

DELEGATED REPORT

Date: 14 September 2017 **Ward:** Rawcliffe And Clifton Without
Team: Major and Commercial Team **Parish:** Clifton Without Parish Council

Reference: 17/00886/FULM
Application at: Galloway House Lysander Close York
For: Erection of motor dealership providing sales and servicing, repair, MOT facilities, wash and valet, vehicle preparation and external car displays
By: Mr George / Martin Cornwall-Legh / Wheatley
Application Type: Major Full Application (13 weeks)
Target Date: 15 September 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 The application is for a new car dealership on a cleared site with associated car repair workshop and parking within the Clifton Moor Industrial Estate.

1.2 The site will access off Lysander Close via Kettlestring Lane but will front on to Clifton Moor Gate. Clifton Moor Gate has a number of car dealerships already on the South side of the road while the North side has a more office based character with some light industrial units. The site itself was previously occupied by small two storey office buildings which have now been demolished.

1.3 The proposed car sales building facing on to Clifton Moor Gate will be two storey block with glazing to ground floor. It is to be clad in dark grey panelling with relatively subtle signage at a high level. The signage will be submitted in a separate application. To the rear, the servicing areas are clad in a lighter grey material and are slightly lower in level. The building conforms to Jaguar Land Rover's very specific branding policy.

1.4 Parking is situated to sides and rear of the building with the service area being within a secure compound. The front of the site will be landscaped with tree planting alongside the vehicle display areas and the section in front of the showroom planted with a low level shrub and grass mix.

2.0 POLICY CONTEXT

2.1 Draft Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

Application Reference Number: 17/00886/FULM

Item No:

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

2.2 Policies:

For policy context please see Appraisal at Section 4.

3.0 CONSULTATIONS

INTERNAL

Landscape

3.1 The details received are acceptable in terms of the landscape scheme. All frontage trees were removed prior to application (none were covered by a TPO). The frontage will be replanted with a mix of native hedge, shrubbery and large trees. This is suitable to the proposed use and location. A condition is recommended.

Public Protection

3.2 No objection in principle subject to suggested conditions to protect neighbouring amenity.

Highway Network Management

3.3 Details relating to the vehicular access off Lysander Close and internal arrangements are considered acceptable. A pedestrian link from the site to Clifton Moor Gate is still being negotiated and an update will be given at committee.

EXTERNAL

Environment Agency

3.4 No objections to the proposal. A condition requiring installation of an oil interceptor is suggested.

Designing Out Crime Officer

3.5 The officer highlights the potential for vehicles parked adjacent to security fencing to be used as a means of climbing over the fencing and makes comments about the use of CCTV and the proposed alarm system.

Neighbourhood Notification and Publicity

3.6 One letter of representation has been received from a local business expressing concern about highway safety and access to the site. They note that roads can be very busy and congested restricting access and resulting in potential danger to pedestrians and cyclists.

4.0 APPRAISAL

4.1 Key Issues

- Policy background
- Principle of the Development
- Design, layout and landscaping
- Highways access and parking arrangements
- Sustainability
- Drainage

POLICY BACKGROUND

National Planning Policy Framework

4.2 Paragraph 14 of the National Planning Policy Framework (NPPF) says that a presumption in favour of sustainable development should run through both plan-making and decision-taking.

4.3 Core land use planning principles set out in paragraph 17 include the expectation that planning decisions should proactively drive and support sustainable economic growth to deliver homes business and industrial units responding positively to wider opportunities for growth, always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable.

4.4 Section 1 'Building a Strong, Competitive Economy' says that significant weight should be placed on the need to support economic growth through the planning system. Paragraph 22 says planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of the site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

4.5 Section 7 'Requiring Good Design' attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

City of York Draft Local Plan Incorporating the 4th Set of Changes Development Control Local Plan (Approved April 2005)

4.6 City of York Council does not have a formally adopted Local Plan. Nevertheless The City of York Draft Local Plan Incorporating the Fourth Set of Changes Development Control Local Plan (Approved April 2005) was approved for Development Management purposes.

4.7 The 2005 Draft Local Plan does not form part of the statutory development plan for the purposes of S38 of the 1990 Act. Its policies are however considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

4.8 Development Control Local Plan (DCLP) policies relevant to the development are:-

- Policy SP7a says that to ensure that development outside the York city centre is highly accessible by non-car modes of transport, a sequential approach will be taken in assessing planning applications for new retail, commercial, leisure and office development. A hierarchy for the location of such development is within the policy: first York City centre, then edge of city centre, Acomb and Haxby district centres, and then other out of centre locations genuinely accessible by a wide choice of means of transport.
- Policy E3b says that sites or premises either currently or previously in employment use, will be retained within their current use class. Planning permission for other uses will only be given where there is sufficient supply of employment land to meet both immediate and longer term requirements over the plan period in both quantitative and qualitative terms and unacceptable environmental problems exist or the development of the site for other appropriate uses will lead to significant benefits to the local economy or the use is ancillary to an employment use.
- Policy GP1 'Design' includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.
- Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have

regard to the principles of sustainable development and sets out those issues to consider as part of a sustainably designed development.

- Policy GP9 requires where appropriate developments to incorporate a suitable landscaping scheme

Emerging Local Plan

4.9 The emerging Local Plan is progressing and the 2016 consultation on Preferred Sites ended on 12 September 2016. Recently, however, announced closures of Ministry of Defence Sites in the York administrative area have given rise to further potential housing sites that require assessment and consideration as alternatives. As such, there is a possibility that the position may change when the Local Plan recommences its passage to adoption.

4.10 The emerging Local Plan policies can only be afforded weight in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight will be limited. The evidence base that underpins the proposed emerging policies is also a material consideration in the determination of the planning application.

4.11 Policy EC3 (Loss of Employment Land) continues the approach to existing employment land set out under E3b in the Draft Local Plan. When considering uses which involve the loss of land and/or buildings which are either identified, currently used or were last used for industrial, business, office or other employment uses, the council will expect developers to provide a statement to the satisfaction of the Council demonstrating that the existing land and or buildings are demonstrably not viable in terms of market attractiveness, business operations, condition and/or compatibility with adjacent uses; and the proposal would not lead to the loss of a deliverable employment site that is necessary to meet employment needs during the plan period.

4.12 Under policy D2 'Placemaking' development proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment. Development proposals that fail to take account of York's special qualities, fail to make a positive design contribution to the city, or cause damage to the character and quality of an area will be refused.

Evidence Base

4.13 The DJD Economic Baseline Report which formed part of a suite of documents known as the Economic and Retail Growth and Visioning Study (2014) says that York's ability to attract and retain investment into the city and support business

expansion is in part dependent on ensuring the availability and suitability of employment land.

Principle of the Development

4.14 The site has most recently been in employment use although the buildings on site have now been demolished. Policy E3b of the DCLP requires that sites currently or most recently in employment use should be retained in their current use class. This is carried on by policy EC3 in to the draft Local Plan. The proposed motor dealership with sales and servicing is in a sui-generis use and while not a traditional employment use it has been indicated that the business will provide employment for 96 staff - 66 of whom will be transferred from Land Rover and Jaguar's existing premises in York and 30 will be new employees.

4.15 Officers note that the site is in an appropriate location for the proposed use and that there are a number of car dealerships in the locality. Given the level of proposed employment, the sui generis use proposed and the character of the locality, officers consider that the proposal is an appropriate use of the land and is acceptable in principle subject to other material planning considerations.

Design, layout and landscaping

4.16 The character of the area is relatively mixed in appearance and use. The South side of Clifton Moor Gate is predominantly car dealerships in a mix of materials and both single and two storey buildings. Some of these are set relatively close to the highway whilst others are set further in to the site. On the North side of the road, to the right of the site is a large two storey warehouse/office building while to the left are more modest two storey offices. To the rear the site is surrounded by large warehouse type buildings of no particular quality.

4.17 The proposed building will front on to Clifton Moor Gate with access to the side off Lysander Close. The scale of the building, while large, is appropriate to the size of plot and set well away from boundaries with neighbouring properties. There is no over-riding palette of materials within the locality and, in fact, many of the buildings adjacent to the site are low quality industrial warehouses. While the materials and design result in a rather stark and dominant building, it is of a high quality and will be a significant visual improvement over the existing site.

4.18 A landscape scheme has been proposed which enhances the frontage of the building while retaining visibility of the showroom from Clifton Moor Gate. The planting along the front is a mix of native trees and hedgerow and ornamental planting which is appropriate in this location. Trees are planted to the sides of the frontage to break up the openness along the frontage while lower level planting is used to the front of the showroom to allow visibility. There is some additional

planting within the customer parking area and to the rear of the building. Green screens are to be utilised along the publicly visible areas of the secure compound.

Highways access and parking arrangements

4.19 Highways have agreed that the vehicular access arrangements from Lysander Close in to the site are acceptable. A Traffic Regulation Order for double yellow lines along Lysander Close may be required to restrict on street parking and allow transporters to access the site. This will be secured via planning condition.

4.20 Highways had requested at pre-application stage that a pedestrian footway was provided along Clifton Moor Gate from where it currently stops, just to the West of the site, to the Eastern edge of the frontage. Improvements were requested to the junction to allow for a pedestrian crossing to link the site with Clifton Moor Gate/ Water Lane. This was to encourage more sustainable forms of travel by making the site more accessible to pedestrians and cyclists. The applicant has considered this proposal and has indicated that the cost of relocating utilities in the verge makes such a footway financially unviable. They have provided estimated costs for this work (to include a pedestrian crossing at the junction) as £320,000.

4.21 The applicant is currently investigating potential crossing points to the East of the junction of Clifton Moor Gate with Water Lane in the hope of providing a link from the site and across Clifton Moor Gate. The crossing would take the form of dropped kerbs and a central pedestrian island. At present the location of the pedestrian island and link to the site is yet to be determined and it is intended that an update on this will be given at committee. Highways officers have indicated that while this proposal would be welcomed it does not provide the footway linkage along the entire length of the frontage which they are seeking. An update will be given at committee.

Sustainability

4.20 The proposal is considered a sustainable development. The site has been vacant for some time and the proposed development retains and expands an existing business within the city. The site is well served by public transport and is close to residential areas. Amendments have been agreed to ensure that pedestrian access to the site is available from Clifton Moor Gate allowing direct access from residential areas, other car dealership sites and bus stops in to the site to encourage more sustainable modes of transport. The scheme will be making use of an air source heat pump for the showroom and office areas. It is intended that the development will attain BREEAM Very Good in line with the Interim Planning Sustainment on Sustainable Design and Construction.

Drainage

4.21 As requested by the Environment Agency, a condition is requested to ensure an oil interceptor is installed. The site is previously developed with large areas of hardstanding still visible. A condition is suggested to ensure drainage details are agreed.

5.0 CONCLUSION

5.1 The scheme is considered to represent a good use of this existing employment site. The proposal for a car dealership falls within a sui generis use and results in the creation of 30 new jobs and the retention of 62 full time and 4 part time jobs. The use is in keeping with the character of the area and the proposal results in a high quality and appropriately designed development. Subject to acceptable details being submitted, the addition of a pedestrian access to the site from Clifton Moor Gate is considered to improve the accessibility of the site and encourage linked trips and public transport use.

5.2 The proposal is therefore recommended for approval subject to the suggested planning conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

LOCATION PLAN

TD5707_101 PROPOSED SITE PLAN

TD5707_203 PROPOSED GA PLANS

TD5707_204 PROPOSED WASH VALET DETAILS

TD5707_301 PROPOSED ELEVATIONS(1)

TD5707_301 PROPOSED ELEVATIONS(2)

TD5707_305 PROPOSED SECTIONS

YD2_JLRY_LP001 REV A LANDSCAPE GENERAL ARRANGEMENT

JLRY_DT001 SOFT LANDSCAPE DETAILS

TD5707 REV A REVISED TRAVEL PLAN

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

3 VISQ8 Samples of exterior materials to be app

4 The buildings hereby approved shall achieve at least a Building Research Establishment Environmental Assessment Method ('BREEAM') Very Good rating (or equivalent, as set out within the submitted BREEAM Pre-assessment report)) unless otherwise agreed in writing by the Local Planning Authority. A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority within 3 months of practical completion of the retail development. Should the development site fail to achieve a BREEAM standard of 'Very Good' a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a BREEAM standard of 'Very Good'. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

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

5 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible at the boundaries of the nearest residential properties when in use, shall be submitted to the local planning authority for approval. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. No machinery, plant and equipment shall be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the background noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

Reason: To protect the amenity of local residents

6 Prior to first occupation of the buildings hereby approved, a full Lighting Impact Assessment undertaken by an independent assessor detailing predicted light levels at neighbouring residential properties including a description of the proposed lighting, a plan showing vertical illuminance levels (Ev) and all buildings within 100 metres of the edge of the site boundary shall be submitted and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to first use of any lighting on site.

Reason: To protect neighbouring amenity.

- 7 LC1 Land contamination - Site investigation
- 8 LC2 Land contamination - remediation scheme
- 9 LC3 Land contamination - remedial works
- 10 LC4 Land contamination - unexpected contam

11 Surface water draining from areas of hardstanding shall be passed through an oil separator or series of oil separators, prior to being discharged into any watercourse, soakaway or surface water sewer. The separator(s) shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water or vehicle washdowns and detergents shall not pass through the separator(s) and should be drained instead to foul sewer or sealed system.

Reason: To reduce the risk of pollution to the water environment.

12 The approved landscape general arrangement and soft landscape details shall be implemented within a period of six months of the completion of the development in accordance with the approved landscape design and management report. Any trees or plants which within a period of ten years from the substantial completion of the landscape works, 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 the Local Planning Authority agrees alternatives in writing.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the entire site, and the quality of the works, since the landscape scheme is integral to the amenity of the development.

13 Prior to the commencement of building works details of foul and surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

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

- 14 HWAY39 IN Off site highway works, details reqd - TRO on Lysander Close

7.0 INFORMATIVES: Notes to Applicant

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

Application Reference Number: 17/00886/FULM

Item No:

Page 10 of 12

In considering the application, The Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

2. INFORMATIVE:

The developer's 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 adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

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Application Reference Number: 17/00886/FULM

Item No:

