



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, 22 September 2011

Time: 4.30 pm

Venue: The Guildhall, York

Please note that no site visits have been scheduled for this meeting.

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 3 - 10)

To approve and sign the minutes of the last meeting of the Planning Committee held on 25 August 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 21 September 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 application:

a) Nestle Product Technology Centre, Haxby Road, York YO31 8XY
(Pages 11 - 28)

Extensions to existing Product Technology Centre, associated hard and soft landscaping and new footpath [*Clifton Ward*].

5. Appeals Performance and Decision Summary (Pages 29 - 46)

This report informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate in the 3 month period up to 30 June 2011. It also provides a summary of the salient points from appeals determined in that period together with a list of outstanding appeals as at 30 August 2011.

6. 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

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

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

Committee Minutes

MEETING	PLANNING COMMITTEE
DATE	25 AUGUST 2011
PRESENT	COUNCILLORS WILLIAMS (CHAIR), GALVIN (VICE-CHAIR), AYRE, BOYCE, CUNNINGHAM-CROSS, D'AGORNE, DOUGHTY, FIRTH, FUNNELL, MCILVEEN, MERRETT, REID, SIMPSON-LAING, WATSON, WATT AND BURTON (SUB FOR CLLR KING)
APOLOGIES	COUNCILLOR KING

8. INSPECTION OF SITE

Site	Reason for Visit	Members Attended
Arabesque House, Monks Cross Drive, Huntington, York (11/01468/OUTM)	To enable Members to view the site location and the surrounding area.	Cllrs Firth, Funnell, Galvin, Reid, Watt and Williams

9. 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 non prejudicial interest in relation to Plans item 4a (Holgate Villa, 22 Holgate Road, York YO24 4AB) owing to her involvement with some of the charities with offices situated in the building.

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) in respect of the adjacent cycle route as a member

of the York Cycle Campaign and Honorary Member of the CTC. He also confirmed that Cllr Fraser and himself had received an update from the applicant following the residents briefing.

10. MINUTES

RESOLVED: That the minutes of the last meeting of the Committee held on 15 June 2011 be approved and signed by the Chair as a correct record.

11. PUBLIC PARTICIPATION

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

12. PLANS LIST

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

12a 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 the demolition of the existing office building. Consideration of this application had been deferred at the Committee's last meeting to allow further public consultation to be undertaken.

Officers displayed plans of the scheme under consideration and, on request, plans of an alternative scheme which proposed the buildings end elevation facing Holgate Road finished in white render and 5 storeys in height. Officers confirmed that, in order to alleviate local resident's concerns, the design of the raised planter had been amended to prevent people congregating and a canopy added in the rear car park as a smoker's shelter rather than at the main entrance. A list of available vacant office premises in the city centre and edge of centre had also been circulated to members for their information.

Officers went onto report receipt of two additional letters from residents following the public meeting details of which had been set out in the report at para. 3.19.

Representations in support of the application were then received from a Director of the Helmsley Group. He confirmed that the public consultation meeting had been well attended. The main issues raised included omission of the footpath along the east side of Lowther Terrace, the need to provide a hidden area for smokers, a request for a redesign of the hotel's frontage, use of the hotel and support for the rendering of the building fronting onto Holgate Road.

The applicant's Architect also spoke in support of the application. He confirmed that consultation had been undertaken with Officers to ensure that all concerns regarding the buildings height, materials and width of Lowther Terrace had been met.

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

- Further details of resident's feedback and the need to take this on board.
- Details of office accommodation currently being marketed in the York area of a similar size to Holgate Villa.
- Confirmation that the alternate scheme favoured by residents was a storey higher and included a change in materials. Officers pointed out that this would require submission of a new application and further consultation therefore members could only consider the application as submitted.
- Further clarification in respect Policy E3b and the loss of office space in the city.
- Confirmation that the existing building was not fully DDA compliant.
- Loss of major employment sites required monitoring.
- Number of underutilised office's in the city centre.
- Bus services and the viability of sites.

Following further discussion it was

RESOLVED: That the application be approved subject to the Assistant Director (Planning and Sustainable Development) in consultation with the Chair and Vice Chair being delegated

authority to agree the treatment of the Holgate Road elevation of the building. ¹.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the principle of 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.

Action Required

1. Undertake consultation in respect of the elevational treatment of the Holgate Road frontage with Chair and Vice Chair.

MS, JK

12b Arabesque House, Monks Cross Drive, Huntington, York (11/01468/OUTM)

Members considered a major outline application, submitted by Smith and Ball LLP, for the erection of a retail warehouse following the demolition of an existing office building (resubmission).

The applicants circulated the following information and photographs:

- Photographs of Arabesque House and Triune Court.
- An aerial photograph of the site location
- Site layout and the elevation for the scheme.
- Arabesque House was an dated office building which did not meet potential office occupier's requirements unlike adjacent Triune Court.
- Arabesque House had 1 unit which had been vacant for 3 years with other tenants looking to relocate to Triune Court.
- The loss of office space at Arabesque House would not be significant loss.

- There was already strong interest from a number of bulky goods operators to secure premises at Monks Cross, which the Retail Study confirmed that it lacked.
- This would be a sustainable development and provide real growth for the city in both construction and permanent jobs.

Officers updated with the following information:

- Paragraph 1.3 should refer to a 200 space car park not 238 spaces.
- Receipt of a letter from O'Neill Associates the applicant's agent, in relation to certain statements and omissions in the Committee report (full details of which have been attached to the agenda as an annex).

Representations were then received from the applicant's agent who referred to the aerial photograph showing retail development to the south and east and offices to the north on the Monks Cross site. She confirmed that the existing offices were out dated with no raised floors for IT networking, no air conditioning, a concealed entrance and were inefficient in energy use.

Members went onto question a number of aspects of the report, including:

- Confirmation received that the proposed retail warehouse was not speculative as without a named tenant the investment for the development could not be raised.
- Details of vacant office space at Triune Court.
- Further details of tenants looking to relocate from Arabesque House.
- That the issues raised by the applicants were members felt a result of the present economic climate rather than the building being outdated.

A number of Members confirmed that the present building was internally in a good state of repair and that the officer's recommendation to refuse permission was correct in this instance. They also pointed out that Monks Cross was a key employment area well served by public transport and should be retained.

Other Members expressed concerns that it was unfair that property owners had to bear the burden and that members should defer to businesses and market forces.

Following further discussion it was

RESOLVED: That the application be refused.

REASON: 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".

12c 6-18 Hull Road, York (11/01496/REMM)

Consideration was given to a major reserved matters application, submitted by Uniliving Ltd, for the approval of landscaping details following approval of an application for the demolition of an existing dairy distribution facility and the development of student accommodation.

Officers reported that since the committee report had been prepared revised plans had been received to address concerns raised in relation to planting and the quality of the internal circulation space. Details of the principal amendments and

items to be retained had been set out in an update circulated at the meeting (full details of which have been attached to the agenda) and included:

- Retention of the proposed water pools at either side of the entrance.
- Substitute proposed single birch standards with small oak trees.
- Extend the range of planting around Blocks C, D and E, amendments to hedge planting and bulb arrangement to address the Landscape Architects concerns.
- Seating now proposed in the outdoor amenity areas.
- Gated access at the junction of Block C, including pedestrian ramp and retaining wall.
- Amendment of Condition 3 requiring detailed submission of external seating and boundary railings.

Representations in support were then heard from the applicant's agent. He confirmed that the landscaping scheme had been put forward following discussion with officers, resident's feedback and comments made by members.

Members questioned a number of points in relation to the scheme including:

- Possible amendment of the landscaping condition to state that any trees or plants which died should be replaced in perpetuity. Legal confirmation was received that Inspectors at appeals had overruled the attachment of similar conditions by Local Authorities in the past.
- Some of the trees appeared to be positioned between windows and relatively close to the buildings. Confirmation that the amenities of future residents had been taken into account when agreeing tree species to overcome any future problems.
- Confirmation that the seating proposed on the site frontage would be accessed via a gate within the site behind the boundary railings.

Following further discussion it was

RESOLVED: That the application be approved subject to the imposition of the conditions set out in the report and to the under mentioned amended condition:

Condition 3: 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.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to 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.

CLLR D WILLIAMS, Chair
[The meeting started at 4.30 pm and finished at 5.45 pm].

COMMITTEE REPORT

Date: 22 September 2011 **Ward:** Clifton
Team: Major and **Parish:** Clifton Planning Panel
Commercial Team

Reference: 11/01634/FULM
Application at: Nestle Product Technology Centre Haxby Road York YO31 8XY
For: Extensions to existing Product Technology Centre, associated hard and soft landscaping and new footpath
By: Dr Walter Sommerville
Application Type: Major Full Application (13 weeks)
Target Date: 28 September 2011
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks planning permission for an extension to the Product Technology Centre (PTC) and its pilot plant at the Nestle factory site. The PTC is located towards the northern end of the Nestle site adjacent to Haxby Road. To the north of the application site are sports playing fields and the Green Belt. To the south and west are Nestle factory buildings. To the east of the building on the opposite side of Haxby Road is a bowling green with the nearest residential dwellings sitting approximately 60m away to the south of the bowling green at Bowling Green Croft. The application site is unallocated within the Local Plan but is classified as an existing employment site given its current use.

1.2 The existing PTC and pilot plant is a dedicated confectionary research and development facility for Nestle. The centre strives to create excellence in confectionary with tasting panellists regularly visiting the site. The centre also offers business and engineering support and is used to host national and international guests, partners and clients to promote the Nestle brand and the research and development work that takes place at the site. The proposal would result in an increase in office space by 3100 sq m and an extension to the pilot plant by 940 sq m. The proposal would extend the existing facilities on offer, the general operation of the site would not alter. The number of staff employed at the building would increase from 190 to 225 and a conference facility able to accommodate 250 guests would be produced. The pilot plant extension is primarily required to enable a greater capacity for the storage of raw ingredients.

1.3 The proposal would result in a loss of a small number of car parking spaces. The number of cycle parking spaces available for staff and visitors would be greatly increased with showering facilities available to encourage people to travel to the site by bicycle.

1.4 The proposed extension to the PTC would primarily be located between the existing building and the recently constructed Insight Centre to the south. The proposed office accommodation would be over three floors. The building would protrude forward of the current PTC building in order to create a new main entrance and approach plaza. The proposed extension to the pilot plant would be to the south of the existing building and would be of similar design and height to the existing plant building. The proposal changes the delivery arrangements for the pilot plant with the majority of raw ingredient deliveries now using Nestle's main delivery point on Wigginton Road.

1.5 The proposed PTC extension is of contemporary design and makes use of modern materials. It is the applicants aim to create a focal point on the Nestle site which would reflect the functions of the PTC and the site as a whole. The proposal makes use of glass and cladding to create a modern clean appearance. The proposed plaza would be paved and contain raised planters and benches to create a pedestrian friendly approach to the building. The existing vehicular entrance would be maintained as would the pedestrian entrance to the north. In addition a new pedestrian entrance is proposed to the south of the vehicular access to provide greater accessibility to the site for pedestrians and cyclists. The applicants are proposing to fund the creation of a new pedestrian footpath running south along the west side of Haxby Road. This would link the PTC site with the other Nestle entrance points and areas towards the city centre.

1.6 The site is well screened by mature tree planting adjacent to Haxby Road. These trees are not protected but do significantly enhance the quality of the area. None of the application site is within the Rowntree/Nestle Factory Conservation Area.

1.7 Earlier in 2011 the applicants submitted a screening opinion to determine whether the application required an Environmental Impact Assessment. It was concluded that the proposal did not constitute either a Schedule 1 or Schedule 2 Development as set out within the EIA Regulations 1999. Therefore an Environmental Statement was not required to be submitted with this application.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYE4
Employment devt on unallocated land

CYGP6
Contaminated land

CYNE7
Habitat protection and creation

CYT4
Cycle parking standards

CYSP8
Reducing dependence on the car

CYGP9
Landscaping

CGP15A
Development and Flood Risk

CYGP6
Contaminated land

3.0 CONSULTATIONS

INTERNAL

3.1 City Development - Policy E4 states that planning permission will be granted for employment use of a scale and design appropriate to the locality where it involves infilling or an extension to existing building. The proposal is for an extension to an existing building. Policy GP4a requires all developments to be sustainable and the proposed BREEAM 'Very Good' rating and 10% on site renewable energy generation meets that criteria. There are no policy objections to the proposed development.

3.2 Environmental Protection Unit - No objections to the proposed development. Discussions have been undertaken with the applicants regarding noise to ensure that any plant installed would not be harmful to neighbouring amenity. A condition is recommended to be added to any approval that controls the type of plant and machinery to be installed. Due to the closeness of the site to residential dwellings, a condition is recommended regarding the approval of an Environmental Management Scheme prior to commencement of development and the hours of operation. The ground investigation report submitted with the planning application didn't identify any significant contamination at the site. However, unexpected contamination could still be present in the parts of the site and therefore a condition should be added to any approval. The proposed development will result in the loss of 7 car parking spaces and the movement of the current HGV vehicular access from Haxby Road to the main site entrance on Wigginton Road, so it is not considered that air quality is a relevant issue to this planning application.

3.3 Ecology - A bat scoping survey has been carried out on the existing buildings (May 2011), and they have been assessed as having no or very limited bat roost potential. A young oak tree along the front of the site is to be removed in order to facilitate this scheme. This tree was also checked as part of the bat scoping survey and was again assessed as having no bat roost potential due to its age, size and lack of potentially suitable habitat features.

3.4 Landscape - The revised plan corresponds to previous requests in terms of protecting trees by re-aligning the proposed new pedestrian and cycle entranceway. Whilst it is unfortunate that the removal of two, probably three trees (category B1: T21 Sycamore, T22 Turkey Oak, T23 Lime) would result from the new pedestrian entrance, these will be replaced with two trees either side of the pedestrian entrance. It is the overall impression of tree cover that is of the greatest importance. Thus in the interests of visual coherency between the building and landscape it is considered that the development is acceptable since it does not unreasonably compromise the long term tree cover and public amenity along Haxby Road. Conditions are recommended to be added to any approval covering replacement planting and the protection of trees during construction.

3.5 Highway Network Management - The application has been supported by both a Transport Statement and a Travel Plan. The bulk of traffic to/from the centre is generated by staff, which is proposed to increase by approximately 34. Surveys have identified that a large proportion of staff arrive by non-car modes and many live locally. Increases in traffic levels as a result of the proposals have been identified and demonstrated to be negligible. The facility also hosts conferences and meetings but due to the nature of these, delegates generally travel together and are brought to the site by Nestle.

Access to the site is proposed to remain as existing, with a slight reduction in car parking due to alterations to the internal layout which include the provision of a pedestrian entrance plaza. This is not considered to raise any issues and is in line with local and national policy on reducing dependence on the private car. The level of cycle parking to be provided exceeds that required under CYC Annex E minimum standards and is based upon modal split data for existing employees.

As part of the application Nestle are proposing to reconfigure their delivery procedures for the PTC. This will remove HGV traffic from the Haxby Road entrance as all HGV traffic is proposed to use the existing main North gate entrance on Wigginton Road. This will have the benefit of reducing HGV traffic through adjacent residential areas.

The site is considered to be in a sustainable location with bus stops in close proximity to the main entrance. Nestle propose to provide a new footway alongside the Western side of Haxby Road. This facility will fill a missing link in the footways in the area. The footway is proposed to be secured through a suitably worded condition.

EXTERNAL

3.6 Clifton Planning Panel - No objections.

3.7 Environment Agency - No objections subject to conditions controlling surface water drainage.

3.8 Natural England - No objections.

3.9 Neighbours - One letter received from a resident of 3 Bowling Green Croft. The letter stated that there were no objections to the proposal and it was pleasing to see new work created. However, concerns are raised regarding drainage. There have been blockages which have been traced back to the drain which runs down Haxby Road which is shared by Nestle and Bowling Green Croft. There is concern that adding more water and waste to this drain could result in the situation worsening.

4.0 APPRAISAL

4.1 The key issues are:

- The principle of development;
- Design and visual impact;
- Impact on neighbouring amenity;
- Car and cycle parking; and
- Sustainability.

THE PRINCIPLE OF DEVELOPMENT

4.2 Planning Policy Statement 1: Delivering Sustainable Development requires LPA's to promote sustainable development and recognise the need of businesses to improve productivity through technology. Sustainable locations should be promoted for business development so that the economy can prosper which can help deliver social and environmental benefits. A ministerial statement was issued on 23rd March 2011 which aims to promote sustainable economic growth. The Government's clear expectation is that planning applications for developments that would foster economic development and growth should wherever possible be considered positively, except where this would compromise the key sustainable development principles set out in national planning policy. Furthermore, the emerging draft National Planning Policy Framework states a clear presumption in favour of sustainable economic development.

4.3 The application site is unallocated 'white land' on the Local Plan Proposals Map. The site is within the built up settlement limit of York and is defined as an existing employment site. Development Control Local Plan Policy E4 'Employment Development on Unallocated Land' states that within defined settlement limits planning permission will be granted for employment use of a scale and design appropriate to the locality where it involves infilling, extension, redevelopment or conversion of existing buildings. The proposed development consists of an extension to the existing Product Technology Centre at Nestle. Policy E4 requires any development to be appropriate to the locality. The Nestle factory site has a clearly defined curtilage sitting between Haxby Road and Wigginton Road with Green Belt land to the north. The further development of buildings within the existing curtilage is considered acceptable in principle in line with Policy E4.

DESIGN AND VISUAL IMPACT

4.4 Development Control Local Plan Policy GP1 requires proposals to respect the local environment and be of a scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate materials. The policy also seeks to avoid the loss of vegetation which contributes to the quality of the local environment.

4.5 The proposed PTC extension is of contemporary design and makes use of modern materials. The main entrance faces towards Haxby Road and primarily consists of glass and cladding. The extension wraps around the front and south side of the PTC building. A 4m high extension consisting of aluminium framed glazed curtain walling protrudes in front of the existing building. This is designed to give the frontage of the existing building a contemporary appearance and to visually link the existing building to the main part of the proposed extension. The single storey front extension extends out from the proposed three storey glazed entrance lobby. The

entrance lobby provides a distinctive contemporary appearance to the PTC building. The entrance is angled to face north east towards the pedestrian plaza and the entrance points on Haxby Road. The front extension of the building has an outward looking character and appearance and aims to draw the eye of users of Haxby Road. At its nearest point the proposed extension is approximately 7m from the public highway, the majority of the extension is set back more than 10m from Haxby Road. The frontage of the proposed extension is a bold architectural statement. The extension is considered compatible with the character of the area given its set back from the road and the green landscaping which sits between the extension and Haxby Road. Some works including the removal of two or three trees are proposed in order to allow glimpses of the proposed building, but sufficient green landscaping would remain to soften the overall appearance of the development. Two new trees are proposed to be planted adjacent to the new pedestrian access point in order to maintain the overall level of tree cover along Haxby Road. The tree cover along Haxby Road would help the building 'bed in' to the local environment. The scale and mass of the proposed front extension is considered compatible to the character and appearance of the area and the extension is not considered to dominate other buildings in the locality.

4.6 The three storey entrance lobby part of the proposed extension extends west and wraps around the existing south elevation of the PTC building. This would provide three stories of office accommodation set around a tree planted internal boulevard which separates the existing and proposed office accommodation. The three storey extension to the south of the PTC building is approximately 57m in length, 20m in width and 12.7 in height. The extension would primarily consist of insulated metal cladding with horizontal 'slot' windows. This elevation would be seen by people heading north along Haxby Road. This part of the extension is functional in design but follows the general design principles of the overall development by having a contemporary appearance and making use of metal cladding which is common within this part of the Nestle site; the existing PTC building and the Insight Centre to the south are both clad in metal. Views of the extension would again be softened by existing tree planting along the Haxby Road frontage and also by existing buildings within the Nestle site.

4.7 The existing pilot plant sits to the west of the PTC building. The plant sits within a 10m high metal clad box, it is of functional appearance and is generally screened from public view by the PTC and other buildings within the Nestle site. The proposed extension is a more modest 5.5m in height and is proposed to be metal clad to match the existing plant building. The extension would be flat roof in design and would continue the character and appearance of both the existing Pilot Plant and the PTC extension. Overall, it is considered that all elements of the proposed extension to the PTC building are compatible with the character and appearance of the area with the front extension creating an attractive focal point to this part of the Nestle site.

IMPACT ON NEIGHBOURING AMENITY

4.8 The nearest residential dwellings to the application site are those on Bowling Green Croft which are a little to the south on the opposite side of Haxby Road. The proposed extension would be approximately 50m from 21 Bowling Green Croft. It is considered that given the scale of the extensions proposed, this separation distance is sufficient to ensure that the dwellings would not be dominated by the proposed structure. The parts of the extension which are closest to residential dwellings would be used as office space. A noise assessment has been submitted with the application and assessed by the Council's Environmental Protection Unit and it was concluded that a condition could be added to any approval which would sufficiently protect nearby residential dwellings from noise.

4.9 As a result of the proposed redevelopment of the PTC building the majority of deliveries to the building would use Wigginton Road, thereby reducing the number of heavy goods vehicle movements close to the residential dwellings along Haxby Road. In addition, the proposed works result in the loss of 7 car parking spaces, meaning that there is a reduction in the maximum number of cars which would enter and leave the site entrance. Overall it is considered that the proposal would not have any significant impact on neighbouring amenity and this is backed up by the fact that no local residents objected to the proposal on the grounds of noise or the visual impact of the building itself.

4.10 One letter was received from a local resident who supports the scheme but was concerned about the impact that the proposed development would have on the existing drainage system which runs underneath Haxby Road and is shared by Nestle and Bowling Green Croft. The letter explains that there have been blockages in the past and there is a concern that a greater usage of this drain as a result of the proposed PTC extension would create further blockages. The proposal does not significantly affect the amount of permeable land on the site therefore the overall impact on the runoff rate is considered to be low. Drainage details were submitted with the application which show that a new surface water drainage system will be installed. A flow restricting storage tank would be installed within the system so that water discharge rates into the public sewer are controlled. This should help to alleviate the risk of flooding elsewhere and allow the drainage system under Haxby Road to not become overloaded during storm periods.

CAR AND CYCLE PARKING

4.11 The proposed development results in the loss of 7 car parking spaces. The reason for the loss of the car parking spaces is primarily to create a pedestrian boulevard which would provide a safe and welcoming approach to the building for employees and visitors. Nestle believe they can operate the PTC building with this reduction in car parking spaces and Planning Policy Guidance Note 13: 'Transport'

states that developers should not be asked to provide more car parking than they themselves require. The PTC is an existing business operation and Nestle are in the best position to assess what the potential impact on car parking demand is likely to be as a result of the development. It is understood from the application submission that a good proportion of employees and visitors are from the York area with many arriving by bicycle. For this reason the application proposes to significantly increase the number of cycle stands. The proposal involves the installation of cycle parking bays for 54 users. These bays are well located to the site entrance and are a very short walk from the main building entrance. The number of cycle parking bays exceeds local minimum standards and has received support from Highway Network Management. Details of the cycle parking enclosures would be the subject of a planning condition to ensure they meet our requirements by being secure and enclosed. It is hoped that the number, location, and design of the cycle parking would help to promote sustainable transport choice.

SUSTAINABILITY

4.12 The application site is in a sustainable urban location. The application site is within a large industrial employment site which is classified as previously developed land. The proposed development seeks to expand an existing business enterprise resulting in an increase in the number of jobs at the site. The development is considered highly sustainable in terms of its location and from an economic growth standpoint.

4.13 The proposal does not result in a significant reduction in the level of green landscaping on the site. From an ecology perspective a bat survey was submitted with the application. The survey stated that the existing PTC building and the breezeblock store building which is to be demolished have none or very little bat roost potential. In addition the young oak tree which is to be felled along the site frontage was checked and was assessed as having little bat roosting potential. Therefore the proposal is highly unlikely to have any impact on existing habitats.

4.14 Cycle and car parking issues are addressed within paragraph 4.11 above. In addition to this, the proposed development involves the creation of a new footpath between the vehicular entrance to the PTC site and other Nestle entrance points to the south. This footpath will better link the PTC site with the rest of the Nestle site and the wider area. This would further encourage sustainable transport choice. The footpath has been designed and located in such a way that no trees would be affected.

4.15 In line with Development Control Local Plan Policy GP4a a sustainability statement was submitted with the application. The sustainability statement makes a commitment to achieving a BREEAM rating of at least 'Very Good'. To achieve this standard, high levels of insulation will be installed with low energy mechanical

ventilation systems provided. Low energy lighting systems would be installed and heating would be controlled zonally allowing area specific temperature control which should in turn reduce overall energy demand. In terms of renewable energy installation the applicants are proposing to tap into an existing combined heat and power system at the factory plant. Excess heat from the factory plant would be piped into the PTC, this energy can also be used for electricity generation. This source of renewable energy would provide at least 10% of the energy demand of the PTC building which complies with standards set out in the 'Sustainable Design and Construction' local planning statement. In addition, two of the proposed car parking bays would contain recharging facilities for electric powered cars. This is in line with the requests of the Environmental Protection Unit in terms of contributing towards the improvement in air quality in the city. A condition is recommended to be added to any approval to ensure that these recharge points are installed and operational. Overall, it is considered that the proposed development is sustainable in terms of its environmental, social and economic impacts.

5.0 CONCLUSION

5.1 The proposed development is considered to comply with relevant local and national planning policies. The proposal sufficiently retains the visual amenity value of the landscape area along Haxby Road. The proposed building extensions are compatible with the surrounding area in terms of their siting and scale and the contemporary design of the frontage provides an interesting focal point within the Nestle factory site. Neighbouring amenity is sufficiently protected and the proposal is considered sustainable in terms of its desire to reduce dependency on the car, promote high quality environmentally friendly design and build, and provide jobs. The application is therefore recommended for approval subject to the planning conditions suggested below.

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:-

- Landscape Proposals General Arrangement 9011-010-101 C and Landscape Proposals Entrance Plaza 9011-010-102 C received by CYC 06/09/11

- Elevation Sheet 1 2011-017/030 B, Elevation Sheet 2 2011-017/031 B, and Elevation Sheet 3 2011-017/032 A received by CYC27/06/11

- Ground Floor Layout 2011-017/010 F and First Floor Layout 2011-017/011 E received by CYC 27/06/11, Second Floor Layout 2011-017/012 F received by CYC 11/08/11, and Roof Plan 2011-017/013 A received by CYC 27/06/11

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- Proposed Sections 2011-017/020 B received by CYC 27/06/11

- Outline Drainage Proposals 2011-017/805 received by CYC 27/06/11

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 any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually acceptable appearance.

4 Details of foul and surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. The extension hereby approved shall not come into use until the approved drainage works have been carried out in complete accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

5 Details of the means of enclosure for the approved cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The building extension hereby approved shall not be brought into use until the cycle parking areas and means of enclosure have been installed in complete accordance with the approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads.

6 The extension hereby approved shall not be brought into use until the areas shown on the approved plans for parking and manoeuvring of vehicles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

7 Details of the two electric vehicle recharge points shown on the approved plans shall be submitted to and approved in writing by the Local Planning Authority. The electric recharge points shall be installed in complete accordance with the approved plans prior to the approved extension coming into use.

Reason: To promote the use of electric vehicles thereby contributing to the air quality improvement strategies of City of York Council.

8 The building extension hereby approved shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in complete accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

- the creation of a new 1.2m footway on the Western side of Haxby Road between the main Nestle entrance and the entrance to the Nestle Product Technology Centre.

Reason: In the interests of the safe and free passage of highway users.

9 Details of all machinery plant and equipment to be installed in or located on the building extension hereby approved, which is audible outside of the site boundary when in use, shall be submitted to and approved in writing by the Local Planning Authority prior to first use. These details shall include maximum sound levels (LA_{max}(f)) and average sound levels (LA_{eq}), octave band noise levels and any proposed mitigation measures. All such approved machinery, plant and equipment shall subsequently be used on the site in accordance with the agreed details. Any approved noise mitigation measures shall be fully implemented and operational before the associated machinery, plant or equipment to which it relates is first used and shall be appropriately maintained thereafter.

Reason: To safeguard the amenity of occupants of neighbouring premises in accordance with the aims of PPG24.

10 The site shall hereafter be occupied in accordance with the aims, measures and outcomes of the Travel Plan which was received by CYC on 27/06/11, unless otherwise agreed in writing by the LPA.

Reason: To ensure the development complies with advice contained in PPG13: 'Transport' and in Policy T20 of the City of York Development Control Local Plan, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other modes of transport to and from the site, together with provision of parking on site for these users.

11 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.

Reason: To protect the amenity of local residents

12 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

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

Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part 2A of the Environmental Protection Act 1990.

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

14 The extension hereby approved shall not come into use until the combined heat and power renewable energy system, as specified in the Sustainability Statement, has been installed at the site and is fully operational unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

15 The extension hereby approved shall be developed so as to achieve at least a BREEAM 'Very Good' rating. Prior to first use of the extension hereby approved a BREEAM post construction assessment shall be submitted indicating that the development has achieved at least a 'Very Good' rating.

Reason: In the interests of sustainable development.

16 The landscape scheme shall be implemented in accordance with the submitted 'Landscape Proposals General Arrangement 9011-010-101 C and Landscape Proposals Entrance Plaza 9011-010-102 C' within a period of six months of the first use of the extension hereby approved. Any trees or plants which within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing. This also applies to any existing trees that are shown to be retained within the approved landscape scheme.

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

17 Prior to the commencement of development, including demolition, site clearance, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing, to be shown on a plan, phasing of works, site access during demolition/construction, type of construction machinery/vehicles to be used; locations for storage of materials, and location of site cabin/compound where applicable. The following details shall also be provided: existing and proposed levels, edging, and retaining structures where these occur adjacent to trees. A copy of the method statement shall be available at all times on site; the gravity of its content shall be conveyed and considered at pre-start meetings and will be made known to all contractors and sub-contractors and any other operators working on site near the trees.

Reason: To ensure protection of existing trees before, during and after development which make a significant contribution to the amenity of the area and development.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to:

- The principle of development;

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- Design and visual impact;
- Impact on neighbouring amenity;
- Car and cycle parking; and
- Sustainability.

As such the proposal complies with Policies GP1, GP4a, GP9, GP15a, SP8, T4, and E4 of the City of York Development Control Local Plan.

2. INFORMATIVE:

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

Section 62 - Works in a highway - Michael Kitchen 01904 551 336.

3. INFORMATIVE:

You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

Contact details:

Author: Michael Jones Development Management Officer
Tel No: 01904 551339

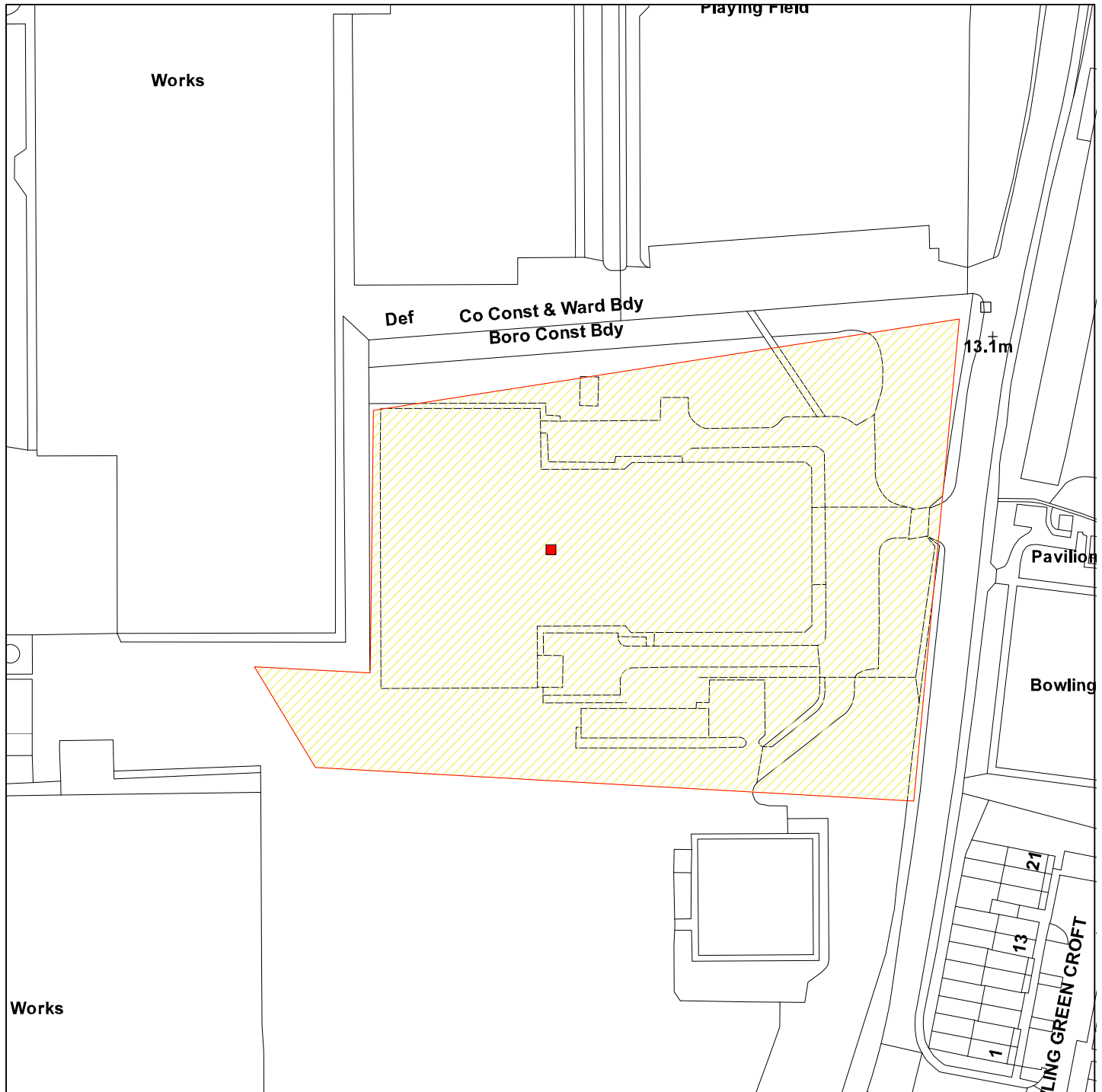
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Nestle Product Technology Centre

11/01634/FULM



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	12 September 2011
SLA Number	Not Set

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East Area Planning Sub Committee	8 th September 2011
West and City Centre Area Planning Sub Committee	15 th September 2011
Planning Committee	22 nd September 2011

Appeals Performance and Decision Summaries

Summary

- 1 This report (presented to both Sub Committees and Main Planning Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate in the 3-month period up to 30th June 2011, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals as at 30th August 2011 is also included.

Background

- 2 Appeal statistics are collated by the Planning Inspectorate on a quarterly basis. Whilst the percentage of appeals allowed against the Council's decision is no longer a National Performance Indicator, it has in the past been used to abate the amount of Housing and Planning Delivery Grant (HPDG) received by an Authority performing badly against the average appeals performance. Appeals performance in York has been close to the national average for a number of years.
- 3 Whilst the Inspectorate breaks down the appeals by type in reporting performance, the table below includes all types of appeals such as those against refusal of planning permission, against conditions of approval, enforcement notices, listed building applications and lawful development certificates. Figure 1 shows performance on appeals decided by the Inspectorate, in each CYC Sub Committee area and in total for the 3 and 12 month periods to 30th June.

**Fig 1: Appeals Decided by the Planning Inspectorate
For 3 months and Year to 30th June 2011**

	3 Months			12 Months		
	East	West/ Centre	Total	East	West/ Centre	Total
Allowed	3	2	5	10	6	16
Part Allowed	0	0	0	1	3	4
Dismissed	5	5	10	20	20	40
Total Decided	8	7	15	31	29	60
% Allowed	37.5	28.57	33.33	32.26	20.68	26.67
% Part Allowed	0	0	0	3.22	10.34	6.67
Withdrawn	1	0	1	1	0	1

Analysis

- 4 The table shows that for the 3 months to 30th June 2011, a total of 15 appeals relating to CYC decisions were determined by the Inspectorate. Of those, 5 were allowed. At 33.33%, this rate of appeals allowed is at the national average, and higher than the 21.05%, for the previously reported 3 month period.
- 5 For the 12 months up to 30th June 2011, CYC performance was 26.67% allowed, again higher than the previously reported 12 month period of 23.33% but still below the national average.
- 6 The summaries of appeals determined in the 3 months to 30th June 2011 are included at Annex A. Details as to whether the application was dealt with under delegated powers or Committee (and in those cases the original officer recommendation) are included with each summary. Figure 2 below shows that in the period covered, 6 of the appeals determined related to applications refused by Committee:-

Figure 2: Applications Refused by Committee

Reference	Site	Proposal	Outcome	Officer Rec.
10/01871/FUL	62 Brockfield Park Drive	Shop (A1) to takeaway (A5)	Dismissed	Approve
10/01688/ADV	1 Peckitt Street	Lettering Sign	Dismissed	Refuse
10/01689/LBC	1 Peckitt Street	Lettering Sign	Dismissed	Refuse
10/02096/FULM	156B Haxby Road	Residential development	Allowed with costs	Approve
10/02529/FUL	124 Heslington Lane	Extensions to bungalow	Dismissed	Approve
10/01521/FUL	24 Hull Rd.	Dwelling (C3) to offices (C2)	Allowed	Approve

- 7 The list of current appeals is attached at Annex B. There are 12 appeals lodged with the Planning Inspectorate, 5 in the East Sub Committee area and 7 in West and City Centre Sub Committee area. 11 are proposed to be dealt with by the Written Representation process (W) and 1 (North Selby Mine Enforcement Notice Appeal) by Public Inquiry (P).

Consultation

- 8 This is essentially an information report for Members and therefore no consultation has taken place regarding its content.

Corporate Objectives

- 9 The report is relevant to the furthering of the Council's objectives of making York a sustainable City, maintaining its special qualities, making it a safer city, and providing an effective organisation with high standards.

Implications

- 10 Financial – There are no financial implications directly arising from the report.

- 11 Human Resources – There are no Human Resources implications directly involved within this report and the recommendations within it other than the need to allocate officer time towards the provision of the information.
- 12 Legal – There are no known legal implications associated with this report or the recommendations within it.
- 13 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

Risk Management

- 14 In compliance with the Council’s risk management strategy, there are no known risks associated with the recommendations of this report.

Recommendation

- 15 That Members note the content of this report.

Reason: So that Members can continue to be updated on appeal decisions within the CYC area and informed of the planning issues surrounding each case for future reference when determining planning applications.

Contact Details

Author:

Jonathan Carr,
Head of Development
Management,
Directorate of City Strategy

Chief Officer Responsible for the report:

Mike Slater
Assistant Director Planning &
Sustainable Development, Directorate of
City Strategy

01904 551303

**Report
Approved**



Date 30th August
2011

Specialist Implications Officer(s) None.

Wards Affected:

All

For further information please contact the author of the report

Annexes

Annex A – Summaries of Appeals Determined between 1st April and 30th June 2011

Annex B – Outstanding Appeals to 30th August 2011

Appeal Summaries for Cases Determined 01/04/2011 to 30/06/2011

Application No: 10/00586/FUL
Appeal by: Mr And Mrs J Peel
Proposal: Change of use of buildings/land for travelling showpeople's site for one family
Address: The Stables Elvington Lane Elvington York

Decision Level: DEL

Outcome: DISMIS

Summary of Decision: Against the proposal: The use would be inappropriate development in the green belt, would erode openness and would conflict with the purposes of the green belt. Also it would have a modest harmful effect on the character and appearance of the locality. In favour of the proposal: There is a clear need for showmens plots in the York area. No sites have been identified to date and it is likely to be at least two years before suitable alternative sites will be identified as part of the LDF. The appellants have special health and educational needs and are currently living in unsatisfactory circumstances in the car park of a social club. The proposal would not be unacceptably harmful to the living conditions of neighbours. On balance the substantial harm to the objectives of the green belt is not outweighed by the other considerations, which do not amount to very special circumstances. Nevertheless, given the current lack of sites and the potential for sites to be allocated as part of the LDF, a temporary (5-year) permission, personal to the appellants, is acceptable. The case is so finely balanced so that only the second application, which has slightly less harm to the green belt than the first application, is allowed. Kevin O'Connell 29/6/11

Application No: 10/01521/FUL
Appeal by: Mr Robert MacMahon
Proposal: Change of use from dwelling (use class C3) to offices (use class A2), alterations to access
Address: 24 Hull Road York YO10 3JG

Decision Level: CMV

Outcome: ALLOW

The application was for the change of use of a three bedroomed semi-detached dwelling to a Letting Office. The site is between a petrol filling station and car wash and the dairy site which has recently gained planning permission for student accommodation. To the rear of the site is Devon Place which is a street of semi-detached dwellings. Opposite the site on Hull Road is a parade of shops and takeaway units. The application was recommended for approval by Officers; however the application was overturned at Committee. The grounds for refusal were the loss of a family sized dwelling on the existing and future housing stock and as such was contrary to Policy H9 and the Strategic Housing Market Assessment (SHMA) 2007. The appeal was allowed. The Inspector noted that in the 2010 Annual Monitoring Report that the majority of completions were for 1 - 2 bedroomed properties, and as such clearly falls short of the targets of the SHMA. However the Inspector stated that the SHMA was a strategic document and does not deal specifically with the loss of a single dwelling. Given the small scale nature of the development the Inspector considered that the loss of a dwelling did not materially harm the objective of Policy H9, as the Policy takes into account individual site circumstances and the character of uses in the surrounding area. The Inspector considered that the dwelling would have limited appeal as a family residence, and noted that the dwelling has been marketed for 6 months with little interest. The Inspector did not consider there would be any traffic or parking issues caused by the proposed letting office. At the committee meeting the appellant had tried to alter the application by removing the hours of use/operation they requested in their application, this had also been requested during the appeal. The Inspector restricted the hours of use of the site as to those requested by the Council to safeguard the amenity of the surrounding residents.

Application No: 10/01688/ADV
Appeal by: Mr Gordon Gildener
Proposal: Display of 1no. lettering sign
Address: Bailey And Gildeners Solicitors 1 Peckitt Street York YO1
9SF
Decision Level: CMV
Outcome: DISMIS

The application sought to display an individual lettering sign measuring 1200mm high and 2500mm wide with a depth of 25mm which would project 50mm from the face of the building. The sign would have read "Richardson Gildener Solicitors" , constructed in MDF with 24ct gold leaf applied to the faces and returns of the lettering. It would have been in the centre of the two buildings on a prominent corner at first floor level. The application was refused as it was felt that the proposed high-level signage would be intrusive in views, particularly of the Clifford's Tower and the associated monument. The scale and location of the signage would detract from the domestic, residential character of the listed buildings which would change the character of the area and detract from the historic quality of the setting of designated assets of the highest significance. The Inspector stated The proposed advertisement is restrained and modest, but it would be located on the corner of the building and would be in a prominent position. It would, most importantly, be above the projecting sill band where only two small security alarm boxes intrude upon the otherwise original frontages of the building. This virtually original appearance of the building, irrespective of its use, was he concluded worthy of preservation.

Application No: 10/01689/LBC
Appeal by: Mr Gordon Gildener
Proposal: Display of 1no. lettering sign
Address: Bailey And Gildeners Solicitors 1 Peckitt Street York YO1 9SF
Decision Level: CMV
Outcome: DISMIS

he application sought to display an individual lettering sign measuring 1200mm high and 2500mm wide with a depth of 25mm which would project 50mm from the face of the building. The sign would have read "Richardson Gildener Solicitors" , constructed in MDF with 24ct gold leaf applied to the faces and returns of the lettering. It would have been in the centre of the two buildings on a prominent corner at first floor level. The application was refused as it was felt that the proposed high-level signage would be intrusive in views, particularly of the Clifford's Tower and the associated monument. The scale and location of the signage would detract from the domestic, residential character of the listed buildings which would change the character of the area and detract from the historic quality of the setting of designated assets of the highest significance. The Inspector stated The proposed advertisement is restrained and modest, but it would be located on the corner of the building and would be in a prominent position. It would, most importantly, be above the projecting sill band where only two small security alarm boxes intrude upon the otherwise original frontages of the building. This virtually original appearance of the building, irrespective of its use, was he concluded worthy of preservation.

Application No: 10/01871/FUL
Appeal by: Mr I Harman
Proposal: Change of use from retail (use class A1) to hot food takeaway (use class A5) and provision of external extract flue
Address: 62 Brockfield Park Drive Huntington York YO31 9ER

Decision Level: CMV

Outcome: DISMIS

The appeal was against the refusal of a take away. The application had been supported by officers and overturned by committee. The reason for refusal related to the detrimental impact on the amenities of surrounding residents by virtue of an accumulation of noise, traffic, litter, odour, and anti-social behaviour which would detract from the quiet enjoyment and amenity of their homes. This was considered contrary to policy S6. The Inspector accepted that many of the movements associated with a take away would be similar to other shop uses the differences being the opening hours (to 22:00) and the cooking smells. In terms of noise and disturbance as a result of the opening hours the Inspector considered that as PPS24 refers to 23:00 as the time people will normally be asleep, noise should have died down by this time. In terms of odour the Inspector considered that for the residential amenity of adjacent occupiers it is vital that odours from food preparation and cooking would be adequately treated. The Inspector concluded that the ventilation report supporting the application included significant caveats about both suggested methods of control, based on the unknown nature of the proposed catering equipment, the type of building and the potentially prohibitive cost. The degree of uncertainty did not provide confidence that a satisfactory solution could be achieved which could also be properly maintained at reasonable cost. The Inspector considered that the final design of extraction equipment would have a significant bearing on the external appearance of the premises. Furthermore the Inspector said although not a reason for refusal of the application, the Council's statement raises concerns about the appearance of the proposed flue. I agree that the flue, which would be on prominent view, would be an unattractive addition to the street scene. The appeal was dismissed.

Application No: 10/01961/FUL
Appeal by: Mr S Thomas
Proposal: Change of use of land for siting of 23 No. static caravans
Address: Home Lea Elvington Lane Elvington York YO41 4AX

Decision Level: DEL

Outcome: DISMIS

The site consists of a long sinuous plot leading back from the B1228 Elvington Lane north of Elvington Airfield within the Green Belt. It has previously been used as a touring caravan site for up to 20 caravans. The appellant sought planning permission for change of use to a static caravan site holding 23 timber built chalets with associated facilities. The application was refused on the grounds of impact upon the open character of the Green Belt, failure to secure the Green Belt purpose of preventing urban coalescence and failure to supply sufficient information in respect of surface water drainage. The inspector took the view that the proposal as a matter of fact and degree was of a different order to the previous use and would have a significant urbanising impact upon Green Belt. In his opinion by virtue of its failure to address the Green Belt purpose of preventing urban coalescence and its severe impact upon the openness of the Green Belt it would by definition be inappropriate. The appeal was dismissed.

Application No: 10/02082/FUL
Appeal by: Mr And Mrs J Peel
Proposal: Change of use of buildings/land to travelling showperson's site for one family (resubmission)
Address: The Stables Elvington Lane Elvington York

Decision Level: DEL

Outcome: ALLOW

Summary of Decision: Against the proposal: The use would be inappropriate development in the green belt, would erode openness and would conflict with the purposes of the green belt. Also it would have a modest harmful effect on the character and appearance of the locality. In favour of the proposal: There is a clear need for showmens plots in the York area. No sites have been identified to date and it is likely to be at least two years before suitable alternative sites will be identified as part of the LDF. The appellants have special health and educational needs and are currently living in unsatisfactory circumstances in the car park of a social club. The proposal would not be unacceptably harmful to the living conditions of neighbours. On balance the substantial harm to the objectives of the green belt is not outweighed by the other considerations, which do not amount to very special circumstances. Nevertheless, given the current lack of sites and the potential for sites to be allocated as part of the LDF, a temporary (5-year) permission, personal to the appellants, is acceptable. The case is so finely balanced so that only the second application, which has slightly less harm to the green belt than the first application, is allowed. Kevin O'Connell 29/6/11

Application No: 10/02096/FULM
Appeal by: Yorkshire Housing Limited
Proposal: Residential development consisting of 7no. two storey dwellings and 6no. apartments in a three storey building on site of former Co-operative Dairy (resubmission)
Address: Axcent Ltd 156B Haxby Road York YO31 8JN

Decision Level: COMM

Outcome: ALLOW

The application was refused by sub-committee on 6 January 2011 on grounds of highway safety and overdevelopment detrimental to the visual amenity of the area. The application had been recommended for approval by officers. The Inspector took the view that the width of the access road would be sufficient to allow two cars to pass and would be significantly wider than the effective width of White Cross Road. While the footway would be less than 2m wide and the Inspector agreed that there may be some difficulty passing a wheelchair or a buggy, he opined that given the likely volume and speed of traffic, significant safety problems would be unlikely to arise. He accepted that the loss of parking bays would exacerbate parking problems to some degree and that the access to the site for larger vehicles would be somewhat difficult, however he considered that this situation would exist for most uses of the site and considered that if re-used for commercial purposes this would be likely to attract many more large vehicles to the site than the appeal scheme. He recognised that the scheme would add to vehicle numbers in White Cross Rd but concluded that the traffic generated would be barely noticeable. In terms of the character and appearance of the area the Inspector noted that whilst there would be built form close to the boundaries of the site, that is already the case with the existing building, moreover the appeal scheme would give a wide open aspect between the site and the cycle path, which would give the locale a much more open and attractive character. The Inspector agreed that a significant amount of space to the front of the dwellings would be taken up by hard surfacing and parking but balanced this against an overall improvement to the appearance of the area. The appeal was allowed and a partial award of costs was made against the LPA, the Inspector considering that the LPA acted unreasonably in refusing the scheme on visual amenity grounds.

Application No: 10/02129/FUL
Appeal by: Mr A Connolly
Proposal: New dwelling with garage to rear with access from Millfield Lane. (Ridge line amendment and rooflights added from approval 10/01072/FUL)
Address: 16 Midway Avenue Nether Poppleton York YO26 6NT

Decision Level: DEL

Outcome: DISMIS

Appeal dismissed. A single storey house had been permitted in the garden. The appeal was against a revised application to add a hipped gable roof, with higher ridge height at one end, to allow stairs into the roofspace. Inspector agreed that this would lead to an awkward looking roof that would be more prominent. In comparison to the approved scheme this development would have a detrimental impact on the appearance of the area.

Application No: 10/02344/FUL
Appeal by: Woodliffe
Proposal: Two storey side extension
Address: Woodstead 7 Hull Road Kexby York YO41 5LA

Decision Level: DEL

Outcome: DISMIS

This application sought permission for the erection of a two-storey side extension to provide additional living space, with an additional footprint of approx. 38%. Permission had been given for a smaller two-storey extension which has now lapsed, which had an additional footprint of approx 28%, revisions were sought to reduce the size to that previously approved, but were not received. The inspector agreed that insufficient justification was received to outweigh the harm to the openness of the green belt and that the addition was not considered to be small in scale.

Application No: 10/02529/FUL
Appeal by: Mr Haydn Kelly
Proposal: Hipped gable to both sides with dormers to front and rear
Address: 124 Heslington Lane York YO10 4ND

Decision Level: CMV
Outcome: DISMIS

The extensions to this bungalow were refused as it was considered that the design and massing of the resultant building would have a discordant appearance that would not be sympathetic or appropriate to that of neighbouring buildings. It was felt it would be incongruous in the street scene when viewed in conjunction with the surrounding properties that have a planned layout and appearance and would not therefore respect the local environment. As such, it would have had an adverse affect on the visual amenity of the area, The Inspector agreed, stating it would change the appearance " from that of a pleasant, unobtrusive bungalow to a rather assertive and bulky dwelling that would undermine the character of the nearby bungalows and sit incongruously between them and the larger properties to the south-west." hw went on to say the harmonious grouping (of bungalows) would be significantly disrupted and the street scene would be unacceptably harmed.

Application No: 10/02611/FUL
Appeal by: Mr Alan Burn
Proposal: Two storey and single storey rear extension
Address: 2 Rawcliffe Grove York YO30 6NR

Decision Level: DEL
Outcome: APPWDN

The rear extension to the dwelling was refused on the grounds that it would be out of character with the property and detract form the character and appearance of the Clifton Conservation Area. The Inspectorate after having initially registered the appeal, declined to accept it since a design and access statement had not been submitted with the a planning application. Such statements are statutorily required for developments within conservation areas. A subsequent application for reduced scheme has been approved.

Application No: 10/02632/FUL
Appeal by: Mrs Harriett Boyes
Proposal: Enlargement of front lightwell, new steps and entrance door (resubmission)
Address: 81 Union Terrace York YO31 7ES

Decision Level: DEL

Outcome: DISMIS

The application sought permission for an enlarged lightwell within the front garden area of 81 Union Terrace which serves the basement area. French doors were also proposed to replace the existing window. The lightwell would project out into the garden area and would be angled to splay out from the front elevation exposing the walls to the basement level. In dismissing the appeal the Inspector stated that he found the shape of the proposed lightwell to be entirely at odds with the formal and regular detailing and character of the period properties. It would also be entirely out of keeping with the uniform appearance of the other lightwells in this group and it would detract from the design and appearance of this dwelling and its immediate neighbours. It would fail to preserve or enhance the character or appearance of the conservation area. It would therefore conflict with the objectives of PPS5.

Application No: 10/02675/ADV
Appeal by: Punch Taverns
Proposal: Display of non-illuminated fascia sign and externally illuminated hanging sign (resubmission)
Address: Royal Oak Inn 18 Goodramgate York YO1 7LG

Decision Level: DEL

Outcome: ALLOW

This application was approved with a condition that required the proposed modern hanging sign to be replaced with a traditional, timber, moulded lipped hanging sign finished in a matt paint as agreed in writing with the agent. The condition required the applicant to replace or remove the existing modern sign within 2 months from the date of the decision - but the wrong year (2010) was inserted in the condition!! The applicant, Punch Taverns, appealed against the condition. The Inspector was satisfied from submitted documentation that the wording of the condition should have been January 2011 and not January 2010. He concurred with the Council's view that sign had an overly shiny appearance that betrayed its non-traditional materials which were not sympathetic to its listed status within the conservation area. It was considered that the condition in dispute was necessary to ensure a less strident sign. In effect, the Inspector upheld the requirements of the local planning authority by ALLOWING the appeal with the disputed condition amended to the correct date of the documentation setting out the details of the sign to be erected with a two month period of compliance[±] The sign has now been removed from site.

Application No: 10/02676/LBC
Appeal by: Punch Taverns
Proposal: Display of non-illuminated fascia and externally-illuminated hanging signs (resubmission)
Address: Royal Oak Inn 18 Goodramgate York YO1 7LG

Decision Level: DEL

Outcome: ALLOW

This application was approved with a condition that required the proposed modern hanging sign to be replaced with a traditional, timber, moulded lipped hanging sign finished in a matt paint as agreed in writing with the agent. The condition required the applicant to replace or remove the existing modern sign within 2 months from the date of the decision - but the wrong year (2010) was inserted in the condition!! The applicant, Punch Taverns, appealed against the condition. The Inspector was satisfied from submitted documentation that the wording of the condition should have been January 2011 and not January 2010. He concurred with the Council's view that sign had an overly shiny appearance that betrayed its non-traditional materials which were not sympathetic to its listed status within the conservation area. It was considered that the condition in dispute was necessary to ensure a less strident sign. In effect, the Inspector upheld the requirements of the local planning authority by ALLOWING the appeal with the disputed condition amended to the correct date of the documentation setting out the details of the sign to be erected with a two month period of compliance¹. The sign has now been removed from site.

Application No: 10/02763/ADV
Appeal by: Mr Stephen Walton
Proposal: Retention of non illuminated fascia sign and illuminated projecting sign
Address: 22 Gillygate York YO31 7EQ

Decision Level: DEL

Outcome: DISMIS

The appeal relates to the erection of a non-illuminated fascia sign and an internally illuminated projecting green cross at Cohen's Chemist 22 Gillygate. Both signs were erected prior to Consent being sought. It was felt that the projecting sign fell within Class 5 to Schedule 3 of 2007 Town and Country Planning (Control of Advertisements) Regulations and that it could therefore be displayed with Deemed Consent. Express Advertisement Consent was refused in respect of the fascia sign on the grounds that as it was more than double the size of the existing fascia sign and its neighbours it was causing significant harm to the visual amenity of the local street scene by virtue of its scale, design and material. The appellant argued by contrast that it was subservient to its neighbours and that it closely reflected the wider rhythm of the street scene by virtue of its design and material. The Inspector took a directly contrary view suggesting that the sign was brash, intrusive and incongruous within the street scene and out-of-scale and over dominant when viewed against the building itself. Not surprisingly the appeal was dismissed.

Decision Level:

DEL = Delegated Decision

COMM = Sub-Committee Decision

COMP = Main Committee Decision

Outcome:

ALLOW = Appeal Allowed

DISMIS = Appeal Dismissed

PAD = Appeal part dismissed/part allowed

Outstanding appeals

Ward: Acomb							Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	Officer:		
04/05/2011	11/00030/REF	APP/C2741/A/11/2152248/NWF	W	Land Adjacent 106 Albion Avenue York	Alterations, extension and part demolition of existing building to create a single storey dwelling	Matthew Parkinson		
Ward: Derwent							Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	Officer:		
20/07/2010	10/00032/FUL	APP/C2741/A/10/2131700/NWF	W	OS Field 0553 Elvington Lane Dunnington York	Erection of stable block (retrospective)	Hannah Blackburn		
Ward: Huntington/New Earswick							Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	Officer:		
21/06/2011	11/00029/REF	APP/C2741/A/11/2155384/NWF	W	279 Huntington Road York YO31 9BR	Erection of 5no. terraced dwellings with associated access following demolition of 279 Huntington Road	Gareth Arnold		
Ward: Haxby And Wigginton							Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	Officer:		
12/05/2011	11/00022/REF	APP/C2741/A/11/2151972	W	Somerfield Haxby Shopping Centre The Village Haxby	External alterations including relocation of rear store entrance, roof plant area with timber screen, canopy to loading bay, 2 no. trolley shelters, ATM to front, rooflights to the front elevation, and external staircase to flat roof at the rear of the building.	Victoria Bell		
Ward: Micklegate							Total number of appeals:	6
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	Officer:		
15/06/2011	11/00027/REFL	APP/C2741/E/11/2154655/NWF	W	4 Scarcroft Lane York YO23 1AD	Retrospective application for amendments to single storey extension granted under application 06/00690/LBC and internal alterations.	Jonathan Kenyon		
15/06/2011	11/00028/REF	APP/C2741/A/11/2154651	W	4 Scarcroft Lane York YO23 1AD	Retrospective application for amendments to single storey extension granted under application 06/00552/FUL	Jonathan Kenyon		

02/08/2011	11/00032/REF	APP/C2741/E/11/2157470	W	18 Bridge Street York YO1 6DA	Awnings to the front and side elevations	Fiona Mackay
02/08/2011	11/00033/REF	APP/C2741/A/11/2157461	W	18 Bridge Street York YO1 6DA	Awnings to the front and side elevations	Fiona Mackay
02/08/2011	11/00034/REF	APP/C2741/E/11/2157475	W	18 Bridge Street York YO1 6DA	Installation of new french windows to riverside elevation	Rachel Tyas
02/08/2011	11/00035/REF	APP/C2741/A/11/2157473	W	18 Bridge Street York YO1 6DA	Installation of new french windows to riverside elevation	Rachel Tyas

Ward: Strensall **Total number of appeals: 1**

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	Officer:
06/07/2011	11/00031/REF	APP/C2741/A/11/2156273/NWF	W	Green Acres Sheriff Hutton Road Strensall York YO32	Siting of 4 cabins for use as holiday lets with associated access and hard surfacing	Michael Jones

Ward: Wheldrake **Total number of appeals: 1**

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	Officer:
17/06/2011	11/00026/EN	APP/C2741/C/11/2154734	P	North Selby Mine New Road To North Selby Mine	Appeal against	Matthew Parkinson

Total number of appeals: 12
