



Notice of meeting of

Planning Committee

To: Councillors R Watson (Chair), Bartlett, Blanchard, Cuthbertson, Hill, Horton, Hyman, Jamieson-Ball, Macdonald, Moore, Reid, Simpson-Laing, Smallwood, I Waudby and Wilde

Date: Thursday, 29 March 2007

Time: 4.30 pm

Venue: The Guildhall, York

AGENDA

Site Visits for this meeting will commence at 12:30 pm on Wednesday 28 March 2007 at Memorial Gardens

1. **Declarations of Interest**

At this point, members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

2. **Minutes** (Pages 3 - 6)

To approve and sign the minutes of the meetings of the Planning Committee held on 20 February 2007.

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 the working day before the meeting. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

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

4. Plans List

This item invites Members to determine the following planning applications:

a) North Of England Clay Target Centre Tinker Lane Rufforth York YO23 3RR (06/02868/FULM) (Pages 7 - 26)

Construction of 9 hole golf course and fishing lake (resubmission) [Rural West York Ward]

b) Site At The Junction A1237 And Wigginton Road Wigginton York (06/02857/FULM) (Pages 27 - 50)

Erection of sports complex comprising 2 storey building including swimming pool, outdoor facilities for cricket, football and tennis, car and cycle parking, landscaping and access from Stirling Road (Haxby and Wigginton Ward)

5. Licensing Act 2003, one year on (Pages 51 - 74)

This report analyses the first years implementation of the Licensing Act 2003 i.e. 24th November 2005–23rd November 2006. The report was referred by the Licensing Act Committee to inform members of the Planning Committee of relevant issues which have arisen from the analysis and in accordance with statutory guidance contained in the Licensing Act 2005.

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

Democracy Officer:

Name: Sarah Kingston

Contact Details:

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

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

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PLANNING COMMITTEE – Thursday 29 March 2007**SITE VISITS****Wednesday 28 March 2007****Members of Committee should meet at Memorial Gardens at****12:30 pm**

| TIME (Approx) | SITE | ITEM |
|--------------------------------|---|-------------|
| 12:30 | Meet at Memorial Gardens | |
| 12:50 | North Of England Clay Target Centre Tinker Lane Rufforth York YO23 3RR | 4a |

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City of York Council

Minutes

| | |
|-----------|---|
| MEETING | PLANNING COMMITTEE |
| DATE | 20 FEBRUARY 2007 |
| PRESENT | COUNCILLORS R WATSON (CHAIR), BARTLETT, HILL, HORTON, JAMIESON-BALL, MOORE, SMALLWOOD, I WAUDBY, WILDE, MORLEY (SUBSTITUTE), SUE GALLOWAY (SUBSTITUTE), LIVESLEY (SUBSTITUTE) AND ORRELL (SUBSTITUTE) |
| APOLOGIES | COUNCILLORS BLANCHARD, CUTHBERTSON, HYMAN, MACDONALD, REID AND SIMPSON-LAING |

44. SITE VISITS

The following site was inspected before the meeting:

| Site | Reason for Visit | Members Attended |
|---|---|--|
| Grass verge opposite Askham Lane junction road A1237 from Askham Bryan Lane to Broad Lane Askham Bryan York | Due to objections and comments received and for Members to familiarise themselves with the site | Cllrs Livesley, Orrell, R Watson and Wilde |

45. DECLARATIONS OF INTEREST

Members were invited to declare at this point any personal or prejudicial interests they might have in the business on the agenda. No interests were declared.

46. MINUTES

RESOLVED: That the minutes of the meeting held on 24 January 2007 be approved and signed by the Chair as a correct record subject to the following amendments:

Minute 43 Resolved 1) be amended to read "Para 2.25 Reference to the East Coast Main Line amended to *York to Scarborough line*

Cllr Horton requested that his opposition to the access road arrangements detailed in resolution 19) be noted.

47. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak, under the Council's Public Participation Scheme, in general issues within the remit of this committee.

48. PLANS LIST

Members considered reports of the Assistant Director, Planning and Sustainable Development, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views and advice of consultees and officers.

48a Grass verge opposite Askham Lane junction road A1237 from Askham Bryan Lane to Broad Lane Askham Bryan York (06/02604/GRG3)

Members considered a General Regulations (Reg3) application, submitted by City of York Council, for a proposed roundabout and associated measures to replace three existing junctions on the A1237 at Askham Lane, Askham Bryan Lane and Moor Lane including new link roads, drainage, signing, lighting and landscaping.

Officers updated that they had received no objections from Askham Bryan Parish Council and Askham Lane Nurseries to the revised layout plan, which was available for Members to view at the meeting.

Representations were received from Dr Hartley in objection to the application, as a resident of Askham Bryan and chair of the Askham Bryan play area. He stated that he accepted the case for a roundabout for Moor Lane/Askham Lane but not for the inclusion of Askham Bryan Lane, and would prefer a 4 arm roundabout maintaining Askham Bryan Lane junction but with no right turn. He also raised issues regarding access, safety, easing congestion and costs.

Representations were received from Stephen Flatley, as a resident on the Woodthorpe side of the roundabout. He stated that the rural aspect of the area would be lost and he had concerns regarding a possible future dual carriageway, and also the light impact.

Dave Webster spoke in support of the application on behalf of the applicant. He stated that the proposed roundabout would replace three existing junctions, and consultation had taken place with the residents of Woodthorpe, Askham Bryan, and Westfield. He stated that a detailed transport assessment had been carried out, and the modelling matches with the consultation results. The scheme includes cyclist and pedestrian facilities and extensive landscaping.

Mr Carbert spoke on behalf of Askham Bryan Parish Council. He stated that the Parish Council would like access only signs at the junction of Askham Richard Road and the A64 roundabout, that the weight limit on Askham Fields Lane be reinstated, that the footpath/cycle lane be designed to prevent use by motorcycles/scooters. He requested that bunding be increased and that lighting be low in height and inward facing.

Cllr Hopton spoke as a Ward Councillor. She stated that the proposal compromised residential amenity and would increase the traffic through the village. She stated that the proposal would not benefit the Askham Bryan lane junction, nor the residents of Askham Bryan and would cause additional problems for this area. She stated that the audit consultants views were that the proposal could increase the number of accidents. She supported a 5 armed roundabout. If the application was approved she requested that additional conditions be added regarding a weight limit through Askham Bryan village and village access only, and a foot/cyclepath on Askham Bryan Lane.

Cllr Macdonald spoke as a Ward Councillor. He stated that he supported the comments of the Parish Council regarding the height of the bunding. He stated that signing should be consistent, and that if Members were minded to approve the application a condition should be included for village access only for Askham Bryan. He queried if there would be additional traffic, and raised issues regarding lighting and requested a condition regarding the lighting if Members were minded to approve the application.

Members discussed the size of the proposed roundabout, and were informed that it was 80m in diameter. They also discussed the available accident statistics for the area of road. Landscaping schemes and hedging was raised, and Members were informed that approximately 1000m of hedging would be affected but the amount of new hedging exceeds this figure.

Officers updated that conditions could not be imposed regarding a weight limit or access only restrictions as these were not planning issues.

A motion to refuse the application on highway, environmental and cycling grounds was proposed by Cllr Horton and seconded by Cllr Smallwood. The motion was put to the vote and the motion was lost.

RESOLVED: That the application be approved subject to the conditions outlined in the report.

REASON: The proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to visual/residential amenity, area wide traffic levels or the open character of the designated Green Belt. As such the proposal complies with PPS1 and PPG2 and Policies T18, GB1 and GP1 of the City of York Development Control Draft Local Plan.

COUNCILLOR R WATSON
CHAIR

The meeting started at 4.30 pm and finished at 6.05 pm.

COMMITTEE REPORT

Committee: Planning Committee **Ward:** Rural West York
Date: 29 March 2007 **Parish:** Hessay Parish Council

Reference: 06/02868/FULM
Application at: North Of England Clay Target Centre Tinker Lane Rufforth York YO23 3RR
For: Construction of 9 hole golf course and fishing lake (resubmission)
By: Philip Thompson
Application Type: Major Full Application (13 weeks)
Target Date: 30 March 2007

1.0 PROPOSAL

1.1 The applicant seeks planning approval to construct a 9 hole golf course, with associated contouring, landscaping and fishing lake. (resubmission)

1.2 The application site is located within the designated Green Belt and the Minerals & Waste - Area of Search for Minerals (MW1) allocation on the City of York Proposals Map (April 2005).

1.3 The site and existing field boundaries are currently dominated by both managed and fragmented hedging. Mature tree species also exist within and along the aforementioned field boundaries.

1.4 The flat topography of this area has necessitated the construction of dykes to aid drainage. Smawith Dyke is particularly prominent within the site. Shallower drainage channels follow the lines of past field boundaries that no longer exist.

1.5 The "Reconnaissance Agricultural Land, Classification Survey" (ALC) Survey, Report and Map, February 1999. (Farming and Rural Conservation Agency) rates the agricultural land as being Grade 3b; moderate quality agricultural land. Generally this land consists of poorly drained soils with medium clay loam, heavy clay loam or clay topsoils directly overlying gleyed and slowly permeable clay subsoils.

1.6 Currently the application site is used for the grazing of bullocks.

1.7 The application site borders the North of England Clay Target Centre to the east, Low Moor Lane to the north and is equidistant to the villages of Hessay and Rufforth.

Relevant History

06/01991/FULM - Construction of 9 Hole Golf Course and Fishing Lake - Withdrawn 13th November 2006

01/02756/FUL - Formation of Fishing Lake - Approved 11th July 2002

This approval remains valid until July 2007.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

2.2 Policies:

CYGP4A
Sustainability

CYGP14
Agricultural land

CYGB1
Development within the Green Belt

CYGB3
Reuse of buildings

CYGB13
Sports facilities outside settlements

CYT4
Cycle parking standards

CYL3
Criteria for golf course/driving ranges

CYMW1
Areas of search for sand and gravel

3.0 CONSULTATIONS

INTERNAL

3.1 YORK CONSULTANCY (Drainage) - No Objections.

"However, raising of the existing ground levels in this north-east section (adjacent to hole 7) should be minimised to prevent loss of flood storage area."

3.2 CITY DEVELOPMENT - No Objections - (Policy guidance provided)

3.3 SPORT AND ACTIVE LEISURE PARTNERSHIP - Support the application as they "are keen to develop and support new facilities that will increase opportunities for participation in Sport and Active Recreation activities".

3.4 ENVIRONMENTAL PROTECTION UNIT - No Objections (Conditions and Informatives to be included).

3.5 LIFELONG LEISURE AND LEARNING - No Objections

"While the facility will not have a significant impact on the provision of outdoor sport and recreation opportunities in the city we would welcome its development as it would offer some opportunities in the west of the city"

EXTERNAL

3.6 ENVIRONMENT AGENCY - No Objections (Conditions Included)

The Agency has no objections to the proposed development but wishes to make the following comments:

"Nothing other than inert excavated natural materials shall be tipped on the site"

3.7 MARSTON MOOR INTERNAL DRAINAGE BOARD - do not object to the proposals in principle but believe that there is a number of details that require to be provided by the applicant before the Board are happy to accept that there will be no impact.

Therefore at this time the Board requires that any approval granted to the proposed development includes conditions.

3.8 NATURAL ENGLAND - No Objections (Informatives Included)

3.9 YORKSHIRE WATER - No Objections (Conditions and Informatives Included)

3.10 HESSAY PARISH COUNCIL - No Objections (Comments Included)

- * Two applications are required one for a tip and one for the golf course.
- * Application should be called in by the Secretary of State, due to the City of York Councils financial interest in the site.
- * Concerned about where the extracted clay will be extracted to.

- * Concerns about the impact on Oak View, Low Moor Lane.
- * Impact upon the Yorkshire Water sewerage pipe.

3.11 PARISH OF RUFFORTH AND KNAPTON - No Objections. The following comments were made:-

- * Noise Controls should be introduced during construction.
- * Concern over a possible increase in traffic.
- * Condition should be included to prevent future floodlighting.

3.12 Three letters of objection has been received regarding the applicants' proposals. The following concerns have been raised.

- * Increased noise, traffic and pollution.
- * Adequate provisions for fishing already exists in the area.
- * Loss of wildlife habitats and grassland.
- * Concerns about the extraction of clay down to a depth of two metres.
- * City of York Councils financial interest in the site has not been declared.
- * There is no demand for a golf course.
- * Concerned about access through Hessay village.
- * Visual Impact of bunding.

4.0 APPRAISAL

KEY ISSUES

- * Planning Policy
- * Visual Impact
- * Access/Vehicular Movements
- * Drainage/ Contouring/Importation of Recovered Soil
- * Landscape/Environment
- * Flood Compensatory Measures
- * Impact upon Designated Green Belt

PLANNING POLICY

4.1 Policy GP14 (Agricultural Land) states that planning permission will only be granted for development that would result in the loss of the best and most versatile agricultural land (defined as grades 1,2 and 3a) if an applicant can clearly demonstrate that very special circumstances exist which determine that the proposal can not be located elsewhere.

The proposed site is located on grade 3b agricultural land as indicated above.

4.2 Policy GB1 - Development in the Green Belt states that within the Green Belt, planning permission for development will only be granted where:

- a) the scale, location and design of such development would not detract from the open character of the Green Belt; and

- b) it would not conflict with the purposes of including land within the Green Belt; and
- c) it would not prejudice the setting and special character of the City of York;

AND it is for one of the following purposes (includes relevant criteria only)

essential facilities for outdoor sport and outdoor recreation; or
cemeteries

or

reuse of existing buildings.

All other forms of development within the Green Belt are considered inappropriate. Very special circumstances will be required to justify instances where this presumption against development should not apply.

4.3 Policy L3 - Golf Courses and Driving Ranges states that applications for golf courses and driving range development will be permitted providing:

- a) the proposal would not have an adverse effect on the landscape, the dominant features of which should be retained; and
- b) new buildings are kept to the minimum in line with the operational requirements of the activity; and
- c) proposals would not lead to the loss of existing public rights of way and would exploit the opportunity to provide new public access to the countryside; and
- d) the proposal does not involve development on the best and most versatile agricultural land (defined as grades 1,2, or 3a); and
- e) proposal would not be visually intrusive due to the use of floodlighting or extensive fencing.

4.4 Policy GB3 - Reuse of Buildings states that outside defined settlement limits planning permission for the reuse of buildings within the Green Belt and open countryside will be granted provided:

- a) the reuse does not have a materially greater impact than the present use on the openness of the Green Belt; and
- b) the buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction; and
- c) the proposed reuse will generally take place within the fabric of the existing building and will not require extensive alteration, rebuilding or extension; and
- d) the form, bulk and general design of the buildings are keeping with their surroundings; and
- e) the buildings are not in close proximity to intensive livestock units or other uses that may result in a poor level of amenity for the occupier of the building; and

- f) there is already a clearly defined cartilage.

4.5 Policy GB13 - Sports Facilities Outside Settlement Limits states that within the Green Belt or open countryside proposals for the development of essential ancillary facilities for outdoor sport or recreation will be permitted where:

- a) the facilities are essential to support the outdoor provision; and
- b) the facilities are kept to a scale consistent with the requirements of the outdoor recreational activity; and
- c) there are no opportunities to provide the built facilities in adjacent settlements; and
- d) any new buildings or structures and associated parking do not detract from the openness of the Green Belt or open countryside or result in the coalescence of settlements; and
- e) the proposal will not compromise grades 1,2 or 3a agricultural land.

Proposals for non-essential facilities even if they are considered to complement the principle outdoor activity (e.g. additional function rooms, indoor leisure) are inappropriate developments. In such cases the applicant would be required to demonstrate very special circumstances to justify why the presumption against development should not apply.

The proposed site is rated as grade 3b agricultural land.

4.6 Policy MW1 - Minerals and Waste (Areas of Search) is to provide flexibility in meeting demand for aggregate minerals and will safeguard the meeting of demand for sand and gravel extraction beyond the period of the Local Plan. The proposed development is deemed not to compromise the area of search and the meeting of demand for sand and gravel extraction.

4.7 Policy T4 - Car and Cycle Parking states that the provision of cycle parking will be required in accordance with the standards set out in Appendix E of the Development Control Draft Local Plan. Information regarding car parking standards is also set out in the aforementioned Appendix E. Comments should also be received from the Highways Department.

4.8 Policy NE1 'Trees, Woodlands and Hedgerows' the aforementioned, which are of landscape, amenity, nature conservation or historical value, will be protected by:

- * Refusing development proposals, which result in their loss or damage; and
- * Requiring trees or hedgerows which are retained on development sites to be adequately protected during any site works; and
- * Making tree preservation orders for individual trees and groups of trees which contribute to the landscape or local amenity; and
- * Making hedgerow retention notices where appropriate to protect important hedgerows and; ensuring the continuation of green/wildlife corridors.

4.9 NE2 'Rivers and Streams Corridors, Pond and Wetland Habitats' states that development which is likely to have a detrimental impact upon the natural features of

the river and stream corridors, ponds or wetland habitats will not be permitted. Their environmental and amenity value will be conserved and enhanced by:

- * Protecting existing natural features and marginal vegetation and encouraging their reinstatement when lost;
- * Resisting development that would have adverse impact on their landscape character
- * Promoting the maintenance, enhancement and , where appropriate, the restoration of their character;
- * Ensuring the design of structures and engineering works are appropriate in form and scale to their setting.

4.10 NE3 'Water Protection' states that when determining applications, account will be taken of any impact the development will have on watercourses, open water or underground water supplies. Development proposals will be expected to minimise any adverse effects on these sources.

4.11 GP15a "Development and Flood Risk" states, there will be a presumption against built development (except for essential infrastructure) within the functional floodplain outside existing settlement limits.

Proposals for new built development on previously undeveloped land outside defined settlement limits will only be granted where it can be demonstrated that the development will not result in the net loss of floodplain storage capacity, not impede water flows and not increase flood risk elsewhere.

4.12 GP4a "Sustainability" Policy GP4a: Sustainability

Proposals for all development should have regard to the principles of sustainable development as summarised in criteria a to i below.

All commercial and residential developments will be required to be accompanied by a sustainability statement. The document should describe how the proposal fits with the criteria listed below and will be judged on its suitability in these terms.

Development should:

- a) provide details setting out the accessibility of the site by means other than the car and, where the type and size of the development requires, be within 400m walk of a frequent public transport route and easily accessible for pedestrians and cyclists;
- b) contribute toward meeting the social needs of communities within City of York (including, for example, housing, community and recreational facilities, car clubs, recycling facilities and communal laundry blocks) and to safe and socially inclusive environments;
- c) maintain or increase the economic prosperity and diversity of the City of York and maximise employment opportunities (including supporting local goods and services providing training and employment for local unemployed and young people);

- d) be of a high quality design, with the aim of conserving and enhancing the local character and distinctiveness of the City;
- e) minimise the use of non-renewable resources, re-use materials already on the development site, and seek to make use of grey water systems both during construction and throughout the use of the development. Any waste generated through the development should be managed safely, recycled and/or reused. The whole life costs of the materials should be considered;
- f) minimise pollution, including that relating to air, water, land, light and noise;
- g) conserve and enhance natural areas and landscape features, provide both formal and informal open space, wildlife areas and room for trees to reach full growth;
- h) maximise the use of renewable resources on development sites and seek to make use of renewable energy sources, such as heat exchangers and photovoltaic cells;
- i) make adequate provision for the storage and collection of refuse and recycling.

4.13 PPS1 - Delivering Sustainable Development (Paragraph 1) states that good planning contributes towards environmental protection. Paragraph 19 states that planning authorities should seek to enhance the environment as part of development proposals.

4.14 Planning Policy Guidance Note 2 'Green Belts' sets out the purposes of including land within Green Belts and establishes specific categories of development that are appropriate within Green Belts. All other development is deemed inappropriate and therefore harmful to the Green Belt. For such development to be acceptable in Green Belts very special circumstances must be demonstrated to show that the harm is outweighed by other considerations. Policy E8 of the North Yorkshire County Structure Plan establishes a Green Belt around the City of York and Policy E9 states that planning permission will only normally be granted for the change of use or redevelopment of existing buildings in connection with agriculture, outdoor sport, cemeteries or large institutions and 'other uses appropriate in a rural area'. The boundaries of the Green Belt are detailed on the Proposals Map of the City of York Local Plan Deposit Draft (CYLPDD) and this site clearly falls within the Green Belt.

4.15 Planning Policy Statement 7 "Sustainable Development in Rural Areas" sets out the Government's planning policies for rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas.

4.16 Planning Policy Statement 9 "Biodiversity and Geological Conservation" sets out planning policies on protection of biodiversity and geological conservation through the planning system..

4.17 Planning Policy Guidance 13 "Transport" objectives are to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.

4.18 Planning Policy Guidance 17 "Planning for Open Space, Sport and Recreation" sets out the policies needed to be taken into account by regional planning bodies in the preparation of Regional Planning Guidance (or any successor) and by local planning authorities in the preparation of development plans (or their successors); they may also be material to decisions on individual planning applications.

4.19 Planning Policy Statement 25 "Development and Flood Risk" sets out Government policy on development and flood risk. It's aims are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk. Where new development is, exceptionally, necessary in such areas, policy aims to make it safe, without increasing flood risk elsewhere, and, where possible, reducing flood risk overall.

VISUAL IMPACT

4.20 The nature of the surrounding topography and the lack of extensive habitation or public access, in close proximity to and across/around the site respectively, mitigates the visual impact of the development significantly. The villages of Hessay and Rufforth (the latter's Parish Council submitting no objections) are both located at a lower level than the site and significant vantage points are limited.

4.21 The visual impact is further mitigated by the following distance provisions:-

Distance from Junction of Low Moor Lane to nearest Golf Course boundary = 451 metres.

Distance from Mizpath Cottage(nearest dwelling) on Shirbutt Lane = 480 metres.

Distance from Mizpath Cottage(nearest dwelling)on Shirbutt to the proposed first tee = 1230 metres.

Distance from the Defined Settlement Limit of Hessay to nearest Golf Course boundary 600 metres.

4.22 Peripheral bunding to a height of 3 metres (used to define and contour the course) in conjunction with significant tree, shrub and grass planting (although visible as individual landscape components)screen any proposed earth works, land surface contouring or additional water bodies from most viewpoints other than those immediately adjoining the site.

4.23 Photographs illustrate clearly the limited visual impact, from a number of relevant vantage points, including the Rufforth Hall and Middlewood Close, Rufforth and Low Moor Lane, Hessay.

ACCESS/VEHICULAR MOVEMENTS

4.24 The proposed golf course and fishing pond will be accessed from Wetherby Road, using the partially shared (with Yorwaste Ltd)metalled access road. The

aforementioned road already services the North of England Clay Target Centre and has provisions for vehicles to pass.

4.25 No access has been proposed from Low Moor Lane.

4.26 Vehicle movements to and from the Clay Target Centre, using the only access/exit road on Saturday and Sunday (the Centres busiest day) currently stand at 40 vehicles per day. The majority arrive between 9am and 1pm, staying for approx. 2-3 hours.

4.27 A nine hole golf course can accommodate 36 players at anyone time (based on 9 fourballs). Most fourballs are anticipated to play 18 holes, with tee off times restricted to 20 minute intervals, therefore 12 players are expected to tee off every hour. On competition days the shooting ground will be closed, therefore the maximum number of vehicles using the site roads and car parks at the most concentrated times will be approx. 28 per hour.

4.28 On none competition days playing groups will often consist of 1, 2, 3 and 4 players, teeing off at sporadic times, therefore in order to estimate a reasonable worse case scenario a figure of 10 players per hour has been used arriving in 8 cars.

4.29 Highway Network Management have no objections to the proposal.

DRAINAGE/CONTOURING/IMPORTATION OF RECOVERED SOIL

4.30 The application site is very flat and low lying. This not only reduces the interest in golfing terms, but also prevents the necessary levels of surface water drainage required to keep a golf course in a playable condition throughout the year.

4.31 The impeded nature of the existing drainage means that the required shaping is unachievable through cut and fill; it is therefore necessary to import recycled soils and sub-soils to create the new grades. The new holes will be graded with positive falls in all directions of around 5%, and raised to allow invert above the water table. Flows will be directed into the existing dyke network and proposed ponds, avoiding an increase in water levels in low areas around existing trees.

4.32 Both "Marston Moor Internal Drainage Board" and "York Consultancy" have no objections to the applicants' proposals, however conditions have been imposed requiring the submission more detailed and specific plans for future approval.

4.33 The applicant proposes to import approx 620,000 tonnes of fill to create the desired landforms. The exact quantity of imported soils required to achieve this volume depends on the level of settling out combined with the compaction that occurs.

4.34 Imported materials will consist of excavated, uncontaminated earth spoils and soils from Harewood Whin. All the tipped materials will be free from litter and putrescible/biodegradable matter. The Environment Agency in their consultations require this to be the case and relevant conditions have been imposed.

4.35 Materials will be transported across land using an existing network of tracks. The development therefore serves a dual purpose by providing an outlet for the surplus materials and eliminating the problem of alternative disposal.

LANDSCAPE/ENVIRONMENT

4.36 In parts the landscape will be raised approx. 3 metres (principally in the south west corner, along the north eastern boundary and either side of Smawith Dyke). Slopes will gradually incline for ease of management and to bolster their suitability for habitat creation.

4.37 Generally though, the areas between the aforementioned high points will be raised approx. 1 metre above existing ground levels with the exception of higher golf hole detailing. Area around retained landscape features will be remain as existing.

4.38 The majority of mature trees and hedges will be retained and it is not anticipated that there will be any loss of historic features or boundaries. Bunding and other golf course contouring will be formed and located to secure the future wellbeing of the aforementioned trees. At the request of the Local Planning Authority, a distance of 12 metres (minimum) as been provided to ensure earthworks are not carried out under existing tree canopies. With the existing grassland being largely devoid of wildlife habitats, the proposed alterations along with new planting are considered to enhance the scale and range of habitats increasing the richness and diversity.

4.39 Landscaping has been divided into 5 distinct categories, which cumulatively, along with existing landscape features combine to improve both the visual/wildlife interest of the golf course.

Woodland Block Planting - will consist of mixed native tree/shrub planting. Whips (0.6 - 0.9m) will dominate, however some feather standards (1.8 -2.7 m) will be planted amongst them, providing immediate height and interest. Woodland planting will dominate the eastern boundaries, however small clusters of planting are proposed centrally.

Hedgerow Planting - hedgerows containing Hawthorn, Blackthorn, Hazel, Field Maple, Holly and Dogwood (1300 metres in total) will be planted along the northern field boundary with Mullingar Farm House and the eastern boundary with the adjoining property "Moor Villa Farm. Additional planting is also proposed to bolster existing field boundaries. The benefit of such planting it threefold; firstly it screens the golf course from the aforementioned properties, secondly it improves wildlife corridors and finally it increases available habitat for a range of species.

Marginal Planting - native species planting around the proposed water features.

Grass Seeding - will be introduced to provide a high quality playing surface as well as providing valuable habitats for wildlife. This latter is particularly pertinent in the areas set aside as both semi and deep rough.

Wildflower Planting - drift of wildflowers will be seeded sporadically across the site, to be managed/harvested for the benefit of insects and other wildlife species.

4.40 The Countryside Officer for the Local Authority also considers the proposals to have little impact on existing wildlife interests and foresees considerable potential for wildlife enhancement, particularly with the amount and mix of native planting proposed.

FLOOD COMPENSATORY MEASURES

4.41 The course is not adjacent, or close to major watercourses. Smawith Dyke, which flows through the site, drains local field runoff and does not have a significant catchment to contribute to flows. The Environment Agency's flood zone map does not indicate that flooding of the course site from Smawith Beck is likely.

4.42 The aforementioned flood zone map does show two parts of the site, where flood risk issues should be considered prior to the construction. These areas include:-

- a) a minor watercourse that forms the western boundary of the site (though the risk is confined to the banks of the channel). To mitigate any impact no grading works are proposed within 8 metres of the bank top.
- b) The north eastern corner of the site lies within Flood Zone 2. This area is not a flow route, with flooding resulting from the backing up of a watercourse running north towards Poppleton and the Ouse.

4.43 To address (b), Compensatory Storage will be incorporated into the scheme. Calculations taking into account the difference between current ground elevations (18.20M AOD) and those required to form the golf course, it was determined that there would be a loss of 1613 cubic metres of floodplain storage. To mitigate the loss of the available floodplain a calculated area within the north eastern corner (running adjacent to the Low Moor Lane boundary) will be lowered to 18.05m AOD.

IMPACT UPON THE DESIGNATED GREEN BELT

4.44 The facilitation of outdoor recreation within the designated Green Belt is considered to be an appropriate form of development under Policy GB1, providing it meets certain criteria. Criteria (a) "the scale, location and design of such development would not detract from the open character of the Green Belt" is most pertinent in this instance.

4.45 The aforementioned bunding by virtue of its proximity to existing field boundaries will be visible from certain vantage points (in particular Low Moor Lane), however the open expanses of grasslands and mature field boundaries which would appear to "characterise" this particular site and those areas surrounding have been retained in the main and are only significantly adapted to accommodate specific features of the golf course.

4.46 Currently, there are very few direct views across the application site from beyond designated boundaries. Views are continually interrupted by the

aforementioned landscape features; although this is admittedly compounded by the proposed bunding and contouring in places, the open countryside can still be enjoyed through the adaptation of personal vantage points as is the case currently.

4.47 Policy L3 "Golf Courses and Driving Ranges" requires golf courses not to "have an adverse effect on the landscape, the dominant features of which should be retained". By virtue of the requirement to consider the overall impact upon the designated Green Belt, the same conclusions as set out above are relevant in this instance.

5.0 CONCLUSION

5.0 The proposed 9 hole golf course is considered to be an appropriate form of development within the designated Green Belt. In terms of design, the proposed topography, course design and landscaping, all combine to provide significant interest to this low grade agricultural land, for wildlife, golfers and other countryside users.

The construction processes and indeed usage following completion, will have little impact upon the amenity currently enjoyed by the villages of Rufforth and Hessay as well the residents of neighbouring properties, in particular Mullingar Farm, Moor Villa Farm and other properties on Low Moor Lane.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2

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

To be completed on the receipt of revised plans

or any plans or details subsequently agreed in writing by the Local Planning Authority as an 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 Unless otherwise agreed in writing by the local planning authority, no building or other obstruction, including trees and ground level changes, shall be located over or within 3 (three) metres either side of the centre line of the sewer, which crosses the application site.

Reason: In order to allow sufficient access for maintenance and repair work at all times.

- 4 No materials other than inert excavated natural materials from Harewod Whin shall be tipped on the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent pollution of the water environment and in the interests of visual amenity.

- 5 No development shall take place until (a) the applicant has secured the implementation of an agreed programme of archaeological work (archaeological evaluation to include geophysical survey and trial trenching) which has been agreed in writing by the LPA and submitted a report on the evaluation to the LPA and these have been agreed in writing by the LPA and (b) the applicant has secured the implementation of an agreed programme of archaeological mitigation measures (such measures to record any archaeological features and deposits which will be destroyed or damaged by the approved development) which has been agreed in writing by the LPA.

Reason: This development may have an effect on archaeological deposits which may be preserved within the site and this effect must be kept to a minimum.

- 6 LAND1

- 7 Prior to the development commencing details showing the point of discharge of or overflow from the ponds, along with details of how such a discharge operates shall be submitted for the written approval of the Local Planning Authority.

Reason: So the Local Planning Authority may be satisfied with these details for the proper drainage of the site

- 8 Prior to the development commencing details showing the condition and ability of existing ponds to accept surface water discharge shall be submitted for the written approval of the Local Planning Authority.

Reason: So the Local Planning Authority may be satisfied with these details for the proper drainage of the site

- 9 Prior to the development commencing details showing the condition and ability of existing watercourses to accept surface water discharge shall be submitted for the written approval of the Local Planning Authority.

Reason: So the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

- 10 Prior to the development commencing full details of all Smawith Dyke crossings shall be submitted for the written approval of the Local Planning Authority.

Reason: In the interests of good watercourse management and user safety.

- 11 No development approved by this permission shall be commenced until details of any temporary works, in, under, over or adjacent to the watercourse have been submitted to and approved by and implemented to the satisfaction of the Local Planning Authority.

REASON : To maintain the watercourse whilst works are carried out.

- 12 A strip of land 9 metres wide adjacent to the top of both banks of all watercourses on Site shall be kept clear of all new buildings and structures (including gates, walls, fences and trees) unless agreed otherwise in writing with the Local Planning Authority. Ground levels must not be raised within this area.

REASON : To maintain access to the watercourse for maintenance or improvements.

- 13 All drainage routes through the Site shall be maintained both during the works on Site and after completion of the works. Provisions shall be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the Site are not adversely affected by the development.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

Informative

Drainage routes shall include all methods by which water may be transferred through the Site and shall include such systems as "ridge and furrow" and "overland flows". The affect of raising Site levels on adjacent property must be carefully considered and appropriate measures taken to negate influences.

- 14 No development approved by this permission shall be commenced until a Scheme for the provision of surface water drainage works has been approved by the Local Planning Authority . Any such Scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

- 15 An assessment of the contamination status of soils brought onto site shall be undertaken. The results of the investigation shall be submitted to and

approved by the local planning authority in writing prior to any development commencing on the site.

Reason: to Protect the Health of users of the golf course

- 16 No access to the site shall be taken from Low Moor Lane, Hessay, by vehicles associated with the construction of the development or patrons of the completed development.

Reason: To avoid damage to the public highway and in the interest of highway safety and the amenities of the residents of Hessay.

- 17 No use of the existing internal access route to and car park of the Clay Target Centre shall be made by earth moving equipment.

Reason: To avoid conflicts between current users of the site and construction traffic in the interests of public safety.

- 18 No deliveries of imported bulk construction materials to the site shall be from the B1224 via the village of Rufforth.

Reason: In the interest of the amenities of the residents of Rufforth and highway safety.

- 19 Prior to the development coming into use, details shall be submitted to and approved in writing by the Local Planning Authority, of strengthening works to and passing place provision on the access track to the site and to the extension of the car park provision.

Reason: In the interest of safety and convenience of patrons and visitors to the site.

- 20 Prior to the commencement of the development hereby permitted detailed estimates of the tonnage of construction materials and the number of associated vehicle movements shall be submitted to and approved by the Local Planning Authority.

Reason: To assess the impact of heavy vehicle movements on the local highway network and in the interests of highway safety.

- 21 HWAY31

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 amenity, environmental/landscape issues, flooding/drainage, highway issues and its impact upon the designated Green Belt. As such the proposal complies PPS1, PPG2, PPS7, PPS9, PPG13, PPG17, PPS25 and Policies L3, GB3, GB13, MW1, T4, GP4a, NE1, NE2, NE3, GP15a, of the City of York Development Control Draft Local Plan.

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 scheme remediation 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:

1. 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. | |

2. 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".

3. 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.

4. 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.

5. 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.

6. There shall be no bonfires on the site

3. Yorkshire Water Observations

i) On the Statutory Sewer Map, there is a 100mm diameter public foul water sewage pumping main recorded to cross the site. The agent is being contacted direct. In this instance, a stand-off distance of 3 (three) metres is required at each side of the sewer centreline.

ii) Development of the site should take place with separate systems for foul and surface water drainage.

iii) Foul water domestic waste (if any) may discharge to the 100mm diameter public foul water sewage pumping main recorded crossing the site. A pumped connection will be required and the peak foul water discharge must not exceed 3 (three) litres per second.

iv) Foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewer network.

v) The local public sewer network does not have capacity to accept any discharge of surface water from the proposal site.

vi) Sustainable Systems (SUDS), for example the use of soakaways and/or permeable hardstanding, may be a suitable solution for surface water disposal that is appropriate in this situation. The use of SUDS should be encouraged and the LPA's attention is drawn to PPS25. The developer and LPA are advised to seek comments on the suitability of SUDS from the appropriate authorities. The developer must contact the Highway Authority with regard to acceptability of highway drainage proposals.

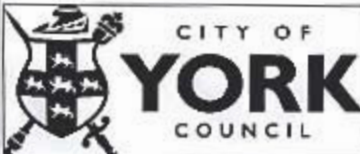
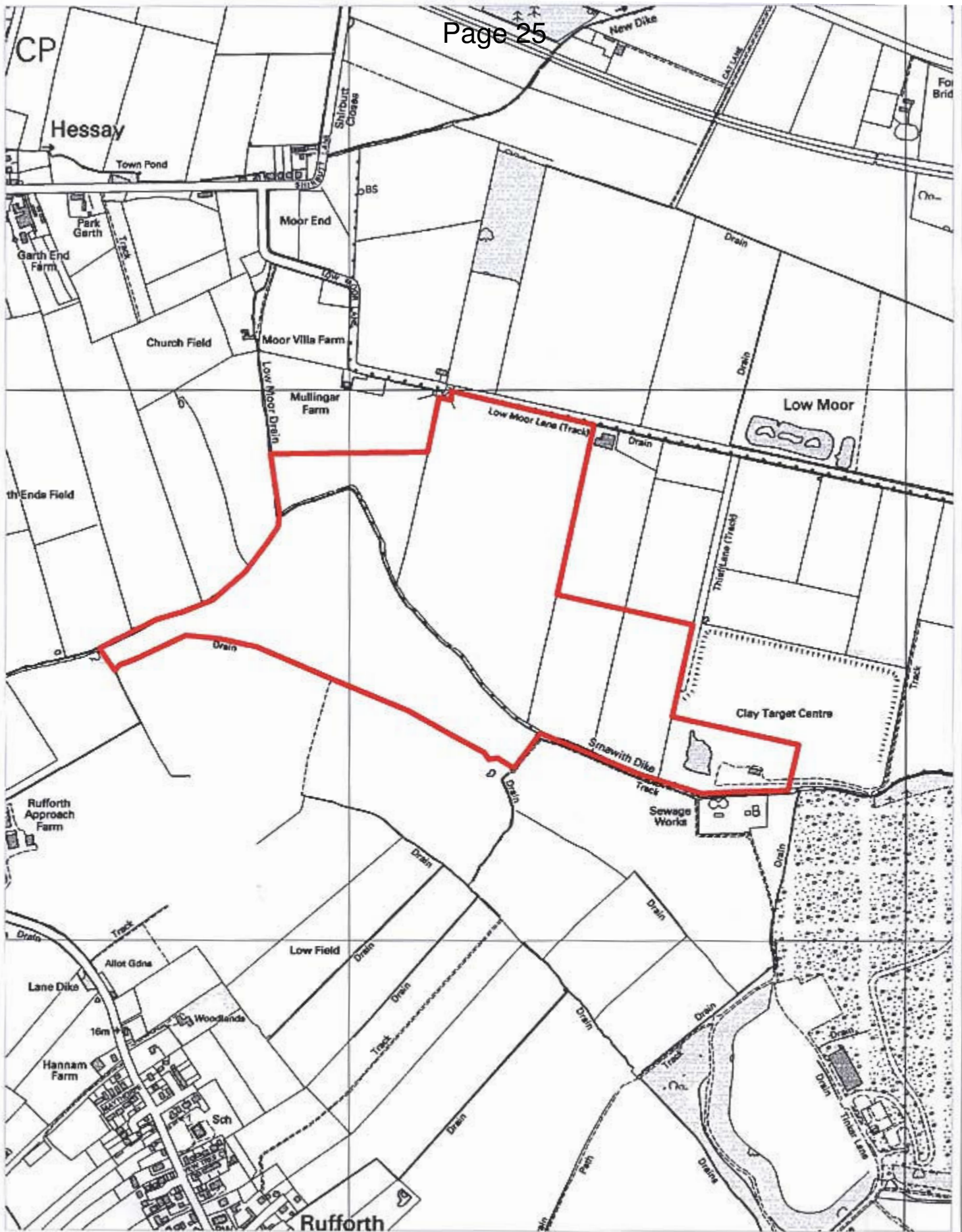
vii) The developer is also advised to contact the relevant drainage authorities with a view to establishing a suitable watercourse for the disposal of surface water. It is understood that a watercourse (Smawith Dike) is located through/to the south of the site.

4. The applicant is informed that the granting of planning permission does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the Circular 06/2005.

Contact details:

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Tel No: 01904 551416



9, St Leonards Place, York, YO1 2ET
 Telephone: 01904 613161

06/02868/FULM - CLAY TARGET CENTRE

SCALE 1:9000
 Originating Group

DRAWN BY PSL
 Project

DATE 20/3/2007
 Drawing No.



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COMMITTEE REPORT

Committee: Planning Committee **Ward:** Haxby And Wigginton
Date: 29 March 2007 **Parish:** Wigginton Parish Council

Reference: 06/02857/FULM
Application at: Site At The Junction A1237 And Wigginton Road Wigginton
York
For: Erection of sports complex comprising 2 storey building
including swimming pool, outdoor facilities for cricket, football
and tennis, car and cycle parking, landscaping and access from
Stirling Road
By: CSSC Properties Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 18 April 2007

1.0 PROPOSAL

1.1 The site is located south of Stirling Road and west of Wigginton Road (B1363). It is sited to the south west of the roundabout connecting Wigginton Road with the northern ring road (A1237). It consists of one large and two smaller grass fields and also contains a few remnants of concrete runways and hardstandings from Clifton Airfield. The north and east boundaries of the site are formed mainly by approx 2.0m high field hedges (not continuously to the east) and some trees. South is a wooden post and rail fence. West is screen planting to the former Ikon and Diva nightclub (now vacant), and other nearby development. Within the site is an internal hawthorn hedge running parallel to Stirling Road. The site area is given as 4.534 ha.

1.2 Adjacent development to the west is what used to be a nightclub, a high red brick building with a tiled roof. North of the club are an electricity sub station and the Clifton Moor Local Area Police Office. They are also brick buildings with concrete tiled roofs. North of the Police Office is a vacant site which has planning permission for the erection of non-food retail warehouse with associated car parking and ancillary works. South of the former nightclub is the Clifton Moor Industrial Estate. South of the application site is Whitehall Grange Farm, with three modern grey farm buildings. Behind them, to the west are fields.

1.3 The area generally is open, undeveloped agricultural land. This extends to the east side of Wigginton Road and north of the ring road. York Minster is clearly visible from the eastern part of the site.

1.4 Proposal Description:

1.5 This is a revised application for the erection of sports complex comprising 2 storey building including swimming pool, outdoor facilities for cricket, football and tennis, car and cycle parking, landscaping and access from Stirling Road.

1.6 Previous scheme (03/01641/FUL) was refused but has subsequently been allowed in the appeal. The principle of the development has therefore been established. Please refer to paragraph 1.16 below for the reasons for refusal and paragraphs 1.17-1.19 for a summary of the conclusions drawn by the Inspector.

1.7 The original proposal consisted of a two storey building in the north west corner, which would take up about 5% of the site, an area containing two senior football pitches and a cricket pitch, twelve floodlit five aside football pitches, 231 parking spaces and four tennis courts.

1.8 In many respects, the revised scheme is identical to the scheme as originally proposed, although the overall aim of the resubmission is to reduce the scale of the two storey building and the activities within.

1.9 The submitted drawings show its length will be reduced by 6.1m to 49.2m and its width will be reduced by almost 9.0m (ground floor) and 3.7m (first floor) to an overall width of 31.2m. The height of the building will be reduced by 0.5m to 9.2m. This equates to around 19% reduction of the building's original footprint.

1.10 Compared to the proposal as originally submitted, the number of senior football pitches (2), cricket pitch (1) and tennis courts (4) will remain the same, although the number of floodlit five aside football pitches will be reduced to 10 from the original 12. One seven aside football pitch has also been included in the revised scheme.

1.11 The rest of the site would have landscaping, associated land and internal roads. New planting is offered. Vehicle access would be on the north side, off Stirling Road about 180 m from the Wigginton Road roundabout.

1.12 The revised site location plan shows a revised layout which would facilitate the ability for buses to enter and circulate within the site. This reduces the number of parking spaces to 222, 2 spaces less than the scheme approved at appeal.

1.13 The internal facilities of the leisure building (as revised) would consist of the followings:

On the ground floor, the key elements would comprise:

- Two swimming pools, including a main pool and a learner pool,
- Steam room, spa and sauna facilities,
- Male, female and disable changing and toilet facilities to serve the activities within the building,
- Similar facilities to serve the external activities within the building,
- Children's facilities, soft play area and relaxation areas for families and adults,
- Ancillary bar and catering facilities, staff accommodation and storage, service, plant and other space to support the primary use

On the first floor, the key elements would comprise:

- Two aerobics studios,
- Extensive gymnasium facilities fully provided with comprehensive, modern, aerobic and resistance gym equipment,
- A spinning room,

- Treatment rooms, a spray sun booth and health and beauty room,
- Staff accommodation and storage, plant and other space to support the primary use

1.14 Compared to the original submission in terms of the internal facilities within the building, the key difference is that the scheme now proposed does not include any squash courts. These were included in the approved scheme. Other notable differences include the size of the main pool, the learner's pool and the gymnasium. The main pool area has been increased to 285sq.m from 160sq.m, and the learner's pool has been reduced by 11sq.m to 85sq.m. The overall floor area of the gymnasium on the first floor has been reduced to 802sq.m from the original 1020sq.m.

1.15 Materials would be alloy coated steel for the roof, composite cladding for the upper part of the walls and brick for the lower walls on the front and side elevations. Unlike the approved scheme, the rear elevation of the proposal would be predominately cladding.

Relevant Planning History:

1.16 The original scheme (ref. no. 03/01641/FUL) was determined by the Main Planning Committee and was refused on the following grounds:

"1. The site is in the York Green Belt and the proposed use is not one for which a location in the Green Belt is seen as justified under Policy GB1 of the Local Plan. The reasons for the development which have been put forward are not considered to comprise "very special circumstances" sufficient to justify dispensing with the presumption against inappropriate development in the Green Belt. The proposal is therefore contrary to the requirements of Policy E9A of the Approved North County Structure Plan and Policies SP2, GB1 and GB13 of the Deposit Draft City of York Local Plan, and advice in PPG2 (Green Belts).

2. The proposed development would represent an intrusive urban intrusion into an area of rural character which has also been identified as a green wedge important for the setting of the City of York. It would adversely affect the existing character of the area and would also be likely to affect views of York Minster from the north. It is therefore contrary to the requirements of Policy SP3 of the Deposit Draft City of York Local Plan.

3. Insufficient information has been submitted to satisfy the requirement for a sequential test which might justify a location away from the city centre, the edge of the city centre or district centres. The proposal is therefore contrary to the requirements of Policy SP7 of the Deposit Draft City of York Local Plan, and the advice in PPGs 6 and 17.

4. Insufficient information has been submitted for the Council to assess whether existing and proposed public transport provision is enough for the proposal to be sustainable in terms of public transport, or that a satisfactory road access onto Stirling Road can be achieved. The proposal is therefore contrary to the requirement of the Policy SP8 of the Deposit Draft City of York Local Plan."

1.17 The above decision was overturned by Planning Inspector following a Public Inquiry held in September 2004 (ref. no. APP/C2741/A/03/1136658). In summary, the Inspector's decision centred on whether there were any "very special circumstances" that would justify "inappropriate development in the Green Belt" brought about by the proposed leisure building element of the scheme. In granting planning permission, the Inspector concluded:

- The proportion of the site devoted to inappropriate development would be small.
- The scheme would not undermine the main role of the Green Belt around York, and important views of the Minster would remain. The change in character of the site would not be sufficient to disrupt the role of the "green wedge".
- The scheme would make an important contribution to meeting acknowledged needs for, and enhancing the quality of, recreation and sporting facilities in York.
- The scheme would meet the provisions of the sequential test.

1.18 It was concluded by the Inspector that these circumstances were, on their own, "sufficiently special to except this scheme from the severely restricted Green Belt policies that would normally apply here. He went on to note that "the scheme would make important contributions to several Government objectives related to health and fitness, social inclusion and sustainability, so that together such benefits would amount to 'very special circumstances' justifying the development."

1.19 For these reasons, the Inspector concluded that the appeal should be allowed and planning permission granted subject to conditions and a Section 106 agreement "to secure the free use of the football pitches and the cricket square for local schools throughout extensive off-peak period on each weekday; the same applies to the 5 a-side pitches. Moreover, any surplus provision would be offered to community groups at rates equivalent to the fees charged for the use of public facilities". A condition was also imposed to "secure the provision of many facilities on a 'pay and play' basis by non-club member".

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:

CYSP2
The York Green Belt

CYSP6

Location strategy

CYSP7A

The sequential approach to development

CYSP8

Reducing dependence on the car

CYGP1

Design

CYGP3

Planning against crime

CYGP4A

Sustainability

CYGP5

Renewable energy

CYGP9

Landscaping

CYGP11

Accessibility

CYGP15

Protection from flooding

CYHE10

Archaeology

CYNE7

Habitat protection and creation

CYGB1

Development within the Green Belt

CYGB13

Sports facilities outside settlements

CYT4

Cycle parking standards

CYT7B

Making Public Transport Effective

CYT13A

Travel Plans and Contributions

CYT18
Highways

CYL1A
Sites for Leisure development

CYV1
Criteria for visitor related devt

CYV2
Infrastructure and services for visitors

CYC1
Criteria for community facilities

3.0 CONSULTATIONS

INTERNAL:

3.1 Highway network management: Latest response received 8 March 2007 following the submission of revised site plan received 7 March 2007 - Conditions and informative recommended.

3.2 Environment, Conservation and Sustainable Development:

Landscape Architect consulted: Latest response received 27 February 2007 following the submission of additional information on planting species and sizes by the applicant. The following comment has been made: -the additional information provided will suffice at this stage with regard to local plan policy GP9 to provide a suitable landscape scheme. Condition recommended.

Sustainability team: Response received 15 February 2007- The following comments have been made:

- the proposal will have a very high energy load,
- in this location visitors will be dependent on private cars,
- the proposal will therefore have a large carbon footprint,
- work to reduce these impacts will be beneficial to the environment and will reduce energy cost,
- BREEAM assessment condition recommended.

Archaeology: Response received 14 February 2007 - The following comments have been made:

- The site appears to have been open ground until the present day,
- there was some evidence of agricultural use in the post-medieval and modern periods represented by field drains and a number of irregular features.
- A mortar and limestone deposit may have derived from construction activity associated with the use of the site as an airfield during and after World War II,
- There are therefore archaeological deposits preserved on this site,
- It will be necessary for these deposits to be recorded either prior to or during soil stripping operations for this development,

-conditions recommended.

3.3 Structures and Drainage: Latest response received 12 March 2007 - the consultancy has removed their previous objections as the Flood Risk Assessment (FRA) submitted is acceptable in principle.

3.4 Environmental Protection Unit: Response received 9 February 2007. Conditions and notes to applicant recommended.

3.5 City Development: Response received 1 February 2007. The team has made the following comments:

-the team considered that it would be unreasonable to require the applicant to undertake impact assessments for the leisure uses proposed, as the principle of the development has already been established through an earlier appeal decision.

3.6 Life-long learning and Culture services: Response received 5 February 2007. The following comments have been made:

- Leisure services strongly support this application,
- Leisure services would like to see that the scheme (as revised) still contains all the originally proposed outdoor facilities,
- there is a need for good quality football pitches in all areas of the city, with appropriate ancillary facilities,
- Leisure services hope that the development of the cricket pitch will reestablish the Civil Service as a major team in the city and would encourage them to attend the City's cricket development forum.
- the floodlit 5-a-side pitches are a welcome addition to the city's sports opportunities, and will be able to accommodate much of the demand created by works teams etc,
- this facility will also create an excellent venue for junior soccer development,
- Leisure services are keen to work with ROKO to develop the scheme for making the facilities available on a pay and play basis to the local community,
- Leisure services do not currently have any indication of the number of hours of access or the cost of these facilities and would welcome the opportunity to discuss these issues,

However, the following concerns have also been raised:

- Leisure services would recommend that team sports changing facilities be designed with reference to Sport England or Football Foundation guidance,
- the plans do not show any form of outdoor equipment store,
- there is no provision for grounds maintenance equipment, or for storing football goals during the cricket season.
- there is also no reference to a cricket score board. Without appropriate equipment it is unlikely that the pitches will be maintained to a local league standard.
- the team would also further recommend consultation with the North riding FA with regard to the football facilities. Likewise consultation with the regional cricket development manager (Yorkshire) with regard to the requirements for league fixtures.

EXTERNAL:

3.7 Council for the Protection of Rural England: Response received 25 February 2007 - no objections.

3.8 Highways Agency: Response received 28 February 2007 - No objections.

3.9 Yorkshire Water: Response received 15 February 2007 - Conditions recommended.

3.10 Natural England: Response received 22 February 2007 -no objections. However the following comments have been made:

- opportunities for enhancement of natural conservation interests should be considered in the preparation of detailed site layouts and subsequent management of the site.
- the applicant should be informed that planning permission, if granted, does not absolve them from complying with the relevant law.

3.11 Sport England: Response received 13 February 2007 - no objections.

3.12 Police Architectural Liaison Officer: Response received 19 February 2007. A number of crime related concerns have been raised:

- there does not appear to be any secure fencing to the overall site,
- the proposed car parking areas might provide offender the opportunity to commit offences,
- a number of crime prevention measures have been recommended.

3.13 Environment Agency: Latest response received 13 March 2007 following the submission of a revised Flood Risk Assessment. The revised assessment has confirmed Yorkshire Water are willing to accept the surface water discharge from the site. Therefore EA have no objection to the development subject to conditions.

3.14 Kyle and Upper Ouse Internal Drainage Board: Response received 12 February 2007 - no objections.

3.15 Wiggington Parish council: Response received 12 February 2007. The Council do not object but raised the following concerns:

- the proposal would increase traffic in the area,
- B1363 (Wiggington Road) is already heavily utilised and any further increase will cause major access problem for the village.

3.16 Foss Internal Drainage Board: Response received 12 February 2007. The following comments have been made:

- the Board suggests that a Sustainable Urban Drainage System is to be used for the site,
- if the relevant Water Company or its Agents cannot confirm that there is adequate spare capacity in the existing system, the applicant should be requested to resubmit amended proposals showing how it is proposed to be drained the site,
- the applicant should provide information as to the point of discharge of the sewer,
- the applicant should provide details on the potential effect that the proposed discharge may have on the receiving watercourse.

3.17 Nearby Occupants; a response was received from Marchi Properties on 22 January 2007. This states that Marchi properties support this application on the following grounds:

- improved public transport,
- improved visual amenities,
- appropriate use of land within urban fringe green belt,
- need for facility, and
- creation of employment.

4.0 APPRAISAL

4.1 The main issues to be considered are as follows:

- i. Planning Policy
- ii. Sustainability
- iii. Access / traffic
- iv. Flood Risk Assessment
- v. Planning Obligation
- vi. Scale, Design and External Appearance of the Building
- vii. Other material planning considerations

Policy Context:

4.2 Chapter 3 of the National Planning Policy Statement No.6 "Planning for Town Centres" sets out a number of tests for developments which would be in out-of-centre locations and not in accordance with an up-to-date development plan strategy. The aims of the tests are to demonstrate:

- a) the need for development
- b) that the development is of an appropriate scale
- c) that there are no more central sites for the development
- d) that there are no unacceptable impacts on existing centres
- e) that locations are accessible (paragraphs 3.1-3.32, PPS6)

4.3 As stated in paragraph 3.5 of the statement, in normal circumstance local planning authorities should require the applicants to demonstrate the issues listed above. However, in this case given that the principle of development has been established through an earlier appeal decision, it is considered unreasonable to require the applicant to submit with the application assessments which have not been previously undertaken in the 03/01641/FUL application.

4.4 The previous proposal was determined before the adoption of PPS6. Under the new statement, a number of assessments including impact assessment have been introduced. In the light of the previous appeal decision as described above, it is satisfied that further assessments are not require to be undertaken for the purpose of determining the revised scheme.

4.5 In any case, by virtue of the fact that the purpose of the revised scheme is to reduce the scale of the development and the activities within, its impacts on the vitality and the viability of the existing centres are likely to be less than the scheme the applicant has got permission for. Hence, it is considered that the revised scheme would support the government's objective of focusing developments in town centres "in order to strengthen and, where appropriate, regenerate them." (paragraph 3.1, PPS6)

4.6 Green Belt development: The principle of this development in York greenbelt has been judged acceptable by the Planning Inspector due to the reasons summarised in paragraphs 1.17-1.19 above. It is therefore outside the consideration of this application to assess the merits of the proposal in York Green Belt.

Sustainability

4.7 The original approved application was determined at the time before the publications of the National Planning Policy Statement no.1 "Delivering Sustainable Development", PPS no.22 "Renewable Energy", and the publication of policy GP4a "Sustainability" of the City of York Draft Local Plan 2005, which require all development to have regard on the principles of sustainable development.

4.8 Compared to the scheme which has already been approved by the Planning Inspector, it is argued that the scheme as proposed would to a large extent reduce the level of carbon footprint generated. According to the information submitted by the applicant, the following measures have been considered in the attempt to reduce carbon footprint:

- Recoup heat from extract air,
- Incorporate dual speed or variable speed air handling units to reduce energy consumption,
- Incorporate opportunities for natural ventilation,
- Incorporate Zero Ozone Depletion refrigerants in comfort cooling systems,
- Provide variable speed compressors to comfort cooling systems,
- High efficiency boilers,
- Low temperature hot water circulation pumps,
- Push button controls on showers and basins,
- Energy efficient lighting with automatic switching and photoelectric sensors,
- Incorporate power factor correction equipment to minimise maximum demands,
- Metered utilities consumption with a building management system to ensure that the building is operating to maximum efficiency,
- Sustainable drainage to sewers for adoption standard 6th Edition,

4.9 Attention should be drawn to the fact that the above details have not been submitted in the previous scheme. Furthermore, by virtue of the planning policy framework at that time (see paragraph 4.7 above) issues on sustainability were not formally considered in the determination of the previous application. It is therefore argued that the revised scheme as proposed would bring further improvements to the environment and would meet the national and local governments' objective of delivering a more environmentally sustainable development, where issues such as climate change and greenhouse effect have been taken into account.

4.10 The revised scheme, if approved, will be subject to the new building regulations requirements and accordingly will meet the new regulations on sustainable building. In addition, it is considered necessary to impose a planning condition to ensure that the development will aim to achieve a BREEM "very good" or "excellent" assessment standard should planning permission be granted.

Access / traffic:

4.11 With regard to the sustainability of the proposal in terms of its siting (to be in an out-of-town location) and the number of trips proposed by virtue of the scale of the activities, it is not considered that there is any merit in revisiting these issues given that the principle of the development in this location has already been established. Nevertheless, an amended site plan has been submitted showing physical arrangements to accommodate buses on site. Furthermore, indications are that First York would be prepared to adjust their bus service route 6/6A. These works proposed would not just encourage the use of public transport, but would also reduce the dependence of the use of private vehicles and accordingly it would reduce the level of carbon emissions generated by virtue of the siting and the scale of the development.

4.12 With regard to the concerns raised by Wiggington Parish Council, given that the main aim of this application is to reduce the size of the building and the leisure facilities within, it is anticipated that the number of customers using the facility will be less than the original approved scheme. Therefore, if this revised scheme is approved, it is likely that concerns regarding traffic increase and possible affect on the nearby villages would be less an issue than the approved original scheme.

4.13 A number of 'Grampian' conditions have been recommended to secure highway improvement works. These works will be carried out at the applicant's expense through the relevant highway agreements that relate to the Highways Act 1980.

Flood Risk Assessment (FRA):

4.14 The issue on assessing flood risk has, like the issue on sustainability as described above, not been considered in the previous scheme as that was determined at the time before Planning Policy Statement no. 25 "Development and Flood Risk" (December 2006) came into effect. In this case in the light of the fact that this is a major development (4.0hectares) in Flood Zone 1 ("Low probability- land assessed as having a less than 1 in 1000 annual probability of river or sea flooding in any years", Paragraph D8 of PPS25, 2006) a FRA is required.

4.15 The revised FRA received 13 March 2007 has incorporated correspondence from Yorkshire Water confirming that they are willing to accept the surface water discharges from the site. In addition, the Environment Agency, Council's Drainage Consultancy, Yorkshire Water, Kyle and Upper Ouse Internal Drainage Board and Foss Internal Drainage Board have all been consulted. The latest responses received have confirmed they have no objections to the development subject to conditions. In view of the above previous objections concerning the size of the

development and the possibility that it may increase flood risk elsewhere has now been formally removed.

4.16 In any case, the risk of flooding resulting from the approved scheme would be greater than the proposal by virtue of the fact that the area devoted to non-permeable grounds in the approved scheme is larger than the revised scheme proposed as the result of reducing the building's footprint. Hence the revised scheme proposed, if approved, would reduce the risk of flooding within the site and the risk of flooding elsewhere.

Planning Obligation:

4.17 As noted in paragraph 5 of the Inspector's report, a Unilateral Planning Obligation has been signed to "secure the free use of the football pitches and the cricket square for local schools throughout extensive off-peak period on each weekday; the same applies to the 5 a-side pitches. Moreover, any surplus provision would be offered to community groups at rates equivalent to the fees charged for the use of public facilities". A condition has also been imposed to "secure the provision of many facilities on a 'pay and play' basis by non-club member".

4.18 Given that the benefits brought about by Obligation were ruled by the Inspector as making "important contributions to several Government objectives relating to health and fitness, social inclusion and sustainability, so that together such benefits would amount to 'very special circumstances'" justifying what might otherwise be inappropriate development in the Green Belt, a similar obligation would apply to this revised scheme should planning permission be granted. This will take into account the latest changes brought about by the revised scheme, which include the reduction of the total number of five a-side football pitches from 12 to 10 in order to accommodate 1 seven a-side football pitch.

Scale, Design and External Appearance of the Building:

4.19 The building proposed and the proposed choice of building materials are almost identical to the approved scheme, except the overall scale of the building as shown in the revised scheme is notably smaller than the approved building, which means that its possible impact on the open countryside, its possible effect on the openness of York Green Belt, and its potential harm to the view of York Minster will be reduced. Hence, the revised scheme proposed would have less impact on the visual amenity of the locality than the approved scheme.

Other material considerations:

4.20 Crime: According to the analysis carried out by the Police Liaison Architectural Officer a total of 265 police-recorded crimes has been recorded between January 2006 and February 2007, 180 of these are related to property crimes. Due to crime related issues within the area a number of recommendations have been made in relation to 'designing out crime', which include the installation of 'Proximity Access Control Systems', measures to control access and secure the complex and car park area, appropriate lighting around the site, prevention of the planting of trees or shrubs which would, at their mature size, obstruct car park and street lighting, and

the size and design of the cycle storage. It is recommended that full details of the measures proposed to prevent crime within the application site is to be submitted to, and approved in writing by the local planning authority in consultation with the police architectural liaison officer should planning permission be granted. This can be secured by a 'secure-by-design' condition.

4.21 Leisure facilities: The issues raised by the Lifelong learning and culture services concerning the provision for ground equipments, football goals storage and cricket score board have been considered. Given that Sport England has been consulted and has not objected on the grounds of the above, together with the consideration that these are not material planning considerations that can be taken into account by local planning authorities, the above concerns are unlikely to be issues that could influence planning decisions.

4.22 Landscape, Archaeology, Environmental Protection and Biodiversity and Geological Conservation: No objections have been made, although conditions and informatives have been recommended should planning permission be granted.

5.0 CONCLUSION

Compared to the original scheme approved by the Planning Inspector, the revised scheme is less likely to create a condition prejudicial to the vitality and viability of York City Centre or district centres, is more environmentally sustainable in terms of the carbon emissions generated by the development, is regarded as an appropriate development in York Green Belt subject to conditions and Planning Obligation, and is acceptable in terms of siting, design and materials. Therefore, the proposed development accords with the national planning policies and the policies set out in the City of York Draft Local Plan 2005. As such it is recommended for approval.

6.0 RECOMMENDATION: Approve

- 1 The development shall be begun not later than the expiration of the three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

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

1944 (08)_002 C, 1944 (08)_005 B, 1944 (08)_004 C, 1944 (08)_003 B, 1944 (08)_006 B, 1944 (02)010 and 1944 (08)_001 G as received by the City of York Council on 27 December 2006 and on 7 March 2007

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 The development, hereby permitted, shall not be brought into use until a scheme to make suitable recreation and sporting facilities (including the 5-a-side football pitches and 7-a-side football pitch) available to non club members on a 'pay to play' basis, has been submitted to and approved by, the local planning authority. Thereafter, those facilities shall be made available in accordance with the approved scheme.

Reason: To maximise the use of sporting and recreational facilities in the interest of the community.

- 4 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials 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.

- 5 Prior to the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the egress of water and loose material onto the public highway.

- 6 Prior to the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site 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.

- 7 Prior to the development commencing details of the bus stop area, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the bus stop area and means of enclosure have been provided within the site in accordance with such approved details, and this area shall not be used for any purpose other than bus services.

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

- 8 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

- 9 Prior to the development commencing details of the measures to be employed to prevent the egress of mud, water and other detritus onto the public highway, and details of the measures to be employed to remove any such substance from the public highway shall be submitted to and approved in writing by the Local Planning Authority. Such measures as shall have been approved shall be employed and adhered to at all times during construction works.

Reason: To prevent the egress of water and loose material creating a hazard on the public highway.

- 10 Prior to the commencement of the use hereby approved, provision shall be made within the site for accommodation of delivery/service vehicles in accordance with the approved plans. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To ensure that delivery/service vehicles can be accommodated within the site and to maintain the free and safe passage of highway users.

- 11 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

* provision of right turn ghost island and site access arrangements as indicatively shown on Faber Maunsell drwg no;33985/P/004

* improvements to 2 bus stops on Stirling Road consisting of shelters and kassel kerbs

Reason: In the interests of the safe and free passage of highway users.

- 12 Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the LPA.

Reason: In the interests of the safety and good management of the public highway.

- 13 Safety Audit: A full 3 stage road safety audit carried out with advice set out in the DMRB HD19/03 and guidance issued by the council, will be required for the internal highway layout and all off-site works requiring alteration, stage 1 of which must be submitted to and agreed in writing by the LPA prior to works commencing on site.

Reason: To minimise the road safety risks associated with the changes imposed by the development.

- 14 Within 6 months of occupation of the site a full travel plan shall have been submitted and approved in writing by the LPA. The travel plan should be developed and implemented in line with local and national guidelines.

Within 12 months of occupation of the site a first year staff travel survey shall have been submitted and approved in writing by the LPA. Results of yearly staff travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure the development complies with advice contained in PPG13-Transport, and in Policy T20 of the City of York Local Deposit Draft Local Plan, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other modes of transport to and from the site, together with provision of parking on site for these users.

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

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

- 16 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

- 17 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority.

Reason: To ensure that the development can be properly drained.

- 18 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

- 19 Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge to the public sewer. Roof drainage should not be passed through any interceptor.

Reason: In the interest of satisfactory drainage.

- 20 No development shall take place until works have been carried out to provide adequate facilities for the disposal and treatment of filter backwash and swimming pool water, in accordance with details to be submitted to and approved by the local planning authority.

Reason: To ensure that the development can be properly drained without damage to the local water environment.

- 21 No development shall take place until works have been carried out to provide adequate facilities for the disposal and treatment of any waste materials, including trade effluents, in accordance with details to be submitted to and approved by the local planning authority.

Reason: To ensure that the development can be properly drained without damage to the local water environment.

- 22 No development shall take place until a trade effluents consent relating to the disposal of water from swimming pools has been granted.

Reason: To ensure that the development can be properly drained without damage to the local water environment.

- 23 Prior to the development commencing details that show how 'Secured by Design' principles have been incorporated into the scheme shall be submitted for the written approval of the Local Planning Authority and once approved the development shall be implemented in accordance with the approved 'Secured by Design' details prior to occupation or use of any part of the development hereby approved.

Reason: In the interest of community safety, to reduce the fear of crime and to prevent crime and disorder in accordance with the provisions of Section 17 of the Crime and Disorder Act 1998.

- 24 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and

hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment.

- 25 The development shall not be commenced until a BREEAM assessment has been submitted to and approved in writing by the Local Planning Authority, and the approved environmental standards shall be implemented and maintained thereafter.

Reason: To ensure that the development is sustainable and accords with Policy GP4A of the draft City of York Local Plan.

- 26 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (an archaeological excavation and subsequent programme of analysis and publication by an approved archaeological unit) in accordance with the specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be recorded prior to destruction.

- 27 No development shall commence until the applicant has submitted a method statement detailing a methodology for soil stripping which will allow the identification of archaeological feature. The submitted details shall thereafter be approved in writing by the Local Planning Authority.

Reason: This development will have an effect on important archaeological deposits which are preserved within the site and these must be identified during the soil stripping operations.

- 28 No development approved by this permission shall be commenced until a Scheme for the provision of surface water drainage works has been approved by the Local Planning Authority in consultation with the Internal Drainage Board. Any such Scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

Reason: To prevent the risk of flood risk caused by excessive surface water discharge into a watercourse.

- 29 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

Reason: To protect the amenity of neighbours

- 30 Prior to the development hereby approved coming into use details of any scheme for illumination of all external areas of the site shall be submitted to and approved in writing by the Local Planning Authority and the agreed scheme implemented on site.

Reason: To protect the living conditions of the nearby residential properties and to prevent light pollution.

- 31 Prior to the development hereby approved coming into use details of the illumination of the outdoor sports pitch the site shall be submitted to and approved in writing by the Local Planning Authority and the agreed scheme implemented and maintained on site. Such a scheme should include the following:

- a contour map with illumination levels of the area to be lit and the spill beyond the lit area given in lux in the horizontal plane;
- the angle of the lights and details of the beam - whether asymmetric or otherwise;
- the height of the lighting stanchions; and the luminance level in lux in the vertical plane at the windows of the nearest residential properties.

Reason: To protect the living conditions of the nearby residential properties and to prevent light pollution.

- 32 All external illumination shall be switched off no later than 23.00hrs every night.

Reason: To protect the living conditions of the nearby residential properties and to prevent light pollution.

- 33 The use of the outdoor facilities shall cease no later than 23.00hrs every night.

Reason: To protect the amenity of neighbours.

- 34 A desk study shall be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on the site. This shall include a site description and a site walkover and shall be submitted to and approved by the local planning authority prior to commencement of development of the site. This should, where possible date back to 1800

Reason: To protect human health and the wider environment

- 35 A site investigation shall be undertaken based upon the findings of the desk study. The investigation shall be carried out in accordance with BS10175: Investigation of potentially contaminated land: code of practice. The results of

the investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on the site.

Reason: To protect human health and the wider environment

- 36 A risk-based remedial strategy shall be developed based on the findings of the site investigation. The remedial strategy shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing on site. The remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).

Reason: To protect human health and the wider environment

- 37 A validation report shall be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development commencing on site.

Reason: To protect human health and the wider environment

- 38 Any contamination detected during site works that has not been considered within the remedial strategy shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development of the site.

Reason: To protect human health and the wider environment

- 39 A timetable of proposed remedial works shall be submitted to the local planning authority prior to any works being undertaken on the site.

Reason: To protect human health and the wider environment

- 40 Prior to the development commencing details of all floodlights including details of the level of illumination shall be submitted to and approved in writing by the Local Planning Authority. Once approved the development hereby permitted shall be carried out in full accordance with the details submitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise any adverse affects for neighbouring properties and the appearance of the locality.

- 41 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

Reason: In the interests of the visual amenities of the area.

- 42 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

REASON To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

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 vitality and viability of York City Centre and district centres, sustainability, Green Belt development, flood risk, access and traffic considerations and visual amenity. As such the proposal complies with Policies SP2, SP6, SP7a, SP8, GP1, GP3, GP4a, GP5, GP9, GP11, GP15a, HE10, NE7, GB1, GB13, T4, T7b, T13a, T18, L1a, V1, V2 and C1 of the City of York Local Plan Deposit Draft.

2. This site is subject to an agreement or obligation under Section 106 of the Town and Country Planning Act 1990.

3. The applicant is advised that prior to the commencement of works on site they should contact the authorities Section 38 Engineer, with a view to preparing the necessary drawings and legal work required to enter into a Section 278 Agreement of the 1980 Highways Act for the alterations proposed to the existing highway layout. Such works will be carried out by City of York Council approved contractors at the cost of the applicant. (Section 38 Engineer 01904 551361)

4. You are informed that the grant of planning permission does not absolve them from complying with the Wildlife and Countryside Act 1981.

5. You should note that appropriate care should be taken to avoid destruction of nesting sites while in use or being built.

6. You should note that there should be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

7. You are informed that under the Water Resources Act 1991 it is an offence to "knowingly permit" pollution of controlled waters. The Environment Agency reserves the right to undertake its statutory powers.

8. Your attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval:

1. 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".

2. 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.

3. 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.

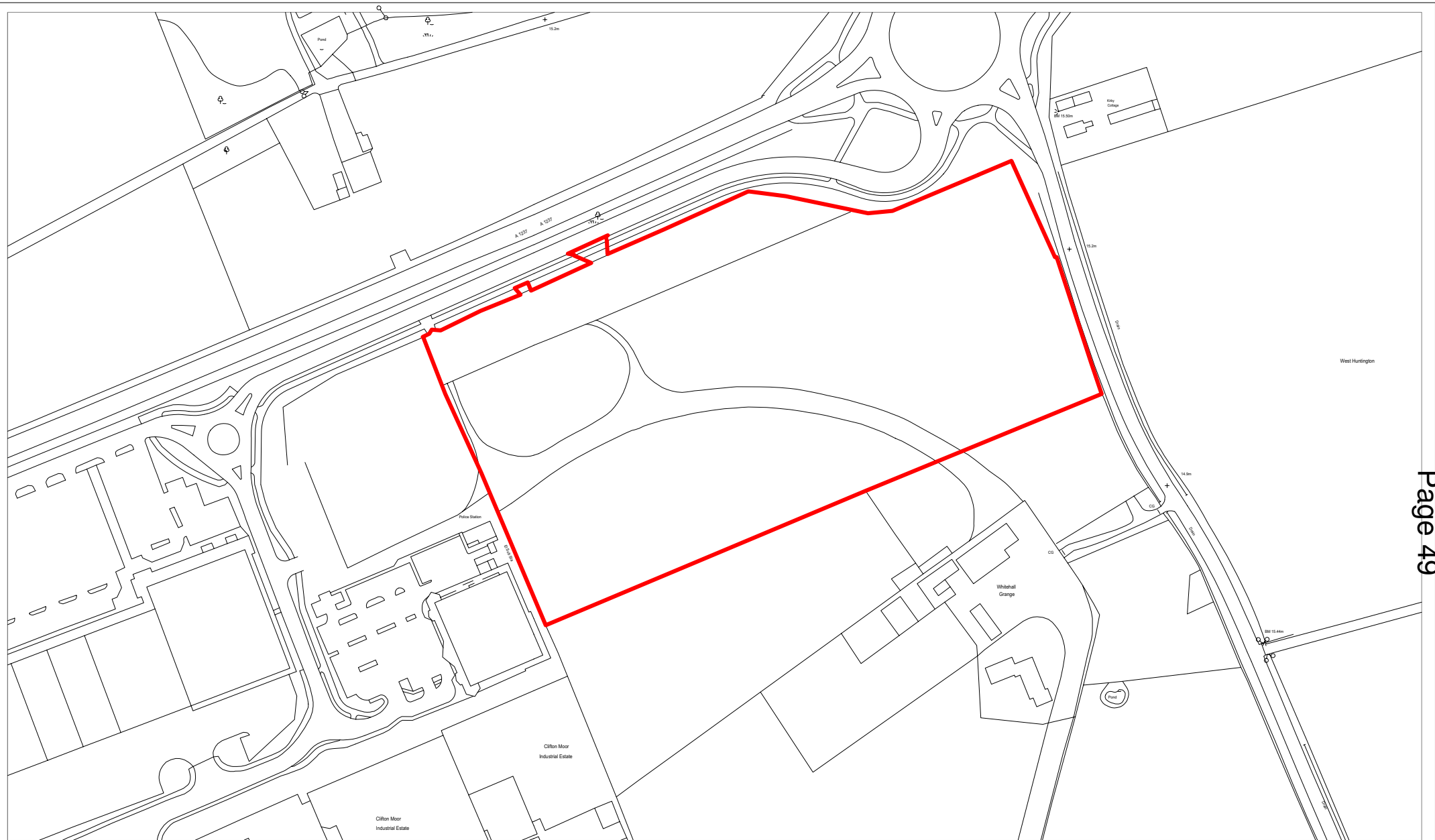
4. All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

5. There shall be no bonfires on the site.

Any deviation from the above conditions shall be approved beforehand by the Environmental Protection Unit by ringing 01904 551572

Contact details:

Author: Billy Wong Development Control Officer
Tel No: 01904 552750



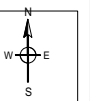
9, St. Leonards Place, York, YO1 2ET
 Telephone: 01904 613161

SITE AT THE JUNCTION A1237 & WIGGINTON ROAD - 06/02857FULM

SCALE: 1:2500
 Originating Group:

DRAWN BY: PSL
 Project

DATE 20/3/2007
 Drawing No.



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Planning Committee

29 March 2007

Report of the Director of Neighbourhood Services

Licensing Act 2003, one year on.

Summary

1. This report analyses the first years implementation of the Licensing Act 2003 i.e. 24th November 2005–23rd November 2006. The report was referred by the Licensing Act Committee to inform members of the Planning Committee of relevant issues which have arisen from the analysis and in accordance with statutory guidance contained in the Licensing Act 2005.

Background

2. The Licensing Act 2003 (The Act) created a fundamental review of the licensing laws covering the provision of entertainment, sale of alcohol and provision of late night refreshment. It came into full operation on 24th November 2005. The stated objectives of The Act are: the prevention of crime and disorder, public safety, prevention of nuisance and the protection of children from harm.
3. Licensing Authorities are required to produce and publish a local licensing policy, which will guide its exercise of the licensing functions. Licensing policies are of 3 years duration after which they must be reissued. During the 3-year period licensing authorities are required to keep their policies under review. Any changes to the policy must be subject to a consultation process as set out in the Act.
4. There are currently 834 premises licences in force in the city. A breakdown by type is shown at annex 1. This annex also includes an analysis of the latest operating time by type of premise.
5. This licensing authority also licences 1084 persons to sell alcohol by virtue of being holders of personal licences. During this review period 407 temporary event notices have been received.
6. To reach this position there were 117 hearings conducted during the transition period and 30 in the first year of implementation of the Act. Hearings were unnecessary in a further 94 cases where mediation succeeded in agreement being reached between applicant and representor. 19 appeals were made to the magistrate's court.

7. This licensing authority has produced an enforcement policy that has been signed up to by all responsible authorities. During the year council licensing officers have undertaken 288 visits mostly in conjunction with other enforcement agencies. These visits have been as much about offering support and advice on the new legislation as on enforcement.
8. The Department of Culture, Media and Sport has undertaken a snapshot survey in relation to the operation of the Act nationally. The report is attached at annex 2.

Consultation

9. In order to inform this report, a consultation exercise was carried out with responsible authorities, representatives of the licensed trade, local residents and their elected representatives and other stakeholders. Annex 3 indicates the full consultation process undertaken. Annex 4 contains a copy of the residents questionnaires distributed in the city centre wards.
10. The results of the consultation are listed below categorised under the headings of the 4 licensing objectives, the cumulative impact zone and general comments.

Prevention of Crime and Disorder

11. The first year operation of the Act there has seen a significant reduction in drink related violent disorder and criminal damage in the city.
12. North Yorkshire Police report that comparing the period 24th November 05 to 23rd November 06 with the corresponding period in 2004 – 2005 there has been a reduction of drink related violent disorder within the city walls of 31.8% and a reduction of 5.1% in criminal damage. The reductions are more marked in the cumulative impact zone where disorder has reduced by 37.9% and criminal damage by 11.6%.

13. North Yorkshire Police feel the Act has the following benefits:

- The ability to attach conditions to licences
- The ability to mediate when new applications are being considered
- The ability for public to voice their concerns
- The ability to create special policy areas
- Spreading out dispersal to reduce busy times and flash points
- Ability to put operating conditions on late night food outlets
- Facilitating partnership working across enforcement authorities

14. On the negative side the police say that although reduced, violence and disorder is happening longer into the night, particularly with late night hot food outlets opening later and delaying dispersal.
15. These views are also echoed by the Labour Group who report a significant reduction of drink related violent crime in Micklegate and Rougier Street areas

also at taxi ranks and take aways. The group consider the facility to review licences as a positive aspect of the legislation although no review has been undertaken in this first year.

Prevention of Nuisance

16. The implementation of the Act has had a negative impact on residents living near some licensed premises due to noise nuisance and extended operating hours.
17. The Environmental Protection Unit report that noise complaints have risen dramatically since the introduction of the Act.
18. From 23rd November 04 to 22nd November 05 the unit received 81 complaints about 51 licensed premises. During this period no enforcement notices were served. Over a similar period 05 to 06, 192 complaints were received about 75 premises resulting in the service of five abatement notices.
19. The weekend night time Noise Patrol that operates 9pm – 3am has received 75 complaints about licensed premises.
20. The environmental protection manager considers that this rise is likely to be due to the fact that residents living close to licensed premises would accept some degree of noise due to operations or persons leaving premises when closing times were limited to 11pm. The noise is now extended until midnight and the early hours and that is having a negative effect on the quality of their life.
21. The Labour Group report low-level noise lasting later into the evening as people go home later along with some vandalism such as damage to cars. They state this could be alleviated if the City had a late bus service.
22. Approximately 40% of the comments received by way of the questionnaires returned from residents living in the city centre referred to disturbance lasting later into the night. It should also be noted that there were also comments stating there was no change and a few saying it was improved since the introduction of the Act.
23. A positive report has been received from the city centre street cleaning team who have seen an improvement in street cleanliness following the introduction of the Act. This being due to the inclusion of licence conditions requiring a litter pick around late night food outlets at the end of opening hours. This appears to work well and where standards do slip operators are being responsive to informal enforcement action.

Public Safety

24. Neither the Health and Safety Executive nor the council's health and safety unit have any comments to make on the operation of the Act.

25. The North Yorkshire Fire and Rescue Authority see joint enforcement inspections as beneficial to the agencies involved and to customers who receive an immediate response to queries.

Protection of Children from Harm

26. In 2005/06 over 150 young people under the age of 18 were taken into police custody in York and reported to be under the influence of alcohol.
27. The Trading Standards Manager reports that under the Act Trading Standards Officers have a duty to enforce provisions relating to underage sales in all licensed premises. Prior to 2005 duties only related to off licences.
28. Over the course of the year trading standards officers have written to all licensed premises reminding them of the law and advising them of what steps can be taken to prevent illegal sales taking place.
29. Test purchase visits were conducted in accordance with national guidelines using 15 and 16 year old volunteers.
Out of 225 visits conducted to 'on licensed' premises there were 33 sales (14.6%).
134 visits were also made to 'off licences' that resulted in 19 sales (14.2%).
This compares with the 71% sales that were encountered when test purchasing first began on 'off licences' in 2002.
30. Prosecutions have resulted from this action and reviews will be sought for repeated offenders.
31. Although there is room for improvement trading standards officers were pleased with the results obtained from these exercises.
32. Trading standards have launched a responsible retailer award, which will promote good practice in combating underage sales in 'off licences'. This compliments the Best Bar None scheme that has similar provisions for pubs, clubs and bars.

Cumulative impact zone (CIZ)

33. A questionnaire has been circulated to all residents living in the CIZ and other city centre streets.
34. 54 forms returned, 22 were from residents known to be living in the CIZ. 12 were anonymous so areas of residency could not be determined.

Of the 22 from the CIZ, 2 thought the special policy helped protect their living conditions very much, 4 to some degree, 4 saw no change from previously and 11 said the special policy did not help them at all. I gave no answer to that question.

35. Councillor M Bartlett has expressed concerns over the effect of the CIZ particularly in Blossom Street.

“I had my reservations on this when it was introduced, not least the extension to include Blossom Street. As a resident in the area I cannot see how one licensed premise more or less is going to make much difference. The substantial increase in visitors on race days swamps this side of the city, with many thousands swarming into town. Many of them clearly enjoy the traditional pub-crawl; any idea that this behavior could somehow be changed is frankly ludicrous. What is needed is more variety - this can only be provided by substantial investment - and this will not happen without the prospect of a decent return of profit. My concern is that, if strictly implemented, the CIZ will act as a straight jacket, making it difficult for us to work with businesses to develop a more diverse entertainment culture, as set out in our policy”

General

Residents' questionnaires

36. An analysis of the results are shown on a table at Annex 5.

Of the 54 returns:

6 reported they were unaware of the introduction of the Act
19 persons thought the Act had a negative effect on their lifestyle
10 persons thought the Act had a positive effect on their lifestyle
23 persons thought the Act had a neutral effect on their lifestyle
20 persons thought the introduction of the Act benefited the City

Ward and parish councillors

37. Huntington and Strensall parish councils report that there has been little change as a result of the new legislation in their areas.
38. Bishopthorpe parish council reports extended noise levels in Main Street as a result of longer opening hours.
39. Cllr Hopton reports she is not aware of any problems in Rural West York ward.

Taxi and Private hire operators

40. The York Taxi Association and the York Private Hire Association are both supportive of the change in legislation. They report a drop in alcohol associated problems with their customers and reduced waiting times due to the staggered opening hours.

York City Centre Partnership

41. The Chief Executive of the partnership reports that as far as the nighttime economy is concerned, that it has been a successful start. York needs to look

at the evening entertainment and a leisure offer as a whole to provide quality facilities.

The partnership seeks the development of a European style café bar culture to promote early evening activity.

Other considerations raised are improved nighttime public transport, taxi rank marshals and nighttime rangers to support the police and a dedicated 24hour radio system linked to the CCTV and control room.

City of York Licensing Manager

42. Whilst healthy relationship between the police and local authority were already established before the introduction of the Act, closer partnership working has further been enhanced to the benefit of all. City of York Council Trading Standards, Licensing and Environmental Protection departments, North Yorkshire Police, North Yorkshire Fire and Rescue Service, Safer York Partnership, elected members, licensees and local residents have all embraced the Act which has seen substantial reduction in violent crime across the city. Particularly significant was the high profile approach to the introduction of the act by the council. By making local residents aware of their rights in excess of 1000 residents were prepared to engage in the licensing process with many attending hearings. This together with licensees becoming more aware of their responsibilities as resulted in many long standing related disorder and nuisance issues being dealt with by voluntary cooperation from licensees or the attachment of conditions to licences. The introduction of more door staff, taxi marshals, litter patrols, CCTV installation, staggered closing times and less pressure on the taxi ranks and takeaways is having a beneficial effect on the city centre.

43. Other Comments

- Majority of extended licences granted give the option for an extra 1 or 2 hours opening and many are only being used at the weekends (Labour Group)
- Licencees and drinkers able to choose when and how they drink so long as they do it responsibly (Labour Group)
- Restrictive interpretation of who is an interested party (Labour Group)
- Impact of late opening on traditional pubs as some people drink at home prior to going out later in the evening (Labour Group)
- The Act seems to be working well, some teething problems with understanding obligations of new legislation. High cost of advertising applications (Director of Learning, Culture and Children's Services)
- Why isn't Stonegate, Little Stonegate, and Back Swinegate area not included in special policy area as it contains a high density of bars and clubs (Resident of Stonegate)

- Full support of changes in legislation. Comments submitted relate to abolition of fixed closing times “ York is now a much safer place of an evening post changes in legislation” (24 year old professional worker)

Options

44. This report is for information only and therefore there are no options.

Analysis

45. This first year review has shown significant improvements in alcohol related crime and disorder.
46. No significant issues have been raised in respect of public safety or the protection of children from harm.
47. There has been concern expressed over noise and disturbance, which has, as a consequence of longer opening hours, extending later into the night resulting in an increase in the number of complaints. This has been true of city centre premises both inside and outside the CIZ and rural locations. This is a situation that has been repeated nationally.

Corporate Priorities

48. The effective exercise of the licensing function will impact the council’s priority to reduce the actual and perceived impact of violent, aggressive and nuisance behaviour on people in York.

49. Implications

- **Financial: None**
- **Human Resources (HR): None**
- **Equalities: None**
- **Legal:** By virtue of section 5(4) of the Act the Council is required during the three-year period to keep its policy under review, making such alterations to it, if any, it considers appropriate.
- **Crime and Disorder** The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority’s responsibility to co-operate in the reduction of crime and disorder in the city.
- **Information Technology (IT) None**
- **Property: None**

- **Other:** None

Risk Management

50. In compliance with the Councils risk management strategy any amendments made to the policy that are unreasonable or unlawful could be open to legal challenge resulting in loss of image reputation and potential financial penalty.

Recommendations

51. Members are recommended to:

Note the contents of this report.

Contact Details

Author:

Richard Haswell

Head of Licensing and Regulation

Chief Officer Responsible for the report:

Andy Hudson

Assistant Director (Neighbourhoods and Safety)

01904 551515

Report Approved



Date

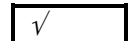
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Specialist Implications Officers

None

Wards Affected: *List wards or tick box to indicate all*

All



For further information please contact the author of the report

Background Papers:

Licensing Act 2003 and supporting Guidance
City of York Licensing Policy

Annexes

- Annex 1 – Analysis of Licensed Premises in City of York by type and latest trading hours
- Annex 2 – Licensing Key Facts, produced by DCMS
- Annex 3 – Consultation methods
- Annex 4 – Residents questionnaire distributed in Guildhall and Micklegate wards
- Annex 5 – Analysis of questionnaire returns

Premises Licences by Type

| | |
|----------------------------|-----|
| Cafes | 22 |
| Clubs | 13 |
| Educational Establishments | 7 |
| Hotels | 69 |
| Mobile Units | 6 |
| Nightclubs | 4 |
| Off Licences | 153 |
| Other | 61 |
| Private Members Clubs | 67 |
| Public Houses | 197 |
| Restaurants | 119 |
| Sports Clubs | 5 |
| Takeaways | 68 |
| Theatres & Cinemas | 8 |
| Village/Community Hall | 35 |

Latest Operating Hours

| | No of Licences | % |
|----------------------------|----------------|----|
| Premises Licenses | | |
| 23:00 | 89 | 18 |
| 00:00 | 172 | 35 |
| 01:00 | 121 | 25 |
| 02:00 | 70 | 14 |
| 03:00 | 14 | 3 |
| 04:00 | 3 | 1 |
| 24 hrs | 20 | 4 |
| Off Licences | | |
| 23:00 | 131 | 90 |
| 00:00 | 10 | 6 |
| 01:00 | 1 | 1 |
| 24 hrs | 4 | 3 |
| Late Night Food Outlets | | |
| 00:00 | 19 | 30 |
| 01:00 | 11 | 16 |
| 02:00 | 3 | 4 |
| 03:00 | 20 | 29 |
| 04:00 | 9 | 13 |
| 24 hrs | 6 | 8 |
| Club Premises Certificates | | |
| 23:00 | 28 | 42 |
| 00:00 | 25 | 38 |
| 01:00 | 11 | 17 |
| 02:00 | 2 | 3 |

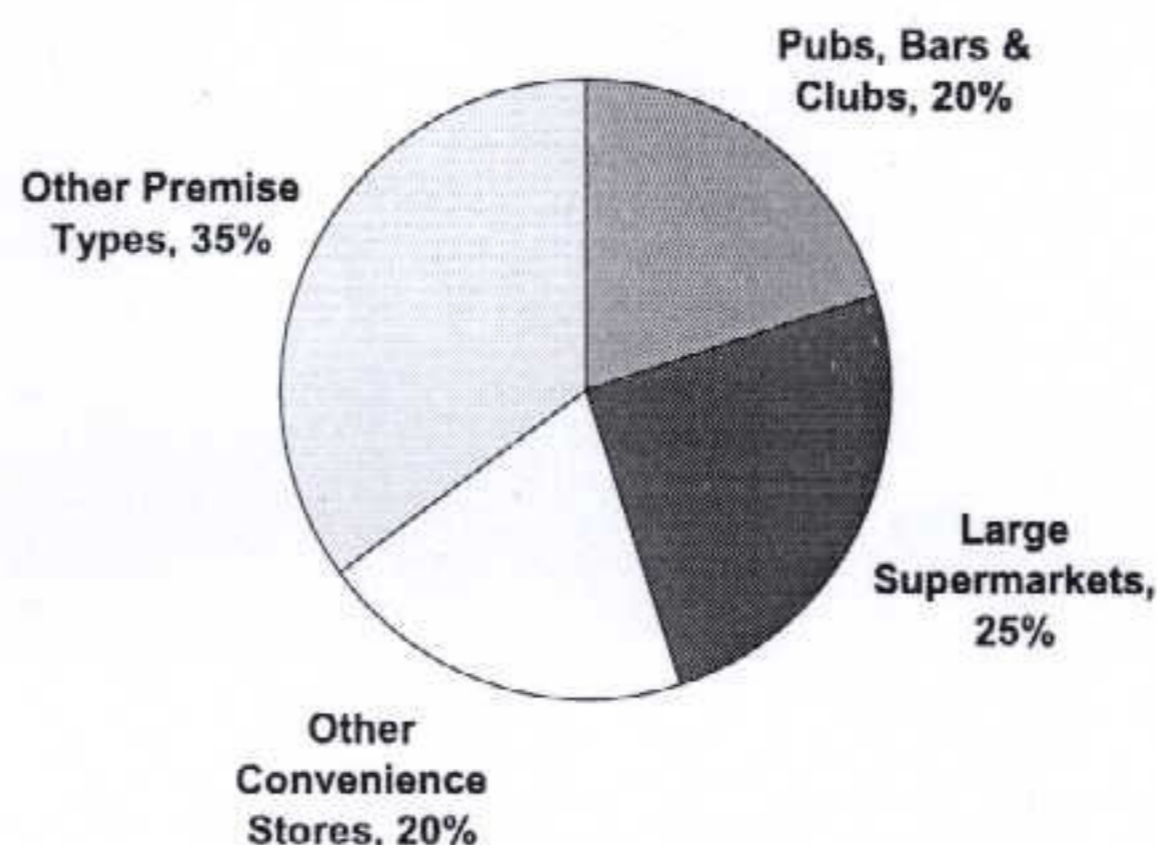
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LICENSING KEY FACTS

Note that these figures are interim estimates only, based on a relatively small sample (28%) of Licensing Authorities. More information on this, and planned future, data collection is provided below the findings.

Licences

- Over 200,000 premise licences/certificates are in force
- Around 3,000 of these are 24 hour licences – less than 2% of the total
- **Broken down by premise type**, the split of 24 hour licences in force is approximately:



- Therefore the vast majority of premises will **not** allow 24hr drinking
- Around 300,000 personal licence holders
- Over 100,000 Temporary Event Notices have been given

Weekend hour of closingⁱ

- There is no evidence in the sample of a move to a new single terminal hour
- Approximately a fifth of pubs, bars and clubs close by 11pm at the latest, and roughly a half by midnight

ⁱ Licensing Authorities were asked to record the *latest* terminal hour of pubs, bars and nightclubs – most likely to fall on a weekend. Terminal hours may be earlier during the week.

- Around 4 in 5 pubs, bars and nightclubs are closed by 1am at the latest
- Under the old regime about 80% of pubs, public bars and night-clubs had licences until 11pm. Of the remainder about 15% (mostly nightclubs) opened until 2am. Only a small percentage (London based) were licensed until 3am.
- Evidence suggests there have been only modest changes to closing times from Sunday to Thursday

Licence reviews and outcomes

- Estimates suggest there have been roughly 600 completed reviews, of which:
 - Around three-quarters resulted in changes to conditions, hours etc
 - Approximately 100 licences were revoked
 - A small number resulted in no further action being taken
-

Methodology

These findings are broad estimates of the current position only. A short electronic survey was sent to all Licensing Authorities in England & Wales, with a 28% response rate achieved. Results were collated and extrapolated to provide very basic estimates at a National level.

A more comprehensive data collection exercise will be carried out by the Department in 2007.

Licensing Act – One Year On – Consultation

| Consulted | How |
|--|--------------------------------------|
| Responsible Authorities | e-mail |
| Elected Members | e-mail |
| Parish Councils | e-mail/letter |
| Bill Woolley, Director of City Strategy | e-mail |
| Patrick Scott, Director of Learning Culture & Children's Services | e-mail |
| Michael Slater, Assistant Director of Planning & Sustainable Development | e-mail |
| Charlie Croft, Assistant Director (Lifelong Learning & Leisure) | e-mail |
| Joe Cocker, CYSCB Manager | e-mail |
| Colin Rumford, Head of Environmental Health & Trading Standards | e-mail |
| Sean Suckling, Acting Food & Safety Unit Manager | e-mail |
| Matthew Boxall, Acting Trading Standards Manager | e-mail |
| Mike Southcombe, Environmental Protection Manager | e-mail |
| Carolyn Dunn, Chief Executive City Centre Partnership | e-mail |
| Chief Inspector Andy Hirst, North Yorkshire Police | e-mail |
| Geoff Farnworth – Yorkshire Ambulance Service | e-mail |
| Jane Mowat – Safer York Partnership | e-mail |
| York Hospitality Association | e-mail |
| York Tourism | e-mail |
| Chief Superintendent, North Yorkshire Police | Letter |
| North Yorkshire Fire & Rescue Service | Letter |
| Health & Safety Executive | Letter |
| Environment Agency | Letter |
| British Waterways Board | Letter |
| Maritime & Coastguard Agency | Letter |
| Accident & Emergency | Letter |
| LVA | Letter |
| York Taxi Association | Letter |
| York Private Hire Association | Letter |
| Chamber of Commerce Retail | Letter |
| Yorkshire Tourist Board | Letter |
| Club & Institute Union Ltd | Letter |
| Chamber of Trade | Letter |
| Chamber of Commerce | Letter |
| York Magistrates Court | Letter |
| York & District Citizens Advice | Letter |
| | |
| Residents in the area Micklegate & Guildhall Wards | Letter delivered by ward councillors |

General

Consultation posted on City of York Council website.

Article published in York Press.

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Dear Resident

Licensing Act 2003
Review of 1st Years Operation

The Licensing Act 2003 came into operation on 24 November 2005 and has now been in operation for one year. City of York Council is seeking to assess the impact this legislation has had on the City with a view to, if necessary, reviewing its Statement of Licensing Policy.

I am writing to you directly as you live within the special policy area and we are particularly interested to assess the impact that special policy has had on residents.

Printed on the rear of this letter is a description of the area and the policy which applies within it. For further details of the policy please see our website at www.york.gov.uk/licensing

The special policy was applied by the Council at the request of the Police in relation to their concerns over crime and disorder. Recent statistics have indicated that as far as crime and disorder is concerned, the impact of the special policy has been positive. For the period of January to October, the 2006 recorded drink related violent assaults within the special policy area have reduced on the 2005 figures by 42.1% as compared with a reductions of 35.4% in the remainder of the area within the City walls.

The Council would however wish to receive residents views on the success of this policy and I should be obliged if you could complete the attached questionnaire and return it to Licensing & Regulation, City of York Council, FREEPOST (YO239), De Grey House, Exhibition Square, York, YO1 7ZZ or by e-mail licensing.unit@york.gov.uk, by 31 December 2006.

Yours faithfully

A handwritten signature in black ink that reads "Haswell". The signature is written in a cursive style with a large initial 'H'.

Richard Haswell
Head of Licensing & Regulations

Area Covered by Special Policy

The special policy includes the following areas - Micklegate, Toft Green, Tanner Row, Rougier Street, George Hudson Street, Bridge Street, Low Ousegate, Clifford Street, Tower Street, Tanner Moat, Wellington Row, North Street, Cumberland Street, King Street, Lower Friargate, Kings Staith and Peckitt Street.

Effects of the Special Policy

1. This policy relates to applications for the grant and/or variation of premises licences or club premises certificates or the issue of provisional statements.
2. Each application will be considered on its own merits.
3. Where no representations are received any application will be granted in terms consistent with the operating schedule.
4. Applications for the grant of a new premises licence or club premises certificate or provisional statement :

Where relevant representations are received there will be a presumption against the grant of such a licence or certificate unless the applicant can rebut the presumption that the granting of such a licence or certificate would undermine the licensing objectives.

5. Application for the variation of a premises licence or club premises certificate due to a change of style of operation :

Any application for the variation of style of operation which is subject to relevant representations will be considered on its own merits having regard to the promotion of the licensing objectives.

6. Application for the variation of a premises licence or club premises certificate resulting in an extension of the premises and increased capacity:

There will be a presumption to refuse such applications, where relevant representations are received and where the increase in capacity would undermine the licensing objectives unless the applicant can rebut the presumption that the granting of such a variation would undermine the licensing objectives.

7. Application to vary the hours of operation attached to a premises licence or club premises certificate:

All applications that seek to extend the licensed hours will be considered on an individual basis. No different policy will apply in this area as opposed to the rest of the city.

Licensing Act 2003 – 1st Year Review

Are you aware of the changes to the licensing law that came into effect on 24 November 2005?

YES / NO

What impact have these changes had on your lifestyle over the last 12 months?

POSITIVE

NEUTRAL

NEGATIVE

Please summarise:

Do you consider that the special licensing policy for your area helps protect your living conditions?

VERY MUCH

SOME

NO CHANGE

NOT AT ALL

What alterations (if any) would you like to see in the revision of the policy?

Overall do you think the new licensing law has benefited the City?

YES / NO

Name & Address (optional):

Please return to:
Licensing & Regulation
City of York Council
FREEPOST (YO239)
De Grey House
Exhibition Square
York
YO1 7ZZ

By 31 December 2006

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Licensing Act 2003 - 1st Year Review

Schedule of Responses

| Number | Respondent | Aware of Changes | Impact | City benefitted | In Cumulative Impact Zone | Special Policy Protects Living Conditions | What alterations? |
|---------------|-----------------------------|-------------------------|----------------------------------|------------------------|----------------------------------|--|---|
| | | Yes/No | Positive/Neutral/Negative | Yes/No | Yes/No/Don't know | Very Much/ Some/No Change/Not at All | |
| 1 | Friargate | Yes | Negative | No | Yes | Not at all | More police or CCTV opposite Gallery Nightclub |
| 2 | Friargate | Yes | Negative | No | Yes | Not at all | Nightclub to close earlier |
| 3 | York citizen Guildhall Ward | Yes | Neutral | No | Yes | Not at all | Provision for prosecution of owners of licensed premises and closure of premises for repeat offenders |
| 4 | South Parade | Yes | Positive | Yes | Yes | Some | Active patrols with powers to administer on the spot penalties for offenders. Litter patrols too. |
| 5 | Micklegate | Yes | Neutral | Yes | Yes | No change | |
| 6 | North Street | Yes | Positive | Yes | Yes | Some | |

| | | | | | | | |
|----|----------------------------------|-----|-------------------|-----|-----|------------|---|
| 7 | Micklegate | Yes | Negative | No | Yes | Not at all | No 24 hour or extended hours on bars which are not sound proofed |
| 8 | St Gregory's Mews Tanner Row | Yes | Negative | Yes | Yes | Some | A reduction in opening hours for Toffs and Nexus |
| 9 | Micklegate | Yes | Negative | No | Yes | Not at all | |
| 10 | South Esplanade | Yes | Negative | No | Yes | Not at all | No more properties being allowed to open after midnight in the immediate vicinity |
| 11 | Micklegate | Yes | Positive/Negative | Yes | Yes | Some | |
| 12 | Micklegate | Yes | Neutral | Yes | Yes | Very much | |
| 13 | North Street | No | Neutral | | Yes | No change | |
| 14 | South Esplanade | Yes | Negative | No | Yes | No change | To make publicans and restaurateurs more responsible by stewarding drunks from the vicinity and providing effective clean up before morning |
| 15 | St Andrew Place St Andrewgate | Yes | Positive | Yes | Yes | Very much | |
| 16 | Trinity Court | Yes | Neutral | Yes | Yes | | |

| | | | | | | | |
|----|----------------------------|-----|----------|------------|-----|------------|---|
| 17 | Kings Staiths | Yes | Negative | No | Yes | Not at all | Toughen it up, delete effect 7 as this has been responsible for the inability to oppose extensions, which have caused the noise to get greater? |
| 18 | St Andrewgate | Yes | Negative | No | Yes | Not at all | |
| 19 | Micklegate | Yes | Neutral | No | Yes | Not at all | More police on the streets |
| 20 | Blossom Street | Yes | Neutral | | Yes | No change | |
| 21 | Tower Place | Yes | Negative | No | Yes | Not at all | More policing |
| 22 | Tanner Row | Yes | Negative | No | Yes | Not at all | Places in Tanner Row area to close earlier |
| 23 | High Petergate | Yes | Neutral | Don't know | No | No change | |
| 24 | Mayfair House Piccadilly | Yes | Negative | No | No | Not at all | No drinking in the streets, if law already should be enforced |
| 25 | Stonegate | No | Neutral | No | No | No change | Protection from anti social behaviour |
| 26 | Piccadilly | Yes | Positive | Yes | No | Very much | No more licensed premises |
| 27 | Stirrup Close Foxwood Lane | Yes | Negative | No | No | Not at all | |
| 28 | Fossgate | Yes | Neutral | Yes | No | | None - quite happy |
| 29 | Fossgate | Yes | Neutral | Yes | No | No change | |

| | | | | | | | |
|----|-------------------------------|-----|----------|---------------------------------|----|------------|---|
| 30 | Holgate Road | Yes | Negative | No | No | | Better policing. On the spot fines. Crack down on fighting in the streets |
| 31 | East Mount Road | Yes | Neutral | No | No | No change | If all pubs closed by 11pm it should be reasonably quiet by midnight |
| 32 | Malt Shovel Court Walmgate | Yes | Neutral | Needs more time to become clear | No | Some | |
| 33 | Fossgate | Yes | Neutral | | No | Not at all | Not to promote 'one pub for every day of the year' or Hen/Stag parties. Should encourage families and make premises more user friendly. |
| 34 | St Andrewgate | Yes | | | No | No change | Put someone on duty in Kings Square to direct drunks down Goodramgate instead of St Andrewgate |
| 35 | Fossgate | Yes | Negative | No | No | Not at all | |
| 36 | Hunt Court | Yes | Neutral | Yes | No | No change | |
| 37 | Morrell Yard Fossgate | Yes | Neutral | Yes | No | No change | |
| 38 | Aldwark | Yes | Positive | Yes | No | Very much | Closer supervision of existing noisy premises |

| | | | | | | | |
|----|-----------------------------|-----|----------|-----|------------|------------|---|
| 39 | Aldwark | No | Neutral | No | No | Some | |
| 40 | Trinity Lane | Yes | Positive | Yes | No | No change | |
| 41 | Mayfair House Piccadilly | Yes | Negative | | No | No change | Later hours at local establishments which are not causing problems |
| 42 | St Andrewgate | Yes | Positive | Yes | No | Some | Extra care given to applications for music licences especially after midnight |
| 43 | Anonymous | No | Neutral | | Don't know | Very much | Only lived in York for 6 months so no comment |
| 44 | Anonymous | Yes | Neutral | | Don't know | No change | |
| 45 | Anonymous | Yes | Negative | Yes | Don't know | No change | |
| 46 | Anonymous | No | Neutral | | Don't know | No change | |
| 47 | Anonymous | | Neutral | | Don't know | No change | |
| 48 | Anonymous | No | Neutral | No | Don't know | No change | |
| 49 | Anonymous | Yes | Positive | No | Don't know | No change | |
| 50 | Anonymous | Yes | Neutral | No | Don't know | Not at all | |
| 51 | Anonymous | Yes | Positive | Yes | Don't know | Some | |
| 52 | Anonymous | Yes | Negative | Yes | Don't know | Very much | Duncombe Place to be included in the Licencing Act |
| 53 | Anonymous | Yes | Positive | Yes | Don't know | Some | |
| 54 | Anonymous | Yes | Negative | No | Don't know | Not at all | |
| | | | | | | | |
| | | | | | | | |

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