/94 (Planning out Crime) which seek to achieve high quality, inclusive and secure design in all new housing development.

Action Required

1. Issue the decision notice and include on the weekly planning decision list within the agreed timescales SS

**5c 29 The Avenue, Haxby, York, YO32 3EH (08/02707/FUL)**

Members considered a retrospective application for the erection of vehicular and pedestrian gates to the front boundary of 29 The Avenue, Haxby, York.

Officers updated that Haxby Parish Council had confirmed in writing their objection to the application.

Representations in support of the application were heard from the applicant who expressed his apologies at the issue being brought before the Committee. He urged members to approve the application as he felt he had already made substantial compromises by reducing the height of the gate.

Members queried the height of the gate and certain Members felt it would be out character for the area. However overall Members had no problem with the gate and subject to the neighbouring hedge remaining in place, approved the application.

RESOLVED: That the application be approved subject to the following conditions:<sup>1</sup>

Condition 1 - The development hereby permitted shall be carried out only in accordance with the following plans:-



Drawing no. A(00)GAV001 Rev 03 received on 23 January 2009

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.

Condition 2 – Within two months of being erected, the vehicular and pedestrian gates hereby approved shall be painted or stained a colour that has first been agreed in writing with the Local Planning Authority.

REASON : To achieve a visually acceptable form of development.

Condition 3 – The infill hedge along the front boundary shown on the approved plan shall be planted during the next available planting season. Notwithstanding the details shown on the approved plan, the hedge shall be of a beech variety, of a species agreed to be agreed in writing with the Local Planning Authority. Once planted, the hedge shall be maintained in perpetuity and any hedge plants that die or are removed, 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: In the interests of the visual amenity of the area.

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 visual amenity in the streetscene and highway safety. As such the proposal complies with Policy GP1 of the City of York Draft Local Plan (4<sup>th</sup> set of changes approved April 2005).

Action Required

1. Issue the decision notice and include on the weekly planning decision list within the agreed timescales

SS

**5d Brook House, Main Street, Elvington, YO41 4AA (07/01030/FUL)**

Members considered a full planning application to erect a detached dwelling on land that was formerly part of the rear garden of Brook House.

Representations were heard in support of the application from the applicants agent. He stated that the site is large enough to accommodate the dwelling and that the flood risk would not be increased. He felt that the two conifers do not contribute to the area and that the third tree may warrant removal. He suggested that the loss of light due to the trees would not be an issue as any prospective owner of the property would be aware of this prior to purchase.

Overall Members felt they could not support the application due to the close proximity of the site to the canopy of trees.

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

**REASON:** The proposed dwelling would be located in very close proximity to the canopy of mature trees that surround the site. When in leaf, this would result in the occupiers of the proposed dwelling experiencing poor light conditions and having a poor outlook. It could also raise concerns amongst future occupiers in respect to danger caused by falling trees and subsidence. It is considered that this is an unsatisfactory relationship and may in the future lead to pressure for the trees to be removed. This would be unacceptable in that they are important to the setting of the conservation area and the environment generally. It is also considered that the application fails to demonstrate that the proposal would fulfil the aims and objectives of sustainable development. As such the proposal conflicts with policies GP1 (criterion a), GP4a, H4a (criterion d0 and NE1 (criterion a) of the City of York Draft Local Plan (Fourth Set of Changes) 2005 and Central Government advice relating to design quality and context contained within Planning Policy Statement 1 (Delivering sustainable Development) and Planning Policy Statement 3 (Housing).

The proposed dwelling would be located within Flood Zone 3. The application fails to show that the development would reduce flood risk in the wider area. It also fails to show that the new dwelling would have an internal floor level that would provide it with suitable safeguards against flood risk. Accordingly it is considered that the application conflicts with advice contained within Planning Policy Statement 25 'Development and Flood Risk', Policy GP15a of the City of York Draft Local Plan (Fourth Set of Changes)

approved April 2005 and advice contained within the City of York Strategic Flood Risk Assessment Approved September 2007.

Action Required

1. Issue the decision notice and include on the weekly planning decision list within the agreed timescales SS

**5e Caravan Site, Stockton Lane, York, YO32 9UA (08/02729/FUL)**

This application was withdrawn by the Applicant prior to the Sub-Committee meeting.

**5f Powerhouse, Unit 9, Hurricane Way, York, YO30 4XU (08/00362/FUL)**

Members considered a full application for external alterations including the formation of a double entrance and canopy and extension of existing service access to rear.

Members queried whether some kind of management scheme for the trees and hedging between the site and nearby residents could be conditioned and whether the retaining wall could be conditioned to be at least 3m high to offer some sound proofing.

Members expressed concern regarding the noise from vehicles, especially in the evening and asked whether times of vehicles using the rear entrance could be conditioned.

Officers advised a boundary treatment scheme and delivery times could be conditioned.

RESOLVED: That the application be approved subject to the following amended and additional conditions:<sup>1</sup>

Condition 4 – There shall be no parking, reversing, stationing or manoeuvring of any form of vehicles except emergency vehicles into and out of the rear internal access hereby approved between 18:00 and 8:00 Monday to Sundays unless otherwise agreed in writing by the Local Planning Authority.

REASON – To protect the amenity of the nearby residents.

Condition 6 – Notwithstanding the information shown on the approved drawings, and prior to the commencement of development, details of the proposed retaining wall, including the materials and method of construction, shall be submitted to and

approved in writing by the Local Planning Authority. The retaining wall shall have a minimum height of 3.0 metres above the ground level adjacent to the existing building and shall be constructed in accordance with the approved details prior to the occupation of the building to which it relates . Once constructed, it shall not be lowered, breached or removed at any time.

REASON – To protect the amenity of the neighbours.

Condition 8 – Prior to the commencement of development a scheme detailing how the existing hedge the southern and eastern boundaries of the site will be managed, maintained, retained and enhanced through new planting shall be submitted to and approved in writing by the Local Planning Authority . Thereafter the approved scheme shall be fully implemented and the hedge shall be retained in its entirety unless any species die, are removed or become seriously damaged or diseased. Should any part of the boundary hedge die, be removed or become seriously damaged or diseased it shall be replaced in the next planting season with similar species, unless alternatives are agreed in writing by the Local Planning Authority.

REASON – In the interests of amenity and the maintenance of landscaping measures on the site.

REASON: In the opinion of the Local Planning Authority, the proposal, subject to the conditions listed above and in the officers report would not cause undue harm to interests of acknowledged importance, with particular reference to visual and residential amenity, highway safety and sustainability. As such the proposal complies with Policies GP1, GP4a and GP16 of the City of York Local Plan Deposit Draft.

Action Required

1. Issue the decision notice and include on the weekly planning decision list within the agreed timescales SS

**6. CLIFTON HOSPITAL UPDATE**

Members received an update on the discussions that have taken place with regard to the outstanding Section 106 issues in relation to Clifton Hospital. Members were asked to note that a number of meetings have taken place and that progress is being made in finalising the Section 106. The update was due to members requesting an update for January 2009, although work is not anticipated to be completed until summer 2009.

Officers advised that as the site is a valuable wildlife site it will also have an area for wild flowers and will need to include suitable facilities for finch feeding. Members were advised that prices are being obtained for the work which still needs completing and that progress is being made to conclude the Section 106 agreement.

Councillor Moore advised that he had written to Clifton Without Parish Council with regard to them leasing the site but had not received a response.

Members thanked Bob Missin for his hard work on the case.

RESOLVED: That Members note the progress made with regard to the completion of the of the Section 106 and the work still required in order to achieve a satisfactory conclusion to this long standing case.

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

K Hyman, Chair

[The meeting started at 2.00 pm and finished at 3.20 pm].

**COMMITTEE REPORT**

**Committee:** East Area  
**Date:** 12 March 2009

**Ward:** Haxby And Wigginton  
**Parish:** Haxby Town Council

**Reference:** 08/02429/FUL  
**Application at:** 8 Hall Rise Haxby York YO32 3LP  
**For:** Demolition of existing bungalow and erection of 2 detached dwellings.  
**By:** Mr K Marsden  
**Application Type:** Full Application  
**Target Date:** 23 December 2008

**1.0 PROPOSAL**

1.1 The application site lies to the south of Station Road and to the west of Hall Rise in Haxby. The site area is approximately 1075sq.m.

1.2 The existing bungalow, which was built in the 1960s, is characterised by a high pitched roof and it is set within a corner plot well screened by protected trees and planting facing Station Road. The majority of the buildings along Station Road are brick or stone structures. Nos. 2,4 and 6 Hall Rise, along with the rest of the properties fronting Hall Rise Cul-de-sac were built in the same period as the existing bungalow at 8 Hall Rise; their design and appearances reflect those which were built during the post-war period. The application site is outside the conservation area of Haxby.

1.3 Following the refusal of planning permission in October 2008 to erect two detached dwellings after the demolition of existing bungalow and garage (planning ref. no.: 08/00181/FUL), this revised application seeks to address the concerns raised by Members at the time of the Planning Committee.

1.4 The previous scheme was refused for the following reason:

It is considered that the proposal, by virtue of its siting, design, external appearance and materials of construction, would constitute a form of development that would be incongruous, out of keeping and inappropriate in its context. As such, the visual appearance and amenity of the area would be compromised by the development, contrary to national planning advice on design in Planning Policy Statements 1("Delivering Sustainable Development") and 3 ("Housing" - paragraph 13) and Policy GP1 (criterion a and b) of the City of York Draft Local Plan.

1.5 This latest scheme seeks to address the previous concerns by proposing the following changes:

i. a more traditional design approach has been adopted in contrast to the contemporary design of the previous scheme..

ii. The proposed choice of building materials has been amended to predominantly brick and tile to match the surrounding area..

iii. The irregular building footprints as shown on the previously refused scheme has been revised. To reflect the L-shape pattern of the existing bungalow the revised scheme shows the footprint of the buildings would also be in the form of an L-shape.

1.6 The latest revised plan shows the rain water storage tank designated for plot 2 repositioned away from the protected trees, and that the proposed dropped crossing to plot 1 would no longer surfaced with gravel. The turning area has also been widened to facilitate the manoeuvring of vehicles.

1.7 The buildings proposed are detached two storey properties. Plot 1 would measure 12.0m x 11.5m (max) with height to eaves of 5.0m and an overall height of 7.5m. It is proposed to be a 5 bed property. Plot 2 is proposed to be a larger property in terms of the size of the footprint. It would be a 4 bed property and would measure 15.0m x 10.8m (max) with height to eaves of 5.0m and an overall height of 7.2m.

1.8 Similar to the previous scheme, the proposed development would leave a distance of 5.0m from 6 Hall Rise and a distance of 3.5m from 10 Hall Rise. The existing bungalow is currently 10.5m from 6 Hall Rise and 9.0m from 10 Hall Rise (with a detached building in between). There would be a distance of 2.0m between the two buildings proposed (plot 1 and 2).

1.9 Access to plot 1 is gained through a 3.0m wide entrance off Station Road. A 6.0m wide driveway (serving a double garage) is proposed to allow access to plot 2 from Hall Rise being a relocation of the existing access.

1.10 This application is referred to the Planning Committee for determination because it relates to a previous refused application which attracted a high level of public interest in objection to the proposal. A site visit took place in connection with previous application.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary : York City Boundary 0001

DC Area Teams : East Area (2) 0005

Schools : Ralph Butterfield Primary 0216

2.2 Policies:

CYH4A  
Housing Windfalls

CYH5A  
Residential Density

CYGP1  
Design

CYGP4A  
Sustainability

CYGP15  
Protection from flooding

CYNE6  
Species protected by law

CYGP9  
Landscaping

CYGP10  
Subdivision of gardens and infill devt

CYGP3  
Planning against crime

CYL1C  
Provision of New Open Space in Development

### **3.0 CONSULTATIONS**

#### EXTERNAL

3.1 Neighbours consulted and site notice posted. First consultation expired 19 November 2008. 7 letters of objections received. The following concerns were raised:

- the design and style of the buildings are incongruous to the surroundings;
- the shape and style of the proposed windows are not in conformity with the surrounding properties;
- the proposal would have a detrimental impact on the street scene;
- the new proposals do not go far enough to ensure the scheme blend in harmoniously with the surroundings;
- the use of render and cedar panels is inappropriate in this location; such use of materials would harm what is currently a neat and attractive community;
- the brick colour as shown on the submitted drawings is out of keeping with the surrounding buildings;



- the construction of 2 buildings of this size on a plot with a number of protected trees is too intensive for the site.
- the proposal might overload the existing drainage system;
- a condition should be imposed requiring the operation of private drain and existing manholes to be preserved;
- the scheme should not be connected to the private sewer serving 2,4,6 and 8 Hall Rise because its current design and capacity are at odds with the addition of further capacity needs hence outside current building regulations;
- the scheme has not taken into account the views of the people living in the area;
- this application should be refused because the design and access statement is identical to the one previously submitted;
- the information submitted with the application is inaccurate in so far as giving the impression that the changes would be a much needed improvement. This includes claims regarding the area of the existing premises, the existing quality of window material, the number of car parking spaces, the types of dwellings within the area, the current condition of the building, and the architectural appearance of the current bungalow.
- the sole reason for the application is commercial gain.

3.2 Second neighbours' consultation expired 12 February 2009 following the submission of revised drawings. 1 letter received; the following concerns were raised:

- the proposed development should be brick built and any rendering must be restricted to a minimum area of the upper storey. This should be secured by condition.

3.3 Haxby Town Council consulted. Response received 4 December 2008:

- The Parish Council has no objections subject to a condition requiring all trees, shrubs, and railings to be retained as they enhance the aesthetic appearance of the site.
- The Parish Council would like to see more traditional materials used for the dwelling which would be sympathetic with the surrounding properties.

3.4 Haxby Town Council - Second consultation expired 12 February 2009 following the submission of amended drawings. No response received to date.

## INTERNAL

3.5 Environment and Conservation (Countryside) consulted. Response received 31 October 2008. The following comments were made:

- Comments were made in the previously refused application in respect of the potential of the building for supporting roosting bats.
- As the location of the property is also of high value to local bats, it was suggested that a condition be placed on the application ensuring that any habitat features potentially lost due to the development of the site are made available within the designs of the proposed new dwellings.

- As these comments have not been taken into account within the designs, the condition suggested in the previous application should be imposed

3.6 Highway Network Management team consulted. First response received 3 November 2008. The following comments were made:

- in order for plot 1 to provide appropriate vehicular turning areas for cars to enter and exit in a forward gear the turning area need to be extended;
- the applicant proposes to gravel surface the driveway which is not recommended. The surface should be bonded to prevent carry over of loose materials onto the highway.
- amended drawings recommended.

3.7 Highway Network Management team - Second response received 6 February 2009 following the submission of amended scheme:

- this application is effectively, in highways terms a resubmission of a previous application (08/00181/FUL) to which the Highway Authority had no objections subject to specific conditions;
- the previous application was not refused on highway grounds;
- It is therefore recommended that this application also be subject to the same conditions as the previous application.

3.8 Lifelong Learning and Culture consulted. Response received 12 November 2008 and 6 February 2009:

- as there is no on-site public open space, commuted sums should be paid to the Council for amenity open space, play space and sports pitches.

3.9 Environment and Conservation (Landscape) consulted. Response received 18 November 2008:

- This latest submission satisfies the distances required for physical protection of the trees along the Station Road frontage, most of which are subject to a Tree Preservation Order (TPO).
- The tree protection requirement will need to be strictly adhered to and the protective fencing should be tight up to the edge of the development activities.
- The original house would have to be demolished from the southern side of the building to avoid the root protection area (RPA) of the trees to the north.
- The fencing should be put in place before any works start on site, including demolition, delivery of materials, and provision of any extra utility services (which will need to be routed outside of the RPA).
- The use of ground source heat pumps should be kept outside of the RPA.
- any excavation relating to the proposed driveway should be no more than the top 150mm of vegetation/soil;
- the entire driveway should be of a porous construction.
- condition recommended.

3.10 Environment and Conservation (Landscape) - Second response received 3 February 2009. The team has no further comments on the latest amended scheme.

3.11 Environmental Protection Unit consulted. Response received 28 November 2008 and 10 February 2009. The Unit has no objections subject to informatives.

3.12 York Drainage Engineering Consultancy: First response received 10 November 2008. Engineering Consultancy objected because insufficient information has been provided by the applicant to determine the potential impact the proposals may have on the existing drainage system.

3.13 York Drainage Engineering Consultancy: Second consultation response received 28 January 2009 following the submission of additional details. The Consultancy have removed their original objections subject to conditions.

## **4.0 APPRAISAL**

### **KEY ISSUES**

4.1 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 area, in particular whether it would have an impact on the health and lifespan of existing trees which are subject to Tree Preservation Order (TPO), and whether it would create conditions prejudicial to highway safety. Issues concerning sustainability and drainage will also be considered.

### **DESIGN AND APPEARANCE**

4.2 The previous application was refused due to members' concerns regarding the design, appearance, siting and proposed materials of construction. It was considered that the proposed contemporary form of development would be incongruous, out of keeping and inappropriate in its context, such that the visual appearance and amenity of the area would be compromised by the development.

4.3 To address the concerns previously raised the latest revised scheme proposes to adopt a more traditional form of development . The proposed choice of building materials has also been altered. The proposed buildings would be constructed of brick and tile with small sections of rendering on the first floor. The irregular building footprints as shown on the previous refused scheme has been revised. To reflect the L-shape pattern of the existing bungalow the revised scheme shows the footprint of the buildings would be in the form of an L-shape.

4.4 The application site is located within a residential estate built in the 1960's, with a wide variety of house types and sizes, all of which reflect the architectural style of that era. In relation to these post-war properties and the more traditional buildings along Station Road, it is considered that the style of architecture proposed would relate more harmoniously with the surrounding buildings given that it is not attempting to introduce a new style of architecture (unlike the previous refused application). As such, it is considered that the proposal would appear less incongruous and more in keeping with the surroundings than the previously refused scheme.

4.5 With regard to the use of external materials, the applicant's agent has confirmed that both buildings will be brick of a similar colour and texture to the dwellings on Hall Rise itself. The tiles proposed would also match the surrounding buildings within the estate. The rendered panels on the upper storey of the buildings would be in keeping with other properties along Hall Rise. A condition requiring samples of the external materials to be submitted prior to the commencement of development has been recommended (condition 3).

4.6 The latest revised plans further shows the rain water storage tank designated for plot 2 has been repositioned away from the TPO trees, and that the proposed dropped crossing to plot 1 would no longer be surfaced with gravel. The turning area has also been widened to facilitate the manoeuvring of vehicles. Whilst these were not issues which warranted the refusal of the previous planning application, it is considered that the proposed changes would further improve the scheme and would reduce any potential damage the proposed storage tank have on the protected trees.

4.7 Similar to the previous refused scheme, the building line of the proposed development would project further towards Station Road than 2,4 and 6 Hall Rise by approximately 2.0m. Notwithstanding the projection, the scheme would still be approximately 14.0m away from Station Road. This, together with the screening provision afforded by the existing trees and planting would mean that the proposed projection would not unacceptably harm the visual quality of the area. A condition has been recommended to retain the existing railings surrounding the property.

#### RESIDENTIAL AMENITY

4.8 The windows in the rear elevation of plot 1 would be approximately 10.0m away from the garden area of 10 Hall Rise and over 25.0m from the rear garden of 14 Hall Rise. Whilst it is accepted that there would be a degree of overlooking between the two proposed dwellings, the situation is not unusual in a suburban setting especially in this location where there is already a degree of overlooking between properties. A distance of 21.0m between plot 2 and no. 1 Hall Rise is considered to be acceptable.

4.9 There would be a 5.0m distance between the plot 1 and the side wall of 6 Hall Rise. This separation is considered to be acceptable given that the proposed arrangement is no different from the nearby buildings in this location. The windows directly facing the side elevation of 6 Hall Rise are study and bathroom windows. As these are non-habitable windows it is unlikely that the scheme proposed would result in an unacceptable loss of privacy. In any case, a condition requiring obscured glazing to be fitted in the first floor side elevation of plot 1 has been recommended (condition 19). In addition, the boundary treatment condition (condition 22) could serve the purpose of ensuring that the privacy of the occupants at 6 Hall Rise would not be affected by the ground floor study room window in the west elevation of plot 1.

4.10 For the purpose of protecting the amenity of the nearby properties once the buildings are occupied, a condition has been recommended to remove the permitted development rights for future domestic developments including the installation of additional windows and doors (condition 18).

## HIGHWAY SAFETY

4.11 No objections were raised by the Highway Network Management Team subject to conditions (7 to 10 inclusive). A detailed method of work statement would also be required (condition 15). Adequate car and cycle parking would be provided, including the provision of a double garage for each of the new properties.

## TREE PRESERVATION ORDER AND PROTECTION

4.12 The Council's Landscape Architect has confirmed that the proposed scheme satisfies the separation distances required for physical protection of the trees which are subject to a Tree Preservation Order (TPO). Hence no objections have been raised. In order to protect the existing trees along the Station Road frontage and to further enhance the visual amenity of the site, a landscaping condition has been recommended (condition 20). A method statement condition has also been recommended to ensure that the Council is satisfied with the measures proposed to protect the existing trees during construction and demolition work (condition 4). This condition would also ensure that ground source heat pumps/pipes, if used, would be kept outside the Root Protection Area (RPA).

## SUSTAINABILITY

4.15 In accordance with Policy GP4a "Sustainability" of the City of York Draft Local Plan 2005 a Sustainability Statement has been submitted with the planning application which describes how the development would fulfil the criteria set out under this policy. According to the information provided, ground source heat pumps would be installed to provide energy from renewable sources. In addition, solar panels would be used on the main house roofs to provide energy for hot water provision. Wall, roofs and floors would also be heavily insulated to the extent greater than required by the current Building Regulation standards, and low volume flush toilets and water efficient appliances will be used.

4.16 In order to reduce pollution arising from construction activity and environmental impact on other sites, building floor levels will be set to minimise the amount of spoil which will be exported off the site. In addition, to minimise waste roof tiles and bricks from the demolished building would be reused as hardcore.

4.17 In terms of rain water harvesting, each house will have a surface water recycling tank to the volume of 4500 litres. This collects surface water run off and reuses it in washing machines, toilets and outside taps. Only when this reaches capacity is the surface water dispensed into the public sewer network.

4.18 It is also noted that the application site is within walking distance from the district centre of Haxby and public transport facilities. The type of family sized dwellings proposed would contribute towards meeting the social need of communities within the city, as demonstrated by the findings of the Strategic Housing Market Assessment.

4.19 By virtue of the above, it is considered that the scheme proposed would comply with the standards set out in Policy GP4a of the City of York Draft Local plan. It is

also considered that by replacing the existing bungalow with two new dwellings constructed to a significantly higher standard is more sustainable, in the long term, than the status quo.

4.20 In accordance with the City of York Interim Planning Statement on Sustainable Design and Construction the scheme proposed is required to achieve a minimum of Level 3 under the Code for Sustainable Homes. In addition, 5% of the expected energy demand for the development will be provided for through on site renewable generation for heat and/or electricity. Conditions have been recommended to ensure that the development would comply with the required standards (conditions 16 and 17).

## DRAINAGE

4.21 Further details have been submitted by the applicant, which states that as part of the drainage design, storage capacity suitable for a 1 in 100 year storm will be used. This will be by the way of oversized drainage pipes on site running into a 100mm diameter pipe before entering the public sewer. The 100mm diameter pipe will be fitted with restrictors to reduce the flow as required. Following re-consultation with the Council's Drainage Engineers no objections are now raised on drainage grounds subject to the recommended drainage condition (condition 5).

4.22 PROTECTED SPECIES: As noted by the Conservation team, the site has a moderate potential for bats as the surrounding area is beneficial for roosting bats and there are many records of roosts nearby. It is therefore recommended that a condition should be imposed to ensure that equivalent roost opportunities are incorporated into the proposed new dwellings to make up for any features lost. In addition, measures should also be in place during the demolition phase to ensure that any bats which may take up residence in the future are taken into account. This can be done through timing of work or by carrying out further survey prior to demolition. Again this can be secured by condition (condition 12).

4.23 Having taken the above into account, it is considered that the proposed development accords with the National Planning Policy Guidance and Statements, and the policies set out in 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 TIME2 Development start within three years

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

666.002 Rev F received 29 January 2009

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

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

3 VISQ8 Samples of exterior materials to be app

4 Before the commencement of development, including demolition, building operations, or 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; site access during demolition/construction; type of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading); parking arrangements for site vehicles and storage of materials; location of site cabin; methodology and construction details for the driveway to plot 1. 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. Within the exclusion zones there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new service runs or ground source heat pumps or below ground water tanks.

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.

5 Prior to the commencement of development details of the surface water drainage works shall be 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.

**INFORMATIVE:**

To satisfy this condition details of the surface water drainage works should include:

- i. Existing and proposed ground and finished floor level to above ordnance datum (AOD).
- ii. Key to show existing and proposed surfacing.
- iii. Details of surface water attenuation system to achieve 10.1 cubic metres of storage volume required for a 100 year return period storm (+ 20% for climate change), and details of the flow control manhole limiting the proposed discharge into the existing surface water connection to a maximum of 1.9 litres per second.

6 None of the boundary railings and gates enclosing the site shall be lowered, breached or removed without the prior written consent of the Local Planning Authority.

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

7 The development shall not commence until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerbing to match adjacent levels.

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

8 Prior to the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with the approved plans.

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

9 HWAY19 Car and cycle parking laid out

10 HWAY21 Internal turning areas to be provided

11 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 £6894.00.

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.

12 No development shall take place until full details of what measures for bat mitigation and conservation are proposed and have been submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be implemented in accordance with the approved details and timing unless otherwise approved in writing by the Council.



Reason: To take account of and enhance habitat for a protected species.

**INFORMATIVE:**

To satisfy this condition the measures for bat mitigation and conservation should include :

- i. Further survey at the appropriate time of year and not more than 1 month prior to any work being undertaken if the demolition is to be carried out between April and September. The results should be submitted to the Council beforehand.
- ii. A plan of how demolition work is to be carried out to accommodate the possibility of bats being present.
- iii. Details of what provision is to be made within the new building to replace the features lost through the demolition of the original structure. Features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards, bat boxes and bat lofts and should at least replace or substitute for what is existing.
- iv. The timing of all operations

In addition, the applicant is reminded that under Planning Policy Statement no.9 the replacement/mitigation proposed should provide a net gain in wildlife value.

**13 LAND3 Protection of existing planting**

14 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 7.5 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.

15 Prior to the commencement of the works hereby permitted, a detailed method of works statement shall be submitted to and agreed in writing by the Local Planning Authority. This statement shall include the precautions to be taken to ensure the safety of the general public, the method of securing the site, the access to the site, the route taken by vehicles transporting the demolition waste from and construction materials to the site and the hours of operations

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

16 Prior to the commencement of the development, the developer shall submit for the written approval of the Local Planning Authority an initial Code for Sustainable Homes (CSH) Design Stage assessment for the development. Unless otherwise

agreed in writing with the Local Planning Authority, this shall indicate that at least the minimum code level 3-star rating will be achieved. This shall be followed by the submission of a CSH Post Construction Stage assessment, and a CSH Final Certificate (issued at post construction stage). These documents shall be submitted to the Local Planning Authority after completion and before first occupation of the building. Both documents submitted shall confirm that the code rating agreed in the initial CSH Design Stage assessment has been achieved.

Reason: In the interests of sustainable development.

17 Unless otherwise agreed in writing by the Local Planning Authority, a minimum of 5% of the expected energy demand for the development hereby approved shall be provided through on site renewable generation for heat and/or electricity. Prior to the commencement of development a statement outlining how this is achieved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved statement unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is sustainable and accords with Policy GP4a of the Draft City of York Local Plan and the City of York Interim Planning Statement on Sustainable Design and Construction.

18 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (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 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 as amended the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

19 The first floor windows on the west elevation of the dwelling on plot 1 of the development hereby approved shall at all times be glazed with obscured glass to a level equivalent to Pilkington obscure glass level 3 or higher.

Reason: To safeguard the amenity and privacy of occupiers of adjoining residential property.

20 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 include the species, density (spacing), and position of trees, shrubs and other plants; seeding mix, sowing rate and mowing regimes where applicable. Where required it will also include details of ground preparation. 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 the Local Planning Authority agrees alternatives in writing. This also applies to any existing trees that are shown to be retained within the approved landscape scheme. Any works to existing trees that are protected by a tree preservation order (TPO) or are in a conservation area are subject to local authority approval and notification respectively within and beyond this five year period.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the entire site, since the landscape scheme is integral to the amenity of the development.

21 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 safeguard the amenities of occupiers of adjoining residential properties.

22 Details of all means of enclosure to the site boundaries 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 and to safeguard the amenities of occupiers of adjoining residential property.

**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:

Design and Appearance  
Residential Amenity  
Highway Safety  
Tree Protection  
Sustainability  
Drainage  
Safeguarding of Protected Species  
Open Space Contributions.

As such the proposal complies with national planning advice contained within Planning Policy Statement 1 ("Delivering Sustainable Development") and Planning Policy Statement 3 (Housing"), and Policies H4a, H5a, GP1, GP4a, GP15a, NE6, GP9, GP10, GP3 and L1c of the City of York Local Plan Deposit Draft.

2. 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.

3. 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 noted and acted upon. 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.

v. There shall be no bonfires on the site.

4. INFORMATIVE:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

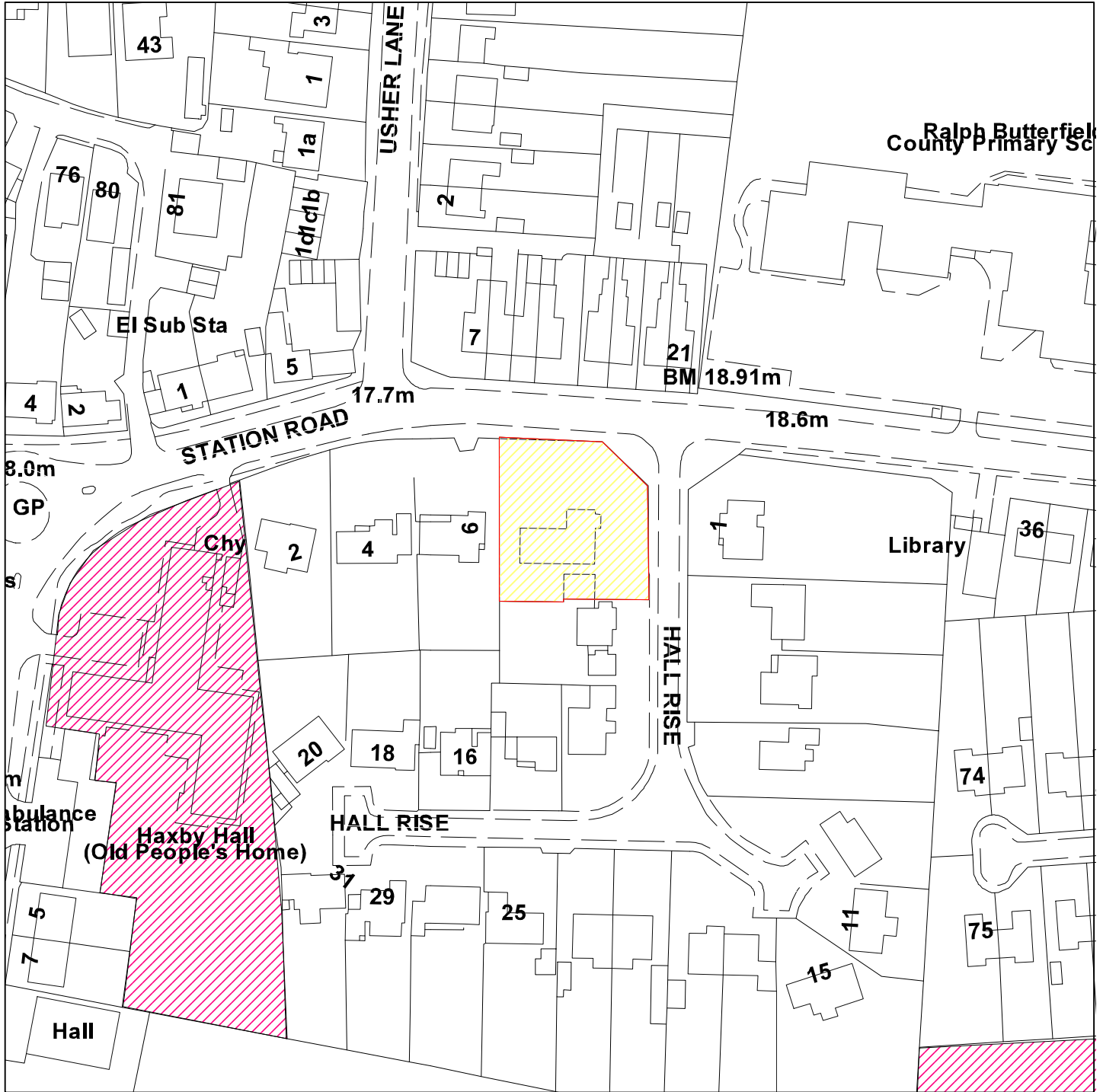
Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

**Contact details:**

**Author:** Billy Wong Development Control Officer  
**Tel No:** 01904 551326

# 8 Hall Rise, Haxby

08/02429/FUL



Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	Site
<b>Date</b>	03 March 2009
<b>SLA Number</b>	Not Set

**COMMITTEE REPORT**

**Committee:** East Area  
**Date:** 12 March 2009

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

**Reference:** 08/02816/FULM  
**Application at:** C D Bramall Garage 260 Malton Road Huntington York YO32 9TE  
**For:** Change of use from car showroom to tile and stone warehouse/distribution outlet with ancillary retail sales (Sui Generis) (resubmission)  
**By:** Direct Tile Importers  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 25 March 2009

**1.0 PROPOSAL**

1.1 Planning permission is sought to change the use of the existing CD Bramall Garage and showroom into a tile and stone warehouse with subsidiary sales.

1.2 The site is in the Green Belt located to the south of the southernmost roundabout access into the Monks Cross retail and Park and Ride site. Access is off Malton Road via an established two way entrance and exit road. It is the westernmost site in a frontage group of otherwise residential houses, all of which take their access off this roundabout.

1.3 The proposal is to make use of the existing building and car park and does not propose any external alterations to the building.

1.4 A similar application was refused at the Committee meeting in July 2008 for the following reason:

'The proposed Change of Use introduces a retail use into an out of centre, unsustainable location and is considered contrary to the Council's retail policies which states that retail uses should be concentrated either within the defined central shopping area or on edge of centre sites. The applicant has not undertaken the sequential approach to development required in order to establish the availability and suitability of other sites. Furthermore, no retail impact assessment has been submitted with the application in order to establish the quantitative and qualitative need for the development and the impact on the vitality and viability of York City Centre. The site is also considered to be in an unsustainable location which encourages car borne travel. As such the proposal is considered to be contrary to national guidance in PPS6 (Planning for Town Centres) and Policies SP7a, S2 and GP4a of the City of York Draft Local Plan (4th set of changes) approved April 2005'.

1.5 Following this decision, officers met with the applicant and their agent in order to better understand the extent of the retail element of the use, hence enabling officers to consider whether the proposal should be assessed against the Council's retail

development policies. Following these discussions, further information was submitted with this application in order to address the refusal. This included the following:

- i) A schedule summarising daily sales records at the applicant's York, Scarborough and Northallerton branches identifying retail sales as a proportion of total sales, by turnover and by number of sales.
- ii) Spreadsheet sales records on which the above schedule is based.

1.6 Other than some amendments to the car parking layout and the internal layout of the building, the application details are identical to the previous application.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

Contaminated Land :

City Boundary : York City Boundary 0001

DC Area Teams : East Area (2) 0005

### 2.2 Policies:

CYGB1

Development within the Green Belt

CYGB3

Reuse of buildings

CYGP1

Design

CYGP4A

Sustainability

## **3.0 CONSULTATIONS**

### 3.1 Highway Network Management.

The applicant states, based on their experiences at their other sites, that typically a maximum of 20 customer vehicles will be at the site at any one time and that most of the customers will be tradesmen. The applicant also states that there will be at least 12 employees.

Officers have raised concerns over the parking layout given that the applicant has stated that the majority of customers are trade customers who would probably be expected to arrive in vans, therefore officers have requested that the layout is adapted to allow better manoeuvring space for vans and pick ups etc. A deletion of

two spaces is also recommended in order to allow better movement within the site for HGV's. Also request that some safe and secure cycle parking be provided on site, primarily for staff. Removing the existing gravel area to the front of the site and replacing it with grass is acceptable in principle but seeking confirmation that this was not put in for drainage purposes. If so then there are no objections to this, however this would require separate consent through highway legislation.

Amended plans have been submitted to address the above but the additional comments of highway officers are awaited. Officers will update this situation, and any required conditions, at the meeting.

### 3.2 Environmental Protection Unit.

The environmental protection unit have no objections to this application. The stated delivery times are unlikely to be to the detriment of local residents. The proposed re-location of the lighting pole is also unlikely to have a negative impact.

### 3.3 City Development.

A record of daily sales has been provided here to help assess the level of sales direct to the public, in order to define the proposed use. This shows that direct sales account for a maximum of 13% of total sales turnover at any one of the Direct Tile Importer branches. On this basis officers would define the proposed use as "sui generis", in that it does not fall within any defined use class. As such, we would not seek to determine the proposal as a retail use. Planning permission would be required for any subsequent move to A1 retail sales. Should any future occupier wish to intensify the retailing function on site, planning permission would be required, at which stage the Council could fully assess retail impact. Approval here would not give open retail consent, but consent for warehousing with ancillary retailing.

Given the above, do not object to the change of use to warehousing/distribution with ancillary retail sales, and will not require the undertaking of a Retail Impact Assessment or sequential assessment in this case.

## EXTERNAL

### 3.4 Huntington Parish Council.

No objection. The proposed change of use would supply a development which would contribute aesthetically to the area. Proposed landscaping and fencing of the area would provide a vast improvement to the street scene.

### 3.5 Neighbours / Third Parties

No's 262-266 Huntington Road were consulted by letter and a site notice was placed close to the site. No objections received.



## 4.0 APPRAISAL

### 4.1 KEY ISSUES.

- Impact on Green Belt
- Highways and Access
- Impact on Neighbours
- Retail Impact on the City Centre.
- Sustainability.

4.2 The main issue for consideration is whether this application addresses the previous reason for refusal. The main issue here therefore is whether the additional information submitted is sufficient to convince the Council that the proposed use will not harm the retail vitality or viability of York City Centre. The issue of the relative unsustainability of the site will also be considered further.

Green Belt.

4.2 The application is identical in terms of the re-use of the building and the general layout, both externally and internally, remains similar to before. The application site is in the Green Belt where there is a general presumption against development unless it falls within the definition of appropriate development in para. 3.4 of PPG2 (Green Belts) or, if the proposal involves the use of land or the re-use of an existing building, that that use does not have a materially greater impact on the openness of the Green Belt than the existing use. In this case, the proposal is for the re-use of an established and permanent building and no external alterations are proposed. Para. 3.8 of PPG2 outlines national guidance on this and states that the re-use of buildings in the Green Belt is not inappropriate development providing that:

- i) It does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land within it
- ii) Strict control is exercised over the extension of re-used buildings and over any associated uses of land surrounding the building such as storage, extensive hardstanding, car parking, boundary treatment etc.
- iii) The buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction
- iv) The form, bulk and general design of the buildings are in keeping with their surroundings.

The above is largely repeated in Policy GB3 (Re-use of buildings) of the City of York Draft Local Plan.

4.3 In this instance, the proposal makes full use of the existing building and does not alter or extend it in any way. The building is large enough to accommodate all the proposed uses (including storage) within the building and the extensive car parking and hardstanding which already exists within the curtilage of the site is sufficient for the needs of the proposed use and will not require any extension. The layout of the car parking remains under discussion but any subsequent changes will take place within the present hard surfaced area and will not require any extension to this area.

The buildings are fully established and are of permanent and substantial construction and appear to have been either built or subsequently adapted for a showroom/business type use in the past..

4.4 Given the above, officers consider that the proposal is in line with national guidance and local plan policy on the re-use of buildings in the Green Belt and will not harm openness. The proposal therefore constitutes appropriate development in the Green Belt.

#### Highways and Access.

4.5 The site is accessed off Malton Road via a roundabout and its own access road. This is fully adopted with a two way width entrance. The site has been home to a large and established car showroom and garage which accommodated quite significant levels of traffic into the site, including car transporters. Levels of traffic associated with this proposed use are unlikely to be any greater than previously existed and would reasonably be expected to be lower given the extent of the uses associated with the previous occupier. In total, 27 car parking spaces are shown within the site as opposed to the 57 shown previously and to which members had expressed some concern. The applicant considers this to be more than enough to accommodate need in this instance. The reduced area of parking allows for some additional landscaping / planting to be provided along the site frontage. This will improve the visual appearance of the frontage area which had become somewhat poorly maintained and previously overrun by cars. Highway officers have raised no objections in principle to the reduced parking as it is in accordance with their minimum requirements. Some minor amendments have been requested to the layout to allow better HGV manoeuvring and the applicant is addressing this.

#### Impact on neighbours.

4.6 The impact of the change of use on local amenity was not considered to be significant in the previous application and as such was not a reason for refusal. However, further information has been submitted relating to likely vehicle movements associated with the site. The applicant anticipates that there will be up to 3 commercial (HGV) deliveries per weekday and all deliveries will occur between 8.30am and 5.30pm Mon to Fri. It is not expected that there will be any commercial deliveries on Saturdays, Sundays or Bank Holidays. If two deliveries occur at the same time, a waiting bay has been designated in the rear yard to allow a HGV to wait clear of the car park area. There may be occasional 'inter-branch' deliveries on Saturdays but this is not considered a problem during opening hours.

4.7 In all there are six residential properties to the east of the application site, all of which are accessed off the same roundabout and of these, two share a boundary with the site. In the circumstances of a new build or the introduction of a use, such a relationship could raise concerns over the impact vehicle movements and the general warehousing / trade retail use might have on the living conditions of these neighbours. However, given the historic and established use of the site, the proposed change is unlikely to result in any additional harm to these neighbours and in all probability it may result in an overall reduction in traffic (particularly the heavy variety) as well as noise from the car repairs element of the previous use and overall

general outdoor use within the site boundaries, to the ultimate benefit of these neighbours.

#### Retail Impact on the City Centre.

4.8 The main reason for refusal of the previous application was the unknown extent of the direct retail use and the impact this may have had on the retail policies of the Council which seek to protect the vitality and viability of the City Centre and other centres such as Acomb and Haxby. One of the main issues with this was a lack of information on the extent of the direct retail use to customers as a percentage of the total warehouse/trade outlet business. The layout plans accompanying the application previously indicated that much of the internal floor space was given over to retail use and based on this, officers concluded that a full retail impact assessment and sequential must be carried out in order to determine impact. In the absence of this information, the application was refused.

4.9 Following discussions with officers it was considered that it was important to establish the extent of the direct sales to the public as a percentage of total sales turnover. This would dictate whether the sequential test and Retail Impact Assessment required by policies SP7A and S2 of the Draft Local Plan would be necessary. A detailed interrogation of sales records over a two week period at the applicant's other premises in York and at their branches in York and Northallerton showed that direct sales to the public account for between 8% and 13% (average 10.5%) of total sales turnover and between 12% and 16% of all sales by number (average 14%). Therefore, following consultation with the Council's policy officers (see para.3.3 above), it has been concluded that the direct sales to the public account for such a low percentage of total turnover that the retail sales are ancillary to the principal use as a warehouse/wholesale/trade outlet. The proposed layout also reflects this, showing principally showroom and display areas (typical room layouts) and storage space. Therefore, based on this submitted information officers have concluded that a full retail impact assessment or sequential test is not necessary and consequently there will be little or no impact on the retail vitality and viability of York city centre or other local centres. The use as a stone and tile warehouse is reflected in the description of the application and planning permission would be required if the retail use expanded to a level of direct retail that the Council considered was no longer ancillary.

#### Sustainability.

4.10 The previous reason for refusal made reference to the unsustainable location which encourages car borne travel. Whilst officers still consider this to be the case, the site and buildings are established and have a long history of commercial development. The re-use of existing buildings is a sustainable form of development and it is unlikely that the buildings could be used for anything other than a commercial enterprise of this type. The building has been empty for several months and its derelict appearance is having a detrimental impact on the visual appearance and character of the area and the Green Belt. It is important therefore to return the building and site into use. The further information submitted with this application would suggest that vehicle movements are likely to be lower than that associated

with the previous car showroom user and given that such a use could occupy the site again without consent, this user potentially represents a more sustainable user than was previously the case. The nature of supplying to the trade means that it is always likely to be car dependant wherever it is located. In the circumstances therefore, officers do not consider that the site or proposed use represents an unsustainable form of development that on its own would warrant refusal.

## 5.0 CONCLUSION

5.1 It is considered that the additional information submitted with this application addresses the previous reasons for refusal. The development represents appropriate development in the Green Belt and will not harm the retail vitality or viability of local centres. It now complies with relevant national guidance and draft local plan policies. Subject to the submission of revised details addressing the layout concerns of the highways officer, no objections are raised.

## 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:-

- 3880 (0-) 06
- 3880 (0-) 04
- 3880 (0-) 02

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 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.

4 Prior to the use hereby approved coming into use details of the new electric

sliding gate as shown on the drawing no. (0) 06 Rev. A (Proposed site plan) shall be submitted to and agreed in writing by the Local Planning Authority.

Reason. In order that the Local Planning Authority can be satisfied with these details in the interests of visual amenity.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

1. PLEASE NOTE: The use hereby approved falls outside any use class as defined in the Town and Country Planning (Use Classes) Order 1987 (or as in any amended order) and is therefore considered to be a "sui generis" use. Planning permission will be required for any alternative use not the subject of this application or if the extent of the retail sales increases above the limits described here. You are advised to contact the Local Planning Authority for further advice if any change of use from that described above is proposed.

### **2. 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 impact on the Green Belt, highway safety, retail impact on York City and other shopping centres, neighbour amenity and sustainability. As such the proposal complies with national advice within Planning Policy Guidance Note 2 ("Green Belts") and Policies GB1, GB3, GP1, SP7A, S2 and GP4A of the City of York Draft Local Plan.

### **Contact details:**

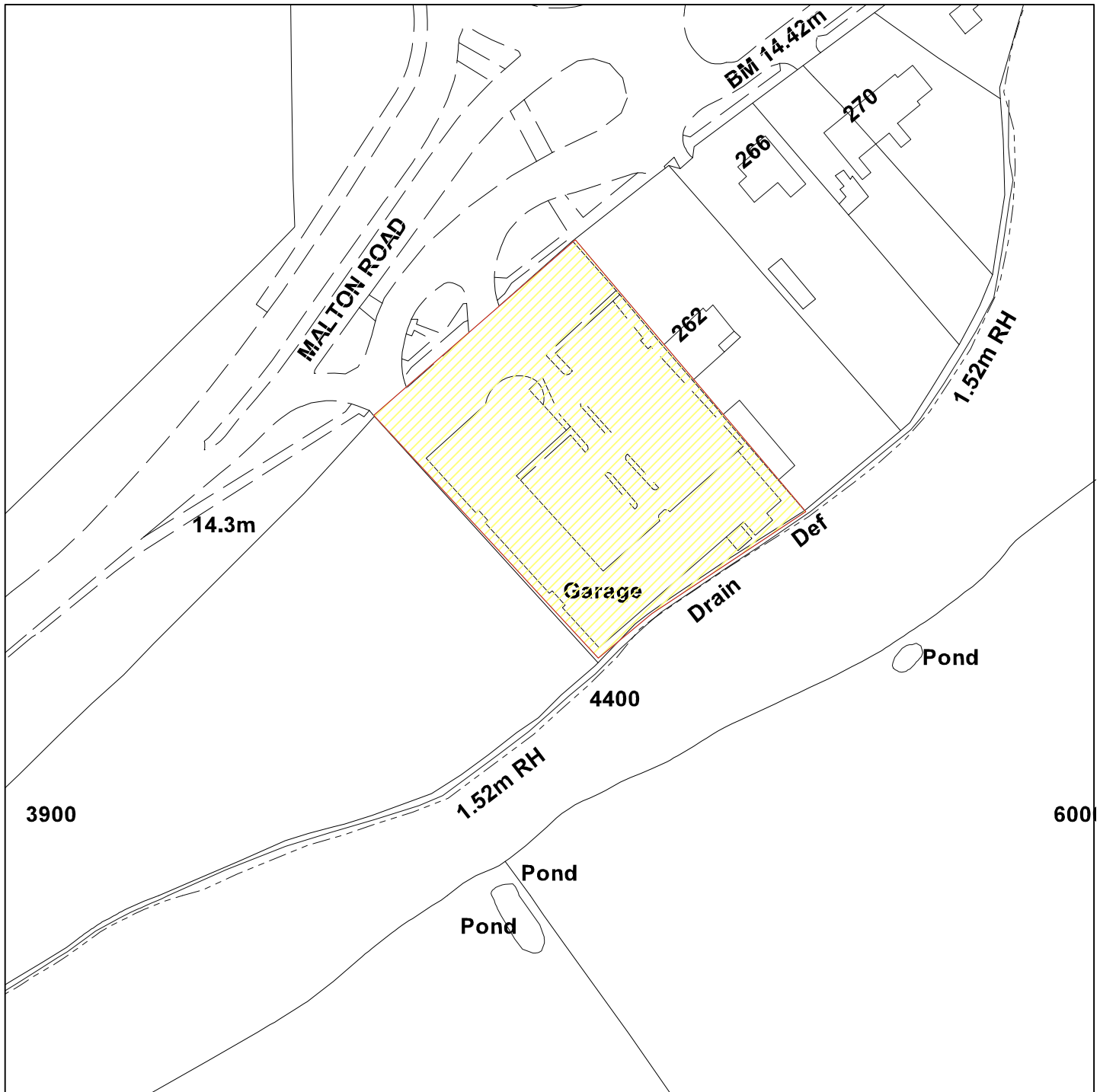
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# CD Bramall Garage, Monks Cross

08/02816/FULM



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	Site
<b>Date</b>	03 March 2009
<b>SLA Number</b>	Not Set



### 3.0 CONSULTATIONS

#### INTERNAL

3.1 City Development - As the building is currently an office, Policy E3b needs to be considered. This policy seeks to protect employment land. Proposals for new food and drink uses need to be assessed against Policy S6.

3.2 Highway Network Management - No objections.

3.3 Environmental Protection Unit - No objections, however conditions were recommended to be included within any approval relating to delivery times and odours and fumes.

#### EXTERNAL

3.4 Clifton Without Parish Council - Object as the nature of the business does not fit with other businesses in the area. Late night revellers from local entertainment and sporting premises and local hostelrys are likely to meet up and create anti-social behaviour. This type of activity within a business area could be detrimental to the amenities of the area. Police presence in this area is very thin on the ground particularly at night. Should the application be approved a condition should be added whereby no food or drink is sold over the counter and only a delivery service is provided.

3.5 Rawcliffe Parish Council - Strongly object to the proposed development. It was felt that it was unacceptable to lose a small industrial/office space for a fast food takeaway. The hot food takeaway would be detrimental to the area due to the increase in litter, noise and traffic. The proposal also has the potential for an increase in crime levels considering the late hours of opening. The proposal may discourage other small businesses from setting up in the area.

3.6 Police Architectural Liaison Officer - The Safer Neighbourhood Police Officer covering Clifton Moor has no concerns regarding the proposal. However, the Police Architectural Liaison Officer himself raises concerns. Statistics show a number of crime and anti-social behaviour problems at a hot food takeaway on Clifton Moor. This shows that hot food takeaways in this area do have the potential to generate problems. The submitted Design and Access statement makes no reference to crime prevention. The proposed development would draw people into an area which is not normally visited during evening hours. Whether the CCTV system to be installed would successfully address potential crime and disorder issues remains an area of debate. Whilst not objecting to the proposal there are some reservations about the scheme and its likely impact on crime in the area.

3.7 Clifton Moor Business Association - Strongly object to the application. Audax Court is an office development and is not suitable for a hot food takeaway. The visual amenity of Audax Court and amenity of occupiers of the surrounding offices could be harmed. The area is virtually deserted outside of usual business hours and



the proposal has the potential to create crime and disorder in the area. There is no benefit in allowing these premises to become a hot food takeaway.

3.8 Third Parties - No correspondence received.

#### **4.0 APPRAISAL**

4.1 It is considered that the key issues are:

- The principle of development;
- Impact on the amenity of the area;
- Crime and anti social behaviour; and
- Car and cycle parking.

4.2 The principle of the development consists of two parts, firstly the loss of an employment site (currently use class B1) and secondly the creation of a hot food takeaway enterprise (A5). In terms of the loss of an employment site Draft Local Plan Policy E3b is relevant. This policy sets out the criteria which should be used to assess an application which seeks to change the use of land or a building away from employment (generally accepted to be Classes B1, B2, and B8) uses. Part a) of this policy requires evidence that there is a sufficient supply of employment land to meet immediate and longer-term requirements both quantitatively and qualitatively. Whilst the applicants have not submitted information to address this issue directly it is clear from the site visit that the office development around Audax Close remains largely vacant despite a large advertisement banner to the front. It is understood that just two of the eight new purpose built office units are let. The units are offered on flexible rates and have not been let despite being marketed for a significant amount of time. It is considered that this provides evidence that there is a sufficient supply of B1 office uses and in addition it is considered that the loss of this one modest unit would not impact upon the strategic employment land objectives of the Council in the future.

4.3 If part a) of Policy E3b has been met then one of parts b), c) or d) need to be satisfied. Part c) of this policy requires the development to bring benefits to the local economy. The proposed change of use would bring benefits to the local economy in that it would result in a redundant building being brought into use. Part d) states that the use is ancillary to the employment use. Clifton Moor Business Park employs a large number of people and therefore it may be argued that the proposed hot food takeaway would provide an important facility for local workers and therefore could be considered to compliment the surrounding business uses. No objections are, therefore, raised regarding the loss of the site for employment purposes as the proposal is considered to comply with the relevant criteria of Policy E3b.

4.4 Local Plan Policy S6 controls food and drink uses. Five criteria are set out which any new development should satisfy. Parts ii) and v) are not relevant for this application as it is understood that alcohol will not be sold. Part i) of this policy seeks to protect the amenities of surrounding occupiers, and issues such as traffic, noise, smell, and litter are to be considered. The application site is located within a business area with no residential units in the immediate vicinity. It is not considered that the proposed development would have any adverse impact on the living

conditions of local residents due to their distance from the site. The size of the proposed hot food premises is modest in scale and is therefore unlikely to detract from the amenities of adjoining business uses. Odours can be controlled by the fitting of a suitable extraction system which can be controlled by condition. Any potential littering from the proposed hot food takeaway is difficult to control through a planning condition. However, one of the licensing conditions is that the applicants are required to undertake a litter pick at closing time. The proposed development is considered to comply with parts i) and iv) of policy S6.

4.5 Cycle parking is also available on the site. As part of the development of the office units a secure and enclosed cycle rack was fitted which can accommodate 10 bicycles which is considered sufficient for the use. There is also off street car parking available for 8 vehicles which is likely to be sufficient for staff and customers. Therefore the proposed development is considered to conform with Policy S6 part iii).

4.6 Concerns were raised by the Parish Councils' and Clifton Moor Business Association regarding the potential for the hot food takeaway to attract people into this business area during non-business hours and the potential for this to create anti-social behaviour. The proposed business is not a large-scale operation and it is not proposed to open beyond 12 midnight. It is not proposed to sell alcohol at the premises and due to its location away from residential areas it is considered likely that the majority of customers would have food delivered to their property. It is therefore considered that the proposed development is not likely to attract a large number of walk-in customers. The Clifton Without Parish Council suggested a condition which requires all purchases being for delivery only so that people do not come to collect food. However, this is considered unreasonable and cannot be justified in planning terms. The site is considered to be in a non-sensitive area in terms of noise. For this reason an hours of operation or hours of delivery condition is also not suggested to be included in any approval.

4.7 The Police Architectural Liaison Officer raised concerns about the proposal based on the experience of another hot food takeaway in the wider area. However, no specific objection to the proposal was raised and thus it would be difficult for the Local Planning Authority to justify a refusal on the grounds of crime or anti-social behaviour at a planning appeal. Should an appeal be lodged against a refusal of planning permission, it is not usually sufficient for the Local Planning Authority to rely solely on a subjective assessment of the likely impacts of a proposal. The applicants have obtained a license in order to operate a hot food takeaway from the premises. Given that licenses can be reviewed should a problem with the operation of the business arise, it is considered that the licensing process is a more suitable control in relation to operating hours and antisocial behaviour than the planning system, which deals specifically with land use issues.

4.7 The proposed external alterations to the unit are small in scale. One window is proposed to be replaced with a louvre for extraction purposes. This change is minimal and would not affect the appearance of the unit significantly within the street scene. Two fascia signs are shown on the submitted plans. However, these are not

for consideration as part of this application and a separate application would need to be submitted and approved under the Advertisement Regulations prior to the display of the signs.

## 5.0 CONCLUSION

5.1 It is considered that the principle of development is acceptable. The proposed creation of a hot food takeaway is considered acceptable in terms of the likely impact on the amenity of the local area.

## 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:-

Drawing Number 1810-03

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 Full details of the extraction plant or machinery and any filtration system to be used shall be submitted to the local planning authority for approval. The approved plant or machinery shall be installed and fully operational prior to the first use of the site for the purposes hereby approved and shall thereafter be maintained.

Reason: To minimise the impact of odour from cooking on the 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 the loss of an employment site and the impact of the proposal on the amenity of the area. As such the proposal complies with Policies E3b, GP21 and S6 of the City of York Draft Local Plan.

## 2. INFORMATIVE

The submitted plans show two internally illuminated signs to be erected on the premises. These have not been approved as part of this application and therefore you are recommended to contact the Local Planning Authority regarding any proposed signs before they are displayed. A separate advertisement application may be required to be submitted for consideration.

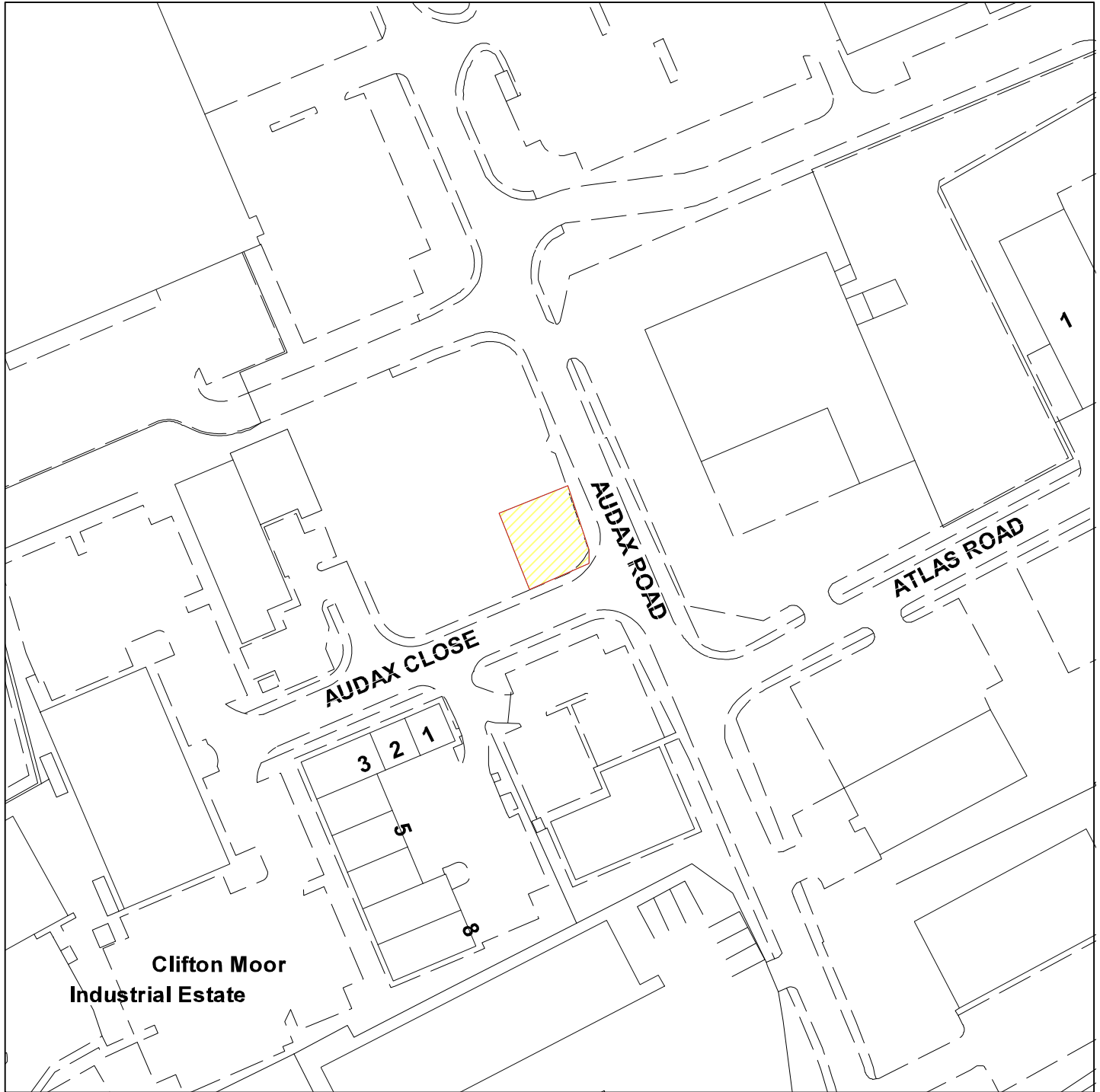
### **Contact details:**

**Author:** Michael Jones Development Control Officer

**Tel No:** 01904 551325

# 8 Audax Close

08/02511/FUL



Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	Site
<b>Date</b>	03 March 2009
<b>SLA Number</b>	Not Set



1.4 Various documents and supporting statements have been submitted, including a Design and Access Statement and a Statement on Sustainable Design and Construction. The documents give background on the philosophy for the nursery and form the applicant's case for the proposal.

#### APPLICANT'S CASE

1.5 The applicant has submitted a supporting case in the form of various documents and letters, as referred to in 1.3 above. The case explains that the development would operate on environmentally sensitive principles of self sufficiency, organic sustainability and eco friendly management and is effectively a farm diversification scheme making use of redundant farm cottages. The benefits of the scheme are that the facility would:

- fulfil a need for a new nursery in the area, serving the rural community and surrounding villages, who are car dependent;
- reduce the number of journeys and journey times for those living in Dunnington, Elvington and Wheldrake, who use/could use the Park and Ride or the proposed on-line pick up and car share schemes;
- offer greater choice to parents in terms of space and ethos;
- create 18 full time jobs; and,
- be respectful to the building and land.

The facility is proposed to be an organic nursery in terms of its curriculum, products and food, with a kitchen garden and keeping of chickens, operating on environmentally sensitive principles.

#### PLANNING HISTORY

1.6 A previous application in 2008 was withdrawn at the applicants request following concerns expressed by the officers regarding the sustainability of the site in travel terms and highway safety.

1.7 The application has been referred to Committee at the request of Councillor Jenny Brooks, on the grounds that the way the business will be run and the transport arrangements proposed could well outweigh any sustainability objections.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary : York City Boundary 0001

DC Area Teams : East Area (1) 0003

2.2 Policies:

CYSP6

Location strategy

CYGP1

Design

CYGP3

Planning against crime

CYGP4A

Sustainability

CYNE1

Trees, woodlands, hedgerows

CYGB1

Development within the Green Belt

CYGB3

Reuse of buildings

CYT13A

Travel Plans and Contributions

CYC1

Criteria for community facilities

CYC7

Criteria for childrens nurseries

### **3.0 CONSULTATIONS**

#### **INTERNAL**

3.1 Highway Network Management - This resubmission includes additional information and discussions, relating to sustainability and street lighting.

The operation and management of the nursery itself may accord with the general principles and philosophy of sustainability but, in highway terms, this proposed development is not considered "sustainable". Elvington Lane is a straight, unlit, derestricted road. There are no dedicated cycling facilities or footways in the vicinity of the site and the nearest centres of population are in excess of a mile away. Suggested cycling routes from Heslington are not viable as a year round access route. The site is served by public transport but is infrequent and currently under review. The suggested mini-bus service to/from the site and linking with the Park and Ride (P\_R) would need to be by arrangement with the Council and current P\_R service providers. The proposed use does not raise capacity issues in traffic terms.



The use would involve movements onto/from the road all year round including during hours of darkness.

The proposed provision of flashing amber school crossing signs is not considered appropriate in this instance as: - a) it is not a school with many children crossing, whether accompanied or not; b) it is not at a specified crossing point or manned patrol; c) they might be deemed a distraction being in an otherwise unlit road. The erection of such signs would require highway permission and it is thought probable that they would be considered inappropriate for this use and in this location.

Whilst a Travel Plan could be conditioned and the applicant has suggested the operation of a minibus shuttle to/from the site it is clear that the promotion of sustainable transport choices will be difficult to achieve, given the remote location of the nursery and negligible alternatives available to the private car. As such the operation of the nursery will significantly be reliant on the use of the private car.

It is therefore recommended that this application be refused for the following reasons:

1. The Local Planning Authority considers that the proposed development is not sustainable in travel terms by virtue of the remote location of the site, absence of dedicated cycle and pedestrian facilities within the adjacent public highway network and infrequent public transport. The development is therefore thought likely to be predominantly accessed by both customers and staff by private cars contrary to government advice contained in Planning Policy Guidance Note13 and City of York Council Draft Local Plan.

2. The Local Planning Authority considers that the sites location directly adjacent to and accessed off a derestricted and unlit road with no dedicated cycle and pedestrian facilities is unsuitable in terms of highway safety and security having particular regard to its year-round use with associated traffic movements into/out of the site in the hours of darkness

3.2 Environmental Protection Unit - No objections.

3.3 Design Conservation and Sustainable Development

(i) Landscape Architect - Comments as previous application. Proposal introduces significant area of hard standing in front of farm buildings. This is green belt and the introduction of a formal car park effectively extends the farm building complex into the greenbelt due to the permanent nature of the hard standing. The parking within the existing field to be reinforced grass. The parking area to the front of the farm buildings is acceptable, although it does result in a loss of greenery, namely grass.

(ii) Sustainability Officer - Accessibility - Whilst the applicant has tried to use innovative solutions to transport issues, this development is in a rural location with public transport accessibility issues. On advice from the Development Control Officer, the site is also not adequately accessible by foot and cycle. Whilst it is acknowledged that this is a service that is needed in the local rural community, a more accessible location with frequent public transport services would possibly be more suitable and accessible for members of the community. Also noted that the use of the park and ride scheme as a pick up point. This idea is welcomed, but

wonder if permission / agreement in principle has been reached yet with the Park and Ride?

Comments made with regards to the other categories of the sustainability statement. Commitment to conserving and enhancing building and to use of local materials and labour welcomed. More details required to clearly demonstrate how the building will reduce carbon emissions through design and installed technologies - actual installed technologies to reduce demand and energy efficient measures and actual proposed on-site renewable energy equipment in order to achieve the IPS: Sustainable Design and Construction 2007, 5% on-site renewable energy target. Should permission be granted, requests a condition relating to the above 5% renewable energy requirement.

#### EXTERNAL

3.4 Dunnington Parish Council - Support the application.

3.5 Elvington Parish Council - Support the application.

York Maze is a well run local amenity which is of benefit to the local community. No traffic related incidents occurred at all during its first year of operation.

Recognise that the road is not lit, but this is a rural area so would not expect nor want it to be. The nearby Common Lane junction (to Dunnington) is not lit, nor are various other farms and businesses in the vicinity, such as the Airfield Business Park.

In these circumstances, the Parish Council believes it would be unjustifiably anomalous to refuse planning permission for something which so benefits our local economy, particularly as this Parish Council supports the application. (Dunnington parish is unlikely to be affected to any extent as it is only right out at its geographical limit.)

Refer to 'no objection' by Highways to planning application for Hangars at the nearby Elvington Airfield, which would have resulted in many more traffic movements!

#### 4.0 APPRAISAL

4.1 Key Issues:

- need
- reuse of buildings
- sustainability
- impact on Green Belt
- highway safety

#### POLICY CONTEXT

4.2 The relevant national planning policy context is outlined in Planning Policy Statement 1: Delivering Sustainable Development (PPS1), Planning Policy Guidance Note 2: Green Belt (PPG2), Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) and Planning Policy Guidance Note 13: Transport (PPG13).

4.3 PPS1 sets out the overarching planning policies on the delivery of the core principle of sustainable development through the planning system, with a spatial planning approach at the heart of planning for sustainable development. It states that planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities.

4.4 PPG2 relates to development in the Green Belt and confirms that the reuse of existing buildings within these areas is not inappropriate development, providing there is no materially greater impact on openness, the buildings are of permanent and substantial construction, capable of conversion without major reconstruction and subject to strict control over extensions.

4.5 PPS7 deals more specifically with rural areas. It promotes more sustainable patterns of development, focusing most development in, or next to, existing towns and villages. It states that "Accessibility is a key consideration in all development decisions". Particular reference is made to small-scale, local facilities, such as childcare facilities in 6(v), directing them to locations within or adjacent to existing villages and settlements where access can be gained by walking, cycling and (where available) public transport. National policy supports the re-use of appropriately located and suitably constructed existing buildings in the countryside, particularly to promote farm diversification, where this would meet sustainable development objectives and would preserve buildings of historic or architectural importance or interest, or which contribute to local character. Local authorities should encourage farm diversification proposals, particularly, but not exclusively, where this enables access by public transport, walking and cycling, and should be realistic about the availability of alternatives to access by car.

4.6 PPG13 sets out the Government's objectives for integrated planning and transport to promote sustainable transport choices and accessibility by public transport, walking and cycling, in order to reduce the need to travel, especially by car. This policy approach applies also to rural areas in order to promote social inclusion. The objective is to ensure that services are primarily sited at the most accessible locations in the local area.

4.7 The policies of the City of York Draft Local Plan (incorporating fourth set of changes, April 2005), set out in section 2.2, are material to the consideration of the application. Of particular relevance are policies GB1, GB3, C1 and C7. Policies GB1 and GB3 reflect national advice in PPG2 and allow for the reuse of buildings within the Green Belt outside defined settlement limits providing the reuse does not have a materially greater impact than the present use on the openness of the Green Belt and takes place within the fabric of an existing building of permanent and substantial construction, capable of conversion without major reconstruction, that has a clearly defined curtilage. Policies C1 and C7 allow the grant of permission for development that would meet a recognised need and, specific to children's nurseries, provide adequate play space, not adversely affect the amenity of neighbouring properties, and be in locations well served by footpaths, cycleways and public transport routes.

## NEED FOR THE FACILITY

4.8 Policy C1 of the Local Plan states that applications for community facilities will be allowed provided that it would meet a recognised need. The applicant claims that there is a need for nursery provision in this area to offer a greater choice to parents, who currently only have access to either sessional groups or have to access nurseries outside the locality. The Council's Lifelong Learning and Leisure Department has confirmed that the provision in the area is currently restricted to childminders, who are at capacity, and sessional playgroups in Dunnington and Elvington, and that existing private nurseries in the wider area are heavily subscribed, while those at Wheldrake, Thorganby and on Hull Road (Next Generation) have closed in recent years. Therefore, it is likely that there is potential need for further childcare provision at this side of the City.

4.9 Policy C7 of the Local Plan gives specific guidance in relation to children's nurseries. It is considered that the visual impact of the proposed alterations to the car park to provide the external play area, ramped access and secure fencing would not be prominent or obtrusive. The building is in an isolated location, at some distance from houses or business premises (with the exception of the Maze Maize, which is under the control of the owner of the application buildings). As such, the proposal would not be likely to result in any significant harm to the amenity of neighbouring properties. Nor is it within a residential area where residential character could be harmed.

## REUSE OF BUILDINGS

4.10 The reuse of rural buildings in Green Belt terms and as part of farm diversification is supported by national and local planning policies. The building, comprising the former farm house and attached cottage, have been used until recently as a holiday let (planning permission may have been required for this) and the adjacent site has been granted planning permission for three months of the year as the York Maize Maze. The buildings appear to be capable of conversion without substantial alterations being required.

4.11 The proposal is claimed to be a farm diversification scheme. PPS7 advises that farm diversification schemes for business purposes, should contribute to sustainable development objectives, help sustain the agricultural enterprise and be consistent in scale with their rural location. Such schemes include reuse for holiday accommodation or small scale office premises. However, it is not considered that this would necessarily include the proposed use due to its scale and lack of relationship to the agricultural holding. Furthermore, whilst the proposal is claimed to be a farm diversification scheme, no evidence has been put forward to show that the use is needed to sustain the agricultural enterprise.

## SUSTAINABILITY

4.12 Accessibility is key in terms of the planning objectives of sustainable development and social inclusion, as set out in PPS1, PPS7 and PPG13. The site is located approx. 2.16 miles from the nearest settlement, Elvington, approx. 1.65 miles

from the junction with Wheldrake Lane, and approx. 2.14 miles from the Grimston Bar Park and Ride (measurements along roadways).

4.13 Elvington Lane is a classified, derestricted road, with no dedicated footpath or cycleway. The lack of these facilities and speed of vehicles using the road, in conjunction with the distance from settlements, would mean that access by cycle or on foot by parents with young children in particular, would be restricted. The off-road route from Heslington to Elvington along bridle-ways, highlighted by the applicant, would be impractical all year round for children due to the distance, isolation and condition for a significant proportion of the year and still requires travel along Elvington Lane.

4.14 Two bus services operate along Elvington Lane, and bus stops have been provided as part of the permission for the York Maize Maze to the south of the site. However, these services are infrequent and would not allow parents to travel by bus to bring children to the nursery as part of a journey from surrounding settlements into York or vice versa or indeed to travel back to their home. In addition, the frequency and the early finish of the buses, would not encourage use by staff.

4.15 The applicant is proposing to set up a car share scheme as well as a pick up/drop off service by mini-bus for staff and children alike. Such services may be successful for staff, but the practicality of the service for children attending the nursery is questioned given the age of the children. Whilst a Travel Plan could be conditioned, including the operation of the mini-bus service, the promotion of sustainable transport choices would be difficult to achieve, given the remote location of the nursery and negligible alternatives available to the private car. As such, realistically, it is considered that the operation of the nursery would be significantly reliant on the use of the private car.

4.16 The Sustainability Officer advises that a more accessible location would be more suitable and accessible for members of the community. The Council's Highway Officer recommends refusal of the application as the proposal is not sustainable in travel terms by virtue of the remote location of the site, absence of dedicated cycle and pedestrian facilities within the adjacent public highway network and infrequent public transport. Both query whether agreement with the operators of the Park and Ride site for pick ups has been reached.

4.17 It is considered that it would be unreasonable to condition that the nursery operate on the proposed environmentally sensitive principles at all times, particularly as this could be economically and practically unviable. Therefore, whilst the aims of the nursery are admirable, it is not considered that they outweigh the unsustainable location of the site and its limited accessibility other than by private car. Of particular note is that the use of the adjacent agricultural field as a maize maze was only granted planning permission for three months of the year, principally due to the unsustainable location of the site. Bus stops were required to be provided as part of this permission, although the nature of the use is significantly different to that of the proposed nursery, in that visitors would visit for a longer period of time allowing journeys to be taken using the albeit limited public transport service.

## IMPACT ON GREEN BELT

4.18 The proposal involves reuse largely within the fabric of an existing building with a clearly defined curtilage. The alterations to the exterior of the building, including the canopy, replacement storage building and provision of the drop off area and car parking, would not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it. The applicant has agreed to remove from the proposal the provision of 5m high lighting columns for the car parking area, following concerns relating to the impact on the visual amenity and rural character of the Green Belt and open countryside. There has been discussion about the provision of additional lighting on Elvington Lane to address highway safety concerns as a result of the development. Concern still remains about the impact this could have on the visual amenity of the Green Belt.

## HIGHWAY SAFETY

4.19 The Council's Highway Officer considers that the location is unsuitable for the proposed use in terms of highway safety and security, due to the proximity of the site to, and access off, a derestricted and unlit road with no dedicated cycle and pedestrian facilities. This is with particular regard to the year-round use and associated traffic movements into and out of the site, including during hours of darkness.

4.20 The applicant's offer to provide flashing amber school crossing signs is not considered to be appropriate in this instance for the reasons set out in 3.1 above, and would be unlikely to be granted consent by the Local Highway Authority.

## 5.0 CONCLUSION

5.1 It is likely that there is need for additional childcare facilities to serve this side of the City and the wider rural area. However, this likely need and the proposed operation of the nursery on environmentally sensitive principles is not considered to outweigh the unsustainable location of the site with limited accessibility by means other than the private car and the potential highway safety implications, as set out above. It is, therefore, considered to be contrary to national and local planning policies and is recommended for refusal.

## 6.0 RECOMMENDATION: Refuse

1 It is considered that the proposed use in this remote location with the absence of dedicated cycle and pedestrian facilities within the adjacent public highway network and infrequent public transport, would not be sustainable in travel terms, leading to a dependence on the private car by both customers and staff. It is therefore considered contrary to national planning policy contained in Planning Policy Statement 1 (Delivering Sustainable Development), Planning Policy Statement 7 (Sustainable Development in Rural Areas) and Planning Policy Guidance Note 13 (Transport), and Policy C7 of the City of York Draft Local Plan (incorporating Fourth Set of Changes, April 2005).

2 It is considered that the location of the site directly adjacent to and accessed off a derestricted and unlit road with no dedicated cycle and pedestrian facilities is unacceptable in terms of highway safety and security, having particular regard to its year-round use of the facility with associated traffic movements into and out of the site during hours of darkness.

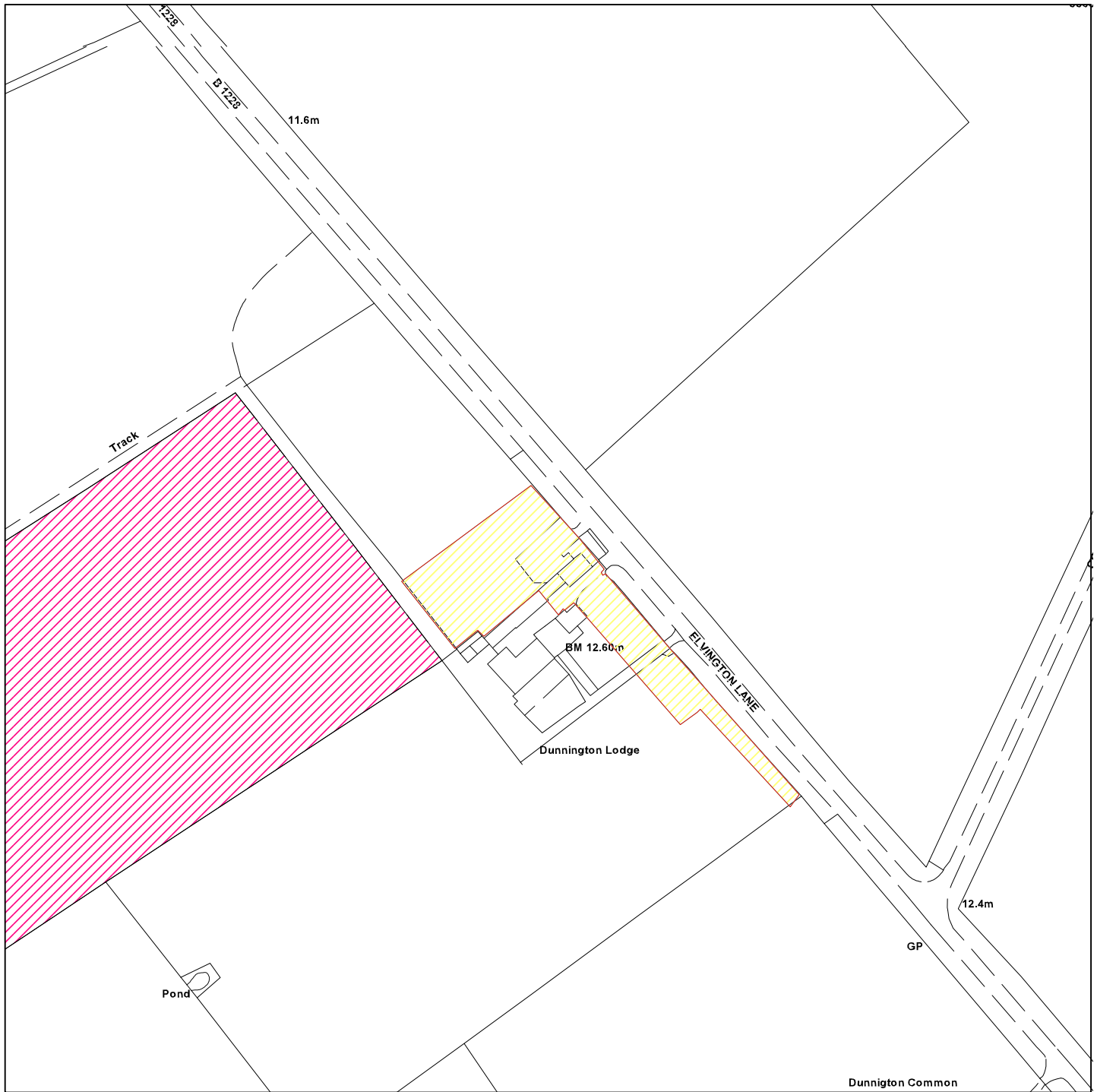
## **7.0 INFORMATIVES:**

### **Contact details:**

**Author:** Hannah Blackburn Development Control Officer  
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# Dunnington Lodge

09/00044/FUL



Scale : 1:2500

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	Site
<b>Date</b>	03 March 2009
<b>SLA Number</b>	Not Set



**COMMITTEE REPORT****Committee:** East Area**Ward:** Heslington**Date:** 12 March 2009**Parish:** Heslington Parish Council**Reference:** 08/02807/FULM**Application at:** University Of York University Road Heslington York YO10 5DD  
**For:** Three storey building for the Centre of Immunology and Infection with roof top plant room and associated parking, cycle parking and landscaping**By:** University Of York**Application Type:** Major Full Application (13 weeks)**Target Date:** 24 March 2009**1.0 PROPOSAL**

1.1 This application is for the erection of a building for the Centre of Immunology and Infection (CII) at the University's existing campus west. The application site is adjacent to the existing Immunology and Infection Unit building on the western edge of the campus, south of the Biology department and the new student accommodation development at Bleachfields. Access is off Wentworth Way which itself is accessed via a roundabout on University Road. To the west stands Walmgate Stray and to the south the student accommodation of Wentworth College.

1.2 The new building will occupy an area currently used as a car park. The proposal will involve the construction of a new car park immediately adjacent to the new building with capacity for 46 car parking and 12 motorcycle parking spaces. The development will necessitate the removal of 18 existing trees in and around the site. These will be replaced by 24 new trees.

1.3 The new building will be 3 storeys in height with a plant room at roof level. The building will accommodate approx. 45 staff and students and will include a suite of laboratories, research offices, work and presentation areas and staff / meeting rooms. Part of the ground floor will be used for medical trials, comprising examination and consulting rooms. The height to the top of the third storey of the building will be 12.6m, rising to 16.1 metres to the top of the plant room. Four extract flues at roof level will project a further 2.8 m above the plant room level.

1.4 The supporting statement accompanying the application states that the building is required to provide 'much needed additional research capacity aimed at the development of new vaccines, drugs and immuno-therapies for globally important diseases.....and will help place the University of York at the forefront of research into immunology and infectious disease....'.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

City Boundary : York City Boundary 0001

DC Area Teams : East Area (1) 0003

### 2.2 Policies:

CYED6  
University of York Heslington Campus

CYGB1  
Development within the Green Belt

CYGP1  
Design

CYGP4A  
Sustainability

CYGP15  
Protection from flooding

## **3.0 CONSULTATIONS**

### INTERNAL

#### 3.1 Highway Network Management.

It is noted that the new building is to accommodate 7 staff members and 38 graduate researchers. It will be erected within the current car park G which currently provides parking for 107 standard bays and 4 disabled bays. Replacement car parking consisting of 43 standard spaces, 3 disabled and 12 motor cycle bays is to be introduced, which will result in an overall reduction of 65 spaces

A car parking cap of 1520 spaces is applicable to the Heslington West Campus. Approving this application would reduce the total current level to 1441 spaces.

Cycle parking facilities are to be provided to the north of the development and the details of this provision need to be conditioned. Visitor cycle stands are to be introduced close to the main entrance.

Service vehicles will deliver to the south-eastern corner of the building via Wentworth Way. Refuse storage facilities are to be introduced at the south-eastern corner, close to the eastern entrance to the car park.

#### 3.2 Urban Design and Conservation.

Whilst overall the development proposal on the existing car park site is acceptable within the campus context - comments refer to the building doing little to unify the immediate site context and proposing a further 'individual treatment' in terms of the materials used - horizontal cedar rainscreen cladding.

An approach which sought to follow a `family` theme with the recently developed building to the north (blocks L & K on existing campus plan 9593 (2) 02) and as illustrated by preliminary perspectives A & B in the Design & Access statement, would have been preferable.

In conclusion however the proposed development can be accommodated on this site within the context of the campus. The development will be visible from the Stray, but is screened by the mature boundary landscaping and is set back much further than the 4 storey residential block to the south. The vertical flues as the highest part of the development are relatively slender.

Recommend conditions, the submitted drawings notwithstanding, control of external materials.

### 3.3 Landscape Architect.

There will be filtered views of the development from Walmgate stray, but the building will not impose upon the open character of the stray because it is set back a significant distance from the western boundary, and seen within the context of the existing buildings. (It is set further back than the existing residential building located to the south). The existing trees and hedge along the west boundary with Walmgate stray contain some sizeable mature trees that will provide substantial screening especially within the summer months. The broad grassed 'verges' to the west and south of Wentworth Way contain some mature trees as well; these will be unaffected by the development. There is scope for replacement planting within the western area, which will add to the screening and landscape setting; this opportunity is realised within the Landscape Proposals Plan.

The trees that are to be lost as a result of the scheme are young or young mature with negligible (if any) visual contribution to the stray. The greatest loss to the immediate environment within the site, will be the group of silver birches to the east of the car park. The trees within the existing car park are not yet so well established as to warrant protection.

The series of small open spaces with ornamental tree cover are a significant feature of the campus setting, and therefore these tree losses should be mitigated. Again, the landscape proposals have addressed this with replacement planting, using large planting stock in locations that will benefit the amenity of the development and the neighbouring buildings.

### 3.4 Environmental Protection Unit.

The proposed new building is to be located within the current University campus and is proposed to be built on an existing car park which is located a considerable distance away from residential dwellings not associated with the university. As a result there is unlikely to be any adverse impact on the amenity of neighbouring residential dwellings due to the development and the environmental protection unit does not have any objection to this application. However, due to the proximity of

residential accommodation associated with the university the environmental protection unit would recommend that conditions be attached to prevent any detriment to the amenity of the area as a result of the construction works or plant associated with the new building. A further condition is recommended in relation to methane gas monitoring on the site.

### 3.5 Sustainability Officer.

Whilst welcoming the level of commitment to sustainable development in the application, officers have requested further details on the total energy requirement for this new building, the proposed renewable energy to be generated by the interim biomass boiler and how this will be ultimately connected to and from the biomass boiler which is proposed for the Heslington East campus.

Has also requested details to ensure that this interim biomass boiler can accommodate the requirements of the new building and all of cluster 1 at the new Heslington east campus.

Note to members: This information is still awaited. A verbal update will be provided at the meeting.

### 3.6 Council Drainage Engineers.

Object to the development as insufficient information has been provided to determine the potential impact the proposals may have on existing systems. Further information requested. Note to members: A verbal update will be provided at the meeting.

## EXTERNAL.

### 3.7 Heslington Parish Council.

The Parish Council object to the application on the following grounds:-

- i) The proposal will have a visual impact on The Stray which is an area widely used by members of the public, as open space.
- ii) The size and massing of the proposals is inappropriate for the site.
- iii) The proposed building is not in keeping with the character and form of the surrounding area.
- iv) The design and materials to be used are not in keeping with its surroundings.

### 3.8 Ouse and Derwent IDB.

The applicants consultants have stated that the surface water discharge will theoretically not be increased and will pass through the existing system with the final discharge being to the existing campus lake. The supporting documents indicate that the surface water storage will be provided for a 1:50 year return period. The board would wish to see a 1:100 year plus climate change figure being the basis for the calculations and details that the system could accept the additional discharge without increasing the resulting discharge rate to the receiving watercourse. Should there be discharge direct to a watercourse or another sewer system then information should

be provided to ensure that the discharge regime will not increase flood risk elsewhere.

(Note to members) Information in response to this is awaited and a verbal update will be provided at the meeting.

### 3.9 Third parties.

Several site notices were placed in and around the site, including at the entrance to Walmgate Stray. There are no residential houses not associated with the University close to the site. No objections have been received.

## 4.0 APPRAISAL

### 4.1 KEY ISSUES.

- Impact on the Green Belt.
- Development in accordance with Draft Local Plan Policy ED6 and the University development brief.
- Design, visual impact and impact on Walmgate Stray.
- Sustainability.

Green Belt.

4.2 The City of York Draft Local Plan proposes the removal of the campus from the York Green Belt, having previously being shown within it. However, given that this has never been formally adopted the site technically remains within the Green Belt for development control purposes. National Guidance in PPG2 concludes that education development represents inappropriate development in the Green Belt. However Annex C of PPG2 advises that limited infilling within major developed sites in the Green Belt is not inappropriate development in the Green Belt providing that the development has no greater impact on the purposes of including land in the Green Belt, does not exceed the height of existing buildings and does not lead to a major increase in the developed proportion of the site. This development stands within the boundaries of the campus and is seen within the context of the developed footprint of the site and does not lead to a major increase in the developed area of the campus. The development is therefore not considered inappropriate development. It is not considered that the proposed development harms the openness of the Green Belt. Policies Y1 and E1 of the Regional Spatial Strategy promotes and encourages the development of the University site. It has also been previously agreed with Government Office that development within the existing campus is of no more than local significance and does not require determination by the Secretary of State.

Development in accordance with local plan policy ED6 and the University Development Brief.

4.3 Policy ED6 of the City of York Draft Local Plan allows for further development on the existing Heslington West campus providing it is in accordance with one of three criteria:

- i) small scale extensions to existing buildings
- ii) redevelopment of existing buildings
- iii) development on specific sites highlighted in the development brief

4.4 This type of development falls within the 3rd category of development as listed above. The development brief referred to was adopted in 1999 as a framework within which development on the campus must comply and introduces several criteria which are relevant to this application, including restrictions on building height, a cap on car parking spaces within the campus and sets a limit on the total built footprint of the campus of 20%.

Policy ED6 goes on to say that development will only be permitted providing 8 criteria are met. Each of these are listed and discussed below.

4.5 The development will not adversely affect the campus' landscape framework or the setting of Heslington Village.

The comments of the Council's Landscape Architect are relevant to this issue and their comments at para. 3.3 should be referred to above. The development is within the established built up part of the campus and is seen in the context of other surrounding buildings. Whilst it will result in the loss of some trees within the area where the building will stand, none of the established and mature trees on the edge of the campus which help to frame the campus from the Stray will be removed. The trees that would be lost are shown to be replaced in a scheme that is to the satisfaction of officers. Overall, therefore, it is not considered that the landscape framework of the campus will be adversely affected by the proposal. The development will not be seen from Heslington village.

4.6 The proposal is not sited on any of the campus' important open spaces.

The development brief identifies key areas of open spaces within the campus upon which no development should take place. This application is on an existing car park and therefore does not fall within any of these identified important spaces.

4.7 Total developed footprint on the campus (including the proposal) will at no time exceed 20% of the campus' site area.

Para. 6.3 of the development brief states that the total footprint of all development, (this includes all buildings and car parks) on the campus will be restricted to 20% of the campus area. The total developed area is currently slightly below this 20% cap and this building will be built on the footprint of an existing car park. Therefore there is no increase in the developed area of the campus as a result of this application.

4.8 The height of any new buildings will be appropriate to the location in terms of distance to, and height of, surrounding buildings and a high standard of design appropriate to the setting of the University is proposed.

The comments of the Design, Conservation and Sustainable Development officer are relevant here and members are referred to para. 3.2 above. Objections over size,

setting and design have been received from Heslington Parish Council. The building is quite large and offers accommodation over 3 floors although the plant room above essentially results in the building being four stories in height. The height to the top of the plant room will be approx. 16 metres. The development brief states that the building heights will be contained within an envelope raising little above the mature forest tree canopy (e.g.: 3 to 4 storeys) of the framework planting. A section plan submitted with the application shows that the building stands at a similar height to other surrounding buildings. The nearby buildings of the Biology block and the residential block to the south are of a similar size and scale and the proposed building will benefit from standing back within the site, therefore resulting in more space between the building and the edge of the campus. The plant room will be set back from the edge of the building so whilst it will be visible, its presence will not be unduly overbearing. The vertical flues on top of the plant room are relatively slender and therefore not highly visible. The building will be contained within the envelope of development around it and will not rise above the mature tree canopy of the edge of the campus. Officers consider that the development, although it will be visible from Walmgate Stray, will not result in an unacceptable visual impact that would undermine its setting.

4.9 The Parish Council also express concern at the design and the materials to be used. The design is quite contemporary and uses a palette of materials including cedar cladding, aluminium panels and render. There is a mixture of designs and materials on the campus at this point although in its immediate setting these generally consist of brick / render and tile. The urban design officer has expressed some views at the use of cedar cladding, stating that it is not a prevalent material in the immediate vicinity. However, the mixture of materials generally in this area is such that in design terms, the building should not stand out to an unacceptable degree. The design of the building is reflective of its intended use and its contemporary appearance tends to match in style some of the buildings which make up the Biology Department to the north east.

4.10 There will be no overall net increase in car parking spaces on the campus as a result of the proposal.

The development brief sets a cap on the total number of car parking spaces allowed on the campus. This total is 1520 and the current total stands at 1505. This development will bring the total number down to 1441, and thus the new total will still be 79 under the parking cap.

4.11 The need for any additional student housing which arises because of the development should be met on this or the new campus east.

There will be no requirement for additional student housing as a result of this proposal.

viii) The proposal complies with all other relevant requirements set out in the development brief for the campus.

4.12 Officers consider that the proposal is in accordance with the development brief.

Sustainability.

4.13 A substantial amount of information was submitted in a detailed Sustainability and Renewable energy statement but the Council's sustainability officer has sought further information on some points. The University uses BREEAM as a benchmark for such development and this development achieved 'very good' status in the pre-assessment of the design carried out by a BREEAM assessor. This is in accordance with Council policy.

4.14 Regarding renewable energy, under the Council's Interim Planning Statement on Sustainability, developments such as this should achieve 10% of energy output from renewable energy sources. The application states that they intend to achieve this target by the upgrading of a centralised Combined Heat and Power unit which ultimately will serve both the existing and new campus. However, there is no timescale for this work to take place in and therefore a temporary solution is proposed through the provision of a feed into the inter-campus district heating system from a small scale biomass heat source. However, whilst this solution is acceptable in principle, officers have requested further details about this will work. This information is awaited and any further updates on this will be provided at the meeting.

Other issues.

4.15 There are no non-university residential houses close to the proposed development and therefore there are no issues of local residential amenity . Further drainage information has been requested and will be updated at the meeting if necessary.

## **5.0 CONCLUSION**

5.1 The proposal is in accordance with Regional and Local Planning Policy relating to the University and is also within the framework set by the Development Brief for the Heslington West campus.

5.2 Subject to the submission and positive assessment of the extra information requested in connection with drainage and sustainability. officers raise no objections.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

2 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.

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

Drawing no's

- 9593 (9) 01F
- 9593 (2) 18D
- 9593 (2) 14D
- 9593 (2) 15D
- 9593(2) 10G
- 9593(2) 11E
- 9593(2) 12E
- 9593(2) 13D
- DDUX0052.L.002 Rev. B
- DDUX0052.L.003 Rev. B
- DDUX0052.L.004 Rev. B

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.

- 4 HWAY9 Vehicle areas surfaced
- 5 HWAY18 Cycle parking details to be agreed
- 6 HWAY19 Car and cycle parking laid out

7 All demolition and construction works and ancillary operations, including deliveries to and dispatch 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 the area

8 Gas protection measures, as outlined in Curtins Consulting's Gas Statement (dated 11 Feb 2009) and associated plan (No. 28849/120), must be incorporated into the development. Following installation of these measures, a verification report should be submitted to the Local Planning Authority to confirm their satisfactory installation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters,

property and ecological systems.

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 sound levels (LA<sub>max</sub>(f)) and average sound levels (LA<sub>eq</sub>), 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 existing and future residents

## **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 Green Belt, the principle of development within the existing campus, visual impact, design and appearance, sustainable development and drainage. As such the proposal complies with national guidance in Planning Policy Statement 2 ("Green Belts") and Policies GB1, GP1, ED6, GP4a and GP15a 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 noted and acted upon. 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.

v. Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.

vi. There shall be no bonfires on the site.

3. In the event that contamination is found at any time when carrying out the approved development, the findings must be immediately reported in writing to the Local Planning Authority. In such cases, an investigation and risk assessment shall be undertaken, and where remediation (clean-up) is necessary a remediation scheme must be prepared which is subject to the prior written approval of the Local Planning Authority.

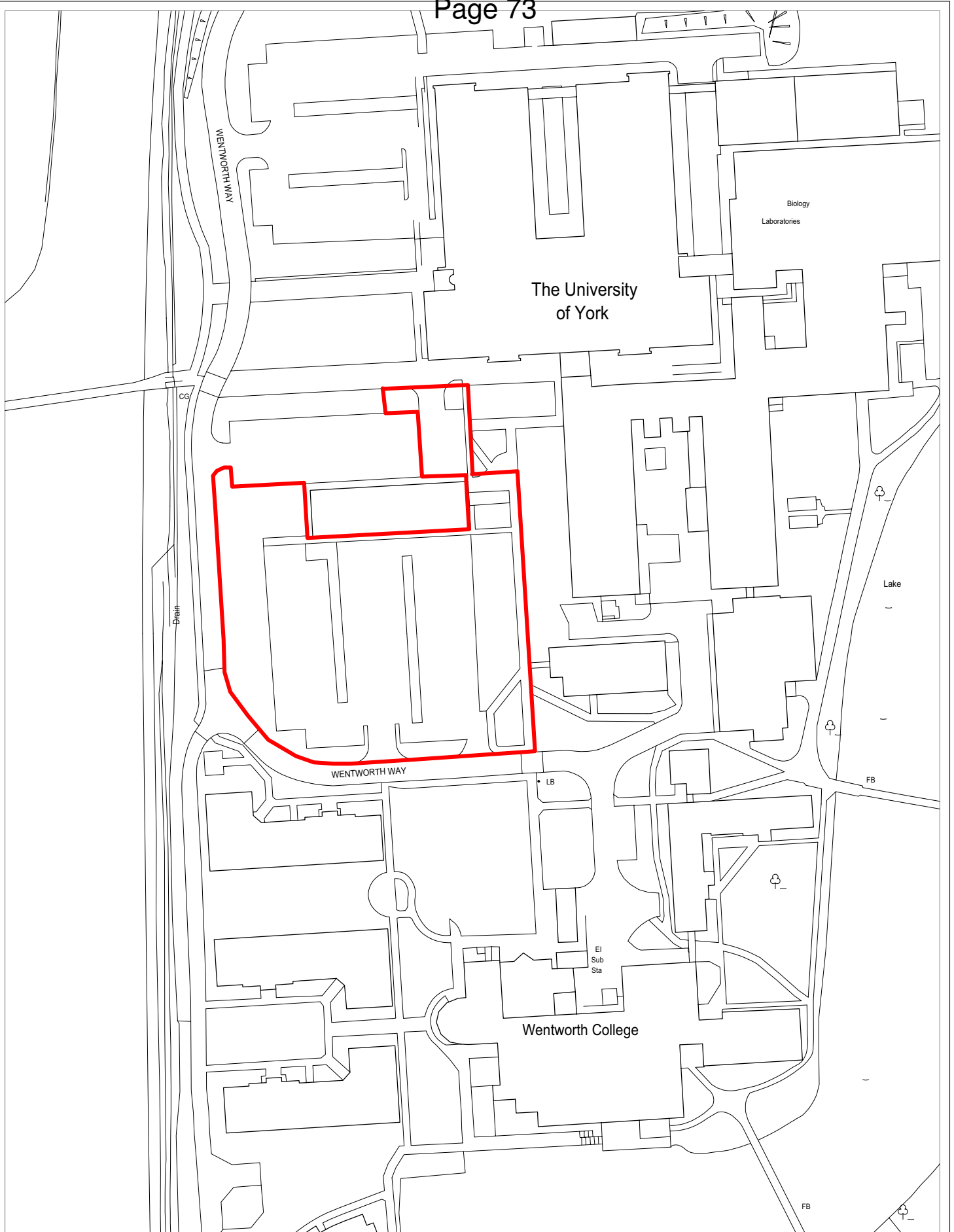
Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which shall be subject to the written approval of the Local Planning Authority.

Should the 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.

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**THE CENTRE FOR IMMUNOLOGY - 08/02807**

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