



### **3.0 CONSULTATIONS**

#### **INTERNAL:-**

##### Environmental Protection Unit

3.1 No objection to the proposal providing replacement odour extraction plant is provided for the units presently in take-away use.

##### Highway Network Management

3.2 Express concerns with regard to the parking layout within the rear yard and requested the submission of a revised layout increasing the allocated spaces by 4. This has now been done.

#### **EXTERNAL:-**

##### Hull Road Planning Panel

3.3 Object to the proposal on the grounds of impact upon the amenity of neighbouring business and residential occupiers and the potential precedent for further even more damaging development.

##### Neighbour Notification and Publicity

3.4 Four letters of objection and one letter of support have been submitted in respect of the proposal:-

- Concern in respect of the availability of parking and service access for neighbouring businesses;
- Concern over impact upon the operation of existing business occupiers within the building;
- Concern in respect of the impact upon the residential amenity of neighbouring occupiers;
- Concern over impact of the construction process upon neighbouring occupiers;
- Concern in respect of potential increases in anti-social behaviour arising from the proposal;
- Concern in respect of the lack of bin storage for neighbouring businesses;
- Concern in respect of the potential precedent for further damaging development.

### **4.0 APPRAISAL**

#### **KEY CONSIDERATIONS:-**

##### **4.1 KEY CONSIDERATIONS INCLUDE:-**

\* Impact upon the residential amenity of existing occupiers;

- \* layout and usage of rear parking area;
- \* impact upon the operation of existing businesses;
- \* impacts arising from construction of the proposal.

#### STATUS OF THE YORK DEVELOPMENT CONTROL LOCAL PLAN:-

4.2 The York Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations in respect of arriving at Development Management decisions although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework.

#### IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING OCCUPIERS:-

4.3 Policy GP1 of the York Development Control Local Plan sets out a firm policy presumption in favour of new development which respects or enhances the local environment, is of a density, layout, scale and mass that is compatible with neighbouring buildings, spaces and the character of the area and ensures that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing. Central Government Planning Policy as outlined in paragraph 17 of the National Planning Policy Framework urges Local Planning Authorities to give significant weight to the safeguarding and provision of a good standard of amenity for all existing and future occupants of land and buildings.

4.4 The application site presently comprises the poorly maintained parking area and service yard associated with the units directly fronting on to Hull Road. A complex of sheltered housing lies directly to the north and a number of the properties backing on to the site from Melrosegate, notably 277 Melrosegate incorporate some residential accommodation overlooking the rear yard. The yard is presently in a poor state of maintenance with open storage of bins associated with the units facing Hull Road detracting from the amenity of neighbouring properties.

4.5 The ground floor of 277 Melrosegate has two windows overlooking the yard in the vicinity of the proposed extension which would be separated from it by a distance of 3.5 metres, although there is no evidence of it being presently occupied for residential purposes. The scheme as originally submitted would have resulted in a significant and detrimental impact in terms of loss of daylight and loss of aspect. The scheme as amended envisages the formation of a splay at the north western corner of the extension and a sun path diagram has been submitted by the applicant which indicates that any harm can be reduced to an acceptable level providing any extension remains single storey.

4.6 In terms of wider impact concern has been raised in respect of the lack of lighting and a clear storage area for bins associated with the retail units. The proposed works provide the opportunity to create dedicated bin storage within the area of each unit whilst providing a formal layout for the parking and service area. The opportunity arises to provide formal lighting to the rear area at the same time which would lessen the potential for anti-social behaviour and improve the standard of amenity for neighbouring occupiers. It is therefore recommended that any permission be conditioned accordingly. The terms of Policy GP1 of the Development Control Local Plan and paragraph 17 of the National Planning Policy Framework can therefore be complied for.

#### LAYOUT AND USAGE OF THE REAR PARKING AREA:-

4.7 The rear yard is presently used as a service area for the adjacent units together with limited parking for the units together with contract parking for others. The yard is presently poorly maintained with the location of parking spaces and service bays poorly defined. There is no specific parking allocated for local residents within the site. Concern has been expressed in terms of the loss of parking space within the site arising from the proposal and the potential for displacement on to adjoining side streets. However, the allocated parking level is within the adopted maximum parking standard and the poor standard of maintenance of the site has resulted in an inefficient use of the site to the detriment of the servicing of the adjacent businesses. At the same time there is limited scope for on-street parking in the locality. A formalised parking layout has been submitted by the applicant and providing any permission is conditioned to secure compliance and a formalised bin storage area is provided then the layout and usage of the rear parking area is felt to be acceptable.

#### IMPACT UPON THE OPERATION OF THE EXISTING BUSINESSES:-

4.8 Concern has been expressed about the impact of the proposed extensions upon the operation of the existing Hull Road units specifically those used for the sale of take away hot food. The proposal is however for the extension of the units and not to create an area of separate use. As such any units remaining in hot food take away use would need to either modify or relocate their existing odour mitigation measures which could be conditioned as part of any permission.

#### IMPACTS ARISING FROM THE CONSTRUCTION OF THE PROPOSAL:-

4.9 Concern has been expressed in relation to the impact of the construction of the proposed extensions on the residential amenity of neighbouring properties and the operation of the surrounding businesses. It is not within the remit of planning control to resist development because of the impact of construction activity. The Control of Pollution Act 1974 exists to protect residents from the harmful effects of activities including construction. A condition is recommended that would restrict development place to the standard working day.

## OTHER ISSUES:-

4.10 Concern has been expressed in respect of the potential of the proposal to increase crime and anti-social behaviour in the locality following on from concerns previously expressed in relation to a proposal to erect student housing at the site(ref:12/01338/FUL) which was subsequently withdrawn. That was however a fundamentally different proposal envisaging the erection of 46 residential units. The current proposal is simply to extend the existing ground floor retail units. The re-ordering of the yard area would at the same time create the opportunity for the provision of lighting and also for a formalised bin store that would to an extent lessen the opportunities for crime and anti-social behaviour.

4.11 Concern has also been expressed that the proposal would set a precedent for other more damaging development within the yard including the resubmission of the previous proposal for student housing. The proposal being considered relates solely to the provision of additional space for the existing business activities and the applicant's reported intentions towards the upper floors of the existing building are not material to the determination of the proposal.

## 5.0 CONCLUSION

5.1 Matmer House comprises a two storey curtain wall clad development comprising retail units with offices above lying to the north of Hull Road and to the south east of the City Centre. Planning permission is sought for a single storey rear extension to the existing retail units 1 to 7 in to the existing parking and service yard. Each extension would be some 4 metres wide and extend back some 6 metres from the rear of the existing premises. The existing parking and servicing yard is poorly maintained and detracts from the wider amenity of the area. Concern has been expressed in terms of the impact of the proposal upon the residential amenity of nearby properties. The proposal is however single storey and has been amended to ensure that the impact upon adjacent properties notably 277 Melrosegate can be restricted to an acceptable level. At the same time the proposal creates the opportunity to regularise the layout of the yard whilst providing formal bin storage and lighting.

## 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 Refs: - MATMER 005 REV and MATMER 002 REV A Date Stamped 23rd July 2014

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

3 VISQ1 Matching materials -

4 All demolition, construction works and other ancillary activities including deliveries to and despatch from the site shall be confined to the following hours:-

Monday to Friday 08:00 to 18:00

Saturday 09:00 to 13:00

Not at all on Sundays and Bank Holidays.

Reason: - To safeguard the amenity of neighbouring residents and to secure compliance with Policy GP1 of the York Development Control Local Plan.

5 Details of all machinery, plant and equipment to be located within the extensions hereby permitted which is audible outside of the boundary when in use shall be submitted to the Local Planning Authority for approval. These details shall include maximum (LA max (f)) average sound levels (LA eq) and octave band noise levels along with any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site otherwise than in accordance with the written approval of the Local Planning Authority. The machinery, plant and equipment and any noise mitigation measures shall be fully implemented and operational prior to the extension hereby authorised being first occupied and shall be maintained as such thereafter.

Reason: - To safeguard the residential amenity of neighbouring properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

6 There shall be adequate facilities for the treatment and extraction of cooking and other odours. Full details of the extraction machinery, plant and filtration systems shall be submitted to and approved in writing before the development hereby authorised is commenced. Once approved it shall be fully installed and operational prior to the extensions hereby authorised being first brought into use and shall be maintained as such thereafter.

Reason: - To safeguard the residential amenity of neighbouring properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

7 HWAY18 Cycle parking details to be agreed -

8 HWAY19 Car and cycle parking laid out -

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9 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the LPA. Such a statement shall include the following information;

- Traffic Management Plan to demonstrate how it is proposed to ensure the continued flow and safety of lawful users of the highway.
- Where contractors will park
- Where materials will be stored within the site
- Measures employed to ensure no mud/detritus is dragged out over the adjacent highway.
- How the car parking will be managed throughout the construction to retain adequate car parking for residents if applicable, staff and customers of the buildings currently utilising the car park.

Reason: - To safeguard residential amenity, highway safety and the free flow of traffic and to secure compliance with Policy GP1 of the York Development Control Local Plan

10 Prior to the commencement of the development hereby authorised full details of the proposed bin stores including details of the means of enclosure and any gates shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason: - To safeguard the residential amenity of neighbouring properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

11 Prior to the commencement of the development hereby authorised full details of any lighting including security lighting with details of numbers, locations and design of fittings to be erected within the rear car park and passage way shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason: - To safeguard the residential amenity of neighbouring properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

## **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:

- i) Clarification of the proposed car parking layout to the rear yard;
- ii) Amendment to the design of the proposed extension to Unit 1;
- iii) The submission of a sun path diagram in respect of the relationship with 277 Melrosegate.

#### **Contact details:**

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