



Notice of meeting of

Planning Committee

To: Councillors Crisp, D'Agorne, Firth, Funnell, Galvin, Horton, Hudson, Jamieson-Ball, Moore, Pierce, Potter, Reid, Simpson-Laing, Vassie, R Watson (Chair) and Wiseman

Date: Thursday, 24 July 2008

Time: 3.30 pm

Venue: The Guildhall, York

AGENDA

No Site Visits are scheduled for this meeting.

1. Declarations of Interest

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

2. Minutes (Pages 3 - 16)

To approve and sign the minutes of the last meeting of the Planning Committee held on 24 June 2008.

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) Hungate Development Site, Hungate, York (08/00737/FUL)
(Pages 17 - 34)

Variation to condition 3 of outline permission (02/03741/OUT) to amend the siting of the focal building [Guildhall Ward].

b) Prudential House, 28 - 40 Blossom Street, York YO24 1AJ (08/01067/FULM) (Pages 35 - 46)

Change of use to 86 bedroom hotel with ground floor restaurant and construction of flat roof third floor and plant room. Alterations to elevations infilling of ground floor colonnade [Micklegate Ward].

c) Proposed University Campus, Lying Between Field Lane, Common Lane, A64 Trunk Road and Hull Road, York (08/01136/REMM) (Pages 47 - 60)

Reserved matters application for the landscaping of the western part of the site including reprofiling of ground levels, creation of lake planting and construction of weirs, footpaths and cycleways following outline application 04/01700/OUT for development of a university campus [Heslington Ward].

d) Council Depot, Foss Islands Road, York YO31 7UL (08/01225/FUL) (Pages 61 - 76)

Removal of Condition 11, restricting minimum size of retail unit to 929 sq m (reference to 06/00338/GRG3) [Heworth Ward].

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

Democracy Officer:

Name: Jill Pickering

Contact Details:

- Telephone – (01904) 552061
- E-mail – jill.pickering@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
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City of York Council

Committee Minutes

MEETING	PLANNING COMMITTEE
DATE	24 JUNE 2008
PRESENT	COUNCILLORS POTTER (VICE-CHAIR, IN THE CHAIR), CRISP, D'AGORNE, FIRTH, FUNNELL, HUDSON, JAMIESON-BALL, MOORE, PIERCE, REID, SIMPSON-LAING, WISEMAN, ORRELL (AS SUBSTITUTE FOR R WATSON) AND LOOKER (AS SUBSTITUTE FOR HORTON, EXCEPT FOR AGENDA ITEMS 4E & 5)
APOLOGIES	COUNCILLORS GALVIN, HORTON, VASSIE AND R WATSON

7. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
Grain Stores, Water Lane, York	Councillors Potter, Crisp, D'Agorne, Firth, Funnell, Hudson, Looker, Reid & Wiseman	To familiarise Members with the site and the local impact of the development.
Joseph Rowntree School, Haxby Road, York	Councillors Potter, Crisp, D'Agorne, Firth, Funnell, Hudson, Looker, Reid & Wiseman	To familiarise Members with the site and the local impact of the development.
Kent Street Car Park, Kent Street, York	Councillors Potter, Crisp, D'Agorne, Firth, Funnell, Hudson, Looker, Reid & Wiseman	To familiarise Members with the site and the local impact of the development.
The Minster, St Peter's Cathedral, Minster Yard, York	Councillors Potter, Crisp, D'Agorne, Firth, Funnell, Hudson, Looker, Pierce, Reid & Wiseman	To familiarise Members with the site and the local impact of the development.

8. DECLARATIONS OF INTEREST

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

Councillors Funnell, Hudson and Pierce declared personal non-prejudicial interests in agenda item 4a (The Minster, St Peter's Cathedral, Minster Yard, York) as their families were involved in the work of the Minster.

Councillor D'Agorne declared a personal non-prejudicial interest in agenda item 4b (Kent Street Car Park, Kent Street, York) as a governor of Fishergate School.

Councillor Orrell declared a personal prejudicial interest in agenda item 4b (Kent Street Car Park, Kent Street, York) as he had been heavily involved in discussions relating to all aspects of the Barbican redevelopment as the former Executive Member for Leisure & Culture. He left the room and took no part in the discussion or decision on this item.

Councillor Moore withdrew from the room for agenda items 4c & 4d (Grain Stores, Water Lane, York) under the provisions of the Planning Code of Good Practice.

Councillor Jamieson-Ball declared a personal prejudicial interest in agenda item 4e (Joseph Rowntree School, Haxby Road, York) as he had taken decisions relating to this development as an Executive Member. He left the room and took no part in the discussion or decision on this item.

Councillor Moore stood down from the Committee for agenda item 6 (Consultation Draft Village Design Statement for Skelton) and spoke from the floor as Chair of the VDS Steering Group.

9. MINUTES

RESOLVED: That the minutes of the meeting held on 14 May 2008 be approved and signed by the Chair as a correct record.

10. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme on general issues within the remit of the Committee.

11. PLANS LIST

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

**11a The Minster, St Peters Cathedral, Minster Yard, York, YO1 7HH
(08/00849/FUL)**

Members considered a full application, submitted by the Dean and Chapter of York, for the remodelling of steps to the South Transept to form a disabled ramp and new steps, remodelling of the carriageway to form a paved area at the South Transept and Minster gates, and external alterations to 7 and 9 Minster Gates to form a shop and ticket office.

Officers confirmed that no comments had been received from the York Access Group, the Cyclist Touring Club and the York Civic Trust.

Representations were received requesting improved delineation of the cycle routes, and in support of the application, from the project director for the Minster Piazza Scheme. Copies of Cycling England's Design Guidance for Vehicle Restricted Areas were circulated to Members.

Members highlighted the need to engage with the York Access Group to ensure that the surfacing was appropriate for partially sighted people, particularly in terms of the distinction between pedestrian and cycle areas. Officers advised that this would be covered by condition 5 and Members also proposed that condition 8 should be amended to make specific reference to engaging with the York Access Group. Members highlighted the need for the surface markings to indicate shared pedestrian and cycle areas to minimise conflict between users.

Members also requested that the provision of cycle parking be included in condition 4.

RESOLVED: That delegated authority be granted to the Assistant Director (Planning & Sustainable Development), in consultation with the Chair and Vice Chair, to approve the application, subject to the conditions listed in the report, with the following amendments and additions:¹

Amended Condition 4

Notwithstanding the submitted information and the terms of Condition 2 above, large scale details/ additional information of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out and retained in accordance with the approved details.

- a) Constructional design and siting of cast iron bollards at the junction of Minster Gates with Minster Yard, using existing bollards
- b) Siting of existing and proposed street furniture
- c) Details of surface water drainage including general layout, and specific details at each of the outlet locations.

- d) Street lighting details including the re-siting of gas lighting columns and the provision of new lighting and services to the ramps and steps
- e) Large scale details of the entire stepped and ramped area showing the relationship of the new material to the existing fabric, on a stone- by- stone basis
- f) Samples of new materials to be used in the formation of the steps, ramp and all paved areas
- g) Pavement layout of Phase 1 and Phase 2 in Minster Yard, following agreement of sample areas set out on site
- h) Final level positions of new surfaces
- i) The alignment of the carriageway
- j) Location and details of access covers in the paved area
- k) Large scale details of any modifications .if required to the piers and railings defining the east end of the Piazza
- l) Large scale details of any new handrails
- m) Cycle parking

Reason: To ensure that the Local Planning Authority is satisfied with the details in the interests of amenity, acceptable drainage and highway safety.

Amended Condition 8

Prior to the commencement of any works on site, a detailed method of works statement to include a full 3 stage road safety audit carried out with advice set out in the DMRB HD19/03 and guidance issued by the Council in consultation with the York Access Group, will be required for the highway layout and all off-site works requiring alteration, stage 1 of which must be submitted to and agreed in writing by the Local Planning Authority prior to works commencing on site. This statement shall include the precautions to be taken to ensure that the safety of the general public, the method of securing the site, access to the site and the route to be taken by vehicles transporting the demolition and construction material, and the hours during which demolition, construction and deliveries to and from the site which will be permitted.

Reason: To minimise the road safety risks associated with the changes imposed by the development and to ensure that the works are carried out in a safe manner and with minimum disruption to users of the public highway and adjacent occupants.

REASON:

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not

cause undue harm to interests of acknowledged importance, with particular reference to-

- the visual amenity and character of the host building, adjacent listed buildings, and the wider conservation area
- archaeological remains
- flood risk
- highway and pedestrian safety

As such, the proposal complies with Policies HE2, HE4, HE10, T2a and GP11 of the City of York Draft Local Plan- Incorporating the Proposed 4th Set of Changes; and national planning guidance contained in Planning Policy Statement 1 "Delivering Sustainable Development", Planning Policy Guidance Note 13 "Transport", Planning Policy Guidance Note No. 15 "Planning and the Historic Environment" and Planning Policy Guidance Note 16 " Archaeology and Planning".

Action Required

1 - To issue the decision notice and include on weekly planning decision list within agreed timescales. JB

11b Kent Street Car Park, Kent Street, York (08/00871/FULM)

Members considered a major full application, submitted by Indomito Properties LLP, for the erection of a two and four storey hotel comprising 108 bedrooms, bar and restaurant facilities and associated landscaping (resubmission).

An update was circulated to Members confirming that the Council's Structures and Drainage Section was satisfied with the technical details received regarding drainage and proposing the inclusion of an additional condition (set out below).

Officers confirmed that no comments had been received from the Fishergate Planning Panel and also clarified that the distance between the proposed hotel and Barbican Court was 14.5m.

Representations were received in support of the application, from the applicant's agent.

Members requested the addition of a condition requiring maintenance of the path to Fishergate School on the east side of the site. Members also agreed that condition 32, relating to the relocation of the coach park, was unnecessary and suggested that an informative should be included instead referring to the applicant's unilateral undertaking that there would be no work on site for two months, to allow adequate time for the relocation to take place.

RESOLVED: That the application be approved, subject to the conditions listed in the report, with the following amendments and additions:¹

Additional Condition

Prior to commencement of the development final details of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall demonstrate a maximum surface water discharge rate of 17 litres per second. The development shall thereafter be carried out fully in accordance with the approved details.

Reason: To reduce the risk of flooding of the proposed development and adjacent sites.

Additional Condition

The existing footpath along the eastern boundary of the site from Kent Street giving access to Fishergate Primary School shall, following the development at all times be retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In the interests of the convenience of pedestrians using the existing path.

Replacement of Condition 32 with an Informative

It is understood that the applicant has agreed that no work shall commence on the redevelopment of the site, and that the existing coach parking facility shall remain available, for a period of at least two months from the date of this permission. This is in order to allow an opportunity for alternative coach parking to be provided by the Council.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to residential amenity, effect on highway and pedestrian safety and convenience, setting of the adjacent City Walls and Conservation Area and archaeology on the site. As such the proposal complies with Policies GP1, GP3, GP4a, GP11, T4, T12, T13, T14, T20, V1 and V3 of the City of York Local Plan Deposit Draft.

Action Required

1 - To issue the decision notice and include on weekly planning decision list within agreed timescales.

JB

11c Grain Stores, Water Lane, York YO30 6PF (08/00832/OUTM)

Members considered a major outline application, submitted by Water Lane Ltd, for mixed use development comprising B1c, C1, C2, C3 and D1 uses, including parking and new access arrangements, after demolition of existing warehousing units.

An update from the case officer was circulated at the meeting, which set out the following comments from Clifton Without Parish Council, who were not objecting to the application:

- *Careful consideration must be given to traffic issues. Water Lane is already subject to queuing at peak times (early morning and 16.00 to 18.00). With the proposal for a hotel on the site there is the likelihood of 24-hour traffic movements, besides the traffic movements of property owners on site.*
- *Provision of a regular bus route close to this development is a “must”.*
- *With the provision of 240 homes on site there must be consideration of the effects on schools in the Clifton Without and Rawcliffe parishes.*
- *The effects of light pollution need to be considered.*
- *Consultation with recognised bodies will be essential regarding provision of Open Space on the development*
- *The site should have high quality landscaping, which should encourage wildlife.*
- *The proposed rainwater harvesting and enhancement of drainage to alleviate run-off are positive factors in the scheme.*

A verbal update was also provided on the potential of upgrading bus services passing the site and comments from the Council’s Tourism Manager, who welcomed any proposal for a hotel in the city, were reported.

Representations were received in support of the application, from the applicant, and outlining comments relating to traffic levels and removal of asbestos.

Some Members commented that there was no evidence that the site was not required for employment purposes, as allocated in the Draft Local Plan (Changes 4), prior to the completion of the Employment Land Review. Other Members highlighted that the site was surrounded by housing and therefore should not be promoted for employment use, as this may cause disturbance to local residents.

RESOLVED: That the application be refused.¹

REASON: The land subject to this application is allocated within the 4th Set of Changes to the City of York Draft Local Plan as a Standard Employment Site. Other than the stipulated B1c use, the proposed uses are contrary to this allocation and specifically Policy E3b of the City of York Draft Local Plan. The Council consider that there

is no clear evidence at this time that the site is not required for the specified employment uses and therefore the application is considered to be premature and therefore should be resisted.

Action Required

1 - To issue the decision notice and include on weekly planning decision list within agreed timescales. JB

11d Grain Stores, Water Lane, York YO30 6PF (07/01992/OUTM)

Members considered a major outline application, submitted by Water Lane Ltd, to form class B1c, C1, C2, C3 and D1 uses, including parking and new access arrangements, after demolition of existing warehousing units .

The proposal, which was identical to application 08/00832/OUTM (minute 11c refers) had a long planning history and was now subject of an appeal against non-determination by the Council. In such circumstances it was no longer possible for the Council to determine the application and the purpose of the report was to establish the formal attitude of the Committee to the proposal, for use in the forthcoming Public Inquiry.

RESOLVED: That the application be opposed at the forthcoming Public Inquiry.¹

REASON: The land subject to this application is allocated within the 4th Set of Changes to the City of York Draft Local Plan as a Standard Employment Site. Other than the stipulated B1c use, the proposed uses are contrary to this allocation and specifically Policy E3b of the City of York Draft Local Plan. The Council consider that there is no clear evidence at this time that the site is not required for the specified employment uses and therefore the application is considered to be premature and therefore should be resisted.

Action Required

1 - To oppose the application at the Public Inquiry. JB

11e Joseph Rowntree School, Haxby Road, York, YO32 4BZ (08/00773/FULM)

Members considered a major full application, submitted by Learning, Culture & Children's Services, for the erection of a part two storey, part three storey building to form a purpose built school (to replace the existing school building) with associated car and cycle parking, landscaping and sports pitches, and the use of adjacent land to the south for temporary car parking and access during the construction phase.

The case officer recommended an number of additional or amended conditions be included:

- Four conditions relating to biodiversity;
- An hours of demolition and construction condition;
- A condition requiring a detailed method statement to demonstrate how the change in surface adjacent to the existing tennis courts could be carried out without detriment to the health of the adjacent trees;
- A condition requiring heras fencing along the diverted public footpath;
- An amendment to condition 38 restricting the height at three storey level to 11.8m.

It was also confirmed that the Internal Drainage Board had withdrawn their objections to the application, in view of the Environment Agency's comments.

Members requested that the hours of demolition and construction required by condition be the standard 08.00-18.00 Monday to Friday, 9.00-13.00 Saturday and no work on Sundays and Bank Holidays.

RESOLVED: That the application be approved, subject to the conditions listed in the report, with the following amendments and additions:¹

Amended Condition 38

Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 11.8 metres at three storey level and 8.5 metres at two storey level, 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 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.

Additional Condition

A habitat and landscape management plan for the whole site shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development or within such longer period as may be agreed in writing prior to commencement. The

plan shall include:

- (i) Description and evaluation of the features to be managed;
- (ii) Ecological trends and constraints on site that may influence management;
- (iii) Aims and objectives of management;
- (iv) Appropriate management options for achieving aims and objectives;
- (v) Prescriptions for management actions;
- (vi) Preparation of a work schedule (including a 5 yr project register, an annual work plan and the means by which the plan will be rolled forward annually);
- (vii) Personnel responsible for implementation of the plan;
- (viii) Monitoring and remedial / contingencies measures triggered by monitoring.

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority.

Reason: To maintain and enhance the biodiversity value of the site

Additional Condition

Prior to the commencement of the development or within such longer period as may be approved in writing prior to commencement full details of proposed measures for bat mitigation and conservation shall be submitted to and approved in writing by the Local Planning Authority and a Natural England Protected Species Licence will be required for the mitigation measures, a copy of the Natural England Protected Species Licence should be supplied to the Local Planning Authority prior to any demolition works taking place at the site.

The measures should include:

- i. Further survey at the appropriate time of year to confirm the species and numbers present.
- ii. A plan of how bats are to be dealt with during the demolition phase.
- iii. The inspection of any buildings to be demolished or disturbed as close to the date of work as possible and no earlier than one month prior to any work to ascertain the presence or otherwise of roosting or hibernating bats in the structure.
- iv. No buildings containing bats to be demolished

until the bats have been safely excluded using previously agreed methods. By preference demolition should take place in winter when bats are not present.

- v. Details of what provision is to be made within the new building to replace the features lost through the demolition of the original structure. Features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards, bat lofts and bat boxes.
- vi. The timing of all operations

The works shall be completed in accordance with the approved details prior to the occupation of the accommodation and shall be retained unless otherwise agreed in writing with the Local Planning Authority.

Reason: To take account of and enhance habitat for a protected species.

Note: Under PPS9 the replacement/mitigation proposed should provide a net gain in wildlife value.

Additional Condition

No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority of measures to be provided within the design of the building to enhance biodiversity. The measures shall be incorporated in accordance with the approved details and shall be retained fit for purpose unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enhance biodiversity in a Green Belt/countryside setting.

Additional Condition

No development shall take place until a Wildlife Protection Plan for Construction has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- b) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as the bird nesting season);
- c) Persons responsible for:

- (i) Compliance with legal consents relating to nature conservation;
- (ii) Compliance with planning conditions relating to nature conservation;
- (iii) Installation of physical protection measures during construction;
- (iv) Implementation of sensitive working practices during construction;
- (v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
- (vi) Provision of training and information about the importance of "Wildlife Protection Zones" to all construction personnel on site.

All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in writing by the Local Planning Authority".

Reason: To protect features of recognised nature conservation importance.

Additional Condition

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

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

Reason: In the interests of residential amenity

Additional Condition

Prior to the commencement of development or within such longer period as may be agreed in writing prior to commencement a detailed method statement shall be submitted to and approved in writing by the Local Planning Authority to demonstrate how the change in surface adjacent to the existing tennis courts on the north side of the site (the siting of the new netball/ tennis courts) can be carried out without detriment to the health of adjacent trees. The development shall be carried out in complete accordance with the approved method statement, which shall include a time scale to be agreed as part of the statement.

Reason: In order to ensure the long term survival of

the tree in the interests of visual amenity.

Additional Condition

The fencing between the diverted public footpath and the construction workers footpath shall be heras fencing. No other fencing shall be constructed along this boundary without the prior written approval of the Local Planning Authority.

Reason: In the interests of the amenity and safety of the users of the footpath

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to:-

- Design and landscape considerations
- Traffic, highways and access issues
- Playing field provision
- Drainage
- Sustainability
- Crime prevention
- Temporary use of open Space.

As such the proposal complies with Policies ED1, ED11, GP1, GP4a, GP7 and GP9 of the City of York Local Plan Deposit Draft.

Action Required

1 - To issue the decision notice and include on weekly planning decision list within agreed timescales. JB

12. CONSULTATION DRAFT VILLAGE DESIGN STATEMENT FOR SKELTON

Members received a report which presented the Skelton consultation draft Village Design Statement (VDS). It summed up the process so far in producing the document and concluded that a consultation process should be undertaken, with a view to adopting the design statement as an Interim Planning Statement to the draft Local Plan (as amended).

The report presented the following options for consideration:

- Option 1 – To approve the draft VDS for consultation, with the range and methods of consultation outlined in the report;
- Option 2 – To request the Skelton VDS Group to amend the draft document and/or to request officers to make basic changes to the range and methods of consultation;
- Option 3 – To not approve the draft VDS for consultation.

Representations were received from Councillor Richard Moore as Chair of the VDS Steering Group.

It was noted that the list of consultees at Annex 3 of the report should refer to the Kyle & Upper Ouse Internal Drainage Board, rather than the Foss Internal Drainage Board, and that the Yorkshire Ambulance Service should also be included.

Members requested that the status of the VDS in relation to the Local Development Framework be clarified in the final version of the document.

- RESOLVED: (i) That the draft Village Design Statement for Skelton be approved, as a basis for the next stage of consultations;
- (ii) That the range and methods of consultation proposed be agreed.¹

- REASON: (i) The draft VDS follows in the footsteps of other VDS's that have been agreed; observing the general guidance and principles required in their production, whilst successfully defining the individual qualities of Skelton as a village and bringing forward appropriate Design Guidelines.
- (ii) The consultation process as suggested in the report follows the procedure established for other Village Design Statements, at this stage of their production.

Action Required

1 - To carry out the consultation.

JB

R POTTER, Vice Chair, in the Chair

[The meeting started at 4.30 pm and finished at 7.10 pm].

COMMITTEE REPORT

Committee: Planning Committee **Ward:** Guildhall
Date: 24 July 2008 **Parish:** Guildhall Planning Panel

Reference: 08/00737/FUL
Application at: Hungate Development Site Hungate York
For: Variation to condition 3 of outline permission (02/03741/OUT) to amend the siting of the focal building
By: Hungate (York) Regeneration Ltd
Application Type: Full Application
Target Date: 15 May 2008

1.0 PROPOSAL

Application site

1.1 The application relates to the proposed focal building, within the Hungate development site. The building is proposed to contain space for community uses and will sit between the recently approved phase II building and block F at the southwestern corner of the site. The building would front onto two proposed areas of open space, St John's Square, which is central to the Hungate site and Friars Quay by the River Foss.

The proposal

1.2 The application is to vary condition 3 of the outline permission for the entire Hungate site. The condition specified the footprint and location of the focal building, as shown on the approved plans. However due to the location of a sewer route through the site it is asked that the building be moved 9m back from St John's Square. The sewer cannot be relocated further north due to the archaeological remains that are located in St John's Church Graveyard. To ensure this relocation does not compromise the size of Friars Quay it is proposed also to reduce the length of the focal building by around 4.5m. As such the amount of floorspace proposed in the building would be reduced from 3,481 sq m to 3,241 sq m.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006
 Conservation Area Central Historic Core 0038
 Contaminated Land
 City Boundary York City Boundary 0001
 DC Area Teams Central Area 0002
 Floodzone 2 Flood Zone 2 CONF
 Floodzone 3 Flood Zone 3

2.2 Policies:

CYGP1	Design
CYHE3	Conservation Areas
CYHE4	Listed Buildings

3.0 CONSULTATIONS

Internal

Design, Conservation and Sustainable Development

3.1 The increase in width of the central square by 9m would be welcome given the building heights enclosing the area. Friars Quay would still be around the size of St Helen's Square in the city centre, and thus a reasonable size.

3.2 The focal building would retain its presence within the square when viewed from the main access routes, Pound Lane, Dundas St, and Hungate. The corner of Block F would now appear to define a threshold area for the building and its corner must not be overdesigned.

3.3 The proposal would result in no significant change to the setting of the conservation area, or the context of the listed building at Navigation Wharf.

Highway Network Management

3.4 Asked for details of the vehicle swept paths to be provided so it can be confirmed that the building can be adequately serviced. These have been provided and whilst it is noted that manoeuvring is tight, outline consent has been granted for the width/position of the focal building and the building to each side (phase II which has been approved and block F). As such it is suggested the vehicle route to the rear of the focal building could be annotated on the surface, this can be implemented through the landscape scheme for the whole site.

External

Planning Panel

3.5 No objection.

Conservation Areas Advisory Panel

3.6 No objection.

York Consultancy, Drainage

3.7 No objection.

Environment Agency

3.8 No objection. Ask that the floor level be retained at 10.7AOD.

Publicity

3.9 The application was publicised by site notice, press notice and letters of neighbour notification. The deadline for comments was 29.4.08. No written representations have been made.

4.0 APPRAISAL

4.1 Key issues

- Any implications on the comprehensive redevelopment of the Hungate site as agreed in the outline application.
- Visual impact/effect on the setting
- Highway safety

Background

4.2 The aspiration for the focal building, as agreed when the outline application was approved, was that it would become a community space comprising possibly of a crèche, exhibition space, art/technology workspaces, media centre, museum or similar. The legal agreement associated with the outline consent requires that up to 8,000 sq ft of space in the building be proposed for community use. The exact use will be agreed with the council at the time of development.

4.3 According to the approved plans the building will be used for offices, retail, cafes, bars and restaurant on the ground and first floors. Above would be some residential (22 units, 14 2-bed, 8 1-bed) and the community space. The central strip of the building would be 6 storey in height.

Any implications on the comprehensive redevelopment of the Hungate site as agreed in the outline application.

4.4 Although the size of the building will be reduced the applicants assure that the amount of community space that may be accommodated within the building will not be compromised. As such if required 8,000 sq ft of floor area could be dedicated to a community use. The legal agreement associated with the outline consent for the Hungate site specifies the size of the focal building in its definition, therefore the variation in size of the building will need to be agreed in writing by the Council and the applicants. The smaller building raises no other concerns regarding what will be delivered across the entire site as the amount of community space, nor the amount of affordable housing are compromised.

Visual impact/effect on the setting

4.5 The focal building in its original position, by virtue of its height and location would impose itself upon St John's Square. It is now proposed the focal building would be setback, so just behind the building lines of the proposed neighbouring buildings where they would face onto the square. Moving the building further away from St John's Square will not harm the setting; it would enhance the feeling of space and openness and increase light penetration in the square. The external appearance and height of the building is not affected by this application, these issues will be

subject to the application for reserved matters for this building. Friars Quay would be reduced in size as a consequence of the proposal. However, it would not be affected by loss of light or overshadowing and the space is still adequate to provide a pleasant riverside area.

4.7 It is considered the relocation of the building would have a neutral affect on the conservation area (which terminates at the river at the south of the Hungate site) and nearby listed buildings such as Navigation Wharf.

4.8 Moving the building will affect outlook from some of the flats (2 flats on each floor) on the side elevation of the phase II block where it faces the focal building. However the level of outlook would be comparable to that offered from a number of the flats on the elevation (separation distance of some 15m to the focal building), which is considered to be reasonable in this high density development.

Highway safety

4.9 There is some concern from Highway Network Management that manoeuvring space for vehicles around the focal building is tight. Vehicle access is required to behind the focal building (into Friars Quay) for servicing/maintenance only. In this application the width of the focal building and the separation between the building and its neighbours (5-6 m) remains as in the masterplan that was granted outline consent. As part of the outline consent there is a landscaping scheme for the Hungate site, which is being agreed by Highway Network Management and Landscape Officers. Highway Network Management agree that the landscaping scheme could include surfacing and street furniture, for Friars Quay and to each side of the focal building if necessary to assist vehicle movement, and that this would adequately preserve highway safety.

5.0 CONCLUSION

5.1 The proposed relocation of the focal building will not compromise what has been agreed in the outline consent, i.e. the amount of community space and affordable housing to be delivered. There are no other planning objections, as the principle of relocating the building will not affect visual or residential amenity, highway safety or the appearance of the conservation area and nearby listed buildings.

5.2 It is recommended that the application be approved and that the planning obligation for the Hungate site be updated to include the revised size of the focal building.

6.0 RECOMMENDATION: Approve

1 Approval of all reserved matters shall be made to the Local Planning Authority not later than the expiration of six years beginning with the date of outline approval for the site (July 2006) and the development hereby permitted shall be begun either before:

- a) the expiration of eight years from the date of outline consent permission 02/03741/OUT; or
 - b) the expiration of two years from the date of approval of the last of the reserved matters to be approved;
- which ever is the later.

Reason: To ensure compliance with Section 92 and 93 of the Town and Country Planning Act 1990.

2 Fully detailed drawings illustrating all of the following details for each phase of development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works for each phase and the development shall be carried out in accordance with such details:

Details to be submitted: design, external appearance, boundary treatment and landscaping of the proposed development to be carried out, including a schedule of all facing materials to be used, noise attenuation measures and fume extraction systems.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of the development.

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

Revised schedule of uses, floorspace and accommodation, as set out in Hungate - Outline application revised master plan (Document 4a) revised June 2005

Document 3 a - Town Planning Statement Addendum (January 2004)

Master Plan and Drawings: - PL001 (November 2004) , PL002 (November 2004), PL003 (Revised June 2005), PL004 (November 2004), PL005 (31 May 2005 and extracts 28 June 2005) , PL007 (29 March 2005), PL008 (29 March 2005), PL009 (29 March 2005), PL010 (31 May 2005)

Revised location of focal building J Thompson drawing 040

Document 5a - Revised Design Statement (November 2004) and addendum including revised focal building location received 20.3.2008

Document 6a - Revised landscape design Guidelines November 2004)

Document 7 - Transport Assessment (November 2002)

Document 7a - Transport Assessment S supplementary Statement (December 2004)

Document 8 - Environmental Statement (November 2002)

Document 8a - Environmental Statement Addendum (January 2005)

Document 9 - Environmental Statement Technical appendix A Scoping Opinion (July 2002)

Document 10 - Environmental Statement Technical appendix B Revised Air Quality Monitoring Study (Nov 2004)

Document11 - Environmental Statement Technical appendix C Noise and Vibration Information (Nov 2002)
Document12 - Environmental Statement Technical appendix D Archaeological Assessment Vol 1 (Nov 02)
Document 12a - Environmental Statement Technical appendix D Archaeological Assessment Supplementary Statement (January 2005)
Document 13 - Environmental Statement Technical appendix D Archaeological Assessment Vol 1 (Nov 02)
Document 14 - Environmental Statement Technical appendix E Built Heritage Assessment (Nov 2002)
Document 15 - Environmental Statement Technical appendix F Consolidated Environmental Review (Nov 02)
Document 16 - Environmental Statement Technical appendix G Flood Risk Assessment (November 2002)
Document 17 - Environmental Statement Technical appendix H Ecological Appraisal (November 2002)
Document 18 - Environmental Statement Technical appendix I Ecological Management Plan (Nov 2002)
Document 19 - Environmental Statement Non Technical Summary (November 2002)
Document 19 a - Environmental Statement Non Technical Summary (January 2005)
Document 20 - Sustainability Statement (November 2002)
Document 21 - Residential Market Overview (November 2002)
Document 22 - Leisure and Retail Market Overview (November 2002)
Document 23 - Offices at Hungate - Marketing Strategy (October 2002)
Document 24 - Design Code (December 2004) and revised extract 'Spatial Hierarchy' (31 May 2005)
Document 25 - Statement of Community Involvement/responses to Issues Raised During Consultation (January 2005) and revised schedule of responses (20 July 2005)
Document 26 - Environmental Statement Technical Appendix J Ground Water Monitoring Strategy (Jan 05)
Document 27 - Design Solutions/ Internal Flats Layouts (29 March 2005)
Document 28 - Courtyard Section - Illustrative Design Solutions (31 May 2005)
Document 29 - Open Space Audit (4 May 2005)
Document 30 - EIA Implications of Design Amendments (June 2005)

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

4 Notwithstanding the details submitted on the Masterplan drawings, the precise siting of buildings H and the Landmark office block (G) shall be agreed in writing by the Local Planning Authority prior to commencement of the relevant phase of the development. The precise siting shall be within the area marked on the attached plan,

Reason: In order that the Local Planning Authority may be satisfied with the siting of these buildings having been informed by more detailed works carried out under the programme of archaeological investigation and excavation.

5 The external design details for each phase of the development shall be fully in accordance with the submitted Design Code (January 2005), to the satisfaction of the Local Planning Authority.

Reason: In order to ensure that the design of the development reflects the original principles of the design as agreed by the Local Planning Authority.

6 The buildings to be erected on this site shall not exceed the building ridge heights as specified as O.S. datum levels on the Sections on pages 38 and 39 of the amended Design Statement received on 11th January 2005.

Reason: In the interests of protecting the amenities of the adjoining residents and to assist the development being integrated into the area.

7 The phasing for the development shall be in accordance with that established in the planning obligation. Unless otherwise agreed in writing by the Local Planning Authority.

Reason; In order that the impact of the phasing of the development can be properly assessed, prior to commencement of the development.

8 Fully detailed drawing illustrating the design and materials of roads, footpaths and other adoptable open spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the start of construction on site.

Reason: In the interests of highway safety.

9 No dwelling in respect of each phase of development to which this planning permission relates shall be occupied unless or until the carriageway basecourse and kerb foundation to the new estate road and footpath to which it fronts, is adjacent to or gains access from, has been constructed. Road and footway wearing courses and street lighting shall be provided within three months of the date of completion the construction of the phase of the development.

Reason: To ensure appropriate access and egress to the properties, in the interests of highway safety and the convenience of prospective residents.

10 Safety Audit:

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

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

11 Prior to each phase of 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 or buildings within that phase

shall not be occupied until the cycle parking areas and means of enclosure (including the public cycle parking areas within that phase) 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. Cycle parking shall be in accordance with the schedule Summary of Cycle Parking Requirements 1056/70 dated 23/05/05

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

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

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

13 Prior to the commencement of the use hereby approved in each phase of development, provision shall be made within the site for accommodation of delivery/service vehicles in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. Block G - accommodation for servicing will be made within the courtyard with access via Carmelite Street; Block H - will include service bay provision on the Stonebow frontage. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

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

14 Prior to the commencement of any phase of the development hereby permitted a programme for the following of site works by phase shall be submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

- Zebra crossing and pedestrian refuges on Peasholme Green at junction with St.Saviours Place,
- Pedestrian tables/plateaus at the junctions of Dundas Street, Hungate and Garden Place, including street furniture/signage.
- Surface improvement at the Fossgate junction,
- A scheme covering street furniture along The Stonebow (adjustment/enhancement),
- A scheme covering new and improved highway signage, to surrounding streets, including cycle and pedestrian links.

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

15 Prior to the commencement of any phase of the development hereby permitted a phased programme of works as set out in the Outline Specification for

Upgrade of Existing Streets, dated 22/6/05 Revision E, shall be submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same. These works shall be in accordance with the Street Section Drawings, 1056/70/101, 1056/70/102 B & 1056/70/103 B dated 24/5/05.

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

16 Prior to commencement of each phase of the office or commercial development hereby permitted a stage one (interim) Travel Plan which shall include details of modal split targets and default provisions in the event that those targets are not met and within six months of first occupation of any part of the office or commercial development to submit to the Council a stage two (final) Travel Plan and to implement such Travel Plan as maybe approved by the Council in accordance with a timetable which shall have been previously agreed in writing by the Council provided always that in the event that there shall be any change of occupier of any part of the office or commercial development that occupier shall submit to the Council prior to its occupation a revised Travel Plan and implement such Travel Plan as maybe approved by the Council throughout its period occupation.

Reason: to ensure the delivery of sustainable transport objectives including reductions in car usage and increased use of public transport, walking and cycling.

17 No development in any phase shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of 6 months of the completion of the relevant phase of development. Any trees or plants which within a period of 5 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.

18 The detailed drawings for each phase of development should be submitted for the approval of the local planning authority and should include a plan and schedule of all trees and shrubs on the site. Such plan shall show the spread of each tree. It will identify those trees and shrubs to be retained and those to be felled. Trees and shrubs to be retained shall be protected during the development of the site by the following measures:

- i A chestnut pale or similar fence not less than 1.2m high shall be erected at a distance of not less than 4.5m from the trunks;
- ii No development (including the erection of site huts) shall take place within the crown spread of the trees;
- iii No materials (including fuel or spoil) shall be stored within the crown spread of the trees;

iv No burning of materials shall take place within 3m of the crown spread of any tree;

v No services shall be routed under the crown spread of any tree without the express written permission of the local planning authority;

Reason: Some of the existing planting is considered to make a significant contribution to the amenities of this area.

19 A scheme of works for the restoration of the Foss Riverbank/wall, excluding the Kings Pool site, shall be submitted and agreed with the Local Planning Authority prior to the commencement of the relevant phase of development.

Reason: In the interests of the visual amenities of locality, flood defence and ecology along the Foss corridor.

20 During the development of the site, all 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 the locality

21 The hours of operation for each Class B1 premises 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.

22 The hours of delivery to and dispatch from each commercial premises, to include Use Classes B1, A1, A3, A4 and A5, 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.

23 Premises used for Class B1, A3, A4 or A5 use, that adjoin residential premises, shall be noise insulated in accordance with a scheme to be approved in writing by the local planning authority. The noise insulation scheme shall be fully implemented prior to occupation. No alterations to the external walls, facades, windows, doors, roof or any openings in the building(s) shall be undertaken (including the closing up or removal of openings) without the prior written approval of the local planning authority.

Reason: To protect the amenity of local residents.

24 Details of all fixed machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible at any noise sensitive location, shall be submitted to the local planning authority for approval. These details shall include maximum sound levels (LA_{max}(f)) and average sound levels (LA_{eq}), 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.

25 Residential premises facing The Stonebow and Peaseholme Green shall be fitted with fixed windows that cannot be opened and provided with alternative means of mechanical ventilation. These premises shall also not be provided with balconies or any other form of outdoor area. The residential premises to which this condition applies shall be agreed in writing with the local planning authority.

Reason: To prevent the introduction of relevant receptors and the requirement to declare an air quality management area.

26 The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels of 30 dB LA_{eq} 1 hour and 60 dB LA_{Max} (23:00 - 07:00) in bedrooms and 35 dB LA_{eq} 1 hour (07:00 - 23:00) in all other habitable rooms. These noise levels are with windows shut and other means of acoustic ventilation provided. The detailed scheme shall be approved in writing by the local planning authority and fully implemented before the use hereby approved is occupied.

Reason: To protect the amenity of residents.

27 There shall be adequate facilities for the treatment and extraction of fumes so that there is no adverse impact on the amenities of local residents by reason of fumes, odour or noise. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for approval; once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of the locality.

28 Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 6m (six) of the line of the sewers at greater depths, or within 3m (three) of the line of the sewers at shallower depths which cross the site.

Reason : To prevent pollution of the water environment.

29 Each phase of development shall not begin until details of separate systems of foul and surface water drainage works for that phase have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Reason : To prevent pollution of the water environment.

30 No piping shall be installed within 10m of any public sewer unless otherwise agreed in writing by the Local Planning Authority

Reason : To prevent pollution of the water environment.

31 Prior to the commencement of the development hereby permitted details of the proposed sewer realignment and confirmation of the phase of development in which the works will be undertaken shall be submitted to and approved in writing by the local planning authority.

Reason : To prevent pollution of the water environment.

32 Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from any phase of the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason : To prevent pollution of the water environment.

33 No development approved by this permission shall be commenced until:

a) A desk top study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.

b) A site investigation has been designed for the site using the information obtained from the desk top study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the LPA prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken relating to human health, controlled waters and the wider environment associated on and off the site that may be affected, and
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements

c) The site investigation has been undertaken in accordance with details approved by the LPA and a risk assessment has been undertaken.

d) A Method Statement detailing the remediation requirements, including measures

to minimise the impact on human health, controlled waters and the wider environment , using the information obtained from the Site Investigation has been submitted to the LPA. This should be approved in writing by the LPA prior to that remediation being carried out on the site.

Reason: To protect human health, controlled waters and the wider environment the environment and ensure that the remediated site is reclaimed to an appropriate standard.

34 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA) shall be carried out until the applicant has submitted, and obtained written approval from the LPA for an addendum to the Method Statement. This addendum must detail how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with the approved details, in the interests of protection of Controlled Waters, human health, and the wider environment.

35 Upon completion of the remediation detailed in the method statement a report shall be submitted to the LPA that provides a verification that the required works regarding contamination have been carried out in accordance with the approved method statement(s). Post-remediation sampling and monitoring results shall be included in the reports to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

Reason: To protect Controlled Waters, human health and the wider environment by ensuring that the remediated site has been reclaimed to an appropriate standard.

36 Each phase of the development of the site should be carried out in accordance with the approved method statement.

Reason: To ensure that the development complies with approved details in the interests of protection of Controlled Waters, human health and the wider environment.

37 Development of each phase approved by this permission shall not be commenced unless the method for piling foundations has been submitted to and approved in writing by the LPA. The planning shall thereafter be undertaken only in accordance with the approved details.

Reason The site is contaminated/potentially contaminated and piling could lead to the contamination of groundwater in the underlying aquifer.

38 The detailed drawings submitted to illustrate the landscaping works for approval in respect of each phase of development under reserved matters shall indicate existing site levels together with details of proposed finished levels of the landscaped areas.

Reason : To ensure that the development does not result in the displacement of

floodwater.

39 Prior to being discharged into any watercourse, surface water, sewer or soakaway system, all surface water drainage from parking areas and the hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment.

40 Diffusion tube monitoring points shall be provided that are fully accessible by officers of the council, on the facade of any new residential buildings erected along The Stonebow / Peaseholme Green. The exact position of the monitoring points shall be confirmed in writing by the local planning authority.

Reason: To allow the monitoring and assessment of local air quality.

41 Prior to any commencement of each phase of the development on site, a detailed method of work statement shall be submitted to and agreed in writing by the local planning authority. This statement shall include the precautions to be taken to ensure that the safety of the general public, the method of securing the site, access to the site and route to be taken by vehicles transporting the demolition and construction material from the site.

Reason: To ensure that the works are carried out in a safe manner with a minimum disruption to users of the adjacent public highway and adjacent occupants.

42 Prior to any works commencing on site, a construction environmental management plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration and dust resulting from the site preparation, groundwork and construction phases of the development. Once approved, the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of occupants of adjacent and adjoining properties during the development of the premises.

43 Details of the works and provision to facilitate disabled access and movement within the site and to the buildings permitted shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented before the use is commenced or the building is occupied.

Reason: To ensure adequate provision for access within the development.

44 Full details of the proposed CCTV facilities within the site and lighting for the car park and cycle route shall be submitted to and approved in writing by the LPA, prior to any part of the development being brought into use.

Reason: In the interests of safety and visual amenity.

45 The operation and management of the apartment block car parks shall be undertaken in accordance with car park management schemes which shall previously have been submitted to and agreed in writing with the Local Planning Authority for each phase of the development, and shall not be revised without the prior written approval of the LPA.

Reason: In order to ensure the efficient operation of these facilities, in the interests of the safety and convenience of highway users.

46 The development shall make provision for the linkage of the Foss Walkway adjacent to the Shambles car park with the proposed pedestrian and cycle route within the site. Details of the treatment of the boundary at this south west corner of the site and site levels at the boundary shall be submitted to approved in writing by the Local Planning Authority prior to the phase of development within which it is located is commenced. Thereafter the agreed treatment shall be retained at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to safeguard the future provision of a continuous route along the north bank of the Foss at this point, in accordance with the objectives of the Foss Walkway Strategy.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

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:-

- Highway and pedestrian safety
- The Central Historic Core Conservation and adjacent listed buildings
- Archaeological Deposits at the site
- Ecology at or adjacent to the site
- Residential amenity
- Affordable housing considerations
- Air quality
- Noise and Construction Related Disturbance
- Security and designing out crime considerations
- Flooding and Drainage
- Sustainability
- Impact on Local Education Provision

As such the proposal complies with Policies H9,E4,R1 and E5 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, GP3,GP4,GP6,GP11,HE2,HE9,HE10,T4,T13,T14,T20, H1, H2 a, H3 c, H4, H5, L1(c), C3,NE1, NE2, NE3, NE7, NE8, and ED4 of the City of York Local Plan Deposit Draft.

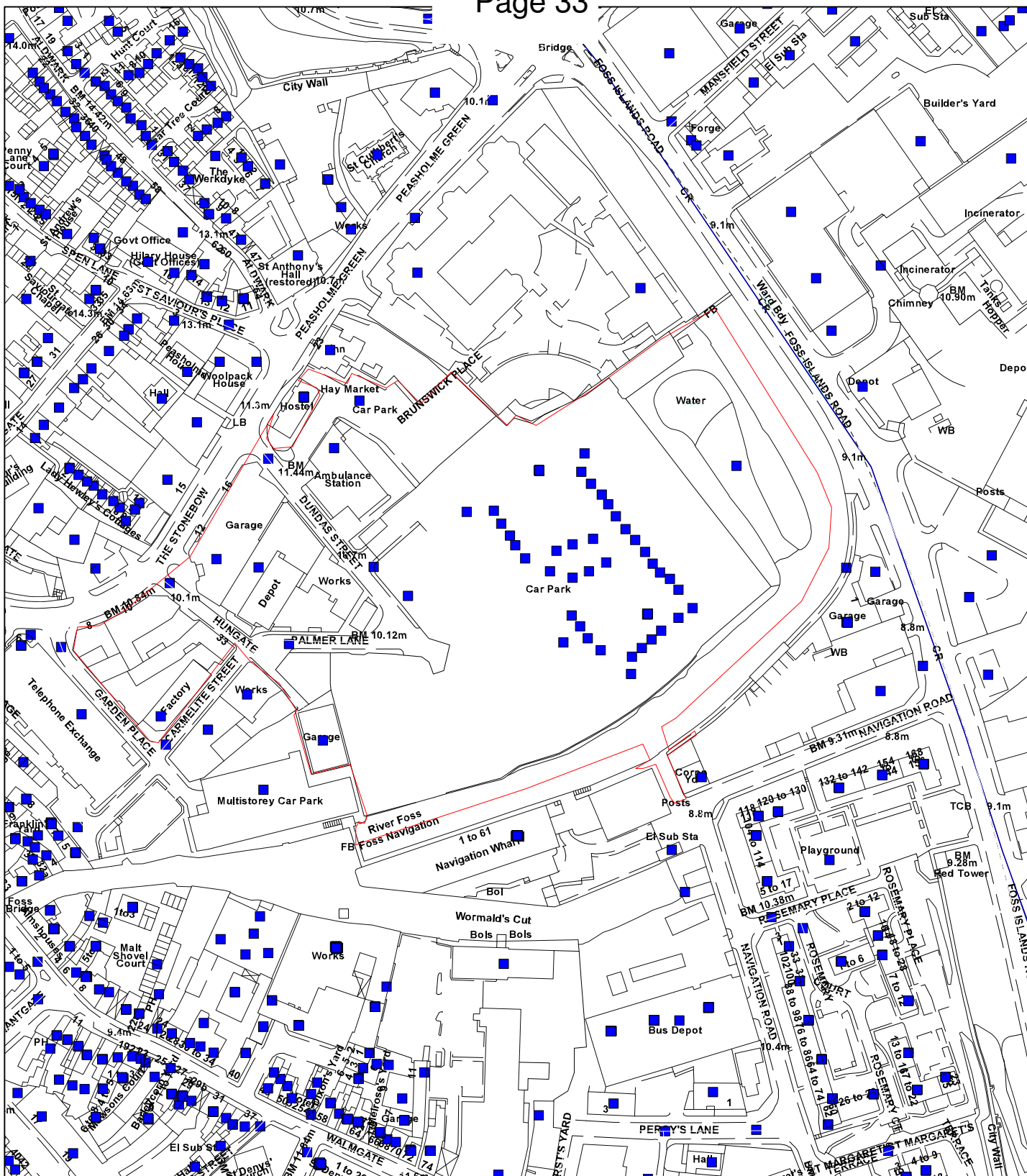
2. Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development, which will need to be varied and agreed in writing with the Local Planning Authority.

3. The reserved matters applications will be expected to demonstrate compliance with the principles of the Secure By Design initiative and Designing out Crime guidance, and should the design details be formulated in full consultation with the Police Architectural Liaison Officer.

Contact details:

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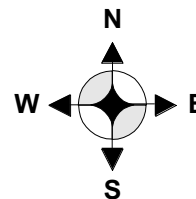
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Date: 14/07/2008

Hungate Development Site, Hungate, York
Ref: 08/00727/FUL

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COMMITTEE REPORT

Committee: Planning Committee **Ward:** Micklegate
Date: 24 July 2008 **Parish:** Micklegate Planning Panel

Reference: 08/01067/FULM
Application at: Prudential House 28 - 40 Blossom Street York YO24 1AJ
For: Change of use to 86 bedroom hotel with ground floor restaurant and construction of flat roof third floor and plant room. Alterations to elevations infilling of ground floor colonnade
By: Whitbread And The Blossom Street Venture
Application Type: Major Full Application (13 weeks)
Target Date: 20 August 2008

1.0 PROPOSALApplication site

1.1 The host building is of 1960's origin, located between the former Odeon cinema and the working men's club at 22-26 Blossom Street, both of which are Grade II listed buildings. The site is in the Central Historic Core Conservation Area.

1.2 The building has a frontage of approximately 48 metres to Blossom Street and is 3-storeys high at the front elevation (as is the adjacent wmc), it has a recessed ground floor level, concrete clad bay windows which project over the street and a flat roof. The building is generally acknowledged to be of poor materials and construction. It has a car park/service area behind, between itself and the recently built, red brick, 5-storey Meridian House office building.

Proposed development

1.3 A change of use to hotel is proposed at the building, which has been vacant since 2007 when the offices were last occupied. The hotel would be occupied by Premier Inn whom wish to add to their premises at 20 Blossom Street. The application site would provide a further 86 bedrooms, of which 65 would provide family accommodation. We are advised that the existing hotel on Blossom Street (which has recently extended, adding 18 bedrooms) attracts high demand and frequently has to turn away potential customers.

1.4 The proposed change of use also involves refurbishment of the front elevation and the insertion of an additional storey on the flat roof, which would be recessed from the front and side building lines and constructed in steel/aluminium windows. The extension would be of similar design to the top floor of Meridian House, the office behind the application site. Refurbishment of the front elevation of the building was approved in 2006 as part of a scheme to upgrade the office accommodation, although the building works are yet to be implemented and a second entrance is now proposed on the front elevation.

1.5 At the rear of the building it is proposed to remove the external fire escape. The hotel would be serviced from the rear, with vehicles accessing the site from The Crescent.

Relevant planning history

1.6 Planning permission for refurbishment works to the host building were secured at the second attempt in October 2005. The approval was to bring the ground floor level flush with the rest of the building and remove the bay windows. The materials used would be stone coloured render at the base of the building and red brick. Vertical emphasis would be given to the building by changing the window shapes and breaking up the frontage by adding a glazed wall above the entrance and breaking up the brick/stone coloured render with an area of render the full height of the building.

1.7 The unsuccessful application proposed a contemporary finish of terracotta tile cladding across the frontage and retaining windows with a horizontal emphasis. This proposal was rejected by committee in April 2005 as it was considered to be overly intrusive and harmful to the appearance of the conservation area.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006
Conservation Area Central Historic Core 0038
City Boundary York City Boundary 0001
DC Area Teams Central Area 0002
Listed Buildings Grade 2; 22-26 Blossom Street York YO2 2AJ 0412

2.2 Policies:

CYHE2	Development in historic locations
CYHE3	Conservation Areas
CYE3B	Existing and Proposed Employment Sites
CYV3	Criteria for hotels and guest houses
CYT4	Cycle parking standards

3.0 CONSULTATIONS

Internal

Design, Conservation and Sustainable Development

3.1 Confirm that in terms of the physical changes proposed, the scheme is almost identical to that approved under 05/02212/FUL. The only visible change appears to be the substitution of doors to the ground floor in place of a window to create an addition entrance. The revised drawing received 23 June 2008 also shows the creation of a fascia above the original entrance doors within the glass tower. Neither change is felt to be substantially different from the approved scheme and will therefore preserve the character of the conservation area.

3.2 The materials have been specified and in principle appear to be acceptable. If the application is approved it is asked that samples should be conditioned as per 05/02212/FUL (details of where different materials meet on the building and integrate).

Economic Development Unit

3.3 Concern over the loss of substantial office space close to the city centre. The reports state that 270 people could be employed in the building as office space, whereas the hotel would employ around 50 people directly, 25 indirectly.

3.4 The planning process, if minded to approve the application, must be confident that there is sufficient supply of employment land to meet the cities immediate and long-term land requirements in both quantitative terms and qualitative terms.

3.5 Also not convinced that another budget hotel is necessary in the city.

Highway Network Management

3.6 Advise that the site currently has 9 car spaces, which are proposed to remain unchanged as part of the development proposals. And on street parking in the area is controlled/protected by various Traffic Regulation Orders.

3.7 The site is located immediately adjacent to the city centre and is served by a number of frequent bus services from stops in the vicinity of the site. Walking distances to local facilities, public car parking and the train station are within guidance set out at a national level.

3.8 Cycle parking has been indicated however no details have been provided of the type of facility and the spaces do not appear to be covered as such a suitably worded condition is recommended to secure this detail.

3.9 Given the existing use of the site and the proximity to public car parking facilities and public transport the scheme is considered to have no material impact on the surrounding highway. No objections are raised but the following conditions are suggested if permission were to be granted

- A method of works statement identifying the programming and management of construction works shall be approved in writing by the LPA
- Requirement for a travel plan to be approved by the Local Planning Authority.

External

Planning Panel

3.10 No objection. Ask that the materials are sympathetic with the street, brick and artificial stone would be acceptable.

English Heritage

3.11 Do not wish to comment on the proposal.

Safer York Partnership

3.12 Suggest that vehicle access to the hotel is controlled, for example through using a secure barrier, glazing (in particular around the entrance) should be of resilient, to prevent damage, and that barriers should be placed at the entrance, to stop children running onto the street.

Visit York

3.13 Support the proposal as the hotel would be in a sustainable location near transport links; it would also provide accommodation for families and could potentially lead to the creation of around 75 jobs (considering the multiplier effect).

Yorkshire Water

3.14 No observations/objections.

Publicity

3.15 The application was publicised by site notice, press notice and letters of neighbour notification. The deadline for comments was 2.7.08. One letter of support has been received from Jarvis whom occupy the offices behind the application site.

4.0 APPRAISAL

Key issues

- The loss of office space
- Principle of the proposed use
- Visual impact, considering the character and appearance of the conservation area
- Sustainability
- Highway safety

The loss of office space

4.1 The Regional Spatial Strategy for the Yorkshire and Humber 2008 (RSS) in policy E3 advises that plans/policies should direct development towards centres, by making use of appropriately located previously developed land and current locations. Sufficient land and premises in sustainable locations to meet the needs of a modern economy should be available. The amount of land required should take account of the projected growth, as set out in the RSS (see 4.2), be informed by local employment land reviews, which should monitor and review employment sites and provide a range and choice of employment land, sites and premises. The RSS recognises that uses such as tourism can also generate employment. Policy E5 advises that where considered necessary local policy should protect employment sites from falling into other uses when a review of employment land has been carried out and sites are deemed worthy of retention in employment use. This approach is required to provide local job opportunities and reduce people's need to travel to work.

4.2 The RSS sets out the potential annual job growth in the region from different land uses as of 2006. For York it advises that 480 jobs each year will be in B1 uses, i.e. offices/business whereas 450 jobs will be in retail and leisure.

4.3 Stage 1 of City of York Council's Employment Land Review (ELR) was released in 2007. Stage 1 reports the current situation and future economic prospects for York. The second part of the study will identify sites to meet the demand for employment land and may include a further land review. It is set to be completed by the end of 2008. The ELR advises there is demand for between 12,500 to 15,000 sq m of (mainly high quality) office space per year. This could rise if high quality sites were available within the city centre. The review advises there is a shortage of high quality space in the city, and in 2007 most of the completed developments, or those under construction were occupied. Supply in relation to demand is described as limited, and depends mainly upon the refurbishment of existing buildings. This may change in future when sites such as Terry's (Bishopthorpe Road), Holgate Park and York Central are developed, although York Central will not be available in the short term. Demand for secondary office space is described as "patchy".

4.4 Of the Draft Local Plan policy E3b states that any sites or premises either currently or previously in employment use, will be retained within their current use class. Planning permission for other uses will only be given where there is a sufficient supply of employment land to meet both immediate and longer-term requirements over the plan period in both quantitative and qualitative terms. In addition either unacceptable environmental problems should exist, or the development of the site for other appropriate uses will lead to significant benefits to the local economy, or the use is ancillary to an employment use.

4.5 When the application site was vacated in December 2007 it was deemed to be unfit for occupation. The preferred option for the future of the site was to refurbish and create 3,623 sq m prime office space. This could accommodate around 270 staff. Planning permission was granted for the alterations however the building is yet to be redeveloped. We are advised it would cost some 3.5 million to upgrade the building, which is not financially viable to the owners, without a significant amount of space being pre-let. A pre-let has not been secured although the site has apparently been marketed/advertised since 2005. It would be cheaper to refurbish the offices to a secondary standard, although this would not be financially viable and demand for such space is limited. The application arises as Premier Inn have made an offer to occupy the building, this would allow its refurbishment to commence, and would lead to full occupation.

4.6 To support the application King Sturge have compiled an assessment of the office market in York. It concludes that considering vacant space at present and that which will emerge through proposed developments within the next 12 months, there is some 20,937 sq m available in and around the city centre in offices of comparable size to the application site. It also advises demand has fallen recently due to the national economy. The available offices are as follows -

City centre sites

- Albion Wharf Skeldergate,
- West Offices Station Rise,
- Ryedale Building Piccadilly
- Hudson House Toft Green
- Grays Wharf Navigation Road

- Quartz Point Stonebow
- York Northwest

Edge of centre sites (within 300m of city centre as defined in the local plan)

- Heworth Green
- Alliance House Holgate Road
- Holgate Villa
- The Edge Fulford Road

Out of centre (within the urban area)

- Terry's site
- Nestle site

4.7 Based upon the findings of the ELR, reports from the applicants and data from York England (inward investment board for York and North Yorkshire) there is a lack of high quality office space presently available within the city centre (of a size comparable to that at the application site) as none of the city centre sites currently available offer such space. The status of the sites within the city centre are as follows -

Site	Space available (sq m)	Status
Hudson House*	up to 4,000?	To be refurbished
Quartz Point	up to 1,054	Construction about to commence
Grays Wharf	4,000	Under construction
Hungate	1,800	Yet to be built
York Northwest	(around) 970,000	Yet to be built
Albion Wharf		Occupied
West offices	Not high quality space	
Ryedale building	Future uncertain due to Castle Piccadilly redevelopment.	

* York England advise much of Hudson House is mostly occupied, only around 500 sq m is available.

4.8 Within the city centre the sites that potentially could provide high quality office space are either yet to be built (Quartz Point and Grays Wharf) or require upgrading (Hudson House). It is uncertain when the other sites will be available.

4.9 Of the current office supply in the wider urban area (ie edge of centre) there is only Heworth Green (which is already part occupied as only 2 of the 6 units are available) and The Edge in Fulford that are completed and offer high quality office space.

4.10 The application site has planning permission to be redeveloped and potentially offers a significant amount of office space in a prime location (considering accessibility, being in a desirable area - within city centre and Central Historic Core Conservation Area). As such the site is one which would preferably be retained for office/employment use, as the ELR identifies a strong requirement for, and limited availability of such land. To allow the proposed change of use would be contrary to the RSS which advises that employment land supply should be based upon on a

local evidence base and policy E3b of the local plan which seeks to retain employment sites in that use when there are not adequate alternative sites, in terms of quality and quantity.

Principle of the proposed use

4.11 The Draft Local Plan seeks to "maximise the economic and other benefits brought about by visitors, whilst minimising any adverse impact", this includes businesses in the city. Policy V3 states planning permission will be granted for hotels provided the proposal is compatible with its surroundings in terms of siting, scale and design and -

- Would not result in the loss of residential accommodation which when originally built had less than four bedrooms;
- Would not have an adverse effect on the residential character of the area;
- Is well related in terms of walking, cycling and access to public transport in relation to York City Centre or other visitor attractions

4.12 The proposal to refurbish the building's front elevation has already been granted planning permission, considering the alterations would enhance the appearance of the conservation area, and (despite the additional storey) the building would be of appropriate scale, design and materials. The surrounding area is predominantly commercial and is located within walking distance of public transport links and the city centre. As such this proposed development and location are fully in accordance with the criteria of Local Plan policy V3, although the objective of this chapter of the local plan does include the caveat that the impact on business in the city should be considered.

Visual impact, considering the character and appearance of the conservation area

4.13 HE2 states that within conservation areas, or locations which affect the setting of listed buildings development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regards to local scale, proportions and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks and other townscape elements, which contribute to the character or appearance of the area. Policy HE3 states that within Conservation Areas, proposals will only be permitted where there is no adverse effect on the character or appearance of the area.

4.14 As stated in paragraph 4.5 the majority of the alterations to the building have previously been supported and granted planning permission. There are some minor alterations in this scheme, the additional door on the front elevation to separate access into the restaurant/bar area and the guest rooms, the slight lowering of the entrance canopy to accommodate signage (which would be subject to a separate application), and the removal of the external fire escape and a further door, both on the rear elevation. Conditions are suggested to ensure conservation/design officers are satisfied with the detailed finish of the building and overall it is considered the building would be of reasonable scale, detailing and materials and will not harm the appearance of the Central Historic Core Conservation Area.

Sustainability

4.15 The Council's adopted interim planning document on Sustainable Design & Construction asks that commercial developments such as this proposal achieve a BREEAM rating of very good.

4.16 The proposal advises it will operate in a sustainable manner through the following proposals:

- Local economy - use of local materials and labour. Materials to be from recycled sources where possible and a timber frame (a sustainable material) shall be incorporated into building.
- Energy use - incorporated into the building will be climate control (heating and cooling) and low energy lighting to avoid energy waste, A-rated refrigerated goods, dual flush toilets and controlled taps to restrict water use, and the promotion and provision of recycling onsite.

4.17 It could be a condition of approval that the proposal be developed in accordance with the submitted statement.

Highway Safety

4.18 T4 seeks to promote cycling and states that all new development should provide storage for cycles in accordance with the standards in appendix E of the Local Plan. Therefore the development should accommodate at least 8/9 cycle spaces and a maximum of 22 car parking spaces and 1 coach space.

4.19 The site provides space for cycle parking and coaches although it would need to be a condition were the application approved that the cycle spaces be secure and covered. There is limited car parking spaces on site, this is not objected to as the site is located close to transport links, namely the train station, and if required there are public car parks which guests and staff could use. To deter car use and encourage alternative means of transport, which could also be promoted through a condition requiring a travel plan, is consistent with the thrust of the Local Plan and National Planning Policy.

5.0 CONCLUSION

5.1 The application site provides a significant amount of employment land in a prime city centre location and could accommodate high quality office space. The 2007 employment land review reports that in the short to medium term, i.e. before the redevelopment of York Northwest, there are a lack of such sites available. As such to allow the proposed change of use would be contrary to the RSS which advises that employment land should be protected when there is local evidence to support its retention is desirable in terms of need and where sites are in sustainable locations. And also policy E3b of the Local Plan which seeks to safeguard employment land when there is not an adequate supply of employment sites which are of similar quality and quantity.

6.0 RECOMMENDATION: Refuse

1 The application site has planning permission to provide high quality office space in the city centre - which the City of York Council's Employment Land Review 2007 identifies a shortfall of. The proposed change of use would also lead to the loss of employment land of which there are not alternative sites available in terms of quality, quantity and location.

As such the development would be contrary to section 6 of the Regional Spatial Strategy for the Yorkshire and Humber 2008 which seeks to provide office space in sustainable city centre locations and preserve sites for employment land when local evidence based data confirms there is demonstrable needs for such and also policy E3b of the City of York Draft Local Plan which states that any sites or premises either currently or previously in employment use, will be retained within their current use class. Planning permission for other uses will only be given where there is a sufficient supply of employment land to meet both immediate and longer-term requirements over the plan period in both quantitative and qualitative terms.

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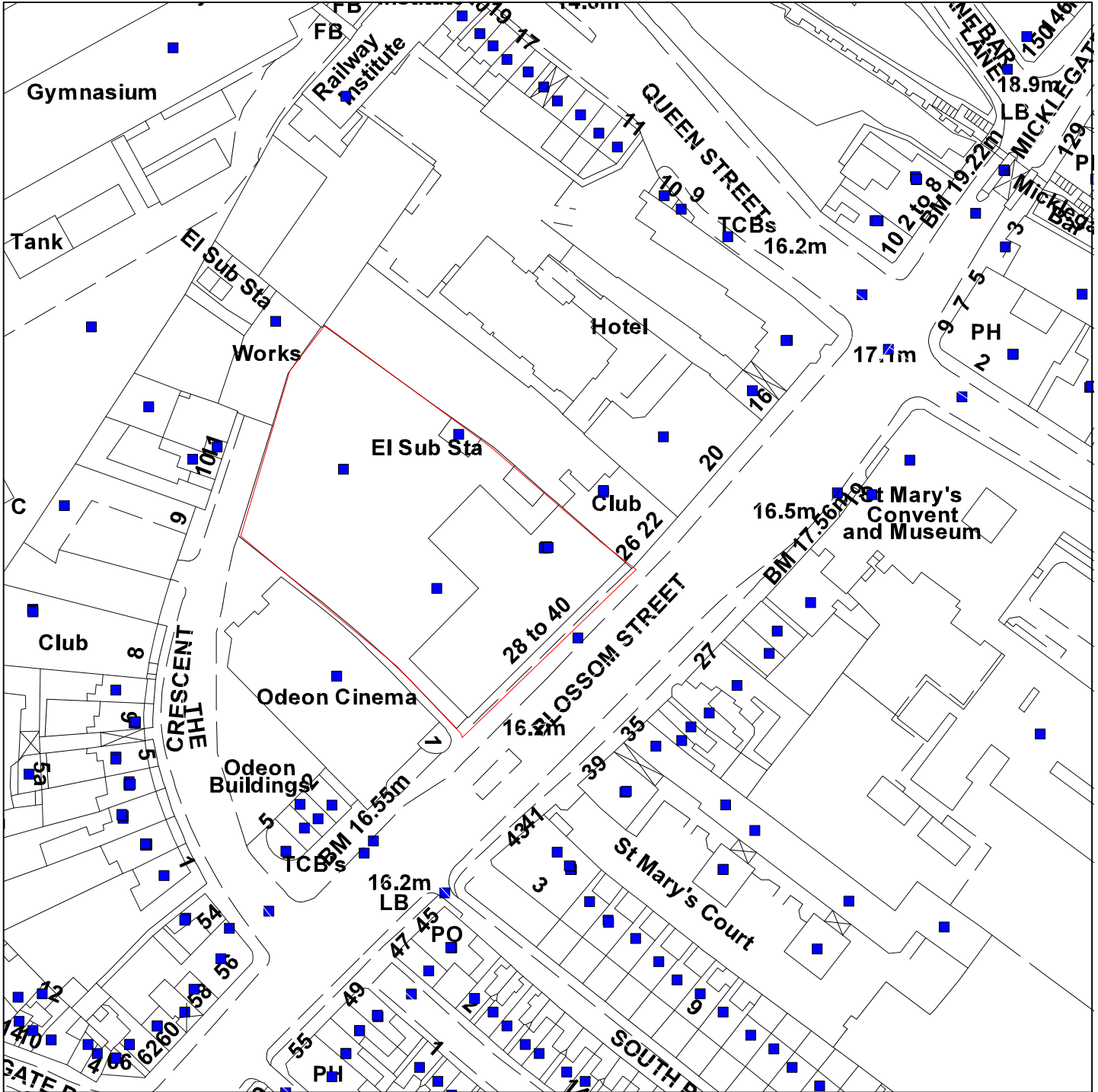
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Prudential House, 28 - 40 Blossom Street, York

Ref: 08/01067/FULM



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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	14 July 2008
SLA Number	Not Set

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COMMITTEE REPORT

Committee: Planning Committee **Ward:** Heslington
Date: 24 July 2008 **Parish:** Heslington Parish Council

Reference: 08/01136/REMM
Application at: Proposed University Campus Lying Between Field Lane
Common Lane A64 Trunk Road And Hull Road York
For: Reserved matters application for the landscaping of the western
part of the site including re-profiling of ground levels, creation of
lake planting and construction of weirs, footpaths and cycleways
following outline application 04/01700/OUT for development of a
university campus
By: University Of York
Application Type: Major Reserved Matters Application (13w)
Target Date: 1 August 2008

1.0 PROPOSAL

1.1 This is a reserved matters application to landscape 29.3ha of the western part of the campus. The works would be confined to the land outside the allocated area as defined in the outline consent for the campus. Major earthworks would be carried out to re-profile the topography of the site and create the western part of a large linear lake. This is the second reserved matters application for the new campus. The main purposes of the works are to enhance the setting of the campus, provide screening along its boundaries and provide publicly accessible open space. Condition 4 of the recently-approved planning permission for Goodricke College requires the landscaping along the Field Lane section of the current application to have been implemented prior to first occupation of the college, which is programmed for August 2009.

1.2 The main components of the works are: (1) The western-most section of the new lake (known as the Western Lake). The lake would, in its entirety, run along most of the southern side of the campus. The proposals within the current application include two weirs to raise the level of the water above the main body of the lake (known as the Eastern Lake). This is to take account of the gently-sloping site and to minimise excavation; (2) Wetland areas along the edges of the lake to create visual interest and encourage bio-diversity; (3) Woodland areas, which would provide most of the screening from Field Lane and the adjacent residential areas; (4) High-maintenance grassland; (5) Groups of ornamental trees; (6) Grassland/meadow; and (7) Cycleways and footpaths. Two areas at the western end of the site will be left open; One as a paddock and the other as agricultural land.

1.3 The application does not include landscaping in the vicinity of the main (ie central) access to the site from Field Lane. This will be the subject of a separate application to be submitted shortly.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Heslington 0029

Contaminated Land

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Listed Buildings Grade 2; Heslington Anglican And Methodist Church Field Lane

Listed Buildings Grade 2; Railings, Gates, And Piers 30m N Heslington Hall

Listed Buildings Grade 2; Font 2.5m N Heslington Church Field Lane

Schools Lord Deramore's Primary 0208

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYGP9
Landscaping

CGP15A
Development and Flood Risk

CYNE7
Habitat protection and creation

CYED9
University of York New Campus

CYT4
Cycle parking standards

3.0 CONSULTATIONS

3.1 Internal

Environment, Conservation, Sustainable Development (Countryside) - No objections to the latest proposals subject to detailed changes to the maintenance regime.

Environment, Conservation, Sustainable Development (Landscape) - No objections to the latest proposals subject to (1) altering the landscaping at the western end of the site so that it has a less formal, more rural, character (2) More tree planting, including details of species, to provide effective screening/mitigation from outside and within the site and (3) other, relatively minor, alterations to the proposals. As

this is a reserved matters application the council requires an acceptable landscape plan. None has yet been provided to the council's satisfaction. More detail is required, in line with officers' recent and previous comments. As much of the site as possible should be worked up to 1:500 scale.

Environment Protection Unit - No objections subject to the submitted Construction Environmental Management Plan being adhered to at all times and other relevant conditions of the outline consent being complied with.

Structures and Drainage - The drainage proposals for the western part of the lake are now acceptable in principle subject to (1) the surface water discharge rate being agreed by the IDB once the final flooding sensitivity analysis has been completed by the applicant and independently checked by a consultant of the IDB. The applicant should fund the independent check, which should include the design of the whole lake as well as just the current application and (2) other, relatively minor, alterations to the proposals.

Sustainability - The application does not mention sustainable construction practices ie to minimise waste, recycle materials or to source materials locally. Nor does it mention sustainable construction practices that would protect flora/fauna. Landscaping should be used to reduce heat loss in nearby buildings and appropriate plants to act as external insulation.

3.2 External

Heslington Forum including Heslington Parish Council - The university gave a presentation to the forum on 4 February 2008, prior to submission. Various comments on the proposals were made by forum members and were considered by the university. Revised proposals were presented to the forum on 16 June. No formal representation on this application has been made to the council by Heslington Parish Council or by any other member organisation of the forum.

Highways Agency - No objection. The application will not, in itself, have any impact on the A64, A19 or A1079. However, the impact of construction traffic on the trunk road network should be reviewed as part of the council's consideration of highway construction details submitted under Condition 25 of the outline consent.

North Yorkshire County Council (Highways) - No objections.

Ouse and Derwent IDB - Since the application was first submitted the applicant has provided further information on surface water discharges. If planning permission is to be granted planning conditions should be included relating to (1) drainage details (2) a scheme for the method of working (3) maintenance of drainage routes (4) provision of a maintenance strip alongside drainage routes (5) no development close to culverted watercourses and (6) Prior consent of the board.

Yorkshire Water - No objections to the application. Drainage conditions of the outline consent remain to be discharged.

Environment Agency - Drainage officers of the council and the IDB should confirm that the drainage proposals are satisfactory. If large numbers of water fowl are likely

to be attracted to the lake some form of filter would be required at the outflow to prevent pollution spreading.

York Natural Environment Panel - YNEP is concerned that the proposals lack sufficient detail to make firm judgements about their efficacy or relationship with the intended built environment. Many of their concerns have since been addressed. Outstanding issues include: (1) The lake lacks the detailed elements required to create optimum habitat for wildlife, including for example an irregular shoreline. Also the single species 'blocking' of marginal species is simplistic. There should be substantial areas where appropriate, mixed mosaics of species types will be present. (2) Surface water drains are shown as rectangular sectioned, open conduits. They could assume the form of agricultural drainage dykes, and be planted to extend the wetland habitat, with increased biodiversity benefits. This is a missed opportunity. (3) The SUDS scheme will result in reduced discharges to Germany Beck, including at times of reduced flow, which could be detrimental to the existing habitat. (4) The nature of short mown grass areas is not clear. It is perfectly possible to have high levels of botanical diversity in turf kept short by mowing so there would be no excuse for a monoculture of perennial rye grass in this situation.

North Yorkshire Police - The proposed pedestrian/cycle route through the buffer zone should be removed/resited because (1) it would allow criminals to permeate the campus relatively unseen; (2) it provides an opportunity for anti-social behaviour; (3) the route would be obscured and therefore unsafe for genuine users.

Public Consultation - Consultation measures included letters to all occupiers fronting onto the site, advertisements in the local press and site notices along the perimeter. Copies of the application were available for inspection at St Leonard's Place and the university. The consultation period expired on 9 June 2008. Two objections have been received from local residents. They raise the following planning issues:

- Inadequate screening to prevent noise and visual pollution affecting residents of Badger Hill. A large piece of hedge, which would have given some protection, has been removed;
- Insufficient detail of proposed trees, including species.
- The perimeter hedge should be at least 2m high.
- Mature trees to be removed should be left in-situ as long as possible to provide as much screening as possible until the new planting matures. It would also retain wildlife habitats.
- The route of the pedestrian and cycleway, where it joins Field Lane at Heslington village, should be moved to coincide with the route of the UTS. This would encourage pedestrians and cyclists to use the new link road and not pass in front of the church and Heslington Hall.

4.0 APPRAISAL

- 4.1 Key Issues
 - Principle of the use
 - Visual appearance;
 - Drainage;
 - Ecology and bio-diversity;

Public amenity;
Movement and access;
Sustainability;
Crime prevention;
Construction impact.

The Application Site

4.2 The site of the outline consent comprises 116ha of farmland between Field Lane/Hull Road and Low Lane. The site is being prepared for development as a university campus. 65ha of the site is allocated for development, divided into 15 zones. Most of the remainder of the site will be landscaped. The site slopes down gradually from north to south.

4.3 The site of the current application is in two parts and has a total area of 29.3ha. Immediately to the west of the site are the playing fields of Lord Deramore School, a small paddock that fronts onto School Lane and the gardens of residential dwellings in The Crescent. To the north is Field Lane and to the south is Low Lane. The application site wraps around (but excludes) the western section of the allocated area, ie the area in which the buildings, car parks and most roads within the campus would be located. The permanent works would be confined to the larger, more westerly, part of the application site. The smaller part would be used solely to supply the soil/spoil needed to re-profile the ground levels within the larger part of the site.

Policy Context

4.4 Planning Policy Statement 1 (PPS1) sets out the government's overarching planning policies. It sets out the importance of good design in making places better for people and emphasises that development that is inappropriate in context or fails to take the opportunities available for improving an area should not be accepted.

4.5 PPS25 aims to: ensure that flood risk is taken into account in the planning process; avoid inappropriate development in areas at risk of flooding; and direct development away from areas at highest risk.

4.6 Local plan policy GP1 - Development proposals will be expected to respect or enhance the local environment and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and vegetation.

4.7 Policy GP4a - Proposals for all development should have regard to the principles of sustainable development.

4.8 NE1 - Trees, woodlands and hedgerows, which are of landscape, amenity, nature conservation, or historic value will be protected by refusing proposals which would result in their loss or damage. When trees are to be removed, appropriate replacement planting should be proposed to mitigate any loss.

4.9 GP9 - Where appropriate, development proposals should incorporate a suitable landscaping scheme that is an integral part of the proposals; includes an appropriate range of species, reflects the character of the area; enhances the attractiveness of key transport corridors; and includes a planting specification where appropriate.

4.10 GP15a - Developers should ensure that the site can be developed, serviced and occupied safely and that discharges from new development should not exceed the capacity of existing/proposed sewers and watercourses.

4.11 NE7 - Development proposals should retain and, where possible, enhance important natural habitats.

4.12 ED9 - The scale, layout and design of the new campus at Heslington East should have regard to, inter alia, a comprehensive landscape scheme including publicly accessible public open space and a comprehensive network of pedestrian/cycle routes between campuses.

4.13 T4 - Seeks to promote cycling and states that all new development should provide storage for cycles in accordance with the standards in the local plan.

Principle of the Use

4.14 The principle of the use of the site as part of a new campus was accepted when the Secretary of State granted outline consent in 2007. Moreover, the proposal accords with local plan policy ED9 for the development of the campus, the adopted development brief for site, the land use plan C(i) approved as part of the outline consent and the draft masterplan for the campus. The principle of the proposed use is therefore acceptable. However, as this is a reserved matters application the proposals are required to include details of the works to the council's satisfaction.

Visual Amenity

4.15 The proposals include a variety of landscape types, which will provide an attractive setting for the campus. Tree planting along the northern and western boundaries will maintain, as far as possible, the rural character of the area and provide an attractive screen from neighbouring residential areas. The lake and informal planting to the south will provide a gradual transition between the campus and the open countryside. The works either side of the movement spine will be more ornamental in character. Changes to ground levels, particularly near Heslington village will add further visual interest and screening. The proposals are acceptable subject to relatively-minor revisions. These include altering the landscaping at the western end of the site so that it has a less formal, more rural, character (2) More tree planting, including details of species, to provide effective screening/mitigation from outside and within the site and (3) other, relatively minor, alterations to the proposals. Revised plans are awaited and will be tabled at the meeting. Some details can be dealt with as conditions of approval.

Drainage

4.16 Surface water from the new campus will be drained by gravity to the proposed lake along the southern side of the campus site. The water will be stored in the lake and released at agricultural rates into local watercourses. These principles were accepted by the inspector at the public inquiry. Condition 19 of the outline consent for the campus requires a sustainable drainage assessment for surface water to be carried out and for surface water drainage details to be

submitted for approval. A sustainable drainage strategy (SUDS) has been submitted and is acceptable. It will be formally approved by officers shortly.

4.17 When complete the lake will provide flow balancing and flood storage to compensate for the run-off from all hard surfaces within the new campus. Marginal wetlands and reed beds will improve water quality control. The normal upper water level of the lake will be able to rise by up to 200mm to accommodate surface water runoff during extreme storm events. The reed bed and wetland features will cover around 40% of the lake surface area at a depth of 0.5m whilst the remaining 60% of the surface will be open water up to 2.5m deep. An impermeable layer will prevent water seeping into the ground below the lake bed.

4.18 The current application, which comprises the Western Lake only, comprises a permanent upper pool, a permanent lower pool and a temporary basin retained by a cofferdam. The three areas of water will be separated by weir structures, each approximately 20m long. Water spilling over the lower weir will be detained within the basin of the temporary cofferdam. Water in the basin will drain into Germany Beck through a controlled outlet. When the Eastern Lake is complete the cofferdam will be removed and the basin will become part of the unified lake. Water depth in the two permanent pools will range from 2m in the centre to 0.5m along the aquatic benches. New subsoil drains will intercept runoff from all landscaped areas within the western part of the buffer zone and allow the runoff to flow into the Western Lake. Runoff collection will be maximised in order to provide a sustainable supply of water to the lake. The lake will be filled initially by abstracting local ground water.

4.19 Surface water runoff from the Badger Hill Estate currently flows across the campus via culverted and open drains into Germany Beck. Once the Western Lake has been created the Badger Hill runoff will be routed through the Western Lake via a new detention pond. The upper pond will attenuate storm flows and act as a silt trap for the lakes below. This will provide a measure of attenuation not currently existing.

4.20 The Western Lake is NOT intended to attenuate surface water runoff from the allocated area, ie the main built-up area of the new campus. Flows from the allocated area, including Goodricke College, will flow into the Eastern Lake. In terms of draining the campus the purpose of the Western Lake is to accommodate surface water runoff from the site of the current application only. Planning conditions should therefore be attached to (a) prevent surface water from the allocated area draining into the Western Lake and (b) require the applicant to demonstrate that the discharge from the Western Lake into downstream watercourses will be no greater than existing. Other conditions may also need to be attached to mitigate drainage board concerns about the adequacy of the proposals. Suitable conditions are in the process of being agreed between the council and the IDB to ensure that the detailed design of the drainage will be acceptable. Officers will update members at the meeting.

4.21 A planning application for the Eastern Lake is expected shortly. Construction of Goodricke College will begin before construction of the Eastern Lake so the applicant will have to demonstrate, prior to construction, that adequate interim drainage arrangements can be provided for the period between start of college

construction and completion of the main part of the lake. This design work is in hand.

4.22 Large numbers of water fowl are likely to be attracted to the lake. Consequently, the Environment Agency would require the lake's outfall to have a suitable filter to prevent pollution spreading downstream. However, birds are unlikely to arrive in large numbers until the whole of the lake is complete and established. The filter therefore need not be a part of this application. It can be considered during design development of the Eastern Lake.

4.23 Condition 20 of the outline consent requires details of foul drainage to be submitted for approval. However, the current application requires no foul drainage measures. Existing major water mains across the site are adequately protected by other conditions of the outline consent.

Ecology and Bio-Diversity

4.24 The proposals will provide a range of habitats to encourage flora and fauna. Grassland and woodland screen planting will predominate close to the boundaries of the site. This will contrast with a mix of ponds, swales and marginal planting closer to the lake.

4.25 Existing trees and hedges are to be kept where possible. Officers acknowledge that the campus development, including the new college, is likely to result in some loss of species on the site. The inspector's report identifies this loss but accepts that there will be substantial habitat gains in the long term, implying that this is satisfactory compensation (which is acceptable in terms of PPS9). Condition 15 of the outline consent requires the university to submit an environmental site management plan (ESMP) which includes, inter alia, implementation and management of measures to enhance species and habitats. A draft ESMP has been submitted for approval and is being considered by the council. Officers consider that the ESMP is acceptable subject to a clause requiring all habitats created to be monitored and reviewed after five years in conjunction with the council and that a new year five plan then be agreed in writing by the council. This will ensure that the landscape develops as is intended.

4.26 York Natural Environment Panel (YNEP) has expressed a number of detailed concerns, many of which have been addressed in the Environmental Site Management Plan and Landscape Management Plan, required under conditions of the outline consent. Whilst this reserved matters application does not make direct reference to the ESMP and LMP the applicant will be bound by their contents. The YNEP's outstanding concerns are largely matters of detail. They can be pursued as part of the detailed negotiations between the council and the applicant.

Public Amenity

4.27 Tree planting along the residential boundaries (particularly along Field Lane) will, over time, largely screen the new campus buildings and infrastructure from the residential areas and adjacent public highways and help to site the buildings in a new parkland landscape. Moreover, the planting will provide an attractive outlook for local residents. The public will be able to access the new campus,

including the landscaped buffer. It will be an attractive and tranquil public amenity for pedestrians and cyclists.

4.28 Some relatively-small sections of existing hedgerows have had to be removed to provide road access into the campus. They were removed with the knowledge and approval of the council's countryside officer. Other relatively-small sections of hedge have been coppiced to ensure that any subsequent removal, if approved by the council, would not conflict with the bird-breeding season. This work was also approved by of the council's countryside officer. These sections of hedge will be replaced with new hedgerows within the new landscape.

Movement and Access

4.29 Whilst the movement spine passes through the application site it is not included in the application. The principle and route of the movement spine, including the adjacent cycle path, were approved with the outline consent and are shown on approved drawings C(i), F(ii)A and F(iv).

4.30 The current application includes new pedestrian and cycle routes through the buffer zone. These routes will provide good recreational access through the site for staff, students and the general public. In particular, a pedestrian/cycle route is to be provided from Heslington Village to Grimston Bar within the landscaped area. The section through the western landscape will run parallel to Field Lane and forms part of the current application. Construction details of all roads, footpaths and cycleways within the new campus will need to be approved under Condition 25 of the outline consent. Nevertheless, provision of the recreational route should be made a condition of the current application

4.31 The applicant is seeking consent to alter part of the alignment of the movement spine. The alteration is not significant and can be dealt with as a minor amendment of the outline approval. The current application shows the proposed alignment as altered.

Sustainability

4.32 Condition 29 of the outline consent requires each reserved matters application to be accompanied by a statement on sustainability, which should conform to the sustainability principles contained in the masterplan. The current application includes a sustainability statement. The main sustainability benefits of the application relate to bio-diversity, particularly regarding creation of the wetland area in the south-western corner of the site and the parkland setting of the main buffer zone. Details are included in the ESMP. The creation of the recreational cycleway and the footpaths through the site also support sustainable transport objectives.

4.33 The council's concerns about sustainable construction have been raised with the university with a view to them being addressed in the masterplan. The university's response is awaited.

Crime Prevention

4.34 North Yorkshire Police and the university's security staff are concerned that the recreational cycleway/footpath broadly parallel to Field Lane would encourage

crime and anti-social behaviour. Whilst crime should be designed-out where reasonably possible this often conflicts with the benefits of open access. The route through the buffer zone would provide an attractive and quiet alternative route through the campus for pedestrians and cyclists. It would also support public health and sustainable transport objectives. Whilst the route is unlikely to be well used at night it is likely to be a popular choice for many students during daylight hours. It is also likely to be well used by non-students and commuters travelling through the local area. Public access by the community to the landscaped buffer has been, and continues to be, promoted by the university as one of the benefits of the new campus. Furthermore the pedestrian/cycle route encourages sustainable transport, which is a policy of both the university and the council. Whilst the pedestrian/cycle route would create some security issues, in the council's view none is sufficient to justify deleting the route from the campus proposals. The route is intended to be for recreational use only. Other alternative, well-lit and easily-visible pedestrian and cycle routes would also be available.

Construction Impact

4.35 Excavating the Western Lake and re-profiling the ground levels could, if unrestricted, cause significant nuisance to local residents, especially due to noise. The applicant intends to minimise noise nuisance by carrying out most of the excavating and earth moving during the Lord Deramore School's summer holiday. Irrespective of the programmed construction period the contractor will be required to comply with the noise restrictions imposed by Condition 21 of the outline consent. Furthermore, Condition 14 of the outline consent requires the university to submit the campus-wide CEMP for approval. It has been submitted to the council and is acceptable. It will be formally approved by officers shortly. The plan includes measures to minimise and mitigate construction impacts of the development, including the landscaping. All contractors appointed to undertake construction work on the new campus would be required to work within the constraints imposed by the plan. One of the requirements is that contractors' staff are required to park their vehicles within the 132-space car park to be constructed near the main access from Field Lane. This should ensure that the residential properties fronting Field Lane would not be affected by such parking, which remains a concern of local residents. Other requirements of the CEMP relate to issues such as noise, contamination, air quality, ecology, protection of existing services and site management.

5.0 CONCLUSION

5.1 The application is for a large part of the landscaped setting of the new campus. The proposal conforms with policies of the draft local plan particularly ED9 (New campus at Heslington East). The proposal also conforms with the outline consent for the campus granted by the Secretary of State and with the emerging masterplan. The works will provide an attractive setting for the western section of the campus and mitigate to a large extent the visual impact of the campus development. Drainage works are at a relatively-early stage of design but sufficient information has been provided to enable the details to be dealt with by condition. Members will be updated on the landscape proposals at the meeting.

6.0 RECOMMENDATION: Approve

1. The development hereby permitted shall be carried out only in accordance with the approved plans numbered or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans. *[Revised plans awaited. Plan list to be tabled at the meeting]*

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

2 Within one month of commencement of development full details of the landscape proposals at a scale of 1:500 showing levels, hard and soft materials, planting, drainage layout, walls, external lighting, seating, gates and any other fixed artifacts, shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of the development.

3 Within one month of commencement of development large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details:

- a. Weirs
- b. Informal path/boardwalk
- c. Wall(s) in the vicinity of the western access to the site
- d. Boundary walls/fencing
- e. Street furniture
- f. Drainage ditches

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of the development.

4 Prior to first occupation of the new Goodricke College, details of the recreational cycleway/footpath between the main access into the campus from Deramore Drive and Field Lane at Heslington village shall be submitted, approved, implemented and the cycleway/footpath made available for use to the satisfaction of the local planning authority.

Reason: In the interests of sustainable transport and the amenity of the parkland setting.

[Revised list of conditions to be tabled at the meeting]

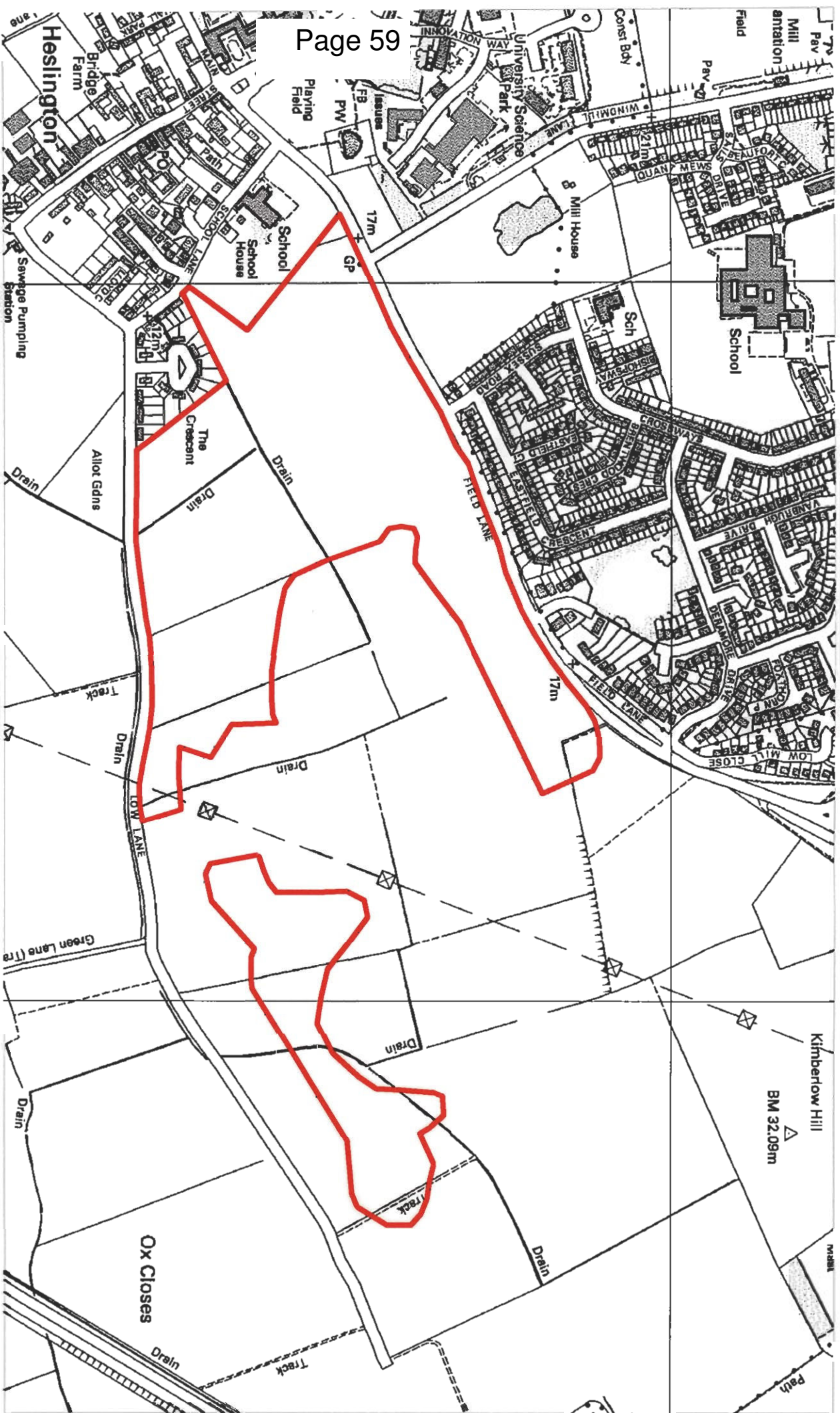
7.0 INFORMATIVES:

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HESLINGTON EAST CAMPUS - WESTERN LANDSCAPE - 08/01136/REMM

SCALE 1:7000
 DRAWN BY: PSL
 DATE 15/07/2008
 Originals Group
 Drawing No: 0801136



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COMMITTEE REPORT

Committee: Planning Committee **Ward:** Heworth
Date: 24 July 2008 **Parish:** Heworth Planning Panel

Reference: 08/01225/FUL
Application at: Council Depot Foss Islands Road York YO31 7UL
For: Removal of Condition 11, restricting minimum size of retail unit to 929 sq m (reference to 06/00338/GRG3)
By: Keyland Gregory (Retail) Limited
Application Type: Full Application
Target Date: 8 July 2008

1.0 PROPOSAL

1.1 This application is submitted in accordance with Section 73 of the Town and Country Planning Act 1990. It seeks to remove condition 11 of planning permission 06/00338/GRG3 (which varied 03/00737/GRG4) for Foss Islands Retail Park.

1.2 Condition 11 of the 06/00338/GRG3 approval requires the floor area of the units to be no less than 929sq.m net. It also restricts the subdivision of units without prior written consent of the Local Planning Authority. The stated reason for the condition was to ensure that smaller units do not trade from the site which could have a detrimental impact on the vitality and viability of York City Centre.

1.3 According to the applicant's agent, the reason for the proposed removal of condition 11 is because in marketing the scheme, there are retailers who require this size of footplate, but do not require the additional mezzanine space within these units.

1.4 It has been confirmed that the footprints of units would remain as shown on the approved plans for the scheme, although as different retailer requirements emerge, there may be some need for variation, such as changes to the mezzanine floorspace within the overall limits of the planning permission.

1.5 The footplate sizes (gross in all cases) proposed are as follows:

Unit 1	1,393sq.m (15,000sq.ft)
Unit 2a	697sq.m (7,500sq.ft)
Unit 2b	697sq.m (7,500sq.ft)
Unit 3	929sq.m (10,000sq.ft)
Unit 4	3,251sq.m (35,000sq.ft) and 706sq.m (7,600sq ft) garden centre

PLANNING HISTORY

1.6 In November 1999, an outline application was submitted which sought permission for a non food retail park development on a site falling generally within the site of the current planning application but including additional land to the south and excluding certain parcels to the north. At the 2nd March 2000 Planning and Transport Committee, Members resolved to approve the application subject to the

referral of the application to the Secretary of State and subject to the signing of a Section 106 Agreement.

1.7 On 28 September 2000, Members approved a revision to the scheme, which involved the resiting of the restaurant and associated car parking. The application (comprising the revision) was referred to the Secretary of State who confirmed that the application would be left to the determination of the Local Planning Authority. Negotiations relating to the Section 106 Agreement proceeded but were not completed due to the nature of the scheme and the precise site area changing over time.

1.8 The outline planning permission was issued on 9th December 2004 following referral of the application to the Government Office for Yorkshire and Humber and the completion of a Section 106 Agreement. The outline application, which included details of the siting and means of access for consideration at that stage established the principle of the development and set limitations on the amount of food and non food retail floorspace, as follows:-

- i. Non-food retail units with a footprint of 6,970 sq m (75,000 sq ft) and gross floorspace of 10,220 sq m (110,00 sq ft);
- ii. A foodstore of 6,718 sq m (82,000 sq ft) for occupation by Morrison Supermarkets, to include a petrol filling station;
- iii. A restaurant of 372 sq m (4,000 sq ft); and
- iv Relocation of Kwik Fit 643 sq m (6,830 sq ft).

1.9 That outline permission was then amended by planning permission 04/04420/GRG4 dated 24th February 2004. This was also a Section 73 application and was sought in order to allow the redevelopment of the site in phases and introduced a phasing condition to allow for this. A number of the other conditions were also amended. A further outline permission was then issued on 2nd September 2005 which further varied condition 4 (non-food sales floorspace be limited) of 04/04420/GRG4

1.10 A reserved matters application was submitted in December 2004 (04/04381/REM) illustrating the same layout and footprint as that indicated at the time of the outline application, but also including details of the cycle, bus and pedestrian route onto and through the site from Foss Islands Road to the James Street Link Road.

1.11 In 2006 an application to vary the details of the reserved matters application 04/04381/REM (planning ref. no. 06/00338/GRG3) was approved by members. The approved changes were as followings:

- i. alterations to the elevations of the Morrisons supermarket;
- ii. incorporation of Homebase to operate from one of the units in the non-food retail park area. This involved the introduction of a garden centre and consequently required a revised footprint in order to accommodate Homebase's trading requirements;

iii. a reduction in the size of the petrol filling station canopy and a reconfiguration of the general layout of the area around the petrol filling station; and

iv minor alterations to the car park layout.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

Contaminated Land

City Boundary York City Boundary 0001

DC Area Teams Multiple (Spatial)

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

Listed Buildings Grade 2; Chimney At Works Depot Foss Islands Road 0024

2.2 Policies:

CYS2

Out of centre retail warehouse criteria

3.0 CONSULTATIONS

INTERNAL.

3.1 CITY DEVELOPMENT

The applicant has indicated that the floorspace of individual units may vary from those approved, but within the overall limits of the planning consent (10,220sq.m gross). The development is still subject to strict control afforded by the remaining planning conditions over the main range of goods, and the scale of the ancillary goods, to be sold on site. In this context it is considered that the removal of condition 11 would not result in the Foss Islands Road scheme undermining the vitality and viability of the City Centre. Hence no objections were raised.

3.2 It is essential that no relaxation over the range of goods/ancillary goods condition is allowed, to ensure that the scheme does not become a separate high street destination in direction competition with the city centre.

3.3 HIGHWAY NETWORK MANAGEMENT

No objections.

EXTERNAL.

3.4 HEWORTH PLANNING PANEL

No response received to date.

3.5 SITE NOTICE PUBLICITY

No response received.

4.0 APPRAISAL

4.1 Section 73 of the 1990 Town and Country Planning Act provides for applications for planning permission without complying with conditions previously imposed on a planning permission. The Local Planning Authority can grant such permissions unconditionally or subject to different conditions, or they can refuse the application if they decide the original conditions should continue in the same form or that any changes will be materially harmful or have policy connotations. The proposal here is to remove condition 11 of the original approval, and if approved, a completely new decision notice would be issued.

4.2 The key issue is whether the proposed removal of condition 11 would undermine the vitality and viability of the existing centres in York.

4.3 Planning Policy Statement no.6 (PPS 6) "Planning for Town Centres" (2005) sets out the Central Government's key objective for town centres, which is to promote their vitality and viability. Chapter 3 of PPS6 sets out the considerations which should be taken into account by local planning authorities in determining planning applications for all proposals relating to main town centre uses for:

- i. new development;
- ii. redevelopment of existing facilities;
- iii. extensions to existing facilities;
- iv. change of use involving development;
- v. renewal of extant planning permission; and
- vi. application to vary or remove existing planning conditions, which would have the effect of creating additional floorspace or changing the range of goods sold, thereby changing the scale and/or character of the development.

4.4 This application relates to criterion vi above. Nevertheless, the proposed removal of condition 11 would not result in the creation of additional floorspace and would not change the range of goods being sold on site. As such, it is satisfied that the 5 tests set out in chapter 3 of PPS6 are not required to be demonstrated by the applicant. The 5 tests are: a) assessing the need for development, b) securing the appropriate scale of development, c) applying the sequential approach to site selection, d) assessing impact on existing centres, and e) ensuring locations are accessible.

4.5 PPS6 also advocates the use of planning conditions to ensure that the character of a development cannot subsequently be changed to create a form of development that the local planning authority would originally have refused.

4.6 The conditions attached to the original application (03/00737/GRG4) and the subsequent variation of condition application (06/00338/GRG3) reflect the policy position taken by the City of York Local Plan. The strategic purpose of the Local Plan, in retail terms, is to maintain and enhance the vitality and viability of, and the range of shopping provision in, York's City Centre, District Centres and neighbourhood shopping parades. To ensure that retail development outside the city centre does not develop into a competing major comparison goods centre, draft policy S2 seeks to control both the scale (in terms of minimum sales floorspace) and range of goods sold from out-of-centre sites, where appropriate.

4.7 It is noted that in determining the current outline consent (03/00737/GRG4), an agreement was reached over the range of goods to be sold, in line with the approach advocated by Policy S2 of the draft Local Plan. Conditions were subsequently imposed on the 06/00338/GRG3 variation of condition application in order to minimise the impact of comparison goods sold at these stores competing with York City Centre retail outlets selling the same goods, and to make certain that the development would not subsequently change its character.

4.8 Given the strict control over the main range of goods, and scale of ancillary goods, to be sold from the site, it is considered that the vitality and viability of the city centre would not be detrimentally harmed by virtue of the proposed removal of planning condition no.11.

4.9 As mentioned in paragraph 4.1 above, the aim of this application is to remove condition 11 of the original approval only. Therefore, if approved, a completely new decision notice would be issued with all conditions included (except condition 11 and all other conditions which have been discharged). Thus the proposed removal of condition 11 would not result in a relaxation of the range of goods sold. In addition it would not create a situation where the Foss Islands site would be in direct competition with the City Centre by becoming a major comparison goods centre or a separate 'high street' destination.

5.0 CONCLUSION

By virtue of the strict control afforded by the remaining conditions over the main range of goods, and the scale of ancillary goods, to be sold from the site, it is considered that the removal of condition 11 of 06/00228/GRG3 would not result in the Foss Islands scheme undermining the vitality and viability of the City Centre. Hence, subject to:

- a) Amendment of the S. 106 Agreement to refer to this variation application; and
- b) Imposition of the conditions as listed below,

this application is recommended for approval.

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 The development shall not be carried out otherwise than in complete accordance with the plans as originally submitted with planning application reference no.: 06/00338/GRG3 and later amended by the revised drawings listed below and

received on the date indicated, or as may otherwise be agreed in writing with the local planning authority.

Flood risk assessment received 9th February 2006

Dwg No. 221 B (Harris) Simplified site layout received 9th February 2006

Dwg No. H/06 P1 (White Young Green) Foss Islands Road junction details received 9th February 2006.

Reason: To achieve an acceptable form of development.

2 Note: Conditions 2 to 4 relate to the food retail element of the scheme;

The amount of comparison goods sales floorspace should be limited to no more than 15% of the net floorspace granted permission for construction of the agreed foodstore.

N.B: The current scheme proposes 3,721 sqm (net) with 558 sqm of comparison goods. This equates to 15%, the remainder being for the sale of convenience goods.

Reason: To minimise the impact of comparison goods sold at the store competing with York City Centre retail outlets selling the same goods.

3 The installation of a mezzanine floor other than for ancillary offices, staff facilities and storage, shall not be permitted unless otherwise agreed in writing by the Local Planning Authority.

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

4 The net retail floorspace shall not exceed 3,721 square metres without prior written approval from the Local Planning Authority.

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

5 Note: Conditions 5 to 8 relate to the non-food retail element of the scheme:

The following range of goods shall not be sold unless ancillary to the main range of goods:

- Clothing and Footwear
- Accessories
- Watches and Jewellery
- Music and Video recordings and Video and CD Rom
- Camera and Photographic equipment
- TV/Video/DVD and Hi-Fi equipment
- Toys
- Pharmaceutical goods
- Books/Magazines

- Leisure and Luxury goods (e.g. handbags, luggage, china, glass goods and cutlery)
- Any use falling within Class A2 of the Use Classes Order

Reason: To minimise the impact of comparison goods sold at these stores competing with York City Centre retail outlets selling the same goods.

6 No more than 50% of the net sales area in any unit selling sports goods shall be used for the sale or display of clothing or footwear.

Reason: To minimise the impact of comparison goods sold at these stores competing with York City Centre retail outlets selling the same goods.

NOTE: This replaces the previous condition which said ' No more than 50% of the net sales area in units selling sports goods, shall be used for the sale or display of clothing and footwear'.

7 The amount of sales floorspace used for the sale and display of those goods restricted in condition 5 in any unit will not exceed 15% of the total net floorspace within that unit.

Reason: To minimise the impact of comparison goods sold at these stores competing with York City Centre retail outlets selling the same goods.

8 Additional mezzanine floors beyond those explicitly referred to in the original planning permission and allowing a maximum gross floorspace for the non-food units of 10220sqm excluding, for the avoidance of doubt, the foodstore, the restaurant and motorist repair centre will not be permitted unless agreed in writing with the Local Planning Authority. The garden centre shown on the southern elevation of unit 4 is considered part of the floorspace of unit 4 and shall not be occupied as a separate unit and is considered, for the purposes of this application, to be part of the 10220sqm gross non food unit floorspace.

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

9 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which takes account of the loss of existing habitats, which mitigates against the losses incurred and which ensures the provision of a green corridor through the site. The landscaping scheme shall illustrate the number, species, height and position of trees and shrubs to be removed and to be planted and shall include details of soil amelioration and cultivation techniques, site preparation, ground levels and timing of works. This scheme shall be implemented within a period of six months of the completion of phase 2 of the development unless otherwise agreed in writing by the local planning authority, and apart from where such implementation would prevent the reasonable access to operating businesses on any subsequent phase of the development, and for which a variation of the requirement for implementation has been 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.

10 A landscape and ecology management plan including management responsibilities and maintenance schedules for the 'green corridor' and all other landscaped areas shall be submitted to and approved in writing by the Local Planning Authority prior to phase 2 of the development being brought into use and shall be adhered to throughout the lifetime of the development.

Reason.

To ensure the future management, health and vitality of the landscaped and ecological areas throughout the lifetime of the development.

11 Details of all means of enclosure to each phase of development within the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before that phase of development commences and shall be provided before that phase of development is occupied.

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

12 The permission hereby granted for the use of the restaurant for the purpose contained within Class A3 of Part A of the schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005) or as in any further amended order, specifically excludes the use of the restaurant for the sale of hot food or drink for consumption off the premises.

Reason: The use of the restaurant for the sale of hot food or drink for consumption off the premises is likely to be detrimental to the amenities of nearby residents and/or detrimental to highway safety.

13 A detailed scheme for each phase of the development to control the noise of deliveries to and from the use hereby permitted within that phase shall be agreed in writing by the Local Planning Authority prior to the use of that particular phase commencing. This scheme shall include measures to control noise from reversing vehicles and noise from the unloading/loading of vehicles. The hours during which deliveries will be permitted shall also be included. The approved scheme shall thereafter be complied with at all times, unless a variation of the scheme is first agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of local residents

14 Details of the proposed hours of use for the development shall be submitted to the local planning authority for written approval prior to the first use commencing. The use hereby permitted shall be confined to the hours approved.

Reason: To safeguard the amenities of local residents.

15 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible outside of the site boundary when in use, shall be submitted to the local planning authority for approval. These details shall include maximum ($L_{Amax(f)}$) 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 safeguard the amenities of local residents

16 In relation to any restaurant use within any building within the site and any cooking carried out within the supermarket use hereby permitted there shall be adequate facilities for the treatment and extraction of fumes so that there is no adverse impact on the amenities of local residents by reason of fumes, odour or noise. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for approval. Once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To safeguard the amenities of local residents.

17 A risk-based remedial strategy for each phase shall be developed based on the findings of the site investigation. The remedial strategy for each phase shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development of the particular phase commencing on site.

Reason: In the interests of the safe and proper development of the site.

18 A validation report for each phase shall be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development of that particular phase commencing on site.

Reason: In the interests of the safe and proper development of the site.

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

Reason: In the interests of the safe and proper development of the site.

20 A timetable of proposed remedial works for each phase of development shall be submitted to the local planning authority prior to any works on that particular phase being undertaken on the site.

Reason: In the interests of the safe and proper development of the site.

21 Floor levels shall be set at least to the minimum agreed level of 10.30 metres above Ordnance Datum.

Reason: To protect the development from flooding.

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

Reason: In the interests of satisfactory and sustainable drainage.

23 Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

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

24 Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within a twelve metre easement strip centred over the line of Tang Hall Culvert which crosses the site.

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

25 Notwithstanding the submitted plans, full details of the proposed alignment and extent of the diversion of the Tang Hall culvert shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposals take into account the works to the culvert associated with the construction of the James Street Link Road.

26 Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located within a thirteen metre easement strip centred over the Foss Islands High Level Culvert which crosses the site.

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

27 Vehicular access shall be provided at all times to the existing chamber and control building compound on the Foss Islands High Level Culvert.

Reason: To enable access to this flood control installation.

28 Prior to the commencement of the development hereby approved, a CCTV survey of the Tang Hall Beck overflow culvert shall be undertaken and a remedial strategy shall be developed based upon the findings of this survey. The results of the survey and the remedial strategy shall be submitted to and approved in writing by

the Local Planning Authority prior to any development commencing on site

Reason: To ensure that the Tang Hall Beck overflow culvert continues to function satisfactorily.

29 Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located within a six metre easement strip centred over the Tang Hall Beck Culvert which crosses the site.

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

30 For all manholes on the culverts, provision shall be made for machine access and the surrounding areas shall be constructed to adequately support plant and machinery, which may be required to deal with blockages and other maintenance requirements.

Reason: To enable the culverts to be maintained to minimise the risk of blockages occurring.

31 Prior to the commencement of each phase of the development hereby approved, details shall be submitted showing the routes of all culverts affected by that phase shall be confirmed and located on the topographic survey.

Reason: To ensure that easement strips are correctly located.

32 During the construction phase of each phase of the proposed development, 24 hour access to the inlet screens on the culverts within that phase shall be maintained.

Reason: In the interests of maintenance and flood prevention.

33 Prior to commencement of the use of each phase of the development, details shall be submitted and agreed in writing by the Local Planning Authority, of the car park signing necessary as a consequence of that phase of the development. Such signing shall be provided to coincide with the opening of the car parking of each phase.

Reason: In the interests of highway safety.

34 Prior to each phase of the development coming into use, full details of the proposed CCTV facilities within that phase shall be submitted to and approved in writing by the LPA, and prior to commencement of work on any phase, details of the lighting for the car park and cycle route shall be submitted to and approved in writing by the LPA.

Reason: In the interests of safety and visual amenity.

35 Prior to commencement of each phase of the development, a dilapidation survey for that part of the site affected shall be jointly undertaken with Officers of the

Council, the results of which shall be agreed in writing with the Local Planning Authority.

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

36 The initial 10m of the access, measured from the nearside highway boundary, shall not exceed a gradient of 1 in 20 (5%). Elsewhere within the site the gradient of pedestrian and vehicular areas shall not exceed 1 in 12 (8.3%).

Reason: To ensure vehicles safely approach and enter the public highway and that the site is accessible to people with disabilities.

37 Each phase of the development shall not come into use until all existing vehicular crossings affected by that phase not shown as being retained on the approved plans have been removed by reinstating the kerbing, footway and verge to match adjacent levels.

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

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

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

39 Prior to each phase of the development coming into use the sight lines shown on the approved plans shall be provided free of all obstructions which exceed the height of the adjacent carriageway by more than 1.0m and shall thereafter be so maintained.

Reason: In the interests of road safety.

40 Prior to each phase of the development coming into use, provision shall be made within the site for accommodation of delivery/service vehicles in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

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

41 A safety audit (stages 2 and 3) carried out in accordance with the advice set out in the design manual for roads and bridges HD 19/94 and guidance issued by the Council, shall be submitted for each phase the site access(es) and all off-site works for that phase, as specified, in the transport assessment.

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

42 All lighting shall be positioned and angled to prevent glare, reflection or distraction to highway users and the illumination shall comply with the recommendations of the Institution of Lighting Engineers Technical Report No. 5.

Reason: In the interests of road safety.

43 The operation and management of all the car park on each phase of the development shall be undertaken in accordance with a car park management scheme for that phase, which shall be submitted to and approved in writing by the LPA prior to that phase of the development being brought into use. The scheme shall specify that parking is limited to a maximum of 2 hours and shall not be revised without the prior approval of the LPA.

Reason: To ensure that the car park management is in accordance with Council policy to control long stay parking.

44 Unless otherwise agreed in writing by the Local Planning Authority, the landscaping scheme for the green corridor to which condition 9 refers shall be implemented within a period of six months of the completion of phase two of the development and all cycle/pedestrian routes shall be available for use prior to the first use of phase two.

Reason. To achieve an acceptable form of development.

45 Prior to the commencement of phase two, details of any temporary arrangements which may be required for the provision of the cycle / pedestrian route across the access to the operating premises in phase three of the development, shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and shall be implemented to ensure the cycle/pedestrian route is available prior to the first use of phase two.

Reason. To achieve an acceptable form of development.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the vitality and viability of existing centres. As such the proposal complies with Policies E2 and Y1 of the Yorkshire and Humber Regional Spatial Strategy to 2026 (2008) and Policy S2 of the City of York Local Plan Deposit Draft.

2. In preparing the plans and details required in order to discharge the details required by condition 9, the developer is encouraged to liaise with YNET. The Local Planning Authority will co-ordinate these discussions and ensure YNET's involvement on this issue.

3. You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed under Section 278 of the Highways Act 1980 (Highway Works).

4. 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:

A. 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".

B. 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.

C. 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.

D. 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.

E. Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.

F. There shall be no bonfires on the site.

5. The remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).

6. Additional mezzanines floors within the non food element of the scheme will be encouraged should this result in a significant reduction in the footprint of the building.

7. You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

Contact details:

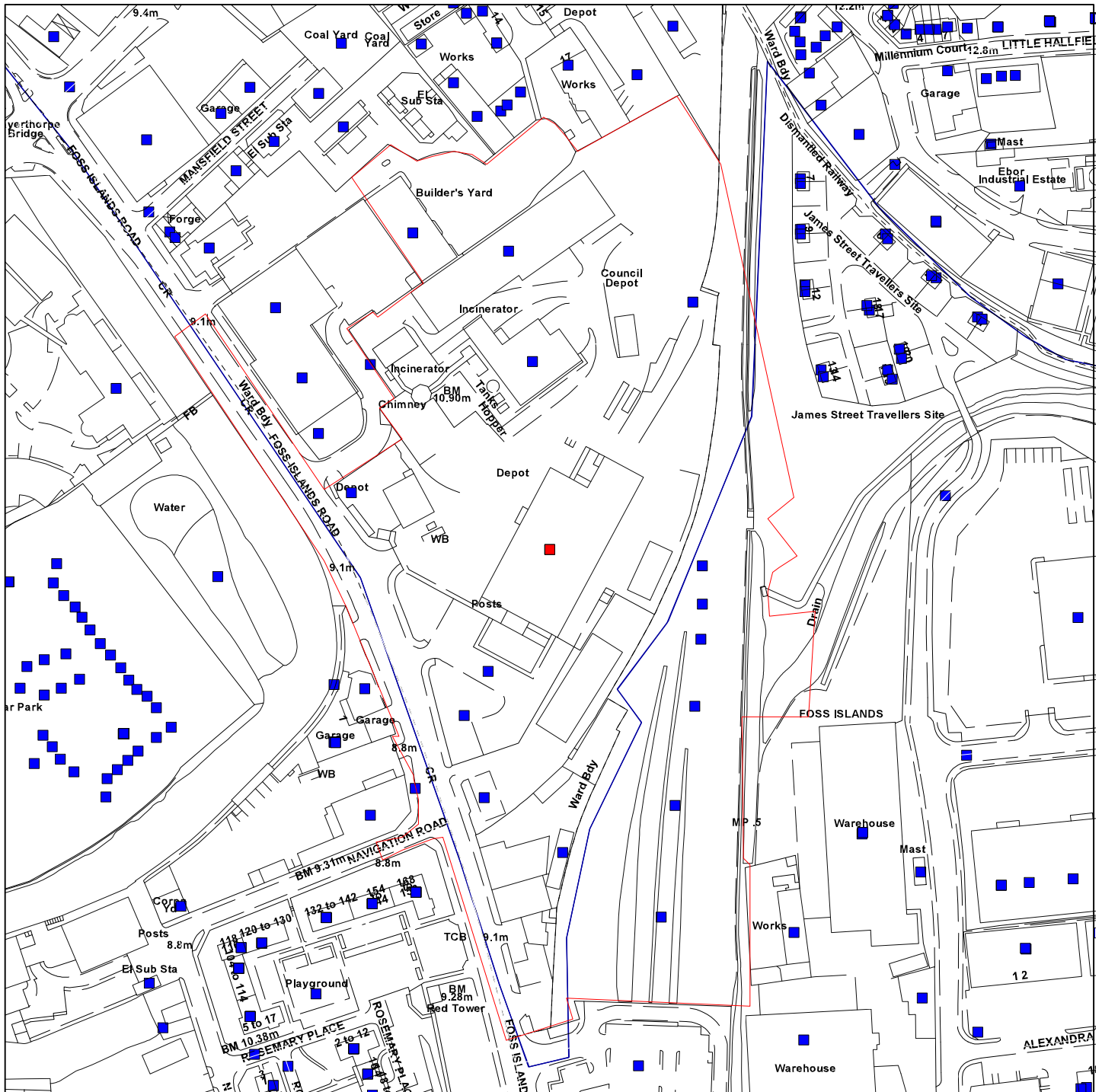
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GIS by ESRI (UK)



Scale : 1:2500

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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	15 July 2008
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