

COMMITTEE REPORT

Date: 14 December 2016 **Ward:** Huntington/New Earswick
Team: Major and Commercial Team **Parish:** Huntington Parish Council

Reference: 16/01968/FULM
Application at: Monks Cross Shopping Park Trust Monks Cross Shopping Park Monks Cross Drive Huntington York
For: Erection of a standalone retail unit and associated restaurant/refreshment units, reorganisation of internal vehicular routes and car parking, replacement of retail facades and associated landscape improvements
By: Trustees of The Monks Cross Shopping Park
Application Type: Major Full Application (13 weeks)
Target Date: 23 December 2016
Recommendation: Approve

1.0 PROPOSAL

1.1 The current proposal has been developed followed pre-application advice from officers provided earlier in 2016. The scheme is for a standalone retail unit to the Southwest corner of the site with additional standalone refreshment units proposed along the front of the existing North terrace. These refreshments units will total no more than 1100 sqm (gross) and are in 4 separate blocks. The applicant has requested that no reference is made to the number of units provided to allow greater flexibility in their future use. To facilitate the siting of the standalone unit, the parking scheme for the entire site is to be redesigned. A cohesive landscape scheme for the wider site is also proposed and the existing units around the retail park will have updated facades.

1.2 The site currently consists of 25 retail units, car parking and ancillary facilities and forms part of a larger retail area known as Monks Cross. The site consists of the area bounded by Monks Cross Drive to the north and west and Asda supermarket to the south-east. Access to the site is via an access point from the roundabout on Jockey Lane and via an access point from the roundabout to the north from Monks Cross Link. The north, west and eastern boundaries of the site present relatively blank elevations of the shopping buildings on to a landscaped boundary adjacent to Monks Cross Drive and Monks Cross Link. The southern boundary of the site consists of the entrance and car parking facilities viewed through maturing landscaped boundaries. The majority of the trees to the periphery of the site are covered by a Tree Preservation Order (TPO no CYC 274).

1.3 The intention is for the standalone unit to be restricted to bulky goods only and the present intention is that this is occupied by a furniture retailer. The refreshment pods will likewise be restricted in their use to A1 (sandwich shop), A3, A4 and A5 and are intended to increase the catering offer on site in line with similar sites in the locality.

1.4 For clarity and information the existing retail space is currently controlled via a condition attached to the original outline consent to develop the park this says:-

'No retail unit shall be less than 10,000 square feet and units greater than 15,000 square feet net retail sales area shall not be used for the retailing of any of the following goods, save where ancillary to the main range of goods sold, without the prior consent in writing of the Local Planning Authority.

- (a) mens, womens and children's clothing and footwear
- (b) fashion accessories
- (c) watches and jewellery
- (d) music and video recordings and video or CD-ROM games
- (e) cameras (including cam-corders) and other photographic equipment
- (f) domestic TV, video and hifi equipment
- (g) toys'

Planning History

1.5 The application site area consists of an area which covers the main Monks Cross shopping park referred to hereafter as MCSP. The following site history can be attributed to and be considered relevant to the application site:

- In September 1994 outline planning permission was granted for 'shopping centre comprising 360,000square feet A1 retail floorspace(gross leasable area) plus management space, fast food provision, circulation space and ancillary facilities' planning reference 3/66/650AK/OA 3/61/207G/OA. The application was subject to 13 conditions; condition 3 of the permission is as set out in paragraph 1.4 above. The remaining conditions on this permission relate to the way in which the physical details of the scheme are to be implemented.

NOTE: the above permission and the subsequent reserved matters also related to the Asda supermarket. Asda Supermarket building and car park are not part of the current application site area.

- In August 1997 reserved matters approval was granted for the erection of retail units with associated parking/servicing/management facilities and restaurant (Planning reference 7/066/9080). The reserved matters was subject to a section 106 unilateral undertaking which included financial contributions towards art work and bus routes and highway requirements outside the application site.

- In February 1998 planning permission was granted for a first floor mezzanine to unit 12 to be used for A3 food and drink use. The planning permission restricted the use of the mezzanine to A3 use only and ancillary to the main retail use.
- In July 1998 reserved matters in relation to landscaping and boundary treatment of the retail development were approved (planning reference 98/00187/REM).
- Prior to the introduction of legislation relating to the insertion of mezzanine floors within retail units in 2006 a number of certificates of lawful development applications were submitted in 2005 for the insertion of mezzanine floors (units 7, 13 and 18).
- In September 2007 planning permission was granted for external alterations to and construction of first floor within units 18 and 19 (Planning reference 07/01498/FULM).
- Certificate of lawful proposed use was issued in relation to former BB's cafe to allow the unit to be used for class A1 retail. The certificate confirmed that the change would constitute permitted development and thus could take place without the need for planning permission.
- In November 2008 planning permission was granted for a variation of condition 3 (referred to above) of the original outline planning permission in relation to unit 18 (planning reference 08/01515/FUL) allowing the upper limit of 15000square foot to be increased to 15,210 square foot.
- Permission was submitted in March 2009 for external alterations and construction of first floor within unit 16, the Clarke's unit. No decision has been issued on this application (planning reference 09/00580/FUL).
- In July 2010 planning permission was refused for the erection of 3no retail buildings (total floor space 1440 sq m) for Class A1 (retail), and/or Class A3 (restaurants and cafes) and/or Class A5 (hot food takeaway) with modifications to existing car park, introduction of new servicing, landscaping and highway works (this was the resubmission of an earlier withdrawn application). The application was refused by planning committee because of loss of car parking and the loss of trees covered by a Tree Preservation Order (planning reference 10/1012/FULM).
- In September 2010 permission was granted for the erection of 2 storey infill unit to create sandwich shop (use class A1), cafe (A3) Drinking Establishment (A4) or Hot Food Take-Away (A5) (planning reference 10/2058/FUL). This permission was subject to a restriction to the specified uses and no other use within class A1.
- In May 2012 permission was refused for the erection of additional retail floorspace (Class A1) comprising either extensions to existing stores, new buildings and/or new or extended internal first floors to existing stores. Alterations to car park layout,

landscaping and associated highway works. Alterations to the planning controls for the existing and proposed retail units to allow a maximum number of 31 units, maximum food sales of 6,968sq.m., minimum unit size of 455sq.m., a maximum of 8 units less than 455sq.m., permit up to two large units (up to 4,645sq.m. net sales area) to sell a broader range of goods than simply bulky goods. The reasons for refusal related to the impact of the proposal on the vitality and viability of the city centre; the proposal was sequentially unjustified and not sustainable in an economic/ social or environmental context; and the scheme relied too heavily on increased public transport use without the infrastructure to support this.

- In January 2014 permission (13/01559/FULM) was granted for external alterations to amalgamate five existing units (numbers 3, 4, 5-6, 11 and 12) and create additional mezzanine floorspace to create two non-food retail units; external alterations and variation of Condition 3 of permission ref. 3/66/650AK/OA - 3/61/207G/OA to subdivide Unit 16.

2.0 POLICY CONTEXT

See Section 4

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 Public protection do not have any objections. As the site is already operating as a retail park there is unlikely to be any significantly adverse effect from noise, odours, lighting etc as a result of the scheme. Conditions are recommended to ensure that any impact is kept to an acceptable level.

Highway Network Management

3.2 Initial concerns relating to the design of the cycle route on the West of the site. These have been addressed via revised plans and highways have now recommended conditions.

Forward Planning

3.3 Officers consider that the Sequential Assessment submitted by the applicant has demonstrated that there are no sequentially preferable development sites within or on the edge of York City Centre which are both suitable and available at the present time. They also agree with the submitted Impact Statement and consider that the proposal would divert modest levels of comparison goods expenditure from the defined centres. There will not be a 'significantly adverse' impact upon the vitality of trade or turnover of centres within the City of York or the wider study area. It is also

considered that the effects of the proposed development at the Monks Cross Shopping Park will not have a 'significantly adverse' impact on committed or planned investment.

3.4 Conditions are recommended to secure restrictions in order to control the future expansion of out-of-centre comparison goods retailing and the type of goods sold. The emerging local plan approach requires either floorspace or goods to be restricted and this is underpinned by the evidence base (2014 York Retail Study, WYG). Conditions restricting the future expansion of the proposed retail unit, its restriction to the sale only of bulky goods and limiting the refreshment pods to A1 (sandwich shop only), A3, A4 and A5 use only are recommended.

Environmental Management (Landscape)

3.5 The landscape officer made comment on the pre-application submission earlier in the year. In response to the current application she comments that while the birch trees around the perimeter pedestrian route are to be removed these are replaced by a new line of trees on the West and East terraces of the site. All the trees within the parking area are to be removed but this is not unreasonable as they are of variable quality and the proposed tree pits would provide a better start to the new trees. However 65 trees are to be lost within the parking area and it is not considered that the proposed 8 trees within the parking bays are sufficient to replace the amenity lost by the existing tree removal. Some pear trees and beech hedging are also to be lost to the north of the entrance roundabout; these should be retained or reinstated. The retail unit does not appear to impact on the perimeter TPO trees.

3.6 These comments have been forwarded to the applicant for consideration and it is anticipated that an update will be provided at the Committee meeting. Conditions have been attached with the report as recommended by the landscape officer.

EXTERNAL

Police Architectural Liaison Officer

3.7 As a result of the consultation done by the applicant with the ALO prior to submission, the ALO has no comments to make on this application.

Foss Internal Drainage Board

3.8 The Board has no objection to the proposal and recommends a condition requiring submission of surface water drainage details.

Huntington Parish Council

3.9 No comments received.

Neighbour notification and publicity

3.10 One letter of objection has been received from the representatives of Pizza Hut. This raises concern about the lack of information submitted to assess the potential impact of the refreshment units. Concern is also raised about the proposed amendments to the facades of the existing units, and in particular the impact on the canopy to the front of the unit.

4.0 APPRAISAL

4.1 Key Issues:-

- Policy background
- Principle of the development considering the sequential test and retail impact assessment
- Design and Landscaping
- Highways, parking and access arrangements
- Sustainability - Building Design
- Flood risk and drainage

POLICY BACKGROUND

4.2 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied and confirms that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Where a development plan is not up to date Local Planning Authorities should grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The NPPF is the most up-to date representation of key relevant policy issues and it is against this policy Framework that the proposal should principally be addressed.

4.3 The Ministerial Forward to the NPPF highlights that sustainable development is about positive growth, making economic, environmental and social progress for this and future generations. The policy framework sets a clear presumption in favour of sustainable development within every decision.

4.4 The NPPF retains and defines the 'presumption in favour of sustainable development' as the "golden thread with runs through both plan-making and decision. It is defined in the NPPF by five principles as set out in the UK Sustainable Development Strategy:

- living within the planet's environmental limits;
- ensuring a strong, healthy and just society;
- achieving a sustainable economy;
- promoting good governance; and
- using sound science responsible.

4.5 The NPPF says the Government believes that sustainable development can play three critical roles in England:

- an economic role, contributing to a strong, responsive, competitive economy;
- a social role, supporting vibrant and healthy communities; and
- an environmental role, protecting and enhancing our natural, built and historic environment

4.6 The NPPF states Local Planning Authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground. It also states that Local Planning Authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local Planning Authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

4.7 The document states that Planning should promote the vitality of main urban areas and encourage the effective use of previously developed land providing that it is not of high environmental value. It should promote mixed use developments, support the transition to a low carbon future, actively manage patterns of growth and focus significant development in locations which are or can be made sustainable (Para. 17).

4.8 Specifically, Para 23 states that it is important that the needs for retail uses are met in full and not compromised by limited site availability. Well connected appropriate edge of centre sites for main town centre uses (which include retailing) should be allocated where suitable and viable town centre sites are not available. If these cannot be identified, policies for meeting the identified needs in other accessible locations that are well connected to the town centre should be set as well as policies for the consideration of proposals which cannot be accommodated in or adjacent to town centres. The quantitative and qualitative need for land/floorspace for retail development should be assessed through the evidence base for making Local Plans, as should the role and function of town centres, the relationship between them and the capacity of existing centres to accommodate new town centre development (Para. 161).

4.9 In promoting healthy communities, para. 70 seeks to ensure that planning policies and decisions should ensure that established shops are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.

4.10 Specific aspects of the NPPF relevant to this application are; para. 19 says that significant weight should be placed on the need to support economic growth. Para. 24 requires a Sequential test for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. Main town centre uses should be located in town centres, then in edge of centre locations, and only if suitable sites are not available should out of centre sites be considered (note: there is no specific test of viability). When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Flexibility should be demonstrated on issues such as format and scale.

4.11 Para. 26 requires an impact assessment for retail (and leisure and office) development outside of town centres which are not in accordance with an up-to-date Local Plan. An impact assessment is required if the development is over a proportionate, locally set floorspace threshold (if no such threshold, then 2,500 sqm is the default). The assessment should cover the impact of the proposal on:

- Existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal.
- Town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

4.12 Para. 27 says where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

4.13 Section 4 of the NPPF promoting sustainable transport says 'All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- Safe and suitable access to the site can be achieved for all people; and
- Improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe (para.32).

4.14 Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas (para.34).

4.15 Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to

- accommodate the efficient delivery of goods and supplies;
- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;
- incorporate facilities for charging plug-in and other ultra-low emission vehicles; and
- consider the needs of people with disabilities by all modes of transport (Para 35).

4.16 A key tool to facilitate this will be a Travel Plan. All developments which generate significant amounts of movement should be required to provide a Travel Plan (Para.36).

4.17 Para. 56 says the Government 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.

4.18 The NPPF in section 10 sets out guidance on meeting the challenge of climate change, flooding and coastal change. It says Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations (para.94).

4.19 Section 10, para. 96 says in determining planning applications, Local Planning Authorities should expect new development to comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

4.20 Para. 203 relates to the use of planning conditions and says Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

4.21 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005. Whilst the 2005 York Draft Local Plan does not form part of the statutory development plan, its policies are 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. The following policies are considered relevant to this application:-

- Through policy SP7A, the Plan seeks to ensure that development outside York City Centre is highly accessible by non-car modes of transport, taking a sequential approach for new retail development; the hierarchy for retailing starting with the defined Central Shopping Area, then edge-of-city centre sites or Acomb or Haxby District Centres, than in other out-of-centre locations that are genuinely accessible. The policy does not permit individual retail units in out-of-centre locations of less than 1,000 sqm net sales area. For major shopping developments outside the Central Shopping Area, evidence of retail impact will be required to show that the proposal would not, together with other recent and proposed developments, undermine the vitality and viability of York City Centre's predominant use as a sub regional shopping centre, the defined Central Shopping Area, or the Acomb or Haxby District Centres. Policy SP7B states that York City Centre will remain the main focus for retail development and that the Central Shopping Area, as shown on the proposals map, will be the City Centre for retail purposes in terms of the sequential test and will be the focus for retailing activity.
- A number of sites are identified for mixed use developments that include retail use, including at Hungate, Heworth Green and Castle Piccadilly (Policy SP9).
- Strategic windfall sites, where consistent with other policies, will be appropriate for retailing where located in the most sustainable areas, defined as within 400m of a transport mode or park-and-ride, under Policy SP10.
- Policy S1 allocates Castle Piccadilly for comparison goods retailing to meet the need for new retail development to 2011 and sites are allocated at George Hudson Street for comparison / convenience goods retail and at Foss Island for convenience / bulky goods retail.
- Under Policy S2, planning permission will be granted for out-of-centre retail warehouses or retail warehouse parks provided that no development has a net sales floorspace of less than 1,000 sqm and shall be not subsequently subdivided, with restrictions on the primary retail use.
- Policy YC1 designates York Central as an Action Area to provide a modern central business district and new residential community. The accompanying text relates to local retail uses being of appropriate scale to meet the new resident and workforce population and any locally deficient surrounding communities.
- 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.

- GP4a 'sustainability' supports the aims and objectives of the NPPF as well as providing policy on the location and design elements of sustainability.

4.22 The Interim Planning Statement (IPS) on sustainable design and construction supports and supplements policy GP4a. This IPS requires all commercial development over 1000 sqm to achieve BREEAM 'very good'.

4.23 The Core Strategy has been withdrawn and the policies within it are not relevant to the consideration of the proposals.

4.24 The consultation on the Preferred Sites 2016 document and supporting evidence for the emerging City of York Local Plan was subject of an eight week public consultation which started 18 July 2016. The emerging Local Plan policies can only be afforded very limited weight at this stage of its preparation (in accordance with paragraph 216 of the NPPF). However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application. Relevant plan policies include; The emerging new local plan through policy R4 seeks to restrict further out of centre retail unless small in nature (less than 200 sqm) and evidence is submitted to show that proposals will not impact on the city centre vitality and viability.

PRINCIPLE OF THE DEVELOPMENT CONSIDERING THE SEQUENTIAL TEST AND RETAIL IMPACT ASSESSMENT

4.25 The proposal relates to a development of a standalone bulky goods comparison store of 2114 sqm (22755 sq feet) and new refreshment pods with a total floor area of 929 sqm (10,000 sq feet). Restrictions are proposed to limit the new retail unit to bulky goods and the refreshments pods to A1 (sandwich shop), A3, A4 and A5 use.

4.26 The application is supported by a planning and retail report addressing the sequential test and impact assessment and also sets out the business case for the additional units and their occupancy and the retail and planning benefits of the development.

4.27 Business Case; The submitted planning and retail report says:-

- An opportunity to update the image and offer of MCSP
- The enhancements proposed have the opportunity to provide an additional approximately 100 full- and part-time posts.
- There is currently no furnishings/ furniture offer at MCSP.
- The catering offer on site is very limited and comprises of only Starbucks, Costa and Pizza Hut. In comparison Clifton Moor and Vanguard Shopping Park benefit from 6 catering outlets each. This application will provide a similar choice at MCSP.
- The bus route along the West and North of the site has not been used for some time and is not fit for purpose as a result of tight turning radii at the corner. This proposal makes use of this redundant space for the refreshment pods and enhanced landscaping.
- The facades are in need of modernisation. This requires significant financial investment and is to some extent therefore linked to permission being granted for the income generating A1 unit and refreshment pods.

4.28 As set out in the NPPF there are two key policy tests relevant to the consideration of the retail impacts of the development. These are the sequential test and the impact assessment.

Sequential Test

4.29 A sequential test is a planning principle that seeks to identify, allocate or develop certain types or locations of land before others.

4.30 Under the NPPF, the sequential test is applied to main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. The NPPF says that main town centre uses should be located in town centres, then in edge of centre locations, and only if suitable sites are not available, should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. No specific floorspace threshold is cited for the use of the sequential test. The twin facets of the test in the NPPF are suitability and availability. The previous consideration of viability referred to in former Government advice (Planning Policy Statement 4) is no longer referenced in dealing with planning applications.

4.31 The NPPF (para 24) requires both applicants and Local Planning Authorities to demonstrate 'flexibility' on issues such as format and scale when considering sites in, or on the edge, of existing centres as part of applying the sequential test but does not provide specific guidance as to what degree of flexibility is required. Recent case law from *Tesco v Dundee City Council* (2012 UKSC13) clarifies the position. In summary the Dundee case establishes firstly that if a site is not suitable for the

commercial requirements of the developer in question then it is not a suitable site for the purposes of the sequential approach and secondly in terms of the size of the sequentially preferable site, provided that flexibility has been demonstrated the question is " whether the alternative site is suitable for the proposed development" NOT whether the proposed development can be altered or reduced so it can be made to fit.

4.32 It is considered that the applicants have demonstrated flexibility on matters of format and scale by considering sites which could accommodate the proposed gross floorspace of 2,411 sqm over two storeys rather than just the single storey unit proposed. Including the required landscaping and car parking provision this means that sites of 3,116 sqm (0.31ha) have been considered as part of the sequential test.

4.33 In accordance with national guidance the Council has supported the applicant in undertaking the sequential test, including sharing any relevant information. As such, it was considered that the applicant should assess the following sites in terms of their suitability and availability as part of the sequential test as part of the sequential test:

- Hungate (Allocation E1 in emerging Local Plan);
- Castle Piccadilly (Site ST20 in emerging Local Plan);
- York Central (Site ST5 in emerging Local Plan);
- Any suitable vacant sites in the city centre; and
- Any suitable vacant sites in Acomb or Haxby District Centres

4.34 The applicant has considered these sites and made the following conclusions:

- The commercial element of the Hungate site is not suitable in terms of its size and location. In addition, permission has only been given in outline and is unlikely to be available in a reasonable time frame.
- York Central is identified as a medium to long term development opportunity given the number of ownerships and scale of development proposed. The site is therefore not available at present and unlikely to be available in the short to medium term.
- Castle Piccadilly has been identified in the York Retail Study as unlikely to gain investment in the short to long term and is therefore not currently available.
- No other sites capable of accommodating a single retail unit of 3116 sqm were identified in the city centre or Acomb or Haxby district centres.

4.35 In conclusion it is considered that the sequential assessment has demonstrated that there are no sequentially preferable development sites within or on the edge of York City Centre which are both suitable and available at the present time.

Impact Assessment

4.36 The purpose of the impact assessment is to consider the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made. The NPPF says proposals that are likely to have significant adverse impact on one or more of the above factors should be refused.

Methodology

4.37 It is considered that the methodology employed by HOW Planning is consistent with the approach advocated by the NPPG. The study area for the proposed retail development is based on the York Retail Study update so that direct comparisons may be made in terms of trading patterns and market shares. The period over which population and expenditure has been forecast is between 2016 and 2021. This is inline with the timescales for the assessment of impacts as set out under paragraph 26 of NPPF.

Impact Assessment of Retail Unit

4.38 The quantum of retail floorspace is 2,411 sqm gross internal area (1,672 sqm net) for the standalone retail unit to be occupied by a furniture retailer, although an end user is not yet identified. HOW Planning in their assessment to accompany the proposal estimate that the unit will have a turnover of circa £8.3m in 2016 and £9.2m in the test year of 2021. This turnover is based on an 'average bulky goods' retailer turnover of £4,925 psm using the 2016 Mintel Retail Rankings. This is estimated to have a solus impact on York City Centre of 0.4% and a cumulative impact (when taking account of other retail commitments) of 4%.

4.39 York city centre's comparison goods turnover (2016) from the study area is estimated at £419.46m and its total turnover including expenditure from outside the study area is £466.07m. It is predicted that the proposal itself will divert £1.84m from the City Centres turnover (0.38%). Cumulatively with the other existing retail commitments, circa £20.12m of comparison goods expenditure would be diverted from York City Centre. This equates to a trading impact of just below 4%. It is considered that this equates to a relatively modest level of trade loss and would not lead to a 'significantly adverse impact' upon the vitality and viability of York City Centre.

4.40 In summary it is considered that the proposal would divert modest levels of comparison goods expenditure from the defined centres and there will not be a

'significantly adverse impact upon the vitality and viability of trade or turnover of centres within the City of York or the wider study area.

Impact on Investment

4.41 NPPG states that when assessing impact upon investment the key considerations are: the policy status of the investment (i.e. whether it is identified in the Development Plan); the progress made towards securing the investment (i.e. if contracts are established); and the extent to which an application is likely to undermine the planned development (i.e. its effect on operator demand and investor confidence).

4.42 The emerging Local Plan identifies three sites within York City Centre (Policy SS5) for retail and mixed use development including Hungate (Site E1), Castle Piccadilly (Site ST20) and elements of York Central (Site ST5). In regards to progress made to securing investment both Castle Piccadilly and York Central are identified in the emerging Local Plan as 'Areas of Opportunity' under policies SS5, SS9 and SS10.

4.43 York Central and Castle Piccadilly are more medium to long term development opportunities in regards to securing investment and are not available in the short term for investment given existing operational uses. Given this, investment on the sites is 'planned' but is at an early stage in the development process. At the Hungate site planning consent has already been granted for various phases of primarily residential development and the scheme is under construction. This therefore represents committed and existing investment. Given the early stage of both the York Central and Castle Piccadilly site with no firm concept of a detailed scheme it cannot be evidenced that the planned development at Monks Cross Shopping Park would undermine the investment.

4.44 The Hungate scheme second phase, which is residential led, is currently under construction and as such this investment has already taken place. The third and fourth phase of the scheme does include ancillary commercial floorspace including some retail floorspace but the purpose of this space is to serve the residents of the scheme and may include small scale convenience and comparison floorspace. It is very unlikely therefore that the retail development proposed as part of the Monks Cross Shopping Park scheme will impact on investment at the Hungate site.

4.45 In summary it is not considered that the effects of the proposed development at the Monks Cross Shopping Park will have a 'significantly adverse' impact on committed or planned investment.

Restaurant pods

4.46 The proposal includes small ancillary restaurant/refreshment pods which would total no more than 1,100 sqm (gross). This is below the impact assessment threshold for out of centre destinations of 1500 sqm so an RIA is not required. However the applicants have produced an assessment to support the application. The units proposed would be ancillary refreshment pods and would be unlikely to be a destination in themselves but would provide a complementary role to the wider Monks Cross Shopping Park. It is considered that the units would be more likely to compete with the existing out of centre format offer rather than on in-centre provision. It is considered unlikely that the A3 floorspace proposed would have a significant adverse effect on existing centres including York City Centre.

Conclusions on the Principle of the Development

4.47 It is Government's current policy position that new retail development should be provided within and adjacent to town centres and to pursue sustainable development. The NPPF requires new retail floor space to be considered against the sequential test and the impact assessment. Advice is clear that retail development should be located in towns/cities first. At the local level policies in the DCLP and the emerging new local plan both direct new development to the city centre first, although no weight can be attached to the new local plan at this time.

4.48 The proposed new floor space, and the refreshment units, are considered to be acceptable in relation to the sequential test as there are no other sequentially preferable sites that are suitable and available. Furthermore the development is not considered to have significantly adverse impacts on the city centre. These conclusions are subject to the imposition of appropriate conditions restricting the use of both the retail units and refreshment pods.

4.49 In terms of the current emphasis on the need to support sustainable economic growth set out within the NPPF the provision of additional jobs overall is a positive benefit to the scheme.

4.50 For the reasons set out above and in the context of NPPF advice, the principle of the development can be supported subject to conditions that ensure the development is undertaken in line with the submitted business case.

DESIGN AND LANDSCAPING

4.51 The scheme effectively includes 4 main elements - the new A1 unit; the refreshment pods; the replacement facades and landscaping; and the alterations to the parking layout. As these can be, in the main, be implemented separately it seems appropriate to consider them individually.

4.52 The new A1 unit sits within an area at the front of the site currently used as parking and bounded to the East by Monks Cross Access Road and to the West by Monks Cross Drive. The site is clearly visible from the roundabout on Jockey Lane and is most notable for the row of lime trees around its boundary. These lime trees are protected by TPO and have a high amenity value giving screening to the MCRP and greening an otherwise relatively sterile car park environment.

4.53 The proposed unit sits comfortably away from the lime trees and it is accepted that there should be no impact on these as a result of the proposal. It is proposed as part of the landscape scheme that a gap resulting from failed trees is filled by replacements. The unit will sit within its own landscaped area consisting of wildflower sowing and birch trees. This will go some way to ensuring the unit sits comfortably within the streetscene.

4.54 It is acknowledged that the proposal introduces a built form in to an area which is currently relatively open however it does sit comfortably with other development around the roundabout. To the South of the roundabout the retail units are set a similar distance from the roundabout as the proposal as is the Sainsburys petrol station. Therefore it can be considered that the proposal is in keeping with the character of the surrounding area in terms of its siting.

4.55 Given the relatively prominent location of the building, it was considered necessary to ensure that the building did not turn its back on Monks Cross Drive and the roundabout to the South. Revisions have therefore been sought to achieve a building which fronts not just its parking area to the north but also produces a positive aspect to the highways to the South. The building is approximately two storey in scale with a feature element on the corner to the Southeast facing the roundabout. Elements of glazing are used on all elevations to ensure the building is not overly heavy in appearance. Signage will predominantly be attached to the feature facing the roundabout.

4.56 It is concluded that the proposed A1 unit will be a positive addition to the streetscene. Its siting results in it having the impact of a gateway building to the MCSP and as such it has been designed to address the roundabout and external roads as well as the internal areas of the retail park. Landscaping around the unit is positive with some replacement tree planting for those trees which will be lost as a result of the parking reconfiguration.

4.57 The refreshment pods are to be sited within an area to the front of the North terrace which currently consists of the redundant bus lane, the cycle lane and areas of landscaping. The pods are in 4 blocks with 2 smaller blocks to the outside and larger ones with the potential to be sub-divided to the centre. They are to be single storey which will make them slightly taller than the canopy of the existing units. Whilst necessarily fronting the pedestrian walkway in front of the existing retail units, the pods also have glazed areas to the side with small external terraces which help

to ensure that the elevation facing the parking is not entirely blank. Materials will be cedar and grey cladding to blend in with the proposed alterations to the facades.

4.58 It is proposed to update the existing facades and canopy across the site to update and refresh the site. The existing drum features above the entrances to each unit will be overclad with a backlit architectural metal mesh which will echo the improved lighter weight canopy. The canopy is to be retained throughout the site although moved to a higher level in front of the 4 smaller units on the end of the West terrace. Signage will be incorporated in to the illuminated metal screens at high level. Existing shopfronts are to be retained but the varying sizes of the existing entrance features will be replaced by identically sized detailing. The existing low level granite cladding will be replaced by grey rain cladding. The aesthetic is proposed to follow that of the new Primark store. The existing lighting strategy will be retained across the retail terraces. Materials in the proposed unit and pods will follow those of the new facades.

4.59 As a result of the changes to parking in the South of the site (where the new unit will be sited) and the removal of the bus lane to the West and North, the parking layout for the entire site is being reconfigured. These changes result in a very small increase in parking provision but a significant improvement in the layout and siting of spaces. While there is a net gain in number of trees across the wider site, the main concern is the loss of all the trees throughout the parking area. Our landscape officer has accepted the removal of these trees as they are of variable condition and not covered by the TPO however they are recognized as providing significant amenity within the parking area. The proposal currently has little landscaping to break up the car parking. While new birch trees are to be planted to the front of the West and East terraces and along the central pedestrian routes these contribute little to providing a pleasant environment within the wider parking area. There is a loss of some of the hedging and tree planting to the North of the internal roundabout which should be reinstated or mitigated. The comments of the landscape officer have been forwarded to the applicant and an update will be provided at the committee meeting.

4.60 A landscaping scheme is proposed to replace the landscaping lost around the new pods. This new landscaping scheme is replicated across the site to provide cohesion and is a welcome addition to the site.

4.61 In conclusion, while issues around tree loss within the car parking area remain to be resolved, the design of the proposed buildings and enhancements to the existing site provide a positive contribution to the site and streetscene. The external appearance of the site will be maintained by the retention of the existing trees and the new unit will provide a positive addition to the site. The modernising and extension of the site is considered to be in compliance with policy GP1 of the DCLP and provides a sustainable form of development by enhancing and extending the existing site.

HIGHWAYS, PARKING AND ACCESS ARRANGEMENTS

4.62 The application has been supported by a Transport Statement, the scoping of which was agreed with officers.

Traffic Generation

4.63 As the development proposals seek to reconfigure an existing retail park the increase in traffic generated by the additional floorspace will not be proportionate to the increase in floorspace. A significant number of vehicular trips associated with the development will either be;

Linked Trips – customers already visiting the retail park who will visit multiple units

Pass-By – customers already on the adjacent highway network who call in to the site as part of a journey to somewhere else

Diverted – customers already on the highway network who deviate from their planned route to call in to the retail park

4.64 The actual numbers of vehicular trips considered to be new to this part of the highway network arising from the proposed development is anticipated to be in the region of 75 vehicles during the Saturday peak hour period. Given the existing background traffic flows on the adjacent highway it is not considered that the potential increase will be detrimental to the free flow of traffic nor warrant junction/highway mitigation works.

4.65 This level of traffic generation can be considered to represent a worst case scenario as the application has been supported by a Travel Plan which outlines a number of measures which are to be implemented which seek to promote sustainable travel and reduce dependence on the private car.

Car Parking

4.66 The car park currently offers 960 spaces. The reconfigured car park will provide 966 spaces. The ratio of car parking spaces to GFA of retail floor area remains broadly the same between the existing and proposed development scenarios. Car parking accumulation surveys have been undertaken during the typical periods of operation. The surveys are considered to be very robust as they include the additional draw which would have occurred from the opening of the new Primark store.

4.67 These surveys indicate that during a typical Saturday the car park occupancy, peaks at approximately 95% of its available capacity (920 occupied out of 960 spaces). It should be pointed out however that this peak represents the single worst 15 minute period throughout the survey period and that outside of this single peak much greater capacity is widely available.

The typical average parking accumulation throughout a Saturday is 74% (717 occupied out of 960 spaces).

4.68 Officers are satisfied that when taking into account;

- a) The extensive Travel Plan work being undertaken by the park
- b) Non car accessibility to the site and works proposed as part of the scheme
- c) The robustness of the survey data
- d) The available hunting/circulatory/stacking space within the site clear of the public highway

that the level of car parking being provided is reasonable and appropriate in that it provides an appropriate level of car parking for day to day operation without unnecessarily incentivising car borne travel to the site.

Design/Sustainability

4.69 Whilst it is acknowledged that the Western bus link is being lost through the proposals buses have not used this route for some time. The existing Eastern bus only corridor is retained and has recently been improved with smart ticketing facilities, BLISS display and Kassel kerbs through the previously approved consent 13/01559/FULM, which will provide a better experience for bus passengers.

4.70 A replacement dedicated cycle route at least 3m wide will be provided along the Western and Northern arms of the retail park providing traffic free routes to cycle parking facilities. 130 cycle spaces (including some catering for trailers/panniers) are being provided in locations which have good natural surveillance, are well lit and are covered by CCTV are being proposed as part of the scheme.

4.71 The retail park management are currently working closely with the authorities Travel Plan officers and are actively promoting and implementing Travel Plan initiatives.

SUSTAINABILITY

4.72 There are clear objectives within the NPPF and within Local plan policies that seek to secure sustainable development.

4.73 In accordance with the Interim Planning Statement on Sustainable Design and Construction a BREEAM very good assessment for all areas of development above 1000sq.m is required. The applicant has committed to this within their energy and sustainability statement.

4.74 In addition to accord with the Council's adopted Low Emission Strategy (October 2012) a condition is sought to secure 6 Electric Vehicle Recharging Point. Such a requirement is considered to accord with the requirements of paragraph 35

of the NPPF the aim of which is to seek to protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people.

FLOOD RISK AND DRAINAGE

4.75 The site is in Flood Zone 1 and the development is appropriate in flood risk terms in accordance with the NPPF. No objections are raised by the Council's Flood Risk Engineer provided appropriate conditions are attached to any approval to ensure that any drainage systems are acceptable.

5.0 CONCLUSION

5.1 The applicant has demonstrated that the proposals are sequentially acceptable and that the proposals will not have a significantly adverse impact on the city centre or on planned investment.

5.2 The proposals are considered acceptable in terms of their design and siting and will enhance the appearance of the MCRP. The important tree cover around the boundary of the site is maintained and reinforced while landscaping to the front of the retail terraces is replaced and improved. Concern still remains regarding tree loss within the parking area although it should be noted that there is a net gain in tree planting across the entire site. An update will be provided at committee regarding the applicant's response to comments regarding tree loss.

5.3 Conditions are suggested to restrict the expansion of future out of centre bulky goods retailing and the type of goods sold. Other conditions will control details relating to appearance, landscaping, drainage and sustainability issues.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 PLANS1 Approved plans

3 The following range of goods shall not be sold from the standalone retail unit, save where ancillary ("ancillary" being defined for the purposes of this condition as no more than 15% of the total floorspace of the standalone retail unit) to the main range of goods sold:

- Men's, women's and children's clothing and footwear

- Fashion accessories

- Watches and jewellery
- Music and video
- Cameras and photographic equipment
- Toys
- Pharmaceutical goods
- Books, magazines and stationery
- Food, drink and other convenience goods

Reason: In the interests of the protection of the vitality and viability of the city and district centres the range of goods to be sold shall not compete with typical products found in these centres.

4 The A1 retail floorspace hereby approved shall not exceed 1672 square metres net.

Reason: The amount of retail floorspace approved is considered to be acceptable any increase may have an adverse impact on the vitality and viability of the city and district centres.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended, there shall be no sub-division of the A1 retail unit to create units of less than 1,000 sqm, or insertion of mezzanine floors within the A1 retail unit, in the absence of any planning permission relating directly to such subdivision or mezzanine floor.

Reason: In order to protect the vitality and viability of the city and district centres.

6 The refreshment units hereby approved shall only be used for A1 (sandwich shop), A3 (restaurant and cafe), A4 (drinking establishment) and/or A5 (hot food take-away) and for no other purpose, including any other purpose in Class A1 (apart from sandwich shop) in the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: So that the Local Planning Authority may re-assess alternative uses in the interests of the vitality and viability of York city centre which, without this condition, may have been carried out without planning permission by virtue of Article 3 of the Town and Country Planning (Use Classes) Order 1987.

7 VISQ8 Samples of exterior materials to be approved

8 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.

9 No development shall take place until details of the proposed means 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.

Design considerations.

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuD's). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuD's.

If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself.

City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

If SuDs methods can be proven to be unsuitable then in accordance with City of York Council's Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

Surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

The applicant should provide a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

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

10 Prior to the commencement of building works a detailed landscape scheme which shall include the species, density (spacing), and position of trees, shrubs and other plants; seeding mix, sowing rate and mowing regimes where applicable shall be submitted and approved in writing by the Local Planning Authority. It will also include details of ground preparation. 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 ten years from the substantial completion of the planting and 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 the Local Planning Authority agrees alternatives in writing. This also applies to any existing trees that are shown to be retained within the approved landscape scheme. Any works to existing trees that are protected by a tree preservation order (TPO) or are in a conservation area are subject to local authority approval and notification respectively within and beyond this five year period.

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

11 Prior to commencement of the A1 retail unit, an Arboricultural Method Statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. Amongst others, this statement shall include details and locations of protective fencing, site rules and prohibitions, phasing of works, site access during clearance/construction, locations for stored materials, locations and means of installing utilities, location of site compound. A copy of the document will be available for inspection on site at all times.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of this area and/or development.

12 Details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, 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. 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 nearby properties and the environmental qualities of the area.

13 There shall be adequate facilities for the treatment and extraction of cooking odours. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for written approval. Once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained and serviced thereafter in accordance with manufacturer guidelines.

Note: It is recommended that the applicant refers to the Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (January 2005) for further advice on how to comply with this condition. The applicant shall provide information on the location and level of the proposed extraction discharge, the proximity of receptors, size of kitchen or number of covers, and the types of food proposed. A risk assessment in accordance with Annex C of the DEFRA guidance shall then be undertaken to determine the level of odour control required. Details should then be provided on the location and size/capacity of any proposed methods of odour control, such as filters, electrostatic precipitation, carbon filters, ultraviolet light/ozon treatment, or odour neutraliser, and include details on the predicted air flow rates in m³/s throughout the extraction system.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area.

14 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

NOTE: For noise details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

For vibration details should be provided on any activities which may results in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. Ideally all monitoring results should be recorded and include what was found and mitigation measures employed (if any).

For dust details should be provided on measures the developer will use to minimise dust blow off from site. Measures may include, but would not be restricted to, on site wheel washing, restrictions on use of unmade roads, agreement on the routes to be used by construction traffic, restriction of stockpile size (also covering or spraying them to reduce possible dust), targeting sweeping of roads, minimisation of evaporative emissions and prompt clean up of liquid spills, prohibition of intentional on-site fires and avoidance of accidental ones, control of construction equipment emissions and proactive monitoring of dust. In addition I would anticipate that details would be provided of proactive monitoring to be carried out by the developer to monitor levels of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints. Ideally all monitoring results should be measured at least twice a day and result recorded of what was found, weather conditions and mitigation measures employed (if any). The plan should also provide detail on the management and control processes. Further information on suitable measures can be found in the dust guidance note produced by the Institute of Air Quality Management, see <http://iaqm.co.uk/guidance/>

For lighting details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

In addition to the above the CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the

complainant, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses public.protection@york.gov.uk and planning.enforcement@york.gov.uk

Reason: To protect the amenity of the area

15 LC4 Land contamination - unexpected contam

16 Before the occupation of the A1 retail unit four (4) Electric Vehicle Recharging Points shall be provided in a position to be first agreed in writing by the Council. Within 3 months of the first occupation of the accommodation, the Owner will submit to the Council for approval in writing (such approval not be unreasonably withheld or delayed) an Electric Vehicle Recharging Point Maintenance Plan that will detail the maintenance, servicing and networking arrangements for each Electric Vehicle Recharging Point for a period of 25 years.

Note : Electric Vehicle Recharging Point means a free-standing, weatherproof, outdoor recharging unit for electric vehicles with the capacity to charge at both 3kw (13A) and 7kw (32A) that has sufficient enabling cabling to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point. Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles. Also, to prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development in agreement with the Local Planning Authority. This ties in with a key theme of the NPPF, in that developments should enable future occupiers to make green vehicle choices and it explicitly states that 'developments should be located and designed where practical to incorporate facilities for charging plug in and other ultra low emission vehicles'.

Reason: To promote and facilitate the uptake of electric vehicles / bikes / scooters on the site in line with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework (NPPF).

17 The A1 retail unit 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.

18 HWAY18 Cycle parking details to be agreed

19 HWAY19 Car and cycle parking laid out

20 HWAY36 Servicing within site, details reqd

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

- a) the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- b) where contractors will park
- c) where materials will be stored within the site
- d) details of how the car parking area will be managed during the construction period to ensure adequate car parking remains
- e) measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

22 No new floorspace hereby approved shall be occupied until a Full Travel Plan for that floorspace has been submitted and approved in writing by the LPA. The travel plan should be developed and implemented in line with local and national guidelines. The new floorspace shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

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

Reason: To ensure the development complies with local and national highways and planning guidance, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users.

7.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Required amended details of the retail unit and changes to the landscaping layout.

2. The public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort, the developer is required to eliminate other means of surface water disposal.

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