

RELEVANT PLANNING HISTORY

1.7 08/00361/FUL: Variation of condition 4 of planning permission 3/104/141/CV/OA - 3/121/131L/OA to allow the subdivision of Unit 9 into 2no. non-food retail units. Permission granted.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary : York City Boundary 0001

DC Area Teams : East Area (2) 0005

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYGP16
Shopfronts

3.0 CONSULTATIONS

EXTERNAL

3.1 Neighbours notified. Consultation expires 19 March 2008. Two letters received. The following concerns were raised:

- it is unclear whether the existing line of trees that blocks the view to the back of the Powerhouse building would remain;
- local wildlife would be disrupted if the existing tree line is to be removed.
- the proposed creation of a new vehicular access to the rear of the retail unit would harm the amenities of the local residents;
- other concerns regarding the development include possible noise pollution, vibrations, exhaust fumes, littering, loss of privacy, disruption to wildlife, unsociable delivery hours, staff using rear exit for lunch breaks or as smoking areas.

3.2 Rawcliffe Parish Council consulted. Response received 10 March 2008. The Council supports this application. Nevertheless the Council is aware of the concerns expressed by a nearby resident and feel that a site visit is necessary and the application is to be determined by committee.

3.3 Safer York Partnership. Response received 16 January 2008:

- It is noted that a considerable amount of litter and old electrical equipment, such as fridges and television's, have been allowed to accumulate in the service area next to the entrance. The service area generally looks run down and currently gives the impression of a 'lack of care and ownership'.
- There have been no crimes recorded against properties whose rear gardens back onto the service yard area.
- It is suggested that the issues around management and maintenance of this site are raised as a condition of planning consent.

INTERNAL

3.4 Highway Network Management consulted. Response received 4 March 2008: No highway implications.

3.5 Environmental Protection Unit consulted. Response received 4 November 2008:

- The unit have concerns about the proposed access road and the potential for noise from deliveries, resulting in loss of amenity for residents living in close proximity to the site;
- However, in view of the proposed number of 1 to 2 delivery vehicles per day, and the building of a new retaining wall to the rear, these concerns are slightly mitigated.
- Conditions to restrict the hours of collections and deliveries (condition 3), to limit the frequency of the deliveries (condition 4) and to require "white noise" reversing sounders to be fitted to and used by all delivery and collection vehicles (condition 5) have been recommended.

4.0 APPRAISAL

4.1 The main issues raised by this application are whether the proposed external works would harm the visual appearance of the area and amenity of the local residents.

4.2 The external alterations are well organised and sympathetic to the existing building. As such it is unlikely that the visual appearance of Clifton Moor Retail Park would be compromised by this development.

4.3 Issues regarding noise and other environmental health concerns associated with the proposed vehicular access have been noted. Further details have been provided, which states the number of deliveries would be restricted to two per day and the delivery hours would be between 8:00am and 6:00pm Mondays to Saturdays. The plan further shows a new retaining wall would be erected to separate the proposed access from the residential properties to the south and to the east of the application site, and that the existing row of trees to the back of the building would not be removed (as confirmed by the applicant's agent dated 9 January 2009). The retaining wall would be located approximately five metres away from the site boundary, thus avoiding any conflict with the trees along the boundary. It is considered by the Environmental Protection Unit that these measures would mitigate the effects the proposal would have on the nearby residents. In order to act as an effective sound barrier, the proposed retaining wall must be at least 2.0m high and constructed of solid materials.

4.4 Conditions restricting the hours of deliveries and collections (condition no.3) and the fitting of "white noise" reversing sounders to all delivery and collection vehicles (condition no.4) have been recommended. In addition, a condition requiring the height and the choice of material of the retaining wall (condition no.5), and a condition requiring the protection of existing trees (condition no.6) have also been recommended. It is not considered that a condition restricting the number of deliveries to two per day would be either reasonable or easily enforceable. It could be the case, for example, that a future occupier may receive a number of deliveries each day from smaller vehicles, causing little or no nuisance to adjacent occupiers, and in such a case a breach of the condition would cause no material harm. Provided that conditions 3, 4, and 5 above are observed and enforced, it is considered that the amenity and living conditions of adjacent occupiers would be adequately protected.

4.4 The current access into the customer parking area and service yard from Hurricane Way would remain unaltered by virtue of this development. Furthermore, the proposal would not result in an increase in retail floorspace. Hence no objections were raised by the Highway Network Management team.

4.5 In accordance with policy GP4a of the City of York Draft Local Plan, a Sustainability Statement which addresses the criteria set out in this policy has been submitted. The proposal would aim to minimise pollution through upgrading the existing heating and cooling system and the insulation of the building. Energy efficient lighting would also be utilised. To promote the efficiency of refuse recycling, more specific bins will be provided where appropriate. The proposal would minimise the use of non-renewable resources and re-use materials already in existence on the development site by re-using an existing unit which has been vacant for a number of years. This is considered to be more sustainable than replacing the existing building with a new structure. The proposed external alteration works would help to improve the appearance of a building which has been disused and poorly maintained for a long period. Such improvement works would in turn enhance the overall character and appearance of the locality. The purpose of the scheme is to attract prospective tenants occupying this long term vacant unit. Hence the renovation works proposed would add to the economic prosperity of Clifton Moor retail park by increasing its attractiveness and thus its long term economic stability and diversity. This would in turn provide increased employment and retail opportunities for the local community, thus avoid the need for additional travel.

4.6 The level of detail provided in the sustainability statement is considered to be adequate for the size and nature of the development proposed. In accordance with the Interim Planning Statement on Sustainable Design and Construction a BREEAM assessment is not required for small scale developments of this nature.

4.7 Planning against crime: With regard to a condition requiring the management and maintenance of the service area, when outline consent was given for the Clifton Moor Retail park in March 1993 (planning ref. no. 3/104/141/CV/OA - 3/121/131L/OA), a condition restricting the stacking or storage of all materials including refuse outside any buildings on the site has already been imposed. It is

recommended that an informative is attached to any planning permission reminding the applicant/future occupiers of their obligations in this respect.

4.8 Having taken the above into account, it is considered that the proposed development accords with the policies set out in the City of York Draft Local Plan 2005 and the Interim Planning Statement on Sustainable Design and Construction. Hence, this application is recommended for approval.

5.0 CONCLUSION

By virtue of the above this application is recommended for approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

BFA-CMY(22)GE0 001, BFA-CMY(20)GA0 001 Rev B and BFA-CMY(02)GA0 001 received 14 February 2008

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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

3 All collections and deliveries from the site shall be confined to the following hours:

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

Reason: To protect the amenity of the nearby residents.

4 White noise reversing sounders shall be fitted to and used by all delivery and collection vehicles at all times when reversing within the application site boundaries.

Reason: to protect the amenity of the nearby residents.

5 Notwithstanding the information shown on the approved drawings, prior to the commencement of development details of the retaining wall, including its height, materials and method of construction, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the retaining wall shall be implemented in accordance with the approved details and shall not be lowered, breached or

removed at any time.

Reason: To protect the amenity of the nearby residents.

INFORMATIVE:

To comply with this condition the retaining wall is expected to be at least 2.0m high from the ground level and constructed of solid materials. A plan showing the relationship between the retaining wall, the existing trees and the nearby residential dwellings is also expected to be submitted for approval.

6 Before the commencement of and during building operations, adequate measures shall be taken to protect the existing trees on this site. This means of protection shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials, the erection of site huts or the commencement of building works.

Reason: The existing trees are considered to make a significant contribution to the amenity of this area.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to visual and residential amenity, highway safety and sustainability. As such the proposal complies with Policies GP1, GP4a and GP16 of the City of York Local Plan Deposit Draft.

2. The applicant is reminded that conditions 8 and 9 of the outline planning consent for the Clifton Moor Retail Park still apply to this site and state the following:

(viii) No materials, products or parts, crates, waste, refuse or any other item shall be stacked or stored outside any buildings on the site without the prior approval in writing of the Local Planning Authority.

Reason: To ensure that the appearance of the area is not prejudiced by the external storage of materials.

(ix) No part of the site outside any building shall be used for the storage or display of any goods or materials without the express consent in writing of the Local Planning Authority.

Reason: To ensure that the appearance of the area is not prejudiced by the external storage of materials.

Contact details:

Author: Billy Wong Development Control Officer

Tel No: 01904 551326

