



## Notice of meeting of

### Planning Committee

**To:** Councillors Williams (Chair), Galvin (Vice-Chair), Ayre, Boyce, Cunningham-Cross, D'Agorne, Doughty, Firth, Funnell, King, McIlveen, Merrett, Reid, Simpson-Laing, Watson and Watt

**Date:** Thursday, 25 August 2011

**Time:** 4.30 pm

**Venue:** The Guildhall, York

**The site visit will commence at 9.30am on Tuesday 23 August 2011 meeting at Memorial Gardens**

### AGENDA

#### 1. **Declarations of Interest**

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

#### 2. **Minutes** (Pages 5 - 12)

To approve and sign the minutes of the last meeting of the Planning Committee held on 15 June 2011.

#### 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 **5.00pm on Wednesday 24 August 2011**. 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

This item invites Members to determine the following planning applications:

- a) **Holgate Villa, 22 Holgate Road, York YO24 4AB (11/00436/FULM)** (Pages 13 - 34)

Erection of part 3 part 4 storey hotel with associated parking and landscaping following demolition of an existing office building. *[Micklegate Ward]*

- b) **Arabesque House, Monks Cross Drive, Huntington, York (11/01468/OUTM)** (Pages 35 - 54)

Outline application for the erection of a retail warehouse following the demolition of an existing office building (resubmission). *[Huntington and New Earswick Ward]* **[Site Visit]**

- c) **6-18 Hull Road, York (11/01496/REMM)** (Pages 55 - 62)

Reserved matters application for the approval of landscaping details following approval of outline application for the demolition of an existing dairy distribution facility and development of student accommodation (11/00050/OUTM). *[Fishergate Ward]*

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

Democracy Officer:

Name: Jill Pickering

Contact Details:

- Telephone – (01904) 552061
- E-mail – [jill.pickering@york.gov.uk](mailto:jill.pickering@york.gov.uk)

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- Registering to speak
- Business of the meeting
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Contact details are set out above.

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### **Scrutiny Committees**

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

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- Monitor best value continuous service improvement plans

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**PLANNING COMMITTEE**

**SITE VISIT**

**TUESDAY 23 AUGUST 2011**

<b>TIME</b> <b>(Approx)</b>	<b>SITE</b>	<b>ITEM</b>
<b>9.30am</b>	Bus leaves Memorial Gardens	
<b>9.45am</b>	Arabesque House, Monks Cross Drive, Huntington, York (11/01468/OUTM)	<b>4b</b>

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City of York Council

Committee Minutes

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MEETING	PLANNING COMMITTEE
DATE	15 JUNE 2011
PRESENT	COUNCILLORS WILLIAMS (CHAIR), GALVIN (VICE-CHAIR), AYRE, BOYCE, CUNNINGHAM-CROSS, D'AGORNE, DOUGHTY, FIRTH, FUNNELL, KING, MCILVEEN, MERRETT, ORRELL (SUB FOR CLLR REID), SIMPSON-LAING, WATSON AND WATT
APOLOGIES	COUNCILLOR REID

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## 1. INSPECTION OF SITE

Site	Reason for Visit	Members Attended
Holgate Villa, 22 Holgate Road, York YO24 4AB (11/00436/FULM)	To enable Members to view the site and adjacent properties following objections received.	Cllrs Boyce, King, Merrett and Watson.

## 2. DECLARATIONS OF INTEREST

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

Councillor Boyce declared a personal prejudicial interest in relation to Plans item 4a (Holgate Villa, 22 Holgate Road, York YO24 4AB) as her employers occupied part of Holgate Villa and she withdrew from the meeting and took no part in the discussion or voting thereon.

Councillor D'Agorne declared a personal prejudicial interest in relation to Plans item 4a (Holgate Villa, 22 Holgate Road, York YO24 4AB) as the York Green Party Office occupied part of Holgate Villa and he withdrew from the meeting and took no part in the discussion or voting thereon.

Councillor Merrett declared a personal non prejudicial interest in relation to Plans item 4a (Holgate Villa, 22 Holgate Road, York YO24 4AB) and the reference to the adjacent cycle route as an Honorary Member of the CTC.

**3. MINUTES**

RESOLVED: That the minutes of the last meeting of the Committee held on 24 March 2011 be approved and signed by the Chair as a correct record.

**4. PUBLIC PARTICIPATION**

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

**5. PLANS LIST**

Members considered the report of the Assistant Director (Planning and Sustainable Development) relating to the following planning application, outlining the proposals and relevant planning considerations and setting out the views of the consultees and officers.

**5a Holgate Villa, 22 Holgate Road, York YO24 4AB (11/00436/FULM)**

Members considered a major full application, received from The Villas Venture, for the erection of a part 3 and part 4 storey hotel with associated parking and landscaping following demolition of the existing office building.

Officers circulated an update at the meeting, which set out the following (the full update is attached to the agenda for this meeting):

- Confirmation that revised plans had been received which clarified material and delivery details and drawings showing that vehicles could turn and leave the site in a forward gear.
- Objections received from the Micklegate Planning Panel in respect of traffic management, building massing, community safety and lack of community involvement/consultation.



- Additional Conditions relating to construction of roads and footpaths, removal of redundant crossing, carriageway and footway widening and a method of works statement.
- Highways revised comments confirming that the hotel use would lead to a reduction in traffic generated by the site and that the hotel would not be eligible for on street parking permits. Also confirmation that Lowther Terrace would be widened to 4.1m (confirmed as 4.5m at the meeting) to accommodate two way traffic.
- Amendment to Condition 7 requesting large scale details and Condition 10 requiring coverage of the cycle store.
- Comments of the Environmental Protection Unit suggesting additional conditions regarding vehicle delivery hours, limiting noise levels in bedrooms and land contamination.
- Photomontages of the development as seen from Holgate Road/Lowther Terrace.
- Extract from the minutes of the Micklegate Ward Committee meeting held on 9 June 2011, when consideration had been given to the planning application.

Representations were received from the Chair of CAMLOW Residents' Association expressing concerns at possible traffic levels in relation to the proposed development. She pointed out that there would be an increase in vehicles accessing the site via Lowther Terrace and that the parking arrangements were inadequate resulting in pressure on residents parking in the vicinity. Concerns were also expressed regarding delivery vehicles and to the proposed increase in road width causing safety issues for children and vulnerable tenants.

A local resident went onto make representations at the lack of consultation in relation to the application. She also referred to safety concerns that arose from the proposal to amend traffic on Lowther Terrace to two way. Other concerns related to light pollution, problems arising from the demolition of the existing building and use of the hotel by racing clientele.

A further local resident confirmed that although their area had suffered from a number of problems the community had worked together to provide a safe environment for all residents. She pointed out that this proposal would be detrimental to the community in general and referred to existing drainage problems, which this development would exacerbate.

A representative of the North Yorkshire Committee of the national cyclists organisation CTC referred to the inclusion of Lowther Terrace as part of a quiet cycle route between the A59 corridor and the station, avoiding Blossom Street. He stated that, if approved, this application would generate as yet unquantified levels of additional vehicle journeys along Lowther Terrace. He stated that despite the proposal to increase the road width that this would still remain below the recommended standard in respect of cyclists being passed by wide bodied vehicles. He therefore requested the Committee to refuse the application on safety grounds.

Representations were received from a representative of the Micklegate Planning Panel, who also declared an interest as a tenant of Holgate Villas. He expressed concerns on behalf of residents at the lack of engagement with the local community, access to the site by large vehicles, community safety and the scale and massing of the building.

A representative of the Older People's Assembly also made representations as tenants of Holgate Villas. He confirmed that most points had already been covered but referred to the short period of notice for tenants and requested assurances that both the developer and the Council would endeavour to assist them in their relocation.

The developer assured members that neither his Architect nor himself had been invited to attend the Micklegate Ward Committee or any consultation meetings and he expressed surprise at the objections raised. He pointed out that the existing building was outdated and now let on short term lease but that this was unsustainable in the long term. Confirmation was received that no tenants would be required to leave until their lease expired and that they would try to assist with their relocation. He went onto describe the type of hotel and facilities proposed and landscaping plans for the site.

Members then questioned a number of aspects of the scheme including:

- Details of the cladding materials.
- Why the policy on community involvement did not appear to have been carried out in respect of this application.
- Further details of traffic movements, including coaches and service vehicles.

- Details of the cycle/pedestrian route through to the station and NCP car park. Confirmation that the developer had provided land to accommodate cycle track access to the station.
- Disposal of demolition materials. Confirmed that this would follow national guidelines, which included the recycling.
- Clarification on restaurant/bar usage and coaches using Lowther Terrace. Confirmation that the developers would accept a condition specifying that coach drop off and pick ups would take place at Queen Street/NCP car park and not in the vicinity of the hotel.
- Need for the provision of a hatched box restriction at the entrance to Lowther Terrace and accompanying waiting restrictions.

Members then questioned the possibility of delaying further consideration of the application to allow engagement with the community prior to the Committee making a decision. The applicant confirmed that, although he felt that there were no grounds on which the application could be refused, he was happy to defer further consideration pending further consultation.

Following discussion it was

RESOLVED: That consideration of this application be deferred to allow Officers to undertake further consultation. <sup>1</sup>

REASON: To allow full consultation to be undertaken on this application prior to a decision being made.

Action Required

1. Following further consultation bring back to Committee for decision.

JC

**6. YORK CENTRAL HISTORIC CORE CONSERVATION AREA APPRAISAL: CONSULTATION DRAFT**

Consideration was given to a report, which set out details of the York Central Historic Core Conservation Area Appraisal, which had been prepared by Alan Baxter Associates with joint funding from English Heritage and the City of York Council. An

Executive Summary of the draft appraisal had been attached to the report at Annex 1.

Officers pointed out that this was a large and complex Conservation Area and that completion of the comprehensive appraisal had been a significant undertaking. It was confirmed that the document had been designed to be accessible on the web with text being kept to a minimum. Details of the most significant recommendations and suggestions had been set out at paragraph 12 of the report.

Officers confirmed that the lack of an appraisal of the York Central Historic Core Conservation Area had been identified as a key weakness of the evidence base for the Local Development Framework. Members were informed that the draft document had received detailed input from a key stakeholder group and that it had now reached the public consultation stage.

Members referred to a number of points including:

- Consultation methodology - suggested use of social media such as Twitter, Face book and Focus Groups.
- Local consultation should be undertaken if there should be any support for Article 4 Directives.
- Need to engage the whole city including school children.
- The List of Consultees (Annex 2) required updating eg DPAG now known as Equality Advisory Group.
- The city needed to be inclusive and accessible and consider equality implications (EIA's)
- Document should include more interactive documents/maps

Members went onto express their appreciation and thanks to everyone involved in putting together this complex and comprehensive appraisal.

- RESOLVED:
- i) That the Draft York Central Historic Core Conservation Area Appraisal be approved for public consultation.<sup>1</sup>
  - ii) That approval be given to the proposed consultation methods outlined in paragraphs 14 to 16 of the report subject to the addition of social media eg. Twitter and Facebook in an effort to engage with hard to reach groups.<sup>2</sup>

- iii) That the Chair, Vice Chair and Councillor Merrett be delegated authority to agree any outstanding changes to the Appraisal and oversee the final document.<sup>3</sup>

- REASON:
- i) The document has adopted a rigorous approach to the assessment of the York Central Historic Core Conservation Area, and is in accordance with relevant guidance documents;
  - ii) The boundary review has been carried out in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 and the latest guidance documents from English Heritage;
  - iii) The document has been subject to intensive peer review through the key stakeholder group;
  - iv) The proposed consultation process is based on previous best practice.

Action Required

- |   |    |
|---|----|
| 1. Commence public consultation.                                  | BS |
| 2. Include social media in consultation methods.                  | BS |
| 3. Chair, Vice Chair and Councillor Merrett to agree any changes. | BS |

**7. UPDATED COMMUTED SUM PAYMENTS FOR OPEN SPACE IN NEW DEVELOPMENTS**

Members considered a report which sought their approval to update and republish the commuted sum payments contained within Guidance Note 'Commuted Sum Payments for Open Space in New Developments – A Guide for Developers'.

Officers stated that in order to provide a consistent and transparent approach towards these payments it was intended to use the RICS base line figures in the approved Guidance Note which would reflect the reduction in building costs arising from the recession.

Consideration was then given to the following options:

Option 1: Approve the updated set of commuted sum payment figures to be incorporated in the approved Guidance Note, together with automatic updating and clarified text;

Option 2: To instruct Officers to take an alternative approach.

- RESOLVED:
- i) That approval be given to the revised commuted sum payment figures set out in Table 1 of the report.
  - ii) That Officers be requested to update annually the commuted sum payment figures in the Guidance Note, in line with the RICS 'Building Costs Information Service all in Tender Price Index'.<sup>1</sup>

- REASON:
- i) To update the open space commuted sum payments in line with current market conditions.
  - ii) To ensure that the commuted sum payment figures are updated regularly in line with current market conditions.

Action Required

1. Republish Guidance Note with new payment figures and update annually.

JR

CLLR D WILLIAMS, Chair

[The meeting started at 4.30 pm and finished at 5.55 pm].

**COMMITTEE REPORT**

**Date:** 25 August 2011                      **Ward:** Micklegate  
**Team:** Major and                              **Parish:** Micklegate Planning Panel  
                    Commercial Team

**Reference:** 11/00436/FULM  
**Application at:** Holgate Villa 22 Holgate Road York YO24 4AB  
**For:** Erection of part 3 part 4 storey hotel with associated parking  
                    and landscaping following demolition of existing office building  
**By:** The Villas Venture  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 16 June 2011  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 This application was deferred at planning committee in June to allow for further public consultation. Following the deferral a meeting was held at Holgate Villas on 6 July. The meeting was attended by 24 persons, who were invited to discuss the scheme. The comments made are summarised in 3.19.

1.2 The application is for demolition of the Holgate Villas office building, and replacement with a hotel building that would have 95 guestrooms. The proposed building would be predominantly 4-storey in height, but would step down to 3-storey at the south end where it would front onto Holgate. It would predominantly be of brick although the south end elevation would in part be clad in copper brown coloured metal panels. The existing building dates from the mid C20, it is 5-storey at the south end, where it overlooks Holgate and drops to 3-storey as it runs parallel to Lowther Terrace. The building has flat roofs and is of concrete construction, with curtain walling to the elevations. The building is raised almost 1m from street level and is surrounded by hardstanding which accommodates car parking.

1.3 Along Holgate the streetscene is characterised by terraced buildings of domestic appearance, typically of brick and 2 or 3 storey in height. To the east of the application site is the rear of The Crescent, a curved terrace, with taller 3-storey domestic buildings (compared to those on Holgate) fronting the street and outbuildings at the rear, some of which have been converted to residential use. There are 4-storey high residential blocks on the west side of Lowther Terrace. North of the site are single storey buildings, the one to the immediate north is in office use.

1.4 The site is within the city centre area of archaeological importance, but otherwise it is not allocated in the Local Plan. It is just outside the city centre area and the Central Historic Core Conservation Area (although Holgate and The

Crescent are within the conservation area). The land to the immediate north of the site is within the York Central site. The Draft Core Strategy, that is intended to replace the Local Plan, describes the vision for the area. York Central is intended to be a new piece of city that complements and enhances the historic core, retains and promotes the qualities of York and connects and integrates into the surrounding built and natural form. The site will provide employment land and make a key contribution to meeting the City's housing needs.

## **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

Contaminated Land GMS Constraints:

York North West Boundary GMS Constraints: York North West Boundary CONF

### 2.2 Policies:

CYV1

Criteria for visitor related development

CYSP7

The sequential approach to development

CYGP1

Design

CYHE10

Archaeology

CYT4

Cycle parking standards

CYE3B

Existing and Proposed Employment Sites

CYV3

Criteria for hotels and guest houses



### 3.0 CONSULTATIONS

#### CITY DEVELOPMENT

3.1 Advise that the site now lies outside the York Central site boundary (but within the York Northwest corridor) as defined in the draft Submission Core Strategy approved by Council 7th April 2011.

3.2 The proposed development would not conflict with the Draft Core Strategy. Given its scale, nature and location, the proposed development would not be spatially prejudicial to the comprehensive development of the York Central site, or the wider development of the corridor. Given the nature of existing uses on the site, the development would not be prejudicial to the comprehensive approach to transport mitigation. The development would help to deliver aspirations in terms of "enhancing York's commercial, retail, leisure and tourism offer" and "holistic, integrated and innovative approach to sustainable living in an urban setting".

#### DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

##### Design

3.3 Original scheme - the proposed building appeared too dominant due to its continuous height/massing and roof design. It was added that the building materials and setting back of various elements did not succeed in breaking up the apparent mass of the building. The palette of materials and design of the building also did not respect, and integrate with, the surrounding area. A public face to the building, from Holgate Road is desirable.

3.4 Revised scheme - the scale of the building feels a lot better adjacent to existing terraces on Holgate Road. Officers asked for further details on the plant room on the roof (preference is that this is not prominent) and details/colour samples of the proposed copper cladding to the end elevation.

##### Sustainable Construction

3.5 It is asked that before works commence on-site details of how the development will achieve a suitable BREEAM ('very good') rating and renewable energy be submitted to the Local Planning Authority. Also as demolition is proposed the developer should, in accordance with the requirements of the councils planning statement on sustainable design and construction, maximise the reclamation of materials so they may be re-used and recycled.

3.6 The proposed source of renewable energy has not been specified, nor has the expected energy demand for the hotel. Of the considered options it is also noted that Government incentives to install certain types of renewable technologies, such as photovoltaic panels, has not been considered in their financial appraisal.

#### Countryside Officer

3.7 The site is situated within close proximity to foraging habitat and commuting corridors, and there are records of bat activity within the overall surrounding area, including several records of known roost sites close by. However the host building has been inspected and there is no evidence of recent use by bats and officers consider a bat survey is not required. It is asked that the roof be removed with care, in the case that bats are/have been present. This can be covered as a condition.

3.8 It is asked that bat habitats, such as bat tiles and bricks be included in the new building and that the overall wildlife value of the site be enhanced. The latter could be achieved by the planting on the green roof, recommended is a mixture of sedum and drought tolerant wildflowers, which can provide extra interest both in terms of ecology and colour, and can still be a lightweight and low maintenance option if this is required.

#### Archaeology

3.9 An archaeological evaluation of the site has been carried out. Two trenches were excavated. These demonstrated that the site contains archaeological features and deposits dating to the Romano-British period. The proposed development will have a significant impact on archaeological deposits that are preserved on this site. It will be necessary therefore to mitigate the impact of the development through (a) an archaeological excavation of those areas of ground disturbance which lie outside the footprint of the existing building; (b) an archaeological excavation of the location of the lift-pits for the new development; (c) an archaeological watching brief on all other ground disturbances.

#### HIGHWAY NETWORK MANAGEMENT

3.10 No objection to the scheme. Following observations made:

- As a consequence of the proposed development, 2 resident's parking spaces (respark) would be lost. This is not objected to as the res park is deemed not to be under pressure; there are currently 38 spaces and 41 permits plus attendance permits and authorisation cards (for visitors) have been issued. The applicants will be required to fund the required traffic order, required as a direct consequence of the proposed development.

- Cycle parking needs to be covered and secure, using Sheffield type stands or similar.

#### POLICE ARCHITECTURAL LIAISON OFFICER (ALO)

3.11 Advise that officers have not been consulted by the applicants at the design stage, which is recommended. Advise that overlooking and lighting of the car

parking area in this location is desirable and the cycle store should be covered and secure.

## DRAINAGE

3.12 Pending

## VISIT YORK

3.13 Pending

## ECONOMIC DEVELOPMENT UNIT

3.14 Secondary office accommodation at a reasonable rent close to the city centre enhances the offer to businesses in York. This type of premises provides a valuable offer in terms of "choice and churn". The host building also benefits from being DDA compliant, unlike much of the smaller office spaces above ground floor level in historic buildings in the city centre. It will be unfortunate for the smaller and voluntary sector businesses if Holgate Villas ceases to be available. It should therefore be demonstrated there are alternative sites available in a sequentially similar or preferable location.

## CONSERVATION AREA ADVISORY PANEL

3.15 Original plans - regard the scheme as a missed opportunity to enhance the appearance of this part of the conservation area. A building that respects its context, in terms of massing (stepping down toward Holgate Road) and materials (predominantly brick) was suggested.

## ENGLISH HERITAGE

3.16 The existing building on site is out of scale with its surroundings and its removal is not objected to. Officers were concerned the original scheme which was of similar commercial proportions to the existing building. In their opinion redevelopment of the site should include building(s) of a domestic scale, to consolidate the historic form of this part of the city.

## PLANNING PANEL

3.17 Asked for further public involvement to occur before the scheme be progressed. The application contained inadequate information on traffic management, for example how coaches will access the site, site management, for example how the access to the station would be managed. Also report that the panel consider a building of comparable massing to the existing would be out of character with the area and is objected to.

## PUBLICITY

3.18 Eight objections have been received. Objections are as follows:

- Loss of (affordable) office space.
- The proposed building would be an eyesore - design and materials out of keeping with the area. It would be unduly large and appear over-dominant.
- Disruption caused during building works (road closed for access)
- Impact on amenity of residents due to noise as a consequence of the proposed use which would involve guests coming and going / 24 hour nature of hotel, rather than offices that operate 9-5 during the week only (in particular on race days and weekends) and traffic noise. There would also be detriment to the community in this respect. Residents and office workers are familiar with, and respect, each other. Due the transient nature of guests at a hotel, it is considered this would detract from the community. There would also be harm to guest houses in the area. Children would loose playing space on the streets due to extra traffic.
- Overshadowing and overlooking of surrounding houses due to height of the building, in particular over single storey premises at the rear of The Crescent. Loss of privacy due to the intensified use of the building.
- Increased congestion/traffic that would have an adverse impact on highway safety. In particular if cars and service vehicles are unable to pass on Lowther Terrace. In conflict with pedestrians using the street.
- Not enough car parking on-site to accommodate demand, where would overspill go?
- Whether drains in the area will have the capacity to accommodate the proposed development.

## FOLLOWING PUBLIC MEETING IN JULY

3.19 At the public meeting residents discussed the scheme and were also shown details of an alternative scheme, which proposed the end elevation facing Holgate finished in white render and 5-storey in height. We have been advised the following issues were discussed:

- It was suggested that the road be made wider. This would delete the footpath proposed along the east side of Lowther Terrace and part of the road could be allocated as a cycle path.

- There was concern the raised planter would encourage people to congregate, i.e. it would be a place to sit out on. The planter will therefore be altered in its design.
- People would use the area outside the main entrance as a smoking area, and it was asked if a smoking area could be allocated at the rear of the building.
- Concern about disturbance from delivery lorries and loss of car parking spaces.
- The design was dull and there was a preference for the alternative design which included white render to the elevation facing Holgate.

3.20 Written comments (x4) submitted were as follows:

- The original scheme, which has now been superseded (5-storey throughout with butterfly shaped roof, using re-constituted stone, brick, metal panels and aluminium curtain walling as external materials) and the alternative scheme shown at the meeting are preferred to the scheme before members. The red brick and brown copper colouring would appear ugly and oppressive and lighter colours were preferred. These comments were made by an objector who originally objected to the height of the proposed building.
- The design should be modern and fit with the area.
- Children will not be able to play out due to the extra traffic, because of overlooking and due to the type of clientele the hotel would attract.

#### **4.0 APPRAISAL**

4.1 The key issues regarding this planning application are deemed to be:

- Whether a hotel on this site fits with planning policy.
- Design
- Amenity of surrounding occupants.
- Sustainable design and construction.
- Highway network management.
- Drainage and flood risk.
- Archaeology.

Principle of the proposed use

Loss of office space

4.2 The Planning for Growth ministerial statement issued on the 23rd March 2011 states that the Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs, in line with PPS4. Government's

clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy. The statement adds that in determining applications LPA's are expected to take into account the need to maintain a flexible and responsive supply of land for key sectors.

4.3 National policy document PPS4 seeks to promote sustainable economic development. Hotels are classed as tourism related development which, as offices, are deemed to be economic uses. PPS4 advises that the Government's objective is to locate economic uses in town centres and locations which reduce the need to travel by car. At local level PPS4 advises LPA's use an evidence base to plan positively. LPA's are expected to assess the need for floorspace for types of economic development and assess current and future land supply. York does not have an evidence base regarding the supply and demand for hotel uses. York does have an employment land review which identifies the current supply and predicted demand for office space up to 2029.

4.4 Policy E3b of the Local Plan makes a presumption in favour of retaining office space in its existing use. A change of use may only be permitted where there is a sufficient supply of alternative office space, in terms of type and size, to meet immediate and longer term requirements.

4.5 Holgate Villas was designed to be accommodated by a single user. Overall it provides 30,265 sq m floorspace. However due to a lack of demand it has been let to a number of occupiers as low cost office space on short term agreements. The employment land review advises that the majority of the existing office supply within the city centre is poor quality space above retail units, in particular in historic buildings, and larger spaces from the 1960's/70's and 80's. The review advises there is an undersupply/demand for modern and high quality space.

4.6 York Enterprise data shows that there are presently office spaces of a similar size and type available in sequentially preferable locations (i.e. within the defined city centre) examples being Hudson House, Rowntree Wharf, Stonebow House, Ryedale House on Piccadilly, 54 Micklegate, 5 Clifford St, 9 St Saviourgate and 31 Bootham.

4.7 In the long term, the Council's Employment Land Review predicts that between 2006 and 2029 around 200,000 sq m of office floorspace will be required in the city. The employment review lists a portfolio of sites, their size and type of use they'd be suitable for. Based upon this data, loss of the host site could occur without compromising the amount of office space needed in the city. There would be adequate office space to meet demand, at sites which are either sequentially preferable, or comparable to the host site (for example York Central and the remainder of the Hungate site).

4.8 The site does presently provide low cost office space in a sequentially preferable central location. Whilst this loss is regretful, evidence base documents show there are comparable alternative sites within the city centre available and there is adequate land designated for office use to meet future demand. As such the loss of office space would not conflict with national and local planning policy.

#### Proposed hotel use

4.9 PPS4 advises that hotels should only be located outside the defined town centre when it is demonstrated that alternative, sequentially preferable sites are not available, suitable or viable, or when sites are designated for such use in an up to date development plan. The site is regarded as edge of centre as it is immediately outside the city centre as defined in the Local Plan.

4.10 Of the Local Plan Policy V3: Visitor related development prefers that hotels are at sites which are well related in terms of walking, cycling and access to public transport in relation to York City Centre or other visitor attractions. In the Local Plan the site is within the York Central site, which is identified in the Local Plan for mixed uses. Policies YC1 and V4 of the Local Plan advise that hotels would be appropriate on the site. However the Core Strategy, which will replace the Local Plan, does not include the site within the York Central Site. The Core Strategy has not yet been adopted though.

4.11 Due to the proximity of the site to the train station the application site is favourably located in terms of access by public transport. It is also within walking distance of the city centre. The principle of the proposed hotel is not objected to considering PPS4 as the site is sequentially suitable and as it is allocated for hotel use in the Local Plan. In addition alternative sites in the defined city centre are either unavailable at present or unsuitable. Hungate and Piccadilly are unavailable and are being comprehensively re-developed, other vacant sites, which are allocated for housing in the local plan, such as Trinity Lane, Lord Mayor's Walk and Peel Street would not be suitable for a hotel of around 100 bedrooms due to the shape/size of the plots and their historic surroundings.

#### Design

4.12 PPS1 states that it is the Government's objective to 'ensure high quality development through good and inclusive design'. It goes on to state this applies to all development and that good design should contribute positively to making places better for people. Design which is inappropriate to its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted. Because of PPS1 requirements, the existing building does not set a precedent for re-development of the site and the replacement scheme should be appropriate to its context. Such requirements are

established also in building for context, which is design guidance endorsed by Central Government.

4.13 The Local Plan policy GP1 refers to design, for all types of development. It states that development proposals will be expected to, respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area; using appropriate materials; avoid the loss of open spaces, vegetation and other features which contribute to the quality of the local environment; retain, enhance, or create urban spaces and other townscape features which make a significant contribution to the character of the area; provide and protect amenity space; provide space for waste storage. These principles are re-iterated in policy V3, which relates to hotel proposals.

4.14 The site is at the edge of the Central Historic Core Conservation Area, therefore policy HE2 applies also. HE2 states that within locations which affect conservation areas development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regards to local scale, proportions, details and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks and other townscape elements, which contribute to the character or appearance of the area.

4.15 The existing building appears out of place along Holgate due to its height and shape. It is 5-storeys high at the south end, whilst Holgate Road is characterised by terraced buildings of a domestic appearance, typically of brick and 2 or 3 storey in height. Some of the buildings along Holgate, for example 24, 26 and 28, which are on the opposite side of the entrance to Lowther Terrace, are grade 2 listed, and the LPA has a statutory requirement to protect their setting.

4.16 The proposed building would sit comfortably in the streetscape. Its massing would be broken up by a variation in building lines and heights, and the prominent southwest corner would step down to 3-storey in height. The building would otherwise be 4-storey. The taller parts of the building would not be prominent along Holgate, and would be seem in context alongside the houses along The Crescent and the 4-storey residential blocks on the opposite side of Lowther Terrace. The building would be predominantly of brick, in-keeping with the streetscape along Holgate. Part of the south end elevation would be clad in copper coloured metal cladding (chestnut brown coloured rather than blue-green). Large scale detailing of the cladding, to clarify dimensions of sheeting and standing seams shall be required as a condition of approval, as would the finish. This element would introduce a different material to the streetscape which would, due to its colour and texture, respect, rather than detract from the character and appearance of the Conservation Area.



4.17 Viewed from the City Walls the skyline of the conservation area, by which the application site is located, is typically of pitched roofs with occasional variations in eaves and ridge heights. To avoid a continuous flat roof, which would be somewhat out of keeping with the area, the solar/photovoltaic panels have been designed to articulate the roof, creating a series of pitched roof structures to the building; there is also a variation in roof heights. As such the profile of the building, when viewed from the City Walls and other elevated viewpoints would not detract from the cities' townscape.

4.18 Policy NE7 of the Local Plan seeks to encourage new wildlife habitats and such features can be installed on the proposed building. These can be required as a condition of approval.

4.19 Public comments in 3.19 and 3.20 refer to the original scheme, which has been superseded by the plans now before members, and an alternative design which has not been formally submitted. Both these schemes, due to their height and materials were deemed inappropriate, contrary to policies GP1 and HE2 of the Local Plan. The scheme before members is recommended for approval. It is of acceptable massing and appearance and the end elevation facing Holgate will be harmonious (rather than dominate, or appear at odds) with the street scene along Holgate, which includes grade 2 listed buildings, in particular at nos. 24, 26 and 28, and is in the Central Historic Core Conservation Area. The building's design is deemed to address the concerns raised by English Heritage and the Conservation Areas Advisory Panel, both of whom objected to the originally submitted scheme (and also the objection from the occupant of 24 Holgate Road).

Amenity of surrounding occupants.

4.20 Policy V3 of the Local Plan advises that in determining applications for hotels consideration should be given as to whether the proposed use would have a detrimental impact on the residential character of an area. Policy GP1 is also relevant and requires that proposed buildings have no undue adverse impact from noise disturbance, overlooking, overshadowing or from overdominant structures.

4.21 The surrounding area is predominantly residential in character, there are residential buildings to the east (The Crescent and buildings behind the terrace have been converted also to residential use), 20 Holgate Road to the south and on the west side of Lowther Terrace, 24/26 Holgate Road and 1-10 Winchester House.

4.22 The proposed building would not be unduly overdominant or overbearing. The north part of the building would be some 2.5m higher than the existing building in this area. This increase in height would not have a material impact on the surrounding houses though; those to the west are 20m away and the rear elevation of The Crescent over 40m away. CABE: By Design document advises that when building heights are 4-storey a separation distance of 18-30m would be expected. There are

some outbuildings behind The Crescent and behind no.3 these are in residential use. However the proposed building would be further from these outbuildings than the existing structure. The proposed building would be lower than the existing when opposite no.24 (which has no windows on its side elevation that faces the site) and no.26, and the footprint of the proposed building, in relation to the existing building, significantly improves outlook and removes overlooking over the rears of nos. 16-20 Holgate Road.

4.23 The layout has been revised so pedestrian access to the hotel is directly from Holgate. There is a secondary access on the rear, which is more direct for the car park and a pedestrian route through to the railway station. Deliveries will occur at the rear of the building. As such there would not be a material amount of additional activity along Lowther Terrace that would either cause noise disturbance or impact on the residential character of the area. In considering residential character it also has to be remembered that the east side of Lowther Terrace has, and will likely in the future not be in residential use.

Sustainable design and construction.

4.24 The council's interim planning document on sustainable design and construction (IPD) asks that commercial developments of over 500 sq m floorspace achieve a BREEAM rating of at least "very good" and that at least 10% of the projected energy demand be supplied by on-site renewable sources.

4.25 The policy requirements can be secured by condition and there is no reason why a new building cannot meet the standards of BREEAM in terms of construction, water and energy efficiency. The roof design incorporates solar and photovoltaic panels, which it is expected will be able to create over 10% of the buildings energy requirements.

Highway network management.

4.26 Policy SP8 of the LP seeks to reduce dependence upon the car. It is recommended this occurs through locating large scale development close to bus routes, pedestrian and cycle networks and through the provision of cycle parking. The objectives of the Local Plan and PPG13: Transport (national planning policy) are to promote accessibility to jobs by public transport, walking and cycling and to reduce the need to travel, especially by car. Policy T4 of the LP requires appropriate cycle parking provision and T13a requires developments to adopt a travel plan when over 30 employees are likely to be employed.

4.27 A travel plan will be required which will encourage promotion of sustainable travel. Private car use would be discouraged as the site is within walking distance of the train station and bus stops. There would be space for 18 cycles in a covered enclosure onsite, which exceeds the minimum requirements established in the Local

Plan (1 space per 10 rooms). However there would be 25 car parking spaces on-site and guests, if they wished could use private car parks nearby; the proposals take adequate steps to avoid guests parking on-street.

4.28 Local Plan policy T5 asks that developments do not have an adverse effect on road safety and policy V1 of the LP requires that hotel developments have adequate servicing arrangements.

4.29 The proposed development will increase the width of Lowther Terrace, which is presently one way in places, and will allow vehicles, and cycles to pass. A footpath would be introduced on the east side of the road (there is not one presently). These measures will lead to the loss of 2 res-park spaces, but will ease traffic flows and improve pedestrian movement within the street. Guests will be encouraged, through the required travel plan, not to arrive by car. Some guests will travel by car, however they would arrive at variable times and the proposed use, based on highways data, will involve less traffic than the extant use. Delivery vehicles would park off street at the rear of the building and could enter and leave in a forward gear. It can be required through a condition coaches do not enter Lowther Terrace as there is no turning space for such vehicles.

4.30 The proposal accords with PPS13: Transport and policies in the local plan which put pedestrians first in the hierarchy of highway users. The footpath shown is an adequate width for those with mobility problems or push chairs to pass. This is an improvement to the existing infrastructure. The layout as proposed is also acceptable for cyclists. Lowther Terrace is quiet compared to Holgate and the road width of 4.5m is adequate to accommodate vehicles and cycles.

4.31 Following the June committee officers have queried whether a no waiting box (with yellow markings) could be added at the junction between Lowther Terrace and Holgate Road. The road is already marked 'keep clear' in this area. No waiting boxes are typically only installed at junctions where there are traffic lights, and such an installation would only be considered in this case if there were a problem with traffic backing up to Blossom Street, due to vehicles waiting to access Lowther Terrace. This does not presently occur and as the proposed use would, according to highway network management data, result in less vehicle movements, changes would therefore be unnecessary.

Drainage and flood risk.

4.32 Policy GP15a of the LP advises that in new development, discharges should not exceed the capacity of the sewer system and surface water run-off should not exceed the existing rate.

4.33 The existing site is all hardstanding. The proposed scheme would introduce some areas of planting and there would be a sedum roof above part of the single

storey aspect of the scheme. These elements will reduce surface water run-off in relation to the existing rate. The site is not in a flood risk area. Overall the scheme reasonably complies with policy GP15a. A detailed drainage scheme can be secured as a condition of approval.

Archaeology.

4.34 The site is within the city centre area of archaeological importance. Policy HE10 of the LP seeks to preserve important archaeological remains and requires that applications demonstrate no more than 5% of archaeological deposits are disturbed or destroyed during works. A condition will require an excavation and analysis and a watching brief on all groundworks.

## 5.0 CONCLUSION

5.1 The proposed use is deemed to be acceptable in principle; there would not be an undue loss of office space in the city, and the proposed use is regarded as economic development, which PPS4 seeks to encourage in sequentially preferable locations, such as the application site.

5.2 The proposed building would improve the appearance of the area. The existing building appears out of place, whilst the replacement, by virtue of its design, massing and materials would be harmonious with the setting. The proposed building would also be more energy efficient and meet current standards for sustainable design and construction.

5.3 There would not be an unacceptable impact in terms of highway safety and the amenity of local residents. Overall officers recommend the scheme be approved.

## 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:-

Drawings 1074 020:

Site plan: 30F

Floor plans: 31E and 32E

Elevations: 33F and 34F

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

3 Prior to occupation of the building hereby approved a formal BREEAM assessment or equivalent, for the design and procurement stages for the building and a post construction review shall be submitted to and approved in writing by the Local Planning Authority. All assessments shall confirm the minimum 'Very Good' rating, or equivalent, and the development implemented accordingly.

Reason: In the interests of sustainable development, in accordance with the requirements of policy GP4a of the Draft Local Plan and the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction.

4 At least 10% of the predicted energy requirements for the development hereby approved shall be obtained from on-site renewable resources. Details of how this will be achieved shall be submitted to the Local Planning Authority and approved prior to first use of the development hereby approved and the development carried out accordingly thereafter.

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

5 VISQ7 Sample panel of bricks to be approved

6 Samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

7 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

a - Canopy to the entrance area, including roof profile with sedum roof, and how it connects to the main building.

b - Windows, cladding panels, doors and their surrounds. Windows to be set well within their reveals as indicated on the approved plans; solid panel curtain wall glazing infill to be cassette type rather than flat panel.

c - Fascia, soffit and roof profile of recessed top floor areas including detailing to demonstrate a thin fascia profile with vision glazing immediately under (no look a like glazing).

d- Solid cladding material with copper like finish - to include dimensions of sheeting, standing seams, flashings & fixings (to be secret fix).

e - Plant room enclosure and housing to solar/photovoltaic panels on the roof.

f - Curved frameless glazing to ground floor main entrance.

g - Louvres to curtain walling.

h - Details of enclosure to prevent access to land between south elevation and shared boundary wall with 20 Holgate Road.

Reason: So that the Local Planning Authority may be satisfied with these details.

8 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed hard and soft landscaping scheme (to include changes to the highway/pavement along Lowther Terrace, the planting bed and boundary wall adjacent 20 Holgate Road, any lighting and the sedum roof). This scheme shall be implemented prior to completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the conservation area and setting of the proposed building.

9 No development shall take place until details of measures for bat mitigation and conservation are proposed and have been submitted to and approved by the Council. The measures should include:

a. A plan of how demolition work is to be carried out to accommodate the possibility of bats being present (in particular in the roof area).

b. Details of what provision is to be made within the new building for habitat creation. Features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards, bat boxes and bat lofts.

c. 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 Local Planning Authority.

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

accordance with PPS9, which requires developments to provide a net gain in wildlife value, and policy NE7 of the Local Plan.

#### INFORMATIVE

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

Other species such as House Martin and Swift can also be accommodated and would further enhance the biodiversity interest of the development.

10 The space for cycle parking as shown on the proposed site plan 1074/020/030 shall be covered and use Sheffield type stands or similar, spaced at 1m intervals. The facility shall be provided on-site prior to first use of the building and retained thereafter.

Details of the cover/roof to the cycle store shall be submitted to and approved by the Local Planning Authority and installed accordingly prior to first opening of the premises.

Reason: To provide adequate secure and covered cycle parking facilities, as required in the Local Plan and in accordance with the thrust of PPG13: Transport.

11 A travel plan, developed and implemented in line with local and national guidelines (see Department for Transport good practice guidelines), shall be submitted and approved in writing by the Local Planning Authority prior to first opening. The development shall thereafter operate in accordance with the aims, measures and outcomes of said Travel Plan.

The travel plan shall include a strategy for coach parking, to include where coaches will drop off guests.

Reason: To reduce private car travel in accordance with PPG13: Transport, and policy T13a of the City of York deposit Draft Local Plan.

12 ARCH1 Archaeological programme required -

13 ARCH2 Watching brief required -

14 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible outside the application site, shall be submitted to the local planning authority for written approval. These details shall include maximum ( $L_{Amax}(f)$ ) and average sound levels ( $L_{Aeq}$ ), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the Local Planning Authority. The machinery, plant or

equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of local residents and businesses.

15 No external signage shall be applied to the south entrance canopy.

Reason: To preserve the appearance of the building.

16 Prior to first use of the development hereby approved the road and footpath shall be constructed in accordance with the arrangement shown on the site layout drawing 1074/020/030E.

Reason: To ensure appropriate access and egress, in the interests of highway safety and the convenience of the public.

17 There shall be adequate facilities for the treatment and extraction of cooking odours. Details of the extraction plant or machinery and any filtration system required shall be submitted to the Local Planning Authority for written approval. Once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of future residents and local businesses.

18 Prior to commencement of the development, an Environmental Management Scheme for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority. Construction site management shall occur in accordance with the Considerate Constructors Scheme or equivalent.

Reason: To protect the amenity of local residents and businesses

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

Monday to Friday      08.00 to 18.00

Saturday                09.00 to 13.00

Not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents and businesses.



## **7.0 INFORMATIVES: Notes to Applicant**

### 1. Secure by design

The applicant's attention is drawn to potential crime reduction by considering the Police 'Secured by Design' Award Scheme for this site. Full details and an application form for the scheme can be found on [www.securedbydesign.com](http://www.securedbydesign.com)

2. The developer is reminded that the development would result in the need to amend existing Traffic Orders in the vicinity of the site, potentially involving the removal of 2 residents parking bays from Residents Parking Zone R3. The costs of undertaking such amendments are expected to be in the region of £2,000 and need to be funded by the applicant.

### 3. 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 principle of the change of use, visual and residential amenity, highway safety and archaeology.

As such the proposal complies with national policy established in PPS1, PPS4 and PPS5 and Policies SP7A, SP7B, GP1, GP3, GP4A, HE2, HE10, T4, E3B, V1, V3 and V4 of the City of York Development Control Local Plan.

#### **Contact details:**

**Author:** Jonathan Kenyon Development Management Officer

**Tel No:** 01904 551323

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**COMMITTEE REPORT**

**Date:** 25 August 2011                      **Ward:** Huntington/New Earswick  
**Team:** Major and                              **Parish:** Huntington Parish Council  
                    Commercial Team

**Reference:** 11/01468/OUTM  
**Application at:** Arabesque House Monks Cross Drive Huntington York  
**For:** Outline application for erection of a retail warehouse following  
                    demolition of existing office building (resubmission)  
**By:** Smith And Ball LLP  
**Application Type:** Major Outline Application (13 weeks)  
**Target Date:** 8 September 2011  
**Recommendation:** Refuse

**1.0 PROPOSAL**

1.1 This is an outline application for the demolition of an existing office building and replacement with new two storey retail warehouse unit on 1.35 ha of land at Arabesque House, Monks Cross Drive, York. The outline application includes the consideration of means of access, layout and scale leaving appearance and landscaping to reserved matters stage.

1.2 Arabesque House is located to the north west of the Monks Cross Shopping Park. It fronts on to Monks Cross Drive and contains 2,850 square metres net internal floor area of office space on two floors. The floor space is arranged around a central courtyard, with car parking located around the perimeter of the site. The buildings were originally constructed in the early 1990's. Access to Arabesque House is from the roundabout on Monks Cross Drive. The same access also serves Triune Court an adjacent office complex. The site is screened to the west from the adjacent Portakabin works by a low mound with tree planting on top. To the north is the Triune office complex and to the south lies the Argos and TK Maxx retail units and Sainsburys food store. To the east the site is separated from Monks Cross Drive by mounding and tree planting with a central access through the mound to facilitate pedestrian movements.

1.3 The proposal is to demolish Arabesque House and replace the office space with a new structure which will provide retail warehouse accommodation over two levels. The new building is located on the south western side of the site with a servicing area to the north west and the provision of car parking facilities to the front and around the north side of the building. The details of the scheme have been amended since the first submission so that the application is for a two storey structure providing 5576 square metres of accommodation and 238 space car park with associated service area and cycle parking.

**Site History**

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1.4 An application relating to a similar development was withdrawn earlier this year in order for the applicant to provide additional supporting information.

1.5 Planning permission was granted on an area of the former estate office which is located on the southern boundary of the site for the erection of office development in 2007. Planning reference 07/00364/FUL

1.6 In 2009 planning permission was granted on the same area to the south of the application site for the construction of three hot food take away (A5) units. Planning reference 09/00635/FUL

1.7 There have been a number of other small scale proposals within the application site which are related to the existing office use and are not considered to be directly relevant to the consideration of this application.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CYE3B  
Existing and Proposed Employment Sites

CYSP7A  
The sequential approach to development

CYGP1  
Design

CYGP4A  
Sustainability

CYNE1  
Trees, woodlands, hedgerows

CYS2  
Out of centre retail warehouse criteria

## **3.0 CONSULTATIONS**

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Item No: 4b

## INTERNAL

3.1 Highway Network Management - It is considered that there will be an impact on the highway network as a result of the development but that this impact will be acceptable. With measures proposed to minimise the impact of the car parking the level of parking spaces proposed is supportable. A contribution towards the Monks Cross masterplan has been negotiated consisting of a contribution of £5555 together with the upgrading of the existing footway on the Western side of Monks Cross Drive between the roundabout access to the site and the bus stop adjacent to Sainsbury's. Concerned that the main entrance is orientated towards the car park and not towards other retail units on the adjacent site and that this will tend to discourage linked trips. As the application is in outline this will need to be considered as part of the detailed proposals.

3.2 Landscape Architect - The existing kerb line to the rear of the building is now adhered to, thereby protecting existing trees, provided that the building could be constructed without any operations encroaching into the tree belt or tree canopies. The development would result in the loss of the existing wide shrub bed and nine trees alongside the site entrance. The proposals now show adequate replacement with nine new trees within a 6m wide bed, albeit with three access breaks within it.

Three of the black pines are shown as retained but the full root protection area is not achieved for two of them. There would need to be some alterations to the parking and roadway, potentially with the loss of two to four parking spaces at the detailed stage of setting out to ensure that adequate protection is retained.

The application still results in an overall net loss of landscaped areas and trees, but the degree of loss in the context of the proposed layout is not so significant warrant a reason for refusal, provided protection of the black pines is adequately catered for.

3.3 Integrated Strategy - There is a presumption in favour of retaining existing employment sites, unless it can successfully be demonstrated that the site is not needed for employment use. This site is a longstanding employment site and forms part of the identified employment land supply in the emerging Core Strategy. Identifying whether the site is needed in quantitative or qualitative terms is therefore important. It is noted that the applicant has indicated that the impact is negligible it is important that this position is supported by colleagues in EDU.

3.4 Should the loss of employment land be acceptable we would support the principal of retail development in this location provided that conditions are included to prevent the proposals having a negative impact on vitality and viability of York City Centre including the restriction on subdivision and restriction on the goods sold to cover bulky goods, with only ancillary non bulky goods permitted.

3.5 York Consultancy - Insufficient information has been provided by the developer to determine the potential impact the proposals may have on the existing drainage systems.

3.6 Economic Development - Monks Cross is a good office location, having a wide range of amenities and sustainable travel, including park & ride and cycle routes, to and from the city centre. On completion, Arabesque House was fully let, and whilst it is acknowledged that there is currently empty space, York is no different from any other city in the UK in that office space in general is difficult to let in the short to medium term. In the long term, York needs to retain Arabesque House as an office development in order that, once the economy recovers, there are sufficient office buildings available in good locations, of which Arabesque House would be one.

3.7 Environmental Protection - No objections. An informative is recommended in relation to requirements of the environmental protection act during the construction of the scheme.

## EXTERNAL

3.8 Huntington Parish Council - No objections

3.9 Environment Agency - The development is only acceptable if a planning condition is imposed requiring surface water drainage details to be submitted based on sustainable drainage principles.

3.10 One letter of objection has been received covering the following points:-

- There are fundamental policy grounds to object to this application which are:-

1. The local plan presumes against the redevelopment of existing employment sites (policy E3b)
2. York employment land review notes that Monks Cross is a desirable prestigious office location and is a main employment area. as such office use is paramount.
3. Retention of offices will maintain a mix diversity of uses which maximises sustainability through linked trips.
4. There are other opportunities capable of accommodating further retail development at Monks Cross.
5. The trip generation rates would result in a material impact on the highway, a site capacity highway assessment and off-site mitigation measures should be considered.
- 6 The level of parking proposed would undermine the overarching strategy in the Halcrow report as parking is one of the primary controls open to the local authority in controlling trips to the area.
7. The layout produces conflict between parking and HGV movements.
8. Pedestrian connectivity is poor.



9. A full travel plan should be provided not just heads of terms.

## **4.0 APPRAISAL**

### 4.1 Key issues:-

- Policy Background
- Principle of the development including loss of employment land and retail impact assessment
- layout and scale
- Landscaping
- Highways, parking and access arrangements
- Sustainability
- open space
- drainage

### Policy background

4.2 Government guidance in Planning Policy Statement 1 ("Delivering Sustainable Development") (PPS1) states that a number of key principles should be applied to ensure that decisions taken on planning applications contribute to the delivery of sustainable development. In particular, PPS1 promotes high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term but over the lifetime of the development. Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted. High quality and inclusive design should create well-mixed and integrated developments which avoid segregation and have well planned public spaces that bring people together and provide opportunities for physical activity and recreation.

4.3 Planning Policy Statement 4 entitled "Planning for Sustainable Economic Growth" defines economic development as including development within the "B" Use Classes (Business and General Industrial), public and community uses and main town centre uses. The policies also apply to other development which achieves any one of three objectives: i.e. provides employment opportunities, generates wealth or produces or generates an economic output or product. Furthermore the policies within PPS4 referring to main town centre uses shall apply to retail, leisure, office, art, culture and tourism development. The PPS says that the Governments' objectives for prosperous economies are sustainable economic growth which should be achieved through building prosperous communities, reducing the gap in economic growth rates between regions, deliver more sustainable patterns of development, reduce the need to travel, especially by car and respond to climate change, promote the vitality and viability of town and other centres as important places for communities and raise the quality of life and the environment in rural areas.

4.4 Policy EC8 of PPS4 requires that locally set maximum parking standards should be put in place through Local Development Frameworks based on the principles of sustainable travel.

4.5 Policy EC10 states that local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably setting out the impact considerations that economic development should be considered against; limiting carbon emissions, accessibility through a choice of transport modes, high quality inclusive design, impact on economic and physical regeneration of an area, impact on local employment.

4.6 Policy EC 14 requires that main town centre uses (including leisure uses) which are not located within a centre should be supported by a sequential test where the development provides for more than 200 square metres of floor space. EC15 to 17 sets out the requirements of a sequential assessment and impact assessments

4.7 Policy EC18 says that local parking standards shall be applied unless the applicant has shown why a higher level of parking is required and shown measures proposed to be taken (for instance in the design, location and operation of the scheme) to minimise the need for parking. In the absence of local standards, the standards set out in annex D of PPG13 shall be applied.

4.8 Planning Policy Statement 13 'Transport' states that in developing and implementing policies for parking, it is important to ensure that, as part of a package of planning and transport measures, levels of parking provided in association with development will promote sustainable transport choices

4.9 An important consideration is the ministerial statement issued on the 23rd March 2011, which states that planning has a key role to play in ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible. The statement says that appropriate weight should be given to the need to support economic recovery and that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4).

Relevant policies in the Draft local plan are:-

4.10 Policy SP7a says that to ensure that development outside the York city centre is highly accessible by non-car modes of transport, a sequential approach will be taken in assessing planning applications for new retail, commercial, leisure and office development. A hierarchy for the location of such development is within the policy; first York City centre then edge of city centre Acomb and Haxby district centres and then other out of centre locations genuinely accessible by a wide choice of means of transport. Individual retail units in out of centre locations will not be

permitted to have a net sales floor area of less than 1,000 square metres. Major shopping developments, including retail warehousing outside the central shopping area will require evidence of retail impact to show that the vitality and viability of York city centre will not be undermined.

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

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

4.13 Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development and sets out those issues to consider as part of a sustainably designed development. The interim planning statement on Sustainable Design and Construction supports Policy GP4a in setting out ways to achieve sustainability furthermore the document requires that 10% onsite renewables are achieved.

4.14 Policy GP9 requires, where appropriate, developments to incorporate a suitable landscaping scheme

4.15 Policy NE1 requires that trees woodlands and hedgerows which are of landscape, amenity, nature conservation or historical value will be protected.

4.16 The Stage 2 Employment Land Review develops a broad set of spatial principles to help guide the future provision of employment land in the City, and uses these to assess the existing larger employment areas and potential new supply. It presents shortlists of sites for the range of employment use classes that may be considered for allocation as part of the Local Development Framework process. Monks Cross is described within the review as being regarded by many as a desirable prestigious office location.

4.17 The Arup Employment Paper (September 2010) commissioned to explore employment land provision in the city validates the findings of the Employment Land Review. The report concludes that land provision should be made on the basis of annual job growth of about 1000 jobs per year.

#### Principle of the Development

#### Loss of Employment Land

4.18 This application is supported by two reports. The first is written by Dacres Commercial and examines the economic options for the future of the site. The report explores three options; these being redevelopment for office use, refurbishment for office use and redevelopment for retail use. The overall conclusion of the report is that retail development is the only option that will produce an adequate financial return on investments.

4.19 The second report looks at the employment land supply for 2010 to 2029 and sets out the current position in York in relation to the availability of office accommodation, the extent of available premises in the short to medium term, the emerging LDF requirements for job creation and allocation of employment land and the Council's policy for the allocation of employment land for the plan period. The reports' conclusions are that in the short term there is the equivalent of 3.78 years supply of office space comparable to Arabesque House and in the short to medium term there is a further 4.78 years supply of sites with office permission or of existing buildings with consent for refurbishment and over the plan period the core strategy submission draft identifies a B1(a) employment land requirement of 11.6Ha. Currently identified land in the Monks Cross area could provide for all this requirement, allocations to accommodate new office development are in addition to vacant office supply.

4.20 Integrated Strategy contends that the consideration of the application should be based on policy E3b. It is acknowledged that the site has been marketed for a period of six months but there are concerns that the proposal will reduce the amount of office space available, and unless it can be successfully demonstrated that the site is not needed for employment use in both quantitative and qualitative terms, Integrated Strategy states the site should be retained for employment purposes. The section further consider that it is important that the applicant's view that the loss of the site to employment use will have a negligible impact on employment land is supported by Economic Development Unit (EDU)

4.21 Economic development /York Enterprise have made the following comments in relation to the employment reports submitted with the application:-

- Dacres report says that there is currently an over supply of office space, York needs an oversupply in order to provide a diversity of sites.

- In terms of Monks Cross the loss of Arabesque house and the relocation of tenants from the building within the Monks Cross area could reduce available Office space to as low as 1165 square metres.
- York needs to have a choice of locations. The greater amount of office space available is at Clifton Moor, which is not very appealing to businesses because of traffic congestion. This is reflected in the low rental rates currently on offer.
- The current financial position in relation to Arabesque House explained within the submitted reports does not take into account the return on investment over the full life of the building. Whilst the current return annually is not what the investors would like, it is still returning a profit whilst providing potential for additional lets in the future, whether or not refurbishment takes place. Refurbishment does not have to be comprehensive, but can be as and when tenants are found. It is believed that the current occupiers have significantly invested in their accommodation. Speculative investments carry a risk but this is not a reason to change planning policy over the potential longer terms benefits of retaining an office use at Monks Cross.
- The Dacre report states that 'The Building is showing signs of its age in the design and specification and therefore its appeal to potential tenants is diminishing with the passage of time'. However in the marketing literature for Arabesque House, it states that the office space benefits from "a good quality specification throughout" and is termed "high quality office accommodation".
- In terms of refurbishing the existing building the agent says that refurbishment could not be carried out without pre-letting however it is proposed to redevelop for retail on a speculative basis. The building is also considered to have a fundamental design flaw which prevents it from letting, however given past occupancy rates Economic development consider that current occupancy is more likely to be due to the economic climate.
- Enquiries for Office use and retail uses are both low at the moment, the applicant is no more likely to get a pre-let for retail than office use.
- The argument that one small development does not take away from the total office allocation could be made for all individual buildings and the long term planning policy as provided by the Integrated Strategy team needs to be borne in mind.
- The Summary of Dacres report states that the proposal is 'a realistic and deliverable option for the site.' Without a pre-let this is a risky option with a reduction in potential employment numbers (300 down to 100), a reduction in choice of office locations for prospective tenants and potentially a catalyst for displacement of jobs and the weakening of the offer from other retail areas.

4.22 On a more general level EDU states Monks Cross is a good office location, having a wide range of amenities and sustainable travel, including park & ride and cycle routes, to and from the city centre. On completion, Arabesque House was fully let, and whilst it is acknowledged that there is currently empty space, York is no different from any other city in the UK in that office space in general is difficult to let in the short to medium term. Planning permission has recently been granted at Monks Cross for a restaurant with an operator signed up, this will provide an additional benefit to current occupants and in attracting new business to this

commercial area. In the long term, officers consider that York needs to retain Arabesque House as an office development in order that, once the economy recovers, there are sufficient office buildings available in good locations, of which Arabesque House would be one.

4.23 The starting point for the consideration of this proposal is policy E3b which seeks to resist the loss of existing employment sites and retain them within their current use class. This remains the thrust of policy in the emerging submissions draft core strategy (policy CS16). The figures for employment growth (1,000 jobs per annum) are based on the findings of the employment land review, validated recently by the conclusions of the ARUP employment paper. The employment land review says that Monks Cross is regarded by many as a desirable prestigious office location. The Arup Paper says 'in assessing the implications for employment land it is important to consider margin of choice of employment land taking into account sectoral mix and requirements, churn in the existing stock, differing levels and contexts for development viability'

4.24 EDU considers that York needs to maintain a menu of office properties around different sites in the city, of varying sizes and quality. The application site is important in providing for the immediate and longer term employment requirements of York, particularly the Monks Cross area. The information submitted by the applicant regarding the availability of alternative office space does not change this view.

4.25 A recent planning permission has been granted on the site to the north of Arabesque House for a restaurant unit. This permission was granted with restrictions to a specific restaurant format which was promoted as an enabling development. Indications from the market being that the amenities for the business park were inadequate and forms part of the reason why businesses are not choosing to locate to the Monks Cross area at the moment. The addition of these facilities, the ready availability of accommodation at Arabesque house and the relatively small amount of existing space at Monks Cross if Arabesque House is lost lead officers to conclude that for the immediate and longer term employment requirements of the City, Arabesque House should be retained for office use. In officer's opinion there has been no information put forward by the applicant that would be sufficient to outweigh these considerations and the application is therefore considered to conflict with the requirements of existing and emerging policy with regard to retention of employment land for that use and the aims of PPS4 including the need to secure economic growth through prosperous diverse economies.

4.26 With regard to the recent ministerial statement which says that appropriate weight should be given to the need to support economic recovery, the current proposal is a speculative application which suggest the potential for a hundred jobs (it is not clear that these would all be new jobs as the employment paper by Dacres Commercial talks of the relocation of accommodation), Arabesque House currently

has at least 85 employed on site and the building has potential to have an employment density greater than that which would be created by a retail use. It is not clear therefore how the grant of consent for a speculative retail unit would support economic recovery as the loss of employment at the site both now and overtime could outweigh that which would be created.

## Retail Impact

4.27 PPS4 and Policy SP7a require that a sequential approach be taken and that sites within the city centre are looked at first. A PPS4 Retail Statement has been submitted at Appendix 9 to the Planning Statement, providing an assessment of the available, suitable or viable sequentially preferable alternative sites and the impact of the proposed retail use.

4.28 The sequential test which has been undertaken by the applicant assesses 17 alternative potential sites in and around the City York, including Castle Piccadilly, Hungate, Stonebow House and BT Telephone Exchange (Hungate), Former Homebase Unit - (Foss Bank - now 'Go Outdoors') and York Central. These sites were identified in consultation with the Council. It concludes that none of the 17 sites satisfy all three tests of the PPS4 sequential assessment. Officers are satisfied that there are no sequentially preferable sites.

4.29 The impact that the proposed development will have on established shopping centres in York has been assessed by the applicant. The assessment presented is consistent with City of York Council's own evidence base (Retail Study 2008). As such Officers agree with the applicant's conclusions that the trade draw on the city centre (10% of the turnover drawn from the city centre) would not cause a significant adverse impact on the vitality and viability of the city centre (at 0.25%).

4.30 It is stated by the applicant that the proposal is likely to draw most of its trade from other out of centre retailers (particularly Clifton Moor which has the strongest bulky goods market share (Retail Study 2008, para 9.3). This has been substantiated by an assessment of the proposals on existing bulky goods retailers in the city centre. This information, using GOAD survey report data, has explored bulky goods retailers in the city centre and concluded that the impact of the proposals would be minimal given the type and location of these types of retailers. Officers agree with these conclusions.

4.31 Whilst no calculations have been carried out we are satisfied that given the limited crossover in bulky goods retailing in the District Centres there would be limited impact from the proposals. The application should be restricted to bulky goods retail only through appropriate conditions.

## Layout and Scale

4.32 Arabesque House, which has a gross lettable area (GLA) of 2,850 square metres, is to be demolished. The current building is to be replaced with a new two storey building with a GLA of 5,574 square metres. The footprint of the proposed building is to be 2,833 square metres. The building as proposed is located on the south western corner of the site. This application is in outline with layout and scale to be considered but with appearance being left for consideration at reserved matters stage.

4.33 The site is located between the Argos/TK Maxx building to the south and Triune office complex to the north. To the west is industrial development and to the east beyond Monks Cross Drive is the existing Monks Cross retail complex. The design and access statement says that the location of the building is largely determined by the desire to replicate the layout of adjacent retail development. Whilst the application is in outline form, an indication of the height of the development is required. The design and access statement indicates that the two storey structure will have an eaves height of 10.5 m. The indicative context elevation suggest a flat roof so that this would be the approximate max height of the building. The buildings to the south have a nominally pitched roof approximately 9 metres high and the office buildings to the north are approximately 11.5 metres high to pitched roofs. The proposed building at 10.5 metres to a flat roof will have a larger overall massing than the adjacent buildings, however in the context of the varying building designs within the locality the height of the structure is considered to be acceptable. Similarly, in a visual context, the siting of the building is considered to be compatible with the layout of adjacent sites and officers consider that the proposal will not detract from the area as a whole.

## Landscaping.

4.34 A landscaping scheme has been reserved to a detailed scheme; however the existing site is well landscaped and the proposed layout has an impact on existing planting. To the west of the site between the site and the industrial development is a mounded area with mature tree planting on top, to the south is a line of trees which divides the site from the car parking and retail use. To the Monks Cross Drive frontage there is mounding and mature tree planting and there are a number of individual trees and small groups of trees within the site and along the northern boundary with the Triune Court access and parking area. The application is supported by a tree survey which assesses the varying quality of the individual trees within the site.

4.35 The proposal includes the retention of the majority of the trees to the frontage, western and northern boundaries as well as three of the more significant trees within the car park. The main area of tree loss relates to trees on the northern boundary of the site between the access road and proposed car park area. The proposal



includes the reconfiguration of the access road and car parking which will result in the replacement of these entrance trees with new planting. The alteration to the entrance will mean that trees on the Tribune Court side of the access will also be lost although full details of this have not been submitted in this application.

4.36 One of the defining features of the Monks Cross area is the quality of its landscaping. The amount and maturity of the landscaping sets it apart from other out of centre retail business schemes and adds to the attractiveness of the area as a destination for businesses and retail custom. This particular site is prominently located on the Monks Cross Drive entrance to the retail and business park areas. Clearly the retention of all the frontage trees and mounding is significant in retaining the visual quality of the site. However there are areas of the scheme that will mean that overall the value of the tree cover within the site will be diminished. The new location of the building on the south-western side of the site and the buildings proposed height will mean that any longer distance view of these trees will be lost and these trees will have less favourable conditions in which to grow.

4.37 Trees on the northern side are proposed to be replaced. The tree survey classes these trees individually of low quality. However as a group together with the wide verge around them they make a pleasant group of trees which add to the overall visual quality of the area. The proposal includes replacement planting along the line of the new road position and the applicant has sought to replicate the wide verge and provide new tree cover. A slightly different configuration of the road and car park layout would allow for the existing trees to be retained and this would be. However the applicant is keen to retain the particular parking and access layout proposed and therefore the consideration is whether the loss of the trees is a sufficient reason to justify a refusal of planning permission. In this particular case given the amount of tree retention already within and around the site, the quality of the individual trees identified within the tree survey and the proposals for replacement tree planting, officers consider that there are insufficient grounds to recommend refusal on the basis of loss of trees.

Highways, parking and access arrangements.

4.38 Vehicular access to the proposed store will be from the existing site access which is onto Monks Cross Link via a 3 arm roundabout. This access also serves Tribune Court which is an adjacent B1 office development. The proposed application impacts on the car parking for Tribune Court and Officers have been informed that an application will be submitted to address the necessary reconfiguration of Tribune Courts car park.

4.39 In line with national guidance it is appropriate to net off the traffic that could be generated by a site without the need for further planning consents. In highway terms therefore the Council are considering the impact of the difference between the office use and the non-food bulky goods retail use.

4.40 The proposals will result in an increase in traffic, particularly during a Saturday peak period. This increase in traffic can be reduced as it is reasonable to assume that a proportion of traffic to the new retail unit will visit the site as part of a linked trip to an adjacent retail unit. Evidence gathered indicates that this figure is generally around the 40% level. Once the traffic flows have been reduced to take into account the previous use of the site and the potential for linked trips it is considered that the impact of the development on the adjacent highway network will be acceptable.

4.41 The level of car parking on site is being capped to 220 spaces, with a proportion of car parking (27 spaces) being surfaced in grasscrete to reduce their visual impact and to try to ensure that they are only used infrequently as an overspill provision during peak periods of demand. Covered cycle parking is provided on the southern boundary of the site

4.42 The site falls within the member approved Monks Cross Masterplan area and as such officers have negotiated a contribution towards the measures set out in the aforementioned masterplan of £5555, together with the upgrading of the existing footway on the Western side of Monks Cross Drive between the roundabout access to the site and the bus stop adjacent to Sainsbury's. This footway will be upgraded to a shared ped/cycle facility of minimum width of 3.1m and is in lieu of a larger financial contribution to the masterplan.

4.43 It is considered that the capping of the car parking on the site, implementation of a Travel Plan and provision of a shared ped/cycle route will increase the sustainable nature of the site. Officers do have some concerns over the location of the main entrance which is orientated to face the car park. The main entrance should be repositioned to face the adjacent retail units thus encouraging and increasing the potential for linked trips, especially by foot/cycle. This issue of detail would be raised as part of a reserved matters submission if outline consent were to be granted.

Sustainability.

4.44 The application includes a short sustainability statement within the design and access statement which shows a fairly clear understanding by the applicant of the materials of construction of the building. The statement indicates that a BREEAM very good will be achieved within the development and that solarwalling will be used to reduce energy costs thus indicating a commitment to renewable energy within the scheme. The achievement of the requirement of the Interim Planning Statement on sustainable design and construction (IPS) will be met if the ideas within the statement are taken through to design stage. Conditions could secure 10% renewables and BREEAM 'very good' in accordance with the requirements of the IPS.

## Drainage

4.45 York Consultancy would like additional information submitting with regard to drainage. The Environment Agency do not object to the application provided conditions are added to ensure that adequate surface water drainage is achieved including sustainable drainage principles. Given the existing structure on the site and the level of hardsurfacing that exists Officers consider that it is technically feasible to adequately drain the site and are therefore satisfied that the detailed drainage of the site can be achieved through appropriate conditions.

## 5.0 CONCLUSION

5.1 Monks Cross is a good office location, having a wide range of amenities and sustainable travel, including park & ride and cycle routes, to and from the city centre. The Economic Development Unit considers that York needs to maintain a menu of office properties around different sites in the city, of varying sizes and quality. The application site is important in providing for the immediate and longer term employment requirements of York, particularly the Monks Cross area. The proposed development is considered to conflict with policy E3b which seeks to resist the loss of existing employment sites and retain them within their current use class. With regard to the recent ministerial statement which says that appropriate weight should be given to the need to support economic recovery, the current proposal is a speculative application which only suggests the potential for a hundred jobs. It is not clear therefore how the grant of consent for a speculative retail unit would support economic recovery as the loss of employment at the site both now and overtime could outweigh that which would be created by this unit. Such an outcome would not be in accordance with this statement.

5.2 It is stated by the applicant that the proposal is likely to draw most of its trade from other out of centre retailers (particularly Clifton Moor which has the strongest bulky goods market share (Retail Study 2008, para 9.3). This has been substantiated by an assessment of the proposals on existing bulky goods retailers in the city centre. This information, using GOAD survey report data, has explored bulky goods retailers in the city centre and concluded that the impact of the proposals would be minimal given the type and location of these types of retailers. Officers agree with these conclusions.

5.3 In terms of the layout and scale of the proposal; the proposed building at 10.5 metres to a flat roof will have a larger overall massing than the adjacent buildings, however in the context of the varying building designs within the locality the height of the structure is considered to be acceptable. Similarly, in a visual context, the siting of the building is considered to be compatible with the layout of adjacent sites and the proposal will not detract from the area as a whole.

5.4 The existing site is well landscaped and much of this landscaping is retained. However the proposal includes replacement planting along the line of the new road position in preference to retaining the existing landscaping. A slightly different configuration of the road and car park layout would allow for the existing trees to be retained and this would be, in Officers' view, the most appropriate way forward. However the applicant is keen to retain the particular parking and access layout proposed and therefore the consideration is whether the loss of the trees is a sufficient reason to justify a reason to refuse planning permission. In this particular case given the amount of tree retention already within and around the site, the quality of the individual trees identified within the tree survey and the proposals for replacement tree planting, officers consider that there are not sufficient grounds to recommend refusal on the grounds of loss of trees.

5.5 It is considered that capping the car parking on the site, implementation of a Travel Plan and provision of a shared ped/cycle route will increase the sustainable nature of the site. Officers do have some concerns over the location of the main entrance which is orientated to face the car park. The main entrance should be repositioned to face the adjacent retail units thus encouraging and increasing the potential for linked trips, especially by foot/cycle. It is considered that this detail could be secured through condition or addressed during any subsequent reserved matters application, if outline consent were to be granted.

COMMITTEE TO VISIT

## **6.0 RECOMMENDATION: Refuse**

1 In the opinion of the Local Planning Authority Monks Cross is a good office location, having a wide range of amenities and sustainable travel, including park & ride and cycle routes, to and from the city centre, the Local Planning Authority consider that it needs to maintain a menu of office properties around different sites in the city, of varying sizes and quality, the application site is important in providing for the immediate and longer term employment requirements of York, particularly the Monks Cross area. It is considered that the loss of Arabesque House will significantly diminish the availability of office space in the Monks Cross area to the detriment of employment Land supply and future employment growth, this is considered contrary to policy E3b of the City of York draft Local Plan (incorporating the 4th set of changes) Development Control Local Plan (April 2005), the evidence base to the emerging Local Development Framework; Employment Land Review Stage 1 and 2 (Entec 2007 and 2009) and Arup Employment Paper - Annex 4 to Item 13, LDF Working Group, 4 October 2010 and contrary to Planning Policy Statement 4 "Planning for Sustainable Economic Growth"

## **7.0 INFORMATIVES:**

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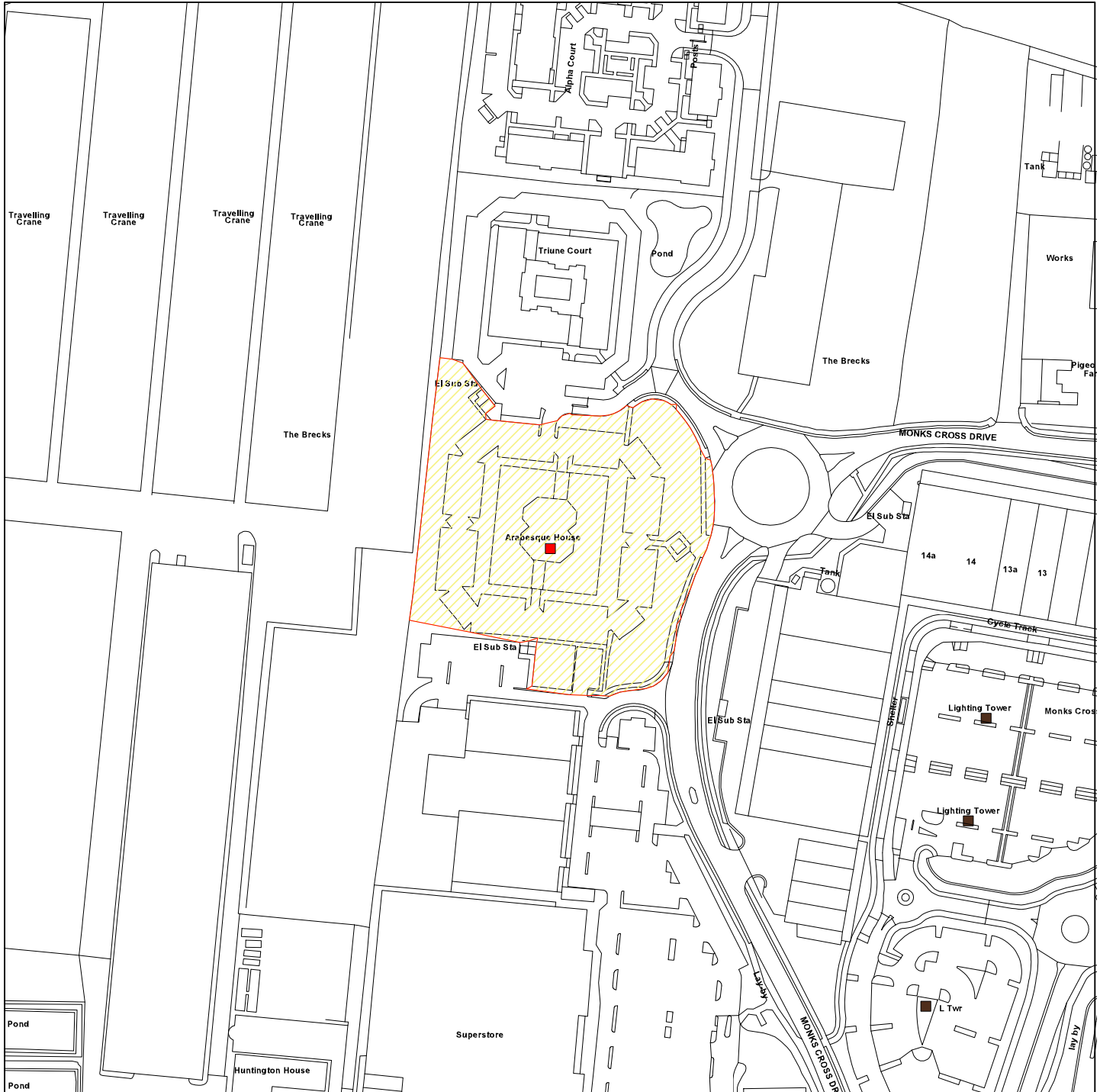
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# 11/01468/OUTM

## Arabesque House, Monks Cross Drive



GIS by ESRI (UK)



Scale : 1:2500

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<b>Organisation</b>	City of York Council
<b>Department</b>	City Strategy
<b>Comments</b>	
<b>Date</b>	12 August 2011
<b>SLA Number</b>	Not Set

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1.3 The previous Outline Permission reserved only the landscaping of the site for further approval and that is the subject of the current application. No other matters are for consideration at this time.

1.4 The current application seeks approval of landscaping for the site in the form of a grassed frontage to Hull Road, ornamental tree and shrub planting along the entrance drive incorporating elongated rectangular water features some 800 to 1000mm high incorporating integral lighting and aquatic planting. Hard landscaping to the entrance would consist of a central shred surface with concrete block paving with disabled parking having a contrasting colour for visual distinction. The main courtyard areas would be planted with shrub borders to the boundary areas, self binding gravel footways, a central water feature with integrated lighting and larger centrally located tree and shrub planting beds. Timber benches would be strategically located through the centre of each courtyard. Landscaping to the rear courtyard areas would consist of a mix of shrub and herbaceous borders defining a series of grassed areas with climbing plants defining the boundary walls with neighbouring properties to the side and rear. A series of lighting solutions are suggested including low level recessed units, ground mounted spot lighting and low level bollard lights. Street furniture would have a lightweight chromium finish.

CYGP1  
Design

### **3.0 CONSULTATIONS**

INTERNAL:-

3.1 Environmental Protection Unit raise no objection to the proposal but stress the need to ensure that "clean" topsoil is used for soft landscaped areas.

3.2 Highway Network Management raise no objection to the proposal but stress the importance of ensuring that footway widths and pedestrian visibility splays within the site are adequate.

3.3 Design, Conservation and Sustainable Development raise no objection in principle to the proposal but express concern with regard to the availability of seating in the rear courtyard area, the design and location of the water features within the access corridor and the location and coherence of the proposed areas of tree planting.

EXTERNAL:-

3.4 Fishergate Planning Panel were consulted in respect of the proposal on 26th June 2011. Any representations will be reported orally at the meeting.

#### **4.0 APPRAISAL**

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- \* Impact upon the visual amenity of the street scene,
- \* Impact upon the residential amenity of neighbouring properties,
- \* Impact upon the living conditions of future occupants.

PLANNING POLICY CONTEXT:-

4.2 Central Government Planning Guidance outlined in PPS1 (Delivering Sustainable Development), PPS3 (Housing) and PPS 5(Planning for the Historic Environment) has been considered in relation to assessing the current proposal.

4.3 Policy GP1 (Design) of the York Development Control Local Plan is of particular relevance in considering this application. This is a general policy where proposals will be expected to respect or enhance the local environment and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area. They should also avoid the loss of open spaces, respect / enhance existing urban spaces and public views, provide individual or communal amenity space, provide appropriate waste recycling and litter collection arrangements and ensure that residents are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

IMPACT UPON THE VISUAL AMENITY OF THE STREET SCENE:-

4.4 The development site lies in a prominent location adjacent to Hull Road one of the principle approaches to the City Centre. The general density of development in the surrounding area is high with a mix of flats and terraced and semi-detached houses. A similar development of flats lies on the north side of Hull Road close by set in well landscaped grounds. The present scheme envisages a lightly landscaped frontage to Hull Road with a contemporary style iron railing with a native hedge

boundary and an area of lawn behind. The main entrance drive would have a series of landscaped areas with shrub planting, followed by an area of grass with a centrally sited water feature and tree planting to either side with a small area of grass with tree and shrub planting framing the visual approach to the proposed post-graduate housing in the blocks to the rear of the site. The disabled parking and visitor cycle parking spaces would also lie within this area. Overall the proposed treatment of this area would add significantly to the interest of the site. Moving towards the rear of the site it is envisaged that the southern gables of both street facing blocks would be treated with climbing plants to soften their impact relative to the adjacent residential property and the lower rise element of the scheme to the rear. In respect of the rear lower rise section of the site it is envisaged that dense shrub planting would be planted along the eastern boundary of the site with a mix of shrub and herbaceous planting together with climbing plants to soften the impact upon the Nicholas Gardens development to the west. The internal courtyards associated with the higher blocks facing on to Hull Road would incorporate two central communal seating areas focussed on water features. A further array of seating areas together with tree and shrub planting areas would be created to focus on both water features. Taken together the proposed areas of landscape planting would enable the wider scheme to contribute significantly to the visual amenity of the wider street scene.

#### IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES:-

4.5 The area surrounding the development site comprises mainly low rise residential development at a variety of densities with residential development coming close to the boundary of the site at its western and south eastern edges. The proposed green wall planting along the southern gables of both blocks facing on to Hull Road is intended to improve the physically close relationship with the adjacent areas of residential development whilst at the same time softening the impact of the change of level across the site outlined earlier. Similarly the location of the landscaped courtyards associated with both blocks would enhance the relationship with the adjoining properties. The proposed landscape planting would thus significantly reduce any impact upon the residential amenity of adjoining properties arising from the scheme.

#### IMPACT UPON THE LIVING CONDITIONS OF FUTURE OCCUPANTS:-

4.6 The proposed courtyard areas serving each of the five blocks within the site provide a significant area of external amenity space for residents.

Associated with each landscaped area are the cycle shelters and bin and recycling stores for each block. These are the subject of a separate approval arising from a condition attached to the Outline Permission and are not for consideration at this stage. Informal seating areas associated with central water features would be provided for the principal courtyards. Designated seating is at present absent from the rear courtyards associated with the lower rise accommodation designed for use by post graduate and mature students. Seating areas for each garden would add significantly to the value for prospective residents, otherwise the submitted landscape scheme adequately secures the living conditions of the future occupants of each block. Further seating areas may in any case be secured by condition appended to any permission.

## **5.0 CONCLUSION**

5.1 The former COOP Dairy Hull Road comprises a substantial former industrial site adjacent to one of the principal approaches to the City Centre given Outline Planning Permission for redevelopment as a 329 bed student housing complex in April 2011. Approval is presently sought in respect of landscape planting associated with the development. The proposals envisage creating a series of shrub and herbaceous bounded informal amenity spaces associated with each accommodation block. Those towards the Hull Road section of the site would be focussed around purpose built water features; those towards the rear of the site would have a more informal layout. It is recommended that any permission be conditioned to require the provision of seating areas as part of the landscaped areas towards the rear of the site. The blank south facing gable walls of the higher blocks adjacent to Hull Road would be treated to allow for climbing plants to grow up them to give a sense of interest. The site boundary walls to the south of the site would be similarly treated in order to lessen any impact upon the surrounding area. It is felt that the scheme as a whole would enhance the visual amenity of the wider street scene at the same time as safeguarding the residential amenity of neighbouring properties as well as securing an acceptable area of amenity space for prospective residents of the site. Approval of the scheme is therefore recommended.

## **6.0 RECOMMENDATION: Approve**

- 1 The landscape planting hereby approved shall be completed prior to the occupation of the first unit.

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

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

Drawing Refs:- L-90-001; L-90-200; L-90-201; L-90-202; L-90-203; L-90-204; L-90-205; L-90-206; L-90-207. Date Stamped 7th June 2011.

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

3 Notwithstanding the application details hereby approved full details of external seating for the garden areas serving blocks C,D and E including numbers, design, location and materials shall be submitted to and approved in writing by the Local Planning Authority before work on site commences. The external seating hereby approved shall be provided prior to the blocks being first occupied.

Reason: To safeguard the amenities of future occupants of the flats and to secure compliance with Policy GP1 of the York Development Control Local Plan.

## **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 upon visual amenity of the street scene, impact upon the residential amenity of neighbouring properties and impact upon the living conditions of future occupants. As such the proposal complies with Policy GP1 of the City of York Development Control Local Plan.

### **Contact details:**

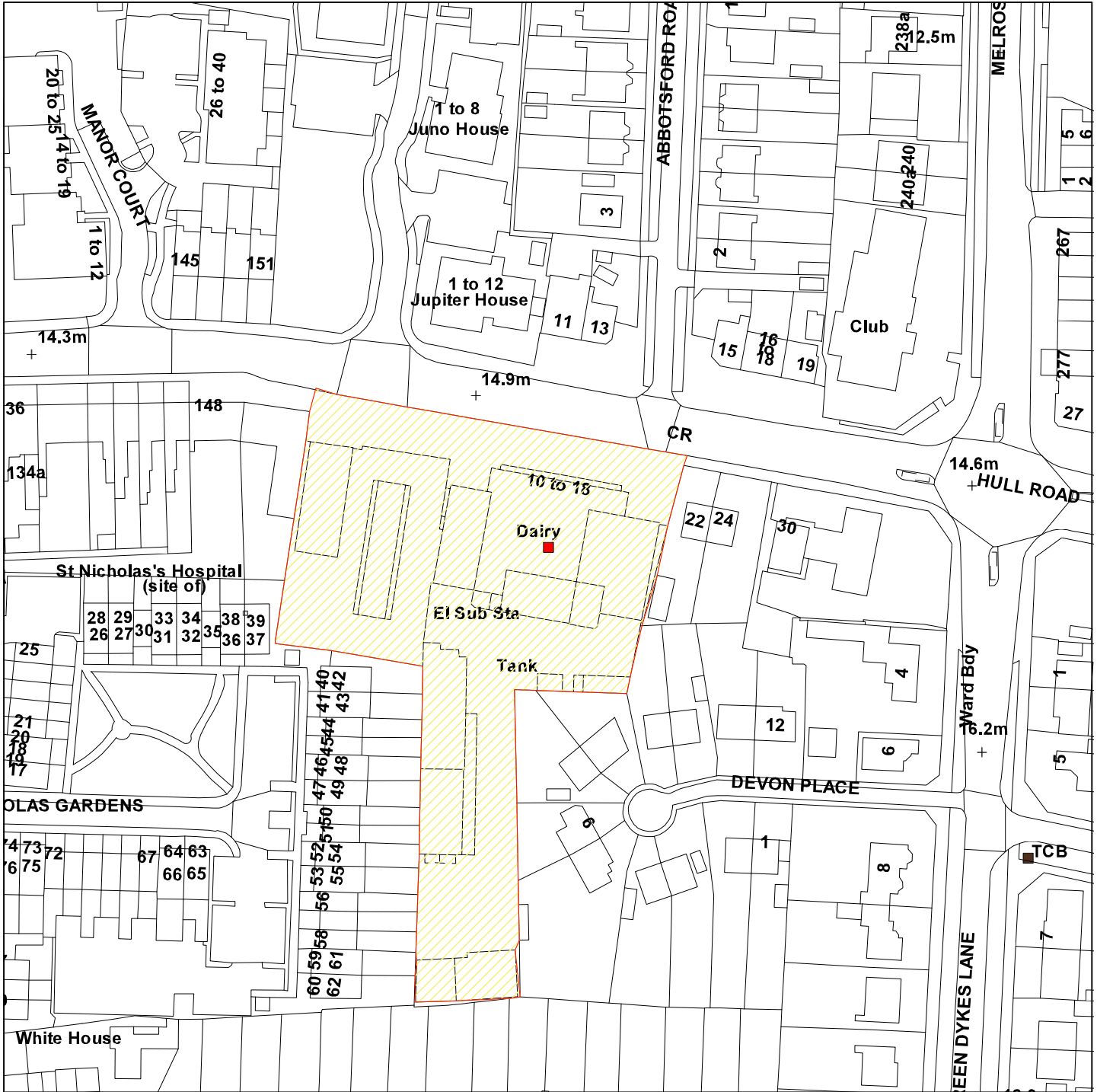
**Author:** Erik Matthews Development Management Officer  
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# 11/01496/REMM

6 - 18 Hull Road



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	City Strategy
<b>Comments</b>	
<b>Date</b>	12 August 2011
<b>SLA Number</b>	Not Set

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Chartered Town Planning Consultants

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Date: 22 August 2011

Dear Diane,

**OUTLINE APPLICATION FOR ERECTION OF RETAIL WAREHOUSE  
ARABESQUE HOUSE, MONKS CROSS DRIVE, HUNTINGTON, YORK.**

I am writing in response to certain statements or omissions in the Committee Report and the EDU comments forwarded to Cliff on 17 July that we feel require correction.

**Committee Report**

Para 1.2: Final sentence omits to state that the site directly faces Monks Cross Shopping Park.

Para 3.6: Arabesque House was not 'fully let on completion'. It took 2 years to secure the first tenants and a further 2 years to be fully let, to 1996.

The statement that Arabesque House is required once the economy recovers is not substantiated by any evidence on demand. From our own research, the average annual take up rate for offices in York has been around 11,600m<sup>2</sup>, though this was not achieved in 2010. The take up figure for the whole of Yorkshire, Humber and the North East for the first quarter of 2011 was 8,220m<sup>2</sup>. We have no figure for the current rate of vacating of offices in York, so no net figure is available. EDU do not have this figure. Even using a gross figure of 11,600m<sup>2</sup>, the available 85,863m<sup>2</sup> represents a 7.4 years supply, but using a net figure, the supply would be longer, possibly up to a 10 year supply. Since Arabesque House has standard not quality offices and since quality offices are available and cheap, it could be vacant another 5 to 10 years, dependent upon the rate of growth of the local economy. Over time, its facilities will become increasingly obsolete.

Para 4.9: The Written Ministerial Statement of 23 March 2011 (Appendix 11 of the Planning Statement) is capable of being regarded as a material planning consideration as the covering letter from the Chief Planning Officer notes. The Statement emphasises that **the Government's top priority is to promote sustainable economic growth and jobs**. It states that the Government's clear expectation is that the answer to development and growth should wherever possible be "yes", except where this would compromise the key sustainable development principles set out in national planning policy. It also states that Local Planning Authorities will be expected "wherever possible to approve applications where plans are absent, out of date, silent or indeterminate." Nothing in the Committee report indicates that the proposals conflict with any sustainable development principles set out in national planning policy and York does not have an up-to-date local plan.

Para 4.20: the vacant offices have been marketed for 3 years not 6 months as stated.

Para 4.21: Bullets:-

1- This is a sweeping statement which is unsubstantiated. What level of oversupply is required? What proportion of standard to high quality offices is needed? What is this based on?

2 - Available office space at Monks Cross includes Triune Court units 2 and 4, plus permissions on plot 5 and 6 Monks Cross Drive, plus Vanguard at 15.68ha, which together total 3447m<sup>2</sup>.

If Monks Cross is such a good office location, why is the Council considering allowing the loss of the whole of Vanguard to retail and the allocation of land to the north of Monks Cross for residential not employment use?

3 - Again, this is a sweeping, unsubstantiated statement about the attractiveness of Clifton Moor, home to 'a greater amount of office space'.

4 - Our figures do not take into account the substantial funds introduced into the original development, only the interest on the mortgage shown. The property is currently showing an income in excess of outgoings but will not continue to do so when the current tenant with an expired lease moves out and the final tenant moves to quality accommodation.

5 - The deficiencies of the building in terms of facilities and sustainable construction are included in the planning application. Officers are advised to refer to this, or to undertake a site inspection rather than rely on agent's descriptions. A physical problem with the building relates to its lack of visibility for each occupier and their visitors. The low building is set back from the road behind mounding and planting, and each entrance is off the central courtyard, out of view.

6 & 7 - it is not possible to pre-let a retail unit which does not have user rights or planning permission. Marketing investigations confirm strong interest from a

number of bulky goods retailers eager to secure premises in York.

8 – See response under 2 above.

9 – The developers would not proceed with the project in the absence of a pre-let, but see response under 6 above.

Para 4.22: see response on 3.6 above.

Para 4.23: the Council does not have an adopted plan. The Secretary of State has concluded in response to a number of called in planning decisions that no weight can be attached to the draft DCLP.

Figures for employment growth would include the proposed retail development.

Para 4.24: see comments under 4.20.2 above.

Para 4.25: the proposal represents real jobs within 18 months. The offices could be vacant for between 5 to 10 years on current calculations (see comments under 3.6 above).

I would be grateful if these points could be précised in the update to Members at the Planning Committee.

Kind regards

Yours sincerely,

*Janet O'Neill*

Janet O'Neill

cc: Peter Smith, Hugh Ball, Smith & Ball LLP

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## **11/01496/REMM Reserved Matters Application in Respect of Landscaping at 6-18 Hull Road. Committee Update:-**

Since the Committee Report was initially prepared revised application plans have been submitted to address the concerns raised in relation to the detail of the planting and the quality of the internal circulation space. The principal amendments and items retained are outlined below:-

- i)** The proposed water pools to either side of the site entrance have been retained to give a consistency of treatment with the principal courtyards to the rear of the blocks directly facing on to Hull Road and with the use of appropriate lighting to enhance the visual quality of the principal entrance to the development.
- ii)** To enhance the entrance boulevard and to highlight the differentiation of function within it, it is proposed to substitute the previously proposed single birch standards with small oaks (*Quercus robur* “Fastigiata Kaster”).
- iii)** To address the concerns previously expressed by the Authority’s Landscape Architect it is proposed to significantly extend the range of planting around Blocks C, D and E with a further range of 13 species, predominantly shrubs but also bulb planting, aquatic and herbaceous planting. Tree planting has also been incorporated in two separate areas between the three blocks.
- iv)** Areas of seating are now proposed within the out door amenity areas associated with Blocks C, D and E, their absence being an important cause for concern previously.
- v)** *Prunus spinosa* has been omitted from the proposed hedge planting and hazel content will be reduced to 10% and substituted with alternative species of planting increasing their value to invertebrates and birds.
- vi)** A different range of bulbs have now been introduced below the silver birch trees to extend the seasonal interest and the bulb planting would be scattered as loose drifts.
- vii)** The proximity of Blocks A and B to Hull Road effectively prevents tree planting in the intervening space. Instead it is

proposed to introduce a low hedge together with benches and perimeter railings materials for which may be reserved by condition.

- viii)** In order to improve circulation in the vicinity of Block C it is proposed to introduce a gated access at the junction of Block C, the pedestrian ramp and the 850mm high retaining wall. It would give pedestrians and cyclists greater time to see those approaching from the opposite direction.

The proposed amendments to the application details as submitted are considered acceptable and it is recommended that proposed Condition 3 be substituted by the following Condition:-

**Notwithstanding the application details hereby approved full details of the proposed external seating and boundary railings for the Hull Road frontage of the site including design, location and materials shall be submitted to and approved in writing by the Local Planning Authority before work on site commences. The development shall thenceforth be undertaken in strict accordance with the details thereby approved prior to the blocks being first occupied.**

**Reason:- To safeguard the amenities of future occupants of the flats and to secure compliance with Policy GP1 of the York Development Control Local Plan.**