



Notice of meeting of

West & City Centre Area Planning Sub-Committee

To: Councillors Horton (Chair), Sue Galloway (Vice-Chair), Crisp, Steve Galloway, Galvin, Gillies, Reid, Sunderland and B Watson

Date: Thursday, 22 April 2010

Time: 3.00pm

Venue: The Guildhall, York

AGENDA

Site visits for this meeting will commence at 11.00am on Wednesday 21 April 2010 at Memorial Gardens.

1. Declarations of Interest

At this point Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

2. Exclusion of Press and Public

To consider excluding the public and press from the meeting during consideration of annex A to agenda item 5 on the grounds that this item contains information which is classed as exempt under Paragraphs 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006.

3. 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, in this case **5:00pm on Wednesday 21 April 2010**. 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) **1 Jorvik Close, York, YO26 5HB (10/00159/FUL)** (Pages 5 - 14)
Erection of 3no two storey terraced dwellings (resubmission).
[Acomb Ward] **[Site Visit]**

 - b) **75 York Road, Acomb, York (10/00247/FUL)** (Pages 15 - 24)
Subdivision of retail unit (use class A1) and use as 1no. hot food take away (use class A5) and 1no. retail unit (resubmission).
[Westfield Ward] **[Site Visit]**.

 - c) **Student Union York St John University, Lord Mayors Walk, York (10/00209/FUL)** (Pages 25 - 32)
Alterations to the façade of the students union building and new beer store. Alterations to windows and doors of Phoenix Building and new canopy and landscaping seating area. *[Guildhall Ward]* **[Site Visit]**.

 - d) **Phoenix York St John University, Lord Mayors Walk, York (10/00210/LBC)** (Pages 33 - 38)
Internal and external alterations. *[Guildhall Ward]* **[Site Visit]**.

 - e) **Stores/Warehouse, Galmanhoe Lane, York, YO30 7DZ (10/00066/FUL)** (Pages 39 - 58)
4no. three storey dwellings following demolition of existing buildings. *[Guildhall Ward]* **[Site Visit]**
- 5. Enforcement Cases Update** (Pages 59 - 148)

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

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

Democracy Officers:

Name: Catherine Clarke and Louise Cook (job share)

Contact Details:

- Telephone – (01904) 551031
- E-mail – catherine.clarke@york.gov.uk and louise.cook@york.gov.uk

(If contacting us by e-mail, please send to both democracy officers named above)

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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The majority of councillors are not appointed to the Executive (38 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Decision Session) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

Scrutiny Committees

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

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

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WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE

SITE VISITS

Wednesday 21 April 2010

The bus for members of the sub-committee will leave Memorial Gardens at 11.00am

TIME (Approx)	SITE	ITEM
11.10	1 Jorvik Close	4a
11.30	75 York Road, Acomb	4b
12:00	Student Union and Phoenix buildings, York St John University	4c & 4d
12:30	Stores/Warehouses, Galmanhoe Lane	4e

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Acomb
Date: 22 April 2010 **Parish:** Acomb Planning Panel

Reference: 10/00159/FUL
Application at: 1 Jorvik Close York YO26 5HB
For: Erection of 3no two storey terraced dwellings (resubmission)
By: Mr Alan Potter
Application Type: Full Application
Target Date: 1 April 2010
Recommendation: Approve

1.0 PROPOSAL

1.1 No 1 Jorvik Close comprises a two storey brick built semi-detached property circa 1930 with a large rear garden set within a prominent site to the east of Beckfield Lane. The proposal envisages the erection of three 2 storey brick built terraced dwellings within the existing rear garden to the north east. The proposal represents a revised resubmission of an earlier application for four dwellings that was withdrawn following concerns expressed in relation to the proposed density of development. The proposal has been further amended and clarified to deal with concerns expressed in relation to the highway aspects of the scheme.

1.2 The proposal has been "called in" for consideration by the West and Centre Planning Sub-Committee by Cllr D. Horton as representing possible over-development of the site.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

Schools GMS Constraints: Carr Infant 0187

2.2 Policies:

CYGP15
Protection from flooding

CYGP4A
Sustainability

CYH4A
Housing Windfalls

CYGP1
Design

CYGP10
Subdivision of gardens and infill devt

CYL1C
Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL:

3.1 Environmental Protection Unit raise no objection to the proposal;

3.2 Structures and Drainage Engineering Consultancy have been consulted in respect of the proposal, views will be reported orally at the meeting.

3.3 Highway Network Management expressed some concern in respect of the design of the scheme prior to amendment in relation to the dimensions of the parking and access arrangements.

3.4 Lifelong, Learning and Leisure raise no objection to the proposal subject to a commuted payment being made in lieu of on-site open space provision.

EXTERNAL:

3.5 Acomb Planning Panel raise no objection to the proposal.

3.6 No representations have been received from neighbours of the application site in respect of the proposal.

4.0 APPRAISAL

KEY CONSIDERATIONS:

4.1

- * Impact of the proposal upon the visual amenity of the street scene;
- * Impact of the proposal upon the residential amenity of neighbouring properties;
- * Impact of the proposal upon the safety and convenience of highway users;
- * Impact of the proposal upon the local pattern of surface water drainage;
- * The provision of off-site open space associated with the development;
- * Construction of the development according to sustainable principles.

IMPACT UPON THE VISUAL AMENITY OF THE STREET SCENE:

4.2 Policy H4a) of the York Development Control Local Plan sets a firm policy requirement in relation to housing windfall sites that they should be vacant, derelict or underused and that the proposed development should be of an appropriate scale and density to surrounding development. This is further qualified by Policy GP10 of the Local Plan which indicates that planning permission will only be forthcoming for the sub-division of existing garden areas where this would not be detrimental to the character and amenity of the local environment. The current proposal envisages the erection of a block of three brick built, two storey, three bed roomed properties within the substantial rear garden to 1 Jorvik Close. The site is quite visually prominent occupying a ridge top location visible in views from the east and south east. The site lies at a point of transition between an area of brick built semi-detached houses set within large plots circa 1930 to the south and south west and a densely developed area of brick built terraced properties to the north and north east which the proposed development has been designed to reflect. In terms of its massing and pattern of fenestration the proposal would mirror the earlier development to the south. The development would be some 5.7 metres to the north of 1 Jorvik Close at its nearest point and some 6.3 metres south of the closest property to the north east. Each property would have a front garden averaging 3.2 metres in length and rear gardens up to 8.5 metres in length. The palette of materials chosen would reflect that used in the terraced properties to the north and north east. It is felt that the development would not amount to an overdevelopment of the site and that the terms of Policies H4a) and GP10 of the York Development Control Local Plan would thus be complied with in relation to the proposal.

IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES:

4.3 Policy GP1 of the York Development Control Local Plan sets a firm policy presumption in favour of new development which respects or enhances the local environment, is of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials and would ensure that residents living nearby are not unduly affected by noise disturbance, overlooking, overshadowing or being dominated by overbearing structures. The current proposal envisages the construction of a block of three, two storied properties reflecting their surroundings in terms of their scale, massing and palette of materials. In terms of their relationship to the residential amenity of nearby properties, there are no properties directly to the south-east or north west and to the north there is a distance of 6.3 metres to the boundary of the nearest property with a further garden length of 12.3 metres. 1 Jorvik Close would be some 5.7 metres from the closest point of the nearest property to the north and some 2.5 metres from the site boundary. There would be no windows within the proposed development overlooking 1 Jorvik Close or the residential properties to the north. The retained garden area serving No 1 Jorvik Close would be some 2.4 metres wide and 8.7 metres long at its narrowest point. This would create a similar area of garden space available to other properties to the south and south west and would be acceptable in terms of impact upon the residential amenity of the occupier of the property. The proposal would thus have no adverse impact upon the residential amenity of neighbouring properties and the terms of Policy GP1 of the York Development Control Local Plan would thus be complied with.

IMPACT UPON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS:

4.4 The application details have been amended to deal with Highway concerns to demonstrate that the individual house plots can be safely accessed by pedestrian and vehicular traffic with covered and secure cycle storage for two cycles within each plot a minimum of 1.8 metres by 0.6 metres in area, the driveway to Plot 1 being a minimum of 3.2 metres in width with the garage entrance a minimum of 2.4 metres wide. Each house plot would have a separate pedestrian access 0.9 metres wide. These dimensions are considered to be acceptable without any material impact upon the safety or convenience of the householders or other road users.

IMPACT OF THE PROPOSAL UPON THE LOCAL PATTERN OF SURFACE WATER DRAINAGE:

4.5 Policy GP15 of the York Development Control Local Plan sets a firm policy requirement that developers must satisfy the Local Planning Authority that any flood risk will be successfully managed with the minimum environmental effect and ensure that the site can be developed, serviced and occupied safely. The developer has not submitted a full drainage scheme but has indicated a willingness to incorporate a sustainable system as part of the proposal. A suitable alternative outfall exists nearby in the event that this should not prove possible. It is recommended that the details of a full drainage scheme be reserved by condition on any permission.

THE PROVISION OF OFF-SITE OPEN SPACE ASSOCIATED WITH THE PROPOSAL:

4.6 Policy L1c) of the York Development Control Local Plan sets a firm policy requirement that new residential developments of less than 10 dwelling units should be liable for payment of a commuted sum in lieu of on site open space provision. The applicant has been contacted in respect of this but has not responded. It is therefore recommended that any permission be conditioned to require the making of such a payment by Section 106 agreement.

CONSTRUCTION OF THE DEVELOPMENT ACCORDING TO SUSTAINABLE PRINCIPLES:

4.7 Policy GP4a) of the York Development Control Local Plan sets a firm policy requirement that all new development residential or commercial should incorporate sustainable principles in its construction including being easily accessible by modes of transport other than the car and minimise the use of non-renewable resources. This has been further clarified by the City's adopted Interim Policy Guidance on Sustainable Construction which requires that new residential developments should at least reach a Code for Sustainable Homes Level 3. The applicant has indicated that the development would be easily accessed by bicycle and is within 5 minutes walk of a main bus route. The construction materials would be sustainably sourced and solar heating arrays for the purpose of heating the domestic hot water system would be incorporated into the roof of each property. On balance the terms of Policy GP4a) would thus be complied with in relation to the proposal and it is recommended that any permission be conditioned to require compliance with the Code for Sustainable Homes Level 3.

5.0 CONCLUSION

5.1 1 Jorvik Close comprises a two storey brick built semi-detached house with a large rear garden on a ridge top site to the east of Beckfield Lane Acomb. The proposal envisages erection of 3 No two storey three bedroom houses in a terraced block within the rear garden. The proposed development would closely reflect its surroundings in terms of its scale, massing and palette of materials. The scheme would have a broadly acceptable impact upon the visual amenity of the local street scene and would not give rise to any adverse impact upon the residential amenity of neighbouring properties. The applicant has clearly demonstrated how the development would be erected according to sustainable principles and how pedestrian and vehicular traffic may be safely accommodated within the site. Subject to any permission being conditioned to require the prior approval of a full drainage scheme then the proposal is acceptable in planning terms and approval is therefore recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing Refs: 10-100 Rev 1(2 of 5); 10-100 Rev 1(3 of 5) Date Stamped 12th March 2010 ; 10-100 Rev 0(4 of 5) ; 10-100 Rev 0(5 of 5) Date Stamped 3rd February 2010

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

3 DRAIN1 Drainage details to be agreed

4 VISQ8 Samples of exterior materials to be app

5 VISQ4 Boundary details to be supplied

6 HWAY19 Car and cycle parking laid out

7 HWAY10 Vehicular areas surfaced, details reqd

8 HWAY31 No mud on highway during construction

9 Prior to the commencement of the development hereby authorised, a report demonstrating that the dwellings would comply with the Code for Sustainable Homes Level 3 assessment for the development as a whole shall be submitted to and

approved in writing by the Local Planning Authority. The development shall thenceforth be carried out in accordance with the approved report.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable design and Construction.

10 Prior to the commencement of the development hereby authorised, full details of a renewable energy strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include i) the three dwelling's proposed renewable energy generation, which shall be at least 5% of total energy generation ii) measures to reduce energy demand iii) measures to reduce CO2 emissions to a level lower than required under Buildings Regulations Part L. The development shall then be carried out in accordance with the approved assessment.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction.

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

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

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £6,372;.

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

12 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Class A of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as

"permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact of the proposal upon the visual amenity of the street scene, impact of the proposal upon the residential amenity of neighbouring properties; impact upon the safety and convenience of highway users; impact upon the local pattern of surface water drainage; construction of the development according to sustainable principles and provision of off-site open space. As such the proposal complies with Policies H4a); GP1 ,GP10, L1c) , GP10 and GP 4a) of the City of York Development Control Local Plan.

2. INFORMATIVE:

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

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

3. DEMOLITION AND CONSTRUCTION:-

If as part of the proposed development, any suspect contaminated materials are encountered 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 scheme of remediation 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, then the Council may consider taking action under Part 11A of the Environmental Protection Act 1990.

i) 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.

ii) 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."

iii) 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.

iv) 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.

v) 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.

vi) There shall be no bonfires on site.

Contact details:

Author: Erik Matthews Development Control Officer

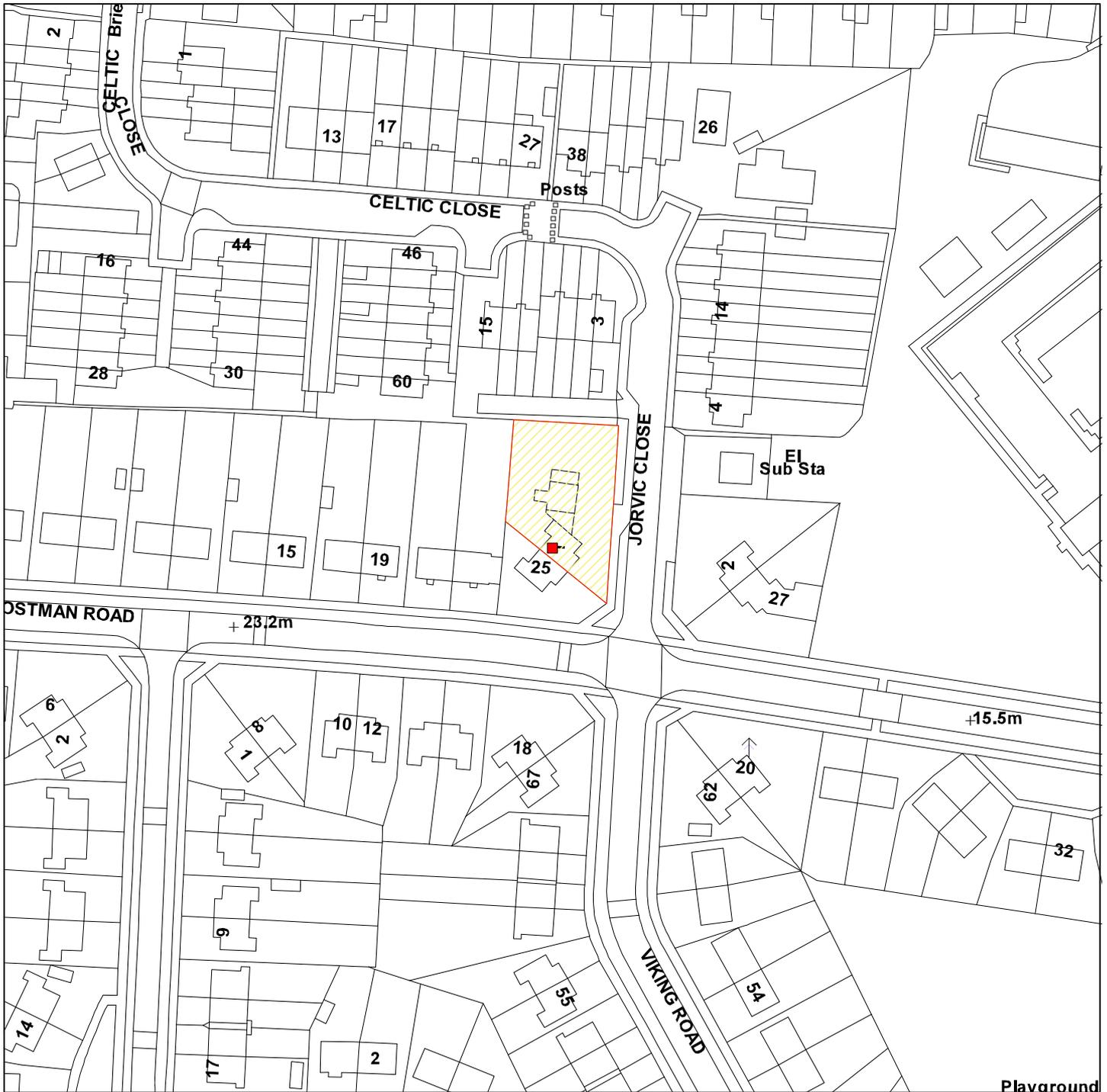
Tel No: 01904 551416

1 Jorvik Close, YO26 5HB

10/00159/FUL



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application site
Date	09 April 2010
SLA Number	Not set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Westfield
Date: 22 April 2010 **Parish:** No Parish

Reference: 10/00247/FUL
Application at: 75 York Road Acomb York
For: Subdivision of retail unit (use class A1) and use as 1no. hot food take away (use class A5) and 1no. retail unit (resubmission)
By: Securities Ltd
Application Type: Full Application
Target Date: 7 April 2010
Recommendation: Approve

1.0 PROPOSAL

1.1 The application is for the subdivision of the ground and first floor, previously a retail unit (use class A1) and use as 1 no. hot food takeaway (use class A5) and 1 no. retail unit

1.2 The property is within the defined Acomb District Centre as set out in the City of York Council Development Control Local Plan (2005) and just outside of the Acomb Conservation Area. The property is located in a row of two storey-terraced properties.

1.3 The previous application for the conversion of the retail unit to 2 no. hot food takeaways was refused on the potential impact to the vitality and viability of the area and it exceeding the 35% threshold specified in Policy S3a

1.4 The application comes before committee at the request Cllr. Waller, so the impact to amenity of the area from the A5 use can be evaluated.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest Acomb Area 0007

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGP1
Design

CYGP16
Shopfronts

CYS3
Mix of use in certain shopping streets

CYS6
Control of food and drink (A3) uses

CYS7
Evening entertainment including A3/D2

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

3.1 HIGHWAY NETWORK MANAGEMENT - No objections
- No cycle parking is provided for staff and customers. It is therefore recommended that in order to comply with cycle parking standard and promote accessibility and sustainable travel, funding should be secured from the applicant for cycling initiatives in this area to the sum of £500

3.2 DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT -
Archaeological Watching Brief required on all groundworks for new drainage connections and other ground disturbances

3.3 ENVIRONMENTAL PROTECTION UNIT - No objections

3.4 CITY DEVELOPMENT - No objections

EXTERNAL CONSULTATIONS/REPRESENTATIONS

3.5 NORTH YORKSHIRE POLICE ARCHITECTURAL LIAISON OFFICER - No objections

4.0 APPRAISAL

RELEVANT SITE HISTORY

09/01901/FUL - Subdivision of retail unit (use class A1) and use as 2no. hot food takeaways (use class A5) - Refused, for the following reason:

It is considered that the proposed subdivision of 75 York Road and change of use from one retail unit (use class A1) to provide two hot food takeaways (use class A5) would harm the viability, vitality and shopping function of the

protected Acomb District Centre. The proposed use would further extend the non-retailing uses in the District Centre, such that 41% of the street frontage would comprise non-retail uses, over the 35% threshold set down in Policy S3a. For these reasons the proposal fails to accord with Policy S3a of the City of York Council Development Control Local Plan which states that such applications will only be permitted providing that they do not detract from the primary shopping function and contribute to the vitality and viability of these areas.

99/02786/FUL - Change of use of retail shop (Class A1) to financial and professional services (Class A2) – Refused, for the following reason:

The proposed use would further extend the non-retailing/shopping uses in the Acomb District Shopping Area, such that more than 35% of the street frontage would comprise non retail uses. As a result the proposal would have an adverse and detrimental effect on the shopping environment by reason of its effect on the vitality and viability of the neighbourhood centre. The proposal would therefore be contrary to Policy S3 of the City of York Local Plan Deposit Draft May 1998 (as amended by pre-Inquiry changes), which seeks to safeguard the vitality and viability of the City Centre and district centres.

99/00169/FUL - Change of use of retail shop (Class A1) to financial and professional services (Class A2) – Refused, for the following reason:

The proposed change of use would further extend the non-retailing/shopping uses in the Acomb District Shopping Area. As a result, the proposal would have an adverse and detrimental effect on the shopping environment by reason of its effect on the vitality and viability of the neighbourhood centre as such the proposal would be contrary to Policy S3 of the City of York Local Plan Deposit Draft, May 1998.

ADDITIONAL PLANNING POLICY

Planning Policy Statement 1 - Delivering Sustainable Development

KEY ISSUES

1. Impact on vitality and viability of the area
2. Impact on neighbouring property

ASSESSMENT

PLANNING POLICY

4.1 Planning Policy Statement 1 - 'Planning for Sustainable Development' aims to protect the quality of the natural and historic environment. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue. Should seek to protect and enhance the quality, character and amenity value of the urban area

4.2 The relevant development plan is The City of York Council Draft Deposit Local Plan, which was placed on Deposit in 1998. Reflecting points made, two later sets of pre inquiry changes (PICs) were published in 1999. The Public Local Inquiry started in 1999 but was suspended by the Inspector for further work to be done on the Green Belt. A Third Set of Changes addressing this further work was placed on deposit in 2003. Subsequently a fourth set of changes have been drafted and approved by Full Council on 12th April 2005 for the purpose of making Development Control Decisions, on the advice of the GOYH.

4.3 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, and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance, overlooking; retain, enhance or create urban spaces, public views, and other features that make a significant contribution to the character of the area.

4.4 Policy GP16 'Shopfronts' of the City of York Council Development Control Local Plan states that planning permission for new or alterations to existing will only be granted if the proposals respect the scale, proportion, materials and the architectural style of the building to which they are attached in the area in which they are located.

4.5 Policy S3a 'Mix of uses in Shopping Streets' states in York's City Centre Primary Shopping Streets, Acomb District Centre and Haxby District Centre development will be permitted where it provides the improvement and expansion of existing retail premises and the establishment of new shopping uses. Proposal involving the change of use of ground floor premises within the primary shopping streets will only be permitted provided that it does not detract from the primary shopping function and contributes to the vitality and viability of these areas. The assessment of proposals for the change of use from a shop (A1) to uses within classes A2 or A3 will be guided by the following factors: the location and prominence of the premises within the shopping frontage; the floorspace and frontage of the premises; the number (a maximum of 35%), distribution and proximity of other ground floor premises in use as, or with planning permission for class A2 or A3; the particular nature and character of the proposed use, including the level of activity associated with it, and; the proportion of vacant ground floor property in the immediate area.

4.6 Policy S6 'Control of Food and Drink Uses' states that planning permission for the extension, alteration or development for food and drink uses will be granted providing: any likely impact on the amenities of the surrounding occupiers as a result of traffic, noise, smell or litter would be acceptable; the opening hours of hot food takeaways and premises where alcohol is consumed are to be restricted where this is necessary to protect the amenity of surrounding occupiers; car and cycle parking meets the standards outlined in Appendix E; acceptable external flues and means of extraction have been proposed; and security issues where consumption of alcohol is involved have been addressed.

4.7 Policy S7 'Evening Entertainment' states that proposals for new leisure uses that complement York City Centre or Haxby or Acomb District Centres will be permitted

providing that: there is no adverse cumulative effect on the vitality and viability of the Centre and; there is no unacceptable effect on residential amenity, and; the public order and safety aspects have been addressed.

PROPOSED CHANGE OF USE

4.8 The application site is located at the end of a row of mixed uses along the pedestrianized portion of Front Street, Acomb. The application site is currently being used for the retail of household equipment. The unit is just outside the Acomb Conservation Area. The main facade of the unit fronts onto Front Street rather than York Road.

4.9 The proposed development would include splitting the unit into two and providing 1no. A1/retail unit and 1no. A5/hot food takeaway unit. The use of each unit is specified in the plans and the covering letter from the agent. The unit that would form the end of the block adjacent to the alley would be the hot food takeaway, and Unit 2 adjacent to the estate agents will be the retail unit. The subdivision will still provide units of a scale in keeping with the surrounding unit sizes. Each unit would retain a display window

4.10 The main implication is the affect the change of use would have on the vitality and viability of this primary protected retail area. Policy S3a states that a maximum of 35% of the shop frontages within the area can be outside A1 use. In calculating the proportion of non-retail uses in a shopping street, the full length of the frontage is considered, including any display windows, doors or blank walls that form part of the unit, non-retail uses that clearly contribute to creating the street character, and entrances to upper floors. It should also be noted that both sides of the street are included when calculating the overall street frontage.

4.11 Within the district centre there are two hot food takeaways; Hakis (2 Front Street) and Yans Express Cantonese Takeaway (11 Acomb Court) and permission for a third at 47 York Road. There are other A5 uses nearby but outside of the centre. In addition to this there has been a number of applications for non A1 use refused in the area on the basis of the potential impact to the vitality and viability of the area and the shopping function of the area.

4.12 With specific reference to criterion (c) of Policy S3a the change of use and subdivision of 75 York Road to a 1 no retail and 1 no. hot food takeaway would exceed the 35% threshold. 59% of the frontage on York Road and 43% of the frontage on Front Street is currently in non-A1 use (this takes into account the both the Working Mens Club and the community Hall). During the site visit it was noted there was not any vacant ground floor property in the immediate area. Front Street is a busy shopping street, and the existing unit has a large main frontage to Front Street. In this part of the street (including the opposite side of the street) there are a relatively large number of non-A1 uses such as banks, betting shops etc. In the strictest sense the application is contrary to Policy S3a as allowing this application would result in a reduced shopping frontage however it would not reduce the number of retail units in the area. Therefore as there is no retail unit loss, the proposed A5 unit is not considered to unduly impact on the vitality and viability of the area.

4.13 Opening hours have been proposed for each unit:

A5 use - Monday to Saturday 09.00 to 23.30 hours, Sunday 09.00 to 23.00 hours

A1 use - Monday to Saturday 08.00 to 18.30 hours, Sunday 09.00 to 17.00 hours

The proposed hours of the retail unit are considered to be similar to those surrounding and as such there is no objection. The application is speculative and there is no end user proposed. There was some concern regarding the opening hours of the A5 unit in the previous application by virtue that the A5 unit would probably be open during the evening and less so during the day. The impact of closed unit during the day in what is a shopping street - creating a blank frontage during the day, has the potential to impact on the viability and vitality of the area and the retail character of the area. If approval is granted it is recommended that a condition be placed on the planning permission that if internal shutters are added to the A5 unit, the shutters should be open during the day to prevent a blank frontage.

4.14 The proposed alterations would include an additional entrance to the front street elevation and two refuse storage openings to the York Road elevation. The external alterations are considered to be relatively minor and are not considered to cause harm to the appearance and character of the street. No flues are shown in the plans and no details have been submitted, a further application may be required for the extraction flues. In the previous application the agent stated that the flues would be internal, and it is unlikely that an external flue would be acceptable in this area. Any noise, fume etc nuisance caused by the flue would be covered by Environmental Health regulations. In addition Environmental Protection Unit have no objection to the proposed A5 use and have not recommended any conditions.

4.15 The Police have made no objections to the above proposal on the grounds of anti-social behaviour. The Police Architectural Liaison Officer did make the point that there are high levels of crime and anti-social behaviour in the area, although there is no evidence to suggest that any of the existing fast food outlets close by have been a catalyst or generator of specific problems.

4.16 There would not appear to be any detrimental impact as a result of the proposal upon residential amenity given the significant distance to the nearest dwelling.

4.17 Highways Network Management have concerns regarding the lack of cycle parking and would like a contribution towards cycling initiatives in the area. There have been other change of use applications in the area without a contribution being required and therefore the applicant has not been requested to make a contribution towards cycling initiatives. There are cycle parks existing within the pedestrianized street.

5.0 CONCLUSION

5.1 The proposed subdivision of the retail unit to 1 no. hot food takeaway (Use Class A5) and 1 no. retail unit would result in a loss of retail frontage but not a retail unit. The proposed sub-division is not considered to impact negatively on the viability and vitality of the Acomb District Centre. Approval subject to the following conditions is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

Plans, elevations, Design and Access Statement, and covering letter from Nabarro McAllister & Co submitted 9 February 2010;

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 The hours of operation of this approved A5 use shall be confined to:

Mondays to Fridays - 09.00 hours to 23.30 hours
Saturdays - 09.00 hours to 23.30 hours
Sundays and Bank Holidays - 09.00 hours to 23.00 hours

Reason: To safeguard the amenity and character of the area, and the amenity of local residents.

4 Any internal security shutters fitted to the A5 hot food takeaway unit shall be open/retracted by 09.00 hours on Monday to Saturday and shall not be closed until 17.00 hours or the close of business whichever is the later.

Reason: To prevent a blank frontage during the day, and reduce the impact on the viability and vitality of the area and the retail character of the area.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, and the vitality and viability of the Acomb District Centre. As such, the proposal complies with Policies GP1, GP16, S3a, S6, and S7 of the City of York Council Development Control Local Plan (2005); national planning guidance contained in Planning Policy Statement 1 "Delivering Sustainable Development";

Contact details:

Author: Victoria Bell Development Control Officer

Tel No: 01904 551347

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75 York Road

10/00247/FUL



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Application Site
Date	13 April 2010
SLA Number	Not Set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 22 April 2010 **Parish:** Guildhall Planning Panel

Reference: 10/00209/FUL
Application at: Student Union York St John University Lord Mayors Walk York
For: Alterations to the facade of the students union building and new beer store. Alterations to windows and doors of Phoenix Building and new canopy and landscaping seating area
By: Mr Richard Hirst, Student Union
Application Type: Full Application
Target Date: 5 April 2010
Recommendation: Approve

1.0 PROPOSAL

1.1 The York St. John University campus comprises an 11 acre site located on Lord Mayors Walk within the Central Historic Core Conservation Area. Several of the buildings on site are Grade II listed including the original Gothic Revival buildings which were built in 1845 and planned around a quadrangle.

1.2 This application relates to alterations to the facade of the Student Union building, for a new beer store to the side of the Students Unions building, for alterations to the windows and doors of the Phoenix building and for a new canopy and landscaped seating area associated with the Phoenix building. The students union car park is bound by the listed Quadrangle and New Wing.

1.3 The Phoenix building is a late 19th Century building with significant late 20th Century alterations. It has been deemed a curtilage listed building and consequently the proposed alterations to the Phoenix buildings are considered under the associated listed building application.

1.4 The application forms a part of a wider landscape strategy to improve the appearance of the north east part of the campus. A significant number of car parking spaces would be removed and soft and hard landscaping would be undertaken which would include the planting of approximately 30 additional trees. A planning application for alterations to the car park to incorporate landscaping and for 3 No. canopies to improve the appearance of the seating area to the front of the Students Union building has recently been approved under delegated powers.

1.5 This application has been brought to Committee at the request of Councillor Brian Watson on the basis of the impact of the landscaped seating area on the residents of St. Johns Street.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

DC Area Teams GMS Constraints: Central Area 0002

Listed Buildings GMS Constraints: Grade 2; College Building York St John Lord Mayors Walk 0576

2.2 Policies:

CYGP1
Design

CYGP9
Landscaping

CYHE2
Development in historic locations

CYHE3
Conservation Areas

CYHE4
Listed Buildings

CYED5
Further and Higher Education Institutions

3.0 CONSULTATIONS

Internal

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

3.1 Conservation Officer - The proposals are acceptable in the context of developing the campus. The student union building is an unremarkable brick building and the render and timber cladding will potentially enliven and add interest to this courtyard space within the campus. In the long term, success will be dependent on the quality of the detailing.

3.2 Landscape Architect - The introduction of more green space that is attractively detailed results in more pleasing approaches and structured spaces associated with the building entrances; and provides a better foil for the range of buildings.

ENVIRONMENTAL PROTECTION UNIT

3.3 No objections.

HIGHWAY NETWORK MANAGEMENT

3.4 No objections.

External

GUILDHALL PLANNING PANEL

3.5 No comment made. Consider that the drawings are misleading.

NEIGHBOURS

3.6 Two letters received from residents of St. Johns Street stating concern about the use of the Phoenix Court Garden. There is no guarantee that the use of the Phoenix building for business purposes only will continue. The noise restrictions imposed on the Students Union building have been abused over the years. Suggest that the use of the garden is restricted to the same office hours as Phoenix Court (8am to 6pm). Suggest that access to this space is fenced and gated so it can be locked at other times.

4.0 APPRAISAL

4.1 Key Issues

- impact on the setting of adjacent listed buildings and the wider Central Historic Core Conservation Area
- residential amenity

4.2 Policy HE2 of the Local Plan states that within or adjoining conservation areas, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. Policy HE3 requires external alterations in conservation areas to have no adverse effect on the character and appearance of the conservation area. Policy ED5 relates to further and higher education institutions and states that there development will be encouraged in accordance with Local Plan policies. Policy GP1 states that development proposals will be expected to ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking or dominated by over-bearing structures.

4.3 This application forms a part of a wider landscape strategy to improve the appearance of the north east part of the campus, which accommodates the Students Union Building, the car park and the Phoenix building. Permission is sought for alterations to the facade of the Student Union building, for a new beer store to the side of the Students Unions building, for alterations to the windows and doors of the Phoenix building and for a new canopy and landscaped seating area associated with the Phoenix building at the York St. John University on Lord Mayors Walk.

Cladding the Students Union building

4.4 The Students Union building was constructed in the 1950s and has since been unsympathetically extended and altered with a conservatory and canopy to the front elevation and plant on the roof. In view of the consideration that the existing building detracts from the listed buildings which bound the car park, it is proposed to over-clad the brickwork facade with an off white render and to vertically hang cedar cladding. A parapet wall is proposed to hide the roof plant. The replacement of the existing canopy to the front of the Students Union has recently been approved under delegated powers.

4.5 It is considered that the render and timber cladding would improve the appearance of this poorly detailed building and would add interest to this part of the campus without detracting from the adjacent listed buildings.

Beer Store

4.6 Due to a lack of internal secure storage, beer barrels are currently left to the front of the students union. To address this, it is proposed to erect a secure beer store measuring 4.8 by 2.2 metres to the side of the Student Union building within a fenced compound, adjacent to an existing store. By tidying up this area and siting the store adjacent to the existing building in a non prominent location, this proposal is supported.

Alterations to windows and doors of the Phoenix building

4.7 The Phoenix building is located on the south eastern side of the car park and comprises a late 19th Century school building with significant late 20th Century alterations. It is a red brick building typical of its type with a slate roof and multi-pane timber windows. The red brick octagonal extension was built in 1931. It has been deemed a curtilage listed building and consequently the proposed internal alterations to the Phoenix buildings are considered under the associated listed building application.

4.8 The building has been used to provide university teaching, seminar and office facilities and was last refurbished approximately 20 years ago. With reference to the late 19th century element of the building, it is proposed to replace the existing non original external doors to the north west elevation with frameless glazed doors, one of which would be a fire escape. The revised plans confirm that the original timber multi-pane windows would be retained and refurbished. The metal framed windows in the later octagonal extension are in need of replacement and it is proposed to replace these with painted hardwood framed windows. An alternative entrance in the south east elevation of the octagonal extension is also proposed.

4.9 The proposed alterations would not compromise the character or appearance of this curtilage listed building.

New canopy / landscaped seating area to serve Phoenix building

4.10 The refurbished Phoenix building is intended to provide additional office space for the colleges' Institutional Development, Widening Participation, External Affairs, Learning City York and Higher York teams. A small meeting room and a seminar room

for approximately 25 persons would also be provided to support the activities of these teams.

4.11 As part of this application, it is proposed to form new sliding glazed doors to the presentation / training room to open out into a newly created Phoenix Court garden for an external break out space for users of this building. This would involve the removal of the existing Portakabin and the erection of a canopy to provide a covered area for 3 No tables. The 17 metre by 6.5 metre garden would have soft landscaping with a planted buffer between the seating and the boundary wall. 3 No. trees would be planted.

4.12 As part of the development, landscaping is proposed to the front of the Phoenix building, which includes three disabled parking spaces.

Impact on Residential Amenity

4.13 The proposed Phoenix Court garden shares its boundary with No's 46, 48, 50 and 52 St. John's Street and concerns have been raised with respect to how this garden would be used and the impact on residential amenity. There is existing vegetation on the boundary with the properties on St. Johns Street and this would be supplemented by additional planting. Given this landscaped buffer, the fact that only 3 tables are proposed and that the area would not be used by students as part of the Students Union but as a break out space by users of the office space in the Phoenix building, it is considered that the impact on residential amenity would be acceptable. It is recommended that a condition preventing the use of the garden outside office hours (8am - 6pm) be applied.

4.14 It is considered that the removal of the portakabin and the landscaping of the area would improve the visual amenity of this part of the campus for the adjacent residential properties.

5.0 CONCLUSION

5.1 This application forms a part of a wider landscape strategy to improve the appearance of the north east part of the York St. John University campus. Aside from the works detailed in this application, the strategy involves the removal of a significant number of car parking spaces and soft and hard landscaping. Officers consider that the greening of the campus and the works detailed in this application, would improve the visual amenity of the campus and provide an improved setting for the adjacent listed buildings, in line with Local Plan Policies HE2 and HE3.

5.2 Concerns have been raised with respects to the proposed Phoenix Court garden and the impact of its use on the occupants of St. John's Street. However given the consideration that there would be a landscaped buffer, the fact that only 3 tables are proposed and that the area would not be used by students as part of the Students Union but as a break out space by users of the office space in the Phoenix building, it is considered that the impact on residential amenity would be acceptable and in accordance with policy GP1.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Dwg No: 7358 (20) 04 Rev B (Elevations and Sections) received 6 April 2010

Dwg No's: 7358 (90) 02 (Site Plan), 7358 (90) 00 (Location Plan), 7358 (20) 05 (Elevations), 7358 (20) 03 D (Floor Plans) and 2140/4 Rev A (Detailed Landscape Proposals) received 5 February 2010

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 use of the Phoenix Court garden shall be confined to the hours of 8am to 6pm Mondays to Saturdays and shall not be used on Sundays.

Reason: To protect the amenities of adjacent residents.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the setting of the adjacent listed buildings and the wider Central Historic Core Conservation Area. As such the proposal complies with Policies HE2, GP1 and HE3 of the City of York Development Control Local Plan.

Contact details:

Author: Rachel Tyas Development Control Officer (Wed - Fri)

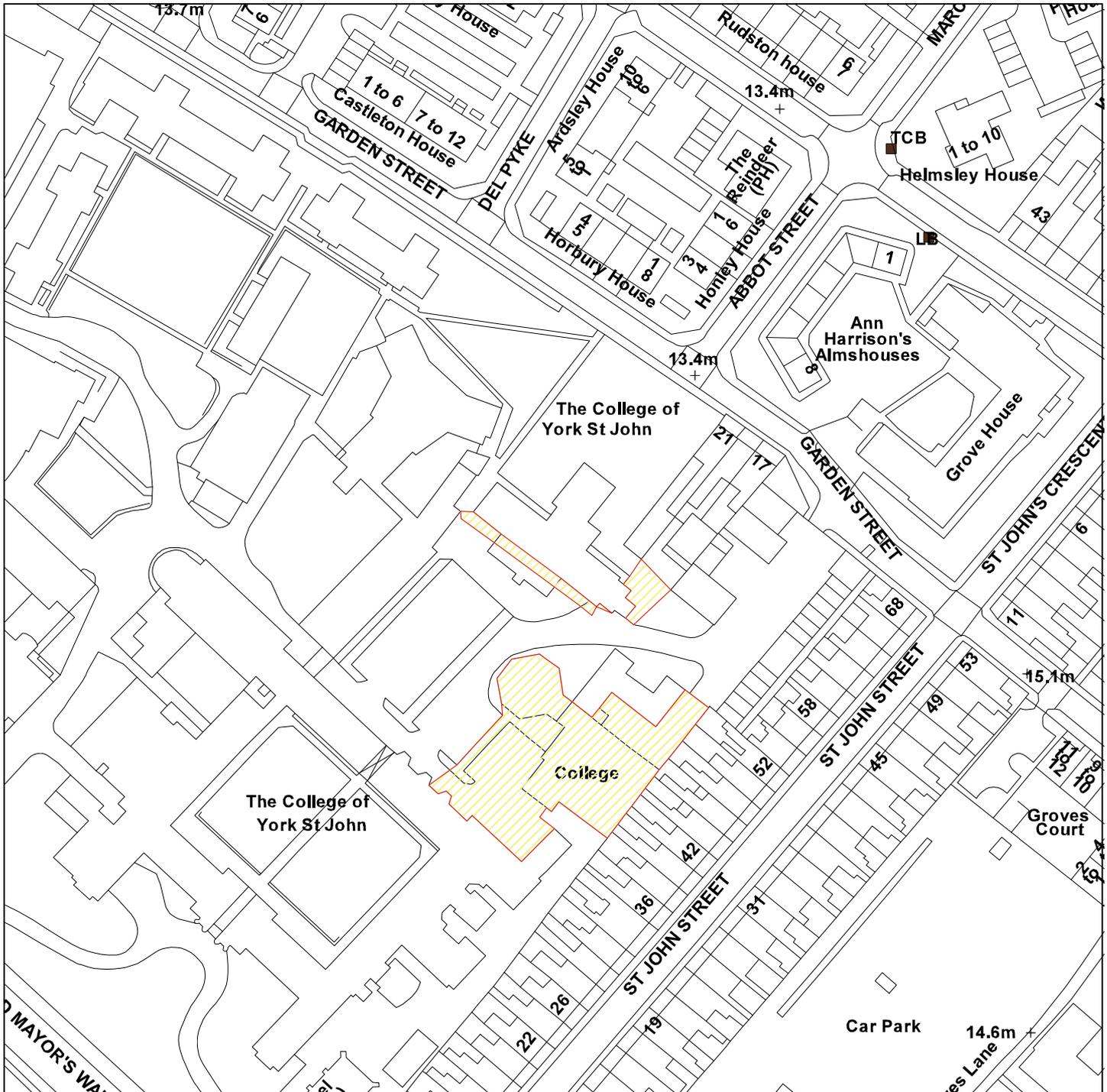
Tel No: 01904 551493

Student Union/Phoenix Building, York St John

10/00209/FUL



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Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application site
Date	09 April 2010
SLA Number	Not set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 22 April 2010 **Parish:** Guildhall Planning Panel

Reference: 10/00210/LBC
Application at: Phoenix York St John University Lord Mayors Walk York
For: Internal and external alterations
By: Mr Richard Hirst
Application Type: Listed Building Consent
Target Date: 5 April 2010
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks listed building consent for internal and external alterations to the Phoenix building, a late 19th Century building with significant late 20th Century alterations, sited on the north eastern extremes of the York St. John University campus on Lord Mayors Walk. It is deemed a curtilage listed building due to its age and siting within the grounds of the main College buildings, which are Grade II listed.

1.2 The associated planning application, referenced 10/00209/FUL, is also on the agenda.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

DC Area Teams GMS Constraints: Central Area 0002

Listed Buildings GMS Constraints: Grade 2; College Building York St John Lord Mayors Walk 0576

2.2 Policies:

CYHE4
Listed Buildings

3.0 CONSULTATIONS

Internal

3.1 Design, Conservation and Sustainable Development - Support on the basis of retaining all existing timber windows and refurbishment as per the agreed schedule. The internal works should seek to retain the existing glazed brickwork and dado to the six piers in the central hall space only where, together with the opening up of the

mezzanine, will allow for a better appreciation of the original form of the building. In all other areas where there has been damage / loss of original features, satisfied for these to be treated as per the proposals submitted.

External

3.2 Guildhall Planning Panel - We cannot comment on this application as the drawings are misleading

4.0 APPRAISAL

4.1 Key Issues

- impact on the character and appearance of the Grade II listed building.

4.2 Local Plan policy HE4 states that consent will only be granted for internal or external alterations where there is no adverse effect on the character, appearance or setting of the listed building.

4.3 The Phoenix building is located on the south eastern side of the Student Union car park and comprises a late 19th Century school building with significant late 20th Century alterations. It is a red brick building typical of its type with a slate roof and multi-pane timber windows. The red brick octagonal extension was built in 1931. It is deemed a curtilage listed building by virtue of its age and its siting within the grounds of the main College buildings, which are Grade II listed.

4.4 With reference to the late 19th century element of the building, it is proposed to replace the existing non original external doors to the north west elevation with frameless glazed doors, one of which would be a fire escape. The revised plans confirm that the original timber multi-pane windows would be retained and refurbished.

4.5 Internally, the building has been subject to significant alterations and a mezzanine floor has been introduced which cuts across the arched heads to the ground floor openings. Furthermore previous damp proofing works have involved the plastering of many areas of the glazed brick lower walls. The special character of this building is still evident however with original glazed brick piers with curved corner details and original timber dados to the main hall. This application seeks consent to cut back the mezzanine floor to better reveal the original height of this central space, which is welcomed. The revised plans also confirm that the glazed brickwork and dado rail will be cleaned and restored to its original state.

4.6 Other internal alterations proposed in the application involve the erection of new metal framed glazed screens. Given that many of the original timber glazed screens have been lost and those that remain have been severely damaged, Officers consider this contemporary intervention to be appropriate and in accordance with Local Plan Policy.

4.7 With respects to the later octagonal extension, consent is sought to replace the metal framed windows with painted hardwood framed windows. An alternative entrance in the south east elevation of the octagonal extension is also proposed. This

is a later extension to the building and it is not considered that the proposed alterations would compromise its character or appearance.

4.8 Also part of this application is the proposal to form new sliding glazed doors to the training room of the Phoenix building to open out onto a newly created garden. This would involve the removal of the existing Portakabin and the erection of a canopy to provide a covered area for 3 No. tables. Officers consider that the proposed landscaping works and the removal of the Portakabin would enhance the setting of this curtilage listed building.

5.0 CONCLUSION

5.1 The application is considered to accord with Local Plan Policy HE4 and therefore is supported subject to the following conditions.

6.0 RECOMMENDATION: Approve

1 TIMEL2 Development start within 3 yrs (LBC/CAC)

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

Dwg No: 7358 (20) 14 D (General Arrangement Plans) received 6 April 2010

Dwg No: 7358 (20) 04 B (Elevations and Sections) received 6 April 2010

Letter from Darnton egs dated 1 April 2010

Dwg No: 7358 (90) 02 (Site Plan) received 5 February 2010

Dwg No's: 7358 (20) 15 A (Ground Floor Construction Plan), 7358 (20) 16 A (First Floor Construction Plan), 7358 (20) 18 (Proposed Sections Sheet 1), 7358 (20) 20 (Proposed Sections Sheet 2), 7358 (22) 02 A (Glazed Partition Details), 7358 (31) 02 A (External and Internal Door Elevations and Details) and 7358 (31)03 A (External Window Schedule)

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

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the character and appearance of the listed building. As such the proposal complies with Policy HE4 of the City of York

Development Control Local Plan.

Contact details:

Author: Rachel Tyas Development Control Officer (Wed - Fri)

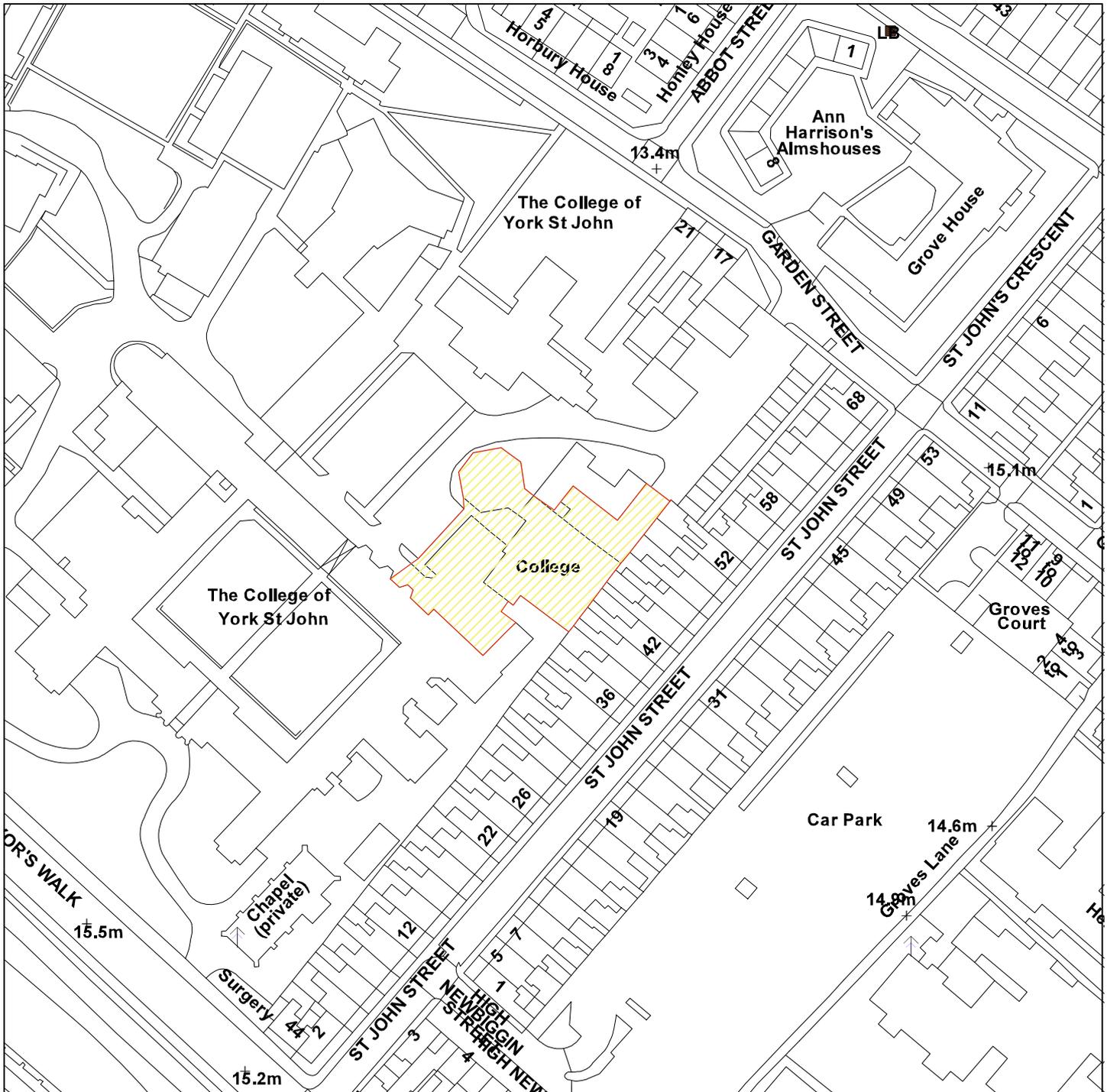
Tel No: 01904 551493

Phoenix Building, York St John University

10/00210/LBC



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Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application site
Date	09 April 2010
SLA Number	Not set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 22 April 2010 **Parish:** Guildhall Planning Panel

Reference: 10/00066/FUL
Application at: Stores/Warehouse Galmanhoe Lane York YO30 7DZ
For: 4no. three storey dwellings following demolition of existing buildings
By: HHB Investments Ltd
Application Type: Full Application
Target Date: 30 March 2010
Recommendation: Approve

1.0 PROPOSAL

1.1 Planning permission is sought for the demolition of a redundant brick built workshop and a prefabricated office building and the erection of 4 no. dwellings. It is proposed to erect the dwellings in the form of a terrace. A walkway will be provided between plots 2 and 3 to allow access to these plots. Access to the rear of plots 1 and 4 will be created from the west and east side respectively. The applicants propose to use the existing vehicular access (Galmanhoe Lane) to serve these properties.

1.2 This scheme has been amended since it was originally submitted. The revised scheme makes the following changes:

- The scale and height of the original town houses proposed has been reduced to reflect the more intimate nature of the lane. The eaves and ridge height have been lowered to the proposed dwellings. The ground level of the houses will fall with the site away from Marygate.
- The details and materials of the development have been changed to introduce an informal character, which is more typical of this former service area.
- The design of the roofs facing the lane has been simplified with rooflights replacing the majority of the dormer windows, thus reducing the scale of the development.
- The design of the roofs facing the service yard to the rear has been remodelled and it adopts a more contemporary character - still using natural materials.
- Waste bins and parking spaces have been removed from the lane. The agent has confirmed that provisions for off-site parking spaces was being investigated for plots 3 and 4.
- Natural setts and sandstone flags have been substituted for brick tegular paving to assist in preserving the historic character of the lane.

1.3 The proposed dwellings, if approved, would measure:-

- Plots 1 and 2 – 9.80 m in length x 6.0 m in width x 6.70 m in height to eaves level and 9.90 m in height to ridge level; and
- Plots 3 and 4 – 9.80 m in length x 5.3 m in width x 6.00 m in height to eaves level and 9.60 m in height to ridge level. These dwellings will be approximately 800 mm lower than plots 3 and 4.

1.4 The height of plots 1 and 2 have been reduced in overall height by 600 mm, whilst plots 3 and 4 have been reduced by 200 mm.

1.5 In addition to plots 1 and 2 being higher, their design differs to plots 3 and 4. The differences are:-

- 1 no. dormer window to front elevation; and
- 2 no. dormer windows to rear elevation;

1.6 Plots 3 and 4, if approved, would have 2 no. rooflights to the front, and 1 no. dormer and rooflight to the rear.

SITE

1.7 The site is located within York's Central Conservation Area. The site is almost rectangular in shape and measures approximately 0.051 ha. The site is located to the rear of Marygate, behind the Coach House Hotel.

1.8 The site consists of a 2 derelict buildings. The site was previously occupied by the York Archaeological Trust. The office building, is a 2-storey temporary flat roofed building, whilst the workshop is single storey in height, built of brick and has a corrugated asbestos roof.

HISTORY

1.9 No relevant recent history.

REASON FOR APPLICATION BEING PRESENTED TO COMMITTEE

1.10 The application was referred to Planning Committee by Councillor Brian Watson, due to the sensitivity of the site and possible impact of the development upon adjacent neighbours.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYHE2
Development in historic locations

CYHE3
Conservation Areas

CYHE5
Demolition in Conservation Areas

CYGP9
Landscaping

CYGP10
Subdivision of gardens and infill devt

CYH4A
Housing Windfalls

CYL1C
Provision of New Open Space in Development

CYH5A
Residential Density

CYH3C
Mix of Dwellings on Housing Site

3.0 CONSULTATIONS

INTERNAL – ORIGINAL SCHEME

Environmental Protection Unit (EPU)

3.1 advised the imposition of conditions relating to recommended hours for carrying out construction work, contaminated material and an informative relating to the carrying out of works on site.

Highway Network Management (HNM)

3.2 The officer noted that Galmanhoe Lane suffers from sub-standard sightlines at its junction with Marygate. The officer noted that if that if the proposed development represented an intensification of use of the site/junction, it would probably not be acceptable. Whilst the officer recognised that the site is currently derelict, a change of use from commercial to residential would generate less traffic and is therefore preferable.

3.3 The officer also noted that there are several other properties currently served off Galmanhoe Lane, all have on-site turning facilities of some description. The officer notes whilst plots 1 and 2 provide adequate turning, plots 3 and 4 do not. Plots 3 and 4 would most likely encroach upon private land when turning. The officer considered that it would be unsafe to reverse out of this lane and advised that the lack of turning should be addressed and amended accordingly.

3.4 The officer also noted that the site is situated within a residents parking zone, which is already oversubscribed. This site, if approved, would not qualify for inclusion within the scheme. Should the application be approved the applicant would be liable for any costs ensued in amending the traffic regulation order that controls this zone.

Life Long Learning and Leisure (LLL)

3.5 LLL advise that, should the application be approved, a condition should be added requiring the applicant to forward funds for the provision of open space within the York area.

Council's Education Department

3.6 The Council's Education Department seek no contribution towards school places.

York Drainage Consultancy

3.7 The Council's Drainage Engineer commented that the site was located with a low flood risk area, as a consequence he had no objections to the scheme. He advised that full drainage details should be submitted prior to the commencement of work on site.

Economic Development

3.8 The Council's Economic Development Officer has no objection to the loss of this employment site.

Conservation

3.9 The Council's Conservation Officer requested additional information concerning land levels, justification for demolishing the existing units, scale of the proposed new dwellings at the rear of the existing property (Public House), design of the proposed dwellings and the possible overdevelopment of the site.

3.10 As a consequence of the concerns raised by officers, the applicant agreed to amend the scheme and formally submitted an amended scheme. Due to time constraints, the consultation period does not expire until after the report needed to be finalised. Therefore committee will be verbally updated about any comments which were received after the report was finalised.

INTERNAL – AMENDED SCHEME

Highway Network Management (HNM)

3.11 The Officer generally supports the scheme. He was concerned about plots 3 and 4. In particular about there being no car-parking for units 3 & 4. He did however recognise that this has been accepted before for various other development within the city centre. He did however note that units 3 and 4 are bounded by flagged areas that could provide car parking. The officer does not consider this a suitable area for car parking and could create congestion within the lane or the need to use neighbours land to manoeuvre. The officer considered that should permission be granted, permanent measures should be included to prevent this area being used for car-parking, e.g. by erecting either a fence or bollards.

3.12 However, the officer was still concerned that even with bollards or a fence, it would not remove casual callers, service vehicles or the need to get close to the dwellings to off load heavy or large objects. Such occurrences, albeit infrequent, could still result in turning and reversing problems and possibly create an obstruction.

3.13 The officer recommended that plots 3 and 4 be altered. The officer favoured an integral garage being introduced into these dwellings, therefore creating a car park for each dwelling and creating an adequate turning area.

Conservation

3.14 The Council's Conservation Officer noted that the two buildings currently occupying the site have little significance in terms of their contribution to the character and appearance of York's Central Conservation Area and therefore it was acceptable to demolish them. Furthermore the amended scheme was acceptable due mainly to the amendments in design and lowering of height.

EXTERNAL – ORIGINAL SCHEME

Conservation Areas Advisory Panel

3.15 The Panel felt that the proposed scheme constituted overdevelopment of the site and that 2 properties of 2 stories would be preferable and also the style of the properties should be more modest.

Guildhall Planning Panel

3.16 The Panel raise no objections to this scheme.

Neighbours

3.17 Neighbours – Site notices were posted on the 05/02/2010. Comments were received from 6 neighbours. The issues raised by interested parties were as follows:-

- Plots 1 and 2 are too high and would have a detrimental impact upon the Conservation Area;
- The increase in traffic down Galmanhoe Lane would create congestion;
- There is poor visibility at the junction of Galmanhoe Lane and Marygate;
- The plans do not adequately indicate how vehicles visiting the site would be able to enter and leave the site;
- There is a significant potential of obstructing Galmanhoe Lane during demolition and construction works;
- Impact directly upon existing businesses;
- The proposed dwellings would shade the adjacent dormer bungalow;
- Overdevelopment of the site;
- How will asbestos be removed safely from the site?
- The residential dwellings are too close to the Post Office Club. There will be a conflict between the continuing use of the Post Office club and the residential amenity of the new dwellings;
- The proposed dwellings should be set further back into the site so as create adequate car-parking facilities for prospective occupants; and
- The existing drainage system would not be able to cope with the increased demand from the new dwellings.

EXTERNAL – AMENDED SCHEME

3.18 A verbal update will be given to committee at the meeting.

4.0 APPRAISAL

4.1 The main considerations are:

- Principle of development;
- Demolition of existing units;
- Design, Scale and Impact upon the Central Conservation Area;
- Impact on residential amenity;
- Highways Issues;
- Open space and education;
- Protected species; and
- Other matters.

PRINCIPLE OF DEVELOPMENT

4.2 The site lies within the defined settlement boundary of York. The site is also located within a Conservation Area. Central Government guidance regarding new housing is contained within Planning Policy Statement 3 (Housing), policies H4a and H5a of the Draft Local Plan are also relevant. The key aim of local and national policy is to locate new housing on brownfield land in sustainable locations. PPS3 sets out a sequential test which favours the re-use of previously developed land within urban areas, then urban extensions and finally new development around nodes in good public transport corridors. Policy H4a deals with housing developments within existing settlements and says that permission will be granted within defined settlement limits for new housing developments on land not already allocated on the proposals map, where the site is vacant, derelict or underused land where it involves infilling, redevelopment or conversion of existing buildings. The scheme must be of an appropriate scale and density to surrounding development and should not have a detrimental impact on landscape features. Policy H5a says a density of 60 dwellings per hectare should be achieved on this site subject to the scale and design of the development being compatible with the character of the surrounding area and that there is no harm to local amenity. PPS5 addresses development within conservation areas and seeks a high standard of design which and policy HE2 and HE3 seek to protect development in Conservation areas.

4.3 The scheme proposes 4 dwellings within this plot. The density is approximately 78 dwellings per hectare (dwpha). The Council advises within the local plan that scheme within the city centre should exceed 60 dwpha. It is therefore considered that the scheme is acceptable and is not overdevelopment of the plot. Due to the location of the site and its proximity to local facilities and accessibility it is considered to be a sustainable location and therefore acceptable in principle. Other elements such as design and scale, impact upon the conservation area, impact upon the neighbours and highway issues are discussed below.

DEMOLITION OF THE EXISTING UNITS

4.4 The existing units on the site are derelict and unusable. The large single storey warehouse is of rudimentary post-war construction in brick with concrete lintols and metal windows; it also has an extensive corrugated asbestos cement sheet roof. The 2-storey pre-fabricated concrete framed and panelled building is of modular construction (Terrapin) and has a flat roof. It has been built on ground raised above the level of the lane; and this adds to its comparative height within the area. Both buildings are typical of construction in the post war period when building materials were rationed and industrialized systems were promoted by central government. Whilst the buildings are interesting in their own right as evidence of the period of post-war austerity, neither building makes a positive contribution to the character and appearance of the conservation area.

4.5 Under PPS5 the comparative merits of the replacement buildings are a relevant consideration in determining the application. The characteristics of the lane are varied with high brick walls dominating its northeast side. These open out to a forecourt which reveals a former coach house towards the lower part of the narrow lane. Other

ancillary accommodation has been lost in this location in favour of creating car-parking at the bottom of sites now in commercial use and this has made the lane quite busy at times despite being a “dead end”. The end site is occupied by a late C20th dormer bungalow. Their historic value and architectural characteristics are such that they do not contribute positively to the setting of nearby listed buildings. Their demolition and removal is therefore supported.

DESIGN, SCALE AND IMPACT UPON THE CENTRAL CONSERVATION AREA.

4.6 The site is located along a narrow lane off Marygate which originally gave service access to the rear of properties on Bootham. It is within the part of the Central Historic Core conservation area which was extended in 1975 to include areas of sub-urban expansion outside the city walls.

4.7 This proposal involves the erection of four 2-storey dwellings with additional accommodation in the roof. Plots 1 and 2 would also have integral garages. The general setting of this particular area of Marygate/Galmanhoe Lane and Bootham, is that of a mix of commercial businesses and residential properties. At present, the street comprises of various types of buildings ranging from a detached bungalow, 2/3/4-storey dwellings and commercial units and also a detached dwelling adjacent the entrance to the site.

4.8 The emphasis of both PPS3 and relevant local plan policies is that development should maximise use of existing sites but that development should respect the character of the site and its surroundings.

4.9 The proposed scheme would introduce residential dwellings into a previously derelict site. The scheme would create 4 dwellings with yards enclosed by a new brick boundary wall. Part of the lane would be resurfaced.

4.10 Initially concerns were raised about the original scheme due to the height, the formal character of the houses, impact of parking, bin provision and the modern landscape design on the lane.

4.11 The amended scheme would help to define the southwest side of the lane. As each new dwelling would have a similar footprint to a terrace house, it is considered that they are acceptable in terms of their size. Their scale and character would help mitigate against the impact of the large and simple industrial buildings to the southwest and also the newer houses. It is therefore considered that the intimacy of the lane would be preserved and overall there would be an enhancement to the conservation area in this location.

4.12 It is therefore considered that this scheme satisfies all relevant policy requirements and is acceptable in terms of visual appearance and impact upon the conservation area.

IMPACT UPON RESIDENTIAL AMENITY

4.13 Occupants of residential dwellings have a high expectation of the level of privacy for rooms at the rear of their dwelling especially where such rooms face

towards their rear private garden. It is considered that the proposed dwelling would not directly overlook any adjacent neighbour to a significant degree or have a detrimental impact upon the private rear gardens of these dwellings due to shading and/or loss of light and aspect.

4.14 The relationship with existing neighbouring buildings within the area satisfies the requirements of policy GP1 of the local plan, in so much that the proposed dwellings would not have a detrimental impact upon their amenity in terms of privacy and levels of light.

HIGHWAYS ISSUES

4.15 The principal outstanding issue concerns plots 3 & 4. Whilst they do not now have any formal parking areas, it is considered acceptable in principal due to their close proximity to the city centre, facilities and Marygate car park.

4.16 However, there are concerns that occupants or visitors would be tempted to park on the paved area to the front of the proposed plots. Another concern is that visitors to these dwellings would not have the opportunity to turn and would therefore have to reverse out of the lane, which could create a nuisance or be dangerous.

4.17 It would be possible to impose a condition requiring the paved area to be enclosed either by fencing or bollards. This would prevent occupiers and visitors using the area for parking.

4.18 With regard to service vehicles visiting the site and/or other vehicles visiting the site and having to reverse down the lane, it is not considered that this arrangement is significantly different to the existing situation now. As it would be possible to use the site for commercial activities without requiring planning consent, it can be argued that there could be a comparative situation or an increased situation of vehicles visiting the site and having to reverse down the lane. Indeed, residential properties would most likely have less impact than a commercial use. Furthermore, it is considered that there is adequate parking close by (Marygate car-park). Visitors to these dwellings could easily park at Marygate car park and walk to the site (approximately 5-10 mins). Commercial visitors to these plots, i.e. deliveries would either have to park further down Marygate and hand deliver items. This could be arranged with the occupants of the dwellings and happens often now with other similar sites within the City centre.

4.19 As a consequence, highways matters are considered acceptable subject to the imposition of suitable conditions.

OPEN SPACE CONTRIBUTION

4.20 Under Policy L1c there is an open space provision requirement for this site. The provision of open space has been addressed by condition. There is no requirement for a contribution towards school places.

PROTECTED SPECIES

4.21 A bat survey has been carried out on both buildings and the potential impacts

have been assessed. The survey found the buildings to have a low potential for supporting roosting bats, and officers agree with these conclusions. No evidence was found to suggest that either building had recently been used by roosting bats and based on these findings, officers do not consider it necessary to request any further survey work. As both buildings do present some potential habitat features however, and as the site is located within an area of high value to bats, it is considered that that measures should be put in place to avoid any potential harm should any bats be present during the demolition phase.

4.22 As the scheme involves the construction of four new 3-storey dwellings, there are also good opportunities for incorporating bat friendly habitat features into the designs of the new buildings. This would help to further increase the wildlife value of the site, and would also ensure that any habitat features potentially lost due to the demolition of the existing buildings are made available within the new buildings. Features suitable for incorporation may include special bat bricks, tiles or bat boxes. Again, this can be covered by a condition.

4.23 If any bats are discovered during the course of the work, then work should cease and Natural England consulted before continuing.

OTHER MATTERS

Land Levels

4.24 A neighbour raised concerns regarding the lack of information provided concerning existing and proposed land levels and highway access. It is considered acceptable to seek details of this matter by the imposition of a suitable condition.

Contaminated Land

4.25 Desk Study and Geoenvironmental Ground Investigation Report prepared by JPG (dated 8 January 2010) identifies a 2.3 - 3.35 metre depth of made ground across the site. This made ground was found to contain elevated levels of mercury, which could pose a risk to health. The report concludes that in garden areas, a suitable depth of made ground should be removed and replaced with clean imported subsoil and topsoil. The report also advises that gas membranes be incorporated into buildings to protect residents from mercury vapours and radon gas.

Sustainability

4.26 Standard conditions have been proposed to ensure that the dwellings, if approved, are built to level 3 Code for Sustainable Homes and that 5% of their energy is generated from renewable sources (subject to agreement by the Council.)

Access to other business properties

4.27 A number of objections have been received from neighbours who currently use Galmanhoe Lane. They object to the proposed scheme on the grounds that it will prevent 24 hour access to the properties and consequently affect their amenity and/or business operations. Galmanhoe Lane is a private road, as a consequence matters concerning rights of access are a legal matter between relevant parties and cannot be considered as a material planning consideration in the determination of this application.

Drainage

4.28 Drainage is considered acceptable subject to the imposition of suitable conditions.

Health & Safety

4.29 Asbestos is present within this site. Whilst a suitable condition has been imposed to require the safe removal of this potentially dangerous material as part of the Construction Management Plan (CEMP), this is principally a matter covered by the Health & Safety Executive.

5.0 CONCLUSION

5.1 The proposed are acceptable in terms of design, scale and appearance and would not have a detrimental impact upon the amenity of neighbouring residents or the character of York's Central Conservation Area. As a consequence the proposed works are considered acceptable and are recommended for approval, in accordance with policies HE2, HE3, HE5, GP1, GP9, GP10, T4, H4a and L1c of the City of York Development Control Draft Local Plan and National Planning Guidance PPS1, PPS3 and PPS5.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing no. 1623-201 – Site Layout and Contextual Elevation - Date stamped 31st March 2010

Drawing no. 1623-202 - Plans - Date stamped 31st March 2010

Drawing no. 1623-202 - Elevations - Date stamped 31st March 2010

Drawing no. 1623 - Plans and elevations - Date stamped 31st March 2010

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

3 VISQ7 Sample panel ext materials to be approved

4 VISQ8 Samples of exterior materials to be approved

5 Large scale details (1:5 & 1:20) of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details. In addition all windows should be recessed back from the brickwork face and rooflights should be conservation rooflights.

- All windows;
- Dormer windows;
- Rooflights; and
- Doors and gates.

Reason: To ensure the external elements are visually acceptable within the conservation area.

6 Details of the metal guardings should be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

Reason: To ensure the external elements are visually acceptable within the conservation area.

INFORMATIVE: Drawings should also show the structures in context.

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

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

8 Notwithstanding the information contained on the approved plans, the ridge height of Plots 1 and 2 should not exceed 9.90 m and Plots 3 and 4 should not exceed 9.60 m, as measured from existing ground level at their north eastern flank walls. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

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

Reason: In order to comply with the provisions of Policy L1 of the City of York Draft Local Plan.

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £12,024.

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard

10 HWAY10 Vehicular areas surfaced, details required

11 HWAY18 Cycle parking details to be agreed

12 HWAY19 Car and cycle parking laid out

13 HWAY31 No mud on highway during construction

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

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

15 Details of the bollards or railings to enclose the paved area to the front of plots 3 and 4 should be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

16 DRAIN1 Drainage details to be agreed

17 All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to 08:00 to 18:00 Monday to Fridays, 09:00 to 13:00 Saturdays and no works at all shall be carried out on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents during the construction of the development.

18 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a and b of this condition have been complied with:

a. Submission of Remediation Scheme

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

b. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

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

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

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

20 No development shall take place until full details of what measures for bat mitigation and conservation are proposed and have been submitted to and approved by the Council.

The measures should include:

- i. A plan of how demolition work is to be carried out to accommodate the possibility of bats being present.
- ii. Details of what provision is to be made within the new buildings to replace the features lost through the demolition of the original structures. Features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards, bat boxes and bat lofts and should at least replace or substitute for what is existing.
- iii. The timing of all operations

The works shall be implemented in accordance with the approved details and timing unless otherwise approved in writing by the Council.

Reason - To take account of and enhance habitat for a protected species. It should be noted that under PPS9 the replacement/mitigation proposed should provide a nett gain in wildlife value.

21 A large scale landscape scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details. Details should include description of materials, drainage covers, lighting, planting, bollards and other structures within and around the space including details of the boundary walls and bin enclosures.

Reason: To ensure the external elements are visually acceptable within the conservation area.

22 No building work shall take place until details have been submitted to and approved in writing by the local planning authority, to demonstrate how the applicant will provide from renewable sources, 5% of the building's total energy demand on land within the control of the applicant. Not later than 12 months after the building has first been brought into use, the applicant shall submit an Energy Statement to the Local Planning Authority, which details the percentage of the buildings energy consumption that has been derived from renewable sources. The development shall not be occupied until these works have been carried out in accordance with the submitted details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of sustainable development.

23 Prior to the commencement of development, a report demonstrating that the dwelling would comply with the Code for Sustainable Homes Level 3 assessment for the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved report.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction.

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 locality, highway safety. As such, the proposal complies with policies H3c, HE2, HE3, HE5, GP1, GP9, GP10, T4, H4a and L1c of the City of York Local Plan Deposit Draft; and National Planning Guidance PPS1, PPS3 and PPS5.

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

i. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

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

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

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

v. There shall be no bonfires on the site

3. 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:

Recovery of expenses due to extraordinary traffic - Section 59 D Hobson (01904 551367)

4. Under Section 1 and 99 of the Wildlife and Countryside Act 1981 it is an offence to intentionally damage or destroy any birds nest whilst it is in use being built or to deliberately damage or destroy a bat roost. This is a requirement under Section 1 and 99 of the Wildlife and Countryside Act 1981.

5. If any bats are discovered during the course of the work, then work should cease and Natural England consulted before continuing.

6. The site currently lies within the R12 Respark Zone. This zone is currently

considered to be under stress with 75 spaces and 89 permits issued; it is a recommendation therefore that this site be removed from qualifying for inclusion in the zone. The removal of the site from the zone will entail a modification to the traffic regulation order that controls the zone and as any such modification would be considered as a direct consequence of the development then any costs incurred will be expected to be borne by the applicant.

Contact details:

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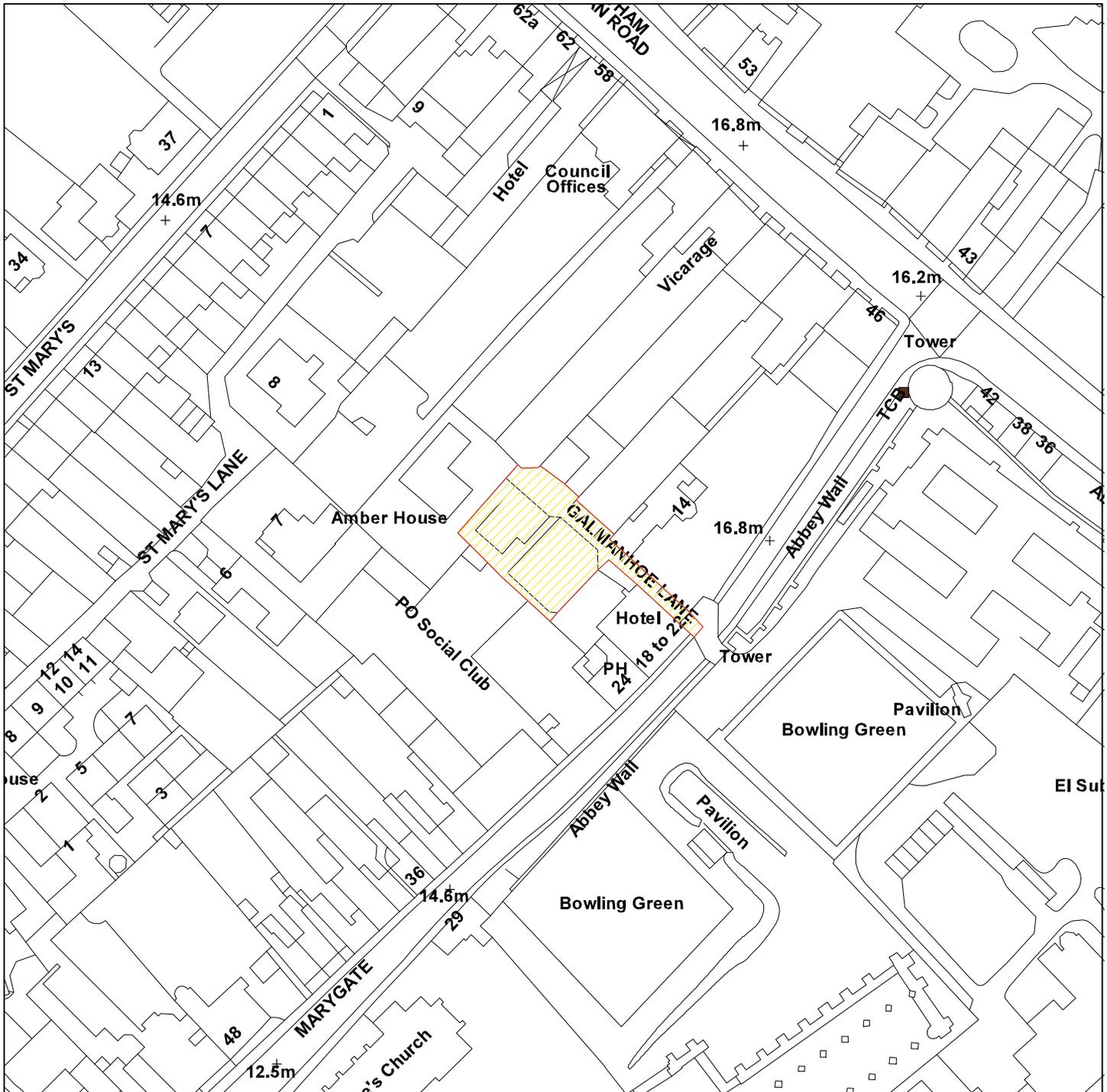
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Stores/Warehouse, Galmanhoe Lane, YO30 7DZ

10/00066/FUL



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Scale : 1:1250

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Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application site
Date	09 April 2010
SLA Number	Not set

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West & City Centre Area Planning Sub-Committee

22 April 2010

Report of the Director of City Strategy

Enforcement Cases - Update

Summary

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

Background

2. Members have received reports on the number of outstanding enforcement cases within the Sub-Committee area, on a quarterly basis, since July 1998, this report continues this process.
3. Some of these cases have been brought forward as the result of information supplied by residents and local organisations, and therefore "The annexes to this report are marked as exempt under Paragraph 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, as this information, if disclosed to the public, would reveal that the Authority proposes to give, under any enactment a notice under or by virtue of which requirements are imposed on a person, or that the Authority proposes to make an order or direction under any enactment".
4. In order to give Members an up to date report, the schedules attached have been prepared on the very latest day that they could be to be included in this report on this agenda.

Current Position

5. Members should note that 49 new cases were received for this area within the last 3 months. 43 cases were closed and 183 remain outstanding. There are 67 Section 106 Agreement cases outstanding for this area after the closure of 7 for the last 3 months.

Consultation

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

Options

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

Corporate Priorities

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

10. **Implications**

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

Risk Management

11. There are no known risks.

Recommendations

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

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

Contact Details

Author:

Hilary Shepherd/
Andy Blain
Planning Enforcement Officers

Chief Officer Responsible for the report:

Chief Officer's name

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

Dept Name City Strategy
Tel No. 551647/551314

Report Approved

Date 30.03.2010

Specialist Implications Officer(s)

None

Wards Affected: *All Wards in the West and City Centre area*

All

For further information please contact the authors of this report

Background Papers:

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

Report to Area Sub-Committee in July 2006 – Enforcement Cases Update.

Annexes

Annex A - Enforcement Cases – Update (Confidential)

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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