



## Notice of meeting of

### East Area Planning Sub-Committee

- To:** Councillors Moore (Chair), Hyman (Vice-Chair),  
D'Agorne, Greenwood, Hall, King, Smallwood, Vassie,  
B Watson and I Waudby
- Date:** Thursday, 22 February 2007
- Time:** 2.30 pm
- Venue:** Guildhall, York

### AGENDA

**1. Declarations of Interest**

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

**2. Minutes**

(Pages 4 - 11)

To approve and sign the minutes of the last meeting of the Sub-Committee held on 8 February 2006.

**3. Public Participation**

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is Wednesday 21 February 2007 at 5.00pm.

#### 4. Plans List

To determine the following planning applications related to the East Area.

a) **Hoxne Farm, Sheriff Hutton Road, Strensall, York (06/01054/FUL)** (Pages 12 - 20)

Alterations to existing caravan park including the removal of the existing touring caravan and caravan storage areas and the development of a new area to accommodate 30 holiday cabins.  
*[Strensall Ward]*

b) **Brecks Nook Farm and York Riding School, Wigginton Road, Wigginton, York (06/02865/FUL)** (Pages 21 - 26)

Use of land for car parking in connection with existing uses within the Cliftongate Business Park, Wigginton Road, York.  
*[Haxby and Wigginton Ward]*

c) **Allders Group, Stirling Road, York (06/00941/FUL)** (Pages 27 - 32)

Variation of condition 5 of planning permission 3/104/141AD/PA to enable a wider range of goods to be sold.  
*[Skelton, Rawcliffe, Clifton Without Ward]*

d) **Allders Group, Stirling Road, York (06/00948/FUL)** (Pages 33 - 43)

Change of use to health and fitness centre (Use D2) and retail unit (Use A1) to part of unit 3, rear extension to form plantroom and external alterations to front and rear and addition of mezzanine first floor.  
*[Skelton, Rawcliffe, Clifton Without Ward]*

e) **York District Hospital, Wigginton Road, York (06/02605/FULM)** (Pages 44 - 52)

Erection of two storey (3 Level) Car Park, and alterations to existing car park and entrance roads. (Re-submission)  
*[Clifton Ward]*

f) **68 Fishergate, York (06/02796/FUL)** (Pages 53 - 57)

Erection of smoking/bus shelter to the front of building.

*[Fishergate Ward]*

**5. Urgent Business**

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

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

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

Contact details are set out below.

Democracy Officer:

Name: Jill Pickering

- Telephone – (01904) 552062
- E-mail – [jill.pickering@york.gov.uk](mailto:jill.pickering@york.gov.uk)

**EAST AREA PLANNING  
SUB-COMMITTEE****SITE VISITS****WEDNESDAY 21 FEBRUARY 2007**

<b>TIME</b>	<b>OFFICER</b>	<b>SITE</b>
<b>10:00</b>		<b>Car Park Union Terrace</b>
<b>10:15</b>	<b>MP</b>	<b>Hoxne Farm, Sheriff Hutton Road, Strensall</b>

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- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

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### **Holding the Executive to Account**

The majority of councillors are not appointed to the Executive (38 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Advisory Panel (EMAP)) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

### **Scrutiny Committees**

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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City of York Council

Minutes

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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	8 FEBRUARY 2007
PRESENT	COUNCILLORS MOORE (CHAIR), HYMAN (VICE-CHAIR), GREENWOOD, HALL, KING, VASSIE, B WATSON AND I WAUDBY
APOLOGIES	COUNCILLORS D'AGORNE AND SMALLWOOD

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**57. DECLARATIONS OF INTEREST**

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda.

No interests were declared.

**58. MINUTES**

RESOLVED: That the minutes of the last meeting of the Sub-Committee held on 25 January 2007 be approved and signed as a correct record.

**59. PUBLIC PARTICIPATION**

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme.

**60. PLANS LIST**

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

**60a. Site adjacent Rodgers Carpets West of Jockey Lane, Huntington, York (06/02205/REMM)**

Members considered a major reserved matters application, submitted by Oakgate (Monks Cross) Ltd, for the erection of 4 no. office units (B1 Use) (resubmission).

Officers updated that this was the first of two reserved matters applications for this high quality business park. It was reported that the applicant had voluntarily agreed to provide an excellent BREEAM (Building Research Establishment Environmental Assessment Method) rating for the building and the addition of a condition to support this was proposed. Officers referred to an amendment required to the report under para. 3.3 b, which should read, "occupy more than 10% of total floor space approved."

Members welcomed the application and the BREEAM condition and questioned the possible inclusion of rain harvesting and discussions with the Council's Sustainability Officer.

**RESOLVED:** That the application be approved subject to the conditions listed in the report and the addition of the following condition and informative:

The developer shall aim to achieve a BREEAM "very good" or "excellent" assessment standard for the development. Unless otherwise agreed in writing by the Council within 1 month of the date of the commencement of construction of the development the developer shall submit in writing for the approval of the Local Planning Authority a BREEAM design assessment demonstrating the progress of the BREEAM assessment, the percentage score expected to be achieved and which standard this relates to. Where this does not meet at least a 'very good' standard then the developer must demonstrate what changes will be made to the development to achieve at least 'very good' standard.

#### CLIMATE CONTROL INFORMATIVE

The applicant is advised to contact the City of York Council Sustainability Officer regards climate control within the building.

**REASON:** In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the visual amenity of the area and highway safety. As such the proposals are considered to comply with Policies SP8, GP1, T2, T4, T13, E1A, and GP3 of the City of York Local Plan Deposit Draft and the aims of PPS1 and PPG13.

**60b. Site adjacent Rodgers Carpets West of Jockey Lane, Huntington, York (06/02521/REMM)**

Members considered a major reserved matters application, submitted by Mr J Downes, relating to 98/02301/OUT for the erection of a two storey office building.

Officers updated that the applicant had originally registered to attend the meeting but had had to withdraw, for personal reasons at short notice, he asked that his emailed comments were reported to Members. Officers reported that the building would be used as a laboratory and that, although it would endeavour to reach BREEAM standards, it would be a high user of energy therefore it would only meet the good standard.

The Chair referred to the exposed external escape stair and the possibility of anti social behaviour with young people congregating and suggested the applicant consider the enclosure of the stairs.



Members questioned the security of the building, security lighting and whether the escape stair was sited adjacent to the gas cylinder store. The applicants agent, who was in attendance, indicated that the escape stairs were he understood situated in a compound. He confirmed that if this was not the case they would examine the possibility of enclosing the external stairs and the siting of the gas cylinder store as it was in the developers interest to make the building safe and secure.

**RESOLVED:** That the application be approved subject to the conditions listed in the report and subject to the following amended and additional conditions and informative:

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

Drawing Number 627852 SD AP 00024 revision A received 1 December 2006

Drawing Number 617818 SD AP 0026 revision B received 17 November 2006

Drawing Number 617818 SD AP 0028 revision C received 31 January 2007

Drawing Number 617818 SD AP 0005 revision A received 1 December 2006

Drawing Number 617818 SD AP 0030 revision A received 17 November 2006

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

2 This approval of reserved matters shall be limited to the area within the pink line shown on drawing number 617818 SD AP 0005 received 17 November 2006.

3 Any contaminated material detected during site works shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development of the site.

4 The developer shall aim to achieve a BREEAM "very good" or "excellent" assessment standard for the development. Unless otherwise agreed in writing by the Council within 1 month of the date of the commencement of construction of the development the developer shall submit in writing for the approval of the Local Planning Authority a BREEAM design assessment demonstrating the progress of the BREEAM assessment, the percentage score expected to be achieved and which standard this relates to. Where this does not meet at least a 'very good' standard then the developer must demonstrate what changes will be made to the development to achieve at least 'very good' standard.

CLIMATE CONTROL INFORMATIVE

The applicant is advised to contact the City of York Council Sustainability Officer regards climate control within the building.

**REASON:** In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the visual amenity of the area and highway safety. As such the proposals are considered to comply with Policies SP8, GP1, T2, T4, T13, E1A, and GP3 of the City of York Local Plan Deposit Draft and the aims of PPS1 and PPG13.

**60c. 26 Hopgrove Lane South, Stockton on the Forest, York  
(06/02360/FUL)**

Members considered a full application, submitted by Ashley Woods, for the variation of condition 3 of planning permission for use as a beauty salon, to extend opening hours (resubmission).

Officers updated that for the avoidance of doubt and to make it easier to understand Officers felt the opening hours condition in the recommendation for approval should be amended to ensure that the salon was open from 9.00am Monday to Saturday rather than starting at 8.30am on Saturdays.

Representations were received, in objection, from a neighbour on behalf of a number of local residents in the area. She explained that there was a footpath between Nos.1-23a Hopgrove Lane, which recommenced at 26 Hopgrove Lane outside the salon. As customers frequently parked on the footpath at this point pedestrians were forced to walk on the busy road. There was restricted parking at the salon and a bakery opposite the site, which caused numerous parking problems and the objectors were concerned with further late night openings as the present hours were rarely adhered to. Their main objection was to additional late night opening, which they felt would detract from the amenities of the residential area.

Members questioned the contravention of opening hours referred to and the car parking provision on site.

Representations were also received, in support of the application, from the applicants agent. He indicated that he had undertaken a survey of salon customers in the 24 days prior to Christmas when a maximum of 11 customers had attended on any one day, which averaged 1½ customers per hour. He confirmed that he was unaware of any breach of opening hours by the applicant. He stated that the extension of hours application was for the convenience of customers who wished to use the facilities both before and after work.

Members also questioned the length of customers stay at the premises, parking arrangements on site and the need to enforce any extension of hours.

**RESOLVED:** That the application be approved subject to the following conditions:

- 1 The following wording amends Condition 3 of Planning Approval 05/00452/FUL dated 4 May 2005.

The opening hours of the use to members of the public shall be restricted to the following times: - 09:00-20:00 Monday-Fridays, 09:00-18:00 Saturdays with no opening to members of the public on Sundays/Bank Holidays.

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

**REASON:** In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to neighbours. As such the proposal complies with Policies GP1 and GP4a of the City of York Deposit Draft Local Plan.

**60d. 3 Wenlock Terrace, York (06/02539/FUL)**

Members considered a Full Application, submitted by P M Yorkshire Ltd, for the conversion of building from 4 no. flats to 8 no. flats with external alterations including new store in the rear yard (revised scheme).

Officers updated that it was possible to provide one car parking space at the rear of the site but it was felt that the area would be better retained as amenity space for residents. Plans marking out the difference in the application refused for 9 flats in 2006 and that now under consideration for 8 flats were displayed at the meeting. If the application was approved Members were asked to make an addition to condition 6 to include bin and cycle storage to be agreed by the local planning authority.

Representations in support of the application were received from the applicants agent who confirmed that, following the refusal for 9 flats the scheme had been redesigned and that a number of the units had been increased in size and now exceeded minimum size guidance for properties. It was intended to undertake insulation works to prevent the passage of sound in the properties and he confirmed that there were no objections to the application.

Members questioned the minimum size guidelines for properties and the agent confirmed that all authorities appeared to interpret the Housing Act

2004 differently with regard to size. A general guide appeared to be 12m sq for a single room and 15m sq for a double room; the smallest studio would measure 20.79m sq. Members also requested further information in relation to the size of property and number of flats in Wenlock Terrace and the need to insulate the walls to protect the amenities of future residents.

Certain Members expressed concerns at the number of units proposed, that the amount of noise generated would affect the amenity of residents and that there appeared to be no natural light to some of the proposed rooms. Officers confirmed that the internal layout was a building regulation issue. It was agreed that the proposed insulation works for the floor and walls between the flats and the adjacent dwellings to achieve a reasonable resistance to airborne/impact sound should be assessed by the Environmental Protection Unit.

**RESOLVED:** That the application be approved subject to the conditions listed in the report and the addition of the following condition:

Prior to the development commencing details of recycling and refuse areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the facilities and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the storage of refuse.

**REASON:** In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact upon residents and the street scene. As such the proposal complies with Policies H7 and GP1 of the City of York Deposit Draft Local Plan as well as Guidance contained within PPG3.

**60e. Land Lying to the East of Centurion Office Park, Tribune Way, York (06/02341/OUTM)**

It was reported that this major outline application, submitted by Keyland Gregory, for outline application for proposed light industrial development on land to the east of Centurion Park (layout, scale, appearance, access and landscaping) and residential development comprising 12 no. dwellings to land lying to the south of Centurion Park (siting and access only) had now been withdrawn by the applicant.

**60f. Brecks Nook Farm and York Riding School, Wigginton Road, Wigginton, York (06/02865/FUL)**

Members considered a full application, submitted by Marchi Properties, for the use of land for car parking in connection with existing uses within Cliftongate Business Park, Wigginton Road, Wigginton.

Officers updated that there was a public inquiry pending for this site, which was due to take place on 6 March. Officers had recently met with the applicants and their agent to agree a common red line for the boundary of the application site but that it had not been possible to get agreement on this point by both parties.

Members were therefore recommended to defer consideration of this application to the 22 February 2007 meeting of the Sub-Committee to enable agreement to be reached on the site boundary for the future avoidance of doubt.

Representations were received from the applicant who indicated that the application and plan did not appear to be in the form that were originally applied for and she welcomed the deferral to clarify the site boundary. She also referred to applications approved by the Authority in 2001 which she felt were relevant to the present application.

**RESOLVED:** That further consideration of this application be deferred to the next meeting of the Sub-Committee to allow Officers to agree with the applicants the boundaries of the application site, the report back to include details of planning approvals for the site in 2001.

**REASON:** To enable Officers to clarify the site boundaries with the applicant prior to consideration of the application for the avoidance of doubt.

CLLR R MOORE  
Chair

The meeting started at 2.00 pm and finished at 3.25 pm.

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**COMMITTEE REPORT**

**Committee:** East Area  
**Date:** 22 February 2007  
**Ward:** Strensall  
**Parish:** Strensall And Towthorpe  
Parish Council

**Reference:** 06/01054/FUL  
**Application at:** Hoxne Farm Sheriff Hutton Road Strensall York YO32 5TL  
**For:** Alterations to existing caravan park including the removal of the existing touring caravan and caravan storage areas and the development of new area to accommodate 30 holiday cabins.  
**By:** Mr J Ord  
**Application Type:** Full Application  
**Target Date:** 7 July 2006

**1.0 PROPOSAL**

1.1 This application was deferred at the December meeting in order for the applicant to make amendments to the layout of the site following on from the discovery of a badger sett close to the north east corner of the site and to gain additional information on surface and foul water drainage arrangements proposed. Members also agreed to a site visit following a request from the local Parish Council. The layout has been amended and additional drainage details submitted. These details have been copied into the drainage section of the report at para. 4. The additional details have been sent to the relevant drainage bodies and their comments are awaited. These will be updated verbally at the committee meeting. Regarding the issue of the badger sett the layout of the site has been marginally changed in order to bring the caravans further away from the area identified as being home to possible badger setts. This results in the nearest caravan being close to the 30 metres limit beyond which a license is not required for any work. At the time of writing this report officers are checking exact distances in order to decide whether any mitigation measures are required. These can then be conditioned if required. An update will be provided at the meeting.

The report largely follows as before except for extra information in the drainage section 4.10 to 4.13.

1.2 The application is to change the type of accommodation from touring caravans to more permanent cabin style holiday accommodation and as a consequence, reorganise the layout of the site. The site is off Sheriff Hutton Road to the north of Strensall village. It is an existing caravan park which offers accommodation for a maximum of 30 touring caravans and a large area for year round caravan storage. The site also offers other facilities such as fishing in a large pond towards the front of the site and a cattery next to the applicant's on site house.

1.2 The site is right on the northern boundary of the City of York Council area. It is in a small area of land that is not within the green belt.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

### 2.2 Policies:

CYV5

Caravan and camping sites

CYT5

Traffic and pedestrian safety

CYNE1

Trees, woodlands, hedgerows

## **3.0 CONSULTATIONS**

### 3.1 INTERNAL.

#### 3.2 Highway network management.

No objections. Would result in a reduction in traffic and the elimination of vehicles towing caravans entering the site.

#### 3.3 Landscape Architect.

No objections.

### 3.4 EXTERNAL.

#### 3.5 Strensall and Towthope Parish Council.

Object.

Consider it to be too large a development of holiday accommodation on a restricted site to impose on the village. The access is on a very busy road junction and 30 habitations with the increased traffic in the number of cars we believe would constitute a traffic hazard.

Consideration must also be given to the provision of utilities on this site as each of the 30 dwellings planned will require sewage, drainage etc.

#### 3.6 Foss IDB.

The site lies within the Board's District within the catchment of the River Foss, which lies a little distance to the east and south of the site.

There appears to be a slight confusion as to the method of surface water disposal. In the application it states that the method is "to Soakaway" yet the drawing O03/03/02 states that it is to continue to be disposed of "to ground via a field drainage system".



Provided this is the same method (i.e. the field drainage system is the herring bones etc that disperse the water into the ground) then the Board has no objection to the proposals.

### 3.7 Third Parties.

2 letters of objection received making the following comments.

- i) 30 static caravans is too dense a number for such a restricted site - a mini village.
- ii) The whole site is subject to waterlogging, the water table being so high in the area.
- iii) No provision of security fencing around the site to prevent trespass onto, or from, the site to neighbouring properties.
- iv) Screening of the site is inadequate through the autumn, winter, early spring period.
- v) No provision made for recreational areas within the site.
- vi) Plans state foul drainage to the existing system. Does not consider that these will cope with the increased number of units nor their type.
- vii) The volume of traffic that such a scheme would generate would be a severe hazard. There have been several severe accidents at this point in the road over the last 3/4 years. Possible all year round occupation of the site with normal day to day journeys to school, work etc likely. No public transport to the site.
- viii) Would be extra light pollution.
- viii) There is an active badger sett in the NE corner of the site.
- ix) There is already adequate provision for this type of use in the locality.
- x) Better quality accommodation means that there is the potential for increased occupancy in the winter months. If granted then effectively agreeing a housing estate of 30 properties in the green belt.
- xi) Will increase the demand for the provision of healthcare, schooling, policing and general services in the area.

## 4.0 APPRAISAL

### 4.1 KEY ISSUES.

- control of use.
- visual impact.
- drainage.

4.2 The site has the benefit of planning permission as a touring caravan site. Ryedale District Council gave consent in November 1991 for 10 touring caravans on the site with a condition preventing the use of the site for this purpose between 31st October and the 1st March. Permission was then subsequently approved (again by Ryedale) in 1996 for 30 caravans with no time restrictive condition imposed. That was the last relevant planning permission and so technically the site can operate all year round without restriction or control from the planning department.

4.3 This application is to replace the existing consent with a permission which would allow more permanent structures, in the form of timber, holiday cabin style accommodation to occupy the site. Some of these will be for letting purposes but

some will be privately owned. These would still meet the definition of a caravan as described in the 'The Caravans Sites Act 1968' although obviously they will offer larger, more permanent and better quality timber clad style units. Significant levels of caravan storage is also permitted on the site. This would also be removed.

4.4 The purpose of the application is twofold. Firstly to offer a better standard of holiday accommodation and secondly to improve the environment for fishermen who fish the main pond nearest to the front entrance of the site. At the moment the touring caravans are located in an area close to the northern boundary of the lake and these impact on the enjoyment of the lake and the facilities offered to the fisherman. This application shows the removal of all the pitches around the fishing lake and the transferring of them to an area around a secondary lake towards the back of the site, an area currently with planning permission for the storage of touring caravans. The new owners of the site are also concerned at the disruption to the site caused by the extensive storage area and do not wish to continue with this. They wish to also improve the fishing side of the enterprise to create a better quality visitor facility.

4.5 Policy V5 of the draft local plan is the most relevant policy for this case. Part i) of that policy states that the number of caravans should be restricted to 20. However, given that the permitted use of the site allows for 30 touring caravans, then no objections can be raised to this despite the change in design and style. The status of the site will not change significantly.

4.6 Point 2 of V5 states that no static caravans should be permitted. The cabins proposed do not have the appearance of standard static caravans but given the level of permanence associated with them, they are essentially static in nature. The reason for this blanket policy is mainly visual given that static caravans are often larger and more visually intrusive and therefore they are often unsuitable for all year round occupation. Normally such an application would be resisted. In this case however, given the existing unrestricted planning lawful use of the site which technically allows for caravans to stay on site all year round (albeit tourers), the site situation is slightly different. The main issues therefore are whether the revised details for the site are more visually intrusive than existing and whether the occupation of the site can still be properly controlled to prevent all year round occupation. The issue of visual amenity is dealt with at para. 4.9 below.

4.7 The cabins will offer better quality accommodation which could encourage occupation during the winter months. It is considered important to control this and this can be done by condition. It is noted that the last Ryedale permission effectively gave the site an unrestricted all year round use and with some modern touring vans it may now be possible to do this. However, given the change in emphasis to the better quality accommodation and the up to date relevant tourism policies in the local plan, officers are content that occupation times and levels can and must be controlled this time. The applicant has agreed to this. The aim of any such condition would be to prevent year round residential occupation and ensure that the units are used solely as holiday accommodation.

4.8 Overall, the site will have significantly fewer caravans within its boundaries. The removal of the permitted storage use significantly reduces the number of caravans

on the site and consequently should result in a significant reduction in vehicle movements to and from the site. Visually, the removal of the stored caravans also represents an improvement. There is no reason to conclude that the traffic generation from the cabins should be any greater than that in connection with the 30 touring caravans currently permitted to use the site. The layout around the secondary lake is also much improved and would result in a better and more defined layout of the site.

Visual amenity.

4.9 The area of land in question is on the eastern side of the site and behind all the other site facilities. It is currently an open paddock and lake within the site's boundary confines and it has planning permission for extra caravan storage. Being currently unused it has little obvious use in connection with the existing use of the site. The area of land is well confined within the existing site boundaries and is framed by the existing storage facility to the south (although this will be incorporated into this scheme) and extensive and mature tree/shrub planting, including planted tree bunds, to the north and west. Only a very small part of the area in question will be visible from Sheriff Hutton Road (glimpses at the site entrance) and barely at all from either the north or the south (officers drove a mile either side). To the east is farmland with no public views into the site. Although the area in question would see the introduction of holiday cabin style developments, the visual impact of the development would be no worse (and arguably better) than if the applicant implemented the approved storage use fully. The approved storage area could feasibly result in 100 caravans being stored in close proximity to each 365 days a year whereas the 30 cabins, whilst spaced over a much wider area than the existing touring area, would offer spaces between the units and generally a greater level of openness. Any visual impact is considered minimal when set against existing and is not considered materially harmful to the area when considered against existing levels of visual harm. The levels of natural screening are excellent, however it is recommended that these be retained as a condition of approval. Additional areas of planting to supplement this further is also shown on the submitted plans. The site is not in the green belt (just open countryside) and therefore the issue of appropriateness is not relevant in this case.

Drainage.

4.10 Concerns have been raised by adjacent landowners about runoff from the site given the local high water table and waterlogged ground. The applicant has confirmed that surface water drainage will continue to be to the ground and from there into the existing field drainage system with no positive/direct drainage being proposed into the adjoining watercourse and drain. The cabins will stand on a surface of crushed stone with stone/ scalpings on the top so that rainwater can percolate to the ground avoiding any issue of surface water run-off. A more stable surface may be required to the entrance of the cabins but this would also drain to the permeable surface. The Foss Internal Drainage Board have raised no objections to this arrangement although a condition controlling any future change to this arrangement is currently recommended, including the stipulation that there should be no increase in surface water run-off over the present arrangement. The extra information provided by the applicant has been included below in para. 4.12 and this

has been sent onto the Foss Internal Drainage Board for comment although they seem broadly in favour of the drainage arrangements for surface water.

4.11 As for foul water arising from the development, this is shown to be disposed of into the existing on-site private treatment system in the form of existing cesspools. There is no increase in the number of accommodation units on the site and therefore one would assume that this should result in the existing situation being maintained. However, in the event of these levels of discharge increasing, a condition is recommended to control this.

4.12 The following extra information has been supplied by the applicant re drainage: 'As previously outlined, surface water on the site currently discharges to the existing land drainage system which is intended to be retained when undertaking the proposed development. It is anticipated that the use of porous materials for roads and caravan bases will reduce any potential for sheet run-off to the adjoining drainage ditches by effectively increasing the porosity and "holding capacity" of the site. Full details of the existing drainage arrangements in the field are not known but it is not anticipated that the proposed development will have any adverse impact on this or adjoining watercourses.

Whilst the existing foul drainage collection system is based on sealed cesspools which are emptied and disposed of by authorised contractors, the applicant has indicated that he would be willing to introduce a private treatment plant system on the site if this was considered preferable to continuing with the existing cesspool arrangements. However, it is appreciated that such a new system would require consent from the Environment Agency.

If, at the end of the day, an Environment Agency consent was not forthcoming, it is considered that any increase in foul water flows into the existing cesspool system would not cause any problem or disruption - any modest increase in the regularity of emptying the cesspools would probably only result in one or two additional vehicular movements to and from the site each year'.

4.13 The correspondence goes on to ask that if this matter remained one of concern could it be dealt with by way of a condition requiring that the proposed development be served by a private treatment plant of a design to be agreed by the Local Planning Authority which would then leave the cesspool option as a fall-back position dependent on the views of the Environment Agency in respect of any application to discharge needed for the private treatment plant. Officers cannot comment on this until the comments of the Environment Agency have been received and these are currently still awaited.

## **5.0 CONCLUSION**

5.1 Officers consider the proposal to be acceptable in terms of visual amenity and the alterations to the type of holiday accommodation on offer, subject to suitable conditions. The comments of the Environment Agency and the Foss Internal Drainage Board are awaited regarding the drainage proposals and if any significant issues are raised as a result of these then this will be referred to members at the meeting. However, officers consider that it is likely that some foul drainage system is

likely to be acceptable even if that entails the applicant installing a full package treatment plant to replace the existing cesspool arrangement. It would then be up to the applicant to decide whether this was acceptable or not.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve

1 TIME2

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

Drawing no's

- 003/03/02
- 003/03/03
- 003/03/04
- 003/03/05

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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

3 VISQ8

4 The areas of new tree planting as shown on plan drawing no. 003/03/02 shall be carried out in accordance with the details in Point 5 of the same plan. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

5 The accommodation hereby approved shall only be used for holiday accommodation purposes and they shall not be occupied as a persons sole or main residential home. No caravan on the site shall be occupied between the 7th January and March 1st in any one calendar year.

Reason. In order to prevent the full time residential occupation of the site. The site is not considered appropriate for full time residential use due to its position in open countryside away from local services.

- 6 Any change in the surface water drainage arrangement as described in the correspondence received from Edwardson Associates dated 28th November 2006 shall be agreed in writing by the Local Planning Authority in conjunction with the Foss Internal Drainage Board prior to their implementation.

Reason. In the interests of satisfactory drainage within, and adjacent to, the application site.

- 7 In the event that a new foul water treatment system is to be installed, full details of the equipment and associated drainage arrangements shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with the Environment Agency and Foss Internal Drainage Board prior to the installation of any such foul water treatment system.

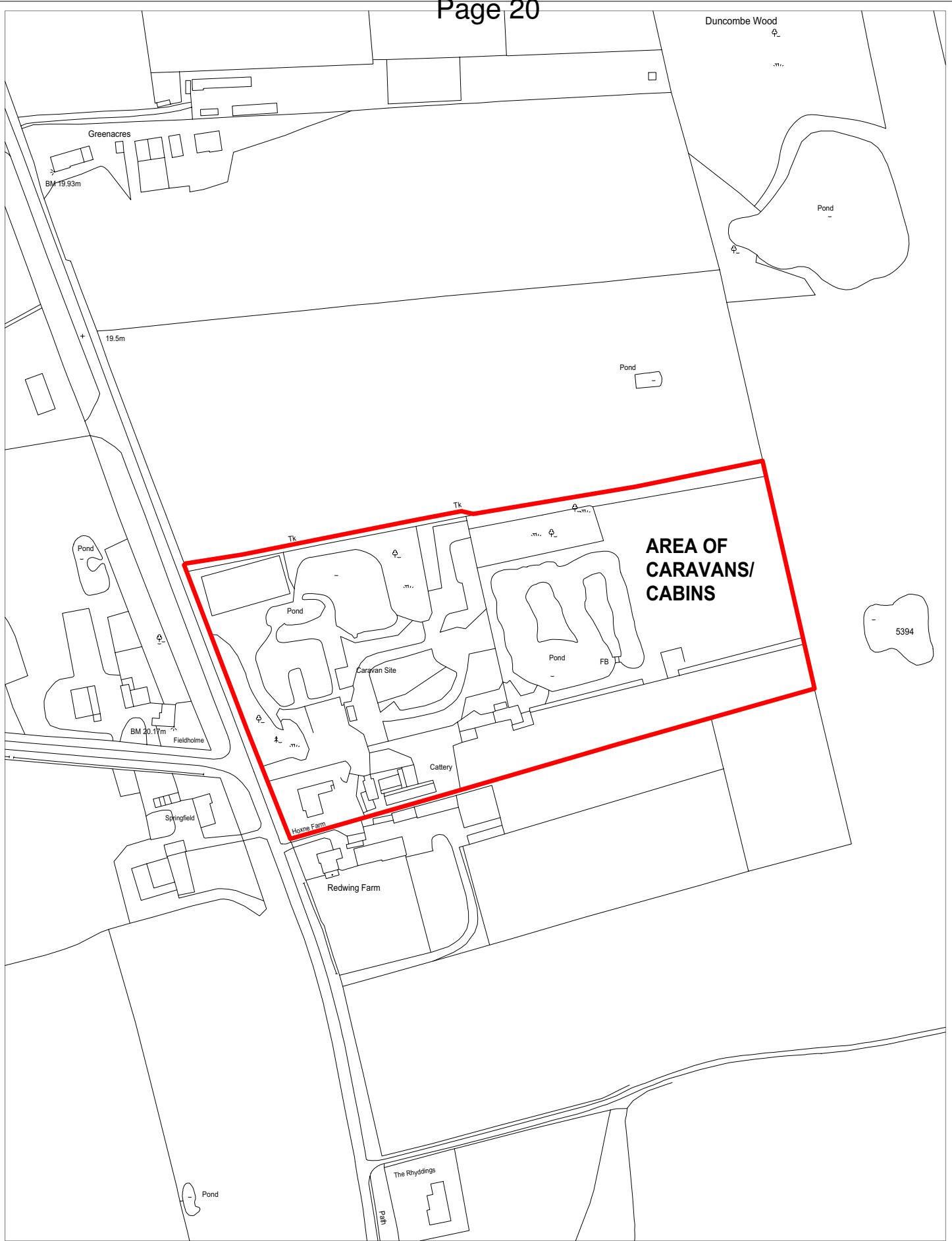
Reason. In the interests of satisfactory foul water drainage and in order to prevent pollution of the groundwater.

## 7.0 INFORMATIVES:

### Contact details:

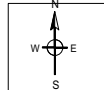
**Author:** Matthew Parkinson Development Control Officer

**Tel No:** 01904 552405



CITY OF  
**YORK**  
COUNCIL

VALE OF YORK CARAVAN PARK, HOXNE FARM,  
SHERIFF HUTTON ROAD, STRENSALL - 06/01054/FUL



SCALE 1:2500  
Originating Group

DRAWN BY PSL  
Project

DATE 30/11/2006  
Drawing No.

9, St. Leonards Place, York, YO1 2ET  
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City of York Council LA 1000 20818

**COMMITTEE REPORT**

**Committee:** East Area  
**Date:** 22 February 2007  
**Ward:** Haxby And Wigginton  
**Parish:** Wigginton Parish Council

**Reference:** 06/02865/FUL  
**Application at:** Brecks Nook Farm And York Riding School Wigginton Road  
Wigginton York YO32 2RH  
**For:** Use of land for car parking in connection with existing uses  
within the Cliftongate Business Park, Wigginton Road  
**By:** Marchi Properties  
**Application Type:** Full Application  
**Target Date:** 27 February 2007

**1.0 PROPOSAL**

This application was deferred from the last planning committee meeting on the 8th February in order for further discussions to take place with the applicant over a common and agreed red boundary against which the application can be determined. Officers have requested a meeting with the applicant in order to try and agree this but at the time of writing this report nothing has been arranged. Officers are also trying to ascertain whether the applicant is prepared to sign the proposed Section 106 agreement. Members are advised that without the proposed Section 106 agreement being signed, officers do not support the application. The recommendation is only for approval subject to the signed Section 106 agreement.

Officers remain hopeful that a meeting can be arranged with the applicant and agreement reached on these issues. This will be updated at the Committee meeting. Reference was also made at the deferred meeting by the applicant to the fact that this land already has planning permission for the use proposed here. This was/is explained fully in paragraphs 1.1, 4.2 and 4.4 of the report. Relevant history files will be brought to the Committee in order for members to see these plans for themselves.

The report continues as before.

1.1 Planning permission is sought to use this area of land for car parking in connection with all the uses within the Cliftongate Business Park / York Riding School off Wigginton Road. Members should be aware that the application site can lawfully be used as a car park in connection with York Riding School but not at present for other businesses within the site.

1.2 The site is in the Green Belt.

1.3 The site area in question is currently occupied by a car sales business (Red Pyramid) and a car washing company known as Completely Lathered. Both of these uses are unlawful as they do not benefit from planning permission and are the subject of Enforcement appeals at present. A public inquiry is due to take place on this on March 6th.



## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

### 2.2 Policies:

CYGB1

Development within the Green Belt

CYNE1

Trees, woodlands hedgerows

## **3.0 CONSULTATIONS**

### 3.1 INTERNAL

#### 3.2 Highway Network Management.

The land that is subject to the change of use was granted consent for use as car parking ancillary to the D2 riding school use as part of a previous Certificate of Lawful Development application. Access to the land is to remain as existing, which is via an existing vehicular crossover from the B1363 Wigginton Road. The access is not proposed to be closed as part of the present application and is lawful. Officers therefore have no grounds to insist on it's closure.

Whilst it is accepted that the amount of car parking that can be achieved on the land is in excess of that allowed under CYC Annex E maximum standards, it must be borne in mind that the land has a historic lawful use for car parking. It would appear as though the existing (lawful) situation is use of the land as car parking for the D2 element of the site with the proposal as car parking ancillary to the existing B1/B2/B8 uses on the site. As such officers consider that in highways terms there will be no material change and as such raise no objections.

### 3.3 EXTERNAL

#### 3.4 Parish Council.

No comments received.

#### 3.5 Third Parties.

No comments received.

## **4.0 APPRAISAL**

### 4.1 KEY ISSUES.

- Green Belt.
- Highways.
- The existing enforcement appeals.

4.2 The site in question stands to the north of the main complex of buildings which makes up what is known as the Cliftongate Business Park and formally York Riding School. It stands alone in terms of footprint but it is linked to the main site by a single vehicle width track. It has been an area of hardstanding for many years and at various times has been used for the parking of vehicles in connection with York Riding School. Certificates of lawfulness were issued in 2001 which included within it an acceptance that this piece of land had been used for the parking of cars in connection with York Riding School for more than 10 years. Therefore the site does benefit from planning permission through dint of timescale for car parking in connection with York Riding School.

4.3 The use of the adjacent site as a riding school has steadily diminished over the years and through the benefit of permitted development rights and various planning permissions there has been a change in use of the buildings on the adjacent site to a mixture of uses including Creepy Crawlies play barn, a car repairs / MOT centre, a window/conservatory company and a bus repair centre.

#### 4.4 Green Belt.

PPG2 (Green Belts) defines what is appropriate development in the Green Belt. Anything not within this definition is considered inappropriate development and should normally be resisted. The use of land for car parking is deemed to be inappropriate and would generally be strongly resisted. In this case however it has been accepted by the Council that the area in question can be used as a car parking area in connection with York Riding School (through the issued certificates of lawfulness) and whilst it is acknowledged that the Riding School use has become somewhat diminished over the years, its use does still exist in some form and therefore this site can be used lawfully for car parking in connection with this use. The Creepy Crawlies play barn falls within the same D2 use classification as a riding school and occupies the building that was formally used as the Riding School's indoor arena. Therefore officers consider that it would be difficult for the council to differentiate between these two uses in terms of parking. However, given that the issued certificates only refer specifically to car parking in connection with the Riding School use, a planning application is deemed necessary in order to regularise this situation. Furthermore the other uses on the adjacent site fall outside of this lawful / D2 use and therefore given that these are generally fairly modest traffic generators, officers consider it appropriate to include them within this application.

4.5 Therefore in Green Belt terms, whilst car parking is generally an inappropriate use in the green belt and would be strongly resisted, the site history is a material consideration in this case and in particular given that the site has a partial lawful use for car parking.

4.6 The comments of the highway officer are noted and acknowledged and it is accepted that given the level of car parking available within the main body of the site, adding this area exceeds the Councils minimum car parking standards. In most cases therefore such a use would be resisted on excess car parking grounds but

given the site circumstances, officers consider it to be, on balance, acceptable in this instance.

#### 4.7 The existing appeal.

As previously mentioned there are existing appeals on this site, the inquiry into which will be heard on March 6th. These are into the change of use of the land into car sales and car washing and the operational development which goes with them. If members were minded to approve this application subject to a signed Section 106 agreement this will ensure that the provisions of the Enforcement notices are adhered with. This will include the removal of the car sales and car washing businesses from the site and the removal of all the operational development from the site including lighting, signage and buildings, all of which are inappropriate uses in the Green belt. Officers are only recommending approval of this application subject to the terms of this Section 106 agreement. This would then dispense for the need for the public inquiry and give certainty of outcome.

4.8 It is also recommended that the Sec 106 includes references to exactly what vehicles can be parked there and in connection with specified businesses and uses within the adjacent site. This will clearly define the status of the land and ensure suitable control over it in the future.

#### 4.9 Landscaping.

Part of the mature hawthorn hedge fronting Wigginton Road was severely cut down in the area currently occupied by Red Pyramid. This has had the effect of opening up the site and making it much more visually prominent from Wigginton Road. The Council's landscape officer has looked at the hedge and whilst in places it requires some replanting, the hedge is still alive and will regrow if allowed to. If this were to be done then this would dramatically improve the appearance of the site. A condition is recommended to ensure and control this.

### 5.0 CONCLUSION

5.1 In Green Belts terms the use proposed is inappropriate by definition and would not normally be permitted. However, given that the site history allows some lawful car parking use, officers consider that this application represents an appropriate compromise, particularly as it would ensure the removal of the existing unlawful uses and operational development on the site. It is acknowledged that if cars are parked in this area there will still be some visual impact and the amount of parking it would allow would exceed the Council's standards, but given that this visual impact would not be as significant as the existing unlawful uses and car parking is already permitted to some degree on the site, officers are prepared on balance to accept this, subject to appropriate Section 106 agreement.

**6.0 RECOMMENDATION:** Approve subject to Section 106 Agreement

- 1 Within 2 months of the date of this permission a detailed scheme for the improvement and reinstatement of the hedge on the boundary of the site with Wigginton Road shall be submitted and approved in writing by the Local Planning Authority. This shall illustrate the number, species, height and

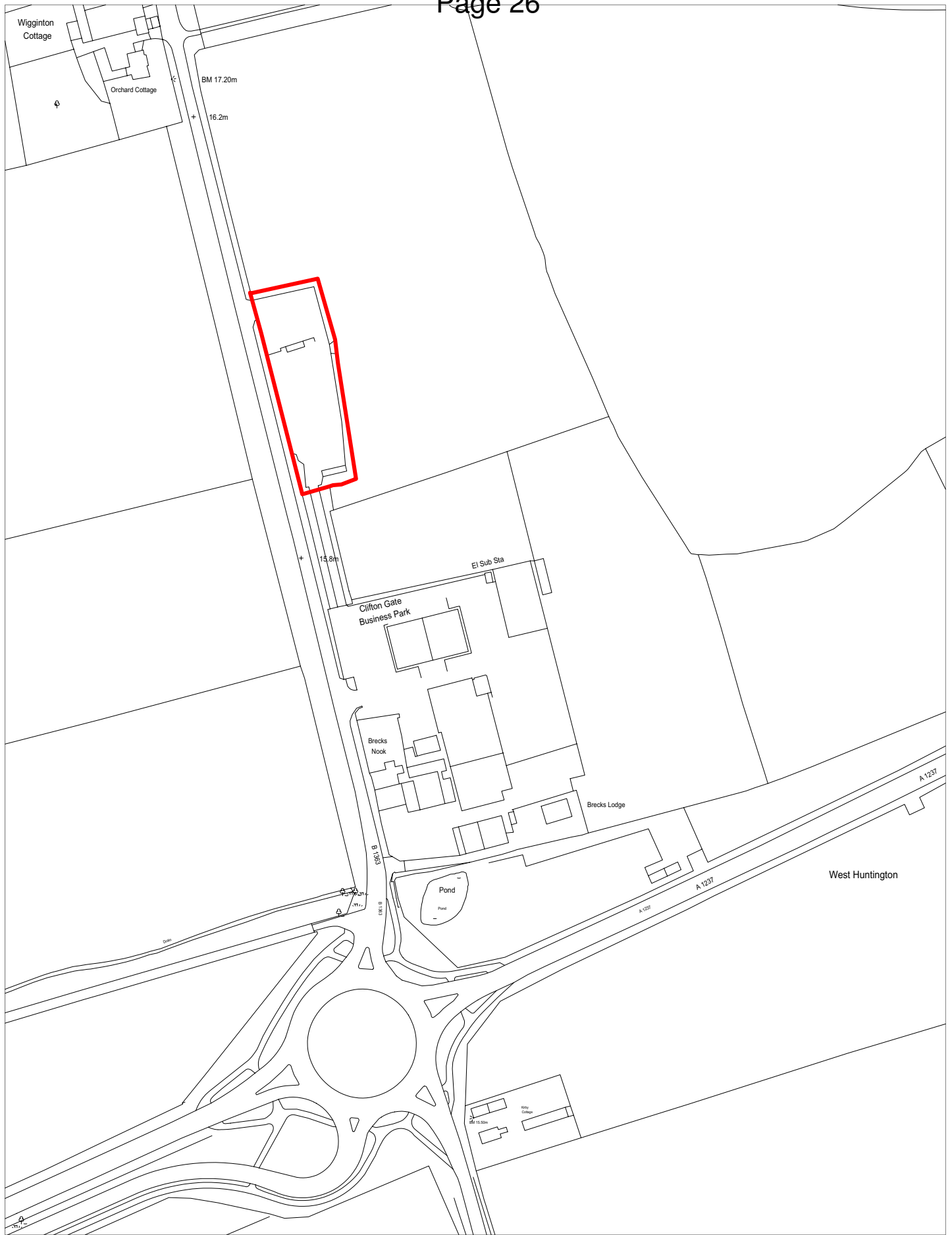
position of any new planting and include details of improvements to the existing planting. This scheme shall be implemented within a period of six months of the date of this permission. Any newly planted parts of this hedge, trees or plants or any part of the existing hedge fronting Wigginton Road which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site to ensure the future survival and reinstatement of the existing hedge, in the interests of visual amenity.

## **7.0 INFORMATIVES:**

### **Contact details:**

**Author:** Matthew Parkinson Development Control Officer  
**Tel No:** 01904 552405



CITY OF  
**YORK**  
COUNCIL

CLIFTON GATE BUSINESS PARK/YORK RIDING SCHOOL

SCALE 1:2500  
Originating Group

DRAWN BY PSL  
Project

DATE 30/1/2007  
Drawing No.



9, St. Leonards Place, York, YO1 2ET  
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City of York Council LA 1000 20818

**COMMITTEE REPORT**

<b>Committee:</b>	East Area	<b>Ward:</b>	Skelton, Rawcliffe, Clifton Without
<b>Date:</b>	22 February 2007	<b>Parish:</b>	Clifton Without Parish Council
<b>Reference:</b>	06/00941/FUL		
<b>Application at:</b>	Allders Group Stirling Road York YO30 4XZ		
<b>For:</b>	Variation of condition 5 of planning permission 3/104/141AD/PA to enable a wider range of goods to be sold		
<b>By:</b>	Shopping Centres Ltd		
<b>Application Type:</b>	Full Application		
<b>Target Date:</b>	23 June 2006		

**1.0 PROPOSAL**

1.1 The site lies within Clifton Moor Retail Park. This application seeks planning permission, under Section 73 of the Town and Country Planning Act 1990, for the variation of Condition 5 of planning permission reference no.: 3/104/141AD/PA to allow for a wider range of goods to be sold from the application site.

1.2 The original condition (condition 5) of the Outline Approval (3/04/141AD/PA) restricts the sale of goods to those specified in the Greater York Shopping Policy (GYSP). The range of goods restricted include a range of sport-related goods, namely men's, women's and children's clothing and footwear. The purpose of this application is to seek permission for the sale of these goods to a maximum of 50% in part of Unit 3 (Unit 3A).

1.3 A separate planning application (planning ref. no. 06/00946/FUL) has been submitted to allow the following uses and developments on site:

- a) Health and Fitness Centre (Class D2) and Retail (Class A1) uses in part of unit 3,
- b) Creation of a number of goods delivery and fire exits to the front and rear elevations of Unit 3. A number of existing exits will be infilled by virtue of the development,
- c) An external extension to form a 6.2m X 30.0m Plant Room in the service area facing Stirling Road. It is proposed to measure 4.0m high.
- d) An addition of a 621sq.m mezzanine floor to part of Unit 3.

1.4 Unit 3 will be subdivided to form two units (Unit 3A and Unit 3B). Unit 3B, which will not be occupied by the applicant will be the subject of the original planning restriction on the goods that can be sold.

1.5 The subdivision of retail unit does not require planning permission.

1.6 The total floor area of unit 3 is currently 3,752sq.m. As the result of the subdivision and the addition of a mezzanine floor the total area of Unit 3B would be 452 sq.m. Mezzanine floor will not be added to this part of the unit. Unit 3A, on the other hand, would include the addition of a mezzanine floor. The total floor area of Unit 3A (including the floor area of the proposed plant room and the proposed mezzanine floor) would be 4,091sq.m.

## 1.7 RELEVANT PLANNING HISTORY

1.8 3/104/141AD/PA: Outline planning permission for retailing, the sale of food, a petrol station and car parking. Planning permission was granted on 10 July 1986 subject to a series of conditions, one of which was to impose restrictions on the type of goods sold (condition5). This condition reads as follows:

"The non-food retailing element shall be restricted to those goods types as specified in the Greater York Shopping Policy, except for the sale of clothing within the food store, not exceeding 92,500 sq ft and other sales within the four retail units not exceeding 8,000 sq ft,

Reason - To satisfy the requirements of the Greater York Shopping Policy".

1.9 06/00948/FUL: Change of use to health and fitness centre (Use D2) and retail unit (Use A1) to part of unit 3, rear extension to form plant room and external alterations to front and rear and addition of mezzanine first floor. This application is also reported to this committee for a decision.

## 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

2.2 Policies:

CYS2

Out of centre retail warehouse criteria

CYSP7A

The sequential approach to development

CYSP6

Location strategy

CYS1

Land allocated for shopping sites

## 3.0 CONSULTATIONS

INTERNAL:

3.1 City Development Team: latest response received 23 January 2007 following the submission of revised sequential assessment. The Team has no objections, subject to conditions being imposed to control the proposed use.

3.2 Highways consulted: No objections are raised. It is the officers view that the changes to the restrictions limiting the types of goods sold within a non food retail use is unlikely to have any material impact on traffic that will be generated by the unit.

**EXTERNAL:**

3.3 Site notice posted and neighbours notified, expired 13 June 2006. A letter of objection received 11 July 2006 in connection with planning application ref. no. 06/00948/FUL but not the variation of condition application (06/00941/FUL).

3.4 Rawcliffe Parish Council. Response received 16 June 2006 and 2 November 2006. The Council support the application.

3.5 Clifton Without Parish Council. Response received 16 June 2006. The Council supports the application.

**4.0 APPRAISAL**

4.1 The issues to be considered include the impact the proposed variation of condition would have on the vitality and viability of the City of York Central Shopping Area and district centres.

4.2 Paragraph 3.20 of the National Planning Policy Statement no.6 (PPS6):'Planning for Town Centres' states "Impact assessments should be undertaken for any application for a main centre use which would be in an edge-of-centre location and which is not in accordance with an up-to-date development plan strategy". In addition, when assessing such applications, "Local Planning Authorities should consider the impact of the proposal on the vitality and viability of existing centres within the catchment area of the proposed development, including the likely cumulative effect of recent permissions, development under construction and completed developments" (paragraph 3.21, PPS6, 2005).

4.3 In the case of this proposal, a retail impact assessment has been carried out and has concluded that:

- 1) there is both a quantitative and qualitative need for an additional health club with a sport retail unit within the site,
  - 2) the sequential test conducted found that there are no sites within the city centre or the District centre of Haxby and Acomb which are available or suitable,
  - 3) the scale of the proposal is appropriate given that the proposed uses are entirely contained within the existing building,
  - 4) the proposed development would create new employment opportunities,
  - 5) the proposal will bring viable and vibrant new use to a retail unit which has remained vacant for over 24 months and will therefore contribute the upgrading of the image and attractiveness of this part of Clifton Moor Retail Park, and
  - 6) the retailer's (JJB) existing retail stores within the City Centre will remain open.
- This highlights JJB's presence in the city centre will remain as the result of their business expansion in York.



4.4 The arguments put forward have been looked at by City Development Unit, which has concluded that because only part of Unit 3 will be affected by condition 5 of the original permission, and that within this part of the unit only 50% of the net floorspace will be used for the sales of non-bulky goods, it is not considered that the scale of the proposed variation would create a harmful effect on the vitality and the viability of the York City Centre, to the extent that could justify the refusal of permission.

4.5 JJB have been trading from Clifton Moor for several years, selling an unconstrained range of goods. The additional ancillary floorspaces proposed by this application is considered unlikely to be detrimental to the City's vitality and viability as vacancy levels in the city centre remain low.

4.6 The unit has been vacant for some 24 months, and the vitality of the shopping park is a material consideration in relation to this application. Therefore by bringing the premise back into retailing use would not just enhance its current appearance but would also contribute positively to viability and vitality of the retail park.

4.7 Conditions have been recommended to restrict the percentage of part of Unit 3 to be used for the sale of non-bulky goods.

4.8 Having taken the above into account, it is considered that the proposed development accords with the national planning policies and the policies set out in the City of York Draft Local Plan 2005. Hence, this application is recommended for approval.

## **5.0 CONCLUSION**

The proposed development will not create a condition prejudicial to the vitality and viability of York's existing centres. The development is in accordance with the national and local planning policies.

**6.0 RECOMMENDATION:** Approve

1 TIME2

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

6798 01 A, 6798 05 B, 659805/04, YK/FC/001, and 6798 08 C as received by the City of York Council on 28 April 2006 and on 26 January 2007

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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

- 3 A maximum of 50% of the Class A1 net floorspace hereby approved shall be used for the sale of small scale sports equipment (including sports clothing and footwear), the remainder being for the sale of bulky goods ancillary to the D2 Health and Fitness Centre.

Reason: To minimise the impact of comparison goods sold from this unit competing with goods sold from York City Centre retail outlets.

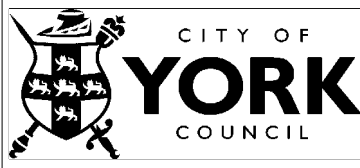
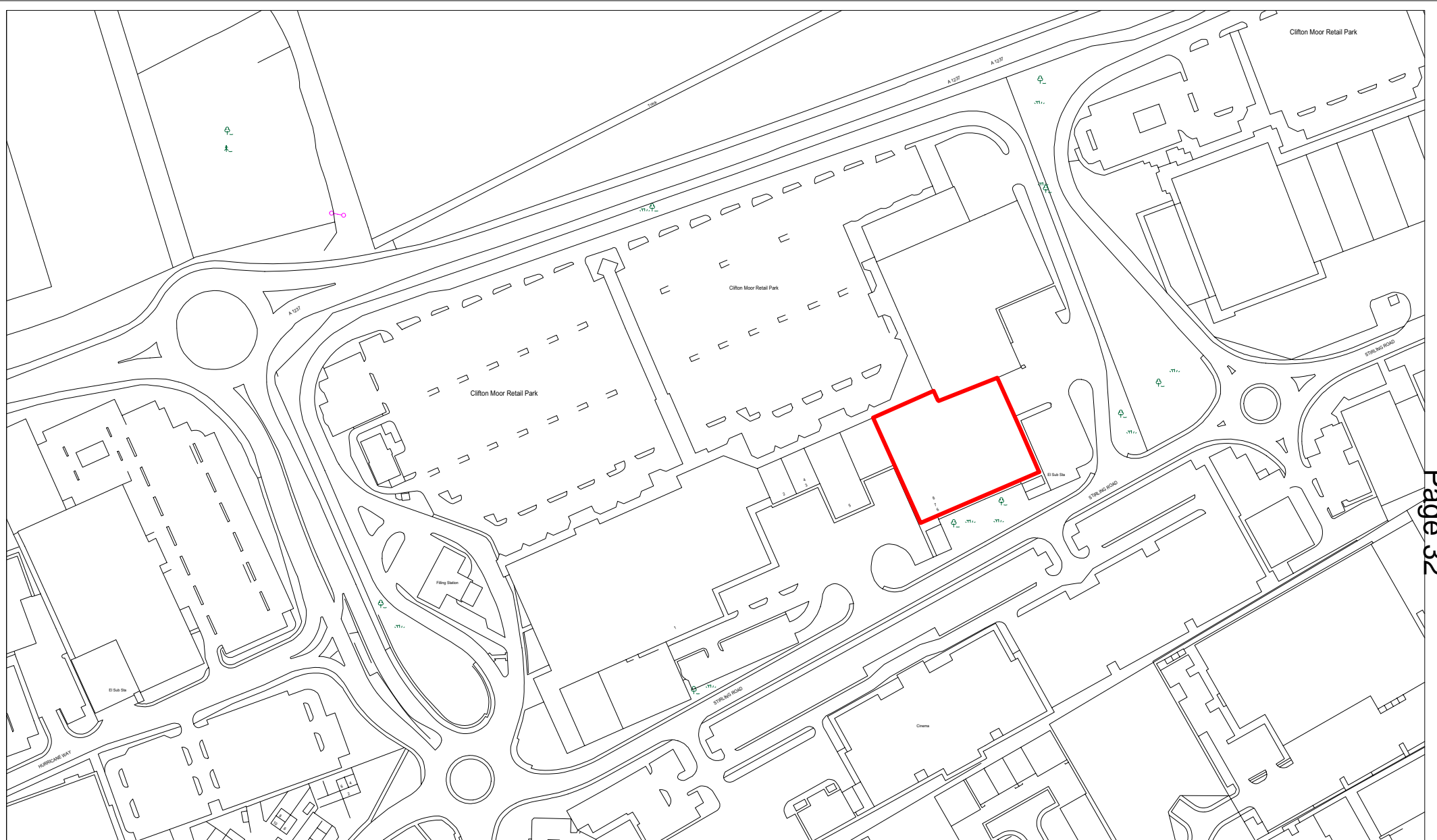
**7.0 INFORMATIVES:  
Notes to Applicant**

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the vitality and viability of York's existing centres. As such the proposal complies with Policies S2, SP7a, SP6 and S1 of the City of York Local Plan Deposit Draft.

**Contact details:**

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



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

Site Plan : Alders Clifton Moor York 06/0094/FUL

SCALE: 1:2500	DRAWN BY: JB	DATE 12/2/2007
Originating Group:	Project	Drawing No.
Organisation		



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**COMMITTEE REPORT**

**Committee:** East Area   **Ward:** Skelton, Rawcliffe, Clifton  
Without  
**Date:** 22 February 2007   **Parish:** Clifton Without Parish Council

**Reference:** 06/00948/FUL  
**Application at:** Allders Group Stirling Road York YO30 4XZ  
**For:** Change of use to health and fitness centre (Use D2) and retail unit (Use A1) to part of unit 3, rear extension to form plantroom and external alterations to front and rear and addition of mezzanine first floor  
**By:** Shopping Centres Ltd  
**Application Type:** Full Application  
**Target Date:** 23 June 2006

**1.0 PROPOSAL**

1.1 The site lies within Clifton Moor Retail Park. Permission has been sought to allow the following uses and developments on site:

- a) Health and Fitness Centre (Class D2) and Retail (Class A1) uses in part of unit 3,
- b) Creation of a number of goods delivery and fire exits to the front and rear elevations of Unit 3. A number of existing exits will be infilled by virtue of the development,
- c) An external extension to form a 6.2m X 30.0m Plant Room in the service area facing Stirling Road. It is proposed to measure 4.0m high.
- d) An addition of a 621sq.m mezzanine floor to part of Unit 3.

1.2 The existing premise is currently vacant. It was formally used for the purpose of Class A1 Retail use. A separate application has been submitted to seek planning permission for the variation of condition 5 of the original planning permission (ref.no.3/04/141AD/PA) to allow a wider range of goods, namely sports goods to be sold from this unit.

1.3 Unit 3 of the retail park will be subdivided to form two units (Unit 3A and Unit 3B). The subdivision of this retail unit does not require planning permission.

1.4 The total floor area of unit 3 is currently 3,752sq.m. As the result of the subdivision, the addition of a mezzanine floor and the erection of a plant room the total area of Unit 3A would be 4,091sq.m (Ground floor (3,295sq.m) + Mezzanine floor (621sq.m) + Plant room extension (175sq.m) = 4,091sq.m). The floor area of Unit 3B would be 452sq.m. Mezzanine floor will not be added to this part of the Unit.

1.5 The proposed plant room extension would result in an overall loss of 18 car parking spaces in the service area facing Stirling Road. The customer parking area to the front of the retail park will not be affected by virtue of the development.

## 1.6 RELEVANT PLANNING HISTORY

1.7 06/00941/FUL: Variation of condition 5 of planning permission 3/104/141AD/PA to enable a wider range of goods to be sold. This application is also reported to this committee for a decision.

## 2.0 POLICY CONTEXT

### 2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

### 2.2 Policies:

CYGP1  
Design

CYS2  
Out of centre retail warehouse criteria

CYSP7A  
The sequential approach to development

CYSP6  
Location strategy

CYS1  
Land allocated for shopping sites

CYL1A  
Sites for Leisure development

CYT13A  
Travel Plans and Contributions

CYT4  
Cycle parking standards

## 3.0 CONSULTATIONS

### INTERNAL:

3.1 Lifelong Learning and Leisure Team consulted. Response received 24 January 2007 - the following comments were made:

-The team supports this application because a modern gym facility in a new and very accessible site, as this, would be a valuable asset to the city.

-The Council and the Active York sports partnership are always keen to develop and support new facilities that will increase opportunities for participation in Sport & Active Recreation activities.

-This facility may attract a new sector of participants who will be attracted by the relationship to the retail unit, and may therefore increase physical activity rates in the city.

-Gym membership in York is higher than the national average. Active York's supply and demand analysis for fitness facilities (using Sport England methodology) indicates that the supply of fitness facilities in the north of the city is sufficient but has little capacity for increasing participation.

-The scheme proposes operating practices and membership rates that are comparable or lower than the rates for other commercial fitness facilities in the city.

-Despite the team's general support for the scheme, the team would be interested to know if the proposed equipment is IFI accredited (suitable for disabled participants), following the implementation of the DDA this should be the case.

3.2 City Development Team: The team has raised no objections due to the following reasons:

- Lifelong learning and Leisure Team are happy that the methodology used to assess quantitative need is sound, and the catchment defined is appropriate, albeit that they suggest there may be adequate provision of leisure facilities in the north of the City overall.

- On the basis of Leisure's comments and the defined catchments, they accept that need for a leisure facility has been identified in this catchment area.

-The supplemented sequential assessment (April 2006 and November 2006) now meets the requirements of policy and determines Clifton Moor to be the most viable sequentially preferable site for both the leisure and retail uses (noting Clifton Moor established retail function).

-The unit 3b which is being created by this proposal is regrettable, but unfortunately there is no condition on the outline permission to restrict the applicant subdividing units at Clifton Moor. We would normally push for no unit to be less than 1000sqm net in such locations.

- conditions are required to restrict the net sales area proposed, and to tie the retail use to the Leisure use, so that the unit could not operate independently.

3.3 Local Highways Authority consulted. Previous objections made by the Highways Authority have been removed after the submission of a Transport Impact Assessment on 22 December 2006. The reasons for removing previous objections are as followings:

- "The application has been supported by a robust Transport Statement which has assessed the change in traffic patterns that could arise from the change of use. The Transport Statement has identified that the traffic generated by the combined fitness/retail use, including the mezzanine floor, will generate less traffic than that which could be created by a non food retail use. Given the above officers do not consider that there are sufficient grounds to formally object and as such raise no objections."

EXTERNAL:

3.4 Site notice posted and neighbours notified. expired 31 May 2006. One letter of objection received on 11 July 2006 from Town Planning and Development Consultants writing on behalf of Katrina Hall of Lancaster Park, Audax Close, Clifton Moor (before the submission of a Sequential Test Assessment and a Transport Impact Assessment). The following concerns have been raised:

- The principal ranges of retail goods at JJB Sports Stores centre around football, golf and other outdoor activities. None of these sports is provided at the proposed health and fitness centre,
- it is not considered that the catchment area used by the applicant to assess need is either realistic or related to the size and function of the proposed development,
- the applicant has not undertaken a detailed assessment of all existing health and fitness centres within the catchment area,
- most of the hotels offer public use of their facilities,
- the Roger Tym & Partners retail study 2004 is not a realistic source of information about demand for health and fitness centres,
- the conclusion made by the agent that a quarter of all households in York within the defined catchment area use health and fitness centre is inaccurate, as "use" does not relate to any actual demand for members for a private club.
- there is actually an excess provision of clubs, as there are at least 23 health and fitness clubs in the catchment area,
- the applicant's requirement to demonstrate need has not been achieved,
- there are already two fully equipped modern health and fitness centres at Clifton Moor, which are identical in range of facilities to that proposed,
- there is no evidence of local need for the type of facility proposed,
- there is no evidence to show that prospective customers demand a further facility with the proposed price range,
- the sequential test submitted by the applicant has not considered any vacant sites within the city centre or edge of centre and has not considered any sites that may be suitable and available for leisure development,
- the applicant's summary is based upon an incomplete sequential assessment,
- the applicant's assessment of existing facilities is incomplete, as Moat House Leisure Club is open to public membership and the impact of the proposed new facility on the club require to be analysed,
- the applicant has failed to assess any impact the development would have on the city centre,
- there is no data to substantiate the applicant's claim that not all customer trips will be car based,
- a full transport assessment is required before the impact of the proposed development in traffic terms can be objectively assessed,

3.5 Rawcliffe Parish Council. Response received 16 June 2006. The Council supports the application.

3.6 Clifton Without Parish Council. Response received 16 June 2006. The Council supports the application.

## 4.0 APPRAISAL

4.1 The main issues to be considered include the extent to which the proposed leisure use and the proposed mezzanine floor addition for retail use would affect the vitality and the viability of York's existing centres. The quantitative and qualitative need for the development proposed, together with its scale and its appropriateness in an existing out-of-town retail park will also form the basis of assessing the merits of this planning application. Other issues requiring consideration include the design of the proposed development, its impact on the character and appearance of the locality, and the extent to which the proposed change of use would alter the traffic patterns of the existing retail park.

4.2 The following deals with each of the 5 key policy tests in turn as set out in the National Planning Policy Statement no.6: "Planning for Town Centres":

1. Sequential Assessment
2. Need Assessment
3. Scale
4. Retail and Leisure Impact
5. Transport Accessibility and Impact

Sequential Assessment:

4.3 Paragraph 3.13 of the National Planning Policy Statement no.6 (PPS6):'Planning for Town Centres' states that "the sequential approach to site selection should be applied to all development proposals for sites that are not in an existing centre nor allocated in an up-to-date development plan document". Paragraph 3.14 and paragraph 3.19 further state that "in selecting sites, all options in the centres should be thoroughly assessed before less central sites are considered". However "where it is argued that otherwise sequentially-preferable sites are not appropriate for the particular development proposed, applicants should provide clear evidence to demonstrate why such sites are not practicable alternative in terms of 'availability', 'suitability', and 'viability'. Draft local plan policy SP7a sets out the sequence of sites to be assessed, namely: Central Shopping Area / City Centre; Edge of Centre / District Centres; other accessible out-of-centre locations.

4.4 In the case of the development proposed, a sequential assessment has been carried out by the applicant in line with SP7a. A number of sites have been looked at, which include all relevant City Centre Sites, the district centres of Acomb and Haxby, and the Monks Cross out-of-town shopping centre to establish whether an alternative available, suitable and viable site exists. It has been concluded that none of the sites assessed are feasible options. The test conducted has been examined by the City Development Team and has found to be satisfactory, in that it has met the requirements set out in PPS6 as briefly described above. In view of the above test, it is considered that this site is the most sequentially preferable for the health and fitness centre and ancillary retail use as proposed.

Quantitative and Qualitative need Assessment:

4.5 Planning Policy Statement no.6 further states "need must be demonstrated for any application for a main town centre use which would be in an edge-of-centre or



out-of-centre location and which is not in accordance with an up to date development plan document strategy" (Paragraph 3.9, 2004). In light of the fact that the leisure use of the proposed nature is regarded as city centre use, its need must be justified in this location.

4.6 As stated by the Applicant, other than the broad guidance in PPS6 there is no established formula or recognised procedure to demonstrate need for leisure related development. Hence whether or not the approach taken by the applicant is regarded as pragmatic and sensible is a decision of the Local Planning Authority.

4.7 In order to demonstrate the need of the leisure use, a total of 13 major health and fitness centres (excluding the relatively small centres and facilities located in hotels) have been identified and assessed. In addition, the household survey produced by Roger Tym & Partners Study, which comprises data relating to leisure development has been reviewed. Based on the household survey, it has been concluded that a quarter of all households in York use health and fitness facilities. According to the applicant, this equates to a population of 45,378 within the defined catchment area which have a theoretical demand for health and fitness centres (this accords with the findings of the Council's Leisure Strategy). Based upon the size of the population identified and utilise that with the existing 13 health and fitness centres within the identified study area, the applicant's study has concluded that within the catchment area there is a capacity exist for 18 health and fitness centres. Thus, there is a 'quantitative need' for further health and fitness centres.

4.8 With regard to the 'qualitative need', the applicant has concluded that the proposed sport and health fitness club would satisfy an identified need in terms of both quality and price, as the proposed facility would provide modern facilities offering a variety of choice of fitness equipment. It is also considered by the applicant that the proposed development would satisfy the demand for health and fitness centres within a certain price range.

4.9 The above quantitative and qualitative need assessment has been looked at by the Council's City Development Team in consultation with the Lifelong Learning and Leisure team. On the basis of Leisure's comments (see paragraph 3.2 above), together with the consideration that the conclusion drawn by the applicant accords with the findings of the Council's Leisure Strategy, the Local Planning Authority contends that there is a quantitative and qualitative need for the proposed leisure use.

4.10 In terms of need for the retail element of the scheme, the Roger Tym Retail Study identifies need for a significant amount of retail floorspace in the City to 2011, albeit that this is to be concentrated in the first instance to the City Centre. The result of the sequential test show that Clifton Moor is the most sequentially preferable site for the health and fitness facility, and since the proposed retail use would be ancillary to the health and fitness use, it is considered unreasonable to consider the additional retail need separately. In any case, due to the floorspace given over to leisure use, the proposal would result in a net reduction in retail floorspace. Planning permission would therefore be required and a full Retail Impact Assessment to revert the extended unit back to retail use.

Scale of Development and Impact Assessment:

4.11 PPS6 further requires the Local Planning Authority to "consider the impact of the proposal on the vitality and viability of existing centres within the catchment area of the proposed development, including the likely cumulative effect of recent permission, development under construction and completed developments" (paragraph 3.15)

4.12 Based on the 'need' assessment produced by the Agent as briefly summarised in paragraph 4.6 above, which has concluded that there are further needs for health and fitness centres within the catchment area, it is not considered that the proposed creation of a 2555sq.m health and fitness centre would create a condition prejudicial to the vitality and viability of the existing centres. City Development Unit has raised no objections on the scale of the proposed leisure facilities.

4.13 With regard to the proposed mezzanine floor retail use, due to the fact that JJB have been operating from a relatively large out-of-town site in Clifton Moor for several years, its intention to move to Unit 3 is regarded as having little measurable additional impact on either the City Centre and District Centres.

Accessibility Assessment:

4.14 There were initial concerns raised by the Local Highways Authority regarding the change in traffic patterns that could arise from the change of use proposed. However, earlier objections have been removed following the submission of a robust Transport Statement, which have identified that the traffic generated by the combined fitness/retail use, including the mezzanine floor, will generate less traffic than that which could be created by a non food retail use. It is therefore considered that the proposal is sited in an accessible and a sustainable location.

4.15 By virtue of the proposed plant room extension a total of 18 car parking spaces in the service area facing Stirling Road will be removed. However, PPG13: Transport (published 2001) stresses that it is important to discourage users of the building from driving to the site by restricting the availability of parking in order to restrict vehicle movements. Furthermore, Appendix E of the City of York Draft Local Plan 2005 stated that each development proposal is assessed "using the maximum standard as a starting point". Having taken the above into account, together with the fact that the proposed losses will not reduce the amount of customer parking spaces and hence create a condition prejudicial to highway safety, planning permission cannot be refused on this basis.

Design / Appearance:

4.16 The proposed plant room extension would be a flat roof structure and would be sited in the service area facing Stirling Road. Due to its scale (in relation to the retail park) and its siting, together with the screening effect provided by nearby trees, the proposed structure will not be highly visible from public view. It is therefore not considered that its design would detrimentally affect the visual appearance of the retail park.

4.17 Other than the above, the proposed alterations to infill existing exits and to form new exits are considered minor in nature and are considered to be in keeping with the character, design and external appearance of the original building.

Other considerations:

4.18 In determining the merits of this application the assessments carried out by the applicant have been looked at by the City Development Team and the Lifelong Learning and Leisure team. Their comments, which are based on these assessments submitted by the applicant, have raised no general concerns about the methodology adopted by the applicant, and the information/data used to justify quantitative and qualitative needs of the proposed leisure development. Furthermore, as stated by the Applicant, given that there is no established formula or recognised procedure to demonstrate need for leisure related development, no evidence can be found which suggests that the conclusions drawn by the applicant are incorrect. On this basis planning permission cannot be refused on this basis.

4.19 Since receiving the letter of objection from Town Planning and Development Consultants the Council have received a more comprehensive sequential appraisal and the submission of a transport statement. These assessments are found to be acceptable in the determination of this application. Hence the concerns raised regarding the lack of details submitted by the applicant has been resolved.

4.20 The concern raised by the Council's Lifelong Learning and Leisure team regarding the equipment to be provided within the health and fitness centre and whether or not they will be suitable for disabled participants are not material planning considerations that could influence the decisions of a planning application. The need to comply with the requirements set out under the Disability Discrimination Act will be regulated by other statutory regulatory bodies, such as Building Control.

4.21 Having taken the above into account, it is considered that the proposed development accords with the national planning policies and the policies set out in the City of York Draft Local Plan 2005. Hence, this application is recommended for approval.

## **5.0 CONCLUSION**

The proposed development will not create a condition prejudicial to the vitality and viability of York City Centre or district centres and will not be detrimental to the character and appearance of the locality. It is also considered to be acceptable in terms of siting, design and materials and it will not adversely alter the existing traffic movement. The development is in accordance with the national and local planning policies.

**6.0 RECOMMENDATION:** Approve

1 TIME2

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

6798 01 A, 6798 12, 6798 05 B, YK/FC/001, 659805/03, 6798 11 B, and 6798 08 C as received by the City of York Council on 28 April 2006 and on 26 January 2007

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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

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

Reason: So as to achieve a visually cohesive appearance.

- 4 The Class A1 use hereby permitted (as shown on approved plans 6798 08 C and YK/FC/001 received on 26 January 2007 and on 28 April 2006) , the net area of which shall be restricted to not more than 1,279sqm, and proposed in association with the D2 Gym/Fitness Club, shall only be used for ancillary retail purposes by the D2 unit operator. The retail area shall not be let as a separate unit by the operator to any other end user, or for any other use specified within the A1 Use Class other than the retail of ancillary goods complimentary to the Health and Fitness Centre.

Reason: In order to prevent the unit being used as open retail and conflicting with retail uses in the city centre.

- 5 A maximum of 50% of the Class A1 net floorspace hereby approved shall be used for the sale of small scale sports equipment (including sports clothing and footwear), the remainder being for the sale of bulky goods ancillary to the D2 Health and Fitness Centre.

Reason: To minimise the impact of comparison goods sold from this unit competing with goods sold from York City Centre retail outlets.

- 6 The plantroom hereby permitted shall be used for the storage of machinery and equipment in association with the operation of the Class D2 health and fitness use hereby approved only.

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

- 7 The site shall hereafter be occupied in accordance with the aims, measures and outcomes of a Travel Plan that has been previously submitted to and approved in writing by the Local Planning Authority.

**Reason:**

To ensure the development complies with advice contained in PPG 13-Transport, and in Policy T20 of the City of York deposit Draft Local Plan, and to ensure that adequate provision is made for the movement of vehicles, pedestrians, cycles and other modes of transport to and from the site, together with provision of parking on site for these users.

- 8 Prior to the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

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

- 9 All details of exterior lighting within the site shall be submitted to and approved by the Local Planning Authority in writing before their installation on site.

**Reason:** To ensure that the proposed development does not adversely affect the amenity of the locality.

- 10 Additional mezzanine floors, beyond those hereby approved, will not be permitted unless agreed in writing with the Local Planning Authority.

**Reason:** To avoid the proposed development having an adverse impact on York City Centre.

## **7.0 INFORMATIVES:**

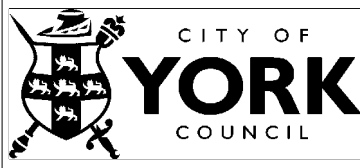
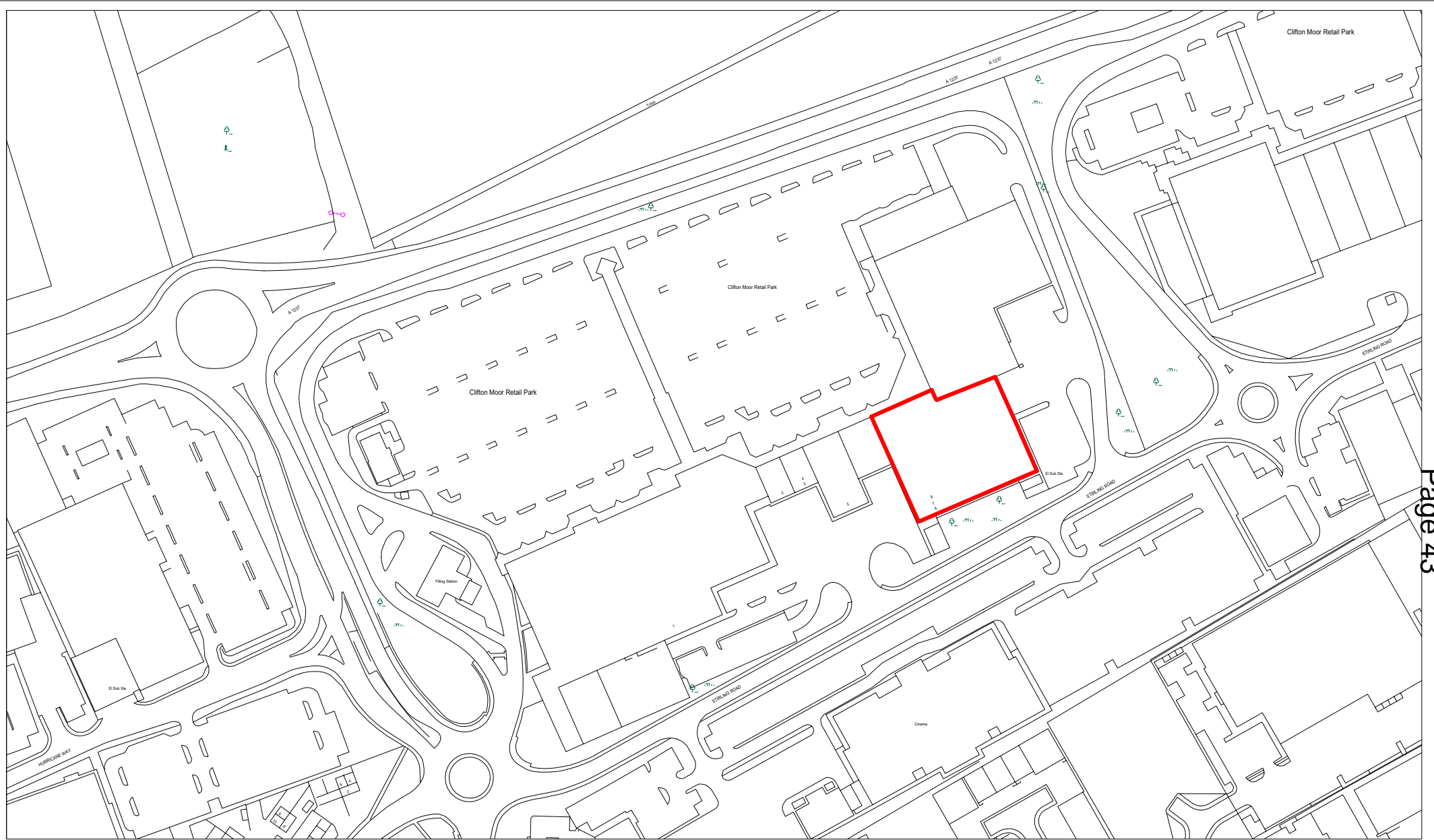
### **Notes to Applicant**

1. In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the vitality and viability of York's existing centres and the character and appearance of the locality. As such the proposal complies with Policies GP1, S2, SP7a, SP6, S1, L1a, T13a and T4 of the City of York Local Plan Deposit Draft.

### **Contact details:**

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Site Plan : Alders Clifton Moor York 06/00948/FUL

SCALE: 1:2500	DRAWN BY: JB	DATE 12/2/2007
Originating Group:	Project	Drawing No.
Organisation		



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**COMMITTEE REPORT**

**Committee:** East Area                                **Ward:** Clifton  
**Date:** 22 February 2007                            **Parish:** Clifton Planning Panel

**Reference:** 06/02605/FULM  
**Application at:** York District Hospital Wigginton Road York YO31 8HE  
**For:** Erection of two storey (3 Level) Car park, and alterations to existing car park and entrance roads, (Re-submission).  
**By:** Peter Strickland  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 19 March 2007

**1.0 PROPOSAL**

1.1 The application relates to the existing surface car park at the front of the District Hospital, facing Wigginton Road. The car park currently provides 184 visitor and 124 staff spaces. The proposal is to create a decked multistorey car park for patients and visitors on the site of the existing car park.

1.2 The application follows a previously approved application (ref: 03/00811/FUL) that was approved in early 2005 for a smaller multistorey car park. The resubmission moves and slightly enlarges the car park from the centre of this site further north so as to free up land for further future hospital expansion. A previous application was withdrawn by the applicants in November 2006 after officers objected to the design and siting of the structure.

1.3 The new structure would take the form of a ground floor deck with spaces for 37 visitor cars, the first and second floors for with a total of 162 visitor cars on each level. This creates a total of 361 visitor spaces. There will also be 122 staff car parking spaces to the ground floor and 28 additional staff spaces on external block paved surface areas. This creates a total of 483 spaces within the car park building. Vehicular access to the building will be from the north of the site and the present main access will be blocked off and built over by the car park. There will be a new modified access to be used by blue light traffic and staff only further down Wigginton Road near the existing bus stop. Pedestrians will have main access at the north of the building within a staff block where there will be a stair well and elevator. This will give access to a pedestrianised area and the rest of the hospital.

1.4 The building would comprise of 'Corus Kalzip' perforated aluminium with galvanised steel frame structure with burgundy coloured blockwork and teak stained sawn louvre cladding to the lower level. The attendants block will be of galvanised steel frame and teak stained sawn timber cladding with a glass and burgundy rendered stair well element. There are proposed cable planting rails at intervals of 7 metres onto which are proposed to be grown climbers.

1.5 The application includes landscaping measures along the Wigginton Road frontage involving the retention of existing trees as far as possible and the retention of the existing grass bund.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

2.2 Policies:

## **3.0 CONSULTATIONS**

Internal

Highway Network Management - Highway regulation are at time of writing formulating their formal response to the application. It is believed that there are no fundamental Highway concerns.

Environmental Protection - A noise impact assessment has been requested although no formal response has as yet been received. Officers intend to update members in due course.

Environment and Conservation - No response at time of writing. There were serious concerns within the previous application regarding the proximity of the proposed car park to the landscaped area adjacent to Wigginton Road and the previous scheme was amended to be moved further away from this area.

Archaeology - The site is located near to a Roman Cemetery that appears to have never been built upon in the past. As such an archaeological watching brief condition is recommended.

Landscape - (comments from previous application 06/01674/FULM) Several early-mature Limes are contained within the car park footprint and would thus be removed. From the outside they look to be of good form with healthy foliage. As such they could have a very long-term amenity value and are worthy of retention. Nonetheless their visibility is limited to relatively close proximity along Wigginton Road because of screening by the other avenue trees.

The loss of a very attractive, singular Lime adjacent to the existing entrance road would be unfortunate and should be avoided if at all possible.

(comments received 17th January 2007)

The revised building has been pulled back slightly from the existing Lime tree avenue; the open-air, at-level car park has been reduced; the emergency access has



been moved and reduced in width; and the admin/circulation block has been pulled back from Wigginton Road. The proposals include climbing plants grown up cables/wires set off the building, and new specimen tree planting is proposed where space or gaps allow along the Wigginton Road elevation. The scheme also results in the creation of an additional length of grassed highway verge leading up to the bus stop, presenting an opportunity for another Lime tree to be added to the avenue. Ideally the Lime avenue would have a greater width of space around it to retain some of its original 'parkland' association, nonetheless the development adequately enables physical protection of the trees.

The proposed climbing plants will be a key feature of the Wigginton Road facade, therefore it is important to get the detail right. Subsequently, a single wire/cable will not be sufficient to support significant plant growth. The plant support needs to be several vertically fanned wires with finer horizontal elements. Even tendrilled or suckering plants will struggle to climb up a singular wire to any height. Therefore this detail needs revising to suit.

### 3.2 External

Clifton Planning Panel - No objections but request an alternative pedestrian crossing.

Nearby Residents and Interested Parties - Two letters have been submitted from consulted neighbours who strongly object to the proposal.

The elements of concern are:

- 1) Scale and Position: The objectors feel that the proposed car park is too large, obtrusive and out of character and the cladding will do little to enhance the locality. There is concern over the relationship of the proposed car park and the locality.
- 2) The open space that the car park is to be constructed upon will be lost and will be contrary to Policy GP1.
- 3) Traffic information is dated based upon a TIA from 2002.

## 4.0 APPRAISAL

Key issues:

Impact of proximity to Wigginton Road  
Design

Suitability of a building adjacent a major approach into the City.

Impact upon trees and existing Landscaping

Impact upon Highway network.

Policy Context

5.1 Planning Policy Statement 1 (delivering sustainable communities) clearly states that "Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted."

It also states that developments should provide "high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term but over the lifetime of the development."

5.2 City of York Deposit Draft Local Plan Policy GP1 states that development proposals will be expected to (i) respect or enhance the local environment, (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the character of the area.

5.3 Local Plan Policy C4 also states that any such expansion should not reduce the amenity of local residents; result in the loss of key areas of landscaping, or cause traffic problems.

#### Site Context and Planning History

5.4 The historic maps of the site indicate that there has been no substantial development within the last two hundred years. The earliest maps show the area to be common ground which was later fenced and used as playing fields. Many of these fences remain and it was around this time that the avenue of Lime Trees were planted. This use remained until the hospital used this area as surface car park in the 1970's. Subsequent to this an adjacent Roman Cemetery is believed to extend under the southern part of this site.

5.5 The previous Planning application for the erection of a multi storey car park (03/00811/FUL) was approved in 2005 and was extensively negotiated and modified to bring the building further from Wigginton Road. The final distance achieved was a 13 metre separation from Wigginton Road to the proposed car park. This left adequate space for suitable planting and the protection of existing trees that contributed to softening the building.

5.6 The principle for the car park therefore has already been set and the Hospital already has valid approval for the construction of the car park upon this site. The main difference is the re siting of the structure that will bring it substantially closer to Wigginton Road.

5.7 A subsequent application was submitted in August 2006 for the erection of a similar car park structure. This was recommended for refusal by officers and subsequently withdrawn.

5.8 The reason behind the re siting of the car park is explained within the submitted Design and Access Statement that was submitted as a requirement of all Planning Applications as from August 2006. This explains that the car park is essential to this site due to the desire and need of the hospital to extend in this location. This expansion is currently being planned and it is believed that some provisional master planning work has been undertaken by the Hospital. This does not form part of the

current planning application however and merely provides a justification for the alteration from the approved scheme. It is felt however that such potential development can be used to justify the design of this application. It is anticipated that subject to the outcome of this current application, subsequent applications shall be submitted for further modification of the site.

### Pre Application Advice

5.9 Pre application discussions were undertaken by the applicant after the most recent, very similar application, was withdrawn in November 2006. This application was recommended for refusal due to its dominant design and impact upon this main approach into the City. Another major issue was the impact upon the lines of Lime trees that mark the boundary to the hospital.

5.10 The main aims and elements of the proposal include the following:

- 1) Increased accommodation for staff and visitors to Hospital including surface and multistorey car park.
- 2) Improved main entrance to hospital from proposed car park with block paved pathway and glazed entrance block.
- 3) Protection of existing trees
- 4) replanting and reinstatement of landscaped bund to Wigginton Road

Although the overall design of the proposed car park has changed marginally from the withdrawn application there have been modifications in terms of the proximity to the main road and the trees. The main alterations include:

- 1) The alteration of corner elements closest to Wigginton Road to relieve the impact upon trees.
- 2) The increase of the admin/entrance block to two storeys' so as to relieve the visual impact of the car park from the North.
- 3) The reimplementing of landscaped bund to Wigginton Road where the existing vehicular access currently is located with new access created.
- 4) The justification has been provided as to the future development of the hospital site to the south that would potentially disguise the car park building.
- 5) The applicants are also seeking 'wash lighting' to the car park elevations.

### Analysis

5.11 The impact of this structure upon Wigginton Road will still be very dominant. The changes proposed alleviate the impact from the North by the change in structure from aluminium clad car park to rendered/timber clad 'habitated' building, and the increased tree planting and landscaped bund reinstatement do offer further relief to some extent, (subject to satisfaction of conditions). The justification and elements of the potential future development to the south of the site are also being considered in the schemes' favour as the redevelopment of this area will, subject to its own consent, further relieve the visual impact of this car park. The car park will therefore introduce a modern, functional building that will create a new pedestrian route into the hospital through improved public realm works and entrance to the car park.

## Internal Elevation

5.12 Officers have limited authority to intervene in modifications within privately owned property, however it is believed that the internal hospital road will still create a relatively poor environment for pedestrians using this area. Increased planting and the main entrance to the car park being to the north of the site in the proposed two storey element of the application will relieve pedestrian movements, but it is felt that such a canyonisation may still be problematic. Climbers to this elevation have not been included in the application although proposed lighting may relieve the dominance in the evening along with proposed banner signs.

## Impact Upon Wigginton Road

5.13 The proposed car park is considered to be of superior design to the existing approval, and the main issue is considered to be the impact that the new siting will have upon Wigginton Road and the Central Core Conservation area to the south of the site. The proposed building will still introduce a dominant element of functional design to this main approach. However the increased planting, alteration in footprint and the proposed measures to enhance climbers to the side of the building are hoped to effectively disguise the structure enough to justify an approval of Planning Permission. It has also been suggested by the case officer that a public art competition be considered to relieve the elevational facades of the car park along with mood lighting until the proposed climbers are high enough to offer suitable camouflage. At time of writing confirmation of the applicant's willingness to support such works is being awaited.

5.14 The increased public realm interventions will create a more 'readable' area and hopefully give the hospital some orientation. The new entrance block to the car park could create a more active frontage but on the whole will create a better, more logical environment than the existing surface car park.

5.15 Officers are satisfied that the proposed car park attempts to relieve its impact as much as possible while attempting to offer such large scale accommodation on a tight site. The issues of design have been negotiated and the modest improvements in footprint, together with replanting, climbers, wash lighting and the potential for public art will further alleviate the impact of the car park. It is therefore considered that the design must be weighed against the proven need for the hospital to extend and retain its site within the City Centre. On this proviso Officers must recommend approval.

## Landscape

5.16 The impact upon the trees along Wigginton Road is considered a serious issue and the loss of some trees within the site is regrettable. However based upon suitable protection of existing trees, replanting and the adequate details of climbing plants Officers have no further fundamental objections.

## Impact Upon Highways

5.17 Highway Officers have yet to formally respond at time of writing although no fundamental objections have as yet been raised. An issue of an agreed cycle route within the hospital grounds, although unconnected to the application location, is expected to be agreed by condition. Officers are currently awaiting a formal response and intend to update at Committee.

## 5.0 CONCLUSION

6.1 In summary this decision has to be based weighing up the balance between the future needs of the hospital and the need to protect this important approach into the city centre and the physical environment of the City as a whole. The proposal is required for an identified need and as a multi storey car park the design is thought out better than most. However in light of the lack of adequate design strategy for this site there is little guidance to illustrate the council's desires for such large scale development and in light of this Officers have assessed the proposal based upon its individual merits.

6.3 The proposal will introduce a large, functional building on a major approach into the city centre. However the design and materials are felt to be more appropriate than the previously approved scheme and the modern structure will have its advocates. The decision must be weighted therefore against the desire of the Hospital to expand and provide a service to the people of York. It will address a very pressing need and on this basis Officers recommendation is for approval subject to the conditions listed below.

## 6.0 RECOMMENDATION: Approve

- 1 VISQ8
- 2 PLANS1
- 3 TIME2
- 4 LAND1
- 5 Trees shown to be retained and/or subject to a tree preservation order (TPO) shall be protected during the development of the site by the following measures: -  
Prior to commencement on site of demolition, site preparation, building or other development operations, including the importing of materials and any excavations, protective fencing to BS5837 'Trees in relation to construction' 2005, shall be erected around all existing trees shown to be retained, including those within the existing/proposed car park. Before commencement on site the protective fencing line shall be shown on a plan and agreed with the local authority and subsequently adhered to at all times during development to create exclusion zones. None of the following activities shall

take place within the protective fencing or within the canopy spread of existing trees: excavation (other than grading in of existing levels within the exclusion zones with the proposed levels outside of the exclusion zones), raising of levels, storage of any materials or top soil, parking or manoeuvring of vehicles, mechanical cultivation; there shall be no site huts, no mixing of cement (or within 10m of any tree), no disposing of washings, no stored fuel, no new service runs. The fencing shall remain secured in position throughout the construction process. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing. Trees should not be used as anchors for winching, or have any signs or fence supports et al attached to them.

Reason: To ensure protection of existing trees before, during and after development which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area.

- 6 Before the commencement of demolition, site preparation, or building operations, including the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include construction details of protective fencing, and phasing of external works particularly in relation to making good the earth mounds including the type of equipment to be used.

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

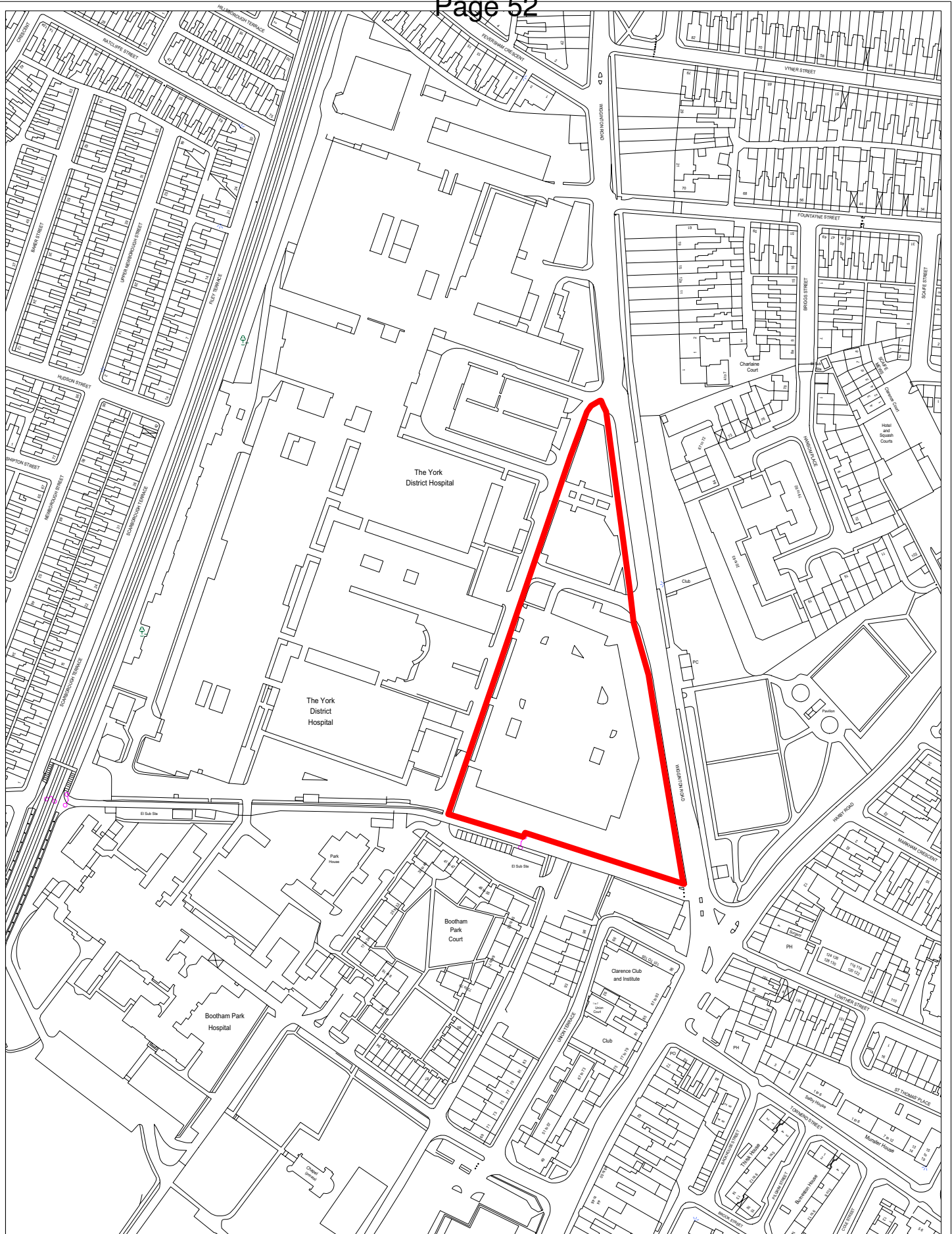
- 7 ARCH1

## 7.0 INFORMATIVES:

### Contact details:

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# Site Plan : 06/02605

SCALE 1:2500

DRAWN BY JB

DATE 12/2/2007

Originating Group

Project

Drawing No.

Organisation



**COMMITTEE REPORT**

**Committee:** East Area                      **Ward:** Fishergate  
**Date:** 22 February 2007                      **Parish:** Fishergate Planning Panel

**Reference:** 06/02796/FUL  
**Application at:** 68 Fishergate York YO10 4AR  
**For:** Erection of smoking/bus shelter to the front of building  
**By:** Rank Gaming Group  
**Application Type:** Full Application  
**Target Date:** 7 March 2007

**1.0 PROPOSAL**

1.1 It is proposed to erect a smoking shelter beside the Mecca Bingo centre. The application has been called into Committee by Councillor B Watson because it is the first such proposal submitted for planning approval and raises interesting issues.

1.2 The shelter is proposed to be 6.3m wide and 4.2m deep. It has a curving roof which is 3m at the highest point. It is constructed of aluminium and polycarbonate. Its appearance reflects that of a cycle store or bus shelter. It has mesh to the sides and can be secured if required.

1.3 It is proposed to be located on two parking spaces beside the building (approximately 10m from the building's main entrance). The shelter is approximately 0.7 metres forward of the elevation of the existing building.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

Schools Multiple (Spatial)

2.2 Policies:

CYGP1  
Design



### **3.0 CONSULTATIONS**

#### **3.1 Internal**

Highway Network Management - No objections.

Environmental Protection - As the proposal is in advance of the publication of English legislation and advice regarding smoking shelters it is recommended that an Informative is included on the decision notice setting out that the development is 'at risk'. It is also recommended that it should be conditioned that the shelter is only used at times that the bingo hall is operating and only by customers and staff of the premises.

#### **3.2 External**

Fishergate Planning panel - No objections.

Neighbours - 24 and 25 William Court were consulted on 26 January 2007. The neighbour consultation period on this application expires on 16 February 2007. No responses had been received at the time of writing this report

### **4.0 APPRAISAL**

4.1 The shelter is proposed in advance of the smoking ban that comes into force in pubs and clubs on 1 July 2007.

4.2 The main issues in assessing the proposal are considered to be:

#### **4.3 Impact on the Streetscene**

The proposal is modern in appearance. The shelter is proposed to be located approximately 20 metres from the highway and will be situated within the uncovered car park against a relatively blank elevation of the building. In the context it is considered that it is compatible with the surrounding building and environment and complies with criterion (a) and (b) of policy GP1 (Design) of the Local Plan.

#### **4.4 Impact on Living Conditions**

The nearest properties that will be impacted upon are around 40 metres away. These are the recently built homes in William Court off Blue Bridge Lane. Subject to any comments received during the neighbour consultation period it is considered that this separation is acceptable to avoid undue harm from noise or fumes and complies with criterion (i) of policy GP1 (Design). It is the case that there is already a reasonable degree of background noise in the vicinity from Fishergate and through the use of the centre and car park.

#### **4.5 Safety**

Issues relating to the accumulation of smoke within the shelter and the related risk to users can be addressed by separate legislation. At the current time the legislation regarding smoking shelters in England has not been finalised and it is understood that in designing the shelter the applicant's have taken on board advice from

Scotland relating to the need to provide at least 50% of the structure open to the elements. An informative has been included on the recommended decision notice clarifying this matter.

It is considered that the proposal is located so that there is not a significant hazard from traffic for users walking the short distance between the shelter and the main entrance. It is located within site and sound of well-used public areas.

#### 4.6 Parking

In the context of advice regarding sustainable transport modes the loss of 2 parking spaces is not considered significant.

### 5.0 CONCLUSION

5.1 The neighbour consultation period expires on 16 February 2007. It is recommended that members be minded to approve the application subject to no new issues being raised during the outstanding consultation period and subject to this criteria officers be given delegated powers to approve the application.

### 6.0 RECOMMENDATION: Approve

1 TIME2

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

261026/25 4 and 261026/167 received by the Local Planning authority on 10 January 2007.

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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

3 The smoking shelter shall only be used by staff working at and customers visiting the bingo hall and shall not be used between the hours of 11.00 p.m. and 8.00 a.m. unless otherwise agreed in writing with the Local Planning Authority.

Reason: To avoid harm to residential amenity.

### 7.0 INFORMATIVES:

#### Notes to Applicant

#### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the provision of car parking, the appearance of the streetscene, public safety and neighbours' living conditions.

As such the proposal complies with Policy GP1 and appendix E of the City of York Local Plan Deposit Draft.

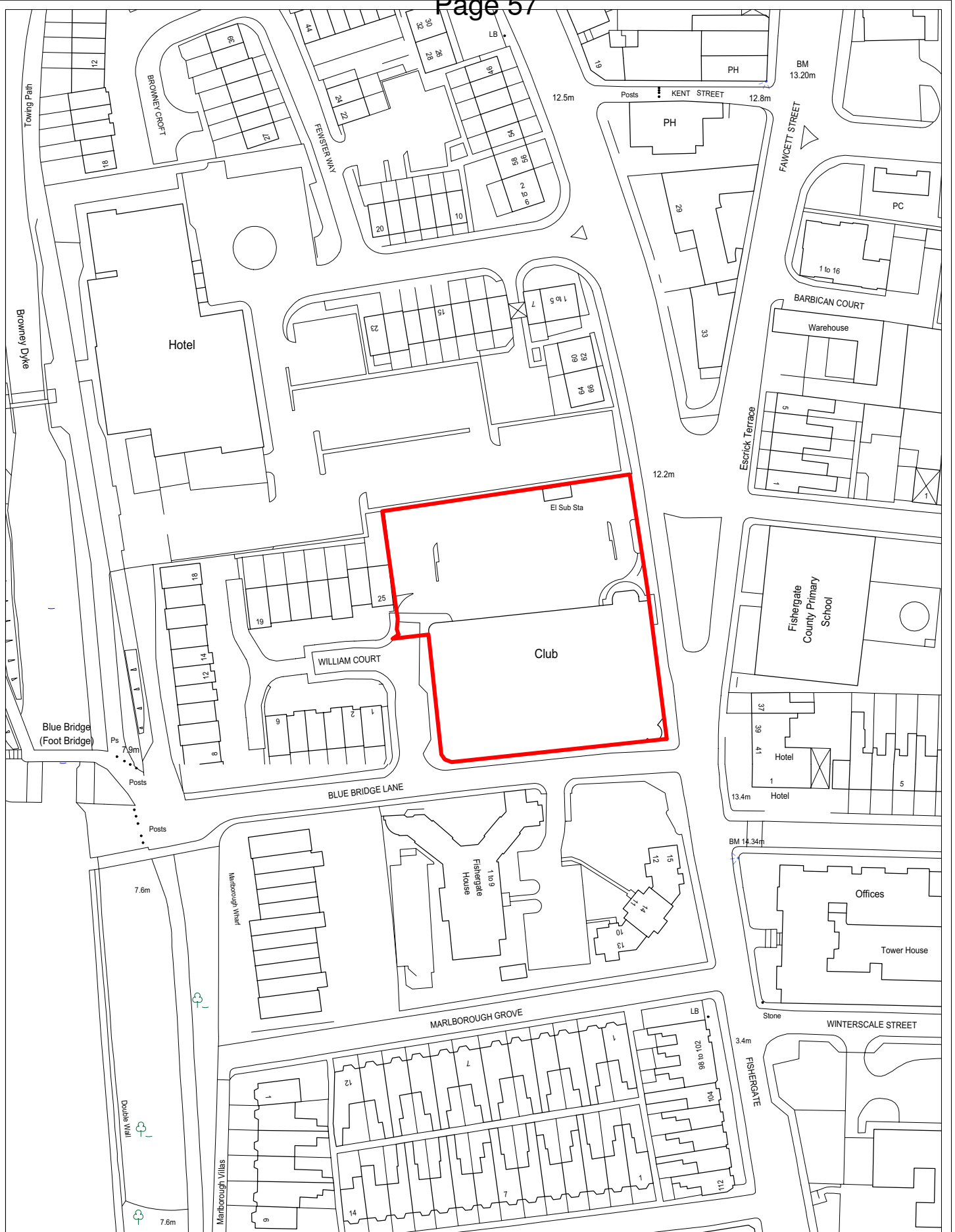
**2. INFORMATIVE**

The application has been submitted in advance of English guidance or legislation on the natural ventilation requirements of smoking shelters. This permission does not grant or infer the City of York Council's approval of the layout and location of the shelter in respect to any such matters relating to passive smoking.

**Contact details:**

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# Mecca 68 Fishergate York 06/2796/FUL

SCALE 1:1250

DRAWN BY JB

DATE 12/2/2007

Originating Group

Project

Drawing No.

Organisation

