

COMMITTEE REPORT

Date: 10 February 2011 **Ward:** Haxby And Wigginton
Team: Major and Commercial **Parish:** Haxby Town Council
Team

Reference: 10/01869/FUL
Application at: Somerfield Haxby Shopping Centre The Village Haxby York
For: External alterations including relocation of rear store entrance, roof plant area with timber screen, canopy to loading bay, 2 no. trolley shelters, ATM to front, rooflights to the front elevation, and external staircase to flat roof at the rear of the building.
By: Sainsbury's Supermarkets Limited
Application Type: Full Application
Target Date: 19 November 2010
Recommendation: Approve

1.0 PROPOSAL

1.1 The application is for a number of alterations to the unit including:

- Relocation of the rear entrance from the car park and a new glazed lobby entrance from the car park, with a ramp incorporating a retaining wall and railings;
- A roof plant area on the flat roof above the unloading area, enclosed by a timber screen;
- A canopy above the unloading bay;
- External fire escape stairs to the flat roof at the rear of the building with timber fencing enclosing the base of the stairs;
- Two covered trolley enclosures to the rear of the site, one would be sited against the rear wall of the building adjacent to the proposed new access and the other would be centred within the car park;
- A covered cycle area sited close to the new rear access;
- To the front elevation it is proposed to site an ATM to the left of the main entrance;
- Two windows in the rear elevation of the two storey element; and
- 2 sets of four rooflights to the front roof slope.

The works are part retrospective.

1.2 A number of revised plans have been submitted by the agent either as a result of the applicant altering the proposal or at the request of officers. The differences between the original plans and the most recent revised plans include:

- Two flat roof dormers to the front have been replaced with the proposed rooflights;
- A trolley bay on the front elevation has been removed.
- A proposed steel and acrylic canopy above the ATM protruding approx 1 metre from the front elevation has been removed;

- The rear entrance was previously glazed doors to the rear elevation; it is now a glazed lobby that protrudes from the rear elevation by 2.8 metres;
- The cycle parking has been moved from being adjacent to South Lane to closer to the proposed rear entrance;
- The proposed trolley bays have altered in position;
- The ramped access to the rear entrance is more clearly defined by retaining walls and railings;
- The canopy above the unloading bay has been reduced in depth from 6.5 metres to 3 metres; and
- An external staircase and fencing has been added to the side of the unloading bay (it is unclear if there was an external staircase existing).

1.3 There was no re-consultation with the neighbouring dwellings as most of the revisions took place during the consultation period (consultation period ended 01.11.2010). The most recent revisions (plans submitted 11.01.2011 and 25.01.2011) were for the removal of the canopy above the ATM, and the removal of the trolley bay from the pavement to the front elevation. As this represented a reduction in the amount of development proposed, it was not considered that re-consultation with neighbours was necessary. Further responses from Conservation and Highways Network Management officers with regard to the revised plans are awaited.

1.4 The site is within the Haxby Conservation Area and the Haxby District Centre, as identified on the proposals map accompanying the Draft Local Plan. The site is also in close proximity and within the setting of a listed building opposite the front elevation - 48 The Village. The unit is part of a development constructed in the 1970s (planning permission granted in 1972 - 4/2/492 T). No opening hours were specified as part of this original application. This side of The Village and South Lane is predominantly retail of a modest scale and appearance. The appearance from South Lane of the rear of these properties is a mixture of designs, that do not necessarily reflect the attractive frontages onto The Village. To the south/rear of the site is a large suburban housing estate built in the 1960s - 1970s with a mixture of housing types, and the streets closest to the proposed site have an open, modest, suburban character.

1.5 The application has been called before committee by Cllr. Firth on the basis of the amount of public interest shown in this application. As there have been objections to the proposed scheme a site visit is also required. There are two other applications for this site 10/02418/FUL and 10/01870/ADV both of which are on this agenda.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Haxby CONF

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP18

External attachments to buildings

CYGP3

Planning against crime

CYGP1

Design

CYHE2

Development in historic locations

CYHE3

Conservation Areas

CYGP16

Shopfronts

CYHE6

Shopfronts in historic locations

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT - raise the following concerns:

3.1 Do not share the applicant's view that the existing car park operates within capacity. There is often a high demand for parking within Haxby Shopping Centre and reducing the capacity here by 10 spaces is likely to increase on street parking levels, with consequential risk to the safety of other road users. The adjoining side streets off South Lane are particular vulnerable to a transfer of parking in this respect.

3.2 The submitted drawing shows car park bays within the supermarket car park marked out at 4.5 metres by 2.2 metres. This is substandard when compared to the authority's guidance of 4.8 metres by 2.4 metres.

3.3 Footway widths at the entrance to the site from South Lane narrow sharply on the applicant's drawing, and may force the general public into the carriageway at this point. In addition the applicant appears to want to place advertising signs adjoining the vehicle entrance point.

3.3 It is assumed the intention is for delivery vehicles to reverse into the site as far as the unloading bay. Whilst unloading, the vehicle will obstruct the movements within the car park. During what hours are service deliveries, and how are the managed to prevent disturbance to adjacent residential properties?

3.4 Would like secure cycle parking facilities provided for staff, separate to the customer cycle parking facilities. According to the newspaper reports they are employing 59 members of staff.

3.5 There is heavy pedestrian movement passing to the front of the store during the working day. The extent of what is adopted footway within this area remains somewhat restricted however. New trolley area should be introduced with the minimum impact to the available footway space and would like further details. Would require measures to be taken to control the position of parked vehicles to ensure adequate footway widths are maintained.

3.6 Where is the refuse from the supermarket to be stored and what will be the arrangements for its collection?

3.7 Is there the intention to provide lighting to the car park and what are the arrangements?

CONSERVATION OFFICER - awaiting comments regarding the revised plans submitted 11.01.2011. Original comments as follows:

3.8 It is proposed to install an ATM adjacent to the principal entrance from The Village. It is proposed to erect a stainless steel and acrylic glass canopy above the ATM and a new 'bus stop sign' adjacent. The signage is not intended to be internally illuminated. In combination, the new ATM, glazed canopy and projecting sign, situated adjacent to the large scale internally illuminated applied lettering to the fascia of the principal elevation of the building are likely to have a negative visual impact on the character and appearance of the conservation area and the setting of the listed building opposite at no. 48 The Village

3.9 The proposed two groups of rooflights and the horizontal emphasis they create do not appear appropriate within the immediate context of the conservation area and should be reconsidered. Single roof lights would be preferable.

3.10 Require further details of the canopy over the unloading bay.

3.11 The plant machinery and timber screen would be visible from South Lane. Would require details of the timber screen, the finish of the external staircase, and the fencing.

3.12 The security wire to the perimeter of the roof is likely to detract from the context of the building and the character and appearance of the conservation area.

ENVIRONMENTAL PROTECTION UNIT

3.13 Concerns relate to the replacement of roof mounted plant and the installation of an ATM at the front of the store as these two alterations may result in some loss of amenity for the local residents due to an increase in noise. In the past, complaints have been made to the EPU about noise from early morning or late night deliveries to the store. As this is an application for an extension and other alterations it would be difficult to restrict delivery times to the store by way of a condition, however would like this concern to be noted

3.14 A noise report concerning the replacement roof mounted plant was submitted with the application which assesses levels of the background noise and the noise from the plant / machinery. The report shows that the plant will meet the required design criterion of 10 dB below the lowest measured background level during the proposed period of operation as measured at the nearest residential windows. At night, this is achieved by only one item of plant operating (1No. Mitsubishi MUGA25VB condenser unit). Since then a second noise report has been submitted following a complaint about noise from a local resident. The second report shows that a noise complaint is not justified if only the I.T. Room, air conditioning and refrigeration plant are operational at night, as would be the case. This is in comparison with all associated plant operating there is the possibility that complaints

may justifiable when compared to guideline levels contained within BS4142:1997. The author of the report recommends that any plant items that do not operate during the night should be installed with timer controls to ensure they operate only during trading hours (as per the noise assessment for planning (report PR/EC11006-003, dated 17 Sept 2010). The author also recommends implementing further noise control / attenuation within the plant room to remove the tonal noise element. The lightly tonality at 250Hz was observed to be due to the refrigeration plant located in the internal plant room.

3.15 The ATM is located at the front of the store may cause an increase in late night noise as customers pull up in their cars, slam the car doors and use the machine. However, the EPU have no powers to take action against noise of this type which is generated on the highway.

3.16 Recommend conditions relating to restricting the noise from plant and machinery, and extraction.

EXTERNAL CONSULTATIONS/REPRESENTATIONS

HAXBY TOWN COUNCIL - No objections, however:

3.17 Concerned regarding the drainage, the loss of some car parking spaces, the obstruction of the footpath to the front of the building by the proposed trolley bay.

3.18 Site within a conservation area.

POLICE ARCHITECTURAL LIAISON OFFICER

3.19 The Design and Access Statement submitted makes no reference to crime prevention or how it has been considered in respect of this development.

3.20 With regards to the ATM recommend that it is protected by anti-ram measures such as bollards or raised planters; lighting should be installed to cover the use of the ATM during the hours of darkness; CCTV should be fitted externally to specifically cover the area of the ATM.

3.21 Complaints have been received regarding anti-social behaviour in the area.

3.22 Unclear where the waste bins are to be stored. Should be kept under lock and key and secured.

3.23 The proposed trolley bays and cycle store and covered unloading bay will become a magnet for local youths to congregate. May lead to complaints of crime and anti-social behaviour.

3.24 Rear car park should be covered by a CCTV system.

3.25 Proposed car park lighting should comply with BS 5489.

3.26 Trolleys should not be left out overnight.

3.27 Anti-social behaviour has been reduced considerably in the Haxby area over the past 12 months, there has not been a problem with this site of late.

8 LETTERS OF OBJECTION (2 letters are from the same objector)

3.28 Loss of 10 parking spaces not acceptable, the original 54 spaces were regularly all used. Reduction in spaces will lead to parking in the surrounding residential streets, compounded by the fact that Sainsbury's will attract more trade.

3.29 Object to the dormer windows on the front elevation and directly facing the objectors dwelling, and may cause a loss of privacy. Additional light pollution from these windows.

3.30 Concerns that the plant on the flat roof will lead to additional noise disturbance.

- 3.31 The revised car parking layout will facilitate entry and departure from the site by delivery vehicles in forward gear. This should be conditioned, at present they reverse into the site. Design and Access Statement states that deliveries should be between 07.00 and 08.00 hours, there is no contingency for later deliveries.
- 3.32 The proposed access ramp is above the level of the South Lane footpath; the retaining wall provides a hard edge to the site but creates no barrier between the two levels. Parked cars are prevented from rolling onto the footpath by bollards.
- 3.33 Would like signage indicating 'no ball games'. There are no measures to prevent the car park from being used by skateboarders or cyclists. The height difference between the car park and the footpath creates a jump attraction to skateboarders and cyclists. Noise nuisance from the congregating groups.
- 3.34 Lighting should be appropriate to supporting CCTV.
- 3.35 The surface water drainage system in the car park takes the water to the 10" surface water sewer running under South Lane. The system was inefficient and required regular maintenance, this did not happen and ceased to be fit for purpose 25 years ago. Water consequently drained from the car park, the assumption is that it drains to the same sewer collected by highway gullies. However during heavy rainfall 20% of the water washes up into the grass verges on the south side of the road. The submitted plans indicate that the car park drainage system will be reconnected to Yorkshire Water's sewer on a like for like basis. Sainsbury's have twice stated that they have spoken to Yorkshire Water. Yorkshire Water's planning department state they have not been consulted by Sainsbury's, their agents, or the CYC planning department. When determining the application for 10/01666/FUL - 59 The Village (Officer note: this application is pending, there is an approved application for 4 dwellings at 42 South Lane and to the rear of 59 The Village, and the objector may have meant this application - 07/02590/FUL) the development, using the same sewer, was conditioned that that a holding tank/sump with water pumped into the sewer on a managed basis should be installed prior to development. The Sainsbury's development shall generate more surface water so should be covered by similar constraints.
- 3.36 Concerned that the works are retrospective.
- 3.37 The drawings have been altered during the consultation period causing a moving perspective for interested parties.
- 3.38 The plans lack details - the car park is shown in plan view and do not illustrate the details of the retaining walls, handrails, ramps, bollards, and lighting columns. No measurements of these items and as such issues warranting comment or objection can only be based on speculation or be missed. Incomplete drawings should not be submitted.
- 3.39 Should not be allowed to reduce the quality of life regarding the visual, noise and light pollution. Applications in the conservation area should enhance, not make them worse.
- 3.40 The design of the elevated ramp and entrance will create exaggerated noise from customer and trolley use.
- 3.41 Light sources will cause an intrusive impact and will be in directly viewed from the objectors dwelling.
- 3.42 No justification for the belisha beacons and will add to the light pollution.
- 3.43 The parking restrictions on South Lane (double yellow lines) do not work.
- 3.44 The proposed rear entrance to the building would be more obtrusive to the neighbouring dwellings.
- 3.45 Too many lights for the size for the car park, there is existing street lighting.

3.46 No justification for the trolley shelters and the cycle shelter when there is a loss of car parking spaces.

3.47 The surface of the trolley parks will add to the noise nuisance.

3.48 The plant machinery is louder than that from the previous occupier of the unit. From the plans it seems that the new plant is at the side of the new plant, why is this? The new plant may be smaller than the old but it is taller and protrudes above the screen.

3.49 Is the car park a public car park, and is it owned by the council? If it is a public car park can a time limit on parking be added by other people than the council? Understand that the car park was designated a public car park when the first supermarket was approved, but rumour has it that it is now owned by Sainsbury's and a maximum length of stay will be implemented. Concerned that the limited parking will affect some of the nearby shops and business.

3.50

The supermarket has been managed adequately with the existing rear entrance. The agent quoted health and safety issues with the existing entrance hence their plans for a new entrance which is more obtrusive. Not aware of any accidents or incidents in the history of the building.

4.0 APPRAISAL

RELEVANT SITE HISTORY

07/02006/FUL - 2 no. refrigeration plant units, rooftop plant enclosure, shopfront to be replaced with entrance doors, and covered trolley store for trolley storage area in car park - Approved

The applicant has referred to planning permissions 03/02907/FUL, 05/01067/FUL, and 07/01587/FUL in the Design and Access Statement however these relate to adjacent shopping precinct and not the site in question

KEY ISSUES

1. Visual impact on the building and the conservation area
2. Impact on neighbouring property

ASSESSMENT

PLANNING POLICY

4.1 Planning Policy Statement 1 - 'Planning for Sustainable Development' aims to protect the quality of the natural and historic environment. PPS1 states that good design is indivisible from planning. Design which is inappropriate within its context, or which fails to take opportunities for improving the character and quality of an area or the way it functions should not be accepted. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

4.2 The site is within the Haxby Conservation Area and as such Planning Policy 5 'Planning for the Historic Environment' is relevant. It states that local planning

authorities should seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal (including by development affecting the setting of a heritage asset). In considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations. This understanding should be used by the local planning authority to avoid or minimize conflict between the conservation of the heritage asset and any aspect of the proposals. The consideration of design should include scale, height, massing, alignment, materials and use.

4.3 Policy HE9.5 of PPS5 recognises that not all elements of a Conservation Area will necessarily contribute to its significance. When considering proposals, the LPA should take into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole. Where an element does not positively contribute to its significance, LPAs should take into account the desirability of enhancing or better revealing the significance of the Conservation Area, including, where appropriate, through development of that element.

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

4.5 Policy GP16 'Shopfronts' of the City of York Council Development Control Local Plan states that planning permission for new or alterations to existing will only be granted if the proposals respect the scale, proportion, materials and the architectural style of the building to which they are attached and the area in which they are located.

4.6 Policy GP18 'External Attachments to Buildings' states where planning permission is required for external attachments to buildings permission will only be granted where the design, location, materials and colouring do not significantly detract from the visual appearance of the building or the visual amenity of the area, or the character and appearance of conservation areas.

4.7 Policies HE2 'Development within Historic Locations' and HE3 'Conservation Areas' of the City of York Development Control Local Plan are also relevant to this proposal. These policies expect proposals to maintain or enhance existing urban spaces, views, landmarks and other townscape elements and not to have an adverse effect on the character or appearance of the Conservation Area. Policy HE4 'Listed Buildings' is also relevant in that it states that consent will only be granted for development where there is no adverse effect on the character, appearance or setting of the building.

4.8 Policy HE6 'Shopfronts in Historic Locations' of the City of York Council Development Control Local Plan states that planning permission for new or alterations to the existing shopfronts in conservation areas or on listed buildings will only be allowed if the proposed design preserves or enhances the character of the area or the building.

ATM

4.9 The applicant proposes to install an ATM to the front elevation, to the left of the shop entrance from The Village. The intentions are that the ATM would be surrounded by a large aluminium orange advertising board and with a large bus stop sign above, both advertising the ATM. The advertisement part of the application is dealt with in application 10/01870/FUL. To the left of the unit is the HSBC bank and to the right is the Natwest Bank. On the opposite side of the street there is Barclays Bank, all of which have external ATM facilities. The proposed ATM will be sited in a brick wall set back from the main entrance of the shop. The need for another ATM in this part of the street is not a material planning consideration, however, the proposed ATM is not considered to impact negatively on the appearance of the shopfront within the conservation area. However, it is considered that the proposed advertisements will emphasise its appearance within the streetscene.

4.10 The Police Architectural Liaison Officer has requested anti-ram measures such as bollards or raised planters to protect the ATM. However it was considered that this may impact on the visual amenity of the conservation area. In addition it is noted that the other ATMs in the area do not have such protection.

ROOFLIGHTS

4.11 The 2 groups of 4 rooflights on the front elevation emphasise the horizontal emphasis of the front elevation within the street. A request was made to the agent to reduce the number of rooflights, however they declined to do so, as it would reduce light to the first floor office accommodation and store rooms. The Village has varied, and cohesive frontages with a shared sense of scale. The existing frontage of the unit is slightly out of scale with the surrounding by virtue of its horizontal emphasis, with very little break in the elevation further emphasised by the overlarge fascia spanning approximately two thirds of the width of the unit. The rooflights add further to the horizontal character of the building. Whilst it is acknowledged that the Conservation Officer has concerns regarding this aspect of the proposal, the rooflights break up the large expanse of the roof and as such it is not considered that they unduly impact on the character of the building or the conservation area as a whole. The overall impact is considered to be neutral. The proposed rooflights are not considered to result in a loss of privacy to the dwellings opposite, by virtue of the intervening separation distance (the minimum distance would be 33 metres).

4.12 Two windows are proposed in the rear elevation for the two storey element of the building. By virtue of the significant separation distance to neighbouring dwellings it is not considered that the windows would impact on the residential amenity of the nearby dwellings. The windows are not considered to impact negatively on the visual amenity of this elevation.

PLANT AND TIMBER SCREEN

4.13 The plans show the general siting of the plant machinery area on the flat roof to the rear of the building. No dimensions of the proposed plant have been submitted. However, based on the machinery specification, the height of the machinery would vary from 0.8 to 1.71 metres. The plans indicate that the proposed plant would be placed to the rear of the plant enclosure closest to the two storey element of the building, with the existing plant machinery being in front of the proposed when viewed from South Lane. As such it is unlikely the machinery would be visible from the streetscene by virtue of the angle of sight and the proposed timber screening (1.4 metres in height from the flat roof) from South Lane. It would not be visible from The Village by virtue of the two storey element towards the front of the element screening it from view. It is not considered that it would be visible from the Ashgrove apartment building by virtue of the two storey Natwest building providing screening.

4.14 The noise report submitted by the agent indicates that the plant will meet the required design criterion of 10 dB below the lowest measured background level during the proposed period of operation as measured at the nearest residential windows. At night, this is achieved by only one item of plant operating. Since the application was submitted a complaint has been received regarding noise from the plant machinery, and as a result a further noise report has been submitted. The second report showed that a noise complaint is not justified if only the I.T. Room, air conditioning and refrigeration plant are operational at night, as would be the case. This is in comparison with all associated plant operating, when there is the possibility that complaints may be justifiable when compared to guideline levels. The author of the report recommends that any plant items that do not operate during the night should be installed with timer controls to ensure they operate only during trading hours. The author also recommends that implementing further noise control / attenuation within the plant room to remove the tonal noise element. It is unreasonable to condition the existing plant, however, conditions could be attached in relation to the proposed plant and equipment. As previously mentioned no opening hours were specified on the original application for a retail unit on this site, and as such conditions relating to opening hours would not be appropriate as these may alter in the future. On this basis, it is considered that specific noise levels could be conditioned in relation to specific times instead.

CAR PARK

4.15 Works have been undertaken to the car park, which have altered the layout and reduced the number of parking spaces from 53 to 39 spaces. The car park has been resurfaced; the vehicle entrance to the car park is to remain in the same position. Resurfacing of the car park and the subsequent rearrangement of vehicle parking spaces is not considered to be development and as such does not require planning permission. There has been no increase in the amount of hardstanding and there is an existing drainage system. The agent has submitted sections of the previous car park and the existing; the plans do not show any difference in height apart from the access ramp to the rear shop entrance, which does form part of the application. Highways Network Management have confirmed that the car park is not a public car park and not owned by the Council.

4.16 Additional cycle storage for staff was requested; however the applicant has declined to provide this as they considered that it would result in a further loss of parking spaces. It is not known if the previous occupiers of the site supplied external cycle parking facilities for staff, however it is not considered to be a reasonable to refuse the application on these grounds.

TROLLEY SHELTERS AND CYCLE STORAGE

4.17 The proposed trolley shelters would be sited adjacent to the proposed rear entrance and in the centre of the car park. The shelters would be dark grey powder coated steel framed structures with clear glazed sides and a curved polycarbonate roof. The shelters would be open at one end with a raised strip to prevent trolleys from rolling out of the shelter. The bays would be 4.75 metres in length, 2.24 metres in width and 2.66 metres to its maximum height. There would be a fascia panel at each end of the narrow elevations which would be plum colour with an orange circle with a depiction of a trolley. The proposed shelters are simple in design, their appearance within the car park and when viewed in context of the host building is modest and they are in keeping with the scale of the development, in addition they are not considered to be unduly prominent from South Lane. Neither are they considered to impact negatively on the character of the conservation area in this location.

4.18 The cycle shelter would be sited in front of the glazed lobby at a lower land level. The shelter would be approx 4 metres in length, 2.24 metres in width, with a maximum height of 2.66 metres. The shelter would be a dark grey powder coated steel framed structures with clear glazed sides and a curved polycarbonate roof; the shelter would be open on one side of the longest elevations. The plan does not show any cycle stands (e.g. Sheffield stands) within the shelter and this could be secured by condition. As with the trolley shelter it is simple in design and when viewed against the backdrop of the host building is considered to be in scale and keeping. The shelter is sited close to the eastern boundary partially screening the glazed lobby from the streetscene. To the other side of this boundary is access to a fire escape for the adjacent building; the adjacent building is not residential.

GLAZED LOBBY

4.19 The flat roofed glazed lobby would protrude from the rear elevation by 2.8 metres, would be 4 metres in width and 3 metres in height. There are two ramps sloping up towards the entrance. The glazed lobby is set slightly above the surrounding height of the car park. The lobby would incorporate an aluminium frame and be white in colour. The plans note that the glazing would have frosted vinyl applied internally and as such could not be reasonably used for advertisements. Opaque panels have been proposed above the glazing but no colour has been proposed, this could be conditioned in addition to the colour of the soffits, as an inappropriate colour scheme could increase the impact of the proposed lobby.

4.20 The proposed glazed lobby is considered to be in keeping with the host building and is not considered to be unduly prominent from the streetscene, by virtue of its scale, the significant set back from the street and partial screening provided by the

proposed cycle shelter. The lobby is simple and relatively modest in design and as such is considered to be in keeping with its surroundings. The materials are considered to be acceptable in this location notwithstanding being in a conservation area. The existing building would be bricked up, the materials could be conditioned.

4.21 Two ramps sloping upwards towards the glazed lobby are proposed, the ramps are bounded by a retaining wall and railings. Objections have been raised by neighbours regarding the potential for the use of the car park for anti-social behaviour, however, the area has been used as a car park since the construction of the main building. At the time of the site visit the works to the car park were in progress and as such officers are unable to comment on whether the additional wall and railings would further exacerbate the problems. The Police Architectural Liaison Officer considers that the trolley and cycle bays may act as a shelter for congregating groups potentially leading to complaints, and as such he recommended that the area be covered by a CCTV system. The agent has confirmed they intend to install CCTV to cover both the shop and the car park, the provision of which could be conditioned. In addition the car park is relatively open and allows natural surveillance of the area. A separate application for external illumination of the area (10/02418/FUL) is considered elsewhere on this agenda. committee. As such it is not considered that the alterations covered by this planning application would be likely to increase the anti-social behaviour in the area, subject to the recommended conditions.

FIRE ESCAPE STAIRS AND FENCING

4.22 The proposed fire escape and fenced surround is not considered to be unduly prominent within the streetscene. The works have been undertaken and the fenced surround screens much of the staircase and creates a tidy appearance. It is not clear if the intention is to paint the fence and such it is considered prudent to request more details of the finish of the fence and the staircase through a condition.

UNLOADING AREA CANOPY

4.23 The canopy over the unloading area has been reduced in size. The posts would be galvanised steel and the canopy would be rigid sheeting. The canopy would be supported by 4 posts and would be 4.7 metres in height and 3 metres in depth. As the site is within a conservation area it is considered prudent to request the details of the materials, colour, and finish through a condition. By virtue of being significantly set back from the streetscene and viewed in context of the scale and appearance of the building it is considered to be in scale with the building and not unduly prominent. By virtue of the distance from domestic properties it is not considered to impact on the residential amenity of the neighbouring dwellings

4.24 The cumulative impact of all the additions to the rear elevation and rear car park by virtue of their simple designs are not considered to be unduly prominent and are in scale with the building and surroundings and as such are not considered to unduly impact on the character of this part of the conservation area.

5.0 CONCLUSION

5.1 For the above reasons the proposal is not considered to have a negative impact on the visual amenity of the site, the streetscene when viewed from The Village and South Lane, or the Haxby Conservation Area. The proposals are not considered to cause harm to the residential amenity of the occupants of the nearby dwellings. Subject to the following conditions approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing Number PL03 Revision F received 25 January 2011
Drawing Number PL10 Revision D received 25 January 2011
Drawing Number PL11 Revision B received 25 January 2011
Drawing Number 5220 Revision D received 11 January 2011
Drawing Number 5340 Revision C received 17 December 2010
Drawing Number [G]-6055-D-01 / received 11 January 2011;

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

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

Reason: So as to achieve a visually cohesive appearance.

4 Details of the positions and numbers of CCTV cameras to be installed within the car park, together with details of monitoring/recording points, shall be submitted to and agreed in writing by the local planning authority prior to the construction of trolley and cycle shelters, and prior to the unloading bay canopy and the glazed lobby being brought into use. Once installed, the CCTV cameras and monitoring/recording points shall be maintained in perpetuity and shall be operational at all times, unless any variations are first agreed in writing by the local planning authority.

Reason: To comply with Policy GP3 of the City of York Development Control Local Plan and in the interests of reducing and controlling incidents of crime and disorder that may occur at the premises.

5 Prior to the construction of the cycle shelter hereby approved, details of the cycle parking areas, including the number and type of cycle stands, shall be submitted to and approved in writing by the Local Planning Authority. The shelter shall not be brought into use until the cycle parking areas have been provided in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

6 Full details of the rooflights and the extent of leadwork, 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.

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

Informative: The rooflights and flashings shall be of a conservation specification. The details shall show the rooflights recessed within the roof slope.

7 Any plant items that only operate during the day time and do not operate during the night (11pm - 7am) should be installed with timer controls to ensure the plant only operates during the day (as per the noise assessment for planning (report PR/EC11006-003, dated 17 Sept 2010). All plant and equipment installed on the roof shall operate in accordance with Noise Report submitted by Environmental Equipment Corporation Limited (ref PR/EC11006-003, version 1 dated 17 September 2010) to achieve the design criteria levels given below, as measured at 1m from the nearest residential noise sensitive window.

Period	L _{Aeq} - dB
Daytime/ Evening (07.00 - 23.00hrs)	26
Night time (23.00 - 07.00 hours)	24

Reason : To protect the amenity of local residents.

8 The infill brickwork to block up the existing shop access from the car park shall match the existing brickwork in all respects i.e., bonding, size, colour and texture of bricks and the colour and finished treatment of mortar joints, to the satisfaction of the Local Planning Authority.

Reason: To ensure that the finished appearance is to the satisfaction of the Local Planning Authority.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the amenity of the occupants of nearby dwellings; the visual amenity, character and appearance of the conservation area, streetscene and host building. As such the proposal complies with Policies GP1, GP3, GP16, GP18, HE2, HE3, and HE6 of the City of York Development Control Local Plan (2005) and national planning guidance contained in Planning Policy Statement 5 'Planning for the Historic Environment'.

2. DEMOLITION AND CONSTRUCTION - INFORMATIVE

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

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

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

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

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

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

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

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

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

Contact details:

Author: Victoria Bell Development Management Officer

Tel No: 01904 551347