



Notice of meeting of

Planning Committee

To: Councillors R Watson (Chair), Simpson-Laing (Vice-Chair), Cregan, Crisp, D'Agorne, Firth, Sue Galloway, Galvin, Horton, Hudson, Jamieson-Ball, King, Moore, Reid, B Watson, Wiseman and Gillies (Substitute)

Date: Thursday, 30 August 2007

Time: 4.30 pm

Venue: The Guildhall, York

AGENDA

Site Visits for this meeting will be held at 12:30 pm on Wednesday 29 August at Memorial Gardens

1. **Declarations of Interest**

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

2. **Minutes** (Pages 5 - 12)

To approve and sign the minutes of the meeting of the Planning Committee held on 26 July 2007.

3. **Public Participation**

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by 5pm the day before the meeting. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

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

4. Plans List

This item invites Members to determine the following planning applications:

a) Factory Bishopthorpe Road York YO23 1NA (07/01547/FUL)
(Pages 13 - 28)

Temporary change of use to offices (use Class B1)

b) Factory Bishopthorpe Road York YO23 1NA (07/01548/LBC)
(Pages 29 - 42)

Refurbishment and change of use to offices (B1 use)

c) Dunnington Lodge Elvington Lane Dunnington York YO19 5LT (07/01335/FULM) (Pages 43 - 56)

Use of land for a Maize Maze with conversion of farm buildings to associated stores, offices and farm shop including construction of toilet building and 200 space car park (part retrospective) (resubmission).

d) Racecourse Racecourse Road Knavesmire York YO23 1EJ (07/01311/FULM) (Pages 57 - 66)

Widening of South Bend of race course, surfacing of service track and associated works including drainage works.

e) Oaklands Sports Centre Cornlands Road York YO24 3DX (07/01345/GRG3) (Pages 67 - 78)

Extensions to existing sports centre to provide swimming pool and associated facilities including additional car parking and associated plant. New canopy to existing sports centre entrance.

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

Democracy Officer:

Name: Sarah Kingston

Contact Details:

- Telephone – (01904) 552030
- E-mail – sarah.kingston@york.gov.uk

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

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- Business of the meeting
- Any special arrangements
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Contact details are set out above.

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

TIME (Approx)	SITE	ITEM
12:30pm	Meet at Memorial Gardens	
12.40pm	Oaklands Sports Centre	4e
1.20 pm	Dunnington Lodge, Elvington Lane, Dunnington	4c

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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.

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- 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

MEETING	PLANNING COMMITTEE
DATE	26 JULY 2007
PRESENT	COUNCILLORS R WATSON (CHAIR), SIMPSON-LAING (VICE-CHAIR), GREGAN, CRISP, D'AGORNE, FIRTH, SUE GALLOWAY, GALVIN, HUDSON, JAMIESON-BALL, MOORE, B WATSON, MORLEY (SUBSTITUTE), WISEMAN (SUBSTITUTE), PIERCE (SUBSTITUTE) AND POTTER (SUBSTITUTE)
APOLOGIES	COUNCILLORS HORTON, KING AND REID

11. DECLARATIONS OF INTEREST

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

12. MINUTES

RESOLVED : That the minutes of the meeting held on 26 June 2007 be approved and signed by the Chair as a correct record.

13. PUBLIC PARTICIPATION

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

14. PLANS LIST

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

14a Electrical Service Supplies 16 Chessingham Park Dunnington York YO19 5SE (07/01204/FULM)

Members considered a major full application, submitted by Simpson (York) Ltd, for extension and alterations to 3 existing B1/B8 Business units to create 7 B1 Business Units and 9 B2/B8 industrial units, and the erection of new building to create 5 B1 business units and associated parking, access, landscaping and amenity area adjacent to Hassacarr nature area (resubmission).

Officers updated that if Members were minded to approve the application they would recommend the wording of condition 7 be amended to relate only to the area affected by mitigation measures. They would also recommend an additional condition relating to the mitigation measures and an additional condition relating to height of buildings.

Members discussed newts and mitigation work, cycle parking and the need for cycle parking to be accessible for visitors, and sustainability issues.

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

Amended condition 7:

Prior to the development commencing in the area beyond the front wall of unit C (North of front wall) the mitigation measures relating to greater crested newts set out in the method statement dated 15 May 2007 shall be implemented to the satisfaction of the Local Planning Authority and thereafter maintained.

Reason: To take account of protected species

Additional conditions :

- Prior to the commencement of the development details of the construction of the pond forming part of the Greater Crested Newt mitigation measures shall be submitted to and approved by the Local Planning Authority and thereafter implemented and maintained to the satisfaction of the Local Planning Authority.

Reason : To ensure the satisfactory implementation of the scheme.

- Notwithstanding the information contained on the approved plans, the height of the unit E shall not exceed 5.3 metres to the underside of the eaves and 7 metres to the ridge and the height of unit C shall not exceed 7.2 metres to eaves and 9.8 metres to the ridge, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that the ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason : To establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

REASON : The proposal, subject to the conditions listed in the report and above, would not cause undue harm to interests of acknowledged importance, with particular reference to design and landscape considerations, traffic, highway and access

issues, sustainability, drainage and impact on protected species.

As such the proposal complies with Policies E3(b) GP1, GP4a, L1(c), NE6, GP9 and GP11 of the City of York Local Plan Deposit Draft.

14b Os Field 7928 Towthorpe Moor Lane Strensall York (07/00908/FULM)

This application was withdrawn by the applicant.

14c Plot B Airfield Industrial Estate Halifax Way Elvington York (06/02578/FULM)

Members considered a major full application, submitted by William Birch And Sons Ltd, for the erection of 8 business units comprising B1, B2 and B8 uses.

Officers updated that a revised plan has been submitted making minor alterations to the internal layout of the site with regard to parking / turning etc, and that this is acceptable to the highways officer. If Members were minded to approve the application condition 2 would be amended to refer to the relevant plan and a further informative pertaining to the adoption of the highway would also be added. They updated that the landscaping officer was content with the revised plans, and that with regard to surface water drainage comments had been received from the Internal Drainage Board and that the requirements would be covered by condition 14 of the report. With regard to sustainability, if Members were minded to approve the application a condition would be recommended to be added to cover this.

Representations were received from the applicant. He stated that the application was to further develop the site and that it would be a sustainable development providing employment. There are currently a variety of some 25 businesses on the site providing 450 jobs. The site is sustainable in terms of travel and ecology.

Members discussed the plant schedule, and sustainability issues relating to rainwater harvesting. Officers recommended the amendment of the reason to condition 14 to include reference to sustainable drainage. Condition 16 was discussed in relation to including reference to recycling of any waste materials.

RESOLVED : That the application be approved subject to the conditions and informatives outlined in the report, and the following additional and amended conditions and informative :

Additional condition :

The developer shall aim to achieve a BREEAM "very good" assessment standard for the development unless otherwise agreed in writing by the Local Planning Authority. Prior to the commencement of any works on the site, 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 the standard to which this relates.

Reason: In order to ensure that the proposal complies with the principles of sustainable development.

Amended conditions :

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

5942 (SK) 10 Rev F, 5942 (SK) 08 Rev C

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.

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

Reason: To ensure that the development can be properly drained, and in the interests of sustainable drainage.

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

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

Informative :

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Adoption of highway – Sect 278/38 – Mr M. Kitchen –01904 551336

REASON : The proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to allocated industrial land, highway safety, ecology, design and appearance and sustainability. As such the proposal complies with Policies E3Ba, E3B, E4, GP1, GP4A and NE6 of the City of York

Draft Local Plan incorporating the 4th set changes approved April 2005.

14d Plot 5 Monks Cross Drive Huntington York (07/01006/OUTM)

Members considered a major outline application, submitted by Monks Cross Partnership, for the erection of three storey and two storey B1 office units with associated landscaping and car and cycle parking (approval sought for scale and access).

Officers updated the comments of the countryside officer that the retention of one pond and the creation of another was acceptable in principle, and that the newt fencing would be on the development side of the site. Officers stated that if Members were minded to approve the application, they would recommend amendments to condition 3 relating to the plan references and reference to scale and access, condition 4 relating to plan reference for the zoning plan and eaves height of three storey block to not exceed 12.25 metres, condition 5 regarding the maximum floorspace, condition 12 add "for measures before, during, and following commencement of development" at the end of the second sentence, and an amendment to informative 3 to refer to condition 16.

Members discussed the height of the proposed development, newts and mitigation measures, cycle parking, sustainable drainage and BREEAM ratings.

RESOLVED : That the application be approved subject to the conditions and informatives outlined in the report and subject to the following amended conditions and informative :

3 The scale and access arrangements of the development hereby permitted shall be carried out only in accordance with the following plans:-

Block Plan ref. A792.2006.SK02/A received 19 July 2007
Zoning Plan received 19 July 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.

4 The buildings erected on this site shall be no more than two storeys high in the area indicated for such buildings on the Zoning Plan received 19 July 2007 and no more than three storeys on the in the relevant appropriate area also indicated on that plan. The eaves height of two storey buildings shall not exceed 7.50 metres and the overall height of two storey buildings (including any roof mounted plant) shall not exceed 9.45 metres. The eaves height of three storey buildings shall not exceed 12.25 metres and the overall height of three storey buildings (including any roof mounted plant) shall not exceed 13.20 metres. Before any works

commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: To establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

5 The development hereby permitted shall not exceed 8,860 square metres gross internal floorspace.

Reason: For the avoidance of doubt.

12 No development shall commence on site until a scheme of mitigation for the effects of the development on great crested newts has been submitted to and approved in writing by the local planning authority. The scheme of mitigation shall include a timetable for the implementation of the mitigation measures (for measures before, during and following development). The scheme of mitigation shall be informed by the results of a full great crested newt survey carried out during April and May following the most recent survey guidelines (English Nature Great Crested Newt Mitigation Guidelines).

Reason: In the interests of nature conservation and the protection of the habitat and population of a Protected Species.

3. TRANSPORT INFORMATIVE:

The provisions condition 16 could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, The obligation should provide for a financial contribution calculated at £85,000. The basis for this calculation is contained within adopted Monks Cross Transport masterplan. No development can take place on this site until the condition has been discharged and you are reminded of the Local Planning Authority's enforcement powers in this regard.

REASON : The proposal, subject to the conditions listed in the report and above, would not cause undue harm to interests of acknowledged importance, with particular reference to protect species, the operation of the transport network, residential amenity, the character and appearance of the area or the proper drainage of the area. As such the proposal complies with Policies GP1, GP4A, T4, T13, SP8, GP9, SP9, NE2, NE5B, NE6, NE7, E1A and E4 of the City of York Local Plan Deposit Draft and the aims of PPS1, PPG4, PPS6, PPS9, PPG13, PPG24 and PPS25.

COUNCILLOR R WATSON
CHAIR

The meeting started at 4.30 pm and finished at 5.35 pm.

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COMMITTEE REPORT

Committee: Planning Committee **Ward:** Micklegate
Date: 30 August 2007 **Parish:** Micklegate Planning Panel

Reference: 07/01547/FUL
Application at: Factory Bishopthorpe Road York YO23 1NA
For: Temporary change of use to offices (use Class B1)
By: GHT Developments LLP
Application Type: Full Application
Target Date: 26 June 2007

1.0 BACKGROUND

1.0.1 Members may recall that planning permission was granted at July's meeting, for the change of use and refurbishment of the former time office building. These applications were:-

- 07/00539/LBC - Refurbishment, partial conversion and extension of the Former Time Office building to form offices
- 07/00540/FUL - Change of use to B1 offices and external alterations to the former time office building, including extension to existing car park;

1.02 5 additional planning applications were also associated with the redevelopment of this building. They were:-

- 06/02552/LBC - Refurbishment, conversion and extension of the former Time Office Building to form offices
- 07/00538/FUL - Change of use to B1 offices and external alterations and extension to the former time office building including extension of existing car park
- 07/00541/LBC - Internal and external alterations to the former time office building
- 07/00976/FUL - Erection of two storey temporary office accommodation (460 m²) to time office building
- 07/00977/LBC - Erection of two storey temporary office accommodation (460 m²) to time office building

1.03 06/02552/LBC was withdrawn. This application was submitted with the original suite of planning applications, pertaining to the development of this site, in late November 2006. The application was withdrawn upon advice from officers. The alteration and erection of a glazed roof extension to this building, was not be supported by the Planning

Department, due to the detrimental impact such a development would have had upon the listed building, Terry's Conservation Area and the adjacent group of listed buildings.

- 1.04 Committee may also recall that planning applications 07/00538/FUL and 07/00541/LBC were refused at the same meeting. These applications, whilst similar to the aforementioned approved applications, included a glazed extension of the roof (similar to 06/02552/LBC).
- 1.05 These applications were refused by Committee, on the recommendation of the planning department, as it was considered that they would cause undue harm to interests of acknowledged importance, with particular reference to the former Time Office Building (which is a listed building) and the Terry's Conservation Area.
- 1.06 Planning applications 07/00976/FUL and 07/00977/LBC, which related to the erection of 2-storey temporary office accommodation (460 m²) to the rear of the former Time Office Building, were withdrawn prior to the Committee meeting in July.
- 1.07 The applicant's verbally stated to the planning department, that the prospective clients who are seeking to occupy the former Headquarters Building (L1) required more space than L1 could provide. This would have been provided by the temporary accommodation to the rear of the building. However as additional space could not be provided attached to L1, then the applicant's considered that the only other alternative was to provide the required additional space in the former Headquarters building (H1).

1.1 PROPOSAL

- 1.1.1 This application relates to the temporary change of use and conversion of the former Headquarters Building to form B1 office space. A parallel application for Listed Building Consent (07/01548/LBC) has also been lodged.
- 1.1.2 The applicant's seek temporary planning permission, for a period of 2 years, to use the front section of H1 as office accommodation. Initially it was envisaged that the temporary accommodation, would be provided to facilitate the future business user of L1 (again on a temporary basis until adequate accommodation was provided on-site). However, the applicant's now propose that separate clients will use L1 and H1 respectively.
- 1.1.3 The applicant's seek temporary permission, for a period of 2 years, to use the front section of the building (at ground and first floor) as office accommodation. A change in use from Use Class B2 (General Industrial) to Use Class B1 (Office accommodation).

- 1.1.4 The application states that the employment level is to be between 30-50 employees and that the hours of operation of the building, during its temporary use as an office will be between 08:00 and 18:00 hours.
- 1.1.5 The proposals include minimal internal alterations to the layout of the building to create office accommodation on the ground floor and first floor.

1.2 SITE AND HISTORICAL BACKGROUND

- 1.2.1 The former Headquarters Building lies within the site confines of the Terry's Factory site. The Factory site is situated to the south of the city centre on the periphery of South Bank. The Factory site is partially located within the Racecourse and Terry's Factory Conservation Area (no.10). The former Headquarters Building (H1) is located within this identified Conservation Area.
- 1.2.2 The Terry's Factory site is bounded by Campleshon Road to the north. Bishopthorpe Road lies adjacent the site to the east. An area used for car-parking by the racecourse during race events lies to the south which is encompassed by Green Belt, which extends to Bishopthorpe. The race course itself and Mickelgate Stray are situated to the west.
- 1.2.3 The Factory site is approximately 10 ha (24.9 acres) in area and comprises of a number of redundant buildings, including 6 Grade II listed buildings and more modern warehousing. The listed buildings were erected in and around the 1920's/30's. The former Time Office building is one of these listed buildings and forms an important part of the group value of these listed buildings.
- 1.2.4 The actual area, of the former Headquarters Building subject to this application, is by comparison far less. The total area included in this application is 960 m². The building is sited adjacent the main entrance of Terry's Factory site adjacent Bishopthorpe Road. The building can be clearly seen from Bishopthorpe Road, being set back approximately 24.00 m from the road. The building is directly adjacent the former Time Office Building (L1) to the south.¹ To the west side is the former Factory building². This building is 5 stories in height. To the north is the open site area and the redundant modern warehouses. To the east is a public footpath and then Bishopthorpe Road.
- 1.2.5 The Historic Buildings Assessment (HBA) which accompanies the Listed Building application states that the special interest of the building is partially in its value as one of a group with a strong unified style. The

¹ The original application for the conversion of this building to form a hotel (06/02550/LBC) was lodged with the original suite of planning applications in late November 2006. This application has not been determined as negotiations are still ongoing with the applicant. It is considered that the proposals to develop the Headquarters building are more closely interlinked with the overarching outline planning application (06/02560/OUT) which relates to the development of the whole site.

² As footnote 1, an application for Listed Building Consent has been lodged for the conversion of this building also.

interior plan arrangement centred on the open double height space is also of particular interest as are some interior spaces, especially the main foyer and staircase and the board rooms.

1.2.6 The building was purpose built as the Headquarters for Terry's. The building has not been significantly altered throughout its years of use. There are some modern partition walls, which have been used to sub-divide a number of rooms. There are also some modern suspended ceilings to some parts of the building.

1.3 REASON FOR REFERRAL TO COMMITTEE

1.3.1 This application is reported to Planning Committee due to officer discretion. This application forms part of the wider proposal/s for the development of Terry's Factory site, which will be presented to Planning Committee in due course.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Racecourse 0035

City Boundary York City Boundary 0001

Listed Buildings Grade 2; Terry's Of York Head Offices Bishopthorpe Road

2.2 Policies:

CYGP1
Design

CYHE2
Development in historic locations

CYHE3
Conservation Areas

CYGP4A
Sustainability

CYGP11
Accessibility

CYT4
Cycle parking standards

CYT20

Planning agreements

CYT5

Traffic and pedestrian safety

CYE3B

Existing and Proposed Employment Sites

CYE4

Employment devt on unallocated land

3.0 CONSULTATIONS

3.1 INTERNAL

3.1.1 Design, Conservation and Sustainable Development

3.1.2 The Council's Conservation Architect raised a number of concerns regarding the impact of the proposals upon the listed Building. These have been addressed in the parallel Listed Building Application (07/01548/LBC).

3.1.3 However, the Conservation Architect made the following comments upon elements relating to this application.

3.1.4 Firstly the officer recognised that the car-parking would be outside the conservation area, within the existing car-park adjacent the site. However cycle storage has not been indicated. As a consequence she advises that details should be submitted, for approval by the planning department.

3.1.5 Secondly, no details have been submitted regarding the storage and collection of waste. Further details, should therefore be submitted and approved by the planning department prior to development commencing.

3.1.6 The Council's Conservation Architect did raise concerns about the impact of the scheme upon the setting of the listed building and the Conservation Area. As a consequence, she advised that details should be submitted to the Council, prior to the development commencing which indicate any development which may be required to support this proposal, e.g. LPG tank and associated screening.

3.1.7 Environmental Protection Unit:

3.1.8 The environmental protection unit (EPU) raised no objection to this application.

3.1.9 Highway Network Management (HNM)

3.1.10 The HNM department raised no objections to the proposed scheme.

- 3.1.11 The officer commenting upon this scheme noted that this proposal would not have a significant impact, in terms of traffic generation, upon the surrounding area, especially considering the historic use of the site and the temporary time period sought for this application.
- 3.1.12 The officer did however note, that the HNM department is currently involved in ongoing negotiations, regarding the potential highway implications of the redevelopment of the whole of the Terry's Factory site (06/02560/OUT). However HNM do not consider that the applications, regarding the temporary development of the former Headquarters building, will be prejudicial to their final highways assessment.
- 3.1.13 The officer also noted that the application, as proposed, indicates car-parking provision would be provided in the existing parking area (opposite the site).

3.2 EXTERNAL

- 3.2.1 Bishopthorpe Parish Council raised no objection to this application.
- 3.2.2 Mickelgate Planning Panel commented that they did not object to this application but noted that the 'linear park' appeared to have been removed. The planning panel also noted that the site plan differed from the one which they were consulted on.
- 3.2.3 Neighbours: 2 site notices were displayed, at the main entrance to the site, to advertise the Listed Building Consent application and the full planning applications. No comments have been received from any other interested party or neighbours.

4.0 APPRAISAL

4.1 KEY ISSUES

- Principal of development;
- Effect on character and appearance of the character and appearance of the conservation area and the gardens;
- Highway's and parking issues; and
- Comments raised by Bishopthorpe Parish Council

4.2 PLANNING POLICY

- 4.2.1 PPS1: Planning for Sustainable Development aims to protect the quality of the natural and historic environment. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.
- 4.2.2 POLICY E4 OF THE APPROVED NORTH YORKSHIRE STRUCTURE PLAN (the statutory development plan for the area) states that buildings

and areas of special townscape, architectural or historic interest (e.g. conservation areas, listed buildings) will be afforded the strictest protection.

- 4.2.3 DRAFT LOCAL PLAN POLICY CYGP1 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, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.
- 4.2.4 DRAFT LOCAL PLAN POLICY HE2 of the City of York Deposit Draft Local Plan (Fourth Set of Changes), approved for development control purposes on 13 April 2005 states that within or adjoining conservation areas, and in locations which affect the setting of listed buildings, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.
- 4.2.5 DRAFT LOCAL PLAN POLICY HE3 seeks to protect the character and appearance of Conservation Areas. The policy states that proposals for development in conservation areas should reflect street proportions, which are given to floor heights, door and window sizes and disposition. Supporting text of the policy further states that the elevational treatment of all sides of any development and roofscape are important, not simply the street frontage.
- 4.2.6 Other relevant draft Local Plan Policies include; GP4a: Sustainability, GP11: Accessibility, T4: Cycle Parking Standards, T5: Traffic and Pedestrian Safety; E4: Employment Development on unallocated, HE4 Listed Buildings, E3b: Existing and proposed employment sites, and I 4 and I12 of The North Yorkshire Structure Plan, which are concerned with Industry and employment.
- 4.2.7 TERRY'S DEVELOPMENT BRIEF
- 4.2.8 The Development Brief sets out the main issues and planning policies relating to this site and provides guidance on how it should be redeveloped.
- 4.2.9 The Brief was subject to public consultation and has been approved by Members. The Brief is being used as guidance in negotiating with

developers and progressing planning and listed building / conservation area consent applications on the site.

4.2.10 THE RACECOURSE AND TERRY'S FACTORY CONSERVATION AREA CHARACTER APPRAISAL

4.2.11 Part of the Terry's site is located within the Racecourse and Terry's Factory Conservation Area. A character appraisal has been produced in order to properly consider the character of the conservation area and development proposals which may affect it.

4.3 PRINCIPLE OF DEVELOPMENT

4.3.1 The principle of employment/ business use is encouraged through the Development Brief, approved for the site in June 2006. At present the building falls within the general use class of the site which is B2 – General Industrial.

4.3.2 The applicant's seek permission to change the use of the building for business use, as well as minor internal and external alterations. Should Planning Committee consider refusing permission, the applicant's could exercise their 'fallback position' which would be to either implement the extant B2 use of the building or use the building as B1 (office accommodation) without implementing any external alterations. Change of use from (Use Class) B2 to B1 is classified as permitted development within the Use Classes Order 2005.

4.3.3 The principle of the conversion of the former Headquarters building for employment purposes would not conflict with policies I4 and I12 of the Approved North Yorkshire Structure Plan, which is the statutory development plan for the area. These policies seek to encourage business development/ expansion through the development of suitable land/buildings. The policies also encourage the expansion or development of existing firms. Policy E3b, seeks to safeguard existing sites in employment use. However E3b further states, that sites or premises either currently or previously in employment use, should be retained within their current use class. Planning permission for other uses will only be given where amongst other requirements; development of the site for other appropriate uses will lead to significant benefits to the local economy.

4.3.4 In such situations as these, it is necessary to attach relative weight to the policies in question, based on the circumstances of each individual case and with reference to the relevant Central Government advice contained in Planning Policy Guidance Notes/Statements.

4.3.5 In this particular case the site itself has a history of B2 (General Industrial) use as Terry's Chocolate Factory. It is considered that the proposed use would compliment the Council's aspirations for the site. The proposed Use Class of the building does not fall within the general Use Class of the

site (B2). The building was previously used for office accommodation (B1). However, it is not considered that B1 use, of the part of this building as general office accommodation, would conflict with policy E3b or the Development Brief.

4.3.6 Finally, whilst this application slightly differs from the spirit in which the Planning Authority expected it to be submitted, it is considered that even if there are 2 different users for L1 and H1, there is no material significance in planning terms. If approved, H1 will be used for a temporary period, to accommodate a business, which has grown out of its current accommodation and is seeking immediate relocation. The proposed occupants will then hopefully relocate to either part of former Factory Building, or a new purpose built building within the defined business area of the site (the LPA is encouraging the former rather than the latter). H1 will then be converted to a hotel. The applicants have verbally stated that if this application is not approved, the proposed clients will not move onto the site and will seek alternative accommodation within the city, due to their pressing need for larger office accommodation.

4.4 EFFECT ON CHARACTER AND APPEARANCE OF THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA.

4.4.1 In addition to changing the use of the building to temporary office accommodation the proposal also includes minor internal and external alterations. Works to be undertaken upon this listed building are considered in the parallel listed building application (07/01547/LBC).

4.4.2 The external works are acceptable subject to satisfying relevant conditions attached.

4.5 HIGHWAY AND PARKING ISSUES

4.5.1 Central Government advice in Planning Policy Guidance Note 13 ("Transport") (PPG13), seeks to promote:-

- More sustainable transport choices for both people and for moving freight;
- Accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling;
- and to reduce the need to travel, especially by car.

4.5.2 A key planning objective of PPG19 is to ensure that jobs, shopping, leisure facilities and services are accessible by public transport, walking, and cycling. PPG19 states businesses should make every effort, for instance by adopting travel plans to encourage car sharing, and use of non-vehicular modes of transport.

4.5.3 The Highways Network Management (HNM) officer commented that the application proposed is likely to have a negligible impact, in terms of traffic generation upon the area, especially when considering the historic use of

the building.

5.0 COMMENTS RAISED BY MICKELGATE PLANNING PANEL

5.0.1 The masterplan for the general layout of the site has not been agreed. A further amended masterplan is expected to be submitted shortly. This application, relates only to the partial conversion of the former Headquarters Building. Issues relating to the overall site layout will be addressed in the overarching outline planning application (06/02560/OUT), when it is submitted.

5.0 CONCLUSION

5.1 It is considered that these proposals continue the legacy of employment uses within this site. The aforementioned proposals are considered justified and would not appear to adversely affect the special historic and architectural interest of the building or the character and appearance of Conservation Area no.10.

5.1.1 The proposed conversion and the former Headquarters Building to general B1 office accommodation, is considered acceptable and satisfies policies E4, I5 and I18 of the Approved North Yorkshire Structure Plan, Policies HE2, HE3, E3b, GP1 and T20 of the Draft Local Plan and National Planning Guidance PPS1 and PPG19.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TEMP2 ...INSERT.....30/08/2010

2 The development hereby permitted shall be carried out only in accordance with the approved plans 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 Any demolition and construction works and ancillary operations, including deliveries to and dispatch from the site, shall be confined to the following hours:

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00
Not at all on Sundays and Bank Holidays	

Reason: To protect the amenity of neighbouring residents.

4 VISQ8

5 The hours of operation for the new offices shall be approved in writing by the local planning authority. Once approved, the agreed hours shall be complied with at all times, unless agreed otherwise in writing by the local planning authority.

Reason: To protect the amenity of local residents.

6 The hours of delivery to and dispatch from the new offices shall be confined to the following times, unless otherwise approved in writing by the local planning authority:

Monday - Friday	08:00 - 18:00
Saturday, Sunday & Bank Holidays	09:00 - 18:00

Reason: To protect the amenity of local residents.

7 Details of all new fixed machinery, plant and equipment to be installed in or located for the temporary offices, which is likely to be audible at any noise sensitive location, shall be submitted to the local planning authority for approval. These details shall include maximum sound levels (L_{Amax}(f)) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of the locality.

8 Prior to the development commencing details of the design/layout and number of car spaces shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until such car parking spaces have been constructed and laid out in accordance with the details as approved in writing by the Local Planning Authority.

Reason: The car-parking provision proposed exceeds the City of York Council parking standards.

9 ACC1

10 Prior to the development commencing, details regarding the location of the service door for the temporary offices shall be submitted to and approved in writing by the Local Planning Department. Details should indicate the precise location of the service door and a method statement should accompany the details explaining the waste removal strategy for

the temporary office use.

Reason: In order to protect the setting of the listed building and protect the character of the Terry's Conservation Area.

11 HWAY6

12 Prior to the development commencing, a 1:200 site plan should be submitted to and approved in writing by the Local Planning Department. The site plan should indicate any new development, which is associated with the partial temporary change of use of the former Headquarters Building.

Reason: In order to protect the setting of the listed building and protect the character of the Terry's Conservation Area.

13 Subject to the total number of employees at the site exceeding 50, a full company travel plan developed and implemented with national guidance and guidance currently published by the City of York Council, shall have been submitted and approved in writing by the Local Planning Authority.

Reason: To ensure the development complies with Central Government advice contained within PPG13 – “Transport” and to ensure that adequate provision is made for the movement of vehicles, pedestrians, cyclists and other modes of transport to and from the site, together with provision of parking on the site for these users.

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 Former Headquarters Building which is a listed building and the Racecourse and Terry's Conservation Area. As such this proposal complies with policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and policies GP1, HE2, HE3, P4(a), GP11, T4, T5, E3b and E4 of the City of York Local Plan Deposit Draft, also PPS1 and PPG19.
2. The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval:

The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and

Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

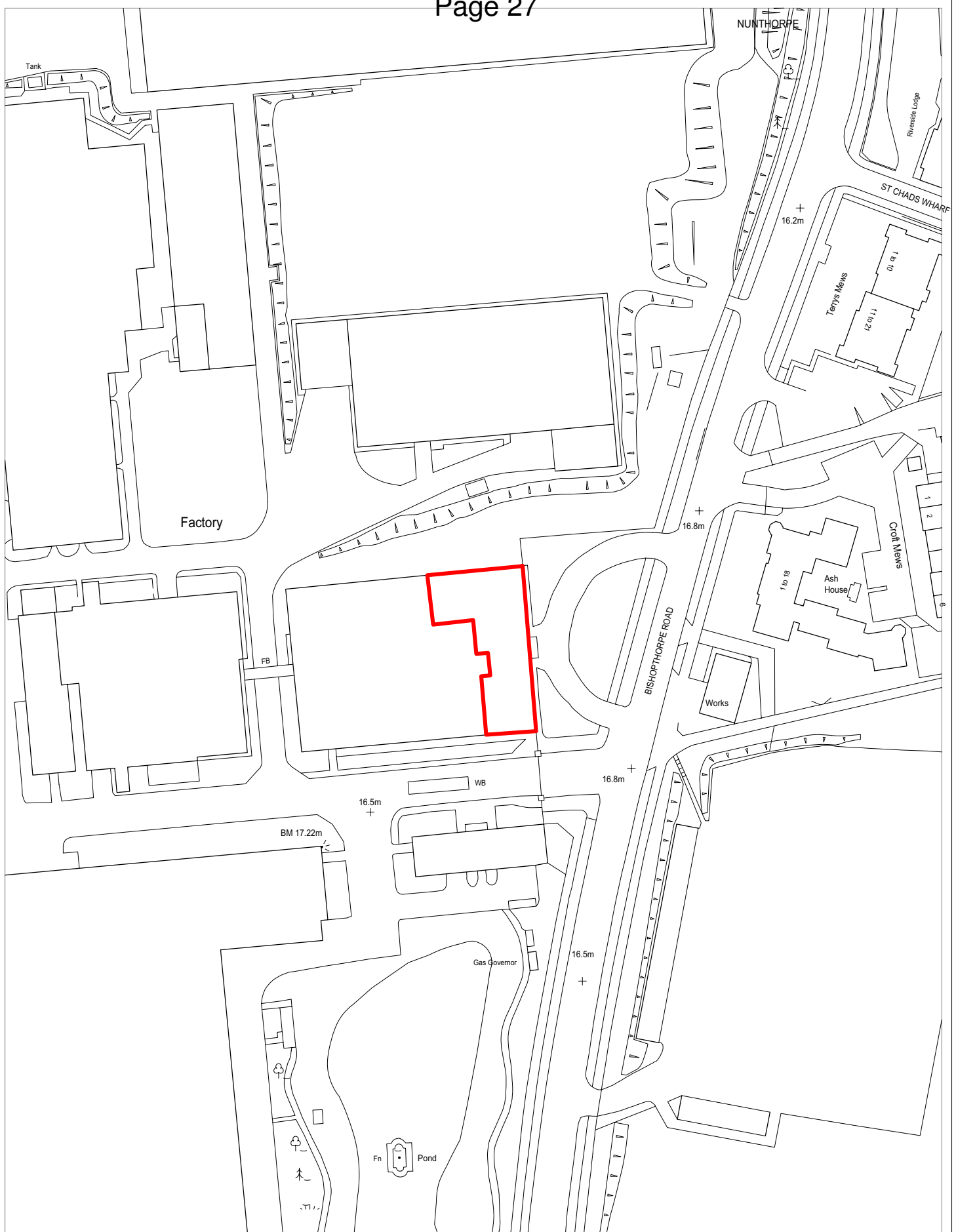
- All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers' instructions.
- The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.
- All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.
- Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.
- There shall be no bonfires on the site.

Contact details:

Author: Richard Beal Development Control Officer

Tel No: 01904 551610

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CITY OF
YORK
COUNCIL

FACTORY, BISHOPTHORPE ROAD - 07/01547/FUL

SCALE 1:1250
Originating Group

DRAWN BY PSL
Project

DATE 20/8/2007
Drawing No.



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COMMITTEE REPORT

Committee: Planning Committee **Ward:** Micklegate
Date: 30 August 2007 **Parish:** Micklegate Planning Panel

Reference: 07/01548/LBC
Application at: Factory Bishopthorpe Road York YO23 1NA
For: Refurbishment and change of use to offices (B1 use)
By: GMT Developments LLP
Application Type: Listed Building Consent
Target Date: 24 August 2007

1.0 PROPOSAL

1.0.1 This is the parallel Listed Building Consent application, which accompanies planning application 07/01547/FUL. This application relates to the conversion and alteration of the former Headquarters Building H1 to form office accommodation (Use Class B1).

1.0.2 The proposals include internal alterations to the layout of the building to create office accommodation on the ground floor and first floor and some minor external alterations. Such works include:-

- (i) Partial stripping out of some modern internal partitions and suspended ceilings and making good and replacement;
- (ii) Provision of loose laid floor coverings for the majority of the proposed area, excluding the terrazzo tiled flooring within the main entrance to the building. The applicants state, this covering can be removed at a later date without any intrusion to the building's existing fabric;
- (iii) The internal décor of the building will be either cleaned or renewed. The existing wooden windows will be cleaned only and not replaced;
- (iv) New light fittings will be provided on the existing circuits to maximise lighting levels within the building;
- (v) Surface fixed conduits will provide power, data and telecom infrastructure for the temporary occupants;
- (vi) The existing fire alarm system will be amended if necessary;
- (vii) New escape doors will enclose the area to be used for temporary office accommodation. A fire escape route will be provided from the offices across the remainder of the H1 building for emergency use only;
- (viii) The applicants propose to convert 1 room, within the temporary office accommodation, for staff facilities;

- (ix) Temporary roof repairs will be undertaken to prevent water ingress; and
- (x) The applicant's propose to use the existing heating system on a reduced 'heating circuit'. However, if this is not possible then alternative methods of heating the building will be sought.

- 1.0.3 The applicant's seek temporary planning permission, for a period of 2 years, to use the front section of H1 as office accommodation. Initially it was envisaged that the temporary accommodation, would be provided to facilitate the future user of L1 (again on a temporary basis until adequate accommodation was provided on-site). However, the applicant's now propose that separate clients will use L1 and H1 respectively.
- 1.0.4 The applicant's seek temporary permission, for a period of 2 years, to use the front section of the building (at ground and first floor) as office accommodation. A change in use from Use Class B2 (General Industrial) to Use Class B1 (Office accommodation).
- 1.0.5 The application states that the employment level is to be between 30-50 employees and that the hours of operation of the building, during its temporary use as an office will between 08:00 and 18:00 hours.

1.1 SITE AND HISTORICAL BACKGROUND

- 1.1.1 The former Headquarters Building lies within the site confines of the Terry's Factory site. The Factory site is situated to the south of the city centre, on the periphery of South Bank. The Factory site is partially located within the Racecourse and Terry's Factory Conservation Area (no.10). The former Headquarters Building (H1) is located within this identified Conservation Area.
- 1.1.2 The Terry's Factory site is bounded by Campleshon Road to the north. Bishopthorpe Road lies adjacent the site to the east. An area used for car-parking by the racecourse during race events lies to the south which is encompassed by Green Belt, which extends to Bishopthorpe. The race course itself and Mickelgate Stray are situated to the west.
- 1.1.3 The Factory site is approximately 10 ha (24.9 acres) in area and comprises of a number of redundant buildings, including 6 Grade II listed buildings and some more modern warehousing. The listed buildings were erected in and around the 1920's/30's. The former Headquarters building is one of these listed buildings and forms an important part of the group value of these listed buildings.
- 1.1.4 The actual area subject of this application is 960 m². The building is sited adjacent to the main entrance of Terry's Factory site adjacent Bishopthorpe Road. The building can be clearly seen from Bishopthorpe Road, being set back approximately 24.00 m from the road. The building

is directly adjacent the former Time Office Building (L1) to the south.¹ To the west side is the former Factory building² (this building is 5 stories in height). To the north is the open site area and the redundant modern warehouses. To the east is a public footpath and then Bishopthorpe Road.

1.1.5 The Historic Buildings Assessment (HBA), which accompanies the Listed Building application, states that the special interest of the building is partially in its value as one of a group with a strong unified style. The interior plan arrangement centred on the open double height space is also of particular interest as are some interior spaces, especially the main foyer, staircase and the board rooms.

1.1.6 The building was purpose built as the Headquarters for Terry's. The building has not been significantly altered throughout its years of use. There are some modern partition walls, which have been used to sub-divide a number of rooms. There are also some modern suspended ceilings to some parts of the building.

1.2 REASON FOR REFERRAL TO COMMITTEE

1.2.1 This application is reported to Planning Committee due to officer discretion. This application forms part of the wider proposal/s for the development of Terry's Factory site, which will be presented to Planning Committee in due course.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Racecourse 0035

City Boundary York City Boundary 0001

Listed Buildings Grade 2; Terry's Of York Head Offices Bishopthorpe Road

2.2 Policies:

CYHE2

Development in historic locations

CYHE3

¹ The original application for the conversion of this building to form a hotel (06/02550/LBC) was lodged with the original suite of planning applications in late November 2006. This application has not been determined as negotiations are still ongoing with the applicant. It is considered that the proposals to permanently develop the Headquarters building are more closely interlinked with the overarching outline planning application (06/02560/OUT) which relates to the development of the whole site.

² As footnote 1, an application for Listed Building Consent has been lodged for the conversion of this building also.

Conservation Areas

CYHE4

Listed Buildings

3.0 CONSULTATIONS

3.1 INTERNAL

3.1.1 Design, Conservation and Sustainable Development

3.1.2 The Conservation Architect states, the applicants indicate that the front part of the building would be used for office accommodation. She also comments that plans indicate that the existing main entrance door, foyer and grand staircase would be used as access to the office accommodation. She further comments that new screen doors would be fixed at certain points, to limit the extent of occupation of the building. They would however provide emergency access should it be required. The officer comments that these doors appear to be rudimentary in design and should be removed when the building is converted to a hotel.

3.1.3 The officer additionally comments, that drawings, submitted by the applicants, indicate that a number of partition walls are to be removed and suspended ceilings are to be replaced. She mentions that the photographic survey, submitted by the applicants, indicate that there are 3 types of partitions. These are:-

- (a) Full height partitions divided into rectangular panels by substantial framing at dado and doorhead height. The top 2 panels contain multi-pane glazing;
- (b) An adaptation of an earlier panel system, which has been divided into 2 parts; and
- (c) A solid vertical panel system with aluminium cover strips.

3.1.4 The Conservation Architect states that, the first type of partitioning system, type (a), appears to have been used throughout the factory complex. It was installed prior to the introduction of suspended ceilings. She further mentions, that the partition arrangement appears to be a functional adaption and is of no particular architectural significance. The list description states that, type (a) partitions are not original to the building. The Conservation Architect continues by commenting that, examples of this type of partition exist elsewhere in the building and therefore, there is no objection, in terms of conservation, to them being taken out. Finally the officer comments, that the removal of these partitions, which subdivide rooms with decorative plaster ceilings, would be a benefit to the listed building.

3.1.5 With regard to the introduction of services, the Council's Conservation Architect comments that, the scope of works has been designed to avoid damage to existing interiors. The officer recognises that original radiators

and fan convector units are proposed to be reused. Although the boiler and pipe work would need to be renewed. However the new boiler flue would be routed through the roof to avoid damage to the external elevations.

- 3.1.6 The officer, identifies that additional new surface mounted trunking is envisaged by client. Although the officer comments that, the applicants state that the use of wireless systems will be investigated. As no firm details have been submitted, the officer advises that details should be submitted and approved in writing by the planning department prior to development commencing.
- 3.1.7 The Conservation Architect also comments that the design of the access ramp appears heavy in appearance. In particular, the balustrade is constructed from timber with horizontal rails. The Conservation Architect advises that a more suitable design should be sought, which would not have such a detrimental impact upon the external appearance and setting of the listed building.
- 3.1.8 Penultimately, the Conservation Architect comments that the applicants have given assurances, that they will make every effort to limit the number of changes required, to prepare the building for temporary re-use.
- 3.1.9 Finally the officer recommends conditions relating to alterations to the building and further details required regarding additional details of the scheme. The Council's Conservation Architect concludes by stating, in general, the application is acceptable, subject to the imposition of relevant conditions.

3.2 EXTERNAL

- 3.2.1 Bishopthorpe Parish Council raised no objections to this proposal.
- 3.2.2 Mickelgate Planning Panel raised comments applicable to the planning application. Their comments have been addressed in the parallel planning application (07/01547/FUL).
- 3.2.3 Neighbours: 2 site notices were displayed on, at the main entrance to the site, to advertise the Listed Building application and the planning application. No comments have been received from any other interested party or neighbours.

4.0 APPRAISAL

4.1 KEY ISSUE

- Effect on character and appearance of the (listed) building.

4.2 PLANNING POLICY

- 4.2.1 PPS1: Planning for Sustainable Development aims to protect the quality of the natural and historic environment. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.
- 4.2.2 PPG 15: Planning and the Historic Environment. Central Government advice in relation to listed building control contained within this document states in paragraph 3.3 that whilst the listing of a building should not be seen as a bar to all future change, the starting point for the exercise of listed building control is the statutory requirement on local planning authorities to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses" (Section 16 of the "Planning (Listed Buildings and Conservation Areas) Act 1990"). This reflects the great importance to society of protecting listed buildings from unnecessary demolition and from unsuitable and insensitive alteration and should be the prime consideration for authorities in determining an application for consent.
- 4.2.3 PPG15 recognises that generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use (para 3.8), and that many listed buildings can sustain some degree of sensitive alteration or extension to accommodate new or continuing uses (para 3.13). Paragraph 3.15 states that achieving a proper balance between the special interest of a listed building and proposals for alterations and extensions is demanding and should always be based on specialist expertise, and often demands a flexible and imaginative approach by all the parties involved.
- 4.2.4 The importance of listed buildings is reflected in Policy E4 of the Approved North Yorkshire Structure Plan, which states that buildings and areas of special townscape, architectural or historic interest (e.g. listed buildings) will be afforded the strictest protection. Policy HE4 of the City of York Draft Local Plan relates specifically to listed buildings and states that consent for development in the immediate vicinity of listed buildings, demolition, internal and external alteration, and changes of use will only be granted where there is no adverse effect on the character, appearance or setting of the building.
- 4.2.5 POLICY E4 OF THE APPROVED NORTH YORKSHIRE STRUCTURE PLAN (the statutory development plan for the area) states that buildings and areas of special townscape, architectural or historic interest (e.g. conservation areas, listed buildings) will be afforded the strictest protection.
- 4.2.6 DRAFT LOCAL PLAN POLICY HE2 of the City of York Deposit Draft Local Plan (Fourth Set of Changes), approved for development control purposes on 13 April 2005 states that within or adjoining conservation areas, and in locations which affect the setting of listed buildings, development proposals must respect adjacent buildings, open spaces,

landmarks and settings and have regard to local scale, proportion, detail and materials.

4.2.7 DRAFT LOCAL PLAN POLICY HE3 seeks to protect the character and appearance of Conservation Areas. The policy states that proposals for development in conservation areas should reflect street proportions, which are given to floor heights, door and window sizes and disposition. Supporting text of the policy further states that the elevational treatment of all sides of any development and roovescape are important, not simply the street frontage.

4.2.8 DRAFT LOCAL PLAN POLICY HE4 states that consent will only be granted for development to a listed buildings where there is no adverse effect on the character and setting of the building. Supporting text of this policy further states that, it is important that extensions preserve and enhance the special architectural or historic character of conservation areas and complement the character of listed buildings. Alterations will be expected to be of an appropriate design, using traditional natural materials. The proposal should also be in scale with the original building and respect its character.

4.2.9 TERRY'S DEVELOPMENT BRIEF

4.2.10 The Development Brief identifies that it is important to respect and reflect the historic importance of Terry's Factory site. Also buildings should be legible, i.e. the purpose of the building should be easily understood.

4.2.11 The Brief was subject to public consultation and has been approved by Members. The Brief is being used as guidance in negotiating with developers and progressing planning and listed building / conservation area consent applications on the site.

4.2.12 THE RACECOURSE AND TERRY'S FACTORY CONSERVATION AREA CHARACTER APPRAISAL

4.2.13 Part of the Terry's site is located within the Racecourse and Terry's Factory Conservation Area. A character appraisal has been produced in order to properly consider the character of the conservation area and development proposals which may affect it.

4.3 EFFECT ON CHARACTER AND APPEARANCE OF THE EXISTING (LISTED) BUILDING.

4.3.1 The principle of changing the use of the building to general office accommodation (B1) has been considered in the parallel planning application (07/01547/FUL). This report seeks to examine the impact of the proposals upon the listed building. This element of the scheme has been developed in conjunction with advice from the Council's Conservation Officer and the author of this report.

- 4.3.2 Policy HE4 of the draft local plan states that development should not have an adverse effect upon the character, appearance or setting listed buildings. Policies HE2 and HE3 further support this policy.
- 4.3.3 With regards to all other internal and external alterations to the building, it is considered that subject to the imposition of suitable conditions, the proposals are acceptable.
- 4.3.5 The Council's Conservation Officer, considers the proposed works can be carried out in such a manner, as to not have a detrimental impact upon the listed building. She also considers that the proposed scheme would have a neutral impact upon the conservation area due to there being only minor external alterations to the building (temporary ramp, LPG tank and flue). The form of the proposed scheme (subject to conditions) does not detrimentally impact upon the existing building. As a consequence the proposal is considered acceptable and satisfies policies HE2, HE3 and HE4 of the Local Plan and also satisfies the Terry's Development Brief. The applicants have also indicated that they intend to restore and enhance (where possible) the original features in the building.

5.0 CONCLUSION

- 5.0.1 It is considered that the proposals continue the legacy of employment uses on the site. The aforementioned proposals are considered justified and they would not appear to adversely affect the special historic and architectural interest of this listed building or the character and appearance of the Conservation Area.
- 5.0.2 The proposed conversion and the former Headquarters Building to temporary B1 office accommodation, is considered to be acceptable and satisfies policies E4, of the Approved North Yorkshire Structure Plan, Policies HE2, HE3, and HE4 of the Draft Local Plan and National Planning Guidance PPS1 and PPG15.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TEMP2
- 2 PLANS2 Apprvd plans and other submitted details
- 3 Prior to the commencement of works hereby approved large scale drawings should be submitted showing details of proposed window blinds and their fixing to the listed building. Drawings should be annotated and accompanied by a method statement. The statement should describe the process of recording

the existing situation (close range photos and measured drawings), the extent of removals (if any), the process for removal and eventual reinstatement of the elements including making good. The works shall then be carried out in their entirety to the satisfaction of the Local Planning Department.

Reason: To retain the character of the listed Building.

4 Prior to the commencement of works hereby approved, written details of all new servicing and servicing trunking should be submitted to and approved in writing by the Local Planning Authority. These submitted details should be supported by information/details showing how service runs and fittings would be integrated with the existing interior with the minimum of intervention. The works should then be carried out in accordance with the written approved details by the Council and thereafter retained.

Reason: To retain the character of the listed Building.

5 Notwithstanding the hereby approved details, the proposed design of the temporary ramp is unacceptable. Prior to development commencing, an amended design of the proposed ramp should be submitted to and approved in writing by the Local Planning Authority. The ramp should then be constructed in its entirety, in accordance with the approved amended details prior to the use first coming into operation and shall be retained for the duration of the temporary permission hereby granted, to the satisfaction of the Local Planning Authority.

Reason: The submitted design of the temporary ramp is inappropriate and has a detrimental impact upon the setting of the listed building and the Terry's Conservation Area.

6 Prior to the development commencing, a 1:200 site plan should be submitted to and approved in writing by the Local Planning Department. The site plan should indicate any new development, which is associated with the partial temporary change of use of the former Headquarters Building.

Reason: In order to protect the setting of the listed building and protect the character of the Terry's Conservation Area.

7 Prior to the occupation of the property for temporary use, written details should be submitted to and approved in writing by the Local Planning Authority, of the proposed LPG tank and associated screening. The LPG tank and screening should then be implemented in its entirety, in accordance with the plans and shall thereafter be so retained for the duration of the temporary permission hereby granted, to the satisfaction of the Local Planning Authority.

Reason: In order to protect the setting of the listed building and protect the character of the Terry's Conservation Area.

8 Prior to the occupation of the building for temporary office use, written details should be submitted to and approved in writing by the Local Planning Authority, of the proposed wireless IT system and any other associated

development. Details of the locations of antennae and fused unit connections should be indicated. This development should then be implemented in its entirety, in accordance with the written approved plans and shall thereafter be so retained for the duration of the temporary permission hereby granted, to the satisfaction of the Local Planning Authority.

Reason: In order to protect the fabric of the listed building.

9 Prior to the first occupation of the building for partial temporary office use, written details should be submitted to and approved in writing by the Local Planning Authority, of the proposed suspended ceilings and associated fixings. The suspended ceiling and associated fixings should then be implemented in their entirety, in accordance with the plans and shall thereafter be so retained for the duration of the temporary permission hereby granted, to the satisfaction of the Local Planning Authority.

Reason: In order to protect the fabric of the listed building.

10 Prior to the first occupation of the building for partial temporary office use, written details shall be submitted to and approved in writing by the Local Planning Authority, of any additional works that are required to update or amend the fire alarm and any form of security system. Should such alterations be required the details should then be implemented in their entirety, in accordance with the approved plans and shall thereafter be so retained for the duration of the temporary permission hereby granted, to the satisfaction of the Local Planning Authority.

Reason: In order to protect the fabric of the listed building.

11 Prior to the first occupation of the building for partial temporary office use, written details shall be submitted to and approved in writing by the Local Planning Authority, of any additional works that are required to convert a room for staff room facilities. Should such alterations be required the details should then be implemented in their entirety, in accordance with the approved plans and shall thereafter be so retained for the duration of the temporary permission hereby granted, to the satisfaction of the Local Planning Authority.

Reason: In order to protect the fabric of the listed building.

12 Prior to the first occupation of the building for partial temporary office use, written details shall be submitted to and approved in writing by the Local Planning Authority, of any works that are required to repair the roof of the building. Should such alterations be required the details should then be implemented in their entirety, in accordance with the approved plans and shall thereafter be so retained for the duration of the temporary permission hereby granted, to the satisfaction of the Local Planning Authority.

Reason: In order to protect the fabric of the listed building.

13 Prior to the first occupation of the building for partial temporary office use,

written details shall be submitted to and approved in writing by the Local Planning Authority, of any works that are required to upgrade the internal lighting of the temporary office accommodation. Should such alterations be required the details should then be implemented in their entirety, in accordance with the approved plans and shall thereafter be so retained for the duration of the temporary permission hereby granted, to the satisfaction of the Local Planning Authority.

Reason: In order to protect the fabric of the listed building.

14 Prior to development commencing, further written details shall be submitted to and approved in writing by the Local Planning Authority, of any works that are required to upgrade the internal heating system which have not already been indicated, in particular the flue required to vent the boiler . Should additional alterations be required the details should then be implemented in their entirety, in accordance with the approved plans and shall thereafter be so retained for the duration of the temporary permission hereby granted, to the satisfaction of the Local Planning Authority.

Reason: In order to protect the fabric of the listed building.

7.0 INFORMATIVES:

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 Former Headquarters Building which is a listed building and the Racecourse and Terry's Conservation Area and the adjacent listed buildings. As such this proposal complies with policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and policies HE3 and HE4 of the City of York Local Plan Deposit Draft also PPS1.

2 All new corridor screens and doors should be carefully removed and the walls made good after the temporary use has terminated. Care should be taken not to damage the fabric of the listed building during the fixing or removal of these elements.

3 New carpets should not be stuck to existing floor finishes. I would advise you to contact Janine Riley on 01904 - 551305 if you wish to discuss an appropriate method of fixing carpeting.

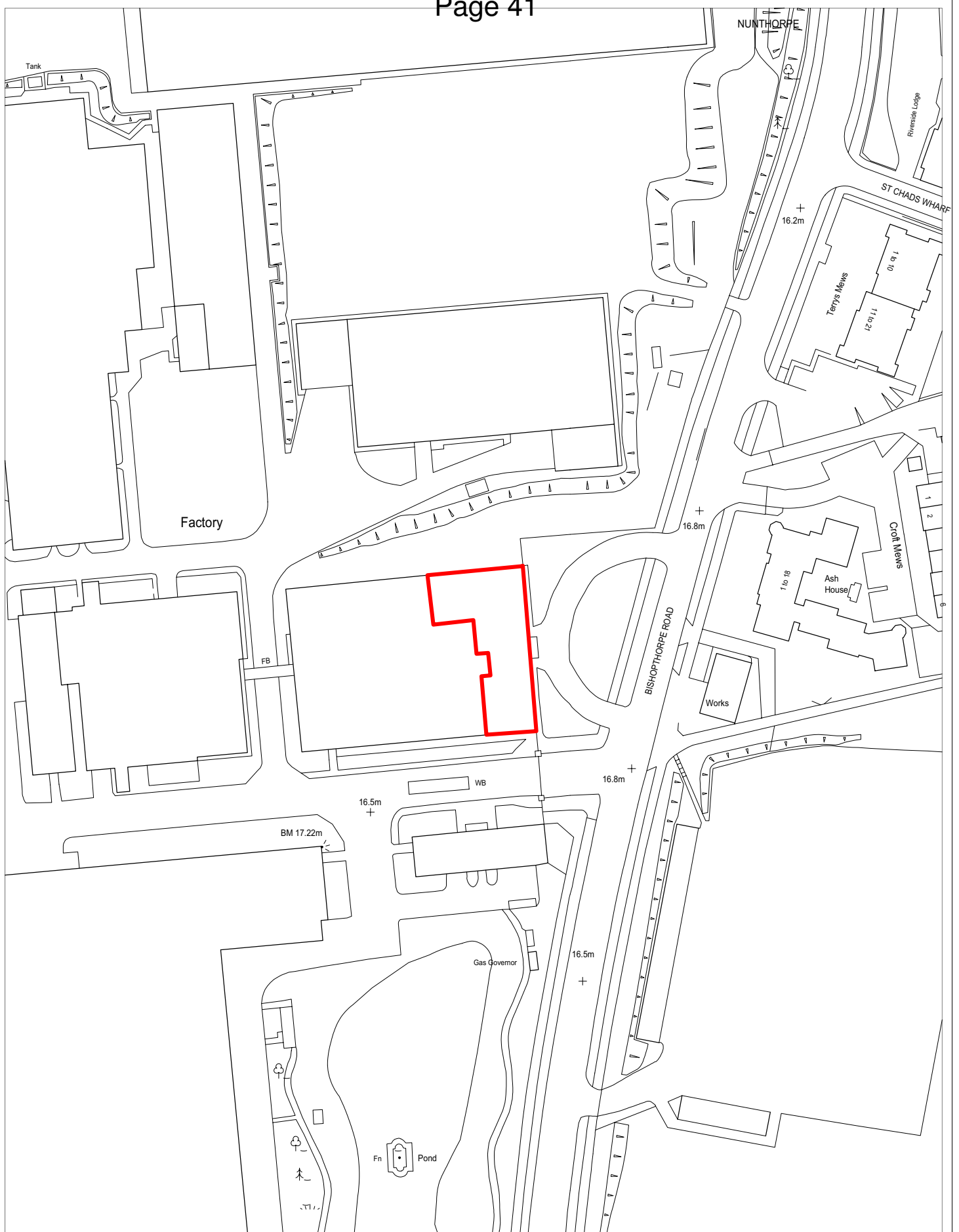
4 Making good should be of a high standard and should match the surrounding surfaces and details.

Contact details:

Author: Richard Beal Development Control Officer

Tel No: 01904 551610

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CITY OF
YORK
COUNCIL

FACTORY, BISHOPTHORPE ROAD - 07/01548/LBC

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Originating Group

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Project

DATE 20/8/2007
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COMMITTEE REPORT

Committee: Planning Committee **Ward:** Derwent
Date: 30 August 2007 **Parish:** Dunnington Parish Council

Reference: 07/01335/FULM
Application at: Dunnington Lodge Elvington Lane Dunnington York YO19 5LT
For: Use of land for a Maize Maze with conversion of farm buildings to associated stores, offices and farm shop including construction of toilet building and 200 space car park (part retrospective) (resubmission)
By: Mr Tom Percy
Application Type: Major Full Application (13 weeks)
Target Date: 5 September 2007

1.0 PROPOSAL

1.1 Planning permission is sought to relocate the York Maize maze visitor attraction currently situated adjacent to the Grimston Bar Park and Ride to Dunnington Lodge Farm off Elvington Lane. The reason for the relocation is down to a lack of car parking and facilities at the existing site and the fact that the existing site and its adjacent land is to form part of the extension to the University of York campus which has recently been approved. The applicant has indicated that this is the last year in which the maze can operate at its present location.

1.2 The application site takes its access from Elvington Lane. It will utilise the existing entrance, albeit upgraded. A bus stop is to be provided close to the entrance to the site. The existing farmhouse stands on the northern boundary of the site adjacent to Elvington Lane and no work is proposed to this as part of this proposal.

1.3 The proposal sees the creation of a 200 bay car park to the south of the farmhouse adjacent to Elvington Lane, the use of the range of existing farm buildings and farmyard area to provide a ticket office, shop, cafe, animal pens, toilet facilities and play areas and the creation of the maze in a field to the east of the proposed car park. The applicant anticipates that the venture will provide employment for 15 people during the season.

1.4 The site is in the Green Belt.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

2.2 Policies:

CYGB1
Development within the Green Belt

CYGB3
Reuse of buildings

CYGP4A
Sustainability

CYGB13
Sports facilities outside settlements

CYT5
Traffic and pedestrian safety

3.0 CONSULTATIONS

3.1 Highway Network Management.

A full Transport assessment has been submitted with the application. Officers had initial concerns and requested further information on likely traffic generation based on experience of the existing site. Upon receipt of this offered the following comments.

'The proposal is for the relocation of the existing Maize Maze, currently located adjacent to Grimston Bar Park and Ride to Elvington Lane. The application has been supported by a Transport Assessment which has demonstrated that the traffic associated with the development will not have a detrimental impact on the surrounding highway. Due to the nature of the site and growing of the crop the site will only operate for approximately 8 weeks a year.

Access to the site is to be taken from Elvington Lane via an existing access which is to be upgraded. The applicant has confirmed their willingness to fund minor highway improvement works consisting of localised widening to enable through traffic to pass right turning vehicles entering the site. Brown tourism directional signing is also proposed as part of the highway works.

The applicant is also funding the provision of two bus stops consisting of a 1/2 lay-by, associated hardstanding and 900mm footway linking the bus stops to the site in order to promote sustainable travel.

No objections are therefore raised subject to conditions.'

3.2 Landscape Officer.

No objections, provided that the car park area is retained as reinforced grass and used only for the purposes of the application; and provided that the applicant would

not have the right to pave it without further planning permission because it is a large surface area which would otherwise have a permanent visual impact on the character of the greenbelt. Similarly any lighting columns would also have a significant impact and should be prevented.

The reinforced parking area without cars has no detrimental impact on the greenbelt. It is the presence of the cars that will create the impact, which will be temporary and seasonal.

If minded to approve the application recommend that LAND 1 is included in order to secure some additional native evergreen planting, i.e. Holly, Yew, Scots Pine, between the coach parking bays and the edge of the north east boundary adjacent to Elvington Lane. Despite there already being a hedgerow plus trees, there are some triangular patches of remaining ground that could be planted up to reinforce the screening

3.3 EXTERNAL

3.4 Elvington Parish Council

Support the application but comment as follows:

Sufficient parking should be provided for the anticipated level of demand - because there should be absolutely no road parking.

Directions should be issued regarding the placement of signage.

Also wish to highlight that even more traffic will be using an already very busy 'B' road.

3.5 Dunnington Parish Council

No objections.

3.6 Highways Agency.

No objections

3.7 Foss Islands IDB.

The site lies within the Board's District within the catchment of Acomb Drain.

The site is stated as being served by a cess tank plant for the disposal of foul water. There is no indication as to where this discharges (if at all). If the proposed method of disposal is to soakaway then the comment below with regard to the method of surface water disposal applies, should the discharge be to a ditch or watercourse then this Board wishes to be reconsulted.

The suitability of new soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 and to the satisfaction of the Approving Authority. If the suitability is not proven the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained.

The suitability of any existing soakaway to accept any additional flow that could be discharged to it as a result of the proposals should be ascertained. If the suitability is

not proven the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained.

The applicant has commented as follows on this:

The only additional flow from the proposals will be from the toilet block; the intention is to collect this water and use it to augment the water for flushing, therefore there will be no change to the volume discharged to the existing soakaway and no new soakaways are proposed.

3.8 Third Parties.

Neighbours were consulted by letter, a site notice was placed close to the site entrance on the road side and the proposal was advertised in the newspaper. No objections received.

4.0 APPRAISAL

4.1 KEY ISSUES.

- Green Belt
- Highways safety
- Sustainability.

4.2 Green Belt.

The site is in the Green Belt where there is a general presumption against new development unless it is in connection with uses defined in PPG2 (Green Belts). One of the purposes of the Green Belt is to provide opportunities for outdoor recreation near urban areas and the type of use here would fall under this category and therefore this type of use represents an appropriate form of development in the green belt. However, such development and use of land is considered inappropriate unless it maintains openness and does not conflict with the purposes of including land within the green belt. Any new buildings proposed would have to be essential facilities in connection with the proposed use and which preserve the openness of the Green Belt.

4.3 Policies GB1, GB3 and GB13 of the City of York draft Local Plan reflect Government guidance in PPG2 with regard to leisure based development in the Green Belt, the use of land and the re-use of existing buildings. The proposal here involves the re-use of existing buildings and land and some modest new build.

4.4 Re-use of buildings.

Para. 3.8 of PPG2 says that the re-use of buildings inside the Green Belt is not inappropriate providing:

- it does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it
- Strict control is exercised over the extension of re-used buildings, and over any associated uses of land surrounding the building which might conflict with the openness of the Green Belt.

- The buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction.
- The form, bulk and general design of the buildings are in keeping with their surroundings.

4.5 There is a range of six existing, traditional farm buildings on the site and these are all been utilised for the purposes of the proposed development. Of these buildings only one is to be extended - this by way of a small lean to extension to the west elevation of the existing 'milking shed'. However this extension is very small and is seen in the context of the existing building and has no impact on the openness of the Green Belt. The remainder of the buildings have been subject to essentially minor cosmetic changes i.e: new windows and doors and rebuilding and recladding where needed. Much of this work has already been carried out and it is the officers' opinion that the re-use of these buildings does not impact on the openness of the Green Belt. It is presumed that outside of the maize maze season these buildings could resort back to the agricultural needs of the holding / applicant.

Proposed use of land.

4.6 With regard to the proposed use of the land, Para. 3.12 of PPG2 states that the carrying out of operations and any material changes in the use of the land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt. With regard to the maize maze itself it largely involves leisure based development which takes place within an agricultural crop, being grown for agricultural purposes. The crop is to be grown anyway in connection with the established agricultural use of the land and the only difference will be that there will be pathways through the crop. The creation of the maze itself will not harm the openness of the Green Belt.

4.7 However, the ancillary impacts of the development also have to be considered and in this case the use is likely to attract very high visitor numbers and given its location, a high number of car borne visitors. From information submitted by the applicant the existing facility attracts in excess of 50 000 people each year during the approx 3 month duration it is open. If this is repeated here it will result in a significant number of cars parked on the site and this does have the potential to harm the openness of the Green Belt. However, the maize maze use is limited to a few months of the year and the hours of opening are generally limited to daytime only. Of biggest concern visually is the car parking arrangements given the very high car borne visitors. A 200 car capacity car park has already been created in the field to the south of the farm buildings adjacent to Elvington Lane. An overflow car park area has been designated in the next door field in the case of the main car park being oversubscribed. This is not expected to be required very often and will be retained as a grass field. The designated main car park area is an extensive area of land that is visible from the public highway. The car park has been established using a recognised mat system of meshed material that allows the grass to grow through whilst still creating a hard surface. This has already been carried out and from the main public views from the highway; the area in question does resemble an established grass field. There are established and mature hedges and trees along the south eastern boundary of the site along Elvington Lane and these will help to screen the area to some extent. Conditions are recommended (12 and 13) to enhance this planting and ensure that no existing hedges or trees are lost, unless

agreed by the Council. There will clearly be a visual impact when the car park is in use but this is limited to daytime use (except for the occasional night-time event centred around the maze) and will be for a limited period of the year only. Given the above, officers do not consider the extent or the use of the car park to be significantly harmful to the openness of the Green Belt.

4.8 As an additional attraction the applicant has provided a play area. This stands between the range of buildings and the proposed position of the maze. This is already on the site and it consists of relatively low-level timber play equipment such as slides, climbing frames etc. Such a use falls within an outdoor recreation use and is therefore considered to be an appropriate use in the green belt. Again therefore the use needs to be assessed against Para. 3.12 of PPG2 and consideration given as to whether the play area harms the openness of the Green Belt. The play equipment is low level and uses natural materials. Although occupying quite a substantial area of land it is situated behind the buildings and although visible from the road, it will not offer clear and uninterrupted views from the main public vantage points. Given its low level nature, officers do not consider it will be harmful to the openness of the green belt although there is a degree of permanence to the facility which is unfortunate given that the maze use will be limited to approx. 3 months of the year.

4.9 Two large 'play teepees' are proposed to the west of the farm buildings and these measure 10 metres in diameter x 8 metres high and these will stay up whilst the facility is open. They will stand on newly installed timber decking. Whilst these are quite substantial in size, the farm buildings will stand between them and the road and they will largely screen the teepees from view. Officers are prepared to accept these given their temporary nature but recommend a condition that they are taken down once the maize maze has closed. The timber decking has already been put down in order to form a safer and more substantial surface for the public to walk on than the concrete footprint of the farmyard. Whilst this type of surface would not normally be found within a range of farm buildings, the impact on the openness of the Green Belt is minimal as it is largely flat to the ground and is close to the existing range of buildings and hard standing.

4.10 New build.

The erection of new buildings in the Green Belt is generally inappropriate unless it is in connection with the uses as described in Para. 3.4 of PPG2. In this case, essential facilities in connection with outdoor recreation uses which preserve the openness of the Green Belt are considered appropriate providing they preserve openness. Other than the small-scale extension to one of the existing buildings, the only new development would be the erection of a single storey building for toilet facilities. This building measures 14.4 metres x 4 metres x 3.6 metres and will stand to the south of the existing buildings, adjacent to the access driveway and car park. It is modest in size and resembles a stable block in appearance. Whilst the proposed maze use will be limited to approx. 3 months of the year, given the high numbers of expected visitors, officers consider it to be reasonable to provide more permanent toilet facilities. Temporary portaloos accommodation is provided at the existing site and this can be inadequate when there are large numbers of visitors. The proposed building stands within the concrete apron of the farmyard and will be viewed in this context.

Officers consider that this building is an essential facility in connection with the maze and will not be harmful to the openness of the Green Belt.

4.11 Highway Safety.

A full traffic impact assessment has been undertaken and this has been assessed by both the Council's highway officers and the Highway Agency. The main issue is the impact on highway safety as a result of the increase in traffic along Elvington Lane (B1228), which is a long straight stretch of road, subject to the national speed limit of 60mph. The highway comments of the Council's highway officers are included in section 3.2 of this report and members are referred to these. Officers were particularly concerned about southbound vehicles stopping in the carriageway and waiting to make a right turn into the application site given the relatively high speeds of vehicles travelling along this road. However following negotiations, the applicant has now agreed to fund the localised widening of the road by the entrance in order to allow through traffic to pass any stationary right turning vehicles waiting to enter the site. Even accounting for the likely increase in traffic along this road, this safety feature is considered sufficient to negate highway safety concerns. Two bus stops will also be provided, one on each side of the road in order to promote the use of public transport to the site and hopefully reduce the number of vehicles driving to and from the site. Three directional warning road signs will also be provided. Two of these will be approx. 150 metres either side of the entrance with the remainder at the site entrance itself. All will read 'York Maze'.

4.12 The Highways Agency were consulted after officers raised concerns over the impact of the additional traffic using Elvington Lane at the nearby Grimston Bar roundabout, approx 1.8 miles north west of the application site. This roundabout is under the control of the Highways Agency. The right turn onto Elvington Lane is off the A1037 slightly south east of the roundabout via a traffic light controlled junction with vehicles held in a right turn box. Concern was raised about the possibility of traffic backing up out of this box and out into the roundabout and causing congestion and possible danger. However this issue has been considered as part of the Traffic Impact Assessment and the Highways Agency have consequently raised no objections to the proposal.

4.13 Concern has been raised by Elvington Parish Council about the capacity of both the car park and its overflow addition. Based on visitor numbers last year to the existing site, the average number of cars needing to be accommodated at any one time is predicted to be approx 122. The main car park will hold 200 vehicles. The peak day last year for visitors at the present site was on the August Bank Holiday where 338 cars visited the site (throughout the course of the day) The car park and overflow area will provide spaces for approx. 620 cars and this is considered more than sufficient. There should therefore be no requirement for parking on the road.

4.14 Sustainability.

The attraction itself (in terms of the use of the maize crop) is a sustainable use of the land, although the need to visit the site by car is not. Whilst the site will be served by public transport it is acknowledged that the vast majority of the visitors to the site will be car borne. The use therefore generally encourages car borne travel and this is contrary to National and local policy which seeks to reduce the dependency on the use of the car, although it is accepted that this is now tempered by the proposed

provision of the bus stops. A maize maze type visitor attraction is strongly linked to agriculture and therefore often such a facility will be found in areas of open countryside where there will be a stronger reliance on the use of the private car. Such uses will therefore always be regarded as unsustainable to some degree.

4.15 However, the season of the maze is limited to the cycle of the crop which in this case would be limited to approx. 3 months of the year. The venture promotes a form of farm and economic diversification which government guidance and local policy encourages and is a strong tourist / visitor attraction in the area. It is a sustainable use of land and therefore the only issue would be environmental sustainability from increased traffic. However, this is offset by the fact that the existing buildings are proposed to be re-used, natural features such as the hedgerows and trees will be retained (and additional planted) and the play equipment has been erected using natural materials. The site / land will continue to be used for agricultural purposes. The applicant has stated that any effluent from the toilet facility will be collected in a tank and disposed of off site and all waste generated will be separated into the site bins and recycled. The public use of the land may reduce any possible spraying of the crop and this would offset the environmental issues raised by the short-term increase in car journeys to and from the site. Therefore, given the above, and in particular the yearly short-term use of the site, officers consider that the proposal is acceptable in sustainability terms.

4.15 The planning permission on the existing site was limited to the months of 1st July to 1st October and given its isolated location in the Green Belt and level of traffic generation, officers do not consider that a year round D2 leisure use should be permitted at this stage without further information as to what this might entail and the implications this might have. The applicant has not applied for any other use other than the maize maze and associated development. The maze use is self-limiting to the life cycle of the maize crop and a time restriction to reflect this is considered advantageous. It is therefore recommended that a similar time restrictive condition be placed here.

5.0 CONCLUSION

5.1 The use of the land constitutes an appropriate form of development in the Green Belt and any likely structures associated with the proposal are unlikely to harm the openness of the Green Belt. The use is generally limited to the daytime and the extent of the maize growing season and therefore the visual harm caused by the parking of cars will be short term. The proposal also includes the re-use of the existing buildings on the site and this is acceptable. The newly constructed toilet building is considered essential to the needs of the enterprise and does not harm openness.

5.2 Despite the increased traffic generation along Elvington Lane, the proposed highway widening works and directional signs will negate any concerns over highway safety.

5.3 Subject to conditions officers consider the proposal to be acceptable.

6.0 RECOMMENDATION: Approve

1 TIME1 Development start within five years

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

Drawing no's
-AL(03)001 rev D
-AL(03)003 rev C
-AL(03)004
-51367-P-001

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 on the proposed new toilet building 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. All external materials used to rebuild or make good any external part of the existing farm buildings proposed to be used in connection with this approved use shall match those of the existing buildings in colour, size, shape and texture.

Reason: So as to achieve a visually cohesive appearance.

4 Prior to the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with details to approved in writing by the Local Planning Authority prior to development commencing.

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

5 HWAY14 Access to be approved, details reqd

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

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads in the interests of sustainability and the amenity of nearby residents.

7 HWAY19 Car and cycle parking laid out

8 HWAY23 Vehicular sight lines protected

9 No barrier or gate to any vehicular access shall be erected within 6 metres of the rear of the verge abutting the site, without the prior written approval of the Local Planning Authority, and shall at no time open towards the public highway.

Reason: To prevent obstruction to other highway users.

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

- Highway works including localised widening, signage, friction surfacing, bus stops and associated footways as indicatively shown on drawing no. 51367-P-001)

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

11 The use of the fields and buildings as a visitor attraction shall only be used as such during the months of July, August and September in any calendar year unless otherwise agreed in writing by the Local Planning Authority beforehand.

Reason. The site is an unsustainable site within the Green Belt and a year round leisure use and visitor attraction is considered unacceptable in this location without the full and proper assessment of the local Planning Authority.

12 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping and tree planting scheme for the north east boundary of the site with Elvington Lane adjacent to the car and coach park. This scheme shall illustrate the number, species, height and position of trees and shrubs and shall be implemented within a period of six months of the date of this permission unless otherwise agreed in writing by the Local Planning Authority. 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, and to filter views of the car and coach park from Elvington Lane in the interests of visual amenity in the Green Belt.

13 None of the existing trees or hedgerow situated within the site shall be wilfully damaged or destroyed or uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority. Any trees or hedgerow removed without such consent or dying or being severely damaged or becoming seriously diseased before the end of that period shall be replaced with trees of such size and species as may be agreed in writing with the Local Planning Authority.

Reason: The Local Planning Authority considers it important to safeguard these trees in a positive manner so as to secure their continued well-being and in the interests of visual amenity in the Green Belt.

14 The 'activity hat tepees' as shown on plan drawing no. AL(03) 001 and all other temporary structures and paraphernalia associated with the use as a visitor attraction shall be removed from the land within 2 weeks of the end of the season prescribed in condition 11 (1st October) above.

Reason. There permanent presence would harm the openness, character and appearance of the Green Belt.

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 of the Green Belt, local highway safety and issues of sustainability . As such the proposal complies with Policies E8A, E9, R1 and R2 IN of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GB1, GB3, GB13, GP4A and T5 of the City of York Draft Local Plan incorporating the 4th set of changes approved April 2005.

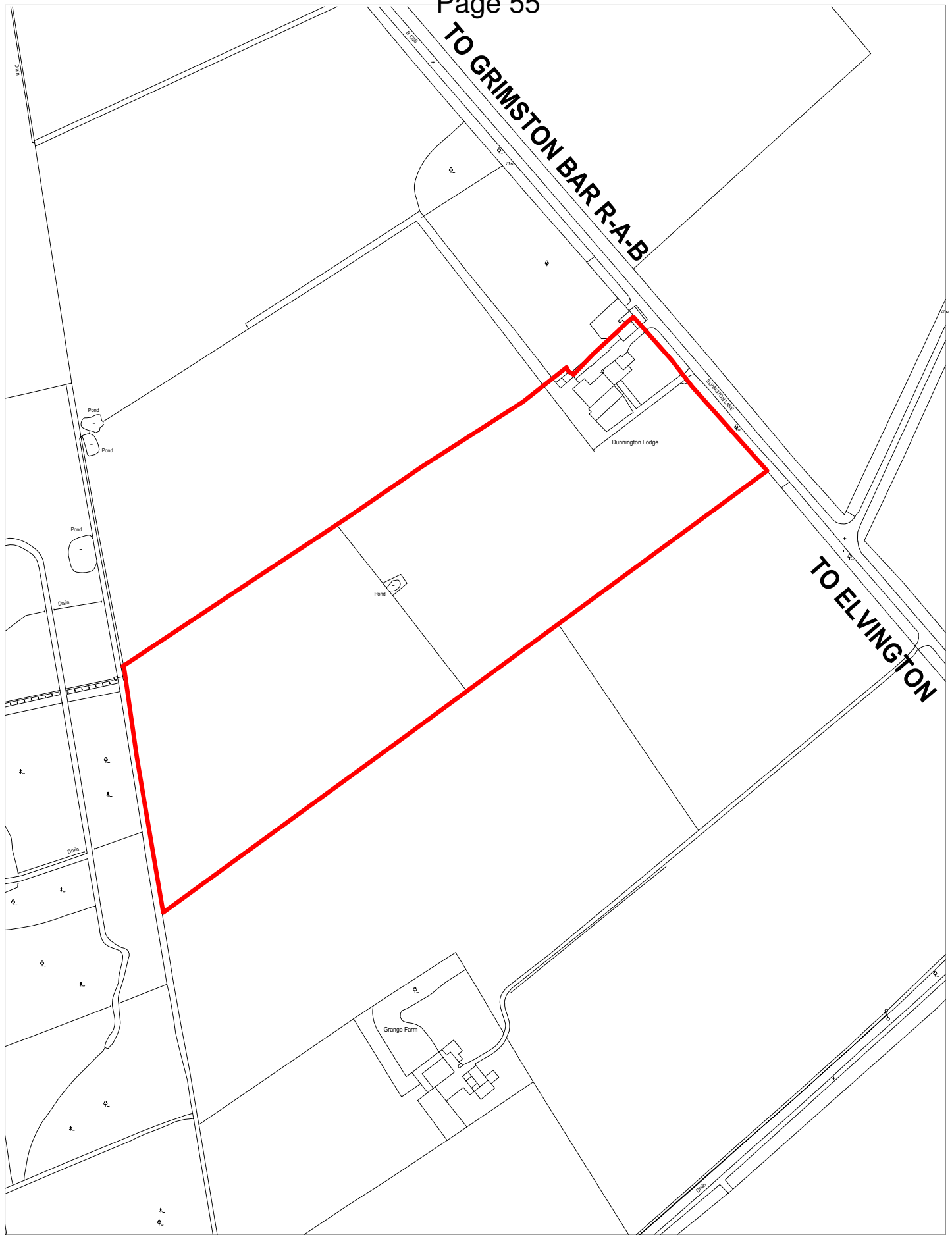
Contact details:

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

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TO GRIMSTON BAR R-A-B

TO ELVINGTON



CITY OF
YORK
COUNCIL

DUNNINGTON LODGE, DUNNINGTON



SCALE 1:3500	DRAWN BY PSL	DATE 20/8/2007
Originating Group	Project	Drawing No.

9, St. Leonards Place, York, YO1 2ET
Telephone: 01904 551550

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City of York Council LA 1000 20818

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COMMITTEE REPORT

Committee: Planning Committee **Ward:** Micklegate
Date: 30 August 2007 **Parish:** Micklegate Planning Panel

Reference: 07/01311/FULM
Application at: Racecourse Racecourse Road Knavesmire York YO23 1EJ
For: Widening of South Bend of race course, surfacing of service track and associated works including drainage works
By: York Race Committee
Application Type: Major Full Application (13 weeks)
Target Date: 3 September 2007

1.0 PROPOSAL

1.1 The application relates to the upgrading of the York Racecourse and consists of the following elements:

- (i) the widening of the south bend by a maximum of 10 metres.
- (ii) the surfacing of the service track along the inside of the racetrack.
- (iii) the installation of an improved drainage system.

1.2 The applicant states that the improvements are required to ensure that York Racecourse can continue to compete with new racecourses and ever improving existing venues. Although the Royal Ascot at York event in 2005 was deemed to be a huge success, the condition of the racetrack itself was the subject of some criticism by the Racing Press, and it is widely known that the track suffers from severe waterlogging after heavy rain, resulting in the abandonment of an event earlier this year. In submitting this application, the applicant seeks to address the following issues:

- (i) to improve the performance and consistency of the racing surface;
- (ii) to minimise the risk of abandonment;
- (iii) to improve the quality of live televised transmissions to national and international audiences
- (iv) to minimise the health and safety risk to horses, jockeys and other racecourse operatives;
- (v) to improve the clarity/division of racecourse activity from more informal recreational use of the Knavesmire during race days in the interests of wider public safety;
- (vi) to improve the surface quality of the racecourse.

1.3 The proposal will address these shortcomings in the following ways:

- (i) the quality and consistency of the racing surface will be improved by the widening of the south bend (which at present is overly narrow) to provide appropriate spacing for competing horses and jockeys, and by the extension of the existing drainage system to all parts of the racing surface;
- (ii) minimise the risk of abandonment by the proposed extension of the drainage works;

- (iii) improve the quality of televised transmissions by providing a properly levelled and surfaced service track, thereby eliminating jerky camera reception resulting from the uneven topography and poor quality of the existing service track;
- (iv) minimise health and safety risks by providing an even and properly surfaced service track. This will enable injured horses and jockeys to be transported from the racecourse speedily and safely, avoiding the risk of further injury resulting from the uneven nature of the existing service track. It will also provide a safer environment for other racecourse staff and other operatives (e.g. paramedics, vets, TV crews etc);
- (v) improve the clarity/subdivision of racecourse activity and more informal recreational use by minimising conflict arising from public use of the Knavesmire and by providing safer and shorter braking distances for vehicles using the surface track;
- (vi) improve the surface quality of the Knavesmire by avoiding unnecessary damage/erosion of the grass surface by vehicles, through the provision of a proper and level service track.

There is no indication in the application of whether it is intended to increase the number of race days at the course; the present number of race days (15 per year) is controlled by the terms of the lease and is not relevant to the consideration of this application.

1.4 Part of the site is within the Racecourse/Terry`s Factory conservation area and the application has been appropriately advertised. A number of buildings within the racecourse are listed, namely the County Stand and Press Stand (Grade II), the Indicator Board and Clock Tower (Grade II), and the Guinness Bar (Grade II "star").

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Racecourse 0035

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

Listed Buildings Grade 2; Indicator Board And Clock Tower York Racecourse 0161

2.2 Policies:

CYGB1

Development within the Green Belt

CYHE2

Development in historic locations

3.0 CONSULTATIONS

3.1 INTERNAL

HIGHWAYS(NETWORK MANAGEMENT) - There are no highway objections to these proposals but, and whilst of no direct concern to the highway authority, it is recommended that the service track profile be laid to a cross fall or, preferably, a camber of a nominal 1:40. It is considered that the proposed flat surface with simple edge tapers could result in areas of ponding. It is also recommended that the overall width be increased to a minimum of 3.5 metres to cater for broadcasting and emergency vehicles travelling at speed.

LIFELONG LEARNING AND CULTURE - Support the application. In addition to the benefits to racing events, the proposed works would:

- create an all-weather walking and cycling track which will have year round recreational benefits for local residents
- create an improved access route for vehicles connected with Council booked or managed events on the Knavesmire so reducing wear and tear to the wider grassed area
- provide a safety route for emergency vehicles attending any of the above, attending to any injured footballers or other general users of the Knavesmire.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

Archaeology

This site lies in an area where complex earthworks have been observed when the Knavesmire has been covered with a light dusting of snow. These will relate to previous use and occupation on the Knavesmire and could date from the Roman period to the present day

It will be necessary to have an archaeological watching brief on all groundworks for the track widening and service track. Please place condition ARCH2 on any consent which is granted.

In addition, the applicants must submit a method statement relating to how the level reduction will take place. It is important that the level reduction is carried out using a methodology which allows maximum access and visibility for the archaeologist carrying out the watching brief. A tracked 360 degree excavator using a toothless ditching bucket is my preferred machine.

CITY DEVELOPMENT - No comments

3.2 EXTERNAL

MICKLEGATE PLANNING PANEL - No objections

DRINGHOUSES LOCAL HISTORY GROUP - We request that the southern part of the Knavesmire, including the area which would be affected by the widening of the

south bend and creation of the tarmac surface road, be the subject of aerial and/or contour survey, in order to record the remnants of the early 20th century golf course.

We would like arrangements to be made to ensure that during the works all evidence uncovered of the history of the Knavesmire can be recorded. This would include the area adjacent to the Second World War prisoner of war transit camp near the Indicator Board.

We would like it to be noted that, if any of the works impinge on the slope between the present racing surface and Tadcaster Road, there are important parcels of medieval ridge and furrow which should be respected.

LOCAL RESIDENTS - Two letters have been received, making the following points:

- the Knavesmire is part of one of York`s ancient strays (Micklegate Stray), and the hard surfaced road will undermine its integrity as a substantial area of undeveloped land
- the new road will be a significant eyesore in an area of open natural beauty
- the track will only be used for 15 days a year (4% of the year)
- how often do injuries occur where saving a few seconds would have any significant impact
- do people really get in the way of service vehicles. How can they fail to notice them.
- the surfaced track will attract joy riders on motorbikes, scooters and mini-bikes
- the hard surface may adversely affect drainage and counteract the drainage improvements being carried out elsewhere
- surface water should not be encouraged to run off towards adjacent residential properties in Hunters Way and Bracken Road

N.B. one of the letters (relating to the final point) was withdrawn, recognising that the planned drainage scheme will potentially be of considerable benefit to properties in Bracken Road and Hunters Way as it will take water off the adjacent area to the centre of the racecourse. Notwithstanding this comment, City of York Council must ensure that existing watercourses on their land are properly maintained.

4.0 APPRAISAL

4.1 Key Issues

- impact on the openness of the Green Belt
- visual impact of service road

4.2 The application relates to the upgrading of the racecourse by the widening of the south bend, the carrying out of additional drainage works and the surfacing of the existing service track. The site is within an area of Green Belt and is partially within the Racecourse/Terry`s conservation area. Central Government advice in relation to development within Green Belts is contained within Planning Policy Guidance Note 2 "Green Belts" (PPG2). This states that there is a general presumption against inappropriate development within the Green Belt, and that such development should not be approved, except in very special circumstances (para 3.1). It points out that the statutory definition of development includes engineering and other operations

(e.g. drainage works, roads), and the making of any material change in the use of land. The carrying out of such operations is inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt (para 3.12). It also advises that the visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design (para 3.15).

4.3 Policy GB1 of the City of York Draft Local Plan states that within the Green Belt, planning permission will only be granted where the scale, location and design of such development would not detract from the open character of the Green Belt, it would not conflict with the purposes of including land within the Green Belt, and it would not prejudice the setting and special character of the City of York, in addition to being for one of a number of specific purposes listed in the policy. All other forms of development within the Green Belt are considered inappropriate. Although not specifically listed in Policy GB1, the advice in PPG2 makes it clear that the carrying out of engineering or other operations within the Green Belt need not be inappropriate provided they maintain openness and do not conflict with the purposes of including land in the Green Belt.

4.4 Part of the site is identified within the Draft Local Plan as a "Major Developed Site Within the Green Belt", where racecourse related uses may be acceptable subject to a number of criteria being satisfied. However, this area only includes the racecourse buildings and spectator accommodation and thus does not have a significant bearing on this application. Part of the site is within the Racecourse/Terry's conservation area, although so far as the racecourse is concerned, this is again restricted to the racecourse buildings and spectator accommodation. However, when determining applications within conservation areas, the Council is under a statutory duty to consider the desirability of preserving or enhancing the character and appearance of the area.

4.3 Policy E4 of the Approved North Yorkshire Structure Plan states that buildings and areas of special townscape, architectural or historic interest will be afforded the strictest protection. Policy HE2 of the Draft Local Plan states that within conservation areas, and in locations which affect the setting of listed buildings, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks, and to other townscape elements, which contribute to the character or appearance of the area.

4.4 It is considered that the nature of the proposal (i.e. widening of the south bend, drainage works, surfacing of the service track) would not impact on the openness of the Green Belt. Although the widening of the south bend would require the racecourse railings to be relocated, this would not have any greater visual impact than the existing situation. Although the tarmac surface of the service road would differ in appearance from the grassed surface of the remainder of the Knavesmire, given the overall size of the area, it is considered that it would be absorbed into the landscape and would not cause significant harm to the visual amenity of the Green

Belt or wider conservation area. There are very few public vantage points from which the service road would be readily visible, the bridge carrying Bishopthorpe Road over the A64 being the most elevated viewpoint. There is also a precedent for a similar form of surfacing within the racecourse in the form of the cycleway linking Green Lane with Bishopthorpe Road.

4.5 Although it has been contended that the service road would only be used on race days (approx 15 days a year), this is not strictly the case. The Head of Parks and Open Spaces has pointed out that the service road would have all year round recreational benefits by providing an all weather walking and cycling track, in addition to reducing wear and tear to a (potentially) much wider grassed area, and providing a safe route for emergency vehicles attending any casualties arising from recreational activities or other managed events taking place on the Knavesmire. In conclusion, it is considered that the service road would not impact on the openness of the Green Belt, and that the potential benefits both to the racecourse and in more general recreational terms would outweigh the limited impact on visual amenity.

4.6 The racing surface will be drained by lateral drains at 5m centres to a 160mm drain located between the inner rail and the proposed service road. The works will include the maintenance and repair of the existing racecourse drains, including any necessary improvements to address the shortcomings of the existing drainage system. At the present time, rainwater from the racecourse and the rest of the Knavesmire flows into the City carrier drains and then into a culvert. Discussions with the Council's drainage Engineers have concluded that the most appropriate arrangement for the City and the racecourse would be to transfer surface water through the new carrier drains directly into the culvert. The racecourse will regularly maintain and clean the new carrier drains, and the system will have the added benefit of reducing the load on the City's drainage system.

4.7 A suggestion has been made that the works could include the provision of suitable connections between the existing pedestrian links around the racecourse and the surfaced service road on the inside of the track. However, the applicant has pointed out that the relevant governing body (The British Horseracing Authority) will not sanction or approve the introduction of a crossing (particularly on the home bend where racehorses are accelerating and can reach speeds in excess of 40 m.p.h.), as this would create an interruption to the consistency of the track surface, possibly affecting traction or balance and causing a fall and consequent injuries to the horse and/or its rider.

4.8 Highways officers raise no objections to the proposal, but have recommended an increase in the width of the service track by 0.5m to 3.5 m in order to cater for broadcasting and emergency vehicles travelling at speed. They have also recommended that the "fall" or camber of the track be increased from 1:60 to 1:40 in order to reduce the possibility of ponding. The applicant has indicated that whilst they are prepared to increase the width of the track as recommended, the proposed 1:60 fall has been found to be effective at other racecourses.

4.9 This site lies in an area where complex earthworks have been observed when the Knavesmire has been covered with a light dusting of snow. These will relate to previous use and occupation on the Knavesmire and could date from the Roman

period to the present day. The Council's Archaeologist has requested that a standard archaeological watching brief condition be attached to any planning permission, in addition to the submission of a method statement indicating how any excavations for the drainage works and service track will take place. It is considered that a condition requiring an aerial survey to be undertaken to record remnants of an earlier 20th century golf course (as suggested by the Dringhouses Local history Group) would be unduly onerous, and that an archaeological watching brief would be an adequate method of uncovering and recording any remaining features.

5.0 CONCLUSION

5.1 It is considered that the proposal would not be harmful to the openness of the Green Belt, and would not be unduly harmful to the visual amenity of the area. The benefits that would arise both in terms of the operation of the racecourse and the wider recreational use of the Knavesmire have been taken into account in reaching this conclusion.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Plan ref: 10416 - contextual overview

Drawing no. 587/006 Rev PL1 - technical detail of south bend

Drawing no. 587/002 Rev PL1- drainage details

Drawing no. 587/005 Rev PL1 - typical cross section of service road

Standard rail detail

all received on 31 May 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 Unless otherwise agreed in writing with the Local Planning Authority, the width of the service track hereby approved shall not exceed 3.5 metres at any point.

Reason: In the interests of visual amenity.

4 ARCH2 Watching brief required

5 Prior to the commencement of the development, a method statement shall be submitted to and approved by the Assistant Director (Planning and Sustainable Development) indicating how any reduction in levels on the site will take place.

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

INFORMATIVE: It is important that the level reduction is carried out using a methodology which allows maximum access and visibility for the archaeologist carrying out the watching brief. A tracked 360 degree excavator using a toothless ditching bucket is the preferred machine.

**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:

- impact on the openness of the Green Belt
- visual impact of service road

As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GB1 and HE2 of the City of York Local Plan Deposit Draft.

Contact details:

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CITY OF
YORK
COUNCIL

YORK RACECOURSE

SCALE 1:10000
Originating Group

DRAWN BY PSL
Project

DATE 20/8/2007
Drawing No.



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COMMITTEE REPORT

Committee: Planning Committee **Ward:** Westfield
Date: 30 August 2007 **Parish:** No Parish

Reference: 07/01345/GRG3
Application at: Oaklands Sports Centre Cornlands Road York YO24 3DX
For: Extensions to existing sports centre to provide swimming pool and associated facilities including additional car parking and associated plant. New canopy to existing sports centre entrance.
By: City Of York Council
Application Type: General Regulations (Reg3)
Target Date: 6 September 2007

1.0 PROPOSAL

1.1 The applicant seeks planning approval to extend the existing sports centre to include a 25 metre pool, learner pool, hydrotherapy suite, extended gym, changing village, pool viewing gallery, staff welfare facilities and associated plant rooms. Improvements are also proposed to the main entrance with an extension to the community room to provide crèche facilities and a new entrance canopy.

1.2 In February 2006 the Council agreed a Swimming Strategy for the city that included investment in Edmund Wilson Swimming Pool. Following consultation with residents in 2006 about the options available to improve swimming in the West of York, it was decided to build a new community pool on the Oaklands Site rather than refurbish the Edmund Wilson pool. This new pool will replace the provision of Edmund Wilson Pool and result in the aforementioned closure once an appropriate scheme has been agreed.

1.3 The existing sports centre at Oaklands School was reopened in September 2006, after £1.8m worth of improvements were made. The improvements included a new climbing centre, dance studio, fitness suite, changing rooms, bar/viewing area, reception/offices, ICT suite and the replacement of the outdoor synthetic pitch.

RELEVANT HISTORY

1.4 07/00515/GRG3 - Two Storey and Single Storey Extension, External Alterations, Infilling of Existing Courtyard and New Car Park. Alterations to Entrance from Cornlands Road - Approved 06.06.07

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

Schools Oaklands 0252

2.2 Policies:

CYED3

Change of use of Pre-School, Primary and Secondary Educational Facilities

CYGP4A

Sustainability

CYED1

Primary and Secondary Education

CYED11

Protection of Playing Fields

CYGP1

Design

CYL1A

Sites for Leisure development

3.0 CONSULTATIONS

INTERNAL

3.1 Environmental Protection Unit - No Objections , recommends conditions and an informative.

3.2 Highway Network Management - No objections, any further detailed comments to be reported to Committee.

3.3 Design, Conservation and Sustainable Development - No Objections; landscaping condition to be Included.

3.4 City Development - No Objections.

3.5 York Consultancy - Initially objected due to inadequate drainage information, although the applicant has since submitted additional drawings showing drainage details and layouts. Revised comments from the York Consultancy will be reported to the meeting.

EXTERNAL

3.6 Sport England - No Objection subject to inclusion of conditions (conditions included in recommendation).

"The proposed development is for an indoor and outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields"

3.7 Other Third Parties - One letter of objection has been received with regard the applicants' proposals. The letter raises concern that the limited spectator provision , concentrated at the learner end to both the learner pool , is a 'major design failure' which does not allow maximum community involvement.

4.0 APPRAISAL

4.1 Key Issues:-

- * Policy Context
- * Highway Issues
- * Protection of Trees
- * Neighbouring Amenity
- * Design
- * Lighting
- * Sustainability
- * Response to Received Comments

POLICY CONTEXT

North Yorkshire Structure Plan

4.2 Policy R1 States provision will be made for the development of recreational, leisure and cultural facilities in locations accessible to both public and private transport where this is not detrimental to local interests.

4.3 Policy R9 states provision will be made for the development of community leisure facilities throughout the county and priority will be given to extending the joint provision and dual use of education facilities and other suitable publicly owned land and buildings for leisure purposes.

City of York Draft Local Plan

4.4 Policy ED1: Primary and Secondary Education

Planning applications for new/extended primary and secondary education facilities will be granted permission provided that:

- a) it would meet a recognised need; and
- b) the proposed development is of a scale and design appropriate to the character and appearance of the locality; and
- c) an area of open space and playing fields, sufficient to meet the needs of pupils is incorporated in the development; and
- d) where a development is capable of a joint or dual use for community benefit, this has been incorporated into the design.

4.5 Policy ED11: Protection of Playing Fields

The loss of playing fields associated with educational establishments will not be permitted, unless exceptional circumstances are proven to exist. Where education establishments are due to close the development of associated playing fields, will not be permitted where they can be used to address deficiencies in the surrounding area.

4.6 Policy GP1: Design

Development proposals will be expected to :

- a) respect or enhance the local environment;
- b) 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;
- c) 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;
- d) where appropriate incorporate informative landscapes design proposals, where these would clearly have an influence on the quality and amenity and/or ecological value of the development;
- e) retain, enhance and/or create urban spaces, public views, skyline, landmarks, the rural character and setting of villages and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view;
- f) design outdoor lighting schemes, which are energy efficient and provide the minimum lighting level required for security and working purposes, taking into account any adverse impact on residential amenity, the character of the area and night sky illumination and ecological systems;
- g) provide and protect private, individual or communal amenity space for residential and commercial developments;
- h) provide individual or communal storage space for waste recycling and litter collection;
- i) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures;
- j) accord with sustainable design principles (GP4a) and incorporate the principles of the Building for Life Standard as a fundamental part of the design;
- k) provide disabled toilets/parent baby changing facilities in public, non-residential buildings;
- l) Where opportunities exist, new open space/landscape treatment should be incorporated to close gaps between green corridors and take account of ecological principles through habitat restoration/creation.

4.7 L1a: Leisure Development:

Leisure development is considered appropriate on the following sites:

YC1 York Central.

E12e, H1.12 Hungate.

S1c - Land at Foss Islands.

S1d - Part of Heworth Green.

Out of centre locations will only be considered for leisure developments when it can be demonstrated in accordance with Policy SP7, that none of the above or

alternative City Centre or Edge of Centre sites are suitable to accommodate such a proposal, or if the proposal is primarily to serve local need and is of a suitable scale.

4.8 ED3: Change of Use of Pre-School, Primary and Secondary Educational Facilities:

Planning Permission will only be granted for the redevelopment or change of use of pre-school, primary and secondary education facilities where;

- a) it can be demonstrated that the existing site is surplus to the existing or future needs of the local catchment area.
- b) It can be demonstrated that alternative acceptable sites for the existing use can be provided: and
- c) The proposal is of a scale and design appropriate to the character and appearance of the locality; and
- d) The proposal would not result in a loss of facilities for the local community; and
- e) Any redevelopment or extension of existing facilities should have minimal impact on surrounding residential amenity.

4.9 GP4a - Sustainability:

Requires that proposals for development should have regard to the principles of sustainable development including accessibility of the development site by means other than the private car, contributing to the social needs of the community (including housing), high quality design, enhancing local character and making adequate provision for storage and collection of refuse.

HIGHWAY ISSUES

4.10 In line with the CYC City Development and Transport requirements, a Traffic Impact Assessment was commissioned to report on all transport issues into and around the Oaklands site.

4.11 Improved cycle/pedestrian links on Gale Lane and Cornlands Road, the inclusion of a crossing point on Gale Lane and Cornlands Road, improvements to the existing access points have all been considered as part of the York High School Application and all were considered adequate to deal with the increase in pedestrian and traffic movements in and around the application site. Associated parking for the Sports Centre will be located to the east of the site and incorporates 73 additional parking spaces, 7 of which are suitable for disabled use. In total 40 additional parking spaces have been provided; and all cycle parking will be located close to, and be visible from, the main Reception area.

4.12 Cycle and pedestrian access will be provided from Gale Lane. The access runs to the south of 152 Gale Lane and has been included to reduce the usage of the sites main entrance. All work to increase safety on local cycle and pedestrian routes to "York High School" and the Sports Centre/Swimming Pool will be carried out in accordance with Highway recommendations

4.13 No management plan has been provided, however a working group has been

set up to agree details. Conditions will be included to ensure the management plan is submitted for the written approval of the Local Planning Authority prior to the new facilities being first brought into use.

PROTECTION OF TREES

4.14 The Landscape Architect had raised concerns regarding the removal of a Maple tree to the rear of the Cadet Hall. The parking plans have now been revised to retain the aforementioned tree. The future of all trees both proposed and existing have their future management/maintenance are secured by condition LAND1.

NEIGHBOURING AMENITY

4.15 The eastern elevation of the new swimming pool (which measures 12 metres at its highest point) is located approx. 67 metres from the rear elevations of the properties on Gale Lane. The nearest parking spaces although running parallel with the rear boundary fence and existing hedgeline of the aforementioned properties are located approx. 25 metres from these elevations. These distances are considered sufficient enough to mitigate any significant impact upon the the visual and residential amenity of these properties.

DESIGN

4.16 The applicants have considered the following design principles:-

4.17 A new canopy is proposed at the main entrance to the sports centre, this will both provide a major uplift to the public entrance and also form a link to the new school extensions. The canopy will replicate proposals for the school courtyard infill and the internal details of the new swimming pool hall. The canopy is at a height to allow emergency vehicles to access the rear of the school and the synthetic turf pitch.

4.18 The design of the superstructure of the building has been influenced significantly by the requirements for the building to be a climate container. Robust materials have been incorporated externally, focussing on the lower 2.5 metres of the envelope, to reduce the risk of vandalism at the facility. Dark corners have been designed out of the proposals to encourage natural surveillance and overhanging eaves are incorporated to single storey elements to restrict roof access.

LIGHTING

4.19 No lighting details have yet been provided. Two conditions; one to prevent light pollution and one specifying a "turning off" time (specified at 23:00hrs) have been included to ensure that future lighting does not adversely affect any nearby residents.

SUSTAINABILITY

4.20 Part 2 of the Sustainability Statement shows a clear commitment by the applicant to embrace sustainable principles. The key components of the energy hierarchy include:

- * New Bio-mass boilers utilising combustible pellets.
- * Solar thermal water heaters (located on the roof).
- * Energy efficient lighting.
- * Rainwater harvesting (to serve the toilets).
- * Considerable insulation has been provided within the building s structure and electrical systems and plant have been designed with energy reduction measures included.

4.21 These strategies when developed in conjunction with each other, will aid in considerably reducing the amount of harmful greenhouse gases, which may be expected from a facility of this nature.

4.22 The building fabric has been designed to far exceed current Part L2 (building regulations) requirements. The applicant is aiming to achieve a BREEAM rating of Very Good for the new build. Conditions are included to ensure these ratings are achieved.

4.23 The Sustainability Statement also considers the recycling /reusing of materials, sustainable energy, water use/natural drainage, site/waste management, contamination and the natural environment.

RESPONSE TO COMMENTS RECEIVED

4.24 The one letter received in respect of the application raises the issue of spectator provision. The proposals do incorporate a viewing gallery, and the development is for a community pool rather than a competiton pool. Sport England have rasied no objection to the level of spectator provision. It is not considered that there is any planning basis to require the provision of additional spectator facilities for this community leisure development.

5.0 CONCLUSION

5.1 The applicants' proposals will provide a much needed facility for the surrounding area and the City as a whole, the proposals also improve existing highway and parking provisions without harm to the visual and residential amenit of neighbouring properties and is therefore recommended for approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve under General Regs 3 Council Dev

1 TIME2 Development start within three years

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

- 9356 (2)11 ver3 - Proposed Ground Floor.
- 9356 (2)12 ver3 - Proposed First Floor.
- 9356 (2)13 ver3 - Proposed Roof Plan.
- 9356 (2)10 ver3 - Proposed Basement Floor.
- 9356 (2)50 ver3 - Proposed Elevations.
- 9356(2)09 RevA - External Works.
- T5463/2 Rev 2 - Topographic Survey.
- D202 Rev P1 - General Arrangement of Surfacewater Storage Tanks and Slot Drainage Channels.
- D201 Rev P1 - Drainage Details.
- D200 Rev P1 - Drainage Details.
- D101 Rev P2 - Proposed Drainage Layout.

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

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

3 Prior to the development hereby approved coming into use details of the illumination of the site shall be submitted to and approved in writing by the Local Planning Authority and the agreed scheme implemented and maintained on site thereafter. The lighting scheme should include the following:

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

Reason: To protect the amenity of near by residents from light intrusion from lighting.

4 The use of lighting as described in the lighting scheme shall be confined to the following hours:

Monday to Friday	07:00 to 23:00
Saturday	07:00 to 23:00
Sundays and bank holidays	07:00 to 23:00

Reason: To protect the amenity of near by residents from light intrusion from the car park lighting.

5 The use hereby permitted shall be confined to the following hours:

Monday to Friday	07:00 to 23:00
Saturday	07:00 to 23:00

Sundays and bank holidays 07:00 to 23:00

Reason: to protect the amenity of local residents from noise

6 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible at any noise sensitive boundaries when in use, shall be submitted to the local planning authority for approval. These details shall include maximum (LA_{max}(f)) and average sound levels (LA_{eq}), octave band noise levels, times of operation and any proposed noise mitigation measures. All such approved machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use and shall be appropriately maintained thereafter.

Reason: to protect the amenity of local residents from noise

7 VISQ8 Samples of exterior materials to be app

8 HWAY19 Car and cycle parking laid out

9 Prior to the commencement of the development hereby approved details of playing field provisions (showing existing and proposed) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure playing field facilities are reprovided to a satisfactory level.

10 LAND3 Protection of existing planting

11 Prior to the commencement of development details of all hard surfacing shall be submitted for the written approval of the Local Planning Department, all new surfacing should be of porous construction and retained as such thereafter.

Reason: In the interests of sustainable development.

12 A Traffic Management Plan for the site shall be submitted to and approved in writing by the Local Planning Authority prior to the new facilities being first brought into use. The Plan shall thereafter be implemented in full to the satisfaction of the Local Planning Authority.

Reason: In the interests of the safety and convenience of pedestrians, cyclists and motorists using the Centre.

7.0 INFORMATIVES: Notes to Applicant

1. Demolition and Construction - Informative

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the

applicant will be required to design and implement a scheme remediation to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

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

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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

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

vi). There shall be no bonfires on the site

2. 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 residential and visual amenity, highway safety, sustainability and design . As such the proposal complies with Policies R1 and R9 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies ED1,ED11,GP1,L1a,ED3 and GP4a of the City of York Local Plan Deposit Draft.

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