

## Notice of meeting of

### Planning Committee

- To:** Councillors Cunningham-Cross (Chair), Galvin (Vice-Chair), Ayre, Boyce, D'Agorne, Doughty, Firth, Funnell, King, McIlveen, Merrett, Reid, Simpson-Laing, Watson, Watt and Williams
- Date:** Thursday, 19 January 2012
- Time:** 4.30 pm
- Venue:** The Guildhall, York

**The site visits will commence at 11.00am on Tuesday 17 January 2012 meeting at the 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 - 14)

To approve and sign the minutes of the last meeting of the Planning Committee held on 15 December 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 18 January 2012**. 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) Tarmac Limited, Ouse Acres, York (11/02943/REMM) (Pages 15 - 30)**

Reserved matters application for the erection of 57 dwellings following demolition of the existing buildings following previous approval of outline application 07/00056/OUTM [*Holgate Ward*] [**Site Visit**]

**b) Proposed Hotel at York Barbican Site, Paragon Street, York (11/02658/FULM) (Pages 31 - 44)**

Erection of 165 bedroom hotel with public space, landscaping and access [*Fishergate Ward*] [**Site Visit**]

#### **5. Appeals Performance and Decision Summary (Pages 45 - 60)**

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 September 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 22 December 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](mailto:jill.pickering@york.gov.uk)

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**PLANNING COMMITTEE****SITE VISITS****TUESDAY 17 JANUARY 2012**

<b>TIME (Approx)</b>	<b>SITE</b>	<b>ITEM</b>
<b>11.00am</b>	Bus leaves Memorial Gardens	
<b>11.15am</b>	Former Tarmac site, Ouse Acres, York (11/02943/REMM)	<b>4a</b>
<b>11.50am</b>	Proposed Hotel at York Barbican Site, Paragon Street, York (11/02658/FULM)	<b>4b</b>

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City of York Council

Committee Minutes

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

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**24. INSPECTION OF SITES**

Site	Reason for Visit	Members Attended
Site adjacent to Frog Hall Public House, Layerthorpe, York (11/02210/FULM)	To enable Members to view the site with respect to contamination, flooding, landscaping and the link road.	Cllrs Cunningham – Cross, Boyce, Doughty, Funnell, Galvin, Reid, Watson and Williams

**25. 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 Watt declared a personal non prejudicial interest in relation to Plans item 4c) (Grain Stores, Water Lane, York) as his election leaflet had included his photograph in front of the grain stores when he had criticised the authorities affordable housing policy.

Councillor Funnell declared a personal prejudicial interest in respect of Plans item 4a (Allerton Waste Recovery Park, Tinker Lane, Rufforth, York) as she was involved in waste contract for waste removal and she left the room and took no part in the discussion or voting thereon.

Councillor Reid declared a personal non prejudicial interest in respect of Plans item 4a (Allerton Waste Recovery Park, Tinker Lane, Rufforth, York) as a former CYC Executive Member for Neighbourhoods.

Councillor D'Agorne declared a personal prejudicial interest in respect of Plans item 4a (Allerton Waste Recovery Park, Tinker Lane, Rufforth, York) as one of four members who had previously voted against these proposals and he left the room and took no part in the discussion or voting thereon.

Councillor Merrett declared a personal prejudicial interest in relation to Plans item 4a (Allerton Waste Recovery Park, Tinker Lane, Rufforth, York) as he was employed by Amey Consulting a parallel partner organisation in the joint venture with the applicants Amey Cespa and he left the room and took no part in the discussion or voting thereon.

Councillors Boyce and Funnell declared personal non prejudicial interests in respect of Plans item 4b (Site adjacent to Frog Hall Public House, Layerthorpe, York) as two of the ward members who had met the developer prior to submission of the application.

**26. MINUTES**

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

**27. PUBLIC PARTICIPATION**

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

**28. PLANS LIST**

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



**28a Allerton Waste Recovery Park, Outside Boundary Tinker Lane, Rufforth, York (11/02998/ADJ)**

The Committee considered an adjoining authority consultation application, received from North Yorkshire County Council, in respect of a Waste Recovery Park at Allerton Park Quarry, Knaresborough.

Officers updated that Design, Conservation and Sustainable Development had confirmed that there would be no material impact upon the setting of York Minster arising from the proposal.

Representations in objection to the proposal were received from Christian Vassie. He submitted evidence to members, received from the applicants, that confirmed the plant could provide heating for thousands of homes however the rural location did not make this possible. He urged the Committee to defer the application to allow time to identify a location where a properly regulated incinerator could provide district heating to half the households in York.

A representative of North Yorkshire Waste Action Group pointed out that a number of issues had still not been addressed in respect of this application. He referred to a number of policies to which the application was contrary and pointed out that the scheme would do nothing to assist the authorities waste minimisation target. He went on to outline in further detail the Groups main objections of harm, need and mitigation.

Representations were received from a representative of Marton cum Grafton Parish Council as a parish which adjoined the site. Their representative confirmed that although they did not object to some waste treatment on site they did object to the size, technology and cost of this proposal. As clarification was still required on a number of issues they also requested members to defer the application pending receipt of this information.

The Council's legal representative, confirmed that the City of York Council were themselves only consultees as an adjoining Planning Authority. The Committee's views were sought on the planning impact of the application on the planning authority's area.

Members questioned a number of aspects of the application including:

- Details of the impact upon the setting of the historic parkland and Allerton Castle.
- Basis of consultation with the authority.

Members confirmed that they understood the concerns and strength of feeling of local residents and Parish Councils. However, they did not believe that the proposals would have an impact on the City of York Council's area relating to planning matters and it was only on this aspect of the application that they could provide a consultation response.

Following further discussion it was

**RESOLVED:** That no objections be raised to the consultation by North Yorkshire County Council as determining authority.

**REASON:** To offer a response to North Yorkshire Council in respect of the adjoining authority consultation.

**28b Site Adjacent To Frog Hall Public House, Layerthorpe, York (11/02210/FULM)**

The Committee considered a major full application, submitted by Tiger Developments, for the erection of a 5 storey building comprising hotel with ground floor pub/restaurant, retail and drive-through restaurant uses with associated parking, landscaping and extension to James Street/Heworth Green Link Road.

Officers updated on a number of amendments and additions to the report including (full details of which are attached as an annex to the agenda for the meeting):

- Paragraphs 3.3 and 4.21- amended distances.
- Paragraph 3.8 – Plant equipment should be below rather than above background noise levels. Scheme required as a condition of approval.
- Paragraph 3.17 – noted that the walkway would be enclosed at each end and that the existing boundary treatments would remain.
- The council would contribute £290k towards delivery of the James Street link road.

- Amendments to Conditions 1, 8, 9, 10, 22, 23, 25 and 27 of the report.

Representations were then received from the applicant's agent who confirmed that this was an important development which would rejuvenate a dilapidated site. Development would involve removal of the contaminants from the former gas works and enable the construction of the final phase of the James Street Link Road.

A representative of BJH Consultants spoke in relation to flooding and drainage issues on site. He confirmed his involvement with the site since 2003 when the flood risk assessment had been prepared and to extensive consultations undertaken with the Environment Agency and CYC Engineers. He explained in detail the remediation works to be undertaken prior to construction and works to ensure that the development would be safe from flooding.

Members questioned a number of aspects of the development, including:

- Clarification regarding the 1.8m high fencing recommended by the Police Architectural Liaison Officer.
- Traffic flow issues in drive through area.
- Need for inclusion of additional height condition HT1 relating to the height of the approved development.
- Increase in development start date in Condition 1 to five rather than three years.
- Decommissioning of the gasholder.
- Implications of change in land allocation of the site.
- Need for bins and litter collection in connection with proposed take away.
- Need to tie in existing and proposed footpaths.
- Landscape maintenance.

In answer to members questions the applicant's representative from MWH Global explained the work required to remove the contaminants on site.

Officers also confirmed that landscape maintenance and provision of litter bins and litter collection would be included in the Section 106 Agreement.

Following further discussion it was

RESOLVED: That the application be approved subject to a Section 106 Agreement, the conditions listed in the report and the imposition of the following amended and additional conditions:

**Amended Condition 1:** The development shall be begun not later than the expiration of five years from the date of this permission.

**Amended Condition 8:** There shall be no more than 713 square metres of floorspace within the development hereby approved used as either A1, A3, A4 or A5 uses. Any A1 use shall be for the sales of convenience goods only (as defined in PPS4).

**Amended Condition 9:** Any A3 (restaurant/cafe), A4 (drinking establishment) or A5 (hot food takeaway) uses on the site (independent from the hotel hereby approved) shall only operate within the hours of 08:00 and 24:00 each day of the week.

**Amended Condition 10:** The development shall be constructed to a BRE Environmental Assessment Method (BREEAM) standard of 'very good'.

A BREEAM Design Stage assessment shall be carried out and a BREEAM Design Stage Certificate shall be submitted to the Local Planning Authority within 6 months of commencement of the development. Within 3 months after first occupation of the building a Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority.

Should the development fail to achieve a BREEAM standard of 'very good' a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve a standard of 'very good'. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

**Condition 22 being split into two separate conditions:**

**Condition 22:** A verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be approved, in writing, by

the local planning authority prior to commencement of the development.

The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a "long-term monitoring and maintenance plan" for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

INFOMATIVE: The monitoring programme may continue during and following development provided these are not below building footprints.

**Condition 23:** The long-term monitoring and maintenance plan shall be implemented as approved. Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan, this shall include a plan for the protection and where necessary reinstatement of monitoring points during and on completion of the construction phase. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority.

**Amended Condition 25:** The following details of foul and surface water drainage works shall be approved in writing by the Local Planning Authority prior to development commencing and the development shall be carried out in accordance with the approved details;

- a) Details that demonstrate surface water run-off from the application site will not have an adverse affect on adjacent land. To include a topographical survey showing existing and proposed ground and finished floor levels to Ordnance Datum.
- b) Details of the future maintenance/management of the proposed drainage systems.

**Amended Condition 27:** The development shall be carried out in incorporating the following flood risk mitigation measures:

- a. Surface water run off shall be restricted to 2.0l/sec/ha. There shall be sufficient storage to accommodate at least a 1 in 30 year storm. The design shall ensure that storm water resulting from a 1 in 100 year event and surcharging the drainage system can be stored on the site without risk to people or property and without overflowing into the watercourse.
- b. The provision of a 3m easement from the top of the bank of the River Foss (as per the Bailey Johnson Hayes Flood Risk Assessment June 2011 rev A).
- c. Finished floor levels shall be set no lower than 11.150m above Ordnance Datum (AOD). An access and ingress route from the building shall be provided which is set no lower than 10.98AOD.
- d. There shall be no raising of ground levels that are currently below 10.04m AOD.
- e. Site operators shall sign up to the Environment Agency Flood warning service.

**Additional Condition:** The height of the approved development shall not exceed 17 metres, as measured from 11.15AOD.

**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 vitality and viability of the city centre, visual impact, amenity, highway network management, flood risk, the provision of a Foss walkway, and sustainable design and construction requirements. As such the proposal complies with Policies GP1, GP4, GP6, GP15, NE7, NE8, T2, T4, E1A, and V4 of the City of York Development Control Local Plan.

**28c Grain Stores, Water Lane, York (11/02454/OUTM)**

Members considered a major outline application, submitted by Water Lane Ltd, for an extension of the time period for implementation in respect of 07/01992/OUTM (allowed on appeal dated 01/09/08) in respect of redevelopment of the site for uses including offices (B1c), hotel (C1), residential institutions (C2), dwelling houses (C3) and non-residential

institutions (D1) including parking and new access arrangements.

Officers reported an amendment to paragraph 5.1 of their report to read “The applicant has failed to justify this position and it is therefore recommended that permission be refused.”

Representations were made by the applicants agent in respect of the provision of affordable housing on the site. He confirmed that, at the present time, this was not a viable option however his client would commit to providing affordable housing when the economic climate improved and he requested members to defer the application pending further negotiations.

The legal officer confirmed that, although this application was a duplicate of an earlier application subject of an appeal to be heard in January 2012, members should consider this application on its merits. Deferral of the application pending the appeal on the basis only that this was a duplicate application, was not recommended.

The majority of Members confirmed that to provide no affordable housing on this site was not acceptable and following further discussion it was

RESOLVED: That the application be refused.

REASON: The application fails to demonstrate that the 25% target allocation of affordable housing outlined in the Adopted Housing Viability Study for urban brownfield land can not be reasonably achieved on the site. It is therefore contrary to the terms of Policies H2a) and H3c) of the York Development Control Local Plan together with Central Government Guidance in respect of planning and affordable housing outlined in PPS3 (as amended).

**28d OS Field 3022, Metcalfe Lane, Osbaldwick, York (11/02305/FULM)**

Members were advised that the major full application, for the erection of 58 polytunnels in association with the use of land as allotments with associated facilities including reception building, toilet block, parking area and alterations to Metcalfe Lane, had

been withdrawn by the applicant, Mr James Metcalf, prior to the meeting.

CLLR L CUNNINGHAM-CROSS, Chair  
[The meeting started at 4.30 pm and finished at 5.55 pm].



**COMMITTEE REPORT**

**Date:** 19 January 2012      **Ward:** Holgate  
**Team:** Major and      **Parish:** Holgate Planning Panel  
Commercial Team

**Reference:** 11/02943/REMM  
**Application at:** Tarmac Limited Ouse Acres York  
**For:** Reserved matters application for erection of 57 dwellings following demolition of existing buildings following previous approval of outline application 07/00056/OUTM  
**By:** Andy Cramer  
**Application Type:** Major Reserved Matters Application (13w)  
**Target Date:** 31 January 2012  
**Recommendation:** Approve subject to Section 106 Agreement

**1.0 PROPOSAL**

1.1 This is a reserved matters application pursuant to outline planning permission for residential development granted in August 2009 (07/00056/OUTM). All matters were reserved i.e. scale, layout, appearance, access and landscaping. The current application seeks consent for all of these matters. The outline planning application included an indicative plan showing how the site could be developed to provide 32 apartments and 48 townhouses. That plan was not binding, and the current applicant has submitted a traditional layout of 57 2-storey houses (17 x 2-bedroom, 16 x 3-bedroom and 24 x 4-bedroom). 14 of the units would be affordable, i.e. 25% of the whole scheme. Access would be from Ouse Acres, close to the existing access into the site.

1.2 The outline planning permission was accompanied by a section106 agreement between the applicant and the council. The agreement committed the applicant to providing 37.5% affordable housing and financial contributions towards open space and education. Current circumstances are sufficiently different to those at the time of the outline consent to require a new s.106 agreement. This has been accepted by the applicant. Consideration and decision on this reserved matters application (which purely relates to the details set out in Para 1.1) are not dependent on the amendment of the agreement.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

Application Reference Number: 11/02943/REMM

Item No: 4a

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Floodzone 2 GMS Flood Zone 2

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

2.2 Policies:

CYGP1  
Design

CYGP4A  
Sustainability

CYGP6  
Contaminated land

CYGP9  
Landscaping

CGP15A  
Development and Flood Risk

CYH2A  
Affordable Housing

CYH4A  
Housing Windfalls

CYH5A  
Residential Density

CYL1C  
Provision of New Open Space in Development

CYED4  
Developer contributions towards Educational facilities

### **3.0 CONSULTATIONS**

#### **INTERNAL**

3.1 Environment, Conservation, Sustainable Development (Landscape) - The landscape/streetscape is integral to the success of the layout and has to be designed as such rather than an afterthought. The house types and their setting/environment create the spaces and quality of living. The current design comprising a highway layout with standard house-types distributed along it leaves

mean and awkward spaces around/between them that then require detailed design. This is not the way to achieve a successful scheme. The level of detail submitted to date is not sufficient to demonstrate that the proposed arrangement would work. Without further detail we cannot make an informed decision as to whether the development would work satisfactorily with the given layout, i.e. there may be a need to reorganise it.

3.2 Highway Network Management – [Comments on the latest revised plans are awaited. Members will be updated at the meeting.]

3.3 Housing Strategy and Development – The application complies with the new urban brownfield target of 25%. Housing officers support this application which fully complies with the council's affordable housing policy and will provide much-needed new quality affordable homes in a mixed and sustainable community.

3.4 Major Development Initiatives - The proposed layout would facilitate a pedestrian/cycling link thorough the site between the British Sugar/Manor school development site and Water End. This should be made a condition of planning permission.

3.5 Flood Risk Management – Objection. Insufficient information has been provided to determine the potential impact on the existing drainage systems. Peak run-off from developments must be attenuated to 70% of the existing rate. Proposed surfacing should be shown.

3.6 Environment, Conservation, Sustainable Development (Countryside) – The site has relatively little ecological value so no further survey work is required. Redevelopment would provide a good opportunity for enhancement work for bats and other wildlife species, e.g. through suitable landscaping and measures. Such biodiversity enhancement should be secured by a suitable planning condition.

3.7 Environment, Conservation, Sustainable Development (Sustainability) – Satisfied with the applicant's commitment to build all dwellings to Code for Sustainable Homes Level 3.

3.8 Education – The development would require a financial contribution of £158,028, which would be used to provide nine secondary school places at Millthorpe School.

3.9 Environmental Protection Unit - The noise survey pursuant to condition 31 of the outline consent concerning noise associated with the adjacent railway line shows that, with suitable mitigation, noise and vibration are unlikely to result in loss of amenity. The applicant has suggested noise insulation measures (e.g. double glazing and trickle vents) to ensure that noise levels in the dwellings meet the criteria required by condition 13. However, no detailed specification has been provided. The applicant has suggested that a 1.8m high close boarded wooden

fence be built along the railway boundary. The fence would provide the necessary noise attenuation and should be made a condition of approval. A further condition should require the submission of an environmental management scheme for minimising the noise, vibration and dust during the demolition and construction. Land contamination conditions of the outline consent should be replaced by national model conditions introduced since the outline consent was granted. Based on comments submitted at the outline planning application stage, EPU has no further comments on traffic generation or air quality impact etc. However, further to the council's emerging low emission strategy, text should be added to any reserved matters consent requiring the developer to demonstrate 'best endeavours' for reducing emissions during both construction and operational phases.

3.10 Parks and Open Spaces – The scheme would require payments for off-site sport and amenity open space and for a small shortfall in play space.

## EXTERNAL

3.11 Holgate Planning Panel - No objections.

3.12 Environment Agency – No objections.

3.13 Yorkshire Water – [Revised comments are awaited. Members will be updated at the meeting.]

3.14 Police Liaison – The site is in an area of high risk of crime and disorder. Various (specified) measures should be taken to make the site more secure including: alleyways should be gated at their entrances; cycle sheds should ideally comply with Code for Sustainable Homes and Secured by Design guidance; the sub-station on the site should be made as secure as possible; the LEAP should be fenced all around and further measures incorporated to prevent unauthorised access by motor cycles/vehicles; more defensible space should be incorporated; the height of the fence along the allotment boundary should be increased to 2m.

3.15 Network Rail - No further comments. They remain as those submitted for the outline application. That is, no objections are raised but certain requirements must be met due to the close proximity of the development to an electrified railway.

3.16 Public Consultation - The consultation period expired on 21 December 2011. One objection has been received from a local resident raising the following planning issues:

- The houses adjacent should be no higher than those on Priors Walk to reduce visual impact.
- Loft conversions should be prevented to reduce visual impact on Priors Walk.

- The site should be suitably screened during construction to reduce noise and dust.
- If pile foundations are used they should be of a type that would not cause vibration to properties in Priors Walk
- Site working hours should be restricted to normal working hours to minimise disturbance to local residents.
- Construction traffic should not queue on Ouse Acres.
- Houses adjacent to Priors Walk should be constructed first to help minimise disturbance.
- Overall construction time should be restricted to reduce length of disturbance to existing locality.

## **4.0 APPRAISAL**

### PLANNING POLICY CONTEXT

4.1 Local Plan policy GP1 - Development proposals should be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and local character; respect or enhance the local environment; provide/protect amenity space; protect residential amenity; accord with sustainable design principles; include refuse facilities; and include, where appropriate, landscaping.

4.2 GP4a - All proposals should have regard to the principles of sustainable development.

4.3 GP6 - Planning applications for development on sites that may have been contaminated should, as a minimum, include a desk study on the potential for contamination. Should the study indicate the potential for contamination a more detailed site investigation should be submitted, it should assess risks to the environment and establish remediation objectives for the site.

4.4 GP9 - Where appropriate, development proposals will be required to incorporate a suitable landscaping scheme that: is an integral part of the proposals; includes an appropriate range of species, reflects the character of the area; enhances the attractiveness of key transport corridors; and includes a planting specification where appropriate.

4.5 GP15a - Discharges from new development should not exceed the capacity of existing and proposed receiving sewers and watercourses and long-term run-off from development sites should always be less than the level of pre-development rainfall run-off.

4.6 H2a - The council will seek to ensure that proposals for all new housing development of 15 dwellings/0.3ha or more in the urban area and 2

dwellings/0.03ha or more in villages with less than 5,000 population will include affordable housing.

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

4.8 H5a - The scale and design of proposed residential developments should be compatible with the surrounding area and must not harm local amenity. It also recommends densities that development should achieve, 60 dwellings per hectare in city centre, 40 in urban areas and 30 elsewhere.

4.9 ED4 - Any consequences for existing educational facilities will be assessed in accordance with the approved supplementary planning guidance. Where additional provision is necessary as a direct result of the proposal, developers shall be required to make a financial contribution toward the provision of such facilities.

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

#### KEY ISSUES:-

4.12 Key planning issues have been identified as:-

- Design and Street Scene
- Neighbour and Occupier Amenity
- Environmental Protection
- Transport and Access
- Trees and Landscaping
- Affordable Housing
- Public Open Space
- Education
- Flood Risk and Drainage

#### APPLICATION SITE

4.13 The site is an irregular-shaped, 1.5ha. redevelopment site at the head of Ouse Acres, off Boroughbridge Road. It was formerly occupied by a Tarmac batching plant. The site is bounded by railway lines to the north-east, allotments to the east, semi-detached housing to the south and an unadopted service road to the west.

Beyond the service road is the British Sugar/Manor school strategic development site.

## DESIGN AND STREET SCENE

4.14 The proposed houses would all be 2-storeys high and have a traditional suburban design. Ridge heights would range from 7m to 8.7m and eaves height would be from 4.8m to 5.2m. These heights are typical of 2-storey houses. The scale and massing of the development would not look out of place in the surrounding area, which is mixed in character. However, the information supplied with the application is not currently sufficient to demonstrate to the council that the arrangement of roads, houses and spaces is satisfactory in urban design terms. The current layout results in awkward spaces, particularly at the ends of the two cul-de-sacs that do not appear to provide an acceptable streetscape. Officers cannot support the scheme as currently proposed, although the applicant is now seeking to address these concerns and a satisfactory, more-detailed arrangement is expected shortly. Members will be updated at the meeting.

## NEIGHBOUR AND OCCUPIER AMENITY

4.15 The nearest dwellings to the site would be 16 and 18 Ouse Acres and houses in Priors Walk. The gabled side elevation of 18 Ouse Acres would abut the gabled side elevation of plot 2. This juxtaposition is unlikely to have a significant impact on the occupiers of no.18. The rear elevations of houses in Priors Walk would face the site but the closest distance would be 21m (from 21 Priors Walk to plot 10). This distance is acceptable, particularly as no.21 would face plot 10's gabled side elevation. None of the houses facing or close to the development would be materially overlooked. Whilst a resident of Priors Walk is concerned about the possibility of lofts being converted into living space, any dormer windows or rooflights are unlikely to cause significant overlooking.

## ENVIRONMENTAL PROTECTION

4.16 The outline consent included conditions requiring a noise and vibration survey to be carried out (with respect to noise emanating from the adjacent railway lines) and for noise mitigation measures to be provided. The survey has shown that noise and vibration levels would be acceptable and conditions require any mitigation measures to be submitted and implemented prior to occupation.

4.17 The outline consent included various other conditions with respect to contamination and drainage. The applicant is not required to comply with these conditions as part of this reserved matters application; most of the conditions require approval of details prior to construction. No additional environmental safeguards are required. Environmental protection officers would like a further condition requiring submission by the developer of an environmental management scheme for

minimising the noise, vibration and dust during the demolition and construction. This was not considered necessary when the outline application was considered so was not included in the conditions of approval. It cannot therefore be imposed as part of this reserved matters application, and therefore the relevant provisions under the Environmental Protection Act and Control of Pollution Act would be relied upon to safeguard from these aspects during construction. Further, Officers consider that the other conditions of the outline consent satisfactorily protect the amenities of nearby occupiers particularly as they restrict hours of demolition/construction.

4.18 Environmental protection officers have asked that the developer be made aware of the requirements of the council's emerging low emission strategy. This can be made an informative of reserved matters approval.

## TRANSPORT AND ACCESS

4.19 The proposed access would be from the adopted section of Ouse Acres, not from the unadopted section as was shown on the illustrative plans accompanying the outline application. The access now proposed is acceptable. The internal roads through the development would be built to adoptable standards and adopted by the highway authority under a section 38 agreement. Since submission the proposed road layout has been amended to improve access for emergency/refuse vehicles. Highways officers now have no objection to the proposals.

4.20 The scheme includes provision for a strategic pedestrian/cycle route (to be provided at some future date) through the site, between the British Sugar/Manor school development site to the west and Water End to the east. The route would facilitate improved access to the city centre and is included in the York Northwest Transport Masterplan. The route would use the shared service road on the west side of the site and turn east, through the site and exit between plots 16 and 17. The link and the alignment are supported by the council's Major Development Projects team. Provision for the route is shown on the submitted drawings, as revised, and will form part of the amended s.106 agreement.

4.21 A condition of the outline consent requires the junction of Ouse Acres and Boroughbridge Road to be improved prior to occupation of the housing development. The applicant is aware of this requirement and is in discussion with the council's highways officers.

## TREES AND LANDSCAPING

4.22 Whilst the awaited revised plans are expected to provide sufficient information to enable the council to determine this application, they are unlikely to provide full details of the schedules of soft and hard landscaping proposals. Submission of such details should be made a condition of any reserved matters consent.



## AFFORDABLE HOUSING

4.23 Again whilst this application relates purely to the detailed reserved matters, the submission includes details of the proposed affordable housing arrangements. These comply with City of York Council's affordable housing targets which were approved by the Executive on 14 December 2010, following the adoption of the Affordable Housing Viability Study as a Local Development Framework Evidence base. The adopted targets are a material consideration that needs to be complied with when determining planning applications, and supersede the existing targets in the Local Plan H2a Policy. The initial application for this development was negotiated under the previous 50% target and had an affordable housing provision of 37.5%. This was included in the s.106 agreement. The new application has a lower proportion of affordable housing (25%), which complies with the council's new urban brownfield target. Should the permission not be implemented within three years of approval the affordable housing would be subject to the council's affordable housing target applicable at that time.

4.24 The affordable housing component, as agreed by housing officers, comprises 7 x 2-bedroom houses, 5 x 3-bedroom houses and 2 x 4-bedroom houses. This mix provides a range of family house types with a concentration of two and three bed houses, which are identified as the city's priority need in the 2007 Strategic Housing Market Assessment (SHMA) and the emerging 2011 SHMA. The houses are split 60:40 between social rent and discount sale. Should no buyer be found for the discount sale homes they would revert to an intermediate market rent until such time as an eligible buyer became available. The discount sale prices would be £80,000 for the two bed houses and £90,000 for the three bed houses. The two 4-bedroom family houses would be for social rent. The affordable homes (sale and rent) would be pepper-potted throughout the site in runs of no more than three affordable homes unless otherwise agreed with officers. Housing officers support the application, which fully complies with the council's affordable housing policy and would provide much-needed, new, quality affordable homes in a mixed and sustainable community.

## PUBLIC OPEN SPACE

4.25 The proposals include a children's play area (LEAP), which would be provided by the developer and maintained by a management company funded by the residents - but available for general public use.

4.26 Given the size of the development, the LEAP accounts for the area of open space on site. The development would therefore require a financial contribution for the provision of off-site public open space in accordance with policy L1 of the local plan. The size of the contribution would depend on the total number of bedrooms and would be secured by the proposed section 106 agreement and has been agreed by the applicant. Whilst the total number of bedrooms may change as a

consequence of the applicant's review of the layout the contribution is likely to be in the region of £160,000. Members will be updated at the meeting.

4.27 An open space contribution is required for the provision of public open space in accordance with policy L1 of the local plan. This has been accepted by the applicant who has given a unilateral undertaking to this effect.

## EDUCATION

4.28 The development would require a financial contribution towards the provision of education in accordance with policy ED4 of the local plan. The amount of the contribution would be £158,028, which would be used to provide nine secondary school places at Millthorpe School. The contribution would be secured by the new section 106 agreement.

## FLOOD RISK AND DRAINAGE

4.29 The council's flood risk officers have requested further drainage information in order to assess the application. However, drainage was considered at the outline stage and appropriate drainage conditions were attached. Whilst these conditions will have to be discharged they do not have to be finalised as part of this reserved matters application.

## 5.0 CONCLUSION

5.1 The proposal is acceptable in all respects except that the information supplied with the application is not sufficient to demonstrate that the arrangement of roads, houses and spaces would come together as a satisfactory whole. If the layout is not amended, officers would recommend refusal of the application. However an improved, amended arrangement is expected to be submitted and Members will be updated at the meeting. Such an amended plan would not have a material impact outside the development site and so reconsultation would not be required.

5.2 Whilst a decision upon the reserved matters is not reliant upon it, the application is usefully accompanied by a new draft s.106 agreement to replace the agreement completed at the time of the outline consent. The new agreement would include 25% affordable housing, financial contributions towards open space and education, provision for a future strategic pedestrian/cycle route through the site and provision of a play area in perpetuity. The new agreement has been agreed in principle by the applicant and is currently under discussion. Conditions of the outline consent remain to be discharged.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve subject to receipt of satisfactorily amended layout plan.

Conditions:-

1 The development hereby permitted shall be carried out only in accordance with the approved plans numbered .... [Members to be updated at the meeting].

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

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

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

3 No development shall take place until details have been submitted to and approved in writing by the council of measures to be provided within the design of the new buildings to accommodate bats. The works shall be completed in accordance with the approved details.

Reason: To take account of and enhance the habitat for bats.

INFORMATIVE: Features suitable for incorporation include special tiles, brick soffit boards, bat boxes, etc.

4 VISQ8 Samples of exterior materials to be approved

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. REASON FOR APPROVAL

The proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to design and streetscene, transport and access, sustainability, affordable housing, education,

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open space, drainage, environmental protection, occupier and neighbour amenity and landscaping. As such the proposal complies with policies GP1, GP4a, GP6, GP9, GP15A, H2A, H4A, H5A, L1C and ED4 of the City of York Local Plan Deposit Draft.

## 2. DEMOLITION AND CONSTRUCTION

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

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

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

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

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

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

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

(f) There shall be no bonfires on the site.

## 3. SUSTAINABILITY

In line with the council's emerging Low Emission Strategy (framework approved June 2011), any developer of the site should demonstrate how they are meeting 'best endeavours' for reducing emissions during construction and operational phases. Any developer should strive to obtain as much modal shift away from private cars as possible, and should aim to promote the uptake of low emission vehicles on site via provision of necessary infrastructure (access to electric plug in

points etc). The council's Environmental Protection Unit would request that a domestic 13A socket be fitted in all garage spaces (detached single and double / integral single and double) to facilitate the recharging of electric vehicles across the development.

#### 4. SECTION 106 AGREEMENT

There is a Section 106 Legal Agreement in association with this planning permission. It refers to provision of affordable housing, financial contributions towards open space and education, provision for a future strategic pedestrian/cycle route through the site and provision of a play area in perpetuity.

**Contact details:**

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**Tel No:** 01904 552830

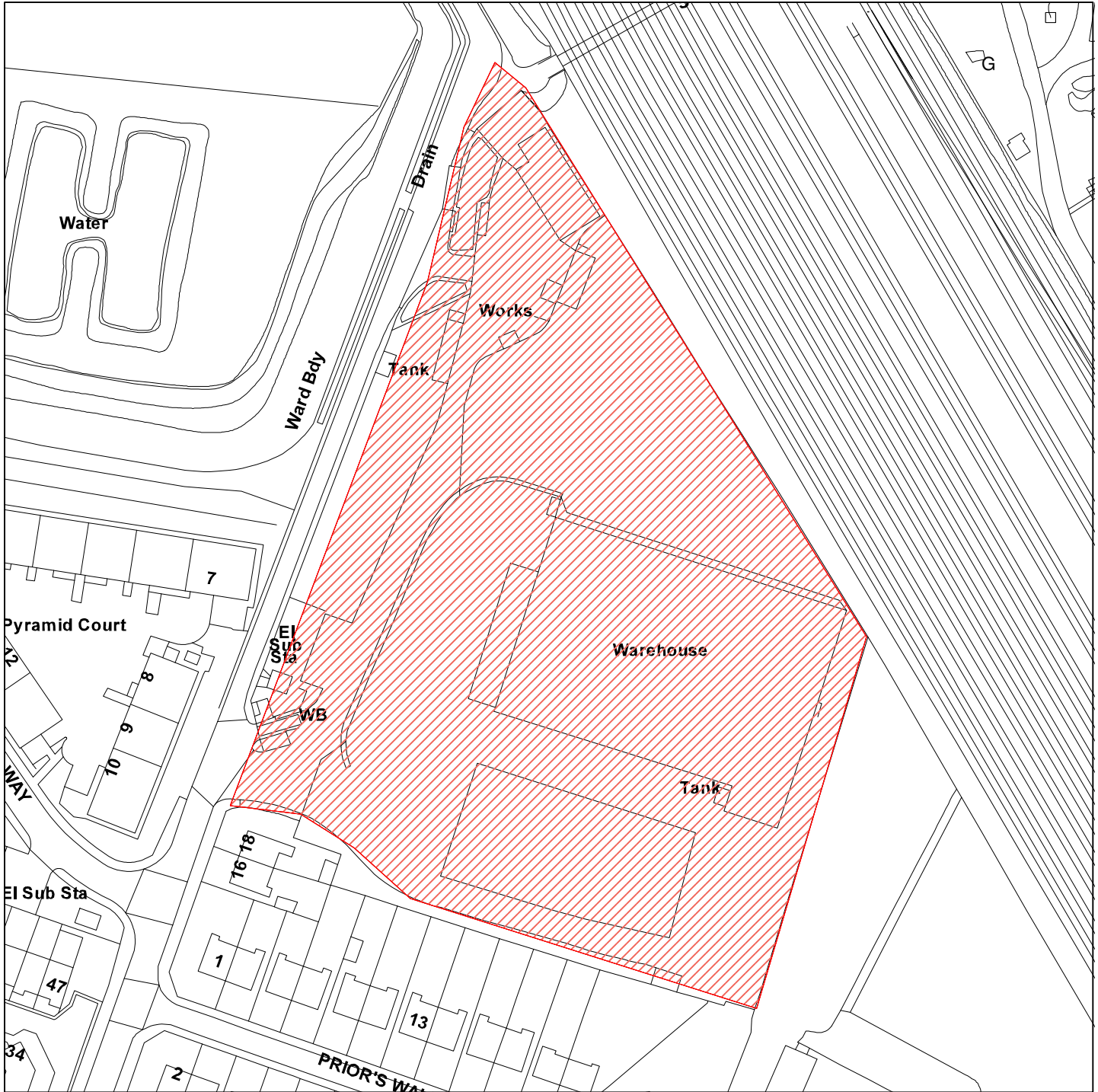
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# 11/02943/REMM

## Tarmac Ltd, Ouse Acres



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	
<b>Date</b>	10 January 2012
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 19 January 2012      **Ward:** Fishergate  
**Team:** Major and      **Parish:** Fishergate Planning  
Commercial Team      Panel

**Reference:** 11/02658/FULM  
**Application at:** Proposed Hotel at York Barbican Site Paragon Street York  
**For:** Erection of 165 bedroom hotel with public space, landscaping and access  
**By:** Mr Michael Davies  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 2 February 2012  
**Recommendation:** Refuse

**1.0 PROPOSAL**Application site

1.1 The application site is the land to the immediate east of the Barbican Centre. The land forms part of a site located between the Barbican Centre and Barbican Road to the east which has planning permission for a mixed use development of a 120 bedroom hotel and 228 apartments (application 03/04075/GRG4). In the approved scheme, the hotel was 5-storey in height, the apartments ranging from 3-5-storey in height.

The proposals

1.2 This application is for a 165 bedroom hotel, which would follow the curved form of the hotel granted planning permission in the 2003 application. Rather than being 5-storey the development is predominantly 6-storey, with two additional plant room areas on the roof.

Surroundings

1.3 There is a terrace of 3-storey houses on the east side of Barbican Road. Along Kent Street to the south is the Q-Park car park, the former coach park site, which has outline planning permission for a fire station, and Barbican Court, a 3-storey residential development.

1.4 The site is outside the Central Historic Core Conservation Area which terminates on the south side of the City Walls to the north and behind the buildings on the east side of Fawcett Road to the west. The City Walls are grade 1 listed and are a Scheduled Monument. The site is within the City Centre Area of Archaeological Importance.

## Pertinent site history

1.5 The 2003 application was approved by Members at Committee in April 2004. An associated legal agreement secured off site highway improvements, a contribution toward the Foss Basin Masterplan and replacement leisure facilities within the city. There were other commitments relating to the housing element also. The requirements of the legal agreement have now been met.

1.6 A 2007 scheme (07/01399/FULM) for a 6-storey 160 bedroom hotel which was no higher than the approved hotel (achieved by reducing floor to ceiling heights) was presented to Members at Committee in October 2007. The scheme was deferred, Members asking for more detail and images of the proposed building. The application was subsequently withdrawn.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area

Conservation Area GMS Constraints: Central Historic Core

Listed Buildings: Grade 1; City Wall Fishergate Bar To St Margarets Terrace

Scheduled Ancient Monuments: SMR 30 City Walls Fishergate Postern To Red Tower

Schools GMS Constraints: Fishergate Primary 0197

### 2.2 Policies:

CYSP3 Safeguarding the Historic Character and Setting of York

CYGP1 Design

CYGP4A Sustainability

CYT4 Cycle parking standards

CYT13A Travel Plans and Contributions

CYHE2 Development in historic locations

CYHE10 Archaeology

## **3.0 CONSULTATIONS**

### INTERNAL

### Design, Conservation & Sustainable Development

3.1 Officers consider the design is not of a sufficiently high standard to deal with the proposed massing successfully in this context and consequently would have an adverse impact on the setting of the Conservation Area and the City Walls.

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3.2 A strong architectural form with a well defined entrance is welcome, but the current iteration is over dominant with respect to the City Walls and the Paragon Street frontage. The entrance plane would be over-dominant by virtue of its overall scale and as it would be of limestone which would 'compete with' as opposed to complement the City Walls.

3.3 The sheer height of the elevations is also inappropriate in such a low rise context. Officers consider this is not a location where tall buildings (i.e. over 5 storey) should be encouraged. The site is not low lying, such as the train station or Piccadilly areas, where taller buildings are presently located. At 6-storey the proposed development would be over-dominant in this context. It is recommended that the massing of the building be reduced by stepping back the 6th floor so the apparent sheer height is reduced.

3.4 Countryside Officers - Officers advise that the city walls area acts as an important wildlife corridor, providing both foraging and commuting habitat for a range of wildlife species. The Council are currently involved in some projects which look to enhance and strengthen such wildlife corridors and Green Infrastructure across the city, including a project looking to increase the wildflower diversity on the city wall embankments. The redevelopment of this site provides a good opportunity for further enhancement work in this area and for linking in with such projects. In addition habitats within the buildings, such as bat boxes are recommended.

3.5 Archaeology - Officers recommend that if the scheme be supported, it be subject to an archaeological watching brief.

#### Environmental Protection Unit

3.6 Amenity of guests - Results of the noise survey found that it is possible to achieve the desired internal noise levels (35dB LAeq daytime and 30dB LAeq night time) within guestrooms with suitable glazing. The type of glazing required is dependent on the location of the room with glazing sound reduction indices varying between 23 and 35dB. Officers suggest that a condition placed on the approval if given to secure acceptable internal noise levels.

3.7 Plant and machinery - officers ask for details to ensure these do not cause noise disturbance. Ask for a condition to require that cooking smells do not have an adverse effect on amenity.

3.8 Traffic - Changes to traffic noise levels as a result of the proposed development were found to be negligible.

3.9 Deliveries - The service yard is to be located to the rear of the hotel on Kent Street. On this side of the development it is not anticipated that noise associated with vehicle movements will result in loss of amenity.

3.10 Construction Phases - A construction Management Plan, including times of construction and methods of any piling, is requested. The construction phase of the development has the potential to result in loss of amenity for residents in Escrick Court and on Barbican Road, as a result of noise, dust, odour and vibration.

3.11 Lighting - Details are requested in the interest of residential amenity.

3.12 Land Contamination - Parts of the site were previously used as a burial ground, a cattle market, an electricity substation, swimming baths and a car park. These past uses may have given rise to land contamination and conditions are recommended to carry out a site investigation and any required remediation.

3.13 Air Quality - reports show a negligible impact on air quality.

#### Highway Network Management

3.14 Shared surface outside the entrance area - The present arrangement along Paragon Street, of the segregated cycle path and footway abutting the carriageway, is likely to be retained in the immediate future. However there is an aspiration to potentially swap this, such that the cycle path transfers to run adjacent to the kerb and footway to the rear, as this has benefits in reducing several conflict points. A shared space is proposed in this area. Officers ask that the cycle route be identified in contrasting materials. The route needs to be free from street furniture and it is suggested at least 3m away from the vehicle drop-off point to avoid conflict at this point. The area should, considering street furniture and materials, tie in with the rest of the street.

3.15 Currently just the footway is highway maintainable at public expense. It is considered the lay-by, realigned pedestrian footway/buffer and cycle path should be designed to highway standards and be formally adopted.

3.16 Lay-by on Paragon Street - A parallel lay-by is proposed. This is acceptable provided it is shown it can operate suitably. It is anticipated that coaches associated with the Hotel will pull in and also taxis and cars to drop off/set down passengers. The area shown for use would be very tight if 2 no coaches arrived concurrently. Swept paths for vehicles have been requested to demonstrate that the entry and exit for coaches is of adequate length.

3.17 It is probable that there would need to be a means of protecting the adjacent pedestrian space from vehicle over run – so bollards or similar.

3.18 A suitable traffic order to cover the lay-by would be required and this would need to be funded by the applicants.

3.19 Service Yard - A shared service yard with the Barbican is proposed. Officers are concerned that when there are large events on at the Barbican there will be inadequate operational space. This would lead to vehicles blocking the highway if more than one vehicle arrives at any given time. This could compromise bus services, stopping and possibly disadvantage/endanger pedestrians and cyclists. Officers have asked for written details of the levels and type of servicing traffic.

3.20 Pedestrian route connecting Kent Street to Paragon Street - As the route is proposed to be open to the public, a declaration under Section 31/6 of the Highways Act 1980 would be required. Details of any cycle routes are required.

## EXTERNAL

### English Heritage

3.21 Consider that this site can deal with a building of the proposed scale in general. However officers advise that the entrance detail/feature would be too dominant in relation to the city walls, and would detract from their setting. The feature is deemed to be too dominant due to its material: Magnesium Limestone and angled plane which is forward of the main elevation. It is noted the scheme previously approved was of a different profile and massing in comparison. From street level this feature would be unduly dominant and the proposed use of Magnesium Limestone would be contrary to the Central Historic Core Conservation Area Appraisal which recommends such a material should be reserved for civic and ecclesiastical buildings, or restrained so it is used for detailing only; a more common use will erode the importance and stature of historic buildings within the city which have used this material.

3.22 Archaeology - Agree to the proposed strategy which involves a watching brief and mitigation strategy for development beyond the footprint of the swimming pool which previously occupied the site.

### Drainage Engineers

3.23 Response pending.

### Yorkshire Water

3.24 Ask for the development to have separate systems for foul and surface water drainage, and for such works to be agreed by Yorkshire Water. Foul water may discharge to the public sewer in Paragon Street. The local network could not deal with an increase in surface water run-off.

Fishergate Planning Panel

3.25 Ask for adequate cycle parking (16 spaces would suffice). The panel has concerns that further development of the site will lead to cars parking outside houses nearby the site in areas which are not controlled by the res-park scheme. Ask for further consideration to be given to renewable energy measures.

Publicity

3.26 Two letters have been received. Comments as follows:

- Concern that groundworks will damage foundations of surrounding houses and cause noise disturbance. This occurred when the ground was cured 2 years ago.
- The hotel is too tall for the site, it dominates the building next to it and dwarfs the surrounding houses. A 3-storey development is suggested.

**4.0 APPRAISAL**

4.1 Key issues

- Principle of the proposed development
- Impact on the setting
- Archaeology
- Residential amenity
- Highway Network Management
- Sustainable design and construction
- Site drainage

Principle of the proposed development

4.2 It has been agreed that development has commenced on the scheme granted permission in 2004, for the re-development of the Barbican and the hotel and housing. As such the principle of a hotel use on the site need not be revisited.

Impact on the setting

4.3 The site is on the opposite side of Paragon Street from the City Walls, the walls are grade 1 listed and within the Central Historic Core Conservation Area. National policy PPS5: Planning and the Historic Environment (part HE7) advises that Local Planning Authorities should sustain and enhance the significance of heritage assets and utilise their positive role in place-shaping. It is desirable new development makes a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height,

massing, alignment, materials and use. Local Plan policy SP3 gives a high priority to protecting the historic character and setting of the city.

4.4 PPS5 part HE10 advises that when considering applications for development that will affect the setting of a heritage asset, LPA's should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. When considering applications that do not do this, harm will need to be weighed against any wider benefits of the application. The greater the negative impact on the significance of the heritage asset, the greater the benefits that will be needed to justify approval.

4.5 In determining whether development is appropriate in general design terms, CABE and English Heritage guidance are material planning considerations. Local Plan policies GP1 and HE2 are relevant in this case also.

4.6 CABE and English Heritage publication: Building in Context (referred to in the English Heritage guide to PPS5) considers a successful approach will:

- Relate well to the geography and history of the place and the lie of the land
- Sit happily in the pattern of existing development and routes through and around it
- Respect important views
- Respect the scale of neighbouring buildings
- Use materials and building methods which are as high in quality as those used in existing buildings
- Create new views and juxtapositions which add to the variety and texture of the setting.

4.7 Local Plan policy GP1 refers to design, for all types of development. It expects proposals 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.

4.8 Local Plan policy HE2 states that within locations which affect the setting of listed buildings 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.

4.9 Conservation Area Appraisal 2011 - The Central Historic Core Area Appraisal advises that in considering new development, York should accept nothing less than the very best of new architecture which responds to its character and historic context and respects local building heights. With regards materials the appraisal comments on the use of limestone on new buildings. Historically the material's use was restricted to ecclesiastical, landmark and important civic buildings. The increased use of limestone as an exterior material for buildings in the city has eroded the importance and stature of these historic buildings. As such the appraisal seeks to restrict the use of Magnesium Limestone to dressings and details in future development unless the building is for public or religious use.

4.10 This part of the city is characterised by the City Walls to the north. The buildings outside the City Walls are terraces of brick 2/3 storey houses to the east along Barbican Road, 1/2 storey high functional buildings to the south along Kent Street (car park and fire station), and predominantly 2 /3 storey (although some examples of 1 and 4 storey) brick and rendered buildings along Fawcett Street. The buildings along Barbican Road and Fawcett Street typically front onto and address the street; the Barbican Centre, the (proposed) fire station and car park along Kent Street are stand alone buildings, setback from the highway. The Barbican Centre is of stone, it has two lower wings which stretch forward toward the street, with the main circular space setback beyond an area of hard landscaping.

4.11 The building proposed would have an active, predominantly glazed frontage at street level, a 'stack bonded' brickwork middle, and glazed upper level. The repetition and horizontal emphasis of the facade would be interrupted by a series of limestone clad towers that would be pulled forward from the facade, and the main entrance feature which would stand proud of the main building. The building would have 6 levels of accommodation however there would be plant rooms at both the north (facing the City Walls) and south ends (facing Kent Street) of the building, giving the impression of a 7-storey building in views from the City Walls and more distant views from the street, along Paragon Street/Barbican Road and Kent Street/Heslington Road.

4.12 The proposed building, due to the prominence of the entrance feature, derived from its height and extent the plane would step forward of the main building, means the building would appear unduly dominant; in distant views at street level, and in terms of its massing in relation to the City Walls. In addition the building is deemed to be too dominant because of its sheer height and the prominence of the plant room areas on the roof. The building would be significantly more prominent than the Barbican, the tallest part of which is set back significantly away from the City Walls, and the surrounding buildings which are considerably lower than the proposed building. The scheme would appear out of context and over-dominant, contrary to Local Plan policies GP1 and HE2 and CABE (now Design Council)/English Heritage guidance. Contrary to Local Plan policy SP3 and PPS5, there would be harm to the setting of the Central Historic Core and the grade 1 listed City Walls.



4.13 The scheme approved in 2004 was of a comparable footprint and maximum height to the building proposed. However it was of different massing and shape, and would have appeared less dominant as a result. On the Paragon Street elevation the front part of the building stepped down toward the Barbican. Where the building height was comparable with this scheme, the top floor was recessed 4m from the front elevation and the maximum height was the ridge of the pitched roof. The proposed building has a flat roof and only the plant room enclosures at level 7 would be setback from the main building line. Along Kent Street the approved hotel had a continuous eaves level, around 18m from ground level, topped with a pitched roof. In this scheme the building has a flat roof with a sheer height ranging from 18.5m to 21.5m. In addition to the variations in design, since 2004 national policy has changed, with current guidance placing an increased emphasis on new development respecting its setting. PPS1: Delivering Sustainable Development advises that 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. York's Central Historic Core Conservation Area Appraisal, PPS5 and the associated guidance referred to in 4.3 – 4.6 have also been released since 2004.

4.14 The applicant has been made aware of the above concerns regarding the impact of the development, and amendments have been suggested to seek to produce a more acceptable scheme. These include omission of the 7th level, setting back of the 6th floor where it would be seen from the City Walls/Paragon Street, and reduction in scale of the entrance feature. Discussions are ongoing in respect of the scheme and Members will be updated of the outcome at the meeting.

#### Archaeology

4.15 Local Plan policy HE10 requires archaeological deposits of national importance to be preserved in situ. Developers are required to undertake an archaeological survey to assess archaeological value at sites. Sites should be developed so valuable deposits are retained in situ. At least 95% of archaeological deposits should be preserved otherwise an excavation of deposits will be required. Only a watching brief on groundwork would be required here as the site has been redeveloped in the C20 and archaeological investigations have been carried out since the swimming baths were demolished.

#### Residential amenity

4.16 There is an extant approval at the site for a hotel with over 100 guestrooms and this was permitted as part of a comprehensive redevelopment of the site, which included residential to the immediate east of the application site. The Barbican Centre lies to the west, and car parks to the south (a fire station has permission to be constructed on the former coach park site). In terms of residential amenity this scheme does not present any fresh issues, and there have been no changes in

circumstances or the site's context since the approved scheme in 2004, that would result in the scheme having a materially different impact on residents within the locality.

### Highway Network Management

4.17 In line with National Policy within PPG13: Transport, an aspiration of the Local Plan is to achieve development which gives people the choice and positively promotes more environmentally friendly means of transport than the car. In order to meet such requirements the hotel would develop a travel plan which would encourage staff and guests to avoid private car use. Staff incentives to cycle will be provided within the development; there would be secure cycle storage facilities (24 spaces in total are shown on the landscape plan), changing facilities and lockers. In addition the site is suitably located in terms of bus links. Guests will be encouraged to arrive by train, and the submitted travel plan framework proposes to offer a discounted taxi service for guests travelling from the rail station. Car Parking will be provided within the adjacent Q Park. The Q Park at Kent Street has a capacity of 370 spaces and presently is only one-third occupied at peak times. Officers are content that the car park would have adequate capacity typically to cater for the hotel. There are other car parks nearby at St Georges Field and in other locations within the city centre to accommodate overspill parking.

4.18 The area where the service yard for the hotel is proposed presently accommodates a chiller unit that serves the Barbican and bins. It is proposed to form an access onto Kent Street to allow for deliveries and waste collection vehicles. The yard is not presently used by vehicles servicing the Barbican; there is no vehicle access. Officers await clarification from both the applicants and operators of the Barbican to provide assurance this yard will be fit for purpose. In addition the design of the enclosure and access from the highway are required.

4.19 A revised landscape plan has been supplied which demarks the cycle route. To ensure pedestrian and cycle routes follow desire lines, are safe and integrated with the wider area the surfacing, street furniture and the location and type of planting within the site would need to be agreed through suitably worded conditions if the scheme were supported.

### Sustainable design and construction

4.20 The Core Strategy and interim planning document on sustainable construction both require schemes of this scale to achieve a BREEAM rating of 'very good' and provide at least 10% of their energy demand from on-site renewable sources. The Core Strategy advises it is also acceptable for developments to demonstrate a 10% carbon reduction through efficient construction.

4.21 Air-sourced heat pumps for heating and cooling the building are proposed. The major energy requirement in the building would be hot water. CHP is deemed to be the most appropriate means of gaining such through on-site renewables. The approach proposed would save 10% of the carbon that would otherwise be produced by non-renewable sources. The BREEAM requirement would be secured through an appropriately worded condition.

### Site Drainage

4.22 Policy GP15a: Development and Flood Risk advises discharge from new development should not exceed the capacity of receptors and water run-off should, in relation to existing run-off rates, be reduced. York's 2011 Strategic Flood Risk Assessment asks that surface water flows from all sites should, where practicable, be restricted to 70% of the existing runoff rate.

4.23 Yorkshire Water has advised that the foul water from the development could be accommodated within the existing drainage infrastructure. The requirement to reduce surface water run-off, in relation to the existing rate, can be achieved through the installation of underground storage tank(s) which can restrict/control run-off rates. The requirements could be secured through conditions.

## **5.0 CONCLUSION**

5.1 The site already has permission for hotel development; a welcome investment in the city. However in its current form, the building proposed would have a significant adverse impact upon one of the City's most important heritage features and the Central Historic Core Conservation Area. Officers are therefore unable to support the scheme due to the scale of the proposed building. The approved scheme (2003 application) had 120 guestrooms and this scheme seeks to accommodate 165. The additional massing that would result, would lead to an over-dominant building out of context with its surroundings; detrimental to the setting.

5.2 The applicant is aware of the concerns, and discussions continue to secure a revised scheme which has a reduced impact in terms of the overall height and of the scale of the entrance feature, to ensure the impact is comparable to the approved application. If such a scheme is agreed prior to Committee, officers will seek delegated authority to approve the application on receipt of amended plans prior to expiry of the target timescale application on 2<sup>nd</sup> February (after which the applicant can appeal against non determination). A reduced scheme raising no new issues would not necessitate a full reconsultation process. Other relevant issues can be addressed through suitably worded conditions.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Refuse

1 The proposed scheme, due to the prominence and scale of the entrance feature and overall building height and massing would appear over-dominant and out of context with its surroundings. The development would have an undue adverse impact on the setting of the Central Historic Core Conservation Area, the Grade 1 Listed City Walls and visual amenity of the locality.

As such the proposal is contrary to Local Plan policies SP3: Safeguarding the Historic Character and Setting of York, GP1: Design and HE2: Development in Historic Locations and national policy established in PPS1: Delivering Sustainable Development (in particular paragraph 34), PPS5: Planning for the Historic Environment (in particular parts HE7, HE9 and HE10) and the CABE (now Design Council)/English Heritage document Building in Context and the English Heritage Practice Guide to PPS5.

**7.0 INFORMATIVES:**

**Contact details:**

**Author:** Jonathan Kenyon Development Management Officer

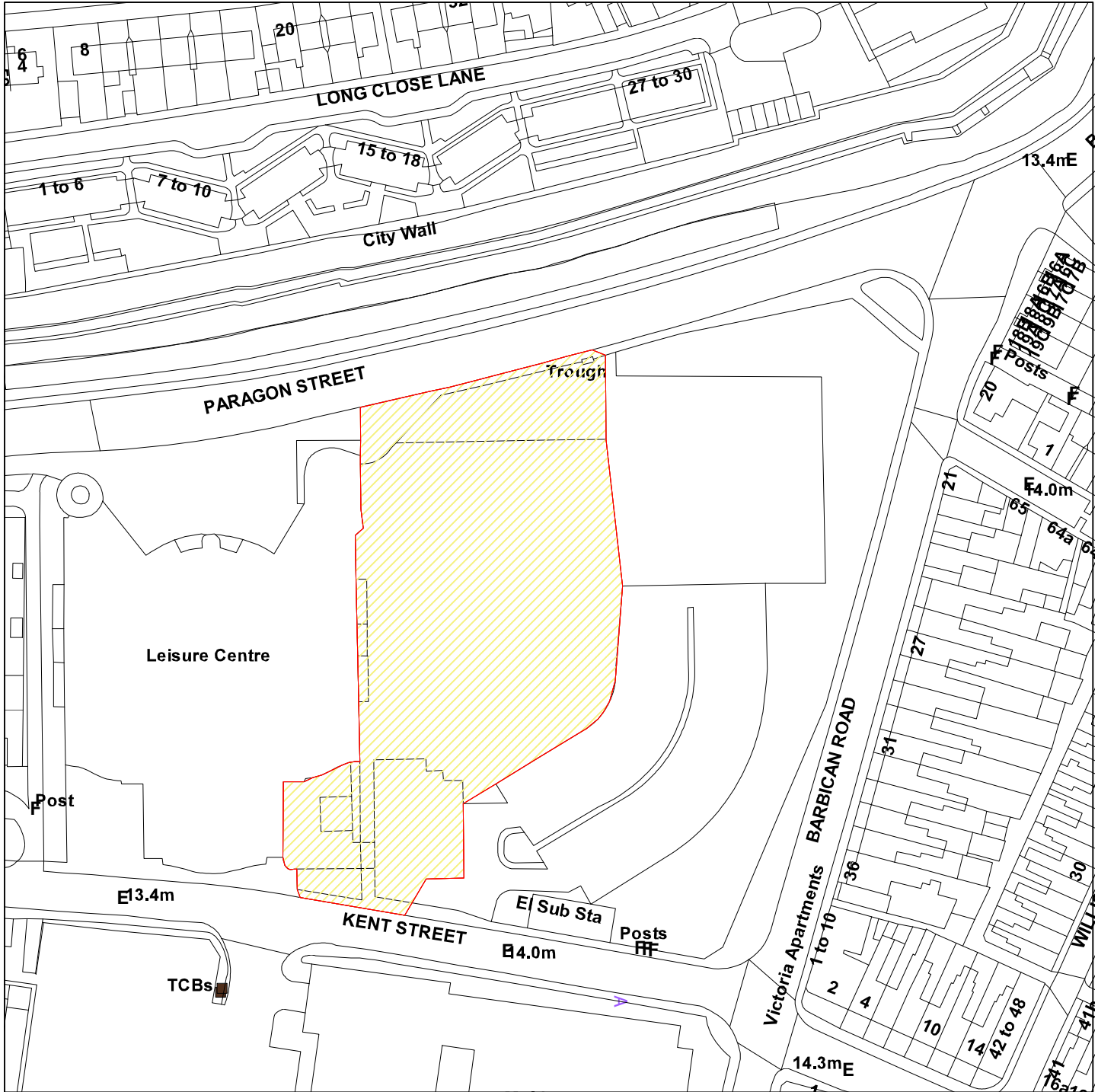
**Tel No:** 01904 551323

# 11/02658/FULM

## Proposed Hotel at York Barbican Site



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	
<b>Date</b>	10 January 2012
<b>SLA Number</b>	Not Set

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<b>East Area Planning Sub Committee</b>	5 <sup>th</sup> January 2012
<b>West and City Centre Area Planning Sub Committee</b>	12 <sup>th</sup> January 2012
<b>Planning Committee</b>	19 <sup>th</sup> January 2012

## **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 30<sup>th</sup> September 2011, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals as at 22<sup>nd</sup> December 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 30<sup>th</sup> September 2011.

**Fig 1: Appeals Decided by the Planning Inspectorate  
For 3 months and Year to 30<sup>th</sup> September 2011**

	3 Months			12 Months		
	East	West/ Centre	Total	East	West/ Centre	Total
Allowed	0	1	1	8	6	14
Part Allowed	0	0	0	1	3	4
Dismissed	4	3	7	19	19	38
Total Decided	4	4	8	28	28	56
<b>% Allowed</b>	<b>0</b>	<b>25.0</b>	<b>12.5</b>	<b>28.57</b>	<b>21.43</b>	<b>25.0</b>
% Part Allowed	0	0	0	3.57	10.71	7.14
Withdrawn	1	0	1	3	0	3

### Analysis

- 4 The table shows that for the 3 months to 30<sup>th</sup> September 2011, a total of 8 appeals relating to CYC decisions were determined by the Inspectorate. Of those, only one was allowed. At 12.5%, this rate of appeals allowed is much lower than the 33% national average, which was also the percentage allowed in the previously reported 3 month period.
- 5 For the 12 months up to 30<sup>th</sup> June 2011, CYC performance was 25% allowed, lower than the previously reported 12 month period of 26.67% and still below the national average.
- 6 The summaries of appeals determined in the 3 months to 30<sup>th</sup> September 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, 2 of the appeals determined related to applications refused by Committee:-

**Figure 2: Appeals against Refusal by Committee 1<sup>ST</sup> July to 30<sup>th</sup> September 2011**

Reference	Site	Proposal	Outcome	Officer Rec.
10/01359/FULM	32 Lawrence Street	6 Blocks of Student Accommodation	Dismissed	Approve
10/01870/ADV	Somerfield Haxby	New Signage	Dismissed	Refuse



- 7 The list of current appeals is attached at Annex B. There are 22 appeals lodged with the Planning Inspectorate, 13 in the West and City Centre Sub Committee area and 9 in the East Sub Committee area. 16 are proposed to be dealt with by the Written Representation process (W), 3 by Informal Hearing (H) and 3 by Public Inquiry (P).

### **Consultation**

- 8 This is essentially an information report for Members and therefore consultation has taken place regarding its content.

### **Council Plan**

- 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**

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01904 551303

**Chief Officer Responsible for the report:**

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

**Report  
Approved**



**Date** 22/12/11

**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 1<sup>st</sup> July and  
30<sup>th</sup> September 2011**

**Annex B – Outstanding Appeals to 22<sup>nd</sup> December 2011**

## **Appeal Summaries for Cases Determined 01/07/2011 to 30/09/2011**

**Application No:** 10/01359/FULM  
**Appeal by:** Blacklion Ltd  
**Proposal:** Erection of 6no. blocks for student accommodation after demolition of existing car showroom (resubmission)  
**Address:** 32 Lawrence Street York

**Decision Level:** COMP  
**Outcome:** DISMIS

Planning permission was refused by Committee for the erection of six blocks of student accommodation on land which was the former Reg Vardy garage site on Lawrence Street because of the developments impact on the Central Historic Core Conservation Area and the setting of adjacent listed buildings and because of the impact of the development on adjacent residential properties. The appeal was dealt with by written representations. The Inspector, in relation to the impact of the development on the setting of listed buildings and impact on the Central Historic Core Conservation Area, concluded that the block proposed adjacent to the St Lawrence's Church was not well enough designed or sited and would have a negative impact on the setting of the church. Further more he concluded that the amount of development along the southern boundary of the site would further detract from the setting of the church. In respect of the rest of the development he concluded that the height and massing of the blocks would not undermine the character of the conservation area or adjacent listed buildings. In terms of the impact of the development on residential amenity the Inspector concluded that the development proposed on the southern boundary of the site would result in a dominant and unneighbourly development which would be detrimental to adjacent residential properties on Barbican Mews. In respect of properties within Tannery Mews and Ellen Wilson Alms Houses the Inspector considered the development to provide an acceptable relationship to these residential properties. Overall the appeal was dismissed as being in conflict with GP1, HE2 and HE4 which the Inspector considered he could attach significant weight to because the policies followed the general thrust of PPS1, PPS3 and PPS5.

---

**Application No:** 10/01870/ADV  
**Appeal by:** Sainsbury's Supermarkets Limited  
**Proposal:** Display of non illuminated fascia sign to front, non illuminated lettering sign to the rear, non illuminated signs at both store entrances, totem sign and various car park signs to rear  
**Address:** Somerfield Haxby Shopping Centre The Village Haxby York YO32 2HU  
**Decision Level:** CMV  
**Outcome:** DISMIS

The application was for 16 no. adverts to the front and rear elevation of Sainsburys supermarket within the Haxby Conservation Area. The application was refused on the following grounds: 1) The proposed fascia to the front elevation, by virtue of a combination of its scale, appearance, protruding forward of the existing fascia, its proportion in relation to the adjoining signage and setting, and being displayed in a prominent location in the heart of Haxby Conservation Area, would be visually intrusive and result in harm to the visual amenity and character of the host building, the streetscene, and the historic merits of the Haxby Conservation Area, and the setting of the listed building immediately opposite (48 The Village). 2) The proposal, by virtue of the number of signs and their excessive scale, their location and consequent cumulative impact would be unduly prominent and create a cluttered appearance that would be harmful to the visual amenity of the host building, the street scene, and the character and appearance of the conservation area, and the setting of the listed building immediately opposite (48 The Village). The Inspector agreed with these findings. The Inspector considered that the lettering to the fascia would further increase the discordant feature of the streetscene. In addition the other adverts to this elevation were considered to give the building an over-advertised appearance at odds with the generally restrained advertising that is a contributory factor to the historic village character of the Conservation Area. The Inspector considered that the area to the rear of the building is less sensitive in terms of the character of the Conservation Area, but it is primarily a residential location where there are few advertisements. They were considered to impart an unduly cluttered and over-advertised appearance to area, detrimental to visual amenity.

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**Application No:** 10/01986/FUL  
**Appeal by:** Mr And Mrs Dockerty  
**Proposal:** Detached dormer bungalow to side of 2 Wheatlands Grove  
(resubmission)  
**Address:** 2 Wheatlands Grove York YO26 5NG

**Decision Level:** DEL

**Outcome:** DISMIS

Appeal Dismissed. The site accommodates a detached 2-storey house with garden. Proposed was a dwelling that would take the majority of the garden area. The house would be single storey, but with accommodation within the roof served by dormer windows. The inspector considered the garden area is well landscaped, characteristic of the area. The proposed dwelling would lead to the loss of the majority of the garden, the house would appear cramped and its design was out of keeping with the house types in the street. There would be harm to the amenity value and character of the area, contrary to PPS1, PPS3 and Local Plan policies - GP1, GP10, H4a, and H5a.

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**Application No:** 10/02092/FUL  
**Appeal by:** RWG Securities  
**Proposal:** Sub-division of retail unit (use class A1) and use as 2no. hot food takeaways (use class A5). Alterations to shopfront  
**Address:** 75 York Road Acomb York

**Decision Level:** DEL

**Outcome:** ALLOW

The application was for the change of use of a retail unit. The application is for the subdivision of the unit and the use of the units for use class A5. The existing unit fronts onto York Road and Front Street. The unit is situated in Acomb District Centre (ADC) as specified by the Local Plan. The application was refused on the grounds that the proposed subdivision of 75 York Road and change of use from one retail unit (use class A1) to provide two hot food takeaways (use class A5) would harm the viability, vitality and shopping function of the defined ADC. The proposed use would further extend the non-retailing uses in the ADC, such that 51.8% of the street frontage would comprise non-retail uses, over the 35% threshold set down in Policy S3a. For these reasons the proposal failed to accord with Policy S3a or PPS4. The figures provided to Development Management on which the decision was based were incorrect. Although revised figures did show that the proposed change of use would be over the 35% threshold. The Inspector agreed with the appellant that it would be more appropriate to consider the number of units rather than the frontage-based method of calculation, but agreed that the frontage-based method of calculation was a commonly used approach. The Inspector felt that the unit was separated from the main retail activity on the opposite side of Front Street and the retail parade on the north side. The premises had been marketed for over 18 months with interest from short term retailers only. The Inspector felt that in the current economic climate the unit in use rather than vacant would help the vitality and viability of the street. The implementation of the proposal was not considered to materially erode the retail character of the part of the ADC. The Inspector made the point that in allowing the appeal it does not result in the abandonment of Policy S3a, or set a precedent to justify the introduction of other non-retail uses into the ADC.

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**Application No:** 10/02153/ADV  
**Appeal by:** York St John University  
**Proposal:** Display of 1no. fascia sign  
**Address:** St Johns College Clarence Street York YO31 7EW

**Decision Level:** DEL

**Outcome:** DISMIS

Officers recommended refusal for the display of a non illuminated sign measuring 2.6 metres wide by 1.5 metres high positioned at high level on the curved elevation of the York St. John University's De Grey Court building, which lies at the junction of Lord Mayor's Walk and Clarence Street just outside the Conservation Area. The sign comprised black painted metal letters and green logo attached directly to the brickwork. The fascia sign was refused by virtue of its scale, the colour of the logo and its siting, which is at high level and unrelated to an entrance. It was considered to relate poorly to the design of the building and would be overly intrusive in views from Gillygate to the detriment of the character and appearance of the Conservation Area. The Inspector, in dismissing the appeal, agreed with the Council and stated that the sign due to its overall scale, elevated position and the incorporation of a large logo would relate poorly to the building and detract from the integrity of its design and would appear as an unacceptably dominant and intrusive feature in the street scene.

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**Application No:** 11/00200/FUL  
**Appeal by:** Mr James Seavers  
**Proposal:** Two storey side and rear extension  
**Address:** 61 Maple Grove York YO10 4EJ

**Decision Level:** DEL

**Outcome:** DISMIS

The application property is a semi-detached house in a suburban part of Fulford. It was proposed to erect a two-storey side extension that projected past the rear of the existing building line by around 2.5m. The extension bordered the garden boundary of the adjoining property (59). It was refused permission as it was considered that it would be unduly dominant and cut out late afternoon sunlight from the rear patio area of number 59. The Inspector dismissed the appeal. She did not feel that the impact on sunlight would be unduly harmful, however, felt that the proximity and height of the proposed brick side elevation would be extremely dominant and overbearing when viewed from the amenity area at the rear of 59.

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**Application No:** 11/00237/FUL  
**Appeal by:** Mr Barry Green  
**Proposal:** Single storey extension to front  
**Address:** 11 Summerfield Road York YO24 2RU

**Decision Level:** DEL

**Outcome:** DISMIS

The application sought permission for a 5.2m long front extension with a width of 6.3m. the property is a detached dwelling within a row of similar properties, all slightly staggered. All the properties have open plan front gardens. In dismissing the appeal the Inspector stated that the extension would appear very bulky and incongruous in the open streetscene. He noted that other properties had front extension but none projected as far forward as the proposal. He also stated that the scale of the extension would be further accentuated by the open front gardens, with no solid boundary treatments such as fences or walls. It was noted that the extension would not have any detrimental impact upon the living conditions of the neighbours.

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**Application No:** 11/00567/FUL  
**Appeal by:** Mr C Gilham  
**Proposal:** Carport to side  
**Address:** 11 Church Street Dunnington York YO19 5PP

**Decision Level:** DEL

**Outcome:** DISMIS

Planning permission was sort for a car port using a polycarbonate roof, white uPVC fascia boarding and wooden frames to be attached to a single storey detached dormer bungalow, located on Church Street within the Dunnington Conservation area. Its position would be set back from the front elevation of the host building by approx 4.7 metres, projecting approx 6.0 metres forward from the detached garage. The maximum height would be in the region 3.0 metres with a width of approx 4.6 metres to provide a covered parking area. The application was refused on the basis that the visual impact of the polycarbonate roof accentuated by the width of the car port and would have a negative visual impact on the character and appearance of the conservation area. The Inspector dismissed the appeal on the basis that the polycarbonate roof and uPVC fascia would contrast unfavourably with the traditional roofing materials and would appear at odds with the character and appearance with the Conservation area, contrary to P.P.S 5 and local plan policy HE3 and H7.

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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

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## Outstanding appeals

<b>Officer: Andy Blain</b>						<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
05/10/2011	11/00044/EN	APP/C2741/F/11/2160562	W	91 Micklegate York YO1 6LE	Appeal against Enforcement Notice	
<b>Officer: Diane Cragg</b>						<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
26/10/2011	11/00052/REF	APP/C2741/H/11/2163746	W	Plot 5 Monks Cross Drive Huntington York	Display of 4no. externally illuminated fascia signs, 2no. freestanding signs and 2no. panel signs on proposed new restaurant	
<b>Officer: Erik Matthews</b>						<b>Total number of appeals: 3</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
16/09/2011	11/00041/NON	APP/C2741/A/11/2160459/NWF	P	Grain Stores Water Lane York	Outline application for redevelopment of site for uses including offices (B1c), hotel (C1), residential institutions (C2), dwelling houses (C3) and non-residential institutions (D1) including parking and new access arrangements after demolition of existing warehousing units (application to extend time period for implementation of 07/01992/OUTM allowed on appeal dated 15/09/08)	
07/10/2011	11/00047/REF	APP/C2741/A/11/2161854/NWF	W	Mount Pleasant Holiday Park Cundall Drive Acaster	Erection of a boundary wall at the entrance to Mount Pleasant Caravan Park (Retrospective)	
13/10/2011	11/00049/REF	APP/C2741/A/11/2162255/NWF	W	Bridge Fisheries 4 Intake Avenue York YO30 6HB	Demolition of out-buildings to rear and erection of single-storey building comprising 3no. bedsits	
<b>Officer: Fiona Mackay</b>						<b>Total number of appeals: 4</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
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	
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	
03/10/2011	11/00045/REF	APP/C2741/A/11/2161852	W	Royal Oak Inn 18 Goodramgate York YO1	Installation of extract/intake vents and cellar cooling system to the rear (retrospective) (resubmission)	

03/10/2011	11/00046/REF	APP/C2741/E/11/2161856	W	Royal Oak Inn 18 Goodramgate York YO1	Installation of extract/intake vents and cellar cooling system to the rear (retrospective)(resubmission)	<b>Total number of appeals:</b>	<b>2</b>
<b>Officer: Gareth Arnold</b>							
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>		
11/08/2011	11/00036/REF	APP/C2741/A/11/2158608	W	3 Whitby Drive York YO31 1EX	Residential development		
07/10/2011	11/00048/REF	APP/C2741/A/11/2162192/NWF	W	Bonneycroft 22 Princess Road Strensall York YO32	Residential development of 10 dwellings (amended scheme)		
<b>Officer: Heather Fairy (Mon - Wed)</b>							
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>		
06/12/2011	11/00056/REF	APP/C2741/D/11/2165497	H	112 Hamilton Drive York YO24 4LD	First floor side extension	<b>Total number of appeals: 1</b>	
<b>Officer: Jonathan Carr</b>							
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>		
26/09/2011	11/00050/REF	APP/C2741/A/11/2161507	P	Arabesque House Monks Cross Drive Huntington	Outline application for erection of a retail warehouse following demolition of existing office building (resubmission)	<b>Total number of appeals: 1</b>	
<b>Officer: Jonathan Kenyon</b>							
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>		
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.	<b>Total number of appeals: 2</b>	
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	<b>Total number of appeals: 1</b>	
<b>Officer: Kevin O'Connell</b>							
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>		
31/10/2011	11/00053/REF	APP/C2741/A/11/2163333/NWF	W	Site Adjacent To Burger King And Junction Of A1237	Siting of portable building and use of adjacent car parking spaces as car wash (retrospective)		

<b>Officer:</b> Matthew Parkinson						<b>Total number of appeals:</b> 1
<b>Received on:</b> 17/06/2011	<b>Ref No:</b> 11/00026/EN	<b>Appeal Ref No:</b> APP/C2741/C/11/2154734	<b>Process:</b> P	<b>Site:</b> North Selby Mine New Road To North Selby Mine	<b>Description:</b> Appeal against Enforcement Notice	
<b>Officer:</b> Neil Massey						<b>Total number of appeals:</b> 1
<b>Received on:</b> 15/11/2011	<b>Ref No:</b> 11/00055/REF	<b>Appeal Ref No:</b> APP/C2741/D/11/2165067	<b>Process:</b> H	<b>Site:</b> 27 Church Street Dunnington York YO19 5PP	<b>Description:</b> Two storey rear and single storey side extensions	
<b>Officer:</b> Paul Edwards						<b>Total number of appeals:</b> 1
<b>Received on:</b> 04/11/2011	<b>Ref No:</b> 11/00051/REF	<b>Appeal Ref No:</b> APP/C2741/A/11/2163342	<b>Process:</b> H	<b>Site:</b> 29 White House Gardens York YO24 1DZ	<b>Description:</b> Two storey side and single storey rear extension with dormer to rear (amended scheme)	
<b>Officer:</b> Rachel Tyas						<b>Total number of appeals:</b> 1
<b>Received on:</b> 21/11/2011	<b>Ref No:</b> 11/00054/REF	<b>Appeal Ref No:</b> APP/C2741/A/11/21642230/NW	<b>Process:</b> W	<b>Site:</b> 70 The Mount York YO24 1AR	<b>Description:</b> Change of use from office (use class B1) to 2no self contained flats (use class C3) with external alterations to rear (resubmission)	
<b>Officer:</b> Victoria Bell						<b>Total number of appeals:</b> 2
<b>Received on:</b> 02/09/2011	<b>Ref No:</b> 11/00038/REF	<b>Appeal Ref No:</b> APP/C2741/A/11/2159809	<b>Process:</b> W	<b>Site:</b> 25 The Green Acomb York YO26 5LL	<b>Description:</b> Erection of two storey dwelling to rear attached to retained outbuilding	
<b>Received on:</b> 02/09/2011	<b>Ref No:</b> 11/00039/REFL	<b>Appeal Ref No:</b> APP/C2741/E/11/2159810	<b>Process:</b> W	<b>Site:</b> 25 The Green Acomb York YO26 5LL	<b>Description:</b> Erection of two storey dwelling to rear attached to retained outbuilding	
<b>Total number of appeals:</b> 22						

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Planning Committee Update, 19 January 2012

Proposed Hotel at York Barbican site, Paragon Street, York  
(11/02658/FULM)

Officers have been in dialogue with the applicants since the committee report was published and a number of alterations have been made to the scheme. The changes overcome the essential concerns raised by officers and English Heritage. The alterations as shown on the drawings before members are as follows -

- The entrance feature has been reduced in height by 1 storey and its projection from the main building reduced. It is now proposed to clad the feature in a zinc sheeting rather than limestone.
- The top floor facing Paragon Street has been given a meaningful set back (1.5m) from the front facade.
- Plant room enclosure on the roof has been reduced in height and moved to a less prominent area, away from the Paragon & Kent Street elevations. The enclosure will also be articulated so it does not appear box like.
- Along Kent St the building no longer steps up to being 7-storey (so comparable with heights of approved scheme).
- 163 rooms proposed – reduction of 2.

Officers consider further work still needs to be done on the detailing of the building elevations following the changes, to secure a scheme of the high quality required in this sensitive location. Approval is now recommended subject to agreement of these details before the 13 week determination date of 2.2.2012. Conditions would then include large scale details, the material samples (English Heritage could be involved in this process), final landscaping (including details of the cycle parking route and cycle parking) and the other usual requirements relating to highway network management, amenity, sustainable construction, drainage and contaminated land.

English Heritage report that they welcome the reduction in height and removal of the 'floating' plane' of limestone cladding. They would reserve judgment on the proposed zinc cladding until they have had sight of a sample.

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