



Notice of a public meeting of

Planning Committee

- To:** Councillors Horton (Chair), Galvin (Vice-Chair), Ayre, Boyce, Burton, Crisp, D'Agorne, Doughty, Firth, King, McIlveen, Reid, Riches, Simpson-Laing, Watt and Williams
- Date:** Thursday, 25 July 2013
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

Would Members please note that the Site Visit for this meeting will commence at 12.30 on Tuesday 23rd July from Memorial Gardens.

1. **Declarations of Interest**

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. **Minutes** (Pages 5 - 10)

To approve and sign the minutes of the meeting of the Planning Committee held on **20th June 2013**.

3. Public Participation

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by **5pm on Wednesday 24th July 2013**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

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

4. Plans List

This item invites Members to determine the following planning application:

a) Parkside Commercial Centre, Terry Avenue, York, YO23 1JP (13/01291/FULM). (Pages 11 - 30)

A Major Full Application by HHB Investments (York) Ltd for the erection of a 3 storey office building with associated parking and landscaping following demolition of existing industrial units and relocation of existing caravan stands (resubmission). [Micklegate Ward] [*Site Visit*].

5. Appeals Update (Pages 31 - 46)

This report (presented to both Planning Committee and the Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1st April to 30th June 2013, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date of writing is also included.

6. Section 106 Agreements Report. (Pages 47 - 62)

This report informs Members of the process of the collection and distribution of financial contributions received via Section 106 agreements, and reports on current agreements and payments received since 1st April 2012.

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

Democracy Officer:

Name: Laura Bootland

Contact Details:

- Telephone – (01904) 552062
- E-mail – laura.bootland@york.gov.uk

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

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

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PLANNING COMMITTEE

SITE VISITS

Tuesday 23rd July 2013.

TIME	SITE	ITEM
12:30	Coach leaves Memorial Gardens.	
12:45	Parkside Commercial Centre, Terry Avenue.	4a

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City of York Council

Committee Minutes

MEETING	PLANNING COMMITTEE
DATE	20 JUNE 2013
PRESENT	COUNCILLORS HORTON (CHAIR), GALVIN (VICE-CHAIR), AYRE, BOYCE, BURTON, D'AGORNE, DOUGHTY, KING, MCILVEEN, REID, SIMPSON-LAING, WATT AND WILLIAMS
APOLOGIES	COUNCILLORS CRISP, FIRTH AND RICHES

Site	Reason for Visit	Members Attended
Wickes, 1 Stirling Road, York, YO30 4XZ.	To enable Members to familiarise themselves with the site.	Councillors Galvin, Horton, McIlveen, Reid and Orrell
Clifton Moor Centre, Units 3 to 6, Stirling Road, York.	To enable Members to familiarise themselves with the site.	Councillors Galvin, Horton, McIlveen, Reid and Orrell.

1. DECLARATIONS OF INTEREST

At this point in the meeting, Members were asked to declare any personal, prejudicial or disclosable pecuniary interests they may have in the business on the agenda. None were declared.

2. MINUTES

RESOLVED: That the minutes of the last Planning Committee held on 16th May 2013 be approved and signed by the Chair as a correct record.

3. PUBLIC PARTICIPATION

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

4. PLANS LIST

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

4a Wickes Building Supplies Ltd, 1 Stirling Road, York, YO30 4XZ (13/00361/FULM).

Consideration was given to a major full application by Clifton Moor Ltd for the erection of a retail building comprising of 5 units with associated car parking, recycling facilities and landscaping following demolition of an existing retail unit.

Officers circulated an update to the committee report. The update covered the following points:

- There was no further update from the flood risk team, although the site is within zone 1 and there will be no further hard surfacing. Condition 13 as detailed in the report was considered sufficient.
- No additional response had been received from Clifton Parish Council.
- An error at the start of paragraph 4.10 which should read 'The Western elevation....'
- Proposed condition 8 had been redrafted.
- There were two versions of condition 15 in the committee report. The first version should be disregarded.

The applicants agent had registered to speak but reported he was in attendance to answer any questions.

Members queried if the roof tiles on the existing building could be re-used. The agent confirmed that any materials would be re-used where possible.

RESOLVED: That the application be approved subject to the conditions detailed in the report and re-drafted condition 8 as follows:

Condition 8 – Six electric vehicle recharge parking bays shall be installed within the Retail Development. The

location and specification of the parking bays shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the commencement of development and the recharging bays shall be installed and fully operational prior to any of the approved retail units commencing training.

Reason – To promote the use of low emission vehicles on the site in the interests of sustainable development and air quality.

REASON:

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

Retail Impact
Design and Visual Impact
Traffic Implications, Car and Cycle
Parking and Accessibility

As such the proposal complies with Policies SP7a, GP1, GP4a, GP16,T4 and S2 of the City of York Development Control Local Plan (2005).

4b Clifton Moor Centre, Units 3 to 6, Stirling Road, York, (13/00362/FUL).

Consideration was given to a full application for the alterations to the front elevations of units 3 to 6 of Clifton Moor Retail Park and for the erection of free standing structures for the display of advertisements and minor alterations to shop front elevations to units 3 to 6.

Officers reported that there was no update to the committee report.

Members queried the times that the signs would be illuminated. The agent confirmed it would only be during opening hours.

RESOLVED: That the application be approved.

REASON: In the opinion of the Local Planning Authority, the proposal subject to the conditions listed in the report would not cause undue harm to interests of acknowledged importance with particular reference to visual impact on the character and appearance of the area. As such the proposal complies with Policies GP1 and GP16 of the City of York Development Control Local Plan.

5. FORMER TERRY'S FACTORY SITE - SECTION 106 UPDATE REPORT.

Consideration was given to a report which updated on the current position with the draft section 106 agreement in relation to the Terry's Factory site, York.

An application for the mixed use redevelopment of the former Terry's Factory Site was approved by the Council's Planning Committee in February 2010, subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act. The Heads of Terms for the agreement were agreed at that meeting. The site is now under new ownership and the draft agreement requires completion to enable development to commence at the site.

Full details of the current position and updates to conditions were contained at paragraphs 1.6 to 1.21 of the committee report.

Peter Morris had registered to speak on behalf of David Wilson Homes. He advised members that along with the joint owner Henry Boot Ltd, both companies were keen to deliver the scheme and hoped to be on site before the end of 2013.

Members questioned if there would be some controls to manage traffic in the area. Officers advised a construction management condition was in place which would include traffic.

Members also asked for assurance that the Terry's Community Forum would be consulted as the development progresses. This was confirmed by the developers representative.

- RESOLVED: (i) Officers be authorised to agree the provisions of the legal agreement and complete the document.
- (ii) The conditions as amended be imposed on the permission.

REASON: In order that permission can be granted subject to the legal agreement and the schedule of conditions as detailed in the committee report.

CLLR D HORTON, Chair

[The meeting started at 4.30 pm and finished at 4.50 pm].

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COMMITTEE REPORT

Date: 25 July 2013 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
Commercial Team Panel

Reference: 13/01291/FULM
Application at: Parkside Commercial Centre Terry Avenue York YO23 1JP
For: Erection of 3 storey office building with associated parking and landscaping following demolition of existing industrial units and relocation of existing caravan stands (resubmission)
By: HHB Investments (York) Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 20 August 2013
Recommendation: Approve

1.0 PROPOSAL**APPLICATION SITE**

1.1 The application relates to the Parkside industrial site on Terry Avenue on the west side of the river. The site presently accommodates single storey buildings; former industrial units dating from the early C20 and areas of hard-standing, with access from Terry Avenue. The eastern side of the site presently accommodates a caravan park, which is an extension of the caravan park to the immediate south of the application site.

1.2 Dukes Wharf, a residential development ranging from 4 to 5 storey in height is to the north of the site, Terry Avenue and the river are to the east, the caravan park to the south and Lower Ebor Street, comprising of terraced housing to the west. A flood defence wall runs along the western boundary of the site.

1.3 The land to the immediate south of the site and Terry Avenue between the site and the river are within the green belt. Terry Avenue is within the New Walk/Terry Avenue Conservation area. A main character element of the conservation area is the public cycleway / walkway with a wealth of mature trees and views south of the countryside.

PROPOSALS

1.4 The application is for an L-shaped office building that would range between 2 and 3 storey in height, being comparable in height to Dukes Wharf where it would face the river. The building would sit above a 2.3m high brick plinth, the ground floor

level being elevated due to flood risk. The development would provide 3624 sq m floor space and have the capacity for up to 300 employees. The existing vehicle entrance point would be retained, leading to a car parking area with capacity for 23 cars. The flood wall, which protects the houses to the west would be retained and the proposed offices would have an elevated means of escape onto Lower Ebor Street. The caravan park would be relocated to the south end of the site, thus it will no longer be detached from the main park.

PLANNING HISTORY

1.5 2005 - Application withdrawn for residential development of the site - 05/00618/GRG3. 2012- Application for 4-storey office building withdrawn - 12/02856/FULM.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

2.2 Policies:

CYGP1 Design

CYGP4 Sustainability

CYHE2 Development in historic locations

CYT4 Cycle parking standards

CYT13A Travel Plans and Contributions

CYE3B Existing and Proposed Employment Sites

3.0 CONSULTATIONS

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

3.1 Officers consider that although the scheme is an improvement over the previous application which was withdrawn, the proposals are still for a stand-alone use (offices) and there is concern the building appears over-scaled for its immediate environment and too close to the south and west boundaries to create an appropriate landscape context for this transition site next to the green belt and the riverside conservation area. The elevation overlooking the river is of suitable architectural interest and materials although this is not carried through, especially on the south and west elevations where the profiled roof disappears and there is less inherent architectural interest and little response to the characteristics of the surrounding environment.

LANDSCAPE OFFICERS

3.2 Officers seek comfort that the construction can occur without impacting the trees which line Terry Avenue. Otherwise no objections to the proposal. Comments are as follows -

RELATIONSHIP BETWEEN THE PROPOSED BUILDING AND THE TREES ON THE TERRY AVENUE SIDE OF THE SITE

- The existing Sycamore trees are not currently subject to a tree preservation order (TPO) as they are still within council ownership. It would be deemed appropriate to serve a TPO on the four Sycamores to be retained, given a change of ownership.
- The two Sycamores (T11 and T12) closest to the building are single-stemmed, young mature specimens (category B), so their canopies will continue to grow and may ultimately need to be trimmed back from the building. As the proposal is for offices, although the separation between the proposed building and the trees is tight, the two will be able to co-exist without harm to the trees.
- Clarification is requested that the building would be erected without entering the root protection area and without causing damage to the tree canopies is required.

PROPOSED LANDSCAPING

- The proposed riverside landscape scheme has simple approach consisting of grass and trees; this is in keeping with the important but simple, landscape character of Terry Avenue.
- The landscape scheme puts a tree directly back in the place of Acer T4, but this should be retained if possible.
- There is sufficient width along the southern boundary to accommodate a reasonable border of trees and shrubs, as shown on the landscape plan. The proposed trees are middling size – Rowan and birch, plus a range of tall shrubs set close to the boundary so there is space for the full canopies to develop though these will be tight to the building at maturity.
- Replacement trees (Field Maple) are proposed along the western boundary to soften the development at the end of Low Ebor Street but clearly there will be a change of view from here (as only the tops of the trees along Terry Avenue will be seen above the proposed building).

- The Sedum roof is very welcome; a wildflower roof would be of greater biodiversity value and therefore preferable.

DRAINAGE ENGINEERS

3.3 No objection provided the scheme is carried out in accordance with the proposed FRA. Officers ask for conditions to deal with the detailed design of the drainage system.

ECONOMIC DEVELOPMENT UNIT

3.4 Economic Development welcomes the development of Grade A office premises at Parkside, giving York the opportunity to promote a site suitable for a high quality business (both for indigenous and inward investors) with high quality jobs. Potential occupiers would be attracted to the iconic and central location.

3.5 Officers advise that the majority of the office floor-space in York is outside the city centre. There is an under-supply of grade A office space within the city centre, the delivery of such is constrained by the historic urban grain and competition from other locations. Officers advise evidence shows the city centre is again the preferred location for office based businesses. A speculative development such as that proposed would be positive for the cities economy.

ENVIRONMENTAL PROTECTION UNIT

3.6 No objection. Ask that -

- details of external plant are agreed so it does not affect the amenity of neighbours
- if any unexpected land contamination, is found, it is reported to the Local Planning Authority
- that electric vehicle charging points are provided in the car park, in accordance with the National Planning Policy Framework and York's Low Emissions Strategy.

HIGHWAY NETWORK MANAGEMENT

3.7 Officers do not object to the scheme but have made comments about the provision and quality of cycle parking facilities. It is also asked for improvements to Terry Avenue outside the site to give pedestrians priority over vehicles.

3.8 The level of cycle parking proposed (42 spaces) is below the CYC Annex E standards which are expressed as a minimum level of provision. Officers would rather see a lower level of very high quality provision as opposed underused spaces due to an overprovision of low quality facilities. The potential to increase the level of cycle parking provided on site should demand require such is an agreeable

approach. Officers would like to see specific reference to this point in the TP and an area identified on the site plan for the location of this future cycle parking (if

required). The need for the further cycle parking should be determined from regular and ongoing surveying of the use of cycle parking facilities and this should be a specific measure within the TP.

3.9 The level of car parking (22 spaces) is significantly below the 81 spaces which could be permitted under the CYC Annex E maximum standards. The level of provision is accepted given the sites highly sustainable location and given adjacent waiting restrictions which will prevent indiscriminate on-street parking. The restriction of car parking is only one tool as part of a package of measures to promote sustainable travel.

POLICE ARCHITECTURAL LIAISON OFFICER

3.10 No objection. Note that the design has been designed with security and crime prevention in mind. In particular the site will be secure and access controlled.

MICKLEGATE PLANNING PANEL

3.11 Do not object but make the following comments -

- Design - welcome the proposed use of solar power, the reduction in height of the building and the increased use of brick. However note the size of the proposed building and that it does not fit with the residential character of the area.
- Overlooking of apartments next door - residents comments should be given consideration.
- Highway Network Management - concern that in reality people will travel by car and there will be an impact on the surrounding streets that are not controlled by res-park measures.
- Inadequate cycle parking
- Landscaping - The panel feels that the trees proposed are too small (14-16cm in diameter and a 2m clear stem is suggested). The panel also suggests an aphid-free lime may be more appropriate.

PUBLICITY

3.12 A public consultation exercise was undertaken in 2012 when the scheme was originally submitted to the Local Planning Authority. 12 comments were received. 7 objections were received and 3 letters in support (2 neutral). There was a general consensus that the site was in need of re-development but there were concerns over the scale of the development proposed and an increase in traffic. As a result of

the consultation carried out as part of the planning application 11 comments were received.

3.13 The issues raised (from both forms of consultation) were as follows -

VISUAL IMPACT

- Existing site is an eyesore.
- The scale and materials of the proposed development are out of keeping with the locality, where traditional materials - brick and stone are prevalent.
- Objection to the architectural approach.
- A more discreet development would be preferred.

AMENITY OF SURROUNDING OCCUPANTS

- Over-development of the site. The amount of office development and number of employees would have an adverse effect on amenity. In particular if Lower Ebor Street were used as an entrance.
- Development would lead to overshadowing over surrounding properties.

HIGHWAY MANAGEMENT

- Concern employees would take up existing car parking spaces in the locality.
- Traffic levels would increase on Terry Ave, which is essentially used as a shared surface currently. This would have an adverse impact on safety and alter the character of the road, which is used for recreation.

FLOOD RISK

- How would the site operate in times of flooding? Considering access for emergency services and servicing vehicles.
- Queries whether the flood wall and flood risk would be affected for surrounding occupants.

SUPPORT FOR THE SCHEME

- Proposals would benefit the area provided they lead to a reduction in anti-social behaviour, such as persons using Parkside as a cut through and trespassing on private land.

4.0 APPRAISAL

4.1 KEY ISSUES

- Principle of the proposed development
- Visual impact, considering the impact on the New Walk/Terry Avenue Conservation area
- Impact on the amenity of surrounding occupants
- Highway Network Management

- Sustainable design and construction
- Flood risk
- Designing out crime

PRINCIPLE OF THE PROPOSED DEVELOPMENT

4.2 The application proposes office development that would create around 3,620 sq m of floor space, which could accommodate up to 300 employees. The offices would be high quality and the aspiration is that the offices achieve a BREEAM excellent rating. The site was previously in employment use as it accommodated industrial units.

4.3 The National Planning Policy Framework advises that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

4.4 The objectives of the Local Plan are to create the conditions necessary to stimulate the local economy, to provide new employment opportunities and achieve increased sustainability in employment premises and processes. The Local Plan also seeks to keep employment sites in such a use (policy E3b).

4.5 To encourage the proposed development, given its sustainability credentials, considering design and location, and as it would supply needed modern office space, would be consistent with national and local planning policy. Housing has been considered for the site, but discounted as the site is in flood zone 3.

VISUAL IMPACT, CONSIDERING THE IMPACT ON THE NEW WALK/TERRY AVENUE CONSERVATION AREA

4.6 The site presently accommodates single storey buildings, caravans and areas of hard-standing. The site is a transitional point between the open setting to the south and the urban environment to the north. The land to the immediate south of the site and Terry Avenue between the site and the river are within the green belt. Terry Avenue is within the New Walk / Terry Avenue Conservation area. A main character element of the conservation area is the public cycleway / walkway with a wealth of mature trees and views south of the countryside. The presence of the caravan park and, further to the south, Rowntree Park (a Registered Historic Garden), assist in bringing the countryside into the heart of the city. Such green wedges of York, including the river Ouse corridor, are one of the defining characteristics of the city, as outlined in the York Central Historic Core conservation area appraisal.

4.7 The National Planning Policy Framework advises that proposals should either sustain or enhance conservation areas. If proposals would have a harmful impact, in order to be justified there must be demonstrable public benefits that would outweigh the identified harm. The NPPF requires good design and advises that proposals should aim to:

- function well and add to the overall quality of the area
- create and sustain an appropriate mix of uses, including green and public spaces
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation
- be visually attractive

These requirements are also described in Local Plan policy HE2: Development in Historic Locations.

4.8 Since the withdrawn application in 2012 the proposed building has been reduced in height and massing (the latter by reducing the scale of the roof), refined in design and the building footprint has been revised, so the rear wing is aligned with the terrace on Lower Ebor Street.

4.9 The building would sit on a brick plinth, with the ground floor elevated to protect against flooding. It would be 3-storey where it would face towards the river, of comparable height to Dukes Wharf to the north, and 2-storey along the rear wing, comparable with the ridge height of the terraced houses on Lower Ebor Street. The ground floor area and the rear wing would be clad in brick, the upper two floors of the building would otherwise predominantly be clad in a natural zinc , which would go from a brown to green over time. The mono-pitched roofs would accommodate PV panels. The building would be 22m away from Dukes Wharf and the trees that line Terry Avenue would remain.

4.10 Because the building would be 22m from the block to the north, set back behind trees and coloured to blend in with the vegetation, it would appear less prominent from opposite the river and Terry Avenue than the more dense development to the north where there is no tree cover. Condition 11 covers tree protection measures during construction. The proposed building would form a reasonable transition between the urban environment to the north and the green belt setting to the south of the application site. The building is deemed to be of appropriate scale and materials and in terms of its contribution to the riverside setting, meets the design criteria required by the National Planning Policy Framework referenced in paragraph 4.7.

4.11 Views along Lower Ebor Street are presently of the trees that align Terry Avenue and the vista would be replaced by the proposed development. The

proposals add Acer trees immediately behind the flood wall at the end of the street, which in time will soften the view. The footprint and massing of the building have been considered to reduce its prominence in views, as the taller part of the building would be some 24m from the end of Lower Ebor Street. Since the Conservation Officer's comments there has been a reduction in the footprint of the building, moving it slightly further from Lower Ebor Street (which allows for more planting)

and the elevations have been re-considered, so to continue through the design approach on the riverside elevation and lift the design quality of the side and rear elevations. The proposed building would considerably change the setting, and be visually dominant due to its scale in relation to the previous buildings on site and the terraced houses on Lower Ebor Street. Whilst there would be a fundamental change in the setting, the design of the proposed building will be reasonable and officers consider the visual impact is not grounds to refuse the application.

IMPACT ON THE AMENITY OF SURROUNDING OCCUPANTS

4.12 The National Planning Policy Framework asks that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Local Plan policy GP1: Design requires that development proposals ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

4.13 Although the proposed building would be visually dominant due to its scale and height, there would not be an undue effect on residential amenity on the following grounds:-

Over-bearing / Over-dominance

4.14 The proposed building would not have an undue impact on Dukes Wharf as the buildings would be some 22m apart and the buildings would be of comparable height.

4.15 At the rear the building steps down in height; it would be aligned with the terrace of houses on Lower Ebor Street and the maximum heights comparable. Where the building is taller, it would be at least 24m from the side elevation and rear yard of the end terrace on Lower Ebor Street.

Overlooking

4.16 The habitable room windows on Dukes Wharf would continue to look towards either the river or the proposed car park, and not directly at the proposed building. On both the side elevation and the rear elevation the windows closest to surrounding buildings and gardens are narrower than other windows to prevent overlooking; 300mm wide on the side elevation and 800mm on the rear elevation.

Character of the area

4.17 The proposed site entrance would be from Terry Avenue, Lower Ebor Street would only be used in times of flooding. Terry Avenue is already a popular route, for recreation, commuters walking or cycling into the city and there is traffic movement associated with the caravan park. It is intended that the majority of employees of the proposed building do not travel by private car and this will be enforced as there is limited car parking on site (23 spaces overall). It is realistic there will be low car use, as the site is at the edge of the city centre and it is now common for large scale

offices to operate without providing commuter car parking. It is considered the additional activity in the area as a consequence of the offices would not have an undue effect.

HIGHWAY NETWORK MANAGEMENT

4.18 The National Planning Policy Framework seeks to promote sustainable transport. This includes giving priority to pedestrians and cyclists and encouraging development where it is accessible to public transport. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised and should be supported by a travel plan. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

4.19 The Local Plan requires that developments have adequate cycle parking facilities and recommends the use of travel plans, to encourage sustainable travel.

4.20 The application site is at a sustainable location; it is within walking distance of the train station, the city centre and public transport.

4.21 Private car travel will be discouraged due to the limited number of car parking spaces provided on site (23) and sustainable means of travel would be promoted through the travel plan. It is proposed to provide 30 covered and secure cycle spaces for staff and 10 covered spaces for visitors. The required travel plan for the site will be developed over time and through this mechanism more cycle parking spaces could be provided if needed. Conditions can ensure that additional cycle parking of acceptable quality could be provided if necessary and that changing/washing facilities for cyclist and electric vehicle charging points are provided.

4.22 There is a concern from residents that parking will be affected in the area due to commuters. Of the surrounding streets only Lower Ebor Street is a street where parking is unrestricted.

4.23 The applicants transport assessment advises that there would only be a 'small' change in traffic flow (49 and 43 additional vehicle movements at am and pm peak times) which would not have an adverse effect on the highway network.

4.24 The application complies with the NPPF, the thrust of which is to promote sustainable travel and steer development to accessible locations. The location is one where sustainable transport modes can be maximised and there would be measures and incentives in place to promote such. Despite residents concern over car parking in the locality the proposals do not conflict with the NPPF in terms of highway safety and the need to promote sustainable transport.

SUSTAINABLE DESIGN AND CONSTRUCTION

4.25 According to York's interim planning document on sustainable design and construction the development should achieve a BREEAM rating of Very Good and at least 10% of energy demand supplied from on-site low or zero carbon technology.

4.26 The requirements of the IPD can be secured through planning conditions. The intention is that the scheme achieves BREEAM excellent (a pre-assessment report has been provided to inform how this would be achieved) and PV panels are proposed as part of the roof design. The BREEAM pre-assessment illustrates how the building would meet criteria in terms of providing a comfortable office environment which is energy and water efficient, provision of cyclist facilities and improving site ecology (existing vegetation will be kept and part of the building would have a sedum roof).

FLOOD RISK

4.27 The site is in Flood Zone 3. The proposed use is appropriate within this area of flood risk. However in accordance with the National Planning Policy Framework (paragraphs 102 & 103) in order for the proposals to be acceptable it must be demonstrated the development will be safe for its lifetime and not increase flood risk elsewhere.

4.28 The building would be protected from flooding and means of escape is provided. The finished floor level of the proposed offices is raised, and there would be a floodable void below. The intention would be that occupants of the building received advanced warning of any flood event. In terms of escape there would be a raised walkway which would allow occupants of the building to escape onto Lower Ebor Street, which has flood defences. There would be a secondary vehicle exit, which could be used in times of flooding, onto Vine Street via the caravan site.

4.29 It is proposed that existing rates of surface water run-off would be reduced by 30%. Ground levels would not be altered and the flood wall would remain in-situ. As such flood risk elsewhere would not be increased.

DESIGNING OUT CRIME

4.30 Policy requires that secure by design is considered in developments. The development site will be fenced off so beyond the front of the building access would be prevented out of opening hours.

5.0 CONCLUSION

5.1 The proposals are supported as to allow the application would be compliant with the objectives of the National Planning Policy Framework which is committed to ensuring that the planning system does everything it can to support sustainable economic growth. The proposals would supply modern office space, which is required in the city, in sustainable locations. There would be no undue harm considering the impact on the adjacent conservation area and the green belt, residential amenity and highway safety.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 PLANS

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

Masterplan	201-1F
Floor plans	202 C
Elevations	203.1, 2, 3, 4, 5
Sections	205B
Secure by design plan	206
Landscape proposals	0566-2 REV B

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

3 MATERIALS

The materials used shall be as annotated on the approved drawings. Samples of the external materials to be used shall be approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials (samples to be provided on site for inspection).

Sample panels of the brickwork to be used on the buildings shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. The panel(s) shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location.

4 LARGE SCALE DETAILS

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

Typical section drawing at a scale of 1:5 or 1:10 (based on drawing 203.5A).

- a) (Clerestory) roof-lights and plant room
- b) Balustrading
- c) Typical bays and window details (to include means of opening where proposed)
- d) Flood wall (to include location, height and details of escape route)
- e) Entrance gate / ramp to front
- f) Brise soleil
- g) External gills and service attachments

Reason: In the interests of visual amenity.

5 LIGHTING

The following details shall be approved by the Local Planning Authority and the development carried out accordingly -

- a) External lighting strategy - to include the location and design of external lighting and details of lux levels. The strategy shall be approved prior to installation and comply with the proposals established with the submitted design and access statement.
- b) Within 3 months of occupation a strategy for preventing light pollution from windows on the front elevation shall be approved by the Local Planning Authority and the development shall operate in accordance with the approved strategy.

Reason: In the interests of visual amenity and the character and appearance of the conservation area.

6 SUSTAINABLE DESIGN AND CONSTRUCTION

The development hereby approved shall achieve at least a BREEAM Very Good rating (or equivalent) and at least 10% of the predicted energy requirements for the building shall be obtained from low or zero carbon technologies. The Considerate Construction scheme or equivalent shall be adhered to during construction and all timber products used in construction shall be from sustainable sources.

Details of how the building shall at least meet the 10% requirement shall be approved in writing by the Local Planning Authority prior to development commencing and the development carried out in accordance with the approved details thereafter.

A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority within 3 months of first occupation of the building. 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.

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

7 TRAVEL PLAN

Within six months of occupation of the site a travel plan, for employees and visitors, setting out measures to promote sustainable travel and reduce dependency on private car journeys, shall be submitted and approved in writing by the Local Planning Authority. The travel plan shall be developed and implemented in line with Department of Transport guidelines and be updated and provided to the Local Planning Authority annually. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Reason: To reduce private car travel in accordance with paragraph 36 of the National Planning Policy Framework and policy T13a of the City of York deposit Draft Local Plan.

INFORMATIVE: The applicants have agreed in writing to partake in the iOn Travel scheme. The program is a monitoring tool for TP's and will enable the local authority to provide a dedicated monitoring/checking/assistance service for TP Co-ordinators. See - <http://www.iontravel.co.uk/york/default.asp>

8 SUSTAINABLE TRAVEL MEASURES

Prior to development commencing details of the following cyclist facilities and sustainable travel measures shall be approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

- a) Details of the proposed cycle store including layout and amount of cycle stands (stands need to allow for cycles around 1.8m length and be spaced around 900mm apart).
- b) Details of how use of the staff and visitor cycle storage shall be monitored and the procedure for the installation of additional facilities if/when necessary (to include location and trigger points for the installation of additional facilities). This item can be agreed prior to occupation of the building.
- c) Details of showering/changing facilities (as proposed in the BREEAM pre-construction assessment).
- d) The location of at least 2 electric vehicle charging points.

Reason: To encourage sustainable modes of transport in accordance with policies GP1, and T4 of the City of York Draft Local Plan and section 3 of the National Planning Policy Framework.

9 ELECTRIC VEHICLE CHARGING POINTS

Before the occupation of the development, two free-standing, weatherproof, outdoor recharging units for electric vehicles with the capacity to charge at both 3kw (13A) and 7kw (32A) shall be provided on site within the car parking area.

Within 3 months of the first occupation of the units, the owner shall submit to the Local Planning Authority for approval in writing an Electric Vehicle Recharging Point Maintenance Plan that will detail the maintenance, servicing and networking arrangements for each Electric Vehicle Recharging Point for a period of 25 years.

INFORMATIVE: Charging points should be for the exclusive use of zero emission vehicles. Also, to prepare for increased demand in future years, cable provision for additional units should be included in the scheme design and development in agreement with the Local Planning Authority.

Reason: To promote sustainable transport in accordance with paragraph 35 of the National Planning Policy Framework.

10 LANDSCAPING

The development shall occur in accordance with the approved landscaping scheme (although T4 shall be retained if possible). In addition the following hard and soft landscaping details shall be approved in writing by the Local Planning Authority and the development carried out in accordance with the approved details;

- a) Proposed materials for hard landscaping.
- b) Highway layout and pedestrian priority measures along Terry Avenue.
- c) Planting schedule for the 'green roof' - a wildflower roof is preferred.

The approved details 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: In the interests of visual amenity.

11 TREE PROTECTION DURING CONSTRUCTION

Trees shown as being retained on the approved plans shall be protected in accordance with BS: 5837 Trees in relation to construction.

Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing; phasing of works; site access for demolition/construction and methodology; type of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading); parking arrangements for site vehicles; locations for storage of materials; locations of utilities. Details of existing and proposed levels and surfaces shall also be included.

The protective fencing line shall be adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation or deep-digging, parking or maneuvering of vehicles; there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, or pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To ensure protection of existing trees before, during and after development which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area.

12 DRAINAGE

The development shall be carried out in accordance with the Drainage & Flood Risk Statement by JPG Civil & Structural Engineering - Ref:AMF/DFS/4455.V4 - dated May 2013.

Prior to development commencing, the following items shall be approved by the Local Planning Authority and the development carried out in accordance with the approved details.

- a) Site specific details of the flow control device manhole limiting the surface water to the 6.82 lit/sec.
- b) Site specific details of the storage facility to accommodate the 1:30 year storm and details of how and where the volume above the 1:30 year storm and up to the 1:100 year storm will be stored.
- c) Existing ground levels shall not be raised. A plan of the proposed development showing existing and proposed levels shall be provided to demonstrate such.
- d) Details of the future management / maintenance of the proposed drainage scheme.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and that provision has been made to maintain it.

13 PLANT & MACHINERY

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

Reason: to protect the amenity of neighbouring residents from noise.

14 UNEXPECTED CONTAMINATION

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

scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

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

7.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: meetings and pre-application advice and the use of planning conditions.

2. INFORMATIVE:

Demolition & construction / Control of Pollution Act 1974

Contact details:

Author: Jonathan Kenyon Development Management Officer

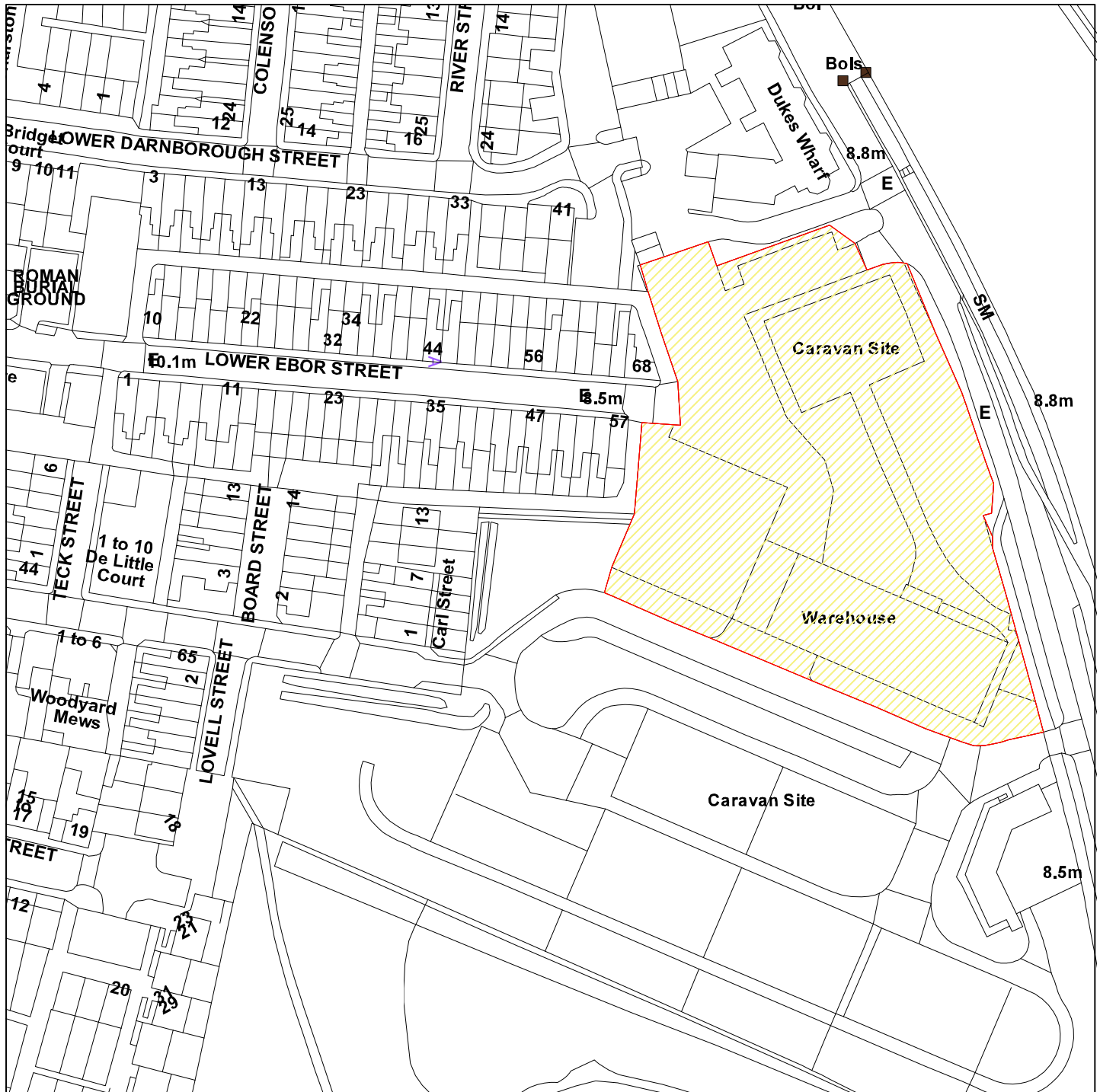
Tel No: 01904 551323

13/01291/FULM

Unit A1, Parkside Commercial Centre, Terry Avenue



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	15 July 2013
SLA Number	Not Set

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Planning Committee**25th July 2013****Appeals Performance and Decision Summaries****Summary**

- 1 This report (presented to both Planning Committee and the Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1st April to 30th June 2013, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date of writing 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. For a number of recent years, until the publication of the National Planning Policy Framework in March 2012, appeals performance in York was close to (and usually better than) the national average. The Government announced last year that it will use appeals performance in identifying poor performing planning authorities, with a view to the introduction of special measures and direct intervention in planning matters within the worst performing authorities.
- 3 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, for the last quarter i.e. 1st April to 30th June 2013, and for the full year to 30th June.

Fig 1: CYC Planning Appeals Performance

	1/4/13 to 30/6/13 (Last Quarter)	1/7/12 to 30/6/13 (Last 12 months)
Allowed	1	21
Part Allowed	0	1
Dismissed	6	34
Total Decided	7	57
% Allowed	14.29	36.84
% Part Allowed	0	1.75
Withdrawn	0	1

Analysis

- 4 The table shows that between 1st April and 30th June 2013, a total of 7 appeals relating to CYC decisions were determined by the Inspectorate. Of those, 1 was allowed. At 14.29%, the rate of appeals allowed is much lower than the national annual average of around 33%. By comparison, for the same period last year, 7 out of 13 appeals were allowed, i.e. 53.85%,
- 5 For the full year between 1st July 2012 and 31st June 2013, 36.84% of appeals decided were allowed, lower than the previously reported 12 month period of 43.55%.
- 6 The summaries of appeals determined since 1st April to 30th June 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 appeals determined related to applications refused by Committee. The first was an appeal against non determination of the application after it had been deferred from a Committee, and the other had been recommended for approval.
- 7 **Fig 2: Appeals Decided 1st April - 30th June 2013 following Refusal by Committee**

Ref No	Site	Proposal	Outcome	Officer Recom.
12/02930/FUL	Market Garden Eastfield Lane, Dunnington	Agricultural building	Dismissed	(Appeal against non determination)
12/03390/FUL	36 The Manor Beeches, Dunnington	Granny Annex and extensions	Dismissed	Approve

- 8 The list of current appeals is attached at Annex B. There are 21 appeals lodged with the Planning Inspectorate. 17 are proposed to be dealt with by the Written Representation process (W), 1 by the householder procedure (H), 1 via an Informal Hearing and 2 by Public Inquiry (P).
- 9 The much higher percentage of appeals allowed soon after April 2012 had raised certain issues:-
- 10 As has previously been previously reported, the Council decided a proportion of the related applications prior to the publication of the National Planning Policy Framework. The presumption in favour of sustainable development in the NPPF development (and the interpretation of sustainable development) appears to have been a significant factor in consideration of appeals. However since the initial impact of the NPPF on appeal outcomes, CYC performance has continued to improve as the use and interpretation of policy and guidance within the NPPF (by both the Council and the Planning Inspectorate) has become more consistent. The current 12 month performance at 36.84% is moving back towards the previous national benchmark figure of 33% allowed. Furthermore in the 6 months to 30th June, only 7 out of 24 appeals were allowed i.e. 29.17%.
- 11 Inspectors have continued to highlight the need for a strong evidence base to demonstrate significant harm will result from a development before it should be refused. The NPPF states refusal is a last resort and that every effort should be made to work with developers to look for solutions to planning problems, and that Councils should look for reasons for approving development rather than reasons for refusal.
- 12 The main measures successfully employed to regain the previous performance levels have been as follows:-
 - i) Officers have continued to impose high standards of design and visual treatment in the assessment of applications provided it is consistent with Paragraph 56 of the NPPF Draft Local Plan Policy.
 - ii) Officers are ensuring that where significant planning issues are identified early with applications, revisions are sought to ensure that they can be recommended for approval, even where some applications then take more than the 8 weeks target timescale to determine. From the applicants' perspective, an approval after 9 or 10 weeks following amendments is preferable to a refusal before 8 weeks and then a resubmission or appeal process. This approach has improved customer satisfaction and speeded up the development process overall, but has affected the Council's performance against the national application targets. Nevertheless, CYC planning application performance currently

remains above the national performance indicators for Major, Minor and Other application categories.

ii). Additional scrutiny is being afforded to appeal evidence to ensure arguments are well documented, researched and argued.

Consultation

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

Council Plan

- 14 The report is most relevant to the “Building Stronger Communities” and “Protecting the Environment” strands of the Council Plan.

Implications

- 15 Financial – There are no financial implications directly arising from the report.
- 16 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.
- 17 Legal – There are no known legal implications associated with this report or the recommendations within it.
- 18 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

Risk Management

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

Recommendation

- 20 That Members note the content of this report.

Reason

- 21 To inform Members of the current position in relation to planning appeals against the Council’s decisions as determined by the Planning Inspectorate.

Contact Details

Author:

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

**Chief Officer Responsible for the
report:**

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

01904 551303

**Report
Approved**



Date

16th July
2013

Specialist Implications Officer(s) None.

Wards Affected:

All Y

For further information please contact the author of the report.

Annexes

**Annex A – Summaries of Appeals Determined between 1st April
and 30th June 2013**

Annex B – Outstanding Appeals at 15th July 2013

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Appeal Summaries for Cases Determined 01/04/2013 to 30/06/2013

Application No: 12/02421/LBC
Appeal by: Miss Kate Holden
Proposal: Replace existing advertising posters with 2 no. digital advertising units in the outer concourse
Address: Railway Station Station Road York

Decision Level: DEL
Outcome: ALLOW

The appeal related to erection of two digital LED-illuminated 'six-sheet' signboards set within steel frames and supported on steel legs within the outer concourse of the station, and the removal of a range of wall-mounted signboards together with a high-level banner sign. The application was refused as it was considered the boards, to be placed on opposite sides of the concourse, would be too bulky and detrimentally affect the appearance and character of the concourse. The inspector concluded that the location of the signs adjacent to modern openings at either side of the space would not however be harmful provided there was a restriction on the brightness of the displays to further ensure the signs would not be 'stark, intrusive or unduly assertive' as had been argued by the Council. The removal of existing signs would result in a tidier appearance to the station. He stated the signs would be an 'appropriate contemporary response using modern materials and technology which would serve to preserve the special architectural and historic interest of this listed building'.

Application No: 12/02674/FUL
Appeal by: Mr And Mrs M Walker
Proposal: Erection of 3no. two-storey houses
Address: Holly Corner 52 North Lane Haxby York YO32 3JP

Decision Level: DEL
Outcome: DISMIS

The application was for three dwellings within the garden to the side of 52 North Lane, with access to North Lane. The appeal was dismissed. The Inspector agreed with the Council regarding the starkness of the side elevation to both plots, that it would result in a significant and uncomfortable prominence in the streetscene and would result in harm to the conservation area and the streetscene. The Inspector also concluded that the impact of Plot 1 on 52 North Lane would have an unacceptable impact to the residential amenity of the occupants of the host dwelling. The Inspector gave little weight to the parking area that was too small to accommodate turning cars and the lack of drainage information, he considered that if the scheme was considered reasonable that these issues could have been overcome.

Application No: 12/02745/FUL
Appeal by: Planusual Projects Ltd
Proposal: Change of use from dwelling house (Use Class C3) to 7 bedroom house in multiple occupation
Address: 224 Melrosegate York YO10 3SW

Decision Level: DEL

Outcome: DISMIS

The application related to a proposal to change the use of a detached property from a 5 bedroom dwelling to a 7 bedroom HMO at 226 Melrosegate. It should be noted that there were no neighbour objections to the proposal and the property was located on a relatively busy road. The application was refused for the following reason: The Council's records indicate that within 100m of the house 19.2 percent of the properties are already in use as Houses in Multiple Occupation (HMO). The Council's Approved Supplementary Planning Document (SPD) Controlling the Concentration of Houses in Multiple Occupation (HMO) states (paragraph 5.7) that permission for additional HMO uses will only be granted where less than 10 percent of properties within 100m of the site are shared houses. A further HMO would be likely to have a detrimental impact on the character of the area. As such to allow the proposal would be contrary to Development Control Local Plan policy H8 (Conversions), the Council's Controlling the Concentration of Houses in Multiple Occupation Supplementary Planning Document (April 2012) and also paragraph 50 of the National Planning Policy Framework (NPPF) which advocates the creation of sustainable, inclusive and mixed communities. The Inspector dismissed the appeal. In doing so he gave considerable weight to the approved SPD which he stated had a sensible and pragmatic approach to meeting the objectives of paragraph 50 of the NPPF. He concluded that to allow the proposal that runs counter to an objective that has been subject of very recent consultation would undermine the Council's position for the future.

Application No: 12/02930/FUL
Appeal by: Mr Tim Graves
Proposal: Agricultural building
Address: The Market Garden Eastfield Lane Dunnington York YO19 5ND
Decision Level: COMM
Outcome: DISMIS

The application relates to a site with a long and complicated planning history stretching back into Selby District Council days. It lies in a visually prominent location close to residential development within the Green Belt to the north east of Dunnington village. The applicant applied for permission to erect a substantial open sided barn to house straw for his pig breeding operation , in a particularly prominent portion of the site. Providing it could be demonstrated as having a functional agricultural need and not harmful to the openness of the Green Belt it would constitute appropriate development in terms of the NPPF and the Draft Local Plan. Consideration of the proposal was deferred from Committee when it became clear that a computer failure had inadvertently closed the consultation period on the proposal early. Notwithstanding that the recommendation was to approve the applicant decided to appeal non-determination three days before it was due to be re-considered by Committee. After due deliberation and in view of a lack of information on how the barn related to the agricultural operation Members decided to overturn the recommendation raising concerns in respect of lack of evidence of functional need and impact upon openness, when giving their view for on-ward submission to the Inspectorate. The Inspector duly assessed the proposal and dismissed the appeal highlighting the applicant's refusal to divulge any information in respect of the nature of the agricultural operation at the site.

Application No: 12/03111/ADV
Appeal by: Brighthouse
Proposal: Display of internally illuminated fascia sign and externally illuminated hanging sign
Address: Multiyork Furniture Ltd 15 Piccadilly York YO1 9PB

Decision Level: DEL

Outcome: DISMIS

Application was refused on the basis that 'the fascia sign and hanging sign when viewed within the context of existing signage and the neighbouring Grade 1 listed building harm the visual amenity of the area and are unsympathetic to the historic character of the adjacent site'. The refusal also stated 'The illuminated fascia lettering is overly large, unsympathetic, and unduly strident on the deep white fascia panel. The scale and the proposed illumination of the presently large hanging sign is at odds with neighbouring hanging signs and similarly has an adverse impact on the character and appearance of the conservation area and the visually important street setting of the adjacent Grade 1, Merchant Adventurers Hall.'The Inspector agreed with this positions, stating the fascia sign height and coverage of the lettering on the fascia sign appears to be much greater than that of the neighbouring advertisements contrasting white fascia with bright red and yellow illuminated letters only. He stated that the low position of the sign succeeded in accentuating the visual impact and size of the fascia lettering. Although the projecting sign was similar in size to adjacent ones than existing projecting sign he considered it to be visually intrusive particularly in relation to the setting of the Merchant Adventurers Hall and so failed to preserve the setting of the listed building. He was not persuaded that removal of illumination would overcome the concerns over the size of the hanging sign.

Application No: 12/03390/FUL
Appeal by: Mr & Mrs Jawad Kadhim
Proposal: Two storey granny annex to side and single storey side and rear extension
Address: 36 The Manor Beeches Dunnington York YO19 5PX

Decision Level: CMV

Outcome: DISMIS

This application was to erect a two-storey side extension and single storey rear extension which was recommended for approval. The East Area Planning sub-Committee refused the application because of the oppressive and overbearing impact on the adjacent neighbour at 38 Manor Beeches. The inspector dismissed the appeal on the basis that the area would be significantly harmed by the presence of the extension, which would be overbearing, oppressive and unneighbourly. The result would be unacceptably harmful to the living conditions which the occupants of that property can reasonably expect to enjoy.

Application No: 12/03776/FUL
Appeal by: Mr Nik Malloy
Proposal: Two storey side and single storey rear extensions
Address: 1 Foxthorn Paddock York YO10 5HJ

Decision Level: DEL

Outcome: DISMIS

The appeal related to a 2x storey side extension and single storey rear extension which would be built up to the rear boundary of the property at 71 Yarburgh Way. This property is located on the corner of Foxthorn Paddock and Yarburgh Way and hosts a double storey extension on the opposite boundary to the applicant site, which has increased the amount of windows over looking the rear garden. The application was refused on the basis that the size and scale of the extension would appear oppressive and overbearing when viewed from the rear garden of (no71). There was various correspondence with the applicant and agent with regards to revising the original submission due to the potential impact on the neighbour at (71). However, the applicant did not accept the options provided by the planning department to reduce the height and width of the extension to a degree that would overcome the impact at (no71). The inspector agreed with the CYC decision and confirmed that regardless of the extension at (No 71) the application would affect such a large part of the garden as well as windows in the original part of the dwelling and dismissed the appeal.

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

Officer: Andy Blain						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
05/10/2011	11/00044/EN	APP/C2741/F/11/2160562	W	91 Micklegate York YO1 6LE	Appeal against Enforcement Notice	
Officer: Diane Cragg						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
12/05/2013	13/00021/REF	APP/C2741/A/13/2198026	W	40 Fordlands Road York YO19 4QG	Dormer bungalow to rear	
Officer: Erik Matthews						Total number of appeals: 2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
02/04/2013	13/00013/REF	APP/C2741/A/13/2195044	W	65 Wycliffe Avenue York YO10 3RH	Erection of single storey 3 bedroom self-contained student dwelling to the rear	
21/03/2013	13/00012/CON	APP/C2741/A/13/2194305	W	Manor Farm Intake Lane Acaaster Malbis York YO23	Change of Use of three agricultural buildings to light industrial (Class B1c) and installation of portable office building (retrospective) and (Proposed) Change of Use of 1 agricultural building to light industrial (class B1c), and installation of second portable office building.	
Officer: Esther Priestley						Total number of appeals: 2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
09/05/2013	13/00019/TPO	APP/TPO/C2741/3211	W	11 Belvoir Avenue Elvington York YO41 4DS	Fell Horsechestnut Trees (T1, T2), Trees protected y Tree Preservation Order 4-1992	
19/04/2013	13/00017/TPO	APP/TPO/C2741/3192	W	18 Ropers Court Copmanthorpe York YO23	Crown reduce by 30% (T1) Tree Preservation Order 2/1972	
Officer: Gareth Arnold						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
04/06/2013	13/00022/EN	APP/C2741/C/13/2199211	P	1 Grays Court York YO1 7JH	Appeal against Enforcement Notice dated 24 April 2013	

Officer: Jonathan Kenyon					Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
21/03/2013	13/00011/REF	APP/C2741/A/13/2191767	I	Land Between Sports Field And Westview Close York	Erection of 8no. dwellings and associated infrastructure
Officer: Kevin O'Connell					Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
27/02/2012	12/00009/REF	APP/C2741/X/12/2170664	W	2 St Aubyns Place York YO24 1EQ	Use of property as a House in Multiple Occupation
Officer: Matthew Parkinson					Total number of appeals: 6
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
17/06/2011	11/00026/EN	APP/C2741/C/11/2154734	P	North Selby Mine New Road To North Selby Mine	Appeal against Enforcement Notice
01/10/2012	12/00061/EN	APP/C2741/C/12/2184900	W	18 Feversham Crescent York YO31 8HQ	Appeal against Enforcement Notice dated 31 August 2012
18/04/2013	13/00018/EN	APP/C2741/C/13/2196724	W	OS Field 8138 Narrow Lane Wigginton York	Appeal against Enforcement Notice dated 27 March 2013
20/03/2013	13/00020/EN	APP/C2741/C/13/2197855	W	Lucia Bar And Grill 9 - 13 Swinegate Court East	Appeal against Enforcement Notice dated 8 April 2013
28/02/2013	13/00008/EN	APP/C2741/C/13/2193156	W	Flat C 2 Marlborough Grove York YO10 4AY	Appeal against Enforcement Notice Dormer to rear see 13/00007/EN
25/02/2013	13/00007/EN	APP/C2741/C/13/2193157	W	Flat C 2 Marlborough Grove York YO10 4AY	Appeal against Enforcement Notice dated 15 January 2013
Officer: Paul Edwards					Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
21/03/2013	13/00010/REF	APP/C2741/A/13/2194388	W	80 Marygate York YO30 7BH	Part demolition of existing rear extensions and erection of three storey rear extension including creation of roof terrace (Resubmission)

Officer: Rachel Tyas					Total number of appeals: 2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
05/02/2013	13/00016/REF	APP/C2741/A/13/2192153	W	Lucia Bar And Grill 9 - 13 Swinegate Court East	Variation of condition 5 of planning permission 12/01910/FUL for restaurant/bar to extend opening hours to allow premises to open until 02:00 every day
05/02/2013	13/00005/CON	APP/C2741/A/13/2192153	W	Lucia Bar And Grill 9 - 13 Swinegate Court East	Change of use to mixed use ground floor restaurant and first floor bar (retrospective)
Officer: Sharon Jackson					Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
25/06/2013	13/00023/REF	APP/C2741/D/13/2200100	H	144 Fulford Road York YO10 4BE	Single storey rear extension
Officer: Tim Goodall					Total number of appeals: 2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
15/03/2013	13/00009/EN	APP/C2741/C/13/2194657	W	87 Newland Park Drive York YO10 3HR	Appeal against Enforcement Notice dated 6 February 2013
02/07/2013	13/00024/EN	APP/C2741/C/13/2201065	W	34 Claremont Terrace York YO31 7EJ	Appeal against
Total number of appeals: 21					

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Planning Committee

25th July 2013

Section 106 Agreements Update

Introduction

- 1 This report informs Members of the process of the collection and distribution of financial contributions received via Section 106 agreements, and reports on current agreements and payments received since 1st April 2012.

Background

- 2 Section 106 of the Town and Country Planning Act 1990 allows a local planning authorities to enter into a legally-binding agreement or planning obligation with an applications site landowner in association with the granting of planning permission. These agreements are a way of delivering or addressing matters that are necessary to make a development acceptable in planning terms and often refer to off-site infrastructure works such as highway improvements or new facilities such as play areas or local education improvements. The signed document containing the obligation (s) is usually termed a Section 106 Agreement.

Monitoring and Collection

- 3 When a planning permission is issued which includes a s106 agreement, a monitoring case is opened. This requires an enforcement officer to monitor the development site with a view to checking if and when development may have commenced, or if a certain stage has been reached at which for example, a financial contribution is due. If the developer does not subsequently discharge the obligations contained within the agreement at the relevant time, officers will pursue the matter accordingly.

Distribution and Expenditure

- 4 Once a due payment is received it is recorded and then distributed by the Council's Finance team to the section of the Council to whom the

financial contribution in the s106 agreement refers. The use of most commonly sought contributions are as set out below:-

Leisure / Public Open Space.

- 5 On receipt of payment into the “leisure” holding account, it is logged and recorded. Depending on the location and amount a number of routes are followed. If it is a smaller sum in a Parish / Town Council area, the fund is released to the local council via a payment requisition within a few weeks of the payment being confirmed in the leisure account. Where the payment contains a significant amount towards formal sports provision this will element may go direct to a local sports club.
- 6 Where the payment is within a non parish area, the money might be allocated to a CYC project, with formal sports provision contributions being allocated to either CYC sports land or to a local sports club as appropriate.
- 7 When using the S106 payments and deciding where these should be allocated, officers look at what the money has been received for and what it should contribute towards as specified in the S106 agreement (e.g. Children’s Play). They then look at what under-provision exists as identified in the Open Space Sport and Recreation Study and how far the open space area is from the proposed new development to which the S106 agreement refers. If the new development is within the required distance criteria based on walking times from the area of open space, funds are allocated accordingly to that development. Once used the money is recorded on a spreadsheet and on the corporate system for audit purposes. Often S106 payments contribute to or leaver into other funds towards Open Space. These include Heritage Lottery funding, Sports Lottery funding or the Playbuilder Scheme.
- 8 This approach was approved at July 2011 Cabinet Member decision session for Leisure, Culture and Social Inclusion.

Education Provision.

- 9 Once received by CYC, education s106 funds are transferred into a central Adults and Children’s Education (ACE) cost centre for holding purposes, and marked as received in the ACE s106 database (which is maintained by the School Services team). A single education s106 contribution can comprise separate amounts for pre-school, primary and secondary school phase provision. These details are recorded in the database, along with details on any restrictions applicable (e.g. whether the amounts are tied to a specific school or local area, and any payback timescales applicable). The database can be queried by school, area,

and 'phase' to inform how much s106 might be available for specific capital projects.

- 10 Often, individual s106 amounts are paid on the basis of pupil place provision being needed for a relatively small number of pupils (e.g. four primary pupils). In these cases, schools are asked to run 'bulge classes' until the level in demand is high enough to require the additional classroom or facilities.
- 11 Depending on the size of the development to which the S106 relates, it can be some time after the completion of the development before new physical accommodation is required. Pupil number forecasts for each school (which take into account pupil yield from housing developments) enable the School Planning team to plan when new accommodation will be needed on specific schools sites. Capital projects are developed for provision of new places, in line with the ACE School Place Planning Framework. Early on in the development of these projects, the s106 database is queried to see if the capital budget for expansion projects can be supplemented by any available s106, respecting any conditions that might be attached for the usage of the s106 itself.
- 12 S106 money allocated in this way is transferred into the relevant capital cost code, enabling effective outturn reporting at year end, and is marked as spent (along with a date flag) in the ACE s106 database. Any partial spend of specific s106 amounts is also recorded in this way, again for audit purposes.

Affordable Housing Provision.

- 13 All newly validated planning applications are reviewed by the Housing Strategy and Development Team in order to identify residential applications where an affordable housing contribution might be required and any commuted sum amount that may be required is agreed with the appropriate Development Management officer and this is then included in a S106 agreement which forms part of the Planning approval. The scheme is then entered into the affordable housing database, including details of the expected commuted sum.
- 14 Monitoring of schemes is undertaken on a regular basis, using reports showing schemes according to their planning and construction status. All commuted sums received are entered into the database, as is all spend against these sums. Reports on these are again reviewed regularly. These are monitored by officers so that the sums are spent in time within the terms of the S106 agreement.
- 15 A total of £1,232,120 is currently available, a large element of which was received in a single payment relating to the Hungate site. Cabinet

have approved the use of this sum to contribute as required to the first phase of the new council house building programme. Any outstanding and future sums will be used to maximise the provision of affordable housing. This may be spent through a variety of mechanisms with regard to value for money and strategic priorities. Any decisions on the spending of commuted sums will be made and approved through the appropriate reporting mechanisms.

Highway Works Provision.

- 16 S106 funding is secured for a wide range of mitigation measures, and initiatives linked to highways, transport and travel. These include the following:
- i) Full delivery of physical highway works/improvements, e.g. the upgrade to an existing roundabout or new traffic signals.
 - ii) Part contribution towards a future highway infrastructure scheme to be delivered by CYC, e.g. a strategic cycle route, P&R, Outer Ring Road .
 - iii) Public transport: which can be funding for new/enhanced bus services, bus stops (including upgrades) and passenger information.
 - iv) Car Club: to integrate/establish new CC locations or enhance existing provision, including membership incentives for new residents.
 - v) Travel Plans: securing the provision of these and travel plan co-ordinators (although TP's are regularly secured through planning condition).
 - vi) Traffic Management/Traffic Orders: this cover often immediate issues that can arise from a development focusing on things like on street parking and residents parking zones; it can also include for future monitoring/surveys and enforcement.
 - vii) CCTV: either for the provision of new public cameras within/adjacent to developments or part contribution to be pooled for new or enhanced CCTV in the area.
- 17 It is dependant on the nature of the s106 funding as to how and when it is utilised. In addition larger developments can often have several 'trigger' points. This can mean that the delivery of an improvement or implementation of measures has either to be phased, or the Council will need to await the full contribution before being in a position to implement it. Funding is allocated and in effect ring fenced for the specific purpose, and is drawn down via dialogue with colleagues in Finance. The s106 monies can as illustrated above either be utilised directly by the Council or used by a third party to deliver the obligation, for example improved bus services. Council officers would outline to the bus operators what

has been secured and then agree how this funding will be transferred to them and what services they will need to deliver, often for a set period of time. A similar process is also followed with the car club service, with the operator providing officers with a “proposal” as to how the funding will be utilised.

- 18 Officers in Highway Network Management are notified when funding is received and they then coordinate with a range of colleagues who are charged with the design and delivery of projects, such as new bus stops, and pedestrian crossings. The contribution is allocated and recorded, again for audit purposes.

Current Monitoring

- 19 There are currently 45 open signed S106 monitoring cases. These remain open because not all the obligations contained in the relevant s106 agreement have been met. Monitoring of these cases is on-going and can be a time consuming and long process. Planning permissions are normally valid for up to 3 years or in the case of large-scale schemes, a longer period can be agreed. Clearly development does not always commence straight away upon the granting of planning permission, and so no obligations are due. S106 cases can therefore be ‘open’ for up to 3 years or more before any construction works even commences. The majority of s106 agreements do not require any contributions to be paid until construction works commence.
- 20 Many agreements contain different 'trigger points' once the development has started. These detail when a particular contribution is due to be provided within the lifespan of the development work. For example, for a large housing development, it is normal that a particular obligation or financial contribution might be required to be met upon occupation of the first dwelling, and then a further obligation is required only upon occupation of the 50th dwelling. However, officers would keep the enforcement monitoring investigation open until all the obligations of the s106 agreements have been complied with. This can sometimes take several years depending on the size of the development, and requires constant monitoring by officers. In the event of payments not being received despite officers’ requests, once all other reasonable approaches to remedying a failure by a developer to comply with an obligation to pay financial contributions have been exhausted, the Council could issue court proceedings against the party that is in breach of its obligations. The court proceedings would be for the recovery of the financial contribution payable as a civil debt under a contract (i.e. a s106 agreement) together with the Council’s costs of the proceedings.

- 21 As a result of policy changes in 2005, financial contributions are also required for smaller developments e.g. an open space contribution for one new dwelling or more. These smaller sums are the subject of a planning condition attached to the relevant application requiring either on or off-site open space provision or if not possible, a section 106 to secure the financial contribution. On the granting of permission with the relevant condition a monitoring case is raised and these are also monitored by the Enforcement Team. In recent months, following further clarification from the Planning Inspectorate regarding the use of such conditions, a system whereby the applicant enters into a Unilateral Undertaking (also under s106 of the Planning Act but signed only by the owner/developer) has recently been introduced.

Analysis

- 22 From the start of the 2012/13 financial year (i.e. 01/04/2012) to 31/05/2012, a total of £18, 218,139 has been received in s106 payments. This includes a payment of £17,442,000 in connection with the new Community Stadium and £776, 139 in other payments. Over the last 12 months, officers have prioritised monitoring and pursued payment where necessary upon the top 40 highest contributing schemes (see Annex A). 33 of these schemes had no overdue payments, and for those identified as owing payments, officers are in correspondence with the developers to ensure receipt. Work is continuing on the process of monitoring all development sites and enforcing payments where necessary.
- 23 The monitoring and securing of payments can be time consuming, as due payments are often only made following (sometimes necessarily persistent) contact from the enforcement team, and in cases where ownership has changed or the developer is no longer operating, this can be additionally complicated. However through the analysis of the current agreements it is considered that the required payments are being appropriately monitored and secured.
- 24 Below is a table which shows the yearly number of S106 agreements signed since 2008 to date. This includes the total financial contributions required in those agreements and the total amount of S106 funds received that year (all cases).

Financial year.	New S106 Agreements signed	Total Contributions agreed (£) in those cases	Total S106 funds received (£) in year
2008-2009	6	320,730	720,403
2009-2010	11	760,701	316,460
2010-2011	2	22,971	515,897
2011-2012	8	349,647	490,628
2012-2013	10	18,655,711	742,848
2013-current	11	159,948	17,713,344

- 25 There are three cases over the last 10 years where the developers have gone into liquidation prior to paying the S106 contributions. In 2 of these cases at Birch Park, Huntington and Pope's Head Alley off Peter Lane, a reduced final payment taken from any remaining assets has been received or agreed with the receivers/liquidators in order to ensure that the Council received at least some of the contributions due.
- 26 In the case of the Birch Park development the developer went into liquidation owing £371 930 in S106 contributions. It has subsequently been agreed with the liquidator that the Council will receive 75% of the money raised from the upcoming sale of outstanding Ground rents at the site and the Section 106 agreement is in the process of being amended to reflect this. In the Pope's Head Alley case, the Council have received £16,748.24 out of the original contribution of £66,308 due in an agreement dating back to 2003 and in the circumstances the Council are unlikely to be in a position to pursue this any further.
- 27 The £5,297 amount owed from a 2003 planning permission for a residential development at The Cattle Breeding Centre at Stockton on the Forest has been written off when it was discovered that the developers had gone into liquidation a number of years ago and there was no prospect of this amount being recovered.

Consultation

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

Council Plan

- 29 In light of the purpose of financial obligations i.e. to address a range of infrastructure and community needs resulting from new developments, the report is relevant to the “Create Jobs and Grow the Economy” , “Get York Moving”, “Building Stronger Communities” and “Protecting the Environment” priorities of the Council Plan.

Implications

- 30 Financial – There are no financial implications directly arising from the report.
- 31 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.
- 32 Legal – There are no known legal implications associated with this report or the recommendations within it.
- 33 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

Risk Management

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

Recommendation

- 35 That Members note the content of this report.

Reason

- 36 To inform Members of the current position in relation to the monitoring, collection and use of financial contributions secured through Section 106 Agreements.

Contact Details

Author:

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Directorate of City and
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**Chief Officer Responsible for the
report:**

Mike Slater,
Assistant Director Planning &
Sustainable Development,

Directorate of City and Environmental
Services

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01904 551303

**Report
Approved**



Date 16nd July
2013

Specialist Implications Officer(s) None.

Wards Affected:

All Y

For further information please contact the author of the report.

Annexes

Annex A – 40 Developments with Section 106 highest contributions.

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Annex A Developments with the Highest 40 Outstanding Financial Obligations

No	Applicant & Site Address	Planning Ref	Total Amounts Due	Amounts Rec'd so far	Balance remaining to be paid. (see right hand column for notes and further info).	Latest position on remaining balances, payment trigger points and whether any outstanding or overdue payments.
290	Hungate York Regeneration	02/03741/OUT 06/02384/REM M	£6,453,437	£3,801,500	£2,651,937	Staggered stages of contribution and all Phase 1 payments received. This includes £3.3m for archaeological programme which has been secured. No payments currently overdue.
289	Persimmon & Hogg Germany Beck Site	01/01315/OUT	£5,579,000	£0	£5,579,000	Development not commenced. No payments overdue.
251	J Rowntree Housing Trust	03/02709/OUT 12/02163/OUT M 12/01286/REM M	£1,164,330	0	£1,164,330	Education 1 st payment of £206 330 and Public Open Space 1 st payment of £79 500 are both due prior to the occupation of 60 units. Payment due and correspondence and discussions taking place between developer and Council about this.
244	York College Tadcaster Road	07/01075/FUL 07/00752/REM M 01/00777/OUT	£372,606	£186,303	£186,303	Balance due upon 75% and 95% of dwellings occupied Payments made up to date and no payments overdue when last checked March 2013.. Further payments required on 75% and 95% occupancy. Officers monitoring and will be

						contacting development again in Aug 2013.
204	S Harrison Developments Site to rear of Letter Delivery Office	02/03936/FUL	£371,939	£0	£371,939	Developer has gone into liquidation and full amount cannot therefore be provided. Officers have reached an agreement with the liquidator on a final settlement based on the sale of outstanding ground rents which the liquidator is selling on the open market to interested parties. Money made from this sale will come to the Council minus liquidator costs. S106 being amended to reflect this change in circumstance and officers will then monitor sale to ensure Council receive what can be raised through this sale which is hoped to be between £100 000 and £150 000.
252	Secondsite Property. Former gas works – 24 Heworth Green	03/04046/OUT	£324,956	£0	£324,956	Development not commenced. No payments due.
659	Tiger Developments Frog Hall Public House	11/02210/FUL M	£290,000	£0	£290,000	Development not commenced. No payments due.
715	Tarmac & Blackwell Ouse Acres	11/02943/REM M 07/00056/OUT M	£236,941	£0	£236,941	First trigger point payment of £52676 paid. Next trigger point on occupation of 29 th house. This trigger point not reached. No payments due. Officers continuing to monitor site..
147	S Harrison Developments Slessor Road/ Salmond Road	02/01722/FUL	£123,291	£103,291	£20,000	£20,000 only due if open space transferred to CYC to maintain and this has not currently taken place. Payment not due.

501	Advent Developments Shipton Infant School	07/01633/FUL M	£106,804	£0	£106,804	Development commenced but no payments due yet as no payment trigger points reached as no units are occupied. Officers continuing to monitor.
288	Minster Engineering Co Dennison Street	03/03698/FUL	£98,519	£0	£98,519	Payment due prior to occupation of dwellings Money now paid in full after officers chased overdue payments. No further payments owed.
100	Barratt / Tenneco UK Ltd Manor Lane	01/02205/OUT 02/02308/REM	£85,000 plus open space / education	£152,500		Money now paid. No payments overdue.
33	York University Electronics	99/01778/FUL	£83,200	£0	£83,200	This development was never implemented. No payments due.
605	Uniliving Ltd 6-8 Hull Road	11/00050/OUT M	£82,531	£41,265.50	£41,265.50	Balance due before 12 month anniversary of first payment (09/10/2013). No payments overdue.
675	Daniel Garth Homes The Green Service Station	12/01134/FUL	£76,418	£0	£76,418	Occupation of 1 st house May 2013. Payment due. MP written to developer 25/6 to ask for full payment. Payment received in full July 2013.
	Harrison Devts. Works (vacant), Carmelite Street	12/00327/FUL M	£69,954	£0	£69,954	Development ongoing. No payments due as payment trigger points not reached April 2013. Officers monitoring and further checks to be made July 2013..
	W Legard Bonding Warehouse	07/02519/FUL	£68,692	£0	£68,692	Development not commenced. No payments due.
160	Popeshead Alley Warehouse	02/02941/FUL	£66,308	£16,748.24	£49,559.76	Developer in liquidation. This was final payment from liquidator. No further payments can be made as nobody to enforce against.

534	R Pulleyn Clifton Garage	08/00816/FUL M	£66,280	£0	£66,280	Payment agreed upon occupation of penultimate frontage house. None of the frontage houses currently occupied (July 2013) but officers continuing to monitor.
138	Barratt Homes Woodlands Chase	98/02712/FUL	£58,500	£56,500	£2,000	This is a maintenance payment if CYC maintaining the space. CYC not currently maintaining space so no payments overdue.
	Christian Science Church. Kilburn Road	08/00113/FUL M	£55,574	£0	£55,574	Development was amended resulting in lower S106 payments required totalling only £6252. All payments made, no payments outstanding.
687	Turf Tavern, 277 Thanet Road	12/00087/FUL M	£54,173	£0	£54,173	No development commenced. No payments outstanding.
455	Royal Dragon, 16 Barbican Road	08/02081/FUL M 11/03261/FUL	£50,845	£0	£50,845	No development commenced. No payments outstanding.
	32 Lawrence Street	12/02609/FUL M	£48,566	£0	£48,566	On site preparing ground for commencement but no payments due as no payment trigger points reached. Officers monitoring site..
	Yearsley Bridge Adult Training Centre, Huntingdon Road	11/03269/FUL M	£47,165	£0	£47,165	April 13 - Development commenced but no payments overdue as no payment trigger points hit. Officers due to check site again Aug 2013.
26	Ploughmans Close, Copmanthorpe	99/00237/REM & 98/01891/OUT	£38,000	£35,000	£3,000	With legal re transfer of land for CYC to maintain. Remaining £3000 due upon completion of this transfer.
311	Plot 6b Monks Cross Drive, Huntington	06/02541/FUL M	£33,600	£6,600	£27,000	Unit A complete and payment for that Unit received. No further development expected over next couple of years. No payments overdue.

68	City Hosp White Cross Lodge	00/02491/FUL	£33,278	£0	£33,278	Payment now received in full.
169	20 Fetter Lane, York	04/00922/FUL	£33,166	£0	£33,166	Development commenced 20/05/2008 June 13 - Correspondence out seeking payment.
446	3 Driffield Terrace	08/00931/FUL	£32,204	£0	£32,204	Development commenced 01/10/2009 2008 June 13 - Correspondence out seeking payment.
	Laverack Joinery Unit 1 Birch Park, Huntington	08/00525/OUT M	£31,500	£0	£31,500	No detailed scheme ever submitted. Outline Permission expired. No payments due.
688	British Heart Foundation, 34 Piccadily	11/01437/FUL	£27,275	£0	£27,275	No development commenced. No payments due.
602	The Cygnet Inn, Price Street	11/02372/FUL 10/02755/FUL	£21,390. 83	£10,695. 42	£10,695.4 1	Remaining half due prior to occupation of third dwelling. Officers monitoring but 3rd dwelling not occupied April 13. Only just commenced work on it. Officers due to check site again Aug 2013.
	The French House Antiques, 74 Micklegate	10/01094/FUL	£21,318	£0	£21,318	Development commenced 01/08/2011 Correspondence sent to owner June 13 seeking payment. E-mail to MP 26/6 saying being dealt with and payment will be sent.
104	Persimmon, Leeman Rd	99/01927/FUL	£20,500	£0	£20,500	MP agreed in March 13 that only £5000 due as Leeman Road Relief Road not taken place so this payment not due. £5000 still required though. Despite repeated requests, not received. One final warning issued June 13.
69	Wimpey Homes Site Osbaldwick Link Road	00/00942/REM	£20,000	£0	£20,000	This is a payment towards open space maintenance. CYC not currently maintaining land so no payments overdue.
396	Land adjacent to	07/02384/REM	£19,500	£0	£19,500	Development commenced 21/08/2008 June 13 -

	Derwent County Junior and Infant School, Osbalwick Lane	M				This is a payment towards on site open space maintenance. Land transfer to CYC currently with legal. Payment to be made when transfer agreed.
652	Gladstone, Elvington Lane, Elvington	11/02619/FUL	£18,264	£0	£18,264	Development commenced 05/11/2012 June 13 – Property half built but not occupied. Payment not overdue yet. Officers monitoring site.
593	Groves Working Mens Club, Penleys Grove Street	10/01958/FUL	£16,668	£0	£16,668	Development not commenced. No payments due.
159	The Wilberforce Home, 187 Tadcaster Rd	04/03577/REM	£14,329	£0	£14,329	Payment due prior to occupation of 37th dwelling Payment overdue. Officers chased March/April 13. Payment now received in full.

13/01291/FULM Parkside Committee Update

REVISED PLANS

Amended drawings were received on 19.7.2013 which officers are happy with. Alterations are as follows -

- The side and rear elevations have been updated and the rear wing slightly reduced in footprint.
- Site access changes to give pedestrian priority
- Floor space down to 3,490 sq m (was 3, 624 sq m)

Revised plans

Site plan 201.2 J

Floor plans 202 D

Undercroft 207

Elevations and sections 203 1-4 G and 5B

Landscape drawing

PROPOSED EXTRA CONDITION

CONSTRUCTION MANAGEMENT

Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

The CEMP shall agree that all demolition and construction works and ancillary operations which are audible beyond site boundary or at the nearest noise sensitive dwelling, including deliveries to and dispatch 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.

Continued over ...

All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 (2009) Code of Practice; 'Noise Control on Construction and Open Sites'.

REASON: To protect the amenities of adjacent residents

PARKING ON LOWER EBOR STREET

How commuter parking on Lower Ebor Street could be avoided has been considered by officers. We understand this is already a problem, which could be addressed by introducing resident's parking in the street. However this is not recommended as -

- Lower Ebor Street have opted out of the res-park scheme previously.
- Residents currently have the ability to park on both sides of the street. Due to fire access requirements should a res-park scheme be implemented it is likely that in the region of 50% of on-street parking capacity would be lost. As such it is unlikely that residents would support the scheme.
- The Council already get complaints regarding parking on Lower Ebor Street but to date have not received any requests to include it within a residents parking scheme.
- It would be unreasonable to ask the applicants fund such a process as (in addition to the above) the application site currently has a lawful planning use for commercial activities and therefore it is reasonable to assume could continue to generate levels of employment without the need for further planning consent. Employment which could generate demand for on-street parking in the local area.