



Notice of meeting of

West & City Centre Area Planning Sub-Committee

- To:** Councillors B Watson (Chair), Sue Galloway (Vice-Chair), Galvin, Gillies, Gunnell, Horton, Reid, Sunderland and Waller
- Date:** Tuesday, 27 May 2008
- Time:** 12.00 pm
- Venue:** The Guildhall, York

AGENDA

Site visits for this meeting will commence at 11.00 am on Friday 23 May 2008 at Memorial Gardens.

1. Declarations of Interest (Pages 3 - 4)

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 - 10)

To approve and sign the minutes of the meeting of the West & City Centre Area Planning Sub-Committee held on 29 April 2008.

3. Public Participation

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by 5pm the working day before the meeting. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

To register please contact the Democracy Officer for the meeting, on the details at the foot of this agenda.

4. Plans List

Members will consider a schedule of reports of the Assistant Director (Planning and Sustainable Development), relating to planning applications with an outline the proposals and relevant policy considerations and the views and advice of consultees and officers.

a) P Gowland Electrical Services, 18A Livingstone Street, York, YO26 4YJ (08/00731/FUL) (Pages 11 - 18)

First floor extension, alterations to elevations and change of use of from electrical store/office to two dwellings [*Holgate Ward*]

b) 7 Hazel Court, York, YO10 3DS (08/00475/FULM) (Pages 19 - 38)

Erection of 7 units for business, light industrial and storage distribution (B1, B2, and B8) uses with associated parking, service yard and landscaping (1190SQM) (Resubmission) [*Guildhall Ward*]

c) Knavesmire Glass, 88A South Bank Avenue, York YO23 1DP (08/00310/FULM) (Pages 39 - 50)

Erection of three storey building comprising 12 one bed apartments after demolition of warehouse (resubmission) [*Micklegate Ward*]

d) Hoek Van Mook, Main Street, Knapton York, YO26 6QG (08/00564/FUL) (Pages 51 - 58)

Erection of part two storey, part single storey detached dwelling following demolition of existing bungalow [*Rural West York Ward*]

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

Democracy Officer:

Name: Catherine Clarke

Contact Details:

- Telephone – (01904) 552030
- E-mail – catherine.clarke@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 are set out above.

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WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE**SITE VISITS****Friday 23rd May 2008****The bus for Members will leave from Memorial Gardens at 11.00am**

TIME (Approx)	SITE	ITEM
11.15	Hoek Van Mook, Main Street, Knapton	d
11.55	18a Livingstone Street	a

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- Review existing policies and assist in the development of new ones, as necessary; and
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City of York Council

Committee Minutes

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	29 APRIL 2008
PRESENT	COUNCILLORS B WATSON (CHAIR), SUE GALLOWAY (VICE-CHAIR), GALVIN, GILLIES, GUNNELL, HORTON, REID AND WALLER
APOLOGIES	COUNCILLOR SUNDERLAND
IN ATTENDANCE	COUNCILLORS BOWGETT AND CRISP

103. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
65 Moorgate	Councillors B Watson, Horton, Gillies, Gunnell & Waller.	As the recommendation was for refusal.
13 Bridge Street	Councillors B Watson, Horton, Gillies, Gunnell & Waller.	To familiarise Members with the site.
11 Melrose's Yard, Walmgate	Councillors B Watson, Horton, Gillies, Gunnell & Waller.	As objections had been received and the recommendation is to approve.

104. DECLARATIONS OF INTEREST

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

Councillor Gillies declared a personal non-prejudicial interest in Plans Item 4a (Corries Solicitors, 11 Melrose's Yard, Walmgate) as his daughter worked with the Drugs Action Team.

105. MINUTES

RESOLVED: That the minutes of the meetings held on 20th March 2008 and 1st April 2008 be approved and signed by the Chair as a correct record.

106. PUBLIC PARTICIPATION

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

107. 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.

107a Corries Solicitors, 11 Melrose's Yard, Walmgate, York, YO1 9XF (08/00518/FUL)

Members considered a full application, submitted by Crime Reduction Initiatives (CRI Limited) to use the premises for community daycare, clinical support, counselling and training and employment support in connection with substance misuse service (Class D1 use).

The case officer updated that an additional letter of objection had been received that raised the following concerns:

- The proposed offices would be in the middle of a residential area overlooked by quality apartments.
- There is already an amenity for offenders at Robinson Court.
- A new development for the homeless will be situated at Castle Mills Bridge.
- There is a children's nursery nearby.
- The Age Concern office is nearby.
- Walmgate Bar is the route for tourists.
- People will be put off visiting local businesses.
- The Police have worked hard to improve this area.

In addition the case officer reported that no objections had been received for the Highways Department.

Members asked the officer to clarify whether objections had been received from Age Concern and he confirmed that they had not.

Representations were received in support from the applicants. Their spokesperson explained that CRI was a voluntary organisation that worked with people receiving treatment for drug abuse. He confirmed that CRI would not be dispensing prescription drugs on this premises.

Members asked the applicant approximately how many people would visit the premises in one day and he responded it would be approximately 25. He was also asked whether there were any outstanding problems with neighbours of the current premises in Peckitt Street. He said that concerns had been raised by two residents who were not happy about the current location of CRI. He also commented that CRI was currently located near to the Law Courts. In relation to a question about CCTV coverage the applicant confirmed that Age Concern were happy for this to be installed. Discussions would be taking place with the Police Architectural Liaison Officer and local residents regarding siting of the cameras.

Members discussed the opening times of the facility and agreed that these should be amended so that the premises would close at 18:00 hours.

RESOLVED: That the application be approved subject to the conditions detailed in the report and the following amended condition:¹

Amended Condition 3

The use hereby permitted shall not be open outside the following hours:

Monday to Friday – 09:00 to 18:00

No opening on Saturdays and Sundays

Reason: In the interests of the amenity of surrounding occupants.

REASON: That the proposals, subject to the conditions detailed in the report and above, would not cause undue harm to interests of acknowledged importance, with particular reference to the loss of office space, amenity and safety and the character and appearance of the conservation area. As such the proposal complies with Policies E3b, GP3 and HE3 of the City of York Local Plan Deposit Draft.

Action Required

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

107b Express-O, 13 Bridge Street, York, YO1 6DA (08/00603/FUL)

Members considered a full application submitted by Ms Lydia Williams for change of use of 13 Bridge Street to a mixed use of restaurant (Class A3) and hot food take away (Class A5).

RESOLVED: That the application be approved subject to the conditions detailed in the report.¹

REASON: That the proposals, subject to the conditions detailed in the report would not cause undue harm to interests of acknowledged importance, with particular reference to the principle of the proposed use, residential amenity, highway safety and the character and appearance of the conservation area. As such the proposal complies with Policies S5, S6, S7 and HE3 of the City of York Local Plan Deposit Draft.

Action Required

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

107c Express-0, 13 Bridge Street, York, YO1 6DA (08/00594/FUL)

Members considered a full application submitted by Ms Lydia Williams for external alterations including a new entrance door following replacement of the existing door with window, north street frontage.

The case officer updated that the objection in relation to the external alterations was still unresolved and the justification for making a new side opening for level access was inadequate. He suggested that the original access in Bridge Street be retained if the unit was to be made into one. This would relate to the design of the listed building. The case officer therefore suggested refusing the application on the grounds that the proposed design would be harmful to the appearance of the listed building and the conservation area. Alternatively the Sub-Committee could delegate approval of the application to officers on receipt of satisfactorily amended plans.

It was also reported that the Environmental Protection Unit had no objections to the proposals.

RESOLVED: That the application be delegated to officers to approve subject to the receipt of satisfactorily amended plans.¹

REASON: That the proposals, subject to the conditions outlined in the report and the receipt of satisfactorily amended plans, would not cause undue harm to interests of acknowledged importance, with particular reference to the special historic interest of the listed building, the character and appearance of the conservation area and highway safety. As such the proposal complies with Policies GP16, HE3, HE4, HE6 of the City of York Local Plan Deposit Draft.

Action Required

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

107d Express-O, 13 Bridge Street, York, YO1 6DA (08/00595/LBC)

Members considered an application for Listed Building Consent submitted by Ms Lydia Williams for external alterations, including the re-siting of the entrance door following replacement of the existing door on North Street with a window and internal alterations including the removal of a partition wall.

RESOLVED: That the application be delegated to officers to approve subject to the receipt of satisfactorily amended plans.¹

REASON: That the proposals, subject to the conditions detailed in the report and the receipt of satisfactorily amended plans, would not cause undue harm to interests of

acknowledged importance, with particular reference to the special historic interest of the listed building. As such the proposal complies with Policies HE4 and HE6 of the City of York Local Plan Deposit Draft.

Action Required

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

107e 65 Moorgate, York, YO24 4HP (08/00301/FUL)

Members considered a full application, submitted by Mr R Wheller, for the erection of a two-storey roof side extension, single storey pitched roof front and rear extensions after the demolition of the existing garage and conservatory (resubmission).

Representations were received, in objection, from a neighbour who said that the proposed development would block the sunlight from his back garden, be over dominant in relation to the original property and substantially alter the street scene as no other property on Moorgate had been extended in this way.

Representations were received, in support, from a neighbour who felt that the proposed extension was an effective use of land and that Hobgate and Moorgate contained an interesting variety of properties.

Representations were also received, in support, from Councillor Crisp (Ward Councillor for Holgate) who said that the proposed extension would not be harmful enough to the street scene to warrant refusing the application.

Representations were received, in support, from the applicant who did not feel that the proposals would significantly harm the area. There were no established patterns of development in the area and the proposals would not detract from the amenity of neighbouring properties.

Members discussed the visual amenity of the surrounding area including whether the area could be said to be one that was characterised by spacious plots with clear gaps between dwellings. Some Members felt that a terracing effect would not be produced by building the proposed extension.

RESOLVED: That the application be approved subject to the following conditions:¹

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

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

2. The development hereby permitted shall be carried out only in accordance with the following plans:-
500:01, 500:02A
or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.
Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.
3. The materials to be used externally shall match those of the existing buildings in colour, size, shape and texture.
Reason: To achieve a visually acceptable development.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no door, window or other opening additional to those shown of the approved plans shall at any time be inserted in the side elevation of the extension.
Reason: In the interests of the amenities of occupants of adjacent residential properties.
5. The hours of construction, loading or unloading on the site shall be confined to 08:00 to 18:00 Monday to Friday, 09:00 to 13:00 Saturday and no working on Sundays or public holidays.
Reason: To protect the amenities of adjacent residents.

REASON: That the proposals, subject to the conditions detailed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the character and appearance of the street scene and residential amenity. As such the proposal complies with Policies GP1 and H7 of the City of York Development Control Local Plan.

Action Required

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

Councillor B Watson, Chair

[The meeting started at 12.00 pm and finished at 1.15 pm].

COMMITTEE REPORT

Committee: West/Centre Area
Date: 27 May 2008

Ward: Holgate
Parish: No Parish

Reference: 08/00731/FUL
Application at: P Gowland Electrical Services 18A Livingstone Street York YO26 4YJ
For: First floor extension, alterations to elevations and change of use of from electrical store/office to two dwellings
By: Mr Shaun Batchelor
Application Type: Full Application
Target Date: 10 June 2008

1.0 PROPOSAL

1.1 The application is for a first floor extension, alterations to elevations and a change of use of the electrical store/office to two dwellings

1.2 The application comes before committee at the request of Cllr. Simpson-Laing due to the lack of amenity space.

1.3 The building is presently being used as offices. The area is mainly residential with a mixture of terraces, semi-detached dwellings and flats.

1.4 The application differs from the withdrawn application in that two of the apartments have been removed. This application would include a first storey rear extension together with the conversion of the existing building to create 2 apartments. The application does not differ from the previous refused application.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

Floodzone 2 Flood Zone 2 CONF

Schools St. Barnabas' CE Primary 0224

2.2 Policies:

CYE3B

Existing and Proposed Employment Sites

CYGP1
Design

CYGP4A
Sustainability

CYL1C
Provision of New Open Space in Development

CYH3C
Mix of Dwellings on Housing Site

CYH4A
Housing Windfalls

3.0 CONSULTATIONS

3.1 PUBLICITY DATES/PERIODS

Neighbour Notification - Expires 12/05/2008

Site Notice - Expires 01/05/2008

Press Advert - N/A

Internal/External Consultations - Expires 12/05/2008

8 WEEK TARGET DATE 10/06/2008

3.2 INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT - No objections

- Covered and secure cycle storage is required and should be secured via condition

LIFELONG LEARNING AND LEISURE - No comments received at the time of writing

ENVIRONMENTAL PROTECTION UNIT - No comments received at the time of writing

CITY DEVELOPMENT - No comments received at the time of writing

3.3 EXTERNAL CONSULTATIONS/REPRESENTATIONS

None received at the time of writing

4.0 APPRAISAL

4.1 RELEVANT SITE HISTORY

07/02512/FUL - First floor extension, alterations to elevations and conversion of workshop into 2 no. apartments (resubmission) - Refused

- The Local Planning Authority considers that the proposed use would lead to a loss of office accommodation and it has not been demonstrated that the office space is surplus to requirements and that alternative similar facilities are available. As such the proposal would be harmful to the local economy, contrary to the objectives of the City of York Draft Local Plan which seeks to stimulate the local economy, provide employment opportunities and deliver sustainable employment premises and in particular policy E3 which seeks to retain employment sites.

07/01703/FUL - Conversion of workshop and erection of two storey building to form 4 no. apartments - Withdrawn

4.2 ADDITIONAL PLANNING POLICY

Planning Policy Statement 1 - Delivering Sustainable Development
Planning Policy Statement 3 - Housing

4.3 KEY ISSUES

1. Visual impact on the building and the area
2. Impact on neighbouring property

4.4 ASSESSMENT

PLANNING POLICY

4.4.1 Policy GP1 'Design' of the City of York Council Development Control Local Plan includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.4.2 Policy GP4a 'Sustainability' of the City of York Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development. Development should: provide details setting out the accessibility of the site by means other than the car and, where the type and size of development requires, be within 400metres walk of a frequent public transport route and easily accessible for pedestrians and cyclists; contribute towards meeting the social needs of communities within the City of York and to safe and socially inclusive environments; maintain and increase the economic prosperity and diversity of the City of York and maximize employment opportunities; be of a high quality design, with the aim of conserving and enhancing the local character and distinctiveness of the City; minimize the use of non-renewable resources, re-use materials already on the development site, and seek to make use of grey water systems both during

construction and throughout the use of development. Any waste generated through the development should be managed safely, recycled and/or reused. The 'whole life' costs of the materials should be considered; minimize pollution, including that relating to air, water, land, light and noise; conserve and enhance natural areas and landscape features, provide both formal and informal open space, wildlife area and room for trees to reach full growth; maximize the use of renewable resources on development sites and seek to make use of renewable energy sources; and make adequate provision for the storage and collection of refuse and recycling.

4.4.3 Policy H4a 'Housing Windfalls' of the CYCDCLP states that permission will be granted for new housing development on land within the urban area providing: it is vacant/derelict/underused or involves infilling, redevelopment or conversion; has good access to jobs, shops and services by non-car modes; and, is of an appropriate scale and density to surrounding development and would not have a detrimental impact on existing landscape features.

4.4.4 Policy L1c requires that all housing sites make provision for the open space needs of future occupiers. For sites of less than 10 dwellings a commuted payment will be required towards off site provision.

4.4.5 Policy E3b 'Existing and Proposed Employment Sites' states that the standard employment sites identified in schedule 2 and any other sites or premises either currently or previously in employment use, will be retained within their current use class. Planning permission for other uses will only be given where: there is sufficient supply of employment land to meet both immediate and longer term requirements over the plan period in both quantitative and qualitative terms; unacceptable environmental problems exist; the development of the site for other appropriate uses will lead to significant benefits to the local economy; and the use is ancillary to employment use.

VISUAL IMPACT ON THE BUILDING AND THE AREA

4.4.6 The reduction in bulk and mass from the previous withdrawn application has reduced the potential loss of light and overshadowing to 65 and 66 Hanover Street West and any impact it may have on these dwellings is considered to be minimal. The impact on the streetscape of the first storey extension is not considered to have a harmful impact. It would create a large blank frontage along the back lane but it is not considered to be significant enough to warrant refusal.

4.4.7 The proposal would have a large walled yard to the rear for the cycle storage and refuse bin storage.

CONVERSION OF BUILDING

4.4.8 The site is presently in use as offices and storage. The building has a sign on the side elevation and signs internally advertising the business within.

4.4.9 The proposed use would take the site out of class B1 and into class C3 of the use classes order. As such the proposal is required to meet the criteria of policy E3b, which seeks to retain employment sites in their present use, unless it can be

demonstrated alternative sites are available, and one of points listed in 4.4.5 are met. The applicant has not demonstrated that there is sufficient supply of employment land to meet both immediate and longer term requirements at the time of writing this report.

4.4.10 H3c states that a mix of new house types, sizes and tenures will be required on all new residential development. The Council's Strategic Housing Market Assessment study reveals a demand for a range of dwelling sizes, with 21% looking for 1 bed, 29% for 2 bed, 29% for 3 bed, and 21% for 4 bedrooms. Over 60% of households are looking for houses rather than flats.

4.4.11 The proposal is the conversion of a single building into 2 x one bedroom flats. Given the size of the site, it would only be expected that a single dwelling or flats could be accommodated on it. In comparison to a dwelling the amount of units proposed makes more effective use of the land and a larger contribution toward delivering the dwellings required across the city. There is no objection to the mix of dwelling size proposed because of the limited size of the application site. Although the flats are small and would be rather cramped, there is no policy that sets a minimum size standard, therefore refusal on such grounds could not be sustained.

IMPACT ON NEIGHBOURING PROPERTY

4.4.12 The first floor extension would cause an element of enclosure to 18 Livingstone Street and 61 - 68 Hanover Street West but is not considered to cause significant harm. It is not considered to cause overshadowing or loss of light to the surrounding dwellings. There are no windows in the side elevation of the proposed extension facing 18 Livingstone Street or Hanover Street West. The additional windows would be in the proposed rear elevation where it is considered will have limited impact, they are not considered to cause overlooking or loss of privacy.

SUSTAINABILITY

4.4.13 The dwelling is close to the city centre and close to public transport links.

4.4.14 No sustainability statement has been submitted.

5.0 CONCLUSION

5.1 The proposed development by virtue of lack of supporting evidence is contrary to policy E3b in that it entails the loss of an employment site. Refusal is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The Local Planning Authority considers that the proposed use would lead to a loss of office accommodation and it has not been demonstrated that the office space is surplus to requirements and that alternative similar facilities are available. As such the proposal would be harmful to the local economy, contrary to the objectives of the City of York Draft Local Plan which seeks to stimulate the local economy, provide employment opportunities and deliver sustainable employment premises and in particular policy E3b which seeks to retain employment sites.

7.0 INFORMATIVES:

Contact details:

Author: Victoria Bell Development Control Officer

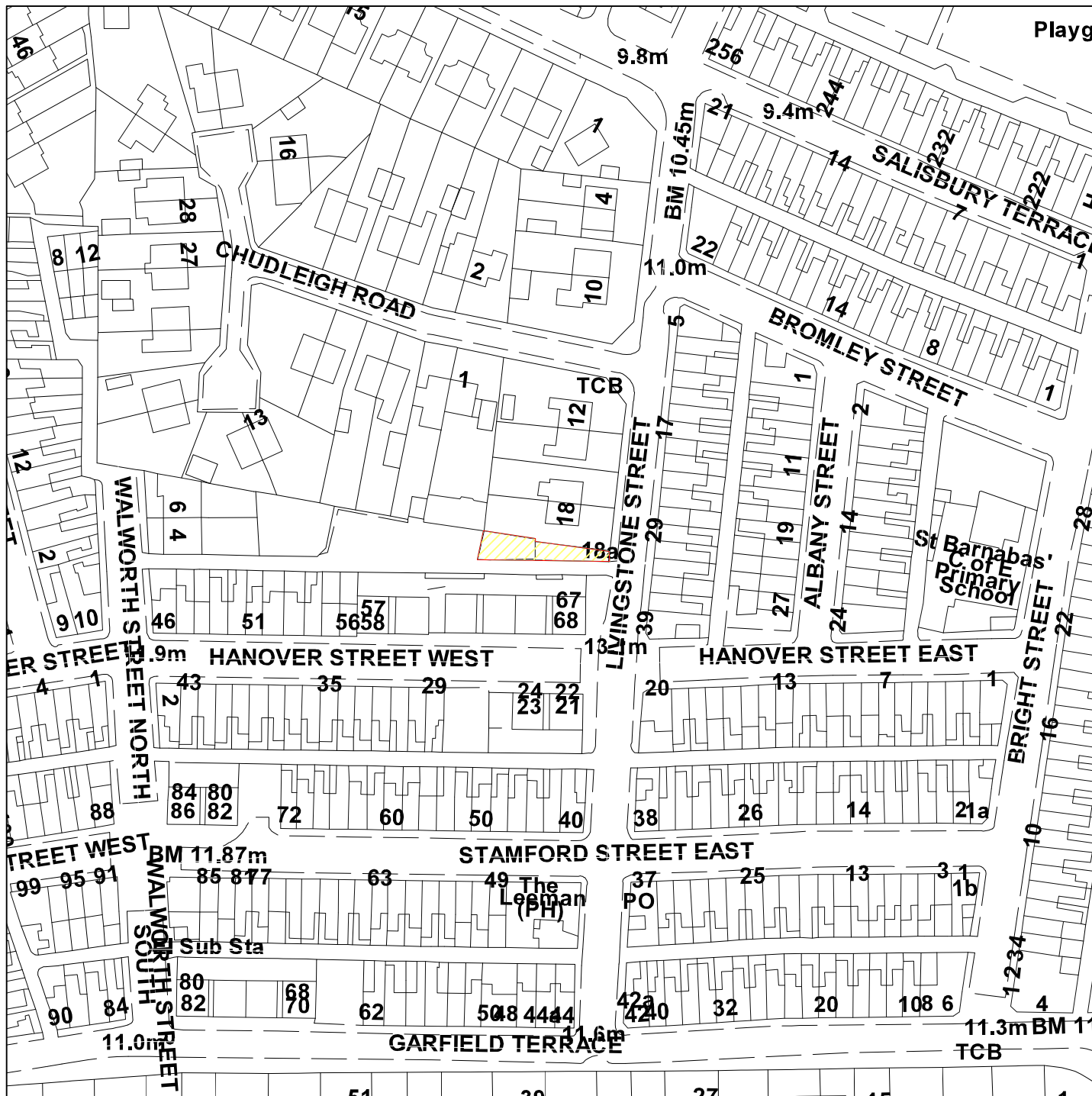
Tel No: 01904 551347

18A Livingstone Street, YO26 4YJ

08/00731/FUL



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	14 May 2008
SLA Number	Not set

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COMMITTEE REPORT

Committee: West/Centre Area
Date: 27 May 2008

Ward: Guildhall
Parish: Guildhall Planning Panel

Reference: 08/00475/FULM
Application at: 7 Hazel Court York YO10 3DS
For: Erection of 7no. units for business, light industrial and storage distribution (B1, B2, and B8) uses with associated parking, service yard and landscaping (1190SQM) (Resubmission)
By: Yorvale Properties Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 29 May 2008

1.0 PROPOSAL

1.1 The application is for the erection of 7 no. units for business, light industrial and storage distribution (B1, B2, and B8) uses with associated parking, service yard and landscaping (1190sqm) (resubmission).

1.2 The site is presently an open piece of land; the surrounding area is predominantly industrial units although there is residential to the north of the site approx 130 metres away. The Tang Hall Beck runs to north of the site (classified as open space).

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

2.2 Policies:

CYE4
 Employment devt on unallocated land

CYSP6
 Location strategy

CYSP7A

The sequential approach to development

CYGP1
Design

CYGP4A
Sustainability

CYGP6
Contaminated land

CYGP15
Protection from flooding

CYT20
Planning agreements

3.0 CONSULTATIONS

3.1 PUBLICITY DATES/PERIODS

Neighbour Notification - Expires 01/04/2008
Site Notice - Expires 10/04/2008
Press Advert - Expires 02/04/2008
Internal/External Consultations - Expires 27/03/2008

13 WEEK TARGET DATE 29/05/2008

3.2 INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT

- Cycle storage is to be one per unit. This is adequate for B8 use only; the recommended minimum numbers for B1 and B2 range from 2 to 4 depending upon the size of the units
- On-site car parking levels equate to approximately only 2 spaces per unit. The recommended maximum levels per individual unit range from one to five spaces depending upon the units size and use class
- No specific end users are identified at this time. It seems logical therefore to cater for all contingencies including staff, visitors and customers then, despite minimum standards being met it must be assumed that there is a possibility of associated vehicles being parked outside of the site and within Hazel Court.
- There is already a tendency for vehicles associated with other users in Hazel Court to park outside of their respective sites, therefore to ensure that the entrance to this site is maintained clear particularly for use by commercial vehicles then it is our intention to introduce Traffic Regulations measures to restrict on street parking in the vicinity of the site.
- Traffic Regulation measures will be sought as a direct consequence of the approval of this proposed development then it is proper that contributions from the applicant should be sought towards the costs of introducing such measures

- There are no associated staffing numbers. It is thought probable that the staff numbers will be sufficient to warrant a Travel Plan being submitted in support of the application. The development is not large enough to warrant a transport assessment.

LANDSCAPE ARCHITECT

- This development should not impact on the edge of St Nicholas Fields. Cannot quite ascertain from the drawings (there is no site survey) where the site boundary is in relation to the vegetation (namely a line of Hawthorns) along the northern site boundary. It is important that the site fencing is installed to the rear of the spread of these Hawthorn trees/shrubs in order to retain as much of the natural environment and screening as possible, which should then be supplemented with native planting within the site boundary to blur the division between the two.

- In the 'Design and Access Statement' under 'Layout and Landscaping' not sure why the applicant feels that a cycle route would preclude additional planting along the eastern boundary. A line of clear-stemmed trees and a low hedge (i.e. with security in mind) should be planted along this boundary.

- Under policy L1 c there should be some degree of amenity space for staff to sit out in.

- In the temporary absence of a Sustainability Officer, this appears to be an ideal roof situation for rainwater harvesting (e.g. for toilet use), or for a green roof, especially in light of its proximity to the Eco depot and St Nicholas fields 'nature reserve'. There is now supplementary planning guidance available to support this requirement. There is also the potential for some micro-regeneration, especially solar power.

COUNTRYSIDE OFFICER - The landscape is limited to the rear boundary, adjacent to the Tang Hall Beck with the buildings butting right up against the route retained for a cycle path. This leaves the route constrained and limited in its value as an attractive route whilst buffering an already vegetated area. It would be better to reduce the area of planting at the back and provide a more attractive boundary to the cycle route. This would also integrate the industrial estate better into the Tang Hall Beck corridor and the St Nicholas Field Local Nature Reserve

DRAINAGE

- The development is shown on the EA's Flood Risk Maps to be in medium risk Zone 2, and high risk Zone 3. However, the submitted FRA provides details to show that the EA's flood mapping is inaccurate at this location and the site will not suffer from river flooding.

- The principle of attenuation of surface water flows is acceptable, however object to the proposed development on the grounds of excessive surface water discharge rate

-The proposed surface water run-off will require attenuation to a maximum discharge rate of 4.3 l/s, controlled by a flow attenuation device (e.g. HydroBrake or similar), as Tang Hall Beck has insufficient capacity to accept additional flows. The site currently has no positive drainage, but it is accepted that a discharge from the site would have been established at outline planning stage.

- The permitted discharge for the Council's nearby Hazel Court Waste Recycling Centre was 8 l/s, based on an area of 0.56Ha. Therefore, pro-rata, this site equates to $(0.30/0.56)*8 = 4.3$ l/s

The objection was removed, the applicant agreed to restrict surface water run off to 4.3 litres per second

- Confirmed in Flood Zone 1
- Tank storage should be sized to accommodate a 1:30 year storm, with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm return period
- Conditions relating to full details of storage tank and flow control device submitted prior to commencement of development

CITY DEVELOPMENT

- The applicant has not submitted information applying a sequential test
- The proposed site is within flood zones 2 and 3B. The City of York Council's Strategic Flood Risk Assessment states that in Zone 2 industrial development is appropriate, however within zone 3B (functional floodplain), development would not be permitted.
- More information is requested regarding the sustainability statement. It is clear that the applicant has referred to the Interim Planning Statement and that the development would fall under Large Scale Commercial development section, no reference has been made to undertaking a BREEAM assessment.

Later confirmed that the sequential test for the B1 use (agent confirmed that it would not be used as offices) and the PPS25 sequential test are no longer required.

ENVIRONMENTAL PROTECTION UNIT - No objections

- Conditions requiring a desktop study, site investigation and gas monitoring must be attached.
- Although the site is 150m away from the nearest residential unit, the applicants must provide a noise survey to establish what the current background noise levels are and what measures they would put in place if the noise levels were to rise unacceptably during night time periods due to their desire for 24x7 working hours.
- Recommend that forklift trucks with conventional reversing beepers are not used between 7pm to 7am, as the sound has been shown to carry for long distances and could seriously affect the amenity of nearby residents.
- Recommend that a condition is attached regarding the type of plant and equipment that may be installed in the units to ensure that sound levels from the site do not creep upwards and to prevent background levels from increasing to unacceptable levels, within the World Health Organisation Guidelines, that affect local residents.
- As the site is upon made ground there will be a need for piled foundations and conditions should therefore be attached to reduce noise and vibration affects on the occupiers of nearby premises during the construction phase.
- Piling may create pathways for any landfill gases in the vicinity as well as endangering nearby aquifers.
- The issue of lighting should also be considered if there is to be night time working, to ensure that excessive glare does not affect the amenity of local residents.

3.3 EXTERNAL CONSULTATIONS/REPRESENTATIONS

GUILDHALL PLANNING PANEL - No objections

POLICE ARCHITECTURAL LIAISON OFFICER - No objections

ENVIRONMENT AGENCY

- The Agency originally objected to this planning proposal on the grounds of insufficient information contained within the FRA. The Agency has reviewed the updated FRA and considers the FRA as acceptable subject to conditions regarding a scheme for the provision and implementation of surface water run-off limitation, increase in floor levels, and two informative regarding written consent from the agency and maintenance of the watercourse.

- The site is within a former industrial area; it overlies a major aquifer and is close to a river. The application does not include a preliminary contaminated land risk assessment. The Agency therefore objects to the proposed development, as there is insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable. Two strands to this objection (1) the application fails to provide assurance that the risks of pollution are understood, as a preliminary risk assessment (including a desk study, conceptual model and initial assessment of risk) has not been provided. PPS23 takes a precautionary approach. It requires a popper assessment whenever there might be a risk, not only where the risk is known. (2) Under PPS23, the application should not be determined until information is provided to the satisfaction of the Local Planning Authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures.

Objection was removed after the contaminated land risk assessment was submitted subject to conditions regarding further details: a preliminary risk assessment, site investigation scheme, options appraisal, remediation strategy, and verification plan. Piling and foundation designed, contamination found during construction. Informative regarding risk management framework and land contamination reports and contaminated soils.

-Confirmed the site was within Flood Zone 2 and 3b, flood zone maps are updated every 3/4 months

4.0 APPRAISAL

4.1 RELEVANT SITE HISTORY

07/02167/FULM - Erection of 7 no. units for business, light industrial and storage distribution (B1, B2, and B8) uses with associated parking, service yard and landscaping (1190sqm) - Withdrawn

7/010/04424E/GRG - New access road to serve future light industrial estate - Approved

7/010/04424D/GRG - Outline application for business (B1), general industrial (B2) and storage and distribution (B8) uses - Approved

7/10//4424C/DP - Formation of Nature Park - Approved

7/10/4424B/DP - Depositing of sub soil for earth mounds in connection with a proposed nature park - Approved

7/10/4424A/PA - Erection of plant and machinery for the production of ready mixed concrete - Refuse

- The proposed plant and machinery by virtue of its appearance and prominent position in an area where environmental improvement and rejuvenation is taking place would be detrimental to the visual amenities of the area and to its emerging character.

7/00/4424/DP - Roads, sewers and associated land reclamation works in connection with the industrial development of land at St Nicholas - Approved

4.2 ADDITIONAL PLANNING POLICY

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Guidance 4: Industrial, commercial development and small firms

Planning Policy Statement 25: Development and Flood Risk

City of York Strategic Flood Risk Assessment, 2007

4.3 KEY ISSUES

1. Appearance of the development
2. Drainage
3. Impact on highway safety

4.4 ASSESSMENT

PLANNING POLICY

4.4.1 Policy SP6 'Location Strategy' of the City of York Council Development Control Local Plan (2005) states that development will be concentrated on brownfield land within the built up area of the City and Urban extensions, followed by surrounding settlements and selected existing and proposed public transport corridors. Outside defined settlement limits, planning permission will only be given development appropriate to the Green Belt or the open countryside.

4.4.2 Policy SP7a 'The Sequential Approach to Development' in the City of York Council Development Control Local Plan (2005) states that to ensure development outside York City Centre is highly accessible by non-car modes of transport, a sequential approach will be taken in assessing planning applications for new retail, commercial, leisure and office development. Planning permission will be granted for new retail, leisure and office development over 400 m² floor space (net) in accordance with the following hierarchy:

- (a) The defined Central Shopping Area for retail and York City Centre for leisure and office; then in
- (b) Edge of City Centre sites or Acomb or Haxby District Centre, where it can be demonstrated that all potential City Centre locations have been assessed and are incapable of meeting the development requirements of the proposal; then in
- (c) Other out of centre locations genuinely accessible by a wide choice of means of transport, where it can be demonstrated that criterion (a) and (b) locations have been assessed and are incapable of meeting the development requirements of the proposal.

4.4.3 Policy E4 'Employment development on Unallocated Land' in the City of York Council Development Control Local Plan (2005) states that within defined settlement limits, planning permission will be granted for employment use of a scale and design appropriate to the locality where: the site is vacant, derelict or underused or it involves infilling, extension, redevelopment or conversion of existing buildings.

4.4.4 Policy GP1 'Design' of the City of York Council Development Control Local Plan includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.4.5 Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development. Development should: provide details setting out the accessibility of the site by means other than the car and, where the type and size of development requires, be within 400 metres walk of a frequent public transport route and easily accessible for pedestrians and cyclists; contribute towards meeting the social needs of communities within the City of York and to safe and socially inclusive environments; maintain and increase the economic prosperity and diversity of the City of York and maximize employment opportunities; be of a high quality design, with the aim of conserving and enhancing the local character and distinctiveness of the City; minimize the use of non-renewable resources, re-use materials already on the development site, and seek to make use of grey water systems both during construction and throughout the use of development. Any waste generated through the development should be managed safely, recycled and/or reused. The 'whole life' costs of the materials should be considered; minimize pollution, including that relating to air, water, land, light and noise; conserve and enhance natural areas and landscape features, provide both formal and informal open space, wildlife area and room for trees to reach full growth; maximize the use of renewable resources on development sites and seek to make use of renewable energy sources; and make adequate provision for the storage and collection of refuse and recycling.

4.4.6 Policy GP6 'Contaminated Land' in the City of York Council Development Control Local Plan (2005) states that planning applications for development on, or adjacent to, land which may have been contaminated by a previous use should, as a minimum include a preliminary assessment (desk study) of the potential for contamination. The assessment should consider the potential impacts on all receptors as detailed in Part II A of the Environment Protection Act 1990. Should this preliminary assessment indicate the potential for contamination, a more detailed site investigation should be submitted prior to determination of the application. This should be undertaken in line with the British Standards BS 10175: 'Investigation of potentially Contaminated Sites: Code of Practice'. This assessment should assess

risks to the environment and human health and establish remediation objectives for the site. Planning conditions will normally be used to secure site remediation and where appropriate post remediation monitoring and validation, for sites affected by contamination.

4.4.7 Policy GP15a 'Development and Flood Risk' in the City of York Council Development Control Local Plan (2005) states that there will be a presumption against built development (except for essential infrastructure) within the functional floodplain outside existing settlement limits. Proposals for new development on previously undeveloped land outside defined settlement limits will only be granted where it can be demonstrated that the development will not result in the net loss of floodplain storage capacity, not impede water flows and not increase flood risk elsewhere. All applications in the low to medium risk or high risk areas should submit a Flood Risk Assessment (FRA) providing an assessment of additional risk arising from the proposal and the measures proposed to deal with these effects.

APPEARANCE OF THE DEVELOPMENT

4.4.8 The proposed units are set in two blocks parallel to each other set at a 90 degree angle to the road. The larger block along the west boundary of the site would measure 53.6 metres in length, 15.4 metres in width, and 7.3 metres in height including a shallow mono pitch. There are four units in this block; Unit 1 is 234.1 square metres in area, Units 2 and 3 152.8 square metres, and Unit 4 190.3 square metres. The front elevation of the block has variation in the frontage such as variation in colour of the cladding, roller shutters, pedestrian access doors with canopies and windows. The rear elevation, which would be visible when travelling along Hazel Court is, has little visual interest, with nothing breaking the singular colour cladding and this emphasises the blandness of the elevation. There is an empty plot adjacent to the site, a bulk construction materials plant has been approved on this site (06/01892/FUL) and this would provide an element of screening of the rear elevation.

4.4.9 Units 5 to 7 create a smaller block along the eastern boundary of the site measuring 34.2 metres in length, 15.4 metres in width, and 7.3 metres in height. Unit 5 is 175.9 square metres in area, Unit 6 is 141.6 square metres, and Unit 7 is 142.5 square metres. The units are of the same design as the larger block. The large blank rear elevation faces the office block and car park at the eco depot. The two blocks have the standard appearance of industrial units similar to others in the area. By virtue of the number and scale of the units on the site, the proposal would appear a little cramped especially when seen in context with the surrounding units which have more space around them than the proposed. It would have been preferred to have a proposal that was more architecturally individual on this site especially when viewed in relation to some of the distinctive architecture on the CYC eco depot site this in itself is not considered to be a reason for refusal by virtue of the examples of similar developments in the area.

FLOODING AND DRAINAGE

4.4.10 There is some ambiguity as to which flood risk zone the site lies within. The site has been built up in height recently and the York Consultancy (Drainage) state

that it is within a flood zone 1 while the Environment Agency have confirmed that the site is within Flood Zone 2 and 3b (functional floodplain). The use is described in PPS25 as a 'less vulnerable use' however as part of the site is within Flood Zone 3b development is deemed not appropriate. The Flood Risk Assessment submitted by the agent only discusses Flood Zone 2. Despite this omission by the agent the Environment Agency do not have concerns regarding the submitted FRA and do not require a sequential test in line with PPS25.

4.4.11 There was some concern from the York Consultancy (Drainage) regarding excessive surface water discharge however the agent has confirmed that they would restrict the discharge rate to 4.3 litres per second and York Consultancy (Drainage) has removed their objection subject to a condition requesting full details of the storage tank and the flow control device prior to construction.

4.4.12 The Environment Agency had concerns regarding contaminated land and groundwater however just prior to the writing of this report a contaminated land risk assessment was submitted which the EA has accepted and have withdrawn their original objection subject to conditions requesting for additional information prior to commencement on site.

IMPACT ON HIGHWAY SAFETY

4.4.13 There is an existing problem with parking on Hazel Court and therefore to ensure the entrance of the site is clear Highways Network Management would like to introduce traffic regulation measures as a direct consequence of this development and therefore a contribution would be sought from the developer. From guidance obtained by Highways Network Management this is not something that would be conditioned as part of this planning application but would be a separate agreement with that department. The agent has expressed concern regarding the issue of a contribution.

4.4.14 As the application is speculative there are no indication of staff numbers. Sixteen parking spaces have been provided two of these are for the disabled, however it is probable that the staff levels would be sufficient to warrant a Travel Plan.

4.4.15 A B2 (General Industry) and B8 (Storage and Distribution) use in this scale of unit generally have a lower staff level than a B1 (Business) use would. The site is near the centre of town and public transport links but as can be seen at present there is an existing problem with parking and a B1 use would be likely to encourage more vehicle parking than a B2 or B8 use. It is considered that a condition could be placed on a planning permission removing the B1(a) use - an (office) and this may help to reduce potential parking issues. The agent has confirmed that it is not their intention for the site to be used as offices and they have not submitted a B1 (a) office sequential test.

LANDSCAPING

4.4.16 The countryside officer has concerns regarding the landscaping along the northern boundary, as this would abut a proposed cycle path. There is minimal

landscaping shown in the submitted plans and it is considered that further details could be requested as conditions. There is also some ambiguity regarding boundary treatment and it is considered requesting further details of this fencing, as part of a condition would be prudent.

IMPACT ON NEARBY RESIDENTS

4.4.17 There is some concern regarding potential disturbance to nearby residents and the Environmental Protection Unit has requested a noise survey as the units are proposed for a 24 hour 7 days a week. EPU have also requested that forklift trucks using conventional beepers are not used between 7pm and 7am which is considered to be an appropriate condition. Light spillage from external lighting is also considered to be prudent to condition so no neighbours are disturbed by excessive lighting and glare.

SUSTAINABLE FEATURES

4.4.18 The sustainability statement submitted has stated that no sustainable features or renewable energy would be incorporated into the design, however this on its own is not a reason for refusal.

5.0 CONCLUSION

5.1 The proposal is considered to be acceptable on this site. On the basis of the below conditions it is not considered to impact on residential amenity of nearby residents. It is in keeping with the visual character of the surrounding area. Approval is recommended.

6.0 RECOMMENDATION: Approve

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

Drawing Number 003 Revision F received 28 February 2008
Drawing Number 004 Revision G received 28 February 2008
Drawing Number 005 Revision D received 28 February 2008;

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.

2 TIME2 Development start within three years

3 VISQ8 Samples of exterior materials to be app

4 A desk study shall be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on the site. This shall include a site description and a site walkover and shall be submitted to and approved by the local planning authority prior to development commencing at the site.

Informative: This should where possible date back to 1800.

Reason: To protect the amenity and health and safety of neighbouring residents and the wider environment.

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

Reason: To protect the amenity and health and safety of neighbouring residents and the wider environment.

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

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

Reason: To protect the amenity and health and safety of neighbouring residents and the wider environment.

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

Reason: To protect the amenity and health and safety of neighbouring residents and the wider environment.

8 Any contamination detected during site works that has not been considered within the remedial strategy shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development at the site.

Reason: To protect the amenity and health and safety of neighbouring residents and the wider environment and to protect controlled waters .

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

Reason: To protect the amenity and health and safety of neighbouring residents and

the wider environment.

10 Prior to the commencement of development hereby approved, gas monitoring shall be carried out to the satisfaction of the local planning authority, to consider the effect of any landfill gas generation and migration.

Reason: For the protection of property and human health.

11 Based on information from the gas monitoring, proposals for landfill gas protection systems to be included in the development shall be submitted to and approved by the local planning authority prior to the commencement of development.

Reason: For the protection of property and human health.

12 A scheme to prevent the introduction of preferential pathways through foundation design and construction shall be submitted in writing to and approved by the local planning authority prior to the commencement of works on site. This scheme should have due regard for the Environment Agency guidance document report NC/99/73: Piling and penetrative ground improvement methods on land affected by contamination.

Reason: To protect the amenity and health and safety of neighbouring residents and the wider environment.

13 A scheme of mitigation measures necessary to adequately protect the amenity of local residents from light intrusion shall be submitted in writing to the Local Planning Authority for approval prior to development. The approved mitigation measures must be fully installed prior to the use hereby permitted. The scheme should include:

- a) A contour map showing illumination spill beyond the site boundary measured in lux in the horizontal plane.
- b) The main beam angle of each light source.
- c) The uniformity ratio in respect of the lighting.
- d) The level of illuminance measured in lux, in the vertical plane at the windows of the nearest residential properties facing the site.
- e) The height of any lighting stanchions.

Reason: To protect the amenity of local residents.

14 A noise impact assessment shall be undertaken to establish the background noise levels at the boundary of the site of the proposed development during daytime and night time periods prior to the development commencing. The assessment should also establish what the combined noise levels are likely to be from various plant and equipment, plus noise from estimated vehicle movements including any fork lift trucks, and what effect the noise will have on the background noise levels. The results should be compared to the World Health Organisation guidelines for noise in residential properties. Once the assessment has been completed a copy of the report, including proposals for noise attenuation should be submitted to the local planning authority for approval prior to occupation of the units.

Reason: to protect the amenity of local residents.

15 Details of all machinery, plant and equipment to be installed in the proposed premises, which is audible outside the site boundary, and the proposed noise mitigation measures, shall be submitted to the local planning authority. These details shall include maximum (L_{Amax}(f)) and average (L_{Aeq}) sound levels (A weighted), and octave band noise levels they produce. 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 appropriately maintained thereafter.

Reason: to protect the amenity of occupiers of nearby buildings.

16 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

17 No development approved by this permission shall commence until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

Reason: To prevent the increased risk of flooding.

18 Floor levels should be set at 600mm above the modelled 1 in 100 year flood level of 10.53 metres above Ordnance Datum.

Reason: To protect the development from flooding.

19 Prior to the occupation of the site, a heads of terms agreement to be included in a future company travel plan shall be submitted and approved in writing by the Local Planning Authority. The heads of terms agreement shall include those measures that will be carried out by the occupier to reduce dependence on the private car and encourage sustainable means of travel to and from the site.

- Within 6 months of occupation of the site a full company travel plan developed and implemented with national guidance and guidance currently published by the City of York Council shall have been submitted and approved in writing by the Local Planning Authority.

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

Reason: To ensure the development complies with advice contained in PPG 13 - Transport, and in Policy T20 of the City of York deposit Draft Local Plan (2005), and to ensure that adequate provision is made for the movement of vehicles, pedestrians, cycles and other modes of transport to and from the site, together with provision of parking on site for these users.

20 HWAY10 Vehicular areas surfaced, details reqd

21 HWAY18 Cycle parking details to be agreed

22 HWAY19 Car and cycle parking laid out

23 HWAY22 Internal turning areas, details reqd

24 HWAY31 No mud on highway during construction

25 Before commencement on site full details of the storage tank and the flow control device should be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding.

26 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect controlled waters

27 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.

28 No raw materials, finished or unfinished products or parts, crates, materials, waste, refuse, or overnight/weekend storage of vehicles or any other item shall be stacked or stored outside any building on the site.

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

29 There shall be no retail sales including ancillary retailing (as defined in Class A1 of the Town and Country Planning (Use Classes Order 1987)) from the development hereby approved without the express permission of the Local Planning

Authority following receipt of a planning application in that respect.

Reason: This site and locality is not appropriate for commercial retail activity by virtue of its potential traffic and parking impact.

30 The proposed units shall only be used for purposes set out in Use Class B1 (b), B1 (c), B2, and B8 in the Schedule of the Town and Country Planning (Use Classes) Order 1987.

Reason: By virtue of the potential traffic and parking impact.

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 the residential amenity of the neighbours, the visual amenity of the units and the locality, and highway safety. As such, the proposal complies with Policies SP6, SP7a, SP10, GP1, GP6, and GP15a of the City of York Development Control Local Plan (2005).

2. Contaminated Materials

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. Demolition and Construction

The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

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

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

b. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of

practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

c. All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

d. The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

e. All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

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

4. Environment Agency Consent

Under the terms of the Water Resources Act 1991 and the Land Drainage By-laws the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the Tang Hall Beck, designated a 'main river'

5. Maintenance of Watercourse

Under the Water Resources Act 1991 and The Land Drainage Act 1991 both the Environment Agency and the Local Authority have permissive powers to maintain watercourses. Their jurisdiction depends on the Watercourse designation as 'Main River' or 'Ordinary Watercourse'. However, responsibility for the general maintenance of the watercourse and their banks, rest with riparian owners.

6. Consent for Highway Works

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

7. Environment Agency Informative

The Environment Agency recommends that developers should:

1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.

2) Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.

- 3) Refer to our website at www.environment-agency.gov.uk for more information.
8. Environment Agency Informative

The recovery, treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires a Waste Management Licence or Pollution Prevention and Control permit.

Treatment of contaminated soil by mobile plant requires a mobile treatment licence. Soil may be re-used on-site as part of a soil recovery operation by registering a waste management licence exemption with the Environment Agency or by obtaining a Waste Management Licence.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

It is recommended that developers should refer to the Environment Agency's:

- remediation position statements outlining its regulatory position on remediation processes
- guidance on the Definition of Waste: developing greenfield and brownfield sites for assisting those involved with construction work in deciding whether or not they are handling waste.
- website at www.environment-agency.gov.uk for further guidance.

Contact details:

Author: Victoria Bell Development Control Officer
Tel No: 01904 551347

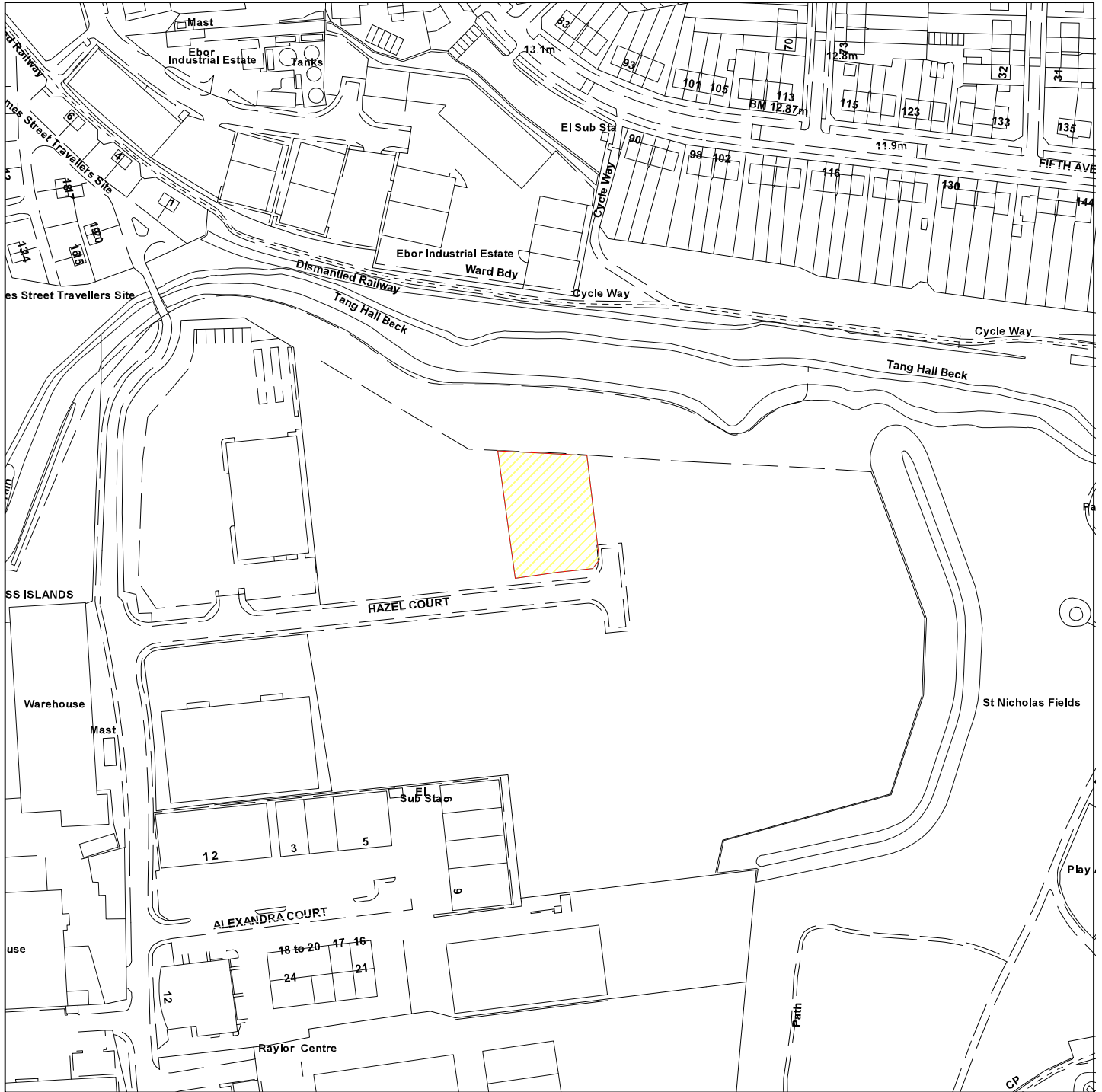
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7 Hazel Court, YO10 3ds

08/00475/FULM



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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	14 May 2008
SLA Number	Not set

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COMMITTEE REPORT**Committee:** West/Centre Area**Ward:** Micklegate**Date:** 27 May 2008**Parish:** Micklegate Planning Panel**Reference:** 08/00310/FULM**Application at:** Knavesmire Glass 88A South Bank Avenue York YO23 1DP**For:** Erection of three storey building comprising 12 no. 1 bed apartments after demolition of warehouse (resubmission)**By:** Mr K Marsden**Application Type:** Major Full Application (13 weeks)**Target Date:** 29 May 2008**1.0 PROPOSAL**

1.1 This application relates to the demolition of the existing commercial unit (a former mission chapel) and its replacement with a building containing 3 floors of accommodation in the form of 12 no. 1 bedroom flats. The ground floor flats are provided at a semi-basement level on the front elevation and the third floor of accommodation is provided within the roof space of the building. 12 secure cycle spaces are provided with a limited amount of hard surfaced area to the rear of the site.

1.2 An application (05/02584/FUL) was submitted in 2005 for the demolition of the existing building and its replacement with 8 apartments with 5 on site car parking spaces. The application was withdrawn early in 2006 before it was determined.

1.3 An application, identical to the current one, (07/02153/FUL) was submitted in 2007 to demolish the existing building and to erect a building containing 12 no. 1 bed roomed flats set over 3 floors. 12 secure cycle spaces were to be provided with a limited amount of hard standing to the rear of the building. This application was withdrawn in December 2007.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

2.2 Policies:

CYGP1

Design

CYGP4A
Sustainability

CYH2A
Affordable Housing

CYH3C
Mix of Dwellings on Housing Site

CYE3B
Existing and Proposed Employment Sites

CYT4
Cycle parking standards

CYH4A
Housing Windfalls

CYL1C
Provision of New Open Space in Development

CYGP9
Landscaping

CYGP6
Contaminated land

CYH5A
Residential Density

CYNE6
Species protected by law

3.0 CONSULTATIONS

INTERNAL

LEARNING, CULTURE AND CHILDREN'S SERVICES (EDUCATIONAL PLANNING OFFICER):

3.1 No contributions required

LIFELONG LEARNING AND CULTURE:

3.2 Open space commuted sum required totalling £4,320.

ENVIRONMENTAL PROTECTION UNIT:

3.3 Demolition and construction informative required.

CITY DEVELOPMENT:

3.4 The Strategic Housing Market Assessment (SHMA), which was adopted by the Council for Development Control purposes on the 27 September 2007 should be used to inform new housing developments as set out in PPS3. The report is comprehensive and up to date, and looks at what is appropriate in York in terms of housing tenure, size and type in order to help to create mixed and balance communities. The Study reveals that there is demand for a range of dwelling sizes, with 21% looking for 1 bed, 29% for 2 bed, 29% for 3 bed, and 21% for 4 bedrooms. Crucially over 60% of households are looking for houses rather than flats. The SHMA also breaks down demand into 3 distinct sub-areas. For the urban sub-area (where this site is located) there is a very strong demand for 3 bedroom or above homes, rather than 1 or 2 bed. Consideration should be given to achieving a mixed scheme more in line with 60/40 housing split evident in the SHMA results.

HIGHWAYS NETWORK MANAGEMENT

3.5 The application is a resubmission of the 07/02153/FULM which was withdrawn. The comments raised still apply. The main issue in highway terms is the complete lack of off street parking but three frontage on-street spaces are effectively created by the removal of the commercial use. It is thought probable that there would be a relatively low car ownership in the tenants/owners, and any car ownership above three could probably be accommodated on the opposite side of the road on a casual basis without causing undue congestion problems. The site itself is considered convenient for local facilities and transport links and consequently the lack on on-site car parking is not objected to. Four conditions and two informatives are suggested to be attached to the decision notice should the scheme be recommended for approval.

URBAN DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (COUNTRYSIDE OFFICER)

3.6 Previously the applications on this site were made in autumn when a survey in such a building would not be viable. However, as the application is now being made in spring, a proper emergence survey should be carried out and in the light of the information by local people that bats may be present, this should be required. I would anticipate that it is primarily a Pipistrelle roost, if it is used and the likely possibility that bats would prevent an application being approved is fairly small, however, whether bats are present or not, I would anticipate that we would, as before, be asking for bat roost features to be incorporated into any new development. This approach can be justified under PPS9.

DRAINAGE:

3.7 No objections are raised.

URBAN DESIGN AND SUSTAINABLE DEVELOPMENT (CONSERVATION AREA ARCHITECT)

3.8 We are aware that the building has been identified as a candidate for the List of Buildings of Local Interest and we are awaiting the outcome of the of the Heritage Protection Bill to take these matters forward. The design and appearance of the proposed scheme would be out of character with the street scene and the local context and as such would be contrary to Policy GP1 of the City of York Local Plan.

EXTERNAL

YORKSHIRE WATER SERVICES PLANNING/DEVELOPMENT

3.9 The original comments forwarded on application 07/02153/FULM still apply. Water supply: A water supply can be provided under the terms of the Water Industry Act, 1991. Waste water: If planning permission is to be granted 3 conditions have been suggested concerning water provision and foul sewerage facilities.

THE MICKLEGATE PLANNING PANEL

3.10 Object to the application, they state that the building has been proposed for the local list and is greatly valued by local people for its history and value as part of the streetscape. It should be retained and converted to sympathetic use. Policy E3(b) concerns the loss of employment uses. This site would provide for other small employment uses. The applicant has not demonstrated that such uses would be impractical. No bat survey has been provided and the applicant must demonstrate that suitable roosting places would be provided in new development which has not taken place. The recent Housing Market Assessment shows that there is a requirement for more family accommodation as opposed to flats. This development consists of flats in an area where flats are not typical.

YORK CONSERVATION TRUST

3.11 Object to the application, they state that there are too many Victorian buildings in the City which are being demolished for redevelopment. The Hall has been part of the street scene in South Bank Avenue for over 100 years adding variety to surrounding buildings. It has been nominated for the List of Buildings of Local Interest by those living in its vicinity. Any decision should be delayed until the Local List has been compiled. The Hall has played an important part in the family life of many residents in the South Bank area, marking the expansion of the City to this area. The replacement building is not as attractive and would be overpowering on such a small site, being 3 storey as opposed to the surrounding 2 storey houses. The Mission Hall could be reused or renovated. What is really required is family homes not single bed roomed flats. There is an existing parking problem and the occupiers are likely to own cars which would exacerbate this. Bats a protected species are present on site and a statutory bat survey would be required.

YORK GREEN PARTY

3.12 Object to the proposals. The building has been proposed for the Local List of Buildings of Historic Interest, which the Council has committed to adopting in the future. There are bats a protected species living in the rafters of the building and any development would need to demonstrate that their habitat would be enhanced as a result. It has not been demonstrated conclusively that the future use of the site is impossible for employment purposes. The local housing market assessment has shown that there is too little family accommodation.

REPRESENTATIONS

3.13 101 standard objection letters were received where signatories entered their name, address and signed the letter. 49 independent letters of objection have been submitted.

The main sources of objection to the proposal are listed below:

- The loss of a historic building which forms an integral part of the Avenue and provides local architectural and social interest.
- The outer shell of the building should be retained in any redevelopment proposal.
- That the property should be given Listed Building status.
- That the design is out of character with the area, that it introduces alien features in the form of railings and a dwarf wall on the site boundary.
- Lack of justification to demolish the building which could be reused for community uses.
- The generation of potential car parking problems and general congestion in the area, especially in the light of the approved flats at Brunswick Street/Count De Burgh Terrace (07/00351).
- Noise and disturbance during construction and the structural impact upon the neighbouring properties.
- Undesirability of 'buy to let' flats in the area which is characterised by family housing.
- Height of the proposed building.
- Overdevelopment of the site and overcrowding.
- Inappropriate provision of accommodation at semi-basement level which would have a poor amenity outlook .
- Limited amenity space.
- Loss of an employment site.
- That the scheme would create routes through the site which would attract anti social behaviour and facilitate crime.
- Overlooking from the rear of the proposed building and loss of light to properties to the rear.
- The presence of bats on site.
- That there has been no structural report to state that the building is unsound.

4.0 APPRAISAL

POLICY

4.1 Planning Policy Statement 3 'Housing' (PPS3) sets out Government policy on housing development and encourages more sustainable patterns of development through the reuse of previously developed land, more efficient use of land, reducing dependency on the private car and provision of affordable housing. It also requires Local Planning Authorities to adopt an evidence based approach to housing delivery. Policies should be informed by housing need and demand, through housing market and housing land availability assessments.

4.2 National planning policy contained within PPS1 'Delivering Sustainable Development', states that good design is indivisible from planning. Design which is inappropriate within its context, or which fails to take opportunities for improving the character and quality of an area or the way it functions should not be accepted.

Moreover, Planning Policy Statement 3, Housing PPS 3 states the Government's aim to achieve high quality homes.

4.3 Planning Policy Statement 9 (PPS9) 'Biodiversity and Geological Conservation' sets out planning policies relating to the protection of biodiversity and geological conservation through the planning system.

4.4 Policy E3b (Existing and Proposed Employment Sites) any sites or premises either currently or previously in employment use, will be retained within their current use class. Planning permission for other uses will only be given where; there is a sufficient supply of employment land to meet both immediate and longer term requirements over the plan period in both quantitative and qualitative terms; and unacceptable environmental problems exist; or the development of the site for other appropriate uses will lead to significant benefits to the local economy; or the use is ancillary to an employment use.

4.5 Policy H2a of the Local Plan requires housing development of 15 dwellings/0.3Ha or more in the urban area and 2 dwellings/0.03Ha or more in villages with less than 5,000 population to provide affordable housing. The policy gives a target of 50% of dwellings to be affordable and requires that they be distributed throughout the housing development rather than being concentrated in one area.

4.6 H3c of the Local Plan asks for a mix of housing types and tenures on all suitable sites.

4.7 Policy H4a 'Housing Windfalls' permission will be granted for new housing development on land within the urban area providing: it is vacant/derelict/underused or involves infilling, redevelopment or conversion; has good access to jobs, shops and services by non-car modes; and, is of an appropriate scale and density to surrounding development and would not have a detrimental impact on existing landscape features.

4.8 Policy GP1 'Design' of the City of York Local Plan includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.9 Policy GP4a 'Sustainability' of the Local Plan requires all proposals for commercial or residential development to be accompanied by a 'sustainability statement'. The policy includes a list of criteria against which proposals should be judged which include: accessibility by means other than the car, whether the proposal would contribute to the social needs of the community, the contribution to the economy of the city, design quality, minimising the use of non-renewable resources, minimising pollution, conserving and enhancing natural areas and

landscape features, maximising the use of renewable resources and making adequate provision for cycle storage and recycling.

4.10 Policy T4: Cycle Parking Standards. In all new developments, cycle parking provision will be required in accordance with the standards set out in Appendix E of the local plan.

KEY ISSUES

4.11 Key Issues: loss of employment land, housing policy issues including the Strategic Housing Market Assessment, design, mass and appearance of the proposed building, parking, potential presence of a protected species and impacts upon residential amenity and issues surrounding the Local List.

LOSS OF EMPLOYMENT LAND

4.12 Policy E3b, relating to existing employment sites, states that sites or premises currently in employment use will be retained within their current use class unless a number of qualifying requirements can be met. It would need to be demonstrated that adequate employment land exists in the area AND unacceptable environmental problems exist; or the development of the site for other appropriate uses will lead to significant benefits to the local economy. In this instance this case has not been adequately demonstrated and the proposal fails to meet this policy requirement. The existence of a commercial use in a predominantly residential area alone is not enough to justify the loss of this employment site. No particular case has been made regarding the noise, disturbance or other environmental problems generated by this site, nor that another employment use could not successfully operate from the site.

HOUSING POLICY ISSUES - STRATEGIC HOUSING MARKET ASSESSMENT (SHMA)

4.13 National planning policy contained within PPS3 'Housing' seeks to locate residential development within sustainable locations close to facilities and public transport provision. It is noted that this site is close to facilities within the immediate area, including shops and bus stops on Bishopthorpe Road.

4.14 The proposed development consists of 12 no. 1 bed apartments provided over 3 floors of accommodation. The building incorporates a semi-basement area for the ground floor units at the front of the site, which are at the ground level at the rear of the site due to the sites slightly sloping nature. All the units of accommodation are accessed via a lobby on the rear of the building. 6 of the units (on the front of the building) have a floor area of 34 sq m, with the 6 rear units having an approximate floor area of 36 sq m. The size and layout of the flats are cramped offering only limited sized bedrooms and combined kitchen/lounges with small kitchen areas. The flats offer limited space internally for storage. It is considered that this site is large enough to accommodate a mix of unit types, including houses. Therefore to provide 12 no. 1 bed units only on this site would be contrary to the findings of the SHMA which demonstrates that the demand for houses is greater than that for flats (over 60% compared to less than 40%). Moreover, the SHMA demonstrates that in terms of flats, demand for 3 and 4 bed units is as strong as that for 1 and 2 bed units. As such the proposed development would not help deliver a mixed/balanced

community, nor provide the essential family housing provision which has been shown to be in significant demand as outlined by the SHMA and policy H3c of the Local Plan.

4.15 The applicant states that the flats are to be affordable. However, this does not equate to affordable in the planning sense as outlined by Policy H2a of the Development Control Local Plan.

DESIGN, MASS AND APPEARANCE OF THE PROPOSED BUILDING

4.16 The proposed building has a similar eaves line and ridge line to the adjacent residential dwellings on either side of the site. However the character of the development is out of keeping with the surrounding area. The building is set in from the boundaries on the front and side of the site when properties in the surrounding area immediately abut the rear of the footway. The proposed building would be incongruous in this otherwise continuous terrace of two storey houses. The proposed semi-basement flats have a poor aspect on to a retaining wall and the dwarf wall and railings proposed on the front of the site are an alien feature in this location. The dormers, which cut through the eaves line of the roof, fail to reflect the character of the area. The building has no front entrance connecting it to the street based on the lobby style entrance from the rear. The two ground floor units on the rear of the building have French doors, but these open on to the communal, hard paved yard where the cycle stores are located. Whilst it is recognised that the principle of the redevelopment of this site for residential proposes may be acceptable (provided the loss of the employment site could be adequately justified) the current scheme does not comply with the requirements of Policy GP1 in respect of design which requires that development proposals will respect or enhance the local environment and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces.

PARKING

4.17 Adequate cycle parking is provided on site to meet the guidance in Appendix E of the Development Control Local Plan, with 12 covered spaces. However no on site car parking spaces have been provided. Because of the closing up of the existing commercial access to the site an additional 3 on-road spaces are likely to be made available in front of the building. However the shortfall of parking will need to be accommodated elsewhere. Based on the unusual site surroundings, the fact that there are no residential properties on the stretch of road immediately opposite the site, additional parking is available to a degree there. As the site is situated in a location close to public transport facilities and a number of spaces can be accommodated around the site, the car and cycle parking requirements of the development can be broadly met on site and in the immediate area of the application site.

POTENTIAL PRESENCE OF A PROTECTED SPECIES

4.18 No mitigation measures are included in the application to accommodate the potential presence of a protected species on site and no details of any observations regarding the presence of bats on site have been included with the application. Information has been supplied by local residents which point to the existence of bats within the site and because the application has been submitted in Spring, a bat

emergence survey has been requested, in line with PPS 9 and Policy NE6. However, to date a survey has not been submitted. It is likely however, that on confirmation of bat roosts, bat roost features would need to be incorporated into any redevelopment proposal.

RESIDENTIAL AMENITY

4.19 The residents closest to the proposed development would be the adjacent properties on South Bank Avenue and to the rear (across the alleyway) the rear of properties to Brunswick Street. Aside from parking issues discussed above, to the front elevation the two adjacent properties would not be adversely affected by the proposal, except perhaps by the introduction of possible activity from the proposed routes through, which are not considered to be appropriate within the context of the area (see above). To the rear, the proposed building is considered to be acceptable, no new windows are proposed in the side elevations which would cause overlooking of adjacent properties. The rear gable features at two storey level would replicate the design of those on the existing properties which follows a staggered pattern to the rear projecting outriggers. There would be a minimum 24 metre distance from the end of the proposed two storey rear gable to the rear of the properties on Brunswick Street which is considered to be acceptable. It is not considered that these properties would suffer from loss of light, nor from overlooking considered to be unacceptable within this residential area.

LOCAL LIST

4.20 The property has been identified by local residents as a candidate for the Local List of buildings of local interest. The City Council has not yet compiled a Local List and current legislation does not put additional controls on such buildings, even if the list were in operation.

5.0 CONCLUSION

5.1 Based on the above assessment of the application this proposal fails to comply with the provisions of the City of York Council Development Control Local Plan. It has not been demonstrated that the existing commercial site is harmful to the amenity and character of the area, nor that new employment uses could not reuse the site. Notwithstanding the above, although in locational terms residential development in this area would be sited close to shops/facilities and public transport, the proposal is contrary to the findings of the adopted Strategic Housing Market Assessment. The SHMA identifies a strong demand for family housing as opposed to flats. The design of the proposal is inappropriate in this location predominantly made up of two storey terraced dwellings, with an on street frontage. To date no bat survey has been submitted to allow for the full consideration of this protected species as part of this application.

6.0 RECOMMENDATION: Refuse

1 The proposed use would lead to the loss of an employment site as identified by Policy E3b. It has not been adequately demonstrated that the site could not be retained within employment use and as such the proposal would be contrary to the objectives of the City of York Development Control Local Plan which seeks to stimulate the local economy, provide employment opportunities and deliver sustainable employment premises and in particular policy E3b which seeks to retain employment sites.

2 The proposed provision of 12 no 1 bed flats would fail to assist in delivering the type of dwellings which the Strategic Housing Market Assessment identifies as being required in the City (family housing). Also given the size of the site a greater mix of dwelling types could be achieved on site. The proposal would therefore be contrary to policy PPS3: 'Housing' which advises that Local Planning Authorities should adopt an evidence based approach to housing delivery, through housing market assessments and also to Policy H3c of the City of York Development Control Local Plan which requires a mix of housing types on all suitable sites.

3 The proposal would, by reason of its design and appearance, result in an incongruous form of development that would be out of character with the street scene and, given its prominence, would be harmful to the character, appearance and visual amenity of the area generally contrary to policy GP1, H4a of the City of York Development Control Local Plan and planning policy guidance issued in PPS 1 'Delivering Sustainable Development'.

4 It is considered likely that the existing building contains bat roosts. No bat emergence survey nor any details of methods of working and development to accommodate them has been submitted. The proposal is therefore likely to harm a species protected under the Wildlife and Countryside Act 1981 which would be contrary to the policy contained within Planning Policy Statement 9 'Biodiversity and Geological Conservation' and Policy NE6 of the City of York Development Control Local Plan.

7.0 INFORMATIVES:

Contact details:

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08/00310/FUL



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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	14 May 2008
SLA Number	Not set

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COMMITTEE REPORT**Committee:** West/Centre Area**Ward:** Rural West York**Date:** 27 May 2008**Parish:** Parish Of Rufforth With Knapton**Reference:** 08/00564/FUL**Application at:** Hoek Van Mook Main Street Knapton York YO26 6QG**For:** Erection of part two storey, part single storey detached dwelling following demolition of existing bungalow**By:** Mr Andrew Simpkin**Application Type:** Full Application**Target Date:** 6 May 2008**1.0 PROPOSAL**

1.1 The application relates to the site of a bungalow, set behind a generous garden frontage and located on the Main Street. Access is taken directly from Main Street and the driveway leads to a garage sharing a pitched roof with the neighbouring bungalow, Savona. The property has been vacant for some time.

1.2 The application seeks permission to demolish the bungalow and erect a two storey, 4 bed-roomed dwelling with single storey elements. From the front elevation the property would be two storey with ridge height at approximately 6.3 metres. To the rear would be two projecting gables, ridge height at approximately 6 metres. The length of the two storey element including gables, would be approximately 8.5 metres. The single storey rear projection would measure some 8.5 metres with ridge height at approximately 4 metres, which is hipped at the rear. The applicants have stated that the foot print of the proposed property would be increased by approximately 24m² compared to the existing property.

1.3 The existing garage would be retained and renovated for cycle storage.

1.4 Councillor Hudson has requested that the application is determined by the Sub-Committee to discuss issues around massing and bulk and also requests a site visit.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGP1
Design

CYH4A
Housing Windfalls

CYT4
Cycle parking standards

CYGB2
Development in settlements "Washed Over" by the Green Belt

3.0 CONSULTATIONS

INTERNAL:

3.1 Highways Network Management: Raise no objections subject to standard conditions HWAY 9, HWAY 19 and HWAY 20.

DRAINAGE:

3.2 No objections.

EXTERNAL:

3.3 3 letters of objection have been received and 5 letters of support (two from the same address). The main issues raised have been summarised below.

3.4 The objection letters concern the following: That planned dwelling will be substantially larger than that demolished, extending the footprint substantially nearer to neighbours and the road and the ridge height would be much higher. It would be obtrusive visually and out of character with existing properties. It would be unsympathetic to neighbours, cause loss of light and be obtrusive. The proposal would block views. The proposal would be contrary to the Knapton Village which states that, ' Point 20 -The height and pitch of roofs should be compatible and sympathetic to surrounding properties'. 'Point 27 - Extensions should be in keeping with the building of origin and not intrusive to surrounding properties'. A news paper cutting of an application for the replacement of a bungalow with a 2 storey 4 bedroomed dwelling which was refused in Fulford has been submitted, with a photograph of this site.

3.5 The letters of support concern the following: Interest is expressed in this individually designed property. That the application would meet the criteria of a family member who is relocating. The proposal is in keeping with the character and style of the older properties which exist, the vast majority which are two storey. The empty bungalow is unattractive, could fall into disrepair and attract vandalism, which has happened to some existing properties in the village until recently. The proposal

will enhance the overall aspect of the properties on that side of the street and raise the reputation of Knapton as a place to live.

RUFFORTH WITH KNAPTON PARISH COUNCIL

3.6 Raise no objections.

4.0 APPRAISAL

RELEVANT PLANNING HISTORY

4.1 No planning applications have previously been submitted on this site.

POLICY

4.2 National planning policy contained within PPS 2 'Green Belts' states that 'Washed Over' Green Belt should allow infilling only which should not have an adverse impact upon the character of a village.

4.3 National planning policy contained within PPS1 'Delivering Sustainable Development', states that good design is indivisible from planning. Design which is inappropriate within its context, or which fails to take opportunities for improving the character and quality of an area or the way it functions should not be accepted.

4.4 Planning Policy Statement 3, Housing PPS 3 states the Government's aim to achieve high quality homes, in sustainable locations.

4.5 Policy GB2 'Development in Settlements "Washed Over" by the Green Belt' of the City of York Development Control Local Plan, states that proposals for new buildings within Green Belt villages will be permitted providing they are located within the built up area of the settlement; the location, scale and design is appropriate to the form and character of the village and surrounding property; and, the proposal would constitute limited infilling and not prejudice the openness or purposes of the Green Belt.

4.6 Policy GP1 'Design' of the City of York Development Control Local Plan, includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.7 Policy H4a 'Housing Windfalls' states that permission will be granted for new housing development on land within the urban area providing: it is vacant/derelict/underused or involves infilling, redevelopment or conversion; has good access to jobs, shops and services by non-car modes; and, is of an appropriate

scale and density to surrounding development and would not have a detrimental impact on existing landscape features.

4.8 The Knapton Village Design Statement: States that new development should be set within the settlement limit of the village, and states that the height and pitch of roofs should be compatible with and sympathetic to surrounding properties.

KEY ISSUES

4.9 Policy Implications (Green Belt and locational issues), impact upon the street scene, residential amenity and highways issues.

POLICY IMPLICATIONS

4.10 The Development Control Local Plan shows that Knapton is 'washed over' by the Green Belt and as such Policy GB2 applies. The Policy allows for limited infill within the existing settlements and this development proposal is considered to constitute limited infill. The proposal would replace a bungalow with a 4 bed-roomed residential property within an existing village centre. Even though facilities are not extensive, the village benefits from a public transport and link and therefore the proposal would be acceptable in respect of the locational requirements of PPS 3 'Housing'.

IMPACT UPON THE STREET SCENE

4.11 The village is characterised by a mix of dwelling types including bungalows and two storey detached dwellings, which were largely built in the C20th. Most properties are set back from the road frontage behind front garden plots. The building line of this part of Main Street is not uniform, although it is noted that the frontages of the existing bungalow and Savona the neighbouring bungalow are level.

4.12 The proposed new two storey dwelling would be set within the garden area of the existing bungalow and would be set back within the front garden plot. Part of the two storey element would project beyond the frontage of the existing bungalow and these issues are discussed below. However, from Main Street the appearance of the property would be of the two storey pitched roof frontage which would in itself be considered to be acceptable within the street scene.

IMPACT UPON RESIDENTIAL AMENITY

4.13 The nearest neighbours to the proposed property are Blue Cote Farm Cottage, to the north and Savona, a bungalow to the south. Currently the existing bungalow is set to the rear of Blue Cote Farm Cottage (a detached 2 storey dwelling) and level with the frontage of Savona a bungalow. The application seeks significant extensions to the footprint of the existing dwelling, mainly at two storey level. The amenity impacts of this are discussed below.

4.14 Blue Cote Farm, is a two storey detached property situated to the north of the application site. The two storey frontage of the proposed new dwelling would be set

adjacent to the side of this property and would project to the rear by some 4.5 metres at two storey level and just over 8 metres at single storey level. It is noted that the rear single storey extension would fall approximately within the footprint of the existing dwelling and this is not a cause of concern. However, due to the orientation of the site, to the south of Blue Cote Farm Cottage, the two storey rear projection at approximately 4.5 metres in length and 6 metres in height would create a significant new element which would cause overshadowing to the rear of this property and immediate rear garden area which would adversely affect the residential amenity of this property. This is compared to the 3.9 metre ridge height of the front gable to the existing bungalow, the existing built feature sited immediately to the rear of Blue Cote Farm, some 2.7 m (at the closest point) in distance from this property. Also compared to the height of the apex of the main bungalow roof at 5.4 metres (set some way down the garden) falling to 2.4 metres at each side to the eaves height and sited some 0.7 metres from the boundary.

4.15 In terms of the residential impact to Savona, the existing bungalow is set on the same building line as Savona. However, the proposed two storey dwelling would be brought substantially forward of this line and the front two storey elevation would be set approximately 3.6 metres in front of Savona. The proposed dwelling would be set in 1 metre from the boundary with Savona. Because of the scale of the development and proximity to Savona, this would be overbearing. Savona has bedroom windows to the north and east. and the two storey element would cause overshadowing.

4.16 Revisions were requested to the proposal to see if these issues could be addressed, however, the applicant has requested that the scheme be progressed as it stands.

4.17 The proposal would therefore adversely affect the amenity of neighbouring occupiers and would therefore be contrary to Policy GP1 of the City of York Development Control Local Plan.

HIGHWAY ISSUES

4.18 A garage is proposed on site and there would be further space available to park in the driveway. Cycles could be stored within the garage area and therefore, it is considered that the application would be acceptable in highway terms.

5.0 CONCLUSION

5.1 Although it is recognised that the site of this bungalow could be suitable for redevelopment, this application proposes a substantial two storey and single storey dwelling which by virtue of its siting, scale and massing, would be overbearing to adjacent occupiers, causing overshadowing and would adversely affect the amenity of adjacent neighbours. It is noted that further amendments have been sought to the scheme, as part of the application process, to reduce the scale and footprint of the proposed property, however, the applicant has requested that the scheme be considered as it stands. The proposal would therefore be contrary to Policy GP1 of the City of York Development Control Local Plan 2005.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 Because of its siting, mass and scale, the proposal would adversely affect the amenity of the neighbouring occupiers. The scale and height of the front projection adjacent to the bungalow Savona would be overbearing and would cause overshadowing to bedroom windows. Because of the height, scale, massing and orientation the proposed two storey rear projection would be overbearing to the neighbouring occupier at Blue Cote Farm, causing overshadowing to the rear of the property and rear garden area. The proposal would therefore be contrary to Policy GP1 of the City of York Development Control Local Plan 2005.

7.0 INFORMATIVES:

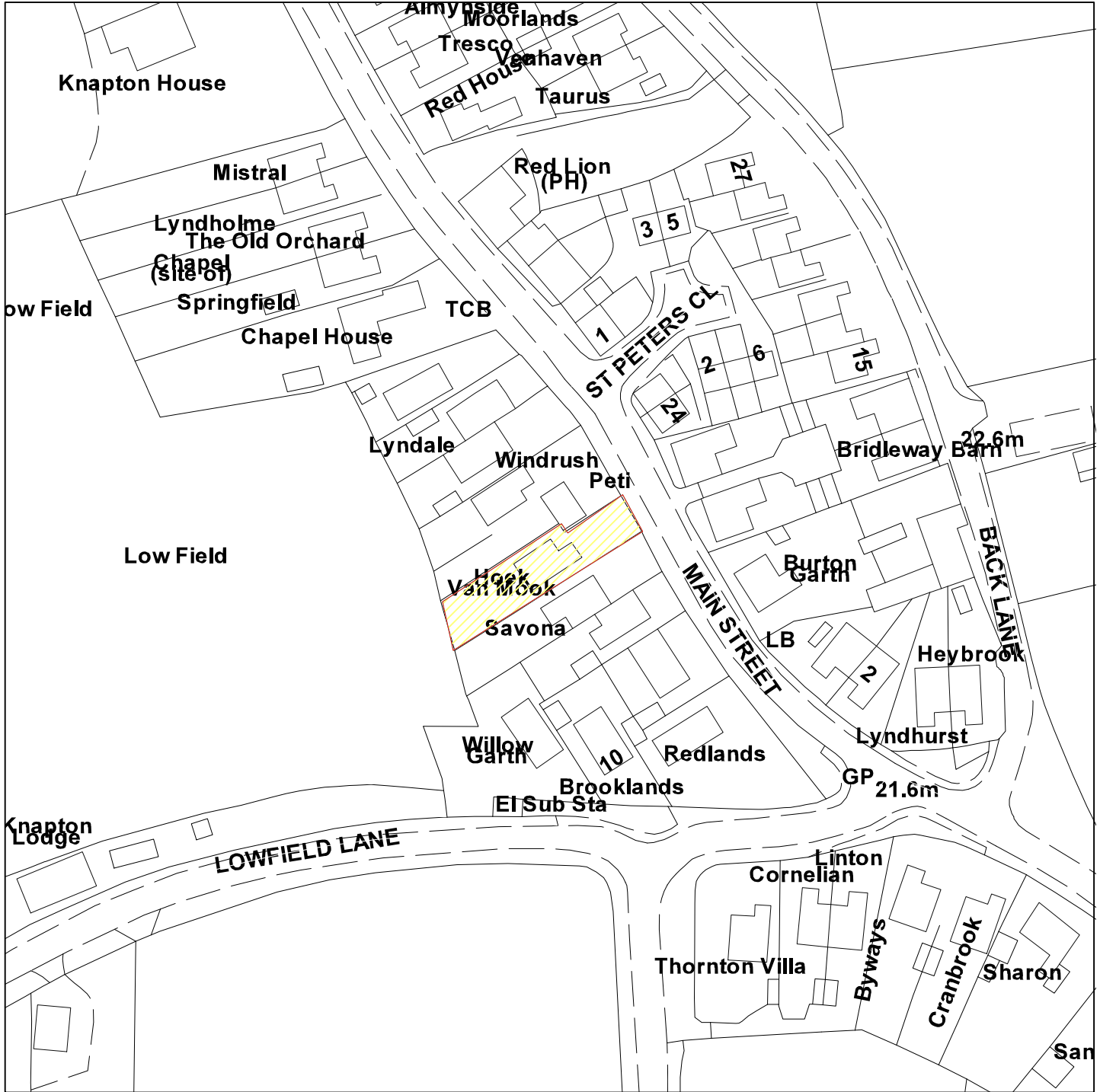
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Scale : 1:1250

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Organisation	City of York Council
Department	City Strategy
Comments	Application site
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