



Notice of meeting of

Planning Committee

- To:** Councillors R Watson (Chair), Crisp, D'Agorne, Firth, Funnell, Galvin, Horton, Hudson, Jamieson-Ball, Moore, Pierce, Potter, Reid, Simpson-Laing, Vassie and Wiseman
- Date:** Thursday, 23 October 2008
- Time:** 4.30 pm
- Venue:** The Guildhall, York

AGENDA

The Site Visits will commence at 12:30pm on Wednesday 22 October 2008 at Memorial Gardens.

1. **Declarations of Interest**

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

2. **Minutes** (Pages 5 - 14)

To approve and sign the minutes of the last meeting of the Planning Committee held on 2 October 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) Works (Vacant) Carmelite Street, York (08/01906/FULM) (Pages 15 - 40)

Six storey office building with plant room above, basement parking and landscaping. [Guildhall Ward] **[Site Visit]**

b) Land Lying to the South of York Designer Outlet, St Nicholas Avenue, York (07/01786/FULM) (Pages 41 - 60)

Erection of Class A1 Garden Centre and ancillary food hall and restaurant, including outdoor display areas, car parking and landscaping (resubmission). [Fulford Ward] **[Site Visit]**

5. Skelton Village Design Statement for Approval as an Interim Planning Statement (Pages 61 - 98)

This report presents a summary of the responses received following consultation on the Skelton Village Design Statement. As a result of the consultation a number of amendments are proposed and the Committee are requested to approve the document as an Interim Planning Statement to the draft local Plan (as amended).

This document would then become a material planning consideration when considering planning applications for development in Skelton.

6. 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:

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

Contact details are set out above.

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PLANNING COMMITTEE**SITE VISITS****Wednesday 22 October 2008**

TIME (Approx)	SITE	ITEM
12.30pm	Bus leaves Memorial Gardens	
12.45pm	Dobbies Garden Centre Site, Designer Outlet, Fulford 07/01786/FULM	4 b
13.25pm	Carmelite Street, York 08/01906/FULM	4 a

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- Review existing policies and assist in the development of new ones, as necessary; and
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City of York Council

Committee Minutes

MEETING	PLANNING COMMITTEE
DATE	2 OCTOBER 2008
PRESENT	COUNCILLORS R WATSON (CHAIR), CRISP, D'AGORNE, FIRTH, GALVIN, HORTON, HUDSON, KING (AS SUBSTITUTE FOR FUNNELL), MOORE, MORLEY (AS SUBSTITUTE FOR JAMIESON-BALL), PIERCE, POTTER, REID, SIMPSON-LAING, VASSIE AND WISEMAN
APOLOGIES	COUNCILLORS FUNNELL AND JAMIESON-BALL

1. INSPECTION OF SITES

The following site was inspected before the meeting:

Site	Reason for Visit	Members Attended
Grays Newsagent Ltd, Navigation Road, York (08/01780/FULM)	As objections to the application had been received from local residents.	Councillors R Watson, Crisp, Firth, Horton, Hudson, Pierce, Potter and Wiseman.

2. 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.

Councillor Pierce declared a personal prejudicial interest in agenda item 4a (Grays Newsagent Ltd, Navigation Road, York) as a governor of York St John University. He addressed the Committee from the floor, under the provisions of the Members' Code of Conduct, and then withdrew from the Chamber, taking no further part in the discussion or decision on the item.

Councillor Pierce declared a personal non-prejudicial interest in agenda item 4b (Proposed University Campus Lying Between Field Lane, Common Lane, A64 Trunk Road and Hull Road York) as a City of York Council representative on the Heslington East Community Forum, and a former teacher and student at the University.

Councillor Morley declared a personal non-prejudicial interest in agenda item 4b (Proposed University Campus Lying Between Field Lane, Common Lane, A64 Trunk Road and Hull Road York) as a City of York Council representative on the Heslington East Community Forum.

Councillor D'Agorne declared a personal non-prejudicial interest in agenda item 5 (Fulford Village Conservation Area Appraisal – Results of Consultation and Proposed Final Draft) as he had pressed for a review of the conservation area boundary as a Fishergate Ward Councillor.

3. MINUTES

RESOLVED: That the minutes of the meetings held on 29 May 2008 and 28 August 2008 be approved and signed by the Chair as a correct record.

4. 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.

5. 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.

**5a Grays Newsagents Ltd, Navigation Road, York YO1 9UN
(08/01780/FULM)**

Members considered a major full application, submitted by Mr Chris Hale, for the erection of student accommodation comprising 232 bedrooms and associated facilities in a part five/part seven storey building (with rooms in the roof) and a three storey building, and also a new sub-station, bin storage, cycle parking and landscaping.

An update was circulated by the case officer covering the following:

- Six additional conditions requested by Yorkshire Water and their observations on the application;
- Amendments to paragraphs 4.3.2 and 4.3.3 of the report and condition 7;
- Additional information submitted by the applicant relating to concerns from objectors about crime and disorder;
- Additional information submitted by the applicant to address concerns raised by the Council's City Development section;
- An amendment to condition 9;
- An update that parts (a) and (b) of condition 14 had been addressed;
- An amendment to condition 21;
- An amendment to condition 27;
- An amendment to condition 28, resulting in two separate conditions in its place;
- An additional condition to control the use of the building;
- An amendment to informative 4.

A further update to the additional condition to control the use of the building was recommended by officers, to replace the words, "occupied in perpetuity", with, "let to or hired by and occupied".

Representations were received in objection to the application, on behalf of the Rowntree Wharf Residents' Association, and in support of the application, on behalf of the applicant. Representations were also

received from Councillor Roger Pierce, in support of the application. Drawings showing the elevation along Navigation Road and the relationship with Rowntree Wharf were circulated by the applicant's agent.

Members requested an amendment to condition 13 to remove the references to soakaways.

Some Members expressed concern regarding the lack of on site parking and some Members suggested that the green area on the corner of the site should be made available for public use and the Wormalds Cut area enhanced.

RESOLVED: That the application be approved, subject to the conditions listed in the report, with the following amended and additional conditions and informatives:¹

Amended Condition 7

Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 26.30m at the highest section and 19.50m to the ridge (notional roof plane intersections) of the long wing and 18.90 m to the ridge of the short wing, as measured from ground floor FFL (10.58 AOD). 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.

Amended Condition 9

The development shall proceed in accordance with the approved Flood Risk Assessment incorporating the accepted mitigation measures into the construction of the development. Finished floor levels of all habitable accommodation should be set no lower than 10.58m AOD. Flood water should be able to enter the undercroft area unrestricted.

Reason: To minimise the impacts of flooding.

Amended Condition 13

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

Reason: To prevent pollution of the water environment.

Informative: Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

There should be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters. To prevent pollution of the water environment see Agency website link for guidance: http://www.environmentagency.gov.uk/business/444251/444731/ppg/_version_1_lang__e

Amended Condition 21

The development hereby approved shall thereafter be occupied in accordance with the Traffic Management Plan (dated July 2008) which makes provision for the waiting, loading, unloading and routing of all vehicles visiting the site, particularly at the commencement and conclusion of each academic term, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the safe flow of traffic.

Amended Condition 27

Prior to the commencement of the development, the developer shall submit for the written approval of the Local Planning Authority a preliminary BREEAM Design and Procurement stage assessment for the development. This shall indicate that a minimum "Very Good" rating will be achieved under the appropriate code. This shall be followed by the submission of a BREEAM Post Construction Review, and a BREEAM Certificate for this review shall then be submitted to the Local Planning Authority after completion and before first occupation of the building. Both assessments shall confirm the minimum "Very Good" rating indicated in the preliminary BREEAM Design

and Procurement assessment submitted with the application.

Reason: To ensure that the proposal complies with the principles of sustainable development.

Informative: Under circumstance the code for sustainable homes is the normal requirement under the IPS, however due to the nature of this development a formal bream assessment (Multi-Residential) is required due to the residential and communal aspects of the project.

Amended Condition 28 (resulting in two separate conditions)

Prior to the commencement of development full details of the following shall be submitted to and approved by the local planning authority (i) measures to reduce energy demand for the buildings, (ii) measures to reduce CO² emissions to a level lower than required under Building Regulations Part L.

Reason: To ensure the development complies with the principles of sustainable development.

No building work shall take place until details have been submitted to and approved in writing by the local planning authority, to demonstrate how the development will provide from on site renewable sources, 10% of the development's total energy demand. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of sustainable development.

Additional Condition (to control the use of the building)

The development hereby approved shall be let to or hired by and occupied by students enrolled in full time further or higher education at an educational establishment within the City of York administrative boundary.

Reason: In order to comply with Policy ED10 of the City of York Draft Local Plan, and in order that the Council can retain control over the future occupancy of the development in the event of it any part of it being sold or rented on the open market.

Additional Condition (requested by Yorkshire Water)

Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the sewer, which crosses the site.

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

Additional Condition (requested by Yorkshire Water)

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

Reason: In the interest of satisfactory and sustainable drainage.

Additional Condition (requested by Yorkshire Water)

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the Local Planning Authority before development commences.

Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

Additional Condition (requested by Yorkshire Water)

No development shall take place until details of the proposed means of disposal of foul water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the development can be properly drained.

Additional Condition (requested by Yorkshire Water)

Unless otherwise agreed in writing by the Local Planning Authority, no buildings shall be occupied or brought into use prior to the completion of the approved foul drainage works.

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

Additional Condition (requested by Yorkshire Water)

Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage should not be passed through any interceptor.

Reason: In the interest of satisfactory drainage.

Amended Informative 4

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

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

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:

Principle of the development;
Design issues - impact on character and appearance of conservation area;
Impact on local residents;
Sustainability;
Highway and parking issues
Flood Risk;
Affordable housing/occupancy; and
Other issues.

As such the proposal complies with relevant policies indicated in section 4.2 of this report concerning the Yorkshire and the Humber Regional Spatial Strategy 2008, National Planning Guidance and Statements and Local Plan Policies GP1, GP4a, GP6 GP9, GP15a, NE1, E3b, ED5, ED10, HE2, HE3, HE10, T16 and T4 of the City of York Local Plan Deposit Draft and the Council's Interim Planning Statement – Sustainable Design and Construction (2007) and the City of York's Strategic Flood Risk Assessment (2007).

Action Required

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

5b Proposed University Campus Lying Between Field Lane, Common Lane, A64 Trunk Road and Hull Road, York (08/01751/REMM)

Members considered a major reserved matters application, submitted by University of York, for the erection of a theatre, film and television building, following the previous approval of outline application 04/01700/OUT.

An update was circulated by the case officer covering the following:

- Comments from the applicant's agent in a letter dated 26 September 2008;
- Comments from the Students' Union in support of the application;
- Comments from the Council's Network Management section on highways matters;
- A revised list of proposed conditions;
- An extract from the Council's Interim Planning Statement on Sustainable Design and Construction;
- An update from the University on the Sustainable Energy Strategy.

The case officer reported that the applicant had agreed to accept the Council's proposed wording for condition 8 on the list of revised conditions.

Representations were received in support of the application, on behalf of the applicant. Artist's impressions of the proposed development were also circulated.

Members expressed disappointment that the requirement for 10% of the energy demand to be met from on site renewable sources had not been addressed in the application and highlighted the need for more concrete proposals to be included in this and future applications for the new campus. They also emphasised the need to avoid a piecemeal approach to meeting targets in the masterplan, such as those for renewable energy and density, and to bring forward strategies for dealing with these matters across the whole site at an early stage.

RESOLVED: That the application be deferred.¹

REASON: For details to be submitted to the Local Planning Authority to demonstrate how the development will provide 10% of its total energy demand from on site renewable sources.

Action Required

1. To bring back to Committee when the details requested have been submitted. SL

6. FULFORD VILLAGE CONSERVATION AREA APPRAISAL - RESULTS OF CONSULTATION AND PROPOSED FINAL DRAFT

Members received a report which presented the results of a public consultation exercise on the draft Fulford Village Conservation Area Appraisal, which included a boundary review. It recommended that, following minor revisions to the appraisal and to the boundary, the document be adopted.

The draft appraisal was attached as Annex F of the report, with the proposed amendments to the wording at Annex D and the proposed boundary changes at Annex C.

The report presented the following options for consideration:

- Option 1 – To approve the appraisal with the changes suggested in Annexes C & D;
- Option 2 – To approve the appraisal with further or fewer changes to those suggested in Annexes C & D;
- Option 3 – To not approve the appraisal and boundary review proposals.

Representations were received, on behalf of the Royal Masonic Benevolent Institution (RMBI), proposing an alternative boundary to the conservation area, which did not include all of the Connaught Court site. Photographs of the site were also circulated.

Members thanked officers for their work on the conservation area appraisal.

RESOLVED: That the extension of the Fulford Village Conservation Area, as proposed in Annex F and amended by Annexes C & D, be approved for planning purposes and designated as a conservation area.¹

REASON:

- (i) The document is a thorough analysis of the character and appearance of the conservation area and it has been prepared in accordance with current guidance from English Heritage. As a document it is clearly written and accessible to a wide range of users;
- (ii) The adoption of the document will assist with the formulation and determination of development proposals within the conservation area and adjacent to it;
- (iii) The consultation method and range accords with previous practice. There has been a high level of response to the consultation. Information and views of consultees have been carefully considered in the amendments proposed.

Action Required

1. To implement the use of the extended conservation area boundaries for planning purposes. SL

R WATSON, Chair

[The meeting started at 4.30 pm and finished at 6.35 pm].

COMMITTEE REPORT

Committee: Planning Committee **Ward:** Guildhall
Date: 23 October 2008 **Parish:** Guildhall Planning Panel

Reference: 08/01906/FULM
Application at: Works (Vacant) Carmelite Street York
For: Six storey office building with plant room above, basement parking and landscaping
By: Queens House Joint Venture
Application Type: Major Full Application (13 weeks)
Target Date: 27 October 2008

1.0 PROPOSAL

APPLICATION SITE

1.1 The application relates to a vacant, unkempt site between Carmelite Street and the Shambles multi-storey car park. The site is at the edge of the Hungate site, which has been granted outline permission for redevelopment and is currently being developed in phases. According to the approved masterplan the proposed building would front onto St John's Square, a public space and focal point at the centre of Hungate, across Carmelite Street would be a 4-6 storey (6-storey facing the application site) building of contemporary design, comprising of shops and business at ground floor level and residential above. To the southeast would be block F (5-6-storey residential building) and a 4-storey car park.

1.2 The site is outside the Central Historic Core Conservation Area which terminates at the River Foss and includes the land behind (to the west of) the telephone exchange building. The site is designated as an area at high risk of flooding and is included in the Hungate action area, where the local plan seeks to deliver 1 hectare of premier employment land and a mix of residential, retail, community, cultural and leisure uses.

PROPOSED DEVELOPMENT

1.3 The application proposes a 6-storey office building, with a basement car park and an associated 7-storey service tower to its southeast side. The 6th floor would be setback from the Carmelite Street elevation. The building would be of stone and brick (two tones) construction, with aluminium windows and a green roof.

PLANNING HISTORY

1.4 In 1992 permission was granted for offices on this site. The proposal comprised of a basement car park and 5 floors of offices, with a recessed 5th floor and plant within the hipped roof. The building was to be of brick, stone and slate roof, and a maximum of 17.6m high.

1.5 A scheme submitted in 2006 was withdrawn, which proposed a 5 storey building with offices at ground floor level and residential above. The planning department objected to the lack of office space proposed onsite.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

2.2 Policies:

CYSP9	Action Areas
CYGP1	Design
CYGP4A	Sustainability
CYGP15	Protection from flooding
CYHE2	Development in historic locations
CYT4	Cycle parking standards
CYT13A	Travel Plans and Contributions
CYT20	Planning agreements
CYHE10	Archaeology

3.0 CONSULTATIONS

INTERNAL

COUNCIL ARCHAEOLOGIST

3.1 The site was the subject of an archaeological evaluation by the York Archaeological Trust in 1991. A further archaeological evaluation was carried out by On-Site Archaeology in 2008. The evaluations have demonstrated that there are significant waterlogged archaeological deposits preserved on the site and that these are overlain by a significant depth of 18th, 19th and 20th century deposits. The waterlogged deposits include what is probably an early 14th century timber waterfront and associated land reclamations, and well-preserved late-medieval dumps of rubbish. The archaeological and environmental potential of these deposits is very high. Therefore, the preservation of these deposits is essential.

3.2 Well-preserved waterlogged deposits occur below 7.0m AOD. Therefore, the lowest formation level across the site must be 7.0m AOD. The submitted sections show no features that go below this level. Any excavations which subsequently arise and which penetrate below this level must be excavated archaeologically. All service connections should be at or above 7.0m AOD. These items can be covered by appropriate conditions.

3.3 The timber waterfront identified by the evaluation must be protected by a cordon sanitaire (barrier), 2m in width, centred on the timber revetment and extending the full length of the timber waterfront. Prior to development commencing, the evaluation trench in which the waterfront was observed should be re-excavated so that any deterioration in the condition of the timbers which has occurred since 1991 can be assessed. The first part can be covered by a condition(12), the second by standard condition for an excavation and analysis (ARCH1).

3.4 It will be necessary to establish a platform consisting of a membrane and hard core which will protect the archaeological deposits during piling works. It is advisable that the piling process is preceded by probing at the site of each pile so that any obstructions can be anticipated and the necessary plant to core or chisel through obstructions can be ordered in advance. This can be covered by a condition (11).

3.5 It will be necessary for a programme of groundwater monitoring to be implemented on this site before, during and after construction work. This will fit into a wider monitoring programme looking at this part of the Foss Valley. The programme is designed to assess the impact development has on groundwater levels and quality and the implications this has for the preservation of waterlogged archaeological deposits. This can be covered by a condition (14).

3.6 The applicant proposes the use of geothermal piles to provide at least 10% of the energy requirements of the building. The applicant must submit full details of the geothermal pile system prior to development commencing (13).

3.7 There will also need to be a watching brief funded by the developer on all groundworks. Any intrusions which go below 7m AOD and which for whatever reason it is impossible to keep above 7m AOD must be excavated archaeologically.

CITY DEVELOPMENT

3.8 The proposed development should be consistent with policy SP9 which identifies the desired development of the Hungate area. As the site lies within flood zone 3, where the risk of flooding is high, the development should pass the sequential test, as established in PPG25 and York's Strategic Flood Risk Assessment.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

3.9 The site is located immediately to the south east of the Telephone Exchange in an area excluded from the Hungate masterplan. The north east side of the site forms the south west boundary of St John's Square, which is proposed to be the major open space within Hungate. The square has been designed as a linear wedge-shaped space and the short side would be defined by the proposed building the subject of this application; as such this application will have a potentially high impact on the character, use and definition of the new space. Indicative massing for the Hungate masterplan area expects that the highest parts of new development will achieve six storeys around the majority of the perimeter of the central space and towards the Telephone Exchange; though a top floor set-back would be included and the storey heights would vary according to the indicative building sections which are designed to take a mix of commercial and residential development. Reserved matters applications have not been received for any of the urban blocks around the square; therefore, if approved, this proposed office block would begin to create the new square.

3.10 The scheme is proposed as a linear block of six floors of office development with a major entrance off St John's Square. The ground floor would be raised above street level to correspond to a datum set by the Environment Agency. A set-back is

shown on the top floor against Carmelite Street and a small amenity space has been provided to the southeast side of the block. Servicing would take place off Garden Place, which leads to the Shambles car park. Vertical circulation within the block would mainly be in the service tower towards the front of the building but within the block and adjacent to proposed new block F. The additional 5.5m of the tower above the generalised height of the building would contain plant.

3.11 The building respects its context in the following ways:

- the main elevation addresses St John's Square directly and to achieve this the footprint has been cranked, which also widens the pavement approaching the square.
- the top-floor set-back onto Carmelite Street would reduce effects of overshadowing, and limit overlooking onto proposed block G.
- materials are brick and reconstituted stone and these relate to the brick with stone dressings of the conservation area.
- the front elevation creates civic presence onto the square - it is mainly of reconstituted stone in a vertically proportioned framework with deep columns on the ground floor.
- viewpoints from strategic vantage points within the historic core have been assessed and the elevations have been articulated to address the principal views.
- plant has been grouped in the service tower. This allows the roofline to stay simple and the roof would receive a "living green" covering.
- the projected roof height on the main body of the building is within 10cm of the upper datum set for the masterplan area (the site is outside the masterplan), and nearly 3m below the SE element of the Telephone Exchange. Massing of the building respects the local environment.

3.12 Concern has been expressed about the height and design of the service tower. The tower would be situated towards the inside of the urban block though it would be visible from the public realm within Hungate including St John's Square. The slim end of the tower towards the west would be seen from various locations in relation to Rowntree Wharf but there is a distance of around 80m between the two towers. It is considered that the new tower would have no adverse impact on the immediate setting of the listed building. The slim ends of the tower are similar in width to a typical small church tower and therefore not as bulky as Rowntree Wharf. It is considered that the simple vertical brick striations proposed for the elevations would result in the tower having an elegant appearance.

3.13 Officers are of the opinion this is a well considered building of potentially high environmental performance. The integrated approach responds to its wider context without being deferential or gratuitous. It would set a high standard of design for remaining developments in the new district of Hungate, and it would form a focus for the square.

DRAINAGE CONSULTANCY

3.14 Ask that the development provides a reduction in water run-off, in relation to existing levels onsite, preferably 70% of the existing rate. Drainage Engineers are concerned that in times of flood persons could not exit the building safely as although the building is elevated so it would be safe from flooding (10.6AOD), the outside public realm area is lower (9.7/9.8AOD) and thus may be underwater in times of flood. It is requested that persons are provided safe passage from the building onto land (10.6AOD) that is safe from flooding.

ENVIRONMENTAL PROTECTION UNIT

3.15 Ask for details of the air-conditioning to ensure this does not create a noise nuisance. The times of deliveries to the proposed building should also be controlled to protect the amenity of future surrounding occupants.

3.16 There is also the issue of contamination and the site should be investigated and if necessary satisfactory remediation carried out. Conditions have been suggested to address land contamination (32 and 33).

HIGHWAY NETWORK MANAGEMENT

3.17 No objections are raised, conditions are suggested that require a travel plan to be created and a management scheme for the construction works. The following observations have been made...

3.18 Vehicular access to the site is to be via Garden Place and a ramp into an undercroft area which will accommodate servicing traffic and 26 car spaces. Although the level of car parking is very low it is considered appropriate given the sustainable location of the site (adjacent to the city centre) and is consistent with the approach that was taken with regards to car parking levels on the wider Hungate scheme. Traffic generation from the site is considered by officers to be negligible and unlikely to have a material impact on the adjacent highway network.

3.19 As the site was not included within the Hungate scheme but falls within the Foss Basin Masterplan study area officers have sought a contribution to the aforementioned masterplan using the member approved methodology. A contribution of £25.6k will be secured through a S106 Agreement/Unilateral Undertaking.

3.20 Covered and secure cycle parking to the appropriate level has been provided and is considered appropriate. Further visitor cycle parking to the St Johns Square frontage has been incorporated.

3.21 The applicants are proposing to resurface the existing footways in the vicinity of the site. The materials to be used will need to be considered against the palette of materials proposed for the proposed highway areas within the Hungate scheme; this can be dealt with through an appropriate condition.

EXTERNAL

PLANNING PANEL

3.22 No response to date.

CONSERVATION AREAS ADVISORY PANEL

3.23 Comfortable with the design of the building but object to the height of the service tower which exceeds the specified building heights set out in the design code for the Hungate site.

ENVIRONMENT AGENCY (EA)

3.24 Ideally water run off from the site should be reduced by 30%, as requested by Drainage consultants (see 3.14).

3.25 It was originally proposed to allow the basement car park to flood, which would provide compensatory water storage space. This area would be closed off from the rest of the building in times of flood. Such measures are not usually requested by the EA in the Foss Basin as it is a pumped system. The EA are unwilling to support a proposal which would allow the basement to flood, due to the risk involved. Otherwise, conditions are suggested to prevent the risk of contaminating the watercourse, including foundation works affecting groundwater. This shall involve a risk assessment, remediation measures and confirmation of implementation (27).

3.26 Also it is suggested that conditions are established to prevent oils, fuels and chemicals and suspended solids are not discharged into a watercourse (29).

YORKSHIRE WATER (YW)

3.27 If planning permission is to be granted, the following conditions should be attached in order to protect the local aquatic environment and YW infrastructure:

- The site shall be developed with separate systems of drainage for foul and surface water on and off site and details of such should be provided .
- Unless otherwise approved, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.
- Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge to the public sewer. Roof drainage should not be passed through any interceptor.

3.28 YW also provide a list of informatives which would be attached to any permission.

PUBLICITY

3.29 The application was publicised by site notice, press notice and letters of neighbour notification. The deadline for comments was 3 September 2008. 2 objections have been made, which raise the following:

- Overdevelopment of the Hungate site, in particular the height of the proposed buildings.
- Amount of car parking on site would lead to further congestion in the city centre.

4.0 APPRAISAL

KEY ISSUES

4.1 The key issues are:

- Principle of the proposed development/use of the building
- Visual impact
- Impact on the amenity of surrounding occupiers
- Sustainability
- Highway safety
- Flood risk
- Archaeology

PRINCIPLE OF THE PROPOSED DEVELOPMENT/USE OF THE BUILDING

4.2 The site falls within the Hungate action area. This area is designated in the Draft local plan for mixed use development, including premier employment development, of B1 use (business). The relevant policy, SP9 advises that planning permission will not be granted for development which would prejudice the implementation of the preferred re-development of the action area.

4.3 The proposed development involves 6368 sq m (total internal floorspace) of premier office space, which is consistent with the allocation in the local plan. This is also a central location where national planning policy (in particular PPS6: Planning For Town Centres and PPG13: Transport) seek to locate office development.

VISUAL IMPACT

4.4 Policy GP1 of the Draft Local Plan refers to design. It states that development proposals must, respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with the surrounding area; retain, enhance, or create urban spaces; provide amenity space and space for waste storage; ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or over dominance. Policy HE2 (Local Plan) states that in areas adjoining conservation areas, development proposals are expected to respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

SETTING

4.5 Much of the surroundings which will make up the setting for this building are yet to be built, but have been established in the outline planning permission and Hungate masterplan. Those that do exist are the telephone exchange building across Carmelite Street to the west and the Shambles car park, which is between the proposed building and the river. The telephone exchange building is around 26m high and the car park is around 15m high (ridge level).

4.6 Northwest of the application site (between the site and The Stonebow), proposed is block G which would be a 4-6 (6-storey facing the application site and Garden Place) building of contemporary design, with a strong horizontal emphasis, comprising of shops and business at ground floor level and residential above. To the southeast would be block F (4-6-storey), this building would have a civic appearance, that would create a sense of enclosure, and grandeur appropriate to the public space. There is an area of hardstanding, used as a car park to the southwest of the site, between the telephone exchange building and the river.

EXTERNAL APPEARANCE

4.7 According to the Commission for Architecture and the Built Environment (CABE) the components that make up a 'good' scheme are the following, the building should be fit for purpose, well built/durable and visually pleasing. The issues detailed in GP1 and HE2 should also be considered, the materials, detailing and context.

4.8 The building has been designed to provide flexible office floorspace, the floorplates can be sub-divided if necessary and the service tower provides an access which enables each floor to operate independently. The external elevations have been designed considering the efficiency and performance of the building (see 4.16-4.18). There would also be a green roof, which aids insulation, biodiversity and drainage. The lack of plant exposed on the roof would benefit the appearance of the building.

4.9 The materials and detailing are considered to be appropriate. Brick and stone are common in the Central Historic Core Conservation Area and the elevations have an ordered relationship between windows and walls.

4.10 The building's design is sensitive to its surrounds. It has been orientated so it would turn inward along Carmelite Street so the principle elevation sits comfortably in terms of its relationship to St John's Square, reinforcing the civic appearance aspired to in the Hungate masterplan. The height of the main building would be respectful of its neighbours across the Hungate site. The service tower would be 7-storey, comparable with the height of the tower on Rowntree Wharf, 2.7m higher than the telephone exchange building and some 5.5m above the highest building(s) in the Hungate scheme, it is located so it would be screened by neighbouring buildings. By virtue of its size, location and detailing it is considered to be of acceptable appearance and not unduly prominent.

4.11 Overall it is considered that the proposed building would contribute positively to the appearance of the forthcoming Hungate area and would not detract from the

appearance of the nearby Central Historic Core Conservation Area and listed buildings within it.

IMPACT ON THE AMENITY OF SURROUNDING OCCUPIERS

4.12 The nearest and thus affected block in the Hungate scheme to this proposed building would be block G. This building would be 6-storey where it faces Carmelite Street. The design statement for the Hungate development advises that the top level will be recessed, providing outside space for the apartments. The elevations of each building would face one another and the roof terrace to the proposed building would look down upon the recessed top floor of block G.

4.13 It has been established in the approved Hungate masterplan that in parts buildings will abut the street and be 6-storey in height, with separation distances of 10m. This relationship is thus to be expected in this part of the city and some level of overlooking will occur. The separation between the proposed building and block G varies between 10m and 12m, which respects the agreed parameters for developing the overall Hungate site.

4.14 Block F (as shown in the Hungate masterplan) tapers as it travels toward the northeast elevation of the proposed building (facing St John's Square). It would face the square and down Hungate toward The Stonebow and thus the amenity of occupants in that building would not be affected significantly by this proposal.

4.15 The building would be partially screened from the developments south of the River Foss by the Shambles car park and proposed block F. Around the top 6m of the service tower (which would have a brick louvred appearance) would stand above block F and the top two floors of the main building above the Shambles car park building. By virtue of the intervening buildings and separation distance between the proposed building and those existing in the surrounding area (60m to Malt Shovel Court and Franklin's Yard, around 80m to Rowntree Wharf), the proposed development would not unduly harm residential amenity, in terms of over dominance, overbearing and overshadowing.

SUSTAINABILITY

4.16 It is a requirement of policy GP4a of the Local Plan that a sustainability statement is submitted with applications for development. The proposed development should also meet the requirements of the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction. Commercial developments such as offices involving more than 500 sq m of space should demonstrate that they can achieve a BREEAM rating of 'very good', among the requirements are that the development can generate at least 10% of its energy demands.

4.17 The proposed development intends to provide at least 10% of its energy through ground source heat pumps. The control of the internal climate has also been comprehensively considered to provide a comfortable energy efficient working environment, through insulation, and the glazing design which controls the provision of natural light, prevents overheating and glare/direct sunlight. Also the building

would have an extensive green roof and provides cycle parking and changing facilities.

4.18 The applicants have advised they intend to exceed the requirements of the sustainability document and provide a building that is excellent in terms of its BREEAM rating. This aspiration is welcomed, however it is considered that a condition to achieve very good is adequate; it would be inconsistent and unreasonable to require a scheme which would be in excess of the policy requirement.

HIGHWAY SAFETY AND TRANSPORTATION

CAR PARKING

4.19 An objective of the Local Plan is to reduce the impact of traffic, by restraining growth in the use of motor vehicles, this is consistent with national policy contained within PPG13: Transport.

4.20 According to the Local Plan the maximum number of spaces for a building of this size should be 142 and 26 are proposed. The level of car parking is considered appropriate given the sustainable location of the site, adjacent to the city centre, and is consistent with the approach that was taken with regards to car parking levels on the wider Hungate scheme.

CYCLE PARKING

4.21 Policy T4 of the City of York Draft Local Plan seeks to maintain and promote cycle use.

4.22 112 cycle parking spaces are proposed, 100 in the basement, the rest in-front of the building by St John's Square. The amount of cycle parking is appropriate, as the minimum requirement for an office this size, as established in the Local Plan, is 106. Furthermore to encourage cycling there are cleaning and changing facilities adjacent to the parking areas.

SERVICING ARRANGEMENT

4.23 An area within the building has been identified for the storage of waste. On collection days this would be brought out by the management company and stored off the highway for collection. This arrangement means that predominantly the waste storage would not harm visual amenity and at no time highway safety.

LANDSCAPING

4.24 The materials to be used for the pavement around the site will need to be considered against the palette of materials proposed for the highway areas within the Hungate scheme and this would be a condition of approval.

TRAVEL PLAN

4.25 Policy T13a of the Local Plan advises that when a development is likely to lead to the employment of 30 or more employees onsite, a travel plan will be required. PPG13 recommends travel plans are developed for major schemes (which applies to office development which creates in excess of 1000 sq m).

4.26 Although a Travel Plan has not been submitted it is considered that this can be secured through a suitably worded condition given the speculative nature of the scheme.

CONTRIBUTIONS

4.27 Policy T20 of the Local Plan advises that contributions will be required, where necessary, to secure improvements to facilities and the highway network. The application site falls within the Foss Basin Masterplan study area. As such Highway Network Management officers have sought a contribution to the aforementioned masterplan using the member approved methodology (as used for the Hungate application). A contribution of £25.6k has been agreed with the applicants and will be secured through a S106 Agreement/Unilateral Undertaking.

4.28 Overall it is considered the proposed building would not have a material impact on volumes of traffic in the surrounding area and the scheme itself does not have any implications that would affect highway safety.

FLOOD RISK

4.29 PPS25 Development and Flood Risk is relevant national guidance. It advises where different types of development will be appropriate, based upon the flood risk of the area, and seeks to manage and reduce flood risk. PPS25 establishes flood risk zones ranging from low risk (zone 1) to the functional floodplain (zone 3b), where only water compatible uses and essential infrastructure should be permitted. The application site falls within zone 3a, where office use is appropriate. PPS25 also advises that if there is an unresolved objection from the EA over a major application, then the Secretary of State should be consulted prior to determination. To check the applications compliance with policy, and whether it will be necessary to call it in for determination.

4.30 York's strategic flood risk assessment (SFRA) is a supplementary planning document, which has been developed in accordance with PPS25. It is specific to the area and establishes the approach to determining planning applications in areas at risk of flooding. York's SFRA splits zone 3a into 3 sub categories. The application site is designated as being within flood zone 3a (ii). Flood zone 3 is an area at high risk of flooding, annual probability of 1%. In zone 3a (ii) the annual risk of flooding is 2%. In such areas PPS25 advises office development will only be appropriate if it can pass the sequential and exceptions tests. It is considered this site passes the sequential test as it has been allocated in the Local Plan for business use, the EA have agreed in principle to development at the Hungate area and as PPS25 advises office use is an appropriate development in flood zone 3 provided the development is safe and can manage flood risk. To pass the exception test the development must -

- Provide wider sustainability benefits (environmental, social and economic).
- Be located on previously developed land.
- Be safe, without increasing flood risk elsewhere.

4.31 The development passes the exception test. In measuring sustainability the criteria relates to environmental (a), social (b) and economic objectives (c). The development meets each of these requirements as (a) it makes effective use of land, maintains the appearance of the area, and would be energy efficient. (b) It is located so that it can be accessed without the need to travel by private car and (c) it provides employment opportunities. The site is located on previously developed land, it will be safe from flooding as the habitable areas of the building, i.e. the office space will be 600mm above the highest recorded flood level. The ground level is proposed as 10.6AOD, which is consistent with the requirement set for buildings at the Hungate site. The development will help prevent flood risk because water run-off from site will be controlled and reduced in relation to the existing rate.

4.32 It has been requested by Drainage Engineers and the EA that water discharge from the site be controlled/restricted to 70% of the existing rate onsite. This shall be achieved through the installation of a green roof, which would soak up rainwater and by installing storage crates below the courtyard area. Water would penetrate the permeable surface paving in the courtyard and be stored in the crates, water can be held in the crates and its release controlled. Details of this system are required through condition 22.

4.33 It has been agreed with CYC Drainage Engineers that a management strategy will be developed to ensure that in times of flood, people will be able/and have time to leave the building safely. The exit from the building is at the northeast end (onto St John's Square) where ground levels are higher than the southwest side (near the Shambles car park). Due to the variation in ground levels, there will be adequate time to evacuate the building and allow occupants to reach safe land. The proposal to allow the car park to flood has been omitted from the scheme. Instead flood doors will be installed at the basement entrance to protect the area from flooding. This overcomes the Environment Agency's objection to the scheme.

ARCHAEOLOGY

4.34 The site is within the city centre area of archaeological importance as such policy HE10 of the Local Plan is relevant. The policy seeks to assess and preserve important archaeological remains.

4.35 The site has been subject to investigation previously and it is considered that the package of conditions recommended by the Council's Archaeologist will ensure that there is no undue harm to archaeological deposits.

5.0 CONCLUSION

5.1 It is considered that the building is of appropriate design, it will be fit for purpose, aspires to be a highly energy efficient building, seeking to achieve a standard of BREEAM excellent, and will contribute positively to the forthcoming Hungate

development and respect the wider historic setting. There will be no undue harm caused in terms of highway safety, residential amenity, the preservation of archaeological remains and flood risk. It is recommended permission be granted, subject to conditions and a planning obligation requiring a contribution towards highway infrastructure in the Foss Basin area.

5.2 There is an outstanding objection from the Environment Agency regarding the basement flood protection. It is expected this will be retracted by the time of Planning Committee as it is no longer intended to allow the basement to flood and the flood risk assessment has been revised. However should the objection not be retracted, it will be necessary to consult the Secretary of State prior to issuing a decision.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

PO1, 2, 3, 4, 5B, 6B, 7, 8, 9, 10, 11, 12, 13

Elevations - PO30, 31, 32, 33

Sections - PO34, 35, 36

External cycles - PO37

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

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

3 Samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. This must include typical window sections and louvres. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

4 Large scale (1:5) details 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 in accordance with the approved details.

- a. The brickwork detailing of the service tower
- b. The glazed wall onto St John's square linking the tower
- c. Typical panel details on the Carmelite elevation showing plan, sections and elevations
- d. Balustrade details

- e. Stone louvre details
- f. All capping details including exposed soffits and fascias
- g. Details of the stepped and ramped area leading to the main entrance
- h. Details of windows and doors including shutters and gates.
- i. Pigeon deterrence measures
- j. Sections through the frontage including the colonnaded area (1:20 scale)
- k. External lighting including location and fittings

Reason: So that the Local Planning Authority may be satisfied with these details.

5 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme (hard and soft measures) which shall illustrate the number, species, height and position of trees and shrubs to be planted. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

6 Prior to occupation of the building hereby approved the developer shall submit in writing a formal BREEAM assessment or equivalent, for the Design and Procurement stages for the building hereby approved. All assessments shall be followed by a BREEAM Post Construction review to be submitted after construction at a time to be agreed in writing by the local planning authority. All assessments shall confirm the minimum 'Very Good' rating, or equivalent, and be agreed to in writing by the Local Planning Authority.

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

7 ARCH1 Archaeological programme required

8 ARCH2 Watching brief required

9 ARCH3 Foundation design required

10 No destruction or disturbance shall be made to archaeological deposits below the level of 7.0mAOD except for that caused by the boring or auguring of piles for the building foundation and except for that caused by any other operations which have been agreed in writing by the Local Planning Authority in advance of such other operations being carried out.

Reason: As this development will have an effect on nationally important archaeological deposits which are preserved within the site and this effect must be kept to a minimum

11 No development shall commence until the applicant has submitted a methods statement detailing the creation of a piling platform, the piling methodology, a methodology for identifying and dealing with obstructions to piles and these have been approved by the Local Planning Authority.

Reason: This development will have an effect on nationally important archaeological deposits which are preserved within the site and this effect must be kept to a minimum

12 No development shall commence until the applicant has submitted a plan detailing a cordon sanitaire, 2m in width and extending the full predicted length of the timber waterfront, centred on the timber revetment identified in the York Archaeological Trust Evaluation Report dated 1991 and this plan has been agreed in writing by the Local Planning Authority.

Reason: This development will have an effect on nationally important archaeological deposits which are preserved within the site and this effect must be kept to a minimum

13 No development shall commence until the applicant has submitted full details of the geothermal piling system and these have been agreed in writing by the Local Planning Authority.

Reason: This development will have an effect on nationally important archaeological deposits which are preserved within the site and this effect must be kept to a minimum.

14 No demolition shall take place until the applicant has secured the implementation of an agreed programme of archaeological work (installation and operation of groundwater monitoring points) and this programme of work has been agreed in writing by Local Planning Authority.

Reason: This development will have an effect on nationally important archaeological deposits which are preserved within the site and this effect must be monitored

15 HWAY18 Cycle parking details to be agreed

16 HWAY19 Car and cycle parking laid out

17 HWAY29 No gate etc to open in highway

18 HWAY31 No mud on highway during construction

19 HWAY40 Dilapidation survey

20 Prior to the commencement of any works on site a detailed method statement identifying the programming and management of construction works shall be submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of free flow of traffic and highway safety.

21 The site shall not be occupied until a Full Travel Plan has been submitted and approved in writing by the Local Planning Authority. The travel plan should be developed and implemented in line with local and national guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the Local Planning Authority. Results of yearly travel surveys shall then be submitted annually to the authority's Travel Plan Officer for approval.

Reason: To ensure the development complies with advice contained in PPG13 (Transport), and in policy T20 of the City of York deposit Draft Local Plan, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users.

22 Prior to development commencing the following details shall be submitted to and approved in writing by the Local Planning Authority. The development shall commence in accordance with the approved details.

- Demonstrate that peak run-off from the site shall be attenuated to 70% of the existing rate. This should include storage volume calculations, and include an additional 20% allowance for climate change.

Reason: To reduce flood risk, in accordance with PPS25 and in agreement with the Environment Agency and Marston Moor Internal Drainage Board.

23 Prior to occupation of the building hereby approved the developer shall submit in writing a (a) management plan covering flood risk and building evacuation procedures, and (b) details of flood resilient measures to be designed into the building. The required details shall be approved in writing by the Local Planning Authority and carried out accordingly.

Reason: In the interest of safety in times of flooding.

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

Reason: In the interest of satisfactory and sustainable drainage.

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

Reason: To ensure that the development can be properly drained.

26 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 and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

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

27 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- A. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.

Note: this has been covered in the JBA Consulting Flood Risk Assessment dated 13/06/2008.

- B. A site investigation scheme, based on (A) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- C. The site investigation results and the detailed risk assessment (B) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- D. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (C) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written approval of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect controlled waters.

28 Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge to the public sewer . Roof drainage should not be passed through any interceptor.

Reason: In the interest of satisfactory drainage.

29 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus

10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

INFORMATIVE

The Environment Agency should be informed of any instance where the following is proposed : - more than 3500 litres of oil stored at any single private dwelling - more than 200 litres of oil at an industrial, commercial or institutional site The above activities are regulated by the Control of Pollution (Oil Storage) (England) Regulations 2001. These guidelines are intended to help reduce pollution caused by inadequate storage of oil in fixed tank installation. For further information, please refer to the Agency web page: 'www.environment-agency.gov.uk/business').

30 Prior to the commencement of any works on site, a settlement facility for the removal of suspended solids from surface water run-off during construction works shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained throughout the construction period.

Reason: To prevent pollution of the water environment.

31 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect controlled waters

32 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to c of this condition have been complied with:

a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases, where appropriate);

- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

b. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

33 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 32, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a

verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

34 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 protect the amenity of local residents.

35 All 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 18.00
Sundays and Bank Holidays	10.00 to 16.00

Reason: To protect the amenity of local residents.

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 comprehensive development of the Hungate site, appearance (including impact on the nearby conservation area and listed buildings), residential amenity, sustainability, highway safety, flood risk and the preservation of archaeological deposits.

As such the proposal complies with Policies SP9, GP1, GP4, GP15, HE2, HE10, T4, T13 and T20 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 1980 relating to this development.

3. HIGHWAYS

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

Sections 62 and 184 - Stuart Partington (01904) 551361

4. CONTACT UTILITIES

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.

5. ENVIRONMENT AGENCY RECOMMENDS THAT DEVELOPERS SHOULD:

- 1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- 2) Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.
- 3) Refer to our website at www.environment-agency.gov.uk for more information.

Informative/ advice to applicant: Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- i.) Duty of Care Regulations 1991
- ii.) Hazardous Waste (England and Wales) Regulations 2005
- iii.) Waste Management Licensing Regulations 1994 (as amended)
- iv.) Pollution Prevention and Control Regulations (England and Wales) 2000
- v.) Landfill (England and Wales) Regulations 2002

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed off site operations is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

There should be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways. To prevent pollution of the water environment.

6. YORKSHIRE WATER

Foul water domestic waste should discharge to the 300mm diameter public foul/combined water sewer recorded in Carmelite Street at a point approximately 5 metres from the site. Foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewer network.

Surface water may discharge to the 300mm diameter public surface water sewer recorded in Carmelite Street at a point approximately 5 metres from the site. However, to prevent overloading of the public sewer network, surface water discharges to the network should be restricted to the level of run-off (i.e. same point[s] and rate[s] of discharge) from previous use of the site . The developer will have to demonstrate this to the satisfaction of YWS/the LPA by means of investigation and calculation. Failing this, the surface water discharge to public surface water sewer to be restricted to not more than 5 (five) litres/second.

Surface water run-off from communal parking (greater than 800 sq metres or 50 or more parking spaces) and hardstanding must pass through an oil, petrol and grit interceptor/separator of adequate design before any discharge to prospectively adoptable sewer/public sewer network. Roof water should not pass through the traditional 'stage' or full retention type of interceptor/separator. It is good drainage practice for any interceptor/separator to be located upstream of any on-site balancing, storage or other means of flow attenuation that may be required.

Basement/cellar areas to be drained to public sewer will require a pumped connection and the peak pumped discharge must not exceed 3 (three) litres per second.

An off-site foul and an off-site surface water drain may be required. These may be provided by the developer.

The public sewer network is for domestic sewage purposes. This generally means foul water for domestic purposes and, where a suitable surface water or combined sewer is available, surface water from the roofs of buildings together with surface water from paved areas of land appurtenant to those buildings. Land and highway drainage have no right of connection to the public sewer network. Land drainage will not be allowed into a public sewer. Highway drainage, however, may be accepted under certain circumstances; for instance, if SUDS are not a viable option and there is no highway drain available and if capacity is available within the public sewer network . In this event, the developer will be required to enter into a formal agreement with Yorkshire Water Services under Section 115 Water Industry Act 1991 to discharge non-domestic flows into the public sewer network.

7. DEMOLITION AND CONSTRUCTION

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

1. 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.	

2. 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".

3. 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.

4. 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.

5. 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.

6. There shall be no bonfires on the site.

Contact details:

Author: Jonathan Kenyon Development Control Officer
Tel No: 01904 551323

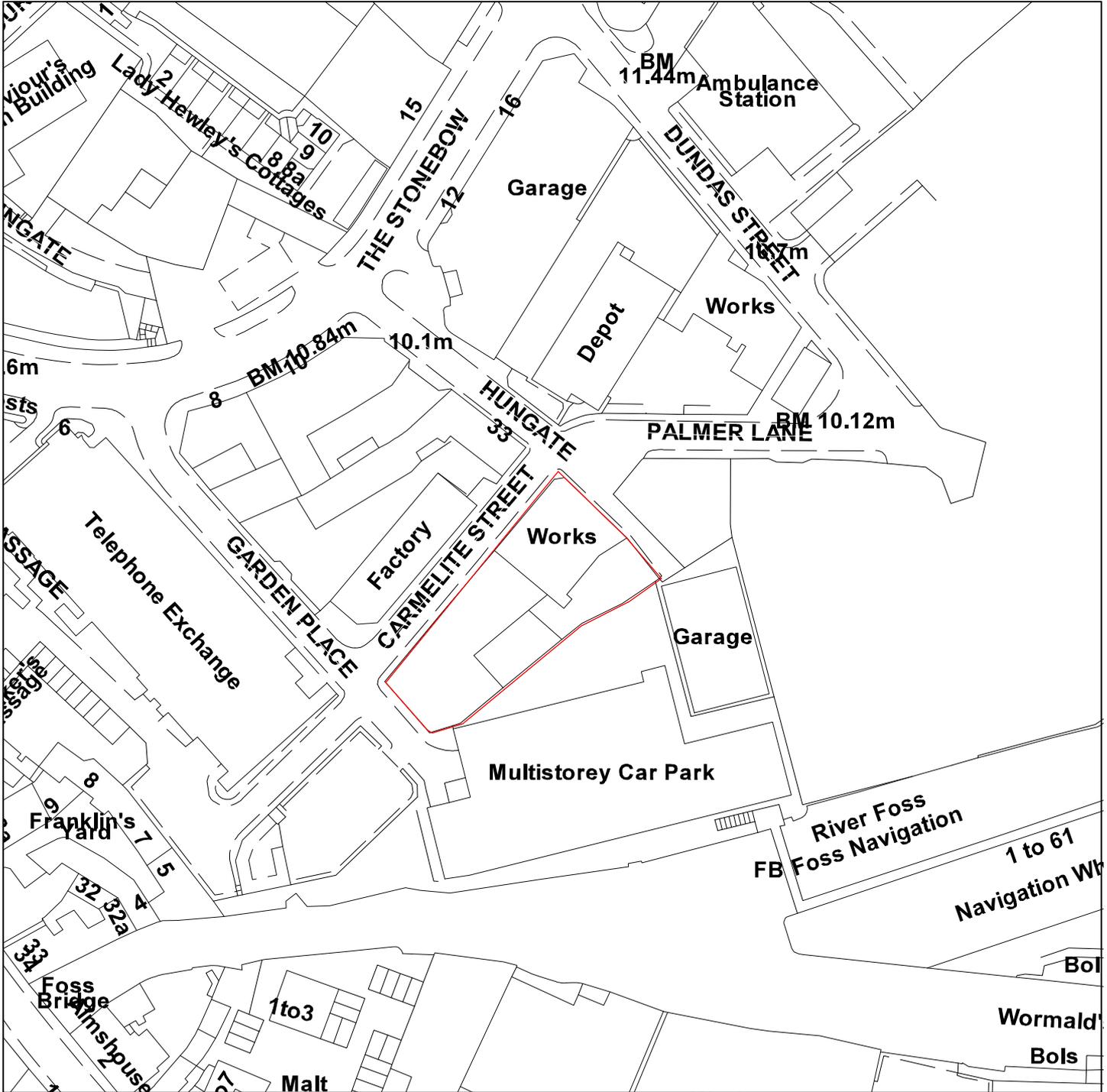
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Works (Vacant), Carmelite Street

08/01906/FULM



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	13 October 2008
SLA Number	Not Set

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COMMITTEE REPORT

Committee: Planning Committee **Ward:** Fulford
Date: 23 October 2008 **Parish:** Fulford Parish Council

Reference: 07/01786/FULM
Application at: Land Lying To The South Of York Designer Outlet St Nicholas Avenue York
For: Erection of Class A1 Garden Centre and ancillary food hall and restaurant, including outdoor display areas, car parking and landscaping (resubmission)
By: Dobbies Garden Centres Plc
Application Type: Major Full Application (13 weeks)
Target Date: 25 October 2007

1.0 PROPOSAL

1.1 Planning permission is sought for a Dobbies retail garden centre (Class A1 - retail). The application site extends to 5.03ha in size on a site adjacent to the Designer Outlet shopping centre off the A19 south of Fulford at its intersection with the A64. It would stand to the south of the existing Designer Outlet buildings on land that was part of the former Naburn Hospital's football pitches and is now agricultural fields. Access to the site would be from the same road which serves the Outlet with a road off an existing internal junction to the south west of the main internal roundabout. An existing orchard of trees will be removed to make way for the new access into the site. A tree belt which currently runs through the middle of the site and ranges from between 20 and 50 metres deep will be removed to make way for the development. In both cases, some replacement planting is proposed.

1.2 The proposals comprise the following elements:

- i) Approx. 5300sqm of new build accommodation which includes the covered element of the garden centre and a restaurant, including outdoor seating.
- ii) A 400 space customer car park.
- iii) Outdoor display areas including polytunnels.
- iv) Display and demonstration gardens.
- v) A children's play area.
- vi) Garden buildings / conservatory display area.
- vii) Timber-construction 'Greenhouse' sustainability centre.

1.3 The application site is bounded to the north by the existing Designer Outlet centre and its internal access road and on the other three sides by agricultural fields. Lingcroft Lane, a lane which runs from the A19 (past the Persimmon Headquarters) down to Acres Farm and Acres bungalow forms the southern boundary of the site.

1.4 The site is within the Green Belt. A previous application was withdrawn, as issues raised by the Council could not be resolved prior to the scheme being presented to Planning Committee.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGB1
Development within the Green Belt

CYS12
Criteria for garden centres

CYSP7A
The sequential approach to development

CYSP2
The York Green Belt

CYSP3
Safeguarding the Historic Character and Setting of York

CYNE1
Trees, woodlands, hedgerows

3.0 CONSULTATIONS

INTERNAL

3.1 HIGHWAY NETWORK MANAGEMENT - The site lies within green fields to the south of the McArthur Glen building and would be accessed from a newly constructed roundabout on the current circulatory route around that building. A cross movement of vehicular traffic will in future be possible between the associated two parking areas.

3.2 The proposed 400 space car park is below the Authority's maximum parking standards for this type of use (574 spaces) and has been determined following an examination of the ratio of spaces to floor areas of seven other Dobbies Garden Centres in Scotland and the north of England which are claimed to operate satisfactorily. The parking area also includes space for 3 coaches.

3.3 40 covered cycle parking spaces for customers and staff are proposed, with the opportunity for a further 40 spaces if demand warrants. Experience elsewhere on the Designer Outlet site to date is that very few cycle trips are being made however this situation is likely to change with the construction of the Germany Beck housing scheme which will be within comfortable cycling distance.

3.4 There are two bus services currently serving the site. The first is the York to Selby service, which has a stop at the roundabout at the head of the access road off the A19 and currently operates with 4 buses per hour. The other is the Park and Ride service, which terminates at the Designer Outlet and operates on a 12-minute frequency service throughout the working day. All areas of the City lie within a 60-minute bus journey of the proposed Garden Centre. The existing stop within the Designer Outlet site would be situated some 300 metres from the Garden Centre and therefore discussions have taken place with the developer over the provision of an additional stop combined with shelter immediately adjoining the new access point.

3.5 The developer undertook a survey of customers visiting the Designer Outlet in July 2007 in order to gauge the likelihood of there being linked trips if a Garden Centre were to be constructed. 73% of the respondents indicated that they would visit both venues if development were to be allowed. Such a high percentage would obviously help to reduce the volume of extra traffic on the network which otherwise could have been predicted. In order to ensure these predictions can materialise, the developer would be required to construct a formal pedestrian link between the entry points of the two buildings, crossing the area of current parking.

3.6 An off road cycleway exists on the B1222 Naburn Lane between the bus/cycle access point to the Designer Outlet and the village of Naburn. There is a further off-road pedestrian/cycle link alongside the principal vehicular access route to the Designer Outlet from the dumbbell roundabouts on the A19 although as one would expect, current movement there is almost negligible.

3.7 The Germany Beck development will lie on the edge of the 2.5km isochrone for cycle journeys to the Garden Centre and therefore there is the potential to draw future residents utilising this mode of transport. The planning obligation attached to the consent for Germany Beck includes funding to create signalised crossing points for pedestrians and cyclists at the main access to the site on Fulford Road; signalisation of the Naburn Lane/Selby Road intersection and an upgrade of the pedestrian /cycle route between the two. There remains therefore a need to provide a designated route through the McArthur Glen site to the Garden Centre in order to encourage cycling trips and this should be conditioned as part of any approval.

3.8 Analysis of vehicle trips at existing Dobbies Garden centres shows a peak between late morning and early afternoon on a weekday with a maximum combined flow (in and out) of 260 vehicle movements per hour. On a Saturday it occurs mid-afternoon with a maximum combined flow of 400 vehicles per hour. In comparison, the peak traffic periods on the adjoining highway network occur between 5pm and 6pm on a weekday and between 12.15pm and 1.15pm on a Saturday. More critically, the percentage impact of the Dobbies development on the A19 Fulford Road to the north is expected to be no greater than 2% in the PM peak and 8% in the Saturday peak. The Saturday peak is based upon a much reduced background peak hour flow.

3.9 Information taken from the Authority's SATURN transport model in order to examine the 2021 scenario (which includes all committed developments) again showed that the dumbbell roundabouts and Designer Outlet access road roundabout

would all operate well within their theoretical capacities, with no more than single vehicle queue lengths.

3.10 In conclusion therefore it is considered that this development would not have a significant adverse impact on the movement of traffic on the adjoining highway network due to the off-peak nature of the peak customer demand. The location of the development, on the very edge of the urban area and adjoining the outer ring road is well placed to minimise additional vehicle movements through the heart of the City and has the added advantage of being in very close proximity to a Park and Ride service. With conditions to secure improvements to bus stop facilities, pedestrian links, cycle links and the submission and agreement of a Green Travel Plan, it is felt there are no highway reasons to substantiate a refusal of the application.

3.11 ENVIRONMENTAL PROTECTION UNIT (AIR QUALITY) - Due to the traffic generation likely to be associated with the Dobbies Garden Centre proposal, a DMRB air quality impact assessment has been undertaken. The results of this study indicate that the general reduction in pollutant concentrations as a result of cleaner vehicle technology is likely to outweigh any additional emissions arising in future years as a direct result of this development. There is therefore unlikely to be a measurable deterioration in local air quality as a result of this particular development. On this basis, there are no air quality grounds on which to recommend refusal of this application.

3.12 ENVIRONMENTAL PROTECTION UNIT (CONTAMINATED LAND) - A contaminated land report has been submitted in support of this application. Are in agreement with the findings of the report that there are no significant pollutant linkages. Further contaminated land investigation is not therefore required.

3.13 ENVIRONMENTAL PROTECTION UNIT (NOISE AND NUISANCE) The proposed development site is to the south of the existing designer outlet, there are a number of residential properties on Lingcroft Lane to the south of the development site, one within 90 metres of the development. Whilst the unit request conditions be placed on the development to minimise its impact. These include restriction on deliveries to the hours requested in the application form. Also request that the opening hours be restricted to those requested in the application. Do not consider that the operation of specific plant and machinery on the site once it is in operation would adversely affect the residents due to the distance, noise that would affect residents would be unacceptable on the site.

3.14 The lighting of the car park area and the outside plant sales area could impact on the residents as the site is currently a vacant field. In order to minimise the impact of the proposed lighting recommend lighting scheme be submitted and agreed in writing and then implemented and maintained in accordance with the scheme. Such a scheme should include the following:

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

3.15 Again, due to the distance between the proposed cafe and the residential properties, there is unlikely to be a nuisance issue arising from the development.

3.16 ECONOMIC DEVELOPMENT UNIT - The EDU welcomes job creation in the City but not at the expense of well thought out planning policy. It is recognised that development within the Green Belt has to be on exceptional circumstances, consider that the proposal is no more than a standard garden centre and does not warrant the "exceptional circumstances" argument.

3.17 Whilst Economic Development welcome good quality retail employment opportunities in the City, in this instance it does not seem that an "exceptions case" has been made for this retail use within the green belt to either Planning or Economic Development.

3.18 ENVIRONMENT, CONSERVATION AND SUSTAINABLE DEVELOPMENT (LANDSCAPE ARCHITECT) - States the development would be contrary to the 'Greenbelt and Open Countryside objectives' contained within the draft Local Plan. Not only would it would impact on the open character of the greenbelt, both physically and visually as viewed from Howden Lane and more particularly from sections of the B1222, it would also constitute a complete change of character of the site from open agricultural land to built-up retail. The development would be more noticeable in the winter months when lighting becomes a more conspicuous element in the broader darkened landscape, and deciduous screening is less effective.

3.19 Visual factors such as existing landscape features, distance, the existing outlet, and proposed woodland planting, would eventually help mitigate the visual impact of the development; nonetheless, the 'extension' to the outlet would still constitute an encroachment into the greenbelt. The scheme brings development right up to the range of buildings belonging to Acres Farm, thereby reducing the spatial setting and separation that typically surrounds and characterises a farmstead.

3.20 The scheme is also contrary to policy NE1 in that there would be a net loss of tree cover (including the area covered by the old orchard). The existing woodland belt along the southern boundary is approximately 20m in width, broadening out to 50m around the recycling bay. The majority of this would be removed and replaced along the southern boundary of the application site with a woodland belt of approximately 6m width, regularly broadening out to around 27m. The west boundary would be screened with a woodland belt of 12m, which is comparable to the existing woodland belt along the B1222, which is approximately 10m in width. The interior of the site would be predominantly of hard construction either in built form or paved (albeit porous).

3.21 COUNTRYSIDE OFFICER - With regard to the Ecological assessment, agrees with the findings that the botanical and general ecological value is probably fairly limited, there are several areas of concern and one fairly major disagreement with regard to this application.

3.22 Much of the woodland/screen planting is recent and re-creatable, nonetheless it is still a substantial block in a relatively poorly wooded area and does still provide good breeding habitat for many more common birds and cover for mammals etc.

This may include species such as Hare, Yellowhammer and Song Thrush all of which are on the 'of concern' lists as showing substantial declines nationally. The loss of such areas needs to be addressed and mitigated for, bearing in mind the timescales needed to establish any interest. Similarly the hedges, although unlikely to fulfil the criteria for protection under the Hedgerow Regulations, are substantial and similarly provide both landscape interest and wildlife value to the locality.

3.23 The main concern, however rests with the removal of the remnant of the old orchard. Orchards as a whole are nationally in decline and under threat and are considered to be valuable habitats in their own right, particularly for invertebrates. In the Vale of York and Pickering they were an Environmental Stewardship target habitat. In this area, whilst never a major land use, historically they are significant and of interest. Around York, they were developed in the 19th Century with the advent of the railway. This enabled the rapid transport of produce needed for supplying seasonal fruit and so small orchards were planted close to the new railway system. Elsewhere they were developed on hospital and occasionally school sites to enable food to be produced on site. In York, officers are only aware of this one and the old orchards at Clifton Hospital. Both of these were probably planted as part of the hospital rational. Elsewhere in the Vale of York and Pickering there are just a few scattered examples, for instance at Bulmer.

3.24 Because of this, it is proposed to include orchards in the York Biodiversity Action Plan currently under review. As such, every effort should be made to retain this feature as part of the structure of the Outlet landscape and its proper management encouraged. Replacement planting is not necessarily of benefit to older established habitats which are more dependent on continuity of the resource, although more detailed examination may be necessary in this case.

3.25 SUSTAINABILITY OFFICER - The details submitted broadly cover the key issues of the Interim Planning Statement and that of GP4a. The following aspects are welcomed:-

- The design and commitment to build to a BREEAM 'very good' standard
- Use of local, natural and responsibly sourced materials.
- Sustainable drainage
- Green roofs
- Native planting and protection of ecology
- Utilisation of the local Park and Ride
- Pedestrian linkages and cycle stores

3.26 Furthermore, the development's measures to reduce energy and also to generate 10% of the site's energy demand from a low carbon source - biomass boiler (with the use of solar panels for pre-heating water) are also welcomed. However, further details are requested to clearly demonstrate exactly how this 10% will be generated from the measures outlined above. Renewable forms such as wind, solar and earth are more sustainable forms of energy generation. The educational opportunities that will also be incorporated into this development should it receive planning permission.

3.27 ARCHAEOLOGIST - States the applicant has submitted an archaeological statement that sets out the archaeological background to the site and suggests that the Local Authority may require an archaeological evaluation prior to determination.

3.28 He states the University Campus 3 development site occupies a similar geological and topographic position to the Dobbies site, and an archaeological evaluation has proved of limited value in predicting the scale of archaeological survival on that site. The archaeology has only been mapped and understood through the large scale stripping of topsoil, cleaning of revealed subsoil surfaces and sampling of archaeological features.

3.29 A similar process will be required on this application site should consent be granted in order to map and understand the surviving archaeological features and deposits that may be preserved. Therefore the topsoil strip of the site must be carried out under archaeological supervision. The archaeological work will include publication of a report on the results and deposition of artefacts and ecofacts with the Yorkshire Museum. Provision for public access must also be made.

3.30 A detailed condition requiring an Archaeological Scheme of Investigation is recommended should permission be granted.

3.31 CITY DEVELOPMENT - Highlights Planning Policy Guidance Note 2 (Greenbelts), PPS6 (Planning for Town Centres) as well as Development Control Local Plan Policies GB1 (Development in the Green Belt); S12 (Garden Centres); SP7a (The Sequential Approach to Development); S2 (Out of Centre Retail Warehouses); GP4a (Sustainability) as being relevant.

3.32 It states the Green Belt has been though the York Green Belt Local Plan Inquiry and progressed through to the 4th Changes to the Draft Local Plan. The development is classed as being inappropriate in the green belt as it does not fit within any of the categories which are acceptable in GB1 and so very special circumstances would be needed to justify the development. The harm created, against the other considerations would need to be considered. 3 tests are offered namely the need for the development, the availability of non Green Belt sites, and why the site is suitable location.

3.33 The outstanding policy issues to previous application 07/0772/FULM were as follows:

- Economic benefit and need for the development: The revised planning policy supporting statement submitted with the current application outlines that developers have now held discussions with the Council's Economic Development Department regarding the economic need of the proposal and benefits it would bring to the City. Clearly, the DC officer should consult the Economic Development Department as part of the consultation on this proposal, especially as the supporting statement places great emphasis on the discussions with the Economic Development Department particularly from a tourism rather than a retail perspective.

- Sequential test - outstanding issues: The previous application failed to provide a fully justified sequential test, since it did not fully consider all the retail allocations in the City of York Local Plan (4th Set of Changes). It was also suggested by the Council that the western part of Hungate (inc Stonebow House & BT building - outside the Hungate allocation) and Clifton Moor (in full) should be considered as part of the sequential test. These are sites which the Council has suggested at the pre-application stage should be considered as part of the sequential test.

3.34 In terms of the suggested retail allocations (Castle Piccadilly, George Hudson Street, Land at Foss Islands and Hungate) the supporting statement refers to the sites and dismissed them all since they argue they would either be too small, too constrained, or the Council would be unlikely to support such an application on these sites. City Development accepts that the suggested sites would not be suitable locations for a Dobbies Garden Centre in its currently proposed format. The site west of Hungate has been dismissed on the grounds of it being too small, it has tenanted buildings on site so would be unlikely to be available in the short term and that the Council would not support such uses in a historic / conservation sensitive location. Again, City Development accepts the views of the applicants that the site west of Hungate would not be a suitable location for a Dobbies Garden Centre in its currently proposed format.

3.35 In terms of Clifton Moor, the developers state that the Council wishes in particular for the site at the eastern end of Clifton Moor (E3a.14) be considered as part of the sequential test. This has been dismissed since it is only 2.5 acres in size, whereas the minimum size for a Dobbies development is 10 acres. With the exception of the Grain Stores at Clifton Moor (which is dismissed in terms of uncertainty relating to timescales for development), a full assessment of Clifton Moor does not appear to have been undertaken (the submission states Clifton Moor does not meet the 'environmental credentials' required by Dobbies). However, officers are not aware of any other sites of a suitable size at Clifton Moor to meet the developer's proposed format for the development.

3.36 In terms of retailing issues, Policy S12 states garden centres may be acceptable within or adjacent to defined settlement limits subject to criteria including that the majority of the site must be used for the cultivation or sale of plants and (c) the type of goods sold is restricted to those directly related or ancillary to horticultural purposes. The submitted documentation suggests that sales of plants and horticultural products would amount to 32% of sales, contrary to criterion c of the policy.

3.37 Additionally, a judgement should be made as to whether the sustainability appraisal is acceptable and meets the requirements of the Council - the views of the Council's Sustainability Officer should be sought as part of the consultation.

EXTERNAL

3.38 FULFORD PARISH COUNCIL - Object. The proposal is on Green Belt land and the proposal is inappropriate development in the Green Belt and by definition is therefore harmful to the Green Belt. Do not consider the very special circumstances

mentioned by the applicant to constitute reasons that clearly outweigh the harm which would accrue to the Green Belt although accept that there would be some economic benefits to the City in terms of employment creation and that the transport infrastructure is already present.

3.39 Following on from the recent decision at the nearby Germany Beck site, there can be no ambiguity that the sites are in the Green Belt despite the status of the Local Plan. Given the Secretary of State's view on this there is no doubt as to the green belt status of the application site. Strongly disagree with the view that the land in question is of relatively low value. Parish Council consider that the land provides valuable Green Belt functions in preserving openness and safeguarding the countryside from encroachment. Both these functions are mentioned in PPG2. The openness of the Green Belt is already compromised by the Designer Outlet and the cumulative impact of that development and this along with the possible future development of the adjacent reserved land would seriously impact on the openness.

3.40 If approved and the very special circumstances argument is accepted then it sets a precedent which would place at risk many other areas of Green Belt around York.

3.41 HIGHWAYS AGENCY - Initially objected over concerns about the potential increase in traffic at the A64/A19 interchange and out onto the A64 which they control. Any updated comment received will be reported at the meeting.

3.42 ENVIRONMENT AGENCY - Objected over concerns over the extent of surface water runoff and asked for an FRA to be submitted to show that the development will not cause or increase flooding as a result. Stated that runoff rates should not exceed the Greenfield run-off rate of 1.4 litres per second per hectare. Soakaways would need to be shown to be an effective method of surface water run-off. Matter remains outstanding.

3.43 NEIGHBOURS AND THIRD PARTIES - Nearby houses on Lingcroft Lane were consulted by letter, site notices were placed around the site and a press notice was placed in the local paper. The one letter received from Cllr. Aspden, the local Member for Fulford stated that he was objecting on behalf of local residents on the following grounds:

- the site lies within the Green Belt
- there ought to be a general presumption against building in the Green Belt
- very special circumstances have not been shown by the developer.
- the land at present safeguards the countryside
- any development will set a precedent for further building on Green Belt.

4.0 APPRAISAL

4.1 Main issues:-

- Green Belt designation
- Very Special circumstances.
- Economy, Job Creation and 'Need'

- Impact on openness.
- Traffic generation.
- Sustainability.

4.2 The most relevant Development Control Local Plan Policies are listed under Section 2.0 (Policy Context). Relevant national and regional policy is also referred to below.

GREEN BELT DESIGNATION

4.3 The development plan consists of the Regional Spatial Strategy and this contains within it, policies aimed at controlling development in the Green Belt. It also confirms the outer extent of the Green Belt at round 6 miles from the Centre of York. These policies largely reflect National guidance contained within Planning Policy Guidance Note (PPG) 2 (Green Belts). PPG2 defines the purpose of Green Belts and also defines what constitutes appropriate forms of development in the Green Belt. Para. 3.12 of PPG2 also states the importance of maintaining the openness of the Green Belt.

4.4 Although the inner boundary of the Green Belt is not defined in any adopted local plan, the site is remote from the edge of any settlement and occupies a position in open countryside in what can only be described as a rural location. The site is some way into the area defined as Green Belt in the draft local plan and it is noted that in determining recent called-in planning applications on edge of settlement sites such as Germany Beck and Metcalfe Lane, the Secretary of State considered those sites to be within the green belt. Therefore there can be little doubt that the application site here is within the Green Belt.

4.5 The five purposes of Green Belts are defined in PPG2. These include preventing the sprawl of large built up areas, preventing neighbouring towns merging into one another, assisting in safeguarding the countryside from encroachment, preserving the special character of historic towns and to assist in urban regeneration by encouraging the recycling of derelict land around towns. Whilst officers acknowledge that the proposals are not considered to result in the coalescence of settlements, the development does result in additional sprawl out from an established site (what was the former Naburn Hospital) and which represents a significant encroachment into the countryside. Whilst acknowledging that the proposal will not have a significant visual impact on the setting of the historic city, a feature of York is the encirclement of green belt around it which helps to frame it. Officers consider that each new incursion into the Green Belt further erodes this character. Development on what is a Greenfield site also discourages the recycling of derelict Brownfield land in urban areas. Overall therefore, officers consider the proposal is not consistent with the purposes of Green Belt.

4.6 Para. 3.4 of PPG2 states that the erection of new buildings in the Green Belt is inappropriate unless it is for the following purposes; agriculture and forestry, essential facilities in connection with outdoor sport and recreation, limited extension to existing dwellings, limited infilling in existing villages and the limited infilling or redevelopment of major developed sites. This guidance is consolidated in RSS and draft local plan policies. Retail uses, including garden centres are not included within

this definition and therefore the proposal represents inappropriate development in the Green Belt.

4.7 Inappropriate development is by definition harmful to the Green Belt. The erection of a new garden centre does not fall within any of the above categories and therefore represents inappropriate development in the Green Belt. Such development should not be approved, except in very special circumstances. In such cases, para. 3.2 of PPG2 states that the onus is on the applicant to prove that permission should be granted. Permission should only be granted for otherwise inappropriate development where the applicant has proven that very special circumstances exist that outweigh the harm caused to the Green Belt by reason of inappropriateness or any other harm.

VERY SPECIAL CIRCUMSTANCES

4.8 Essentially therefore, the key point for Members to consider is whether there are very special circumstances which exist which outweigh the harm to the Green Belt by reason of inappropriateness. The applicant has put forward a number of reasons why they consider that very special circumstances exist. In summary these are i) Harm to the Green Belt is low. ii) The proximity in the draft local plan of 'safeguarded land' which abuts the application site iii) Proximity to the Designer Outlet centre iv) Proximity to existing infrastructure v) The horticultural nature of the Dobbies concept is in line with green belt objectives and vi) The uniqueness of the leisure and horticultural experience of the Dobbies concept. vii) Sustainable design. Each of these is considered below:-

i) Harm to the Green Belt is 'low'.

4.9 The 'Green Belt appraisal' carried out by the Council in 2003 looked at the relative merits of every area of green belt land around the City and did not define this site as occupying an important site when assessing the land in relation to the purposes of having Green Belt (see para. 4.5 above). The applicant is claiming therefore that the site takes on less significance and is of 'lower relative green belt value than large swathes of land around the city'. However nowhere in PPG2 does it state that green belt land should be ranked in this way when assessing harm. The site is in the green belt and is therefore bound by the policies that go with it. Para.1.7 of PPG2 says that '...although Green Belts often contain areas of attractive landscape, the quality of the landscape is not relevant to the inclusion of land within a Green Belt or to its continued protection. The purposes of including land within green belt are of paramount importance and are an overriding planning consideration and take precedence over land use objectives'. Officers therefore do not consider this to represent very special circumstances.

ii) The proximity in the draft local plan of 'safeguarded land'.

4.10 In the City of York draft Local Plan 4th set of changes an identification of 'reserved land' has been included adjacent to the application site. The applicant claims that this is proof of the Council's preference to see land around the Designer Outlet developed and as having merit in planning terms for additional development. However, policy GP24a states that permission on those sites will only be granted

for development required in connection with existing uses or alternative uses which preserve the open nature of the land and will not prejudice the potential future comprehensive development of the site after the Local Plan period has ended. The accompanying text stresses that such sites are not allocated for the development at the present time. The designation of this nearby site as safeguarded land has not been the subject of an examination through a public inquiry. It seems to have little obvious link to any other site. It must also be noted that this site is next to the application site, not on it. Officers do not consider this to represent very special circumstances.

iii) Proximity to the Designer Outlet centre.

4.11 The Designer Outlet buildings already make an impact on the character of the area. However, these buildings were permitted as a replacement of existing buildings (Naburn Hospital) as opposed to a complete new build as in this case. The Council sought to mitigate the impact of the original outline approval (approved by Selby District Council) with significant and substantial landscaping so as to ensure that the buildings enjoyed a landscaped setting. The use was also justified under a now revised policy that allowed out of town retail development. The existing development is a product of the prevailing planning policy at the time and should not be used to justify further development in the Green Belt just because it is next to it.

4.12 The proposals for the garden centre include a very extensive new building and a 400 space car park separate from the already large car parks at the Designer Outlet centre. The proposal would result in the loss of existing established trees, would result in significantly narrower landscape buffers between the edge of the site and the existing buildings and most importantly would extend significantly away from the existing site and hence reduce the openness of the green belt to a large degree. This 'very special circumstance' could be repeated again and again in the future if further development is proposed on adjacent sites to this one and the argument is made there that it is in 'close proximity to Dobbies'. Officers do not consider this to represent very special circumstances.

iv) Proximity to existing infrastructure.

4.13 Like above, the presence of existing infrastructure on adjoining land it is not a reason for justifying further extension into the Green Belt. Officers do not consider this to represent very special circumstances.

v) The horticultural nature of the Dobbies concept is in line with green belt objectives.

4.14 The applicant states that 'the quality of the horticultural and leisure experience offered by a Dobbies garden centre is unique amongst garden centre operators'. This, it is said, is because they encourage local residents to visit and linger 'gaining advice from trained professional staff' and customers view many of these products in 'scene setting' surroundings. They also have a series of 'interactive educational programmes of events' which enable visitors to learn about the natural environment. They would also offer educational classes to local school parties.

4.15 Officers contend that this is simply a service the applicant chooses to offer as opposed to something that represents very special circumstances. The applicant is applying for an A1 retail use. There is a significant amount of covered sales space and display areas for garden furniture and buildings where one would have expected mostly outdoor space for the growing of plants if one was promoting the horticultural aspect of the business. Furthermore, those plants being sold would be imported to the site for sale as opposed to being grown and cultivated on the site. Many of the operational benefits referred to above would accrue if carried out on any site, not just this green belt site. Officers do not consider this to represent very special circumstances.

vi) The uniqueness of the leisure and horticultural experience of the Dobbies concept.

4.16 The applicant has applied for an A1 retail use and is not seeking consent for a leisure use. Essentially the applicant states that their sites offer a unique attraction amongst garden centre operators by including children's play space, mazes, woodland walks etc. The applicant contends that Dobbies is a visitor attraction which will bring visitors into York who otherwise may not come. Officers again consider that this is just an element of what is a retail use first and presumably this would be the same if carried out on any site. It is not justification to locate such a use in the Green Belt. Officers also contend that York already has a significant tourist base and does not require this to attract visitors to the city. Officers do not consider this to represent very special circumstances.

vii) Sustainable Design.

4.17 The proposal has recently been amended so as to show the building constructed out of timber and this will apparently be the first timber framed garden centre in the Country. The timber would be sourced locally and would, according to the applicant, 'help promote the sustainability credentials of the City of York' and create a new visitor attraction. Officers acknowledge this and welcome the commitment to sustainable development that the applicant proposes across the proposal (notwithstanding the 400 space car park). However, officers consider that this is something that all developers should be striving to achieve, given up to date government guidance in PPS1 and other policies within the RSS and circulars on climate change and sustainable development. Full regard to sustainable design, construction and operation should be considered as the norm, as opposed to a matter that represents very special circumstances.

4.18 Officers conclude that none of the above points represent cases where very special circumstances outweigh the harm caused to the Green Belt either individually or collectively

4.19 The applicant has referred to previous Council and Inspectorate decisions relating to development in the Green Belt as follows: -

- Monks Cross – An employment site which the Council resolved to grant approval for but an inspector at the Call-in Inquiry dismissed, as he found no overriding need.

- Next Generation, Hull Road – Approved by Committee in 2000, as meeting a recognised need for tennis facilities, and providing a significant leisure and recreational facility in an accessible location. Community and economic benefits were also used to justify the exception.
- Stirling Road, Clifton Moor - Allowed on appeal as the inspector found a need for the development, considered the sequential test, impact on the character of the landscape and views of the Minster and other benefits.

4.20 In citing these cases the applicant draws attention to the circumstances used to refuse or approve the schemes. It is accepted that such matters can represent very special circumstances, but clearly the merit in each must be assessed depending on the case being considered. For example the Dobbies proposal could not, as discussed, be seen as meeting a recognised need or providing a significant leisure or recreational facility.

4.21 In previous appeal decisions relating to garden centre proposals in the Green Belt, inspectors have commented that garden centres of the type and scale proposed would not normally fall within one of the recognised exemptions to green belt policy, although a small scale outlet on an existing nursery garden selling indigenous plants, shrubs and trees might reasonably be considered as an activity closely associated with the main horticultural use of a site and thus might not be inappropriate. A much larger garden centre of the type proposed, with a considerable proportion of imported stock, garden equipment and heavy landscaping materials, is not a use normally accepted.

THE ECONOMY, JOB CREATION AND NEED.

4.22 The applicant seeks to demonstrate that there is a qualitative and quantitative retail need for a garden centre of this nature within the York area and that there are no other suitable sites within the built up area. City Development agrees that there are no sites that would accommodate the development in its present format. However it should be noted that a development within the urban area could readily adopt a different more compact form, requiring much less on site car parking provision, and potentially involving more than one storey. There appear to be no operational reasons why the site needs to be in a rural location given that there is no notable element of horticulture, and products sold are (as with any other retail use) imported to the site.

4.23 Contrary to the applicant's assertion, Policy S12 does not support the proposal, as the site is neither 'within or adjacent to defined settlement limits' and only 32% of the goods sold would directly relate or be ancillary to horticultural purposes. Whilst there may be quantitative capacity for additional retailing in the City, there appears to be no evidence base demonstrating a quantitative need for an outlet selling goods in an out of town location (and with only 32% relating to horticulture). And there are no policies within the Draft Local Plan seeking to promote such a development. Whilst the applicant has sought to demonstrate that there would be a minimal impact upon the amount of goods sold in the City Centre, this does not amount to showing there is an overriding retail need. There are numerous outlets selling garden centre

products beyond the Wyevale and Deans sites mentioned by the applicant, including B&Q stores, Homebase (edge of Centre) and Barnitts (within the Centre). The assertion that the better quality of the goods and of the experience at a Dobbies centre justifies a further outlet for these types of goods in the Green Belt is not supported by officers.

4.24 In an appeal against a refusal by Mole Valley District Council in 1989 the Inspector disagreed with the claim a garden centre was an appropriate use because it embodied a leisure outlet. He further concluded that the fact that no other suitable site could be found for the use other than in the green belt, did not constitute special circumstances. Costs were awarded to the Planning Authority for unreasonable pursuance of the appeal where there was no reasonable chance of success. More recently, in the Wirral in 2007, an inspector similarly agreed that essential outdoor recreational facilities could be acceptable in the Green Belt but concluded that a polytunnel for the growth, sale and display of plants was part of a retail development. She remarked that customers may visit garden centres for recreational purposes but this was true of many shops. The Dobbies outlet, although it would include café and demonstration facilities, would be essentially a retail centre. It could only be described as a leisure or recreational destination as much as the Designer Outlet or Monks Cross Shopping Centre could.

4.25 In terms of economic need, clearly the Economic Development Unit (EDU), whilst acknowledging that any new retail outlet would involve job creation, recognises that the proposal does not represent a major employment generator which could potentially demonstrate very special circumstances for development in the Green Belt. The type of jobs created would be largely part time, relatively low paid jobs which would not have a significant impact on the York economy. Nor does EDU or accept the argument that the outlet would be a welcome leisure attraction. Officers agree with these conclusions that any economic benefits are insufficient to outweigh the presumption against inappropriate development in this location.

IMPACT ON THE CHARACTER AND OPENNESS OF THE GREEN BELT

4.26 Notwithstanding the debate over retail or economic need for such a development, it is also felt necessary to assess the impact of the development on the openness and character of the Green Belt. The comments of the Council's Landscape officer at para. 3.6 above are also relevant on this issue and members are referred to these. Officers consider that the development would encroach extensively into the Green Belt and would completely alter the appearance and character of the land to a degree which would cause significant harm to the character of the land and the openness of the Green Belt. Presently the land is typical open, relatively flat, agricultural land pierced by hedgerows. A deep and well established tree belt runs along the southern boundary of the Designer Outlet site and this would be ripped out to make way for the development. This would alter the perception and character of the land even from within the Designer Outlet site as currently this tree belt presents a well-defined green boundary and also marks the transition point between the more urban form of the shopping centre and the open Green Belt land beyond.

4.27 Whilst it is acknowledged that some quite extensive replacement tree planting will be carried out, this will still result in a significant net loss of trees across the site. The new southern boundary of the site with Lingcroft Lane will have a tree belt of only approx. 6 metres in places and whilst this will rise to nearly 30 metres at its deepest point, it is predominantly between 10 and 15 metres and the new buildings, car parks and lighting columns will be immediately behind these trees. Officers consider that this will alter the whole character and appearance of the land, particularly in the winter months when even views from longer distances such as from Howden Lane and the B1222 (Naburn Lane) will be harmed when lighting becomes a more conspicuous element in the broader darkened landscape, and deciduous screening is less effective. An example of this is already seen when one looks across towards the Designer Outlet from both the A64 and the A19, particularly at night.

4.28 At a more local level, the scheme completely alters the setting of Lingcroft Lane by bringing development immediately up to this lane and very close to the range of buildings belonging to Acres Farm which, according to the Council's Landscape officer reduces 'the spatial setting and separation that typically surrounds and characterises a farmstead in the countryside'. The field at present is agricultural land and the whole character of this area north of Lingcroft Lane will be altered and whilst this is not a road generally used by the public, for the small number of residents who live down here, the development represents an unacceptable incursion into the Green Belt and towards their houses.

4.29 Officers therefore conclude that not only do the very special circumstances put forward by the applicant fail to outweigh the harm caused to the Green Belt by virtue of inappropriateness; they also fail to outweigh the significant harm caused by the development to the character and openness of the Green Belt.

4.30 Concern is expressed with regard to the loss of the wide belt of landscaping which frames the existing Designer Outlet site. Whilst individually the type and quality of tree they are not considered worthy of protection, as a group they do an important job in mitigating the effects of the Designer Outlet Centre and they formed part of the Council's attempts to mitigate the effects of the original approval on the landscape by creating a better landscaped setting in which the development should sit. Not only would their loss result in a significant net loss of trees across the site but also it would open up views both into and out of the Designer Outlet site, an impact that would be exacerbated by the presence of the Dobbies development. It was just this damaging presence on the landscape that the Council were attempting to militate against in their extensive landscaping proposal.

4.31 With regard to the old orchard shown to be lost to make way for the access into the development, the comments of the Council's countryside officer above at para. 3.9 are noted and clearly this orchard has some historic significance to the site's former use as a hospital. As a group of trees they do make for an attractive feature on the edge of the site and their loss is unfortunate. However, the proposal involves plans to replace these trees on either side of the access with similar trees, and officers do not consider that as a feature their loss can be as a reason for refusal.

4.32 At the time of writing this report, the objection of the Environment Agency stands with regard to surface water drainage and runoff. The applicant has been liaising with the Agency on this and it is expected that an engineering solution to this problem can be found.

4.33 Following the submission of extra information, the Council's highways officers have removed their objection following initial concerns over traffic generation on the A19 and A64. This support is subject to conditions. The final comments of the Highways Agency are awaited on this and will be reported if received.

4.34 With regard to neighbour amenity, the properties most affected by the development are a number of houses and a farm on Lingcroft Lane to the south. Whilst the development will significantly impact on their outlook and will alter dramatically the character of the land around them, the distances between the houses and the development are such that there should be no loss of their day to day levels of residential amenity through noise and disturbance or loss of privacy. This would be subject to conditions on hours of opening / delivery and the submission of a detailed lighting scheme.

5.0 CONCLUSION

5.1 The proposed development essentially involves an additional retail facility with 400-space car park in an area of Green Belt. There appear to be no very special circumstances to outweigh the presumption against such a development within the Green Belt. The development does not comply with Policy S12 as it is neither within or adjacent to defined settlement limits, and the type of goods sold are largely not directly related or ancillary to horticultural purposes.

5.2 The proposal would involve the loss of a significant number of trees within the site and landscape screening from the boundary of the site. Whilst replacement boundary planting is proposed, this would be less substantial and would take a number of years to mature, and so would not adequately compensate for the mitigating impact that is currently provided in screening the Designer Outlet Centre. Together with the new buildings, there would be a resultant detrimental impact upon the character and openness of the Green Belt.

5.3 If Members are minded to approve the application, it would need to be first referred to the Government Office for a determination as to whether the matter should be called in for the Secretary of State to determine, as the proposal would represent inappropriate development on land designated as Green Belt.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: REFUSE

For the following reasons:-

1. The development represents inappropriate development within an area of Green Belt. The Council considers that there are no very special circumstances that would outweigh the presumption against such development. As such the proposal is

contrary to guidance with Planning Policy Guidance Note 2 (Green Belts), and the Council's Development Control Local Plan Policy GB1 which states that development will only be granted for development where the scale, location and design would not detract from the open character of the Green Belt, it would not conflict with the purposes of including land within the Green Belt, and it would not prejudice the setting and special character of York, and is for one of a defined list of purposes (none of which include garden centres).

2. The proposal would result in the loss of a significant number of trees from within and along the southern boundary of the site, which would reveal views of the existing York Designer Outlet development and of the new development proposed as part of this application. The replacement planting would not adequately compensate for this loss, and as such the development is considered to be contrary to policy NE1 of the Council's Development Control Local Plan which states that trees or woodland that are of amenity value will be protected by, inter alia, refusing development proposals which will result in their loss or damage. The development is also contrary to PPG2 and Local plan policy GB1, in that the loss of the screen planting will adversely affect the openness and character of this part of the York Green Belt.

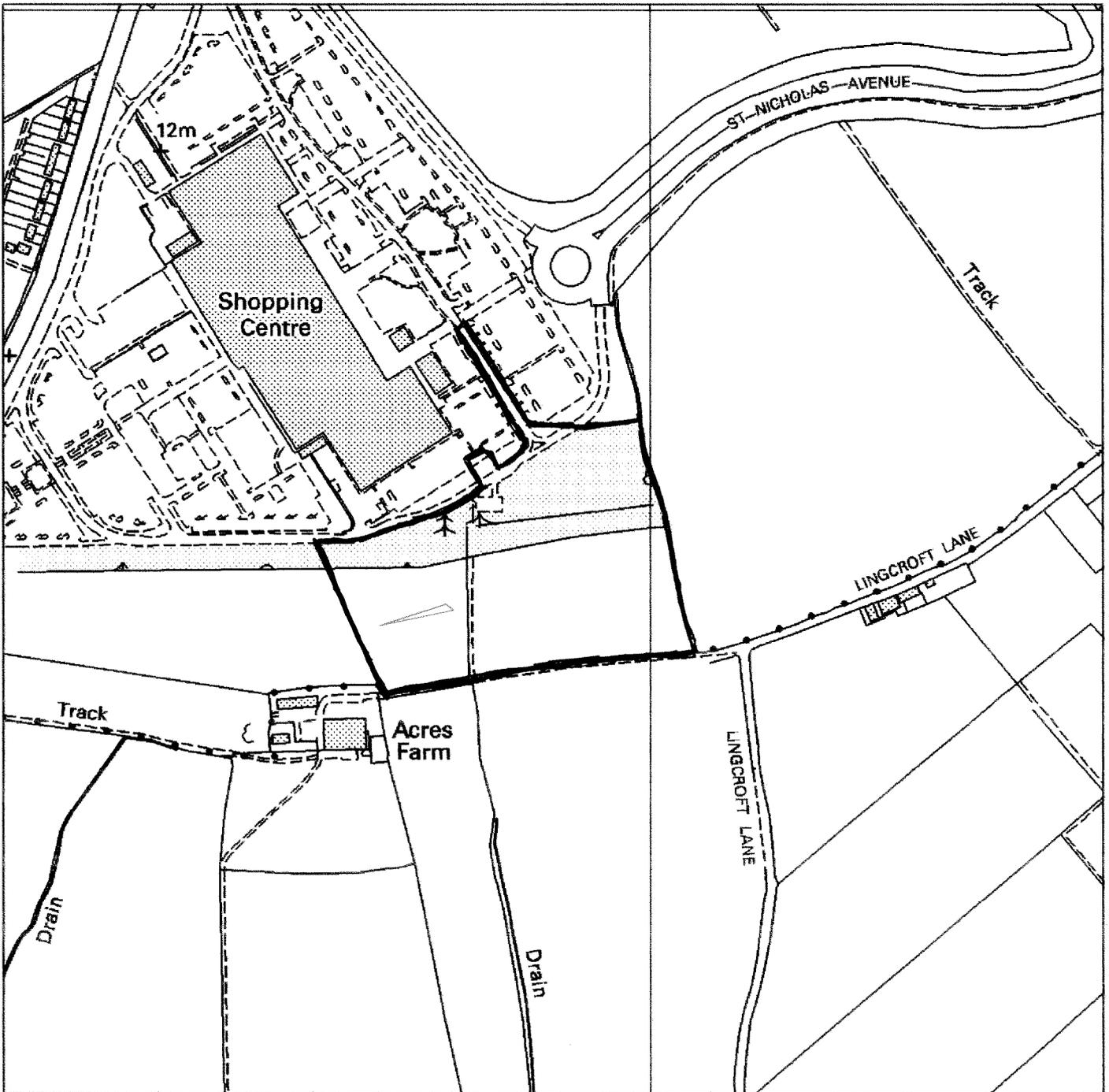
7.0 INFORMATIVES:

Contact details:

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Application 08/01786/FULM

Proposed Dobbies Garden Centre



Scale : 1:5000

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Organisation	City of York Council
Department	Development Control
Comments	
Date	13 October 2008
SLA Number	

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Planning Committee

23 October 2008

Report of the Director of City Strategy

SKELTON VILLAGE DESIGN STATEMENT FOR APPROVAL AS AN INTERIM PLANNING STATEMENT

Summary

1. This report presents a summary of the responses received following a consultation on Skelton Village Design Statement. A number of amendments are proposed as a result of the consultation process. With approval from Members, it is intended that the document becomes an Interim Planning Statement to the draft Local Plan (as amended). The document would thus become a material planning consideration when considering planning applications for development in Skelton.

Background

2. In 1996 the Countryside Commission (now Natural England) launched the 'Design in the Countryside' initiative, and produced advisory packs to help villages understand the concept, process and method of producing a Village Design Statement (VDS).
3. Village Design Statements are prepared by local communities. They offer a framework for engaging local people in constructive debate about defining the special character of their village, as a basis for ensuring that new development in their area fits its surroundings and is in keeping with that character. The VDS can help everyone involved in a development to understand local views and perceptions at the outset of the design process. This helps new buildings to be designed in a way that is more likely to gain local support, rather than generate opposition. Village Design Statements provide a tool to help manage long-term change, not prevent it.
4. PPS7: 'Sustainable Development in Rural Areas' gives guidance on the design and character of rural settlements (paragraph 13) and endorses the use of Village Design Statements; *'Local planning authorities should prepare policies and guidance that encourage good quality design throughout their rural areas, in accordance with Annex C to PPS1, and utilising tools such as Landscape Character Assessments and Village or Town Design Statements, and the design elements of Village or Parish Plans prepared by local communities.'*
5. PPS3: 'Housing' (paragraph 18) states; *'To facilitate efficient delivery of high quality development, Local Planning Authorities should draw on relevant guidance and standards and promote the use of appropriate tools and*

techniques, such as Design Coding, alongside urban design guidelines, detailed masterplans, village design statements, site briefs and community participation techniques'.

6. A VDS contains a descriptive analysis of the relationship between landscape, settlement patterns and buildings. From the survey analysis, the VDS identifies principles to be applied to new developments such as the design of buildings and the spaces between them. The document should benefit local people, developers, new occupants and planners.
7. If approved by the local planning authority as an Interim Planning Statement, the VDS becomes a material planning consideration in the determination of planning applications. The weight which will be attached to different elements of the guide will depend on how closely they reflect national or regional guidance; the technical work that supports it and the robustness of the planning argument behind it, in addition to the level of consultation undertaken. As such the material weight to be attached to the document will need to be assessed in relation to the individual circumstances of each application site and other material planning considerations.
8. An amended draft version of Skelton Village Design Statement is attached as Annex 1 to this committee report. Amendments following the consultation exercise have been incorporated to clarify some points in the document and to strengthen others. A schedule of responses received from the consultation, together with the VDS groups and officers responses are set out in Annex 2.
9. The introduction to the VDS explains that it includes some aspirations that are outside current planning regulations. However, this is the villagers' own document and the inclusion of non-planning issues can be appropriate because the information is relevant to all, not just the local planning authority. (architects, builders, householders, businesses...), not just the local planning authority. The character of the village is defined by many details some of which cannot be regulated by the development control process, such as windows and boundary treatments, and therefore the role of the VDS in guiding the individual property owner in Skelton is crucial in maintaining the traditional aspects of the village.

Consultation

10. Skelton village first started work upon the village design statement in Autumn 2006. Following two public meetings, a steering group was formed from the village to take the VDS forward. During 2007 and early 2008 the group sought the views of local people through house to house questionnaires, a village walkabout, a two-day exhibition in the Village Hall and placing a draft document upon the web sites of the Parish Council and the Village Trust. An art competition and questionnaire was done in February 2008 with pupils of the local primary school. Since these events several drafts of the VDS have been produced and council officers have commented on the contents of the drafts, part of the usual process.

11. On 24 June 2008 the draft VDS was presented to Members and was approved by Planning Committee for consultation. The eight week consultation was carried out between 9 July and 5 September. Given a low initial response rate, and the consultation running over the summer months, a reminder letter was sent and an extra period was added until 25 September. The final draft document was sent to organisations that have a particular interest in this parish, including statutory undertakers and Council service providers; a full list of consultees is provided in Appendix 2 of the VDS. Local people also had an opportunity to comment on the final draft.
12. Throughout the consultation period copies of the draft VDS were available at:
 - the central reference library and local venues (shop/ church/ school);
 - the Council reception at 9 St Leonard's Place;
 - the Council, Skelton Parish Council and Skelton Village Trust websites; and
 - a press advert ran on 6 August, as well as a press release, local posters and an article in the parish newsletter which went to every household.
13. 14 responses were received from interested parties. Annex 2 to this report summarises the responses, and where appropriate, the subsequent amendments. The VDS group has worked well to produce an interesting and well researched document, and are now keen to see the document approved as an Interim Planning Statement

Options

14. Option 1 is to approve the VDS as an Interim Planning Statement.
15. Option 2 is to request the Skelton VDS group to amend the document.
16. Option 3 is to not approve the VDS as an Interim Planning Statement.

Analysis

17. Option 1 is preferred. Options 2 and 3 could delay or halt the VDS process.

Corporate Priorities

18. The VDS, once agreed and approved, would assist in making decisions upon planning applications, through the Development Control process. VDS's have also been given weight by Planning Inspectors in individual planning appeal cases. The VDS is valuable and carries weight as a material consideration because of the degree of local community involvement in producing it.

Implications

Financial

19. It would be necessary for the Council to meet the cost of part of the print run of the final version of the VDS, if approved, so that colour copies are available

for officers and the public. The cost of £250 has similarly been agreed for the other VDS's in the City of York.

Human Resources (HR)

20 No implications.

Equalities

21 No known implications.

Legal

22 No known implications.

Crime and Disorder

23 No known implications.

Information Technology (IT)

24 Add final VDS to the Council website.

Property

25 No implications.

Risk Management

26 There should be no additional risks.

Recommendations

27 Members are asked to agree Option 1, to approve Skelton Village Design Statement as an Interim Planning Statement. The document would then be a material planning consideration when considering development in Skelton.

Reasons: The document follows 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.

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Assistant Director
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Specialist Implications Officer(s) None

Wards Affected: Skelton, Rawcliffe & Clifton Without

All tick

For further information please contact the author of the report

Background Papers

Report to Planning Committee on the consultation draft VDS for Skelton 24 June 2008

PPS3 (Housing, November 2006)

PPS7 (Sustainable Development in Rural Areas, August 2004)

Annexes

Annex 1: Skelton Village Design Statement (with consultation changes)

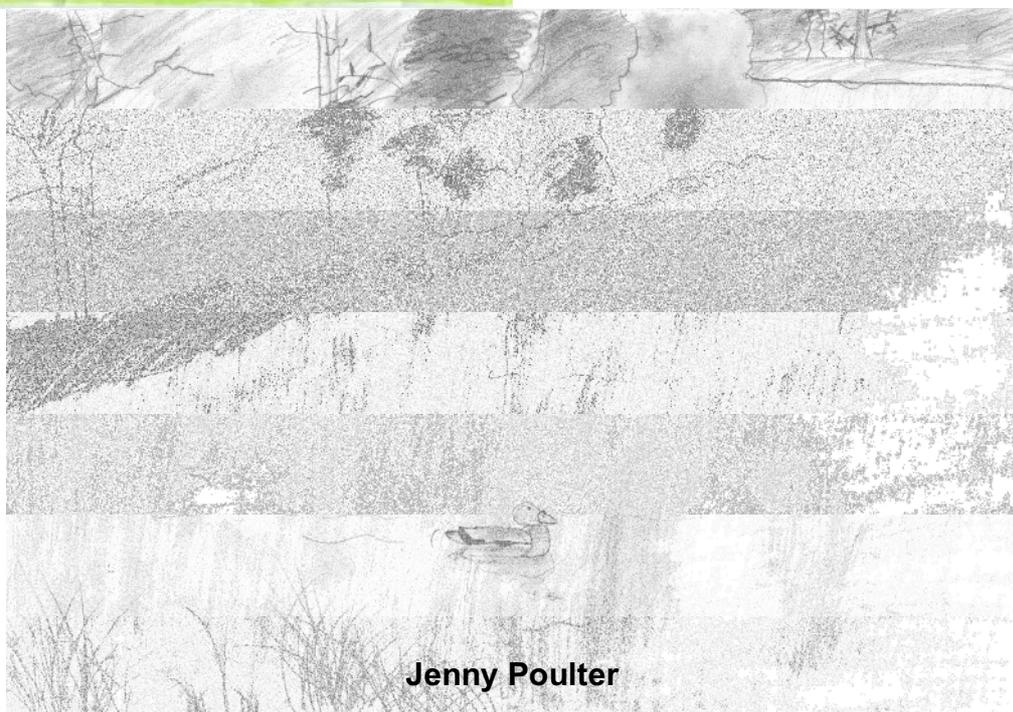
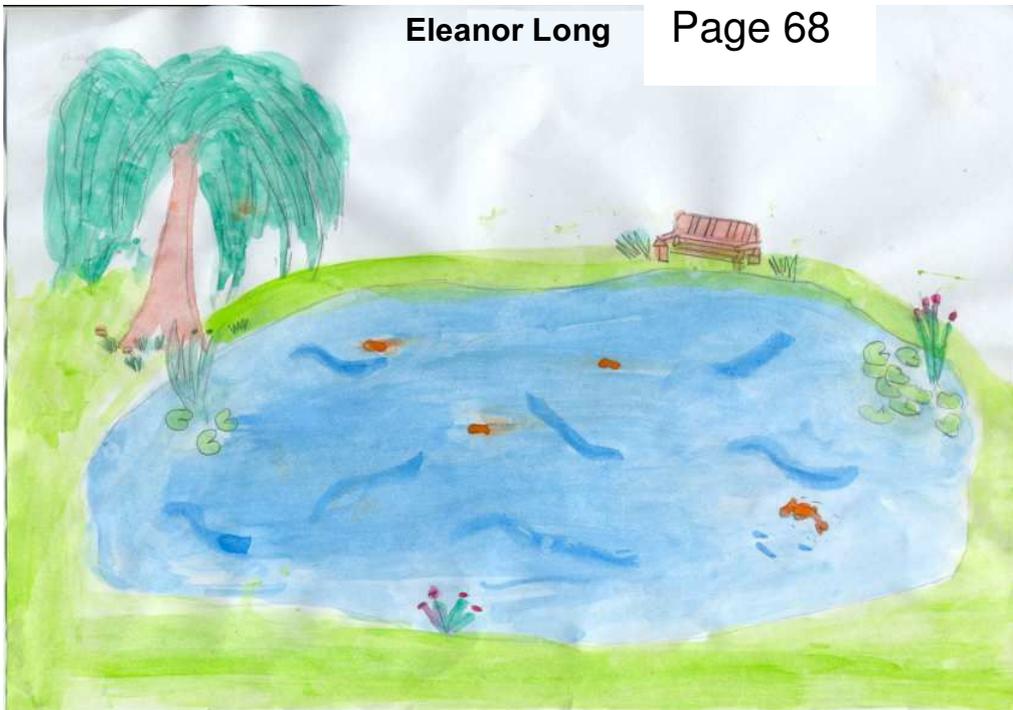
Annex 2: Schedule of responses (Sept 2008)

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Skelton Village Design Statement

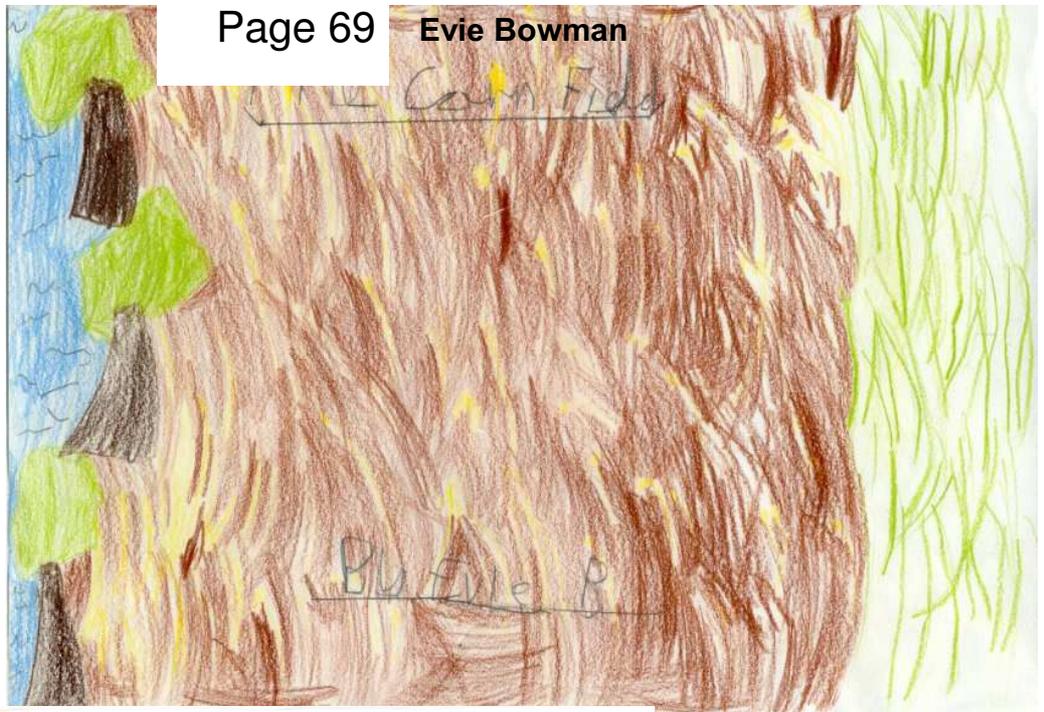




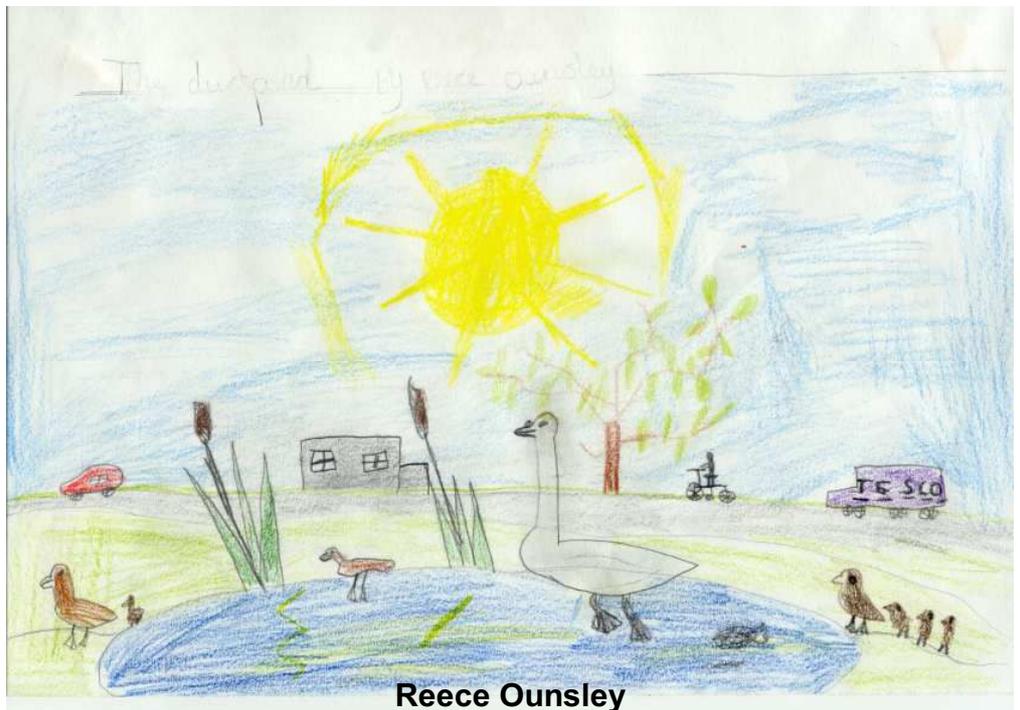
Jenny Poulter



I like the countryside. Florence Crosson nature.



Angus Ivel



Reece Ounsley



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Acknowledgements

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Skelton Village Hall Management Committee for the use of their facilities

Andrea Howlett, for her summation of the history of the village.

Joan Walters, for providing maps and information about the development of the village.

Alison Sinclair, for her invaluable contribution regarding the vernacular features of the village.
The group would also like to thank the many residents, too numerous to mention, who have read and corrected the document, and made several excellent suggestions.

Principal photographs supplied by Philip Butler, Michael Grills and John McMeekin. Cover photographs supplied by Joe Watt.

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St. Giles Church, viewed from Church Lane



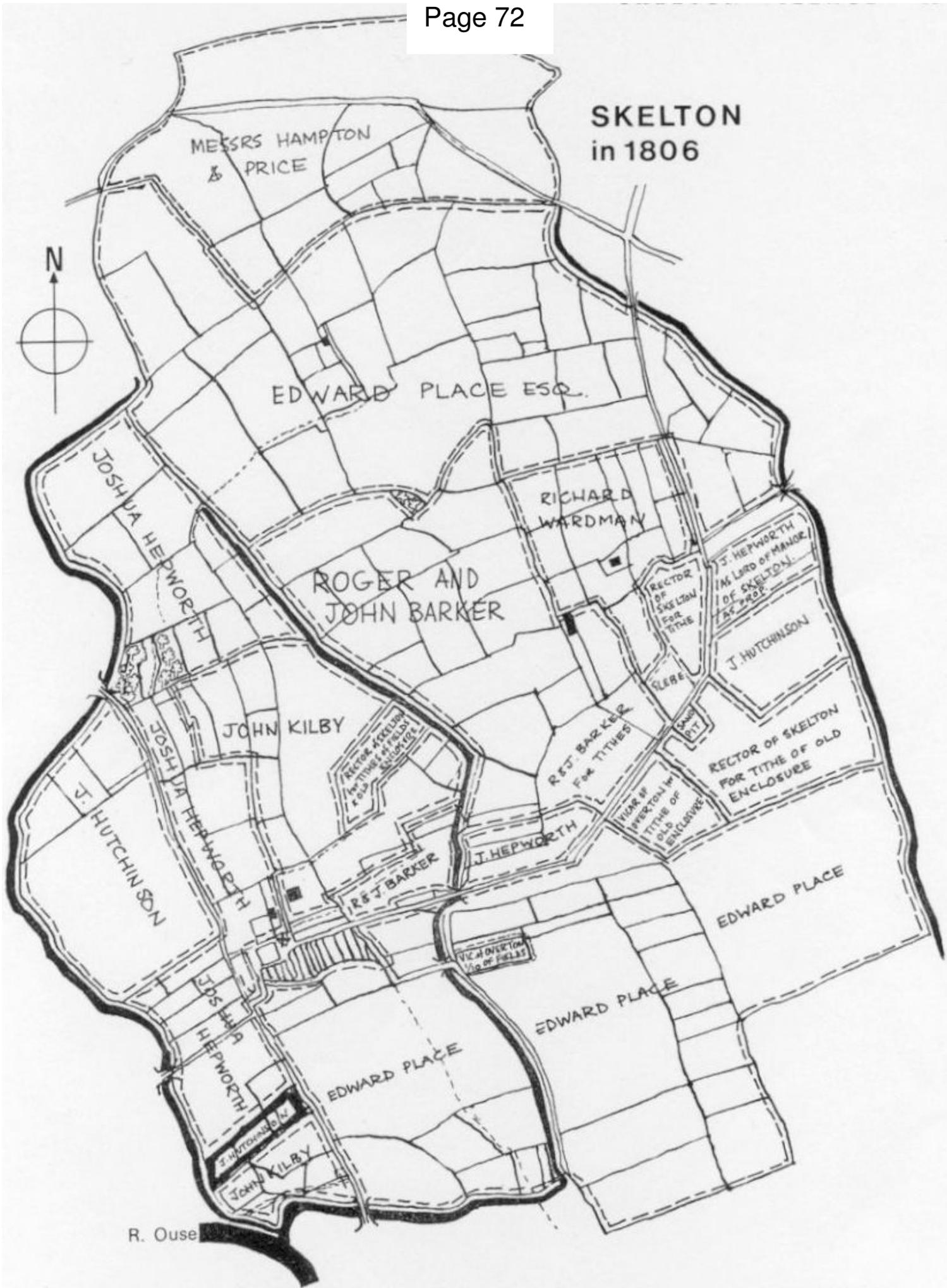
Some points raised in the document amount to aspirations of village residents and are acknowledged to be outside the control of the local planning authority.

This Village Design Statement (VDS) was approved as an Interim Planning Statement to the City of York's draft Local Plan (incorporating the fourth set of changes) by the Planning Committee of City of York Council on 23rd October 2008.

The approved VDS is an Interim Planning Statement, linked to the approved Local Plan. However, once the Local Development Framework Core Strategy is adopted, Interim Planning Statements can be converted into Supplementary Planning Documents which will carry more weight.

Grange Farm House





The Skelton Enclosure Award of 1806, based on the original drawing by Stephen Duckworth.

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OUR VILLAGE

The rural parish of Skelton lies some four miles to the north of York City Centre and covers 977.3 hectares (3.77 square miles). In the south west sector lies Skelton village itself and nearby commercial undertakings. It is with this part of the parish – the village envelope – that this Design Statement is largely concerned, together with the relationship of the village to its setting within the parish and beyond.



THE PURPOSE OF THE STATEMENT

The purposes of this Village Design Statement are:

- **To identify those features of the village its setting, layout and architecture which define the special character of Skelton and which should be protected for future generations.**
- **To identify guidelines for any future development which will safeguard these qualities and preserve the traditions, appearance, form and cohesion of the existing settlement.**
- **To raise awareness that small changes within permitted development can affect the nature and character of the village.**

INTRODUCTION

The Background

In 1996 the then Countryside Commission initiated Village Design Statements (VDS). The objective was to provide a vehicle for local residents to have their say in the future development of their village. Since then several hundred villages across the country have completed a VDS. Work on the Skelton VDS started in autumn 2006.

How has it been produced?

Following two public meetings in late 2006, a steering group of nine volunteers from the village was formed, supported by representatives of the City of York Council,

During 2007 the group assembled material, discussed the project with others in the village and conducted a survey of residents' opinions via house to house questionnaires. In early 2008 a first draft was written and displayed for consultation at two open days in the Village Hall, through the School, and on the websites of the Parish Council and the Village Trust. Changes have subsequently been made in response to the extensive consultation undertaken. (See appendices.)

Who will use it?

It is for reference by and guidance to residents, architects, planners, developers and the local planning authority; it concerns anyone considering a development – large or small – in, or in the surroundings of, Skelton village. They should not only familiarise themselves with the VDS guidelines, but demonstrate they have reflected them in their proposals.

Its aim is to promote standards of design appropriate to the village by providing practical guidelines. The role of the individual property owner is as crucial as that of the large-scale developer in maintaining the character of the village.

It is intended that this VDS be approved by City of York Council as an Interim Planning Statement, pending the outcome of the Local Development Framework. As such it will then be a material consideration in the interpretation of planning policies at local level.

What does it contain?

It describes the history, setting and visual characteristics of the village. In particular it identifies those features which are particularly valued by village residents. These are the features which any future development should acknowledge, protect and enhance. It also emphasises those features which may act as a constraint on development.

Whilst the VDS is intended to help conserve those qualities which make Skelton special – and we are fortunate to have such a wealth – it is not intended to prevent change or development. What is fundamental, for the sake of future generations, is that any development underpins, reflects and enhances the qualities we all value and which the statement identifies.



During its long history Skelton has stood at the crossroads of tracks, later roads; one leading up from the River Ouse into the village and then out to the north east; the other leading north from York. In time the former has diminished in importance whilst the latter grew in significance, first to turnpike and then in the last century to a major trunk route. This road is now the busy A19 and it divides the historic, larger and mainly residential side of the village on the east from the mainly commercial development along its western edge

The predominant natural feature is the eminence on which the old village centre stands, most likely a deposit of boulder clay, which takes this section to a height some twenty-five metres above sea level, ten metres more than the remainder of the village.

It is this eminence that probably explains the village's early settlement, away from the river but close enough for river transport, offering some security from surprise attack and elevated from the undrained and boggy land of the plain. There is little evidence of any Roman settlement here and the village name probably began as the Anglo-Saxon 'Shelfton' – 'the settlement on high ground' – becoming the present 'Skelton' under the invading Danes.

The village, along with nearby Overton, is mentioned in the Domesday Book, and appears to have grown into an established community from the thirteenth century onwards. The fine church dates from 1247. Early documents record families of wealth living here; in mediaeval times the village had Royal connections as part of the Forest of Galtres; the fine Manor House, still with its imposing staircase and panelling was built in the 1550s and the Grange followed in 1675.

Many houses still surviving were put up in the 18th.Century and after the Enclosure Award in the early 19th.Century an

equal number of other large dwellings followed, including Old Manor to the west in 1815, The Hall in 1833 and Moorlands in 1864. By 1901 the village was recorded as comprising 2,473 acres with a population of 270, having varied over the previous hundred years between 203 and 367, most employed in servicing these large houses and in agriculture.

Apart from the building in the mid-1900s of a line of bungalows and houses along the present Moorlands Road, little changed from then until the second half of the last century. In 1951 the population was still only about 481 but then expanded rapidly. First came the local authority Brecksfield estate of about 150 dwellings built along a new circular road which doubled the size of the village. This was followed by several smaller developments, such as The Meadows, The Vale and The Dell, by the building on the old Grange Estate of some 240 houses around the new Fairfields Drive and Burtree Avenue, by The Wheelhouse and Pasture Close and on Church Lane, bringing the present day population to in excess of 1,600.

Across the A19, on its western edge, there is a scattering of dwellings, but the predominant features are the commercial undertakings established during the second part of the last century.

The knowledge and sense of the history within the village creates a sense of permanence and continuity, a wish to maintain and cherish age old features, and a respect for Skelton's traditional buildings and its timeless natural setting.

DESIGN GUIDELINE 1

Plans for new development need to show awareness of, and not dwarf or submerge, the historical past of the village.



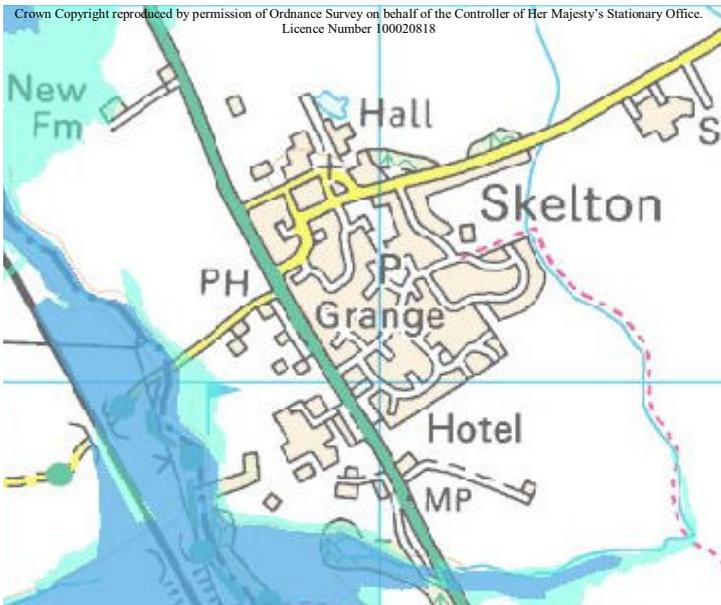
Moorlands Road, showing the long rear gardens

For the best part of a thousand years the village has been dominated by agriculture and farming. Cultivation around the settlement was mentioned in the Domesday Book and even today the village is surrounded on all sides by well farmed agricultural land capable of sustaining most crops.



To the north there remains evidence of the old mediaeval and early enclosure field patterns and there is a relatively high retention of ancient hedgerows.

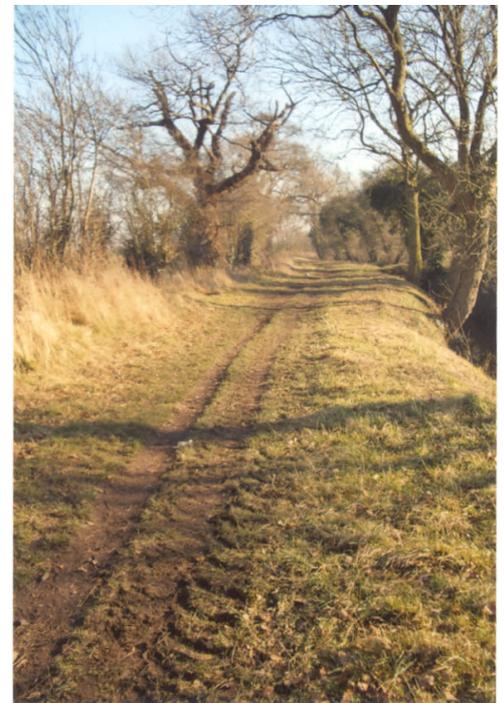
The village itself is adequately drained by three well maintained streams. Currently there seems little risk of substantial flooding in the lower parts of the village itself but the situation is not without concern. Within the settlement are several ponds, two in private grounds to the north west and north east of the Church, and on either side of the A19, one the Skelton Pond, off Burtree Avenue and the other in the grounds of the food factory, indicating a high water table. Then, just outside the immediate village periphery there is substantial flooding risk to the surrounding fields on three sides as the Environment Agency map shows.



At a time of increasing general concern at flooding risk it is important to ensure such risk within the existing village is not increased by ill-planned large scale development.

DESIGN GUIDELINE 2

Future development should not increase flooding risk within the village and should incorporate adequate drainage measures for each development.



The close proximity on all sides of the surrounding fields creates the valuable ecosystem the village enjoys. The hedgerows sustain a wide variety of natural life and the small copses in the North Field and at Moorlands provide a haven for transient roe deer, as does the much larger plantation in the neighbouring Overton Wood.

The richness of the ever-present flora and fauna was documented in two surveys, one in 1956 and later in the Stapleton/Thomson book in 1971. Within, and in the immediate village surrounds, they identified:

- In the region of 100 species of birds
- 328 species of trees and plants
- 8 different ferns
- 31 different types of moss
- 9 fungi
- amphibians, including frogs, toads, the Warty or Crested Newt and the Smooth Newt
- 21 species of mammals including the Whiskered Bat and the Long Eared Bat

The bats and the Crested Newts in the village are protected species.

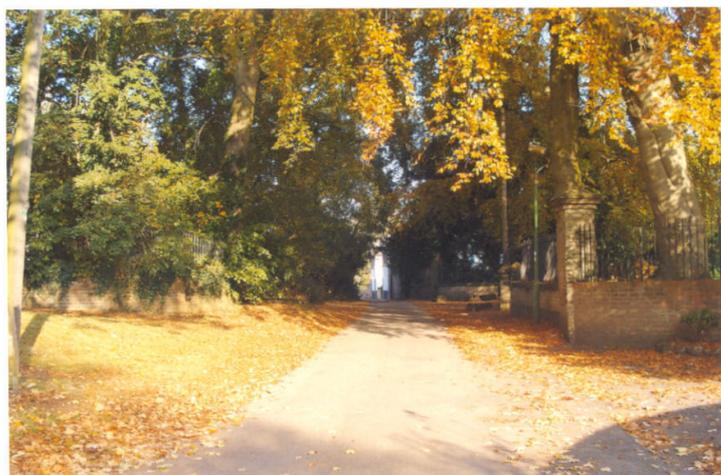


The Countryside Agency produced a Countryside Character Map for England which identifies broad areas of different Countryside Character. Skelton lies within **CCA28 Vale of York** - the Vale of York character area which is low lying, generally flat or gently undulating.

The approach to the village settlement from the west has been likened to a township rising from the surrounding fields like an island from a green sea. Writing in 1971 the Rev. H.E. C. Stapleton wrote: 'The best way to appreciate the choice of Skelton as a site for a settlement is to stand and look at the present village from Stripe Lane. From there it looks rather like a fishing village. On the 'quayside' stands the 'harbour inn', the Blacksmith's Arms, and behind, galleried on the gentle rise of the hill, are the houses crowned by the church belfry and the trees of the green as a backcloth.'



By contrast, approaching from the north the fields and copses lead to the settlement across open land, along the old Northfield (sometime called Foster's) Lane, past scattered houses and directly into the heart of the conservation area at The Green. From the east, the well-treed Moorlands Road leads past farm buildings and cottages to the line of houses and bungalows, which still look out to the pure countryside across the road, and thence to The Green. From the south, fields come right up to the southern housing, with the old partially wooded right of way across the fields from Rawcliffe running parallel to the A19 emerging directly into Brecksfield.



On three sides and to the west of the A19 the village looks out to the agriculture and countryside it has always known. Long vistas, sometimes glimpsed between mature trees, unfold on all sides from the relative high ground and stretch for many miles across fields and copses, including to the south to the stirring sight of York Minster, a fitting reminder of the architectural connection between the village church and its incomparable contemporaneous senior.



However, of all these it is the trees that most unify the rural village with the surrounding countryside and merit most attention. In several parts, but particularly on The Green and in and around the grounds of Skelton Hall, the village is graced by many substantial, mainly deciduous mature trees. No species predominates but together they form an attractive canopy enhancing the village, defining its character and standing as an integral part of the Conservation Area.



Further from the centre, along Moorlands Road, are lines of fine old oak trees and whilst winter gales take their toll of some branches the landowning family has continued this age old feature by planting many saplings. Elsewhere the Parish Council and Village Trust have continued the tradition by establishing young trees in the green spaces of the village.



Throughout the village immensely valuable open spaces have been left undisturbed or been created for the benefit of residents. They are cared for by the Parish Council and local volunteer groups and include The Green, Crooking Green, Orchard Field, The Pasture, Skelton Pond, the two open spaces at Sycamore Close and the open areas in Brecksfield.

The football field and the adjoining school playing fields are themselves separated by the long private gardens of the Moorlands Road properties to the north, providing a valuable margin of separation.



DESIGN GUIDELINE 3

The immediate proximity of the surrounding fields, the rich and varied flora, the abundant natural bird and mammal life and these graceful, mature trees together unite with the many open green spaces to create in many residential parts of Skelton a rural atmosphere not otherwise found in an increasingly urbanised Greater York area, and are integral to its unique and much appreciated character. These characteristics should never be compromised by future development but supported and enhanced by it.

The extent and importance of the open spaces becomes apparent on walking from the northern end of the old Northfield Lane (Fosters Lane) through The Green, across the road, down the new pasture, past the fine line of oak trees by the bungalows in Fairfields Drive/Brecksfield, then onto either the Brecksfield right of way or open space.

The village will have been walked from north to south, through its centre, almost entirely on tracks or across open spaces, a wonderful indication of how well the rural atmosphere has been preserved and enhanced.



All the public open spaces sustain and enhance the pervading village atmosphere, provide collective and individual recreational opportunities and open aspects amidst the built environment. They are a crucial element in the success of the village as a community.



As the picture below shows the currently recognised Green Belt surrounds the village, showing the settlement located in the pure countryside which surrounds it. Successive objectors and developers have urged it should be relaxed to allow substantial further village development but the line has been maintained.



Aerial photos are GetMapping copyright flown April 2002, reproduced with permission

The control thus created has allowed a village unlike others in and around the City to maintain its essential features and characteristics. Relevant factors which support this control include:

- **To the North is the observed evidence of Mediaeval and early Enclosure field pattern which is likely to be prejudiced by development.**
- **To the West is the A19.**
- **To the South is the narrow stretch of green fields between the village and York outer ring road which provide a buffer against absorption into the North York suburbs.**
- **To the east are good agricultural land and efficient farms.**



The Green Belt has been formally considered in the City of York Development Control Local Plan incorporating the 4th Set of Changes (2005), and the boundary reflects the 1994 Inspectors Report from the Local Plan Inquiry which stated that *"the open land around Skelton fulfils a legitimate and important Green Belt function, should remain open, and should therefore remain within the Green Belt."* The principles of retaining openness and the character and setting of villages remain important, particularly to the people of Skelton. Commercial premises on the west side of the A19 occupied by a chilled food factory are excluded from the Green Belt as an Existing Employment Area.



DESIGN GUIDELINE 4

All proposed development will be required to satisfy Green Belt restrictions outlined in current planning policy documents.



The village Church, formerly All Saints but now known as St. Giles, is a Grade I listed building and to the immediate south was The Green. It was around them that the first domestic and farm buildings grew – an unusual feature in the Vale of York where most settlements are street villages. The typical mediaeval pattern of ‘toft and croft’ agriculture can still be traced in the long, narrow plot boundaries extending back from the present houses.



Over the years other houses were built off The Green, so that in the centuries to 1950 the village radiated progressively further from this historic core along the present St. Giles and Moorlands Roads

and The Village. Indeed the mansions at Moorlands and Fairfield Manor are so far from the centre of the village as to be on the boundaries of the Parish. Almost always, however, alongside the large houses were the smaller tenements for the servants and agricultural workers who serviced them.

When the Brecksfield Estate was built in the early 1950s it was also away from The Green. Other smaller private estates followed as did the 1980s Grange Park development built alongside Brecksfield. This 1980s addition to the village was significant in several ways:



- With the Brecksfield development it increased the village population from 481 in 1951 to the present figure of about 1600.
- It gave direct access to the A19 from both Fairfield and Brecksfield along Fairfield Drive.
- Its mixed pattern of affordable and larger properties preserved the historic pattern of building large detached houses in the immediate proximity of much smaller properties.
- The two estates, together with the new school between them moved the village centre (measured by footfall) away from the historic core to where they now meet at the village shop.



Maintaining a traditional pattern of development where large houses are found cheek by jowl with much smaller properties is an uncommon

welcome feature of the village. A man or woman t today be born in a housing association property in Skelton, marry to a traditional cottage or affordable new house, move to a much larger modern or older family home and retire to a pleasant bungalow, never moving more than a short distance from their birthplace, reflecting a truly astonishing and socially desirable balanced pattern of development which any future plans should preserve.

DESIGN GUIDELINE 5

Future development should maintain the existing social pattern of mixed housing in mutual proximity wherever possible.



Across the A19, the old Toll Bar Cottage was built when the then road north was turnpiked, but other than Fairfield Manor the few houses here are relatively modern and dominated by commercial activity.

Fairfield Manor itself is now a large, thriving hotel; other businesses include a prepared food factory, an ambulance control centre, a small golf course and a garden centre. This sector is separated from the residential village



by the A19's constant traffic which forms not just a physical and visual barrier between the two parts but a constraint on future development and integration also.



The A19 brings benefits (ease of access) and penalties (noise, traffic hazards, pollution) but it also defines the western boundary of the housing settlement. Any significant future

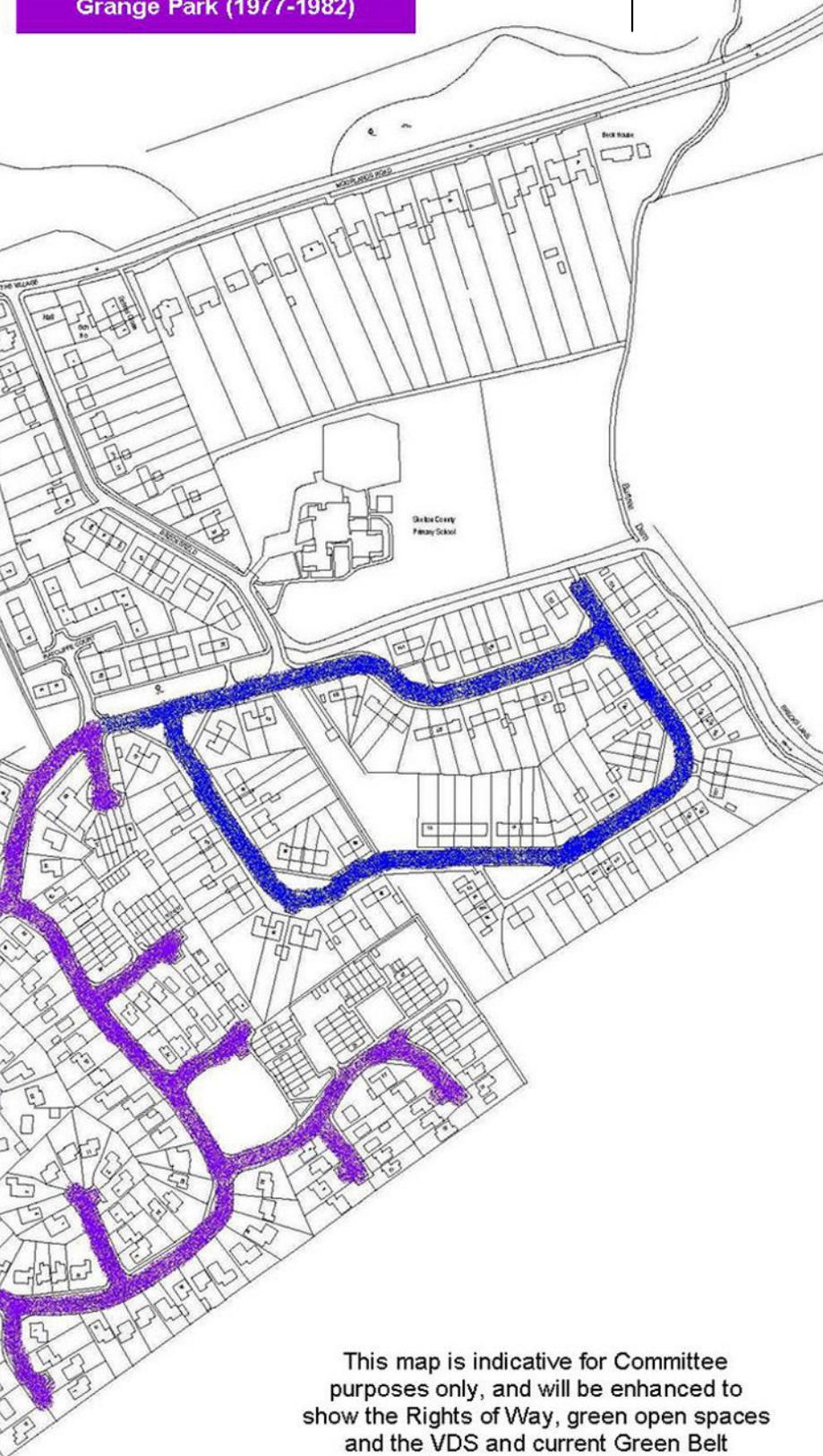
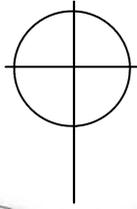
housing development west of the A19 would be separated from the existing village and its amenities by the A19 hazards and would merely increase those obstacles that hinder community integration.

DESIGN GUIDELINE 6

Developers of land to the west of the A19 should consider methods of integration with the existing village.

Main phases of development

- Original village
- Brecksfield (commenced 1957)
- 1960's development
- Grange Park (1977-1982)



This map is indicative for Committee purposes only, and will be enhanced to show the Rights of Way, green open spaces and the VDS and current Green Belt boundaries in the final document.



Church Lane
Looking from the A19 towards The Green



Church Lane,
looking from The Green towards the A19



Grange Close,
looking northwards



Looking southwards across The Green
towards The Pasture

dy lane leads past the Church, where **Skelton Hall** is extensive landscaped grounds, with the stables and outbuildings converted into a separate dwellings. These,

THE CONSERVATION AREA

Although the area of the Green may no longer be the village geographical centre it remains the village core and it was in recognition of the desirable balance between the natural and developed environment there that the old residential village was one of the first places in North Yorkshire to be designated a Conservation Area in 1973. The area is delineated on the plan on page 10.

The authors acknowledge the framework and phraseology of the following section are an amplified version of the inspired description of the Conservation Area in the original designation document:

“A combination of interesting topography and street pattern, varied building forms and a well-treed setting give Skelton its attractive, distinctly rural, restful character. This is emphasised by its location just off the main A19 road, from which the virtues of the village are unsuspected.”

The village focal point is **The Green**: its undulating grassed ground and mature trees create almost a miniature landscape in its own right.



The Green provides a setting for **The Church of St. Giles** (formerly known as All Saints) a Grade 1 listed building, dating from c.1240, with restorations of 1810-18 by Henry Graham and 1863 by Ewan Christian. It was probably

built by the masons of the south transept of York Minster. Though small it is a foremost example of early 13th century work in this region. The materials used are magnesium limestone and Westmorland slate.



An attractive terrace of 18th and 19th century cottages amongst which is **the listed Grade II Pyramid House (1760 – 1780), formerly The Old School House**, whose roof is an arresting feature.

In contrast opposite are individual properties, including the **19th century Cottage**, which are set in their own, walled grounds. This variety epitomises Skelton, a village of contrast, yet unified by the trees, boundary walls and the use of natural building materials to create a natural “flow” from one part of the village to another.

Skelton Manor (grade II* listing) has mid-16th century origins, with major alterations from the early-mid 18th century and late 19th century. Vestigial timber framing was subsequently cased in brick and the roof is of plain tile. The interior is exceptionally well preserved and has been restored with very great care.



with the conversions of the former parts of the nearby Skelton Manor, have created two small intimate communities; part of but discreetly separated from the main village. Paddock areas provide their setting on the north side with the open countryside beyond.

Eastward from the Green the road slopes quite sharply down hill to **The Old Rectory** and **Crookhill**, the road fringed by grass verges, hedges and boundary walls. Looking back the treed setting of the village, with buildings half hidden, can be appreciated.

Across The Green is the paddock and green open space which extends towards Brecksfield. It is through this open space that the winter view of York Minster from St.Giles has been preserved. In Orchard View is a further row of cottages leading to **Grange Farmhouse.**”

The designation document concluded:

“**The main elements of the character and appearance of the area are:**

- **The way that topography, mature trees, the street pattern and building forms create a varied, yet cohesive, village character.**
- **The qualities of individual buildings set in their own grounds, creating a ‘rural hideaway’ atmosphere; and in contrast the groups of cottages that front onto the street elsewhere in the village.**
- **The way that boundary walls, hedges, grass verges and roadside trees lead naturally from one part of the village to another.”**



Other properties typical of their time which, whilst not listed, enhance the Conservation Area, include the 200 years old traditional former farm houses at Skelton Croft and Orchard House (later a coaching inn); the lines of cottages in Orchard Close,

The Village and Chestnut Row; the former parts of The Manor at The Coach House, the staff buildings at The Lodge and the barn at Manor Court; and Cobblestones, the parallel buildings formerly stables and coach house of The Hall, where the clock tower and old hay lofts are immediately recognisable.



The Blacksmith’s Arms, with its old mounting block, remains the well known travellers’ feature it has been for approaching three hundred years.



The vernacular features of older village buildings are more than architectural detail: they speak volumes as to the materials available when they were built, as to the buildings themselves and about the village then around them.

The Church, built to God's glory, had to be in stone, the most valuable, longest lasting and most readily carved material available.

The dimensions of The Manor suggest the earlier use of timber framing, readily available from the trees in the nearby Forest of Galtres, and the possibility of an earlier thatched roof.

The remains of a brick kiln north of the settlement explain the prevalence of so much matching brick and tile throughout the village after the mediaeval period.

On The Green, The Cottage elevation is that of a classic Vale of York 18th century vernacular house built from brick with a narrow



stringcourse feature and the traditional relationship of door to chimney stacks. Its small paned windows reflect the limits of then current glassmaking.

The many small cottages on and around The Green, with their characteristic low profiles, roof lines and chimney stack, are similarly built in the materials close at hand, as is



the fine, classic Vale of York farmhouse, Crookhill (1763) built in narrow bricks also with the traditional stringcourse feature. The slate roof of the well balanced

Regency Hall reminds us that at the time of its construction new railways were able to transport materials from further afield.



DESIGN GUIDELINE 7



A) No new development or extension to an existing property which prejudices or adversely affects the identified character and appearance of the Conservation Area should be permitted and vernacular features of construction lay out and

design relevant to individual buildings or the area around them should be respected.

B) The scale and density of new buildings or extensions to existing buildings should reflect and not swamp that of its own and neighbouring properties.



C) Replacement windows should be in keeping with the vernacular style of the property concerned and roof lights and dormer windows detrimental to the character of the building avoided.



D) Whilst the use of vernacular materials of brick, timber and clay pantiles is generally desirable, sympathetic, innovative and high quality new design, especially combined with

eco-architecture, which enhances the character and appearance of the Area may emerge enabling a new vernacular style to develop and providing a sense of overall continuity.

E) City of York Council guidance in its publication 'A practical guide to living within a Conservation Area for householders' (or any subsequent publication) should be followed in all building works.



The line of bungalows and houses along Moorlands Road retain the best features and stand as good examples of housing development in the mid 1900s, well



set back from the road and with long back gardens which merge into the football field making a valuable contribution to the environment in this part of the village.



The newer village beyond has, to an encouraging extent, maintained the traditional village harmony and sense of scale. Relatively short roadways (many cul-de-sacs), varied groupings

of dwellings, decent size plots, the use of traditional brick and tiles and conventional and restrained domestic architecture have combined, with the result that variety, intimacy and cohesiveness have not been sacrificed wholesale to expansion.



The village has been fortunate in that twentieth-century development has largely (though not exclusively) used materials traditional to the village. Brick and tile, coupled with the widespread modest domestic design, predominate in Brecksfields, The Meadows, the extensive Grange Park housing and in Pasture Close, providing visual continuity of housing which unifies and bonds the entire settlement.



These characteristics should be maintained as features of any further development. The wider village's amenable characteristics

also require protection from over-development at both individual dwelling and community level.



DESIGN GUIDELINE 8

As to the layout, scale and density of new development and extensions to existing properties:

- A. The pleasing balance between buildings and open space, created by short or irregular roadways, reasonable plot sizes and mature boundaries of hedges, walls, trees and appropriate fencing should be maintained. In-fill development and extensions to existing properties should only be considered where it can be clearly demonstrated there will be no detriment to the character and amenity of the surroundings and that neighbouring residents' existing privacy and convenience are not adversely prejudiced.**
- B. Any new development should observe the present pattern where dwellings of various sizes are grouped together.**
- C. Where appropriate green open spaces, being a key feature of the village, and suitable landscaping should be provided to complement new development.**

DESIGN GUIDELINE 9

As to the materials and design of new development and extensions to existing properties:

- A. For extensions pitched rather than flat roofs and wherever possible building materials matching or compatible with existing elevations should be encouraged.**
- B. New houses should be eco-friendly, in accordance with the local planning authority's current sustainability policy, and of well designed domestic architecture. If of contemporary building style they should be respectful of their setting.**



The elements of the streetscape

Generally, Skelton is characterised by roadways of modest width with adequate footways, many with grass verges. Together with bordering hedges, walls and houses set back behind front gardens, the effect is to soften the urban tarmac and paved surfaces.

Signage and lighting away from the A19 is – generally – relatively unobtrusive and adequate. Both have been welcomingly restrained within the limits of practicality and safety. Private security lighting is increasing and can be invasive if not positioned with care. Similarly whilst there is a general absence of overhead cabling (with the notable exception of the eastern section of The Village and Moorlands), poorly positioned satellite dishes and other receivers can create eyesores.

In the Conservation Area footways have generally maintained a reasonable balance between modern needs (pushchairs, wheelchairs) and urban standards



(tarmac, generous width) as has street lighting. This will be a continuing dilemma but in the quiet lanes urbanisation can be avoided. Other street furniture is kept to an

unobtrusive minimum. The George VI post box in the wall of the old post office, and the mounting block outside the Blacksmiths Arms are valuable reminders of our links to the past.

DESIGN GUIDELINE 10

- A. Grass verges should be protected as a valuable village feature.**
- B. Changes to lighting, signage and street furniture should respect the village character – particularly extensions to current levels should be avoided wherever possible.**
- C. Wherever practical cabling should be installed underground and every opportunity taken to re-route existing services.**
- D. Private security lighting should be moderate and non-invasive.**
- E. Satellite dishes and receivers should be sited as unobtrusively as possible.**
- F. In the older parts of the village urbanisation of footways, lighting and signage should be avoided and any proposals should be discussed with neighbouring residents and representative bodies.**
- G. The old post box and mounting block should be conserved as historic artefacts.**

Three minor roads join the residential village to the A19 on its eastern side. Several minor tracks and lanes plus one major commercial entrance provide access on the western side. There is one road providing access to and from the east of the village.

The A19

Being a major route the A19 is well used. During 'peak periods' there are regular tailbacks stretching from the York ring road beyond the village to the north. At other times, consequent upon traffic speeds, there are hazards to vehicles joining the road and to pedestrians



It is essential that any further development:

- **does not worsen traffic congestion on the A19.**
- **has safe road junctions with the A19.**
- **facilitates pedestrian and cycle safety.**

Church Lane access to the A19

The lane is effectively a single-width carriageway. It enters the Green by a ninety-degree bend. At times at the junction with the A19 sight lines to the north can be restricted by vegetation.



Church Lane, as a result of its restricted carriageway width, is therefore unsuitable for handling any significant increase in vehicle movements.

St. Giles Road access to the A19

St. Giles Road leads into The Village, then Moorlands Road and out towards Skelton Cemetery and Wigginton. These roads and this junction are relatively well used, both by local traffic (including buses and large service vehicles) and by drivers avoiding ring road congestion, at peak periods.



The village view is that, at its western end, traffic hazards are compounded by a number of factors; a double 90 degree

blind bend, on-road parking (due to older cottage properties lacking off road parking space) and vehicle egress from some properties feeding straight onto the road at its narrowest point. The combination of these factors increases the risk of accidents to pedestrians, residents and other road users, particularly at busy times.

This short section of St.Giles Road/The Village presents hazards to vehicles and frontagers at the present level of usage, exacerbated by the growth or through traffic.

ervation Area, that they should not be permitted come access roads for any other purpose.

Fairfield/Brecksfield access to the A19



The junction itself is wide and modern and built to a standard to give access to and from the two estates. The road is adequate as a local distributor – there are nine junctions in 500 yards - but as

Fairfield Drive turns north into Brecksfield it can present hazards: there is the school drop-off point, a much narrower road with a bend, parked cars, and a poor visibility access into The Village.

Any development proposals which resulted in increased traffic levels along this section of Fairfield/Brecksfield should be discouraged.

Access to the A19 from the West

The several access points are from Stripe Lane, from Toll Bar Cottage, from the golf course/ garden centre and café, from the food factory and nearby cottages, and from the hotel/lay-by/ ambulance centre.



Together they generate considerable traffic, some being slow moving, articulated lorries particularly vulnerable to the heavy traffic flows on the A19.

The same considerations should apply to traffic from the west of the trunk road as apply to that from the residential village on the east.

The tracks into The Green

On either side of St. Giles Church unsurfaced tracks lead from the northern part of the Conservation Area and the Green Belt directly onto The Green. These tracks are an integral feature of the Conservation



Area and provide pedestrian and vehicular access to the houses north of the Church and to the farmland beyond the village.

These tracks are as protected by Conservation status as the rest of the Area and it is essential for the protection of The Green, at the heart of the

Car Parking

Vehicles are a feature of modern life and cause particular difficulties in old villages where cottages were built with no conception of modern traffic and consequently without provision for parking. The problem is exacerbated where there is parking access for one car but more than one vehicle in the household. Such difficulties feature in Skelton where:



- Many older properties, especially in the Conservation Area, have no planned place for vehicles.
- Vehicles are consequently left on the road or parked on verges.
- There is resultant nuisance, traffic hazard and inconvenience especially involving buses, emergency and service vehicles, obstruction and loss of visual amenity.
- In some houses subject to large extensions the extra building occupies the space provided for off-road parking.



The present problems should not be augmented by further development which impacts on the existing road capacity.

All development should, wherever possible, provide satisfactory provision for off-road parking.



Noise

Traffic on the A19 inevitably generates substantial and intrusive noise for those whose properties adjoin it: for others in the residential part it is less so. Noise from home based enterprises is so far not a problem but 'working from home' is likely to increase and even be encouraged.

Developers should be aware that the generation of unsocial levels of noise, disturbance (eg vehicular), noxious smells and the like are unacceptable to the community. The proper place for any commercial development is adjoining existing facilities west of the A19.

Most residents enjoy a good degree of privacy in their homes and gardens. This is partly due to the layout of plots and roadways, and to the presence of hedges, fences and trees – all part of a mature settlement. The green spaces serve to separate one set of housing from another.



The preservation of privacy and personal space is a constant challenge in any built environment. In Skelton any proposed new construction should at least maintain present standards of privacy.



This should not exclude imaginative concepts but should exclude visual clash and intrusion, and dominant size.



DESIGN GUIDELINE 11

A. Localised traffic congestion, causing potential difficulties for drivers and pedestrians, is found in the areas of St. Giles Road/The Village and the northern section of Brecksfield. Any new development in the village should avoid adding to these difficulties.



B. Further expansion of other tracks leading into The Green is to be avoided, as it would create intolerable pressure upon the Conservation Area eco-system rendering it impossible to sustain it in the manner intended when it was so designated.

C. Any future substantial development on either side of the A19 should provide its own safe access to and exit from the trunk road.



D. Any development proposals for individual or multiple properties should contain adequate provision for off-street parking wherever possible.

E. Pollution, emanating from domestic or commercial premises, and caused by excessive noise, smell or disturbance, should be avoided and wherever possible controlled through the development control process.

F. Existing Rights of Way should be protected and/or enhanced in any future development.

Many contributors to this VDS have made the point that a community thrives not by its buildings and physical features but by its people, and Skelton is fortunate in this respect.



The village embraces a host of activities reflecting the widespread interests and commitment of its residents.

It sustains most of the essential features of village life; thriving Church communities, a well regarded primary school, a regular bus service, village hall, doctor's surgery, shop and post office, pub and club.



Thriving organisations cater for all interests from local history to youth football. Skelton Pond and its wildlife – the village feature most popular with the school children – is a source of pleasure to both young and old.

It is amenities and organisations such as these that underpin the social networks of village life. Their health and maintenance are at the heart of a successful village community.



not by specific planning, but by the way development has occurred, the eastern, residential part of the Skelton village has acquired and retained many of the characteristics which go to make up the ideal village;

- In contrast to some neighbouring villages much of its village character remains despite significant development.
- It retains the natural features and immediate proximity to the surrounding countryside which preserve its rural appearance and character.
- It has a well rounded social mix resulting from an almost unique balance of housing types.
- It retains most of the essential amenities and interest groups which sustain village life whilst benefiting from proximity to a large centre of population providing employment, services, shopping and entertainment.
- It retains the sense of historical community resulting from its development over many centuries.
- Skelton Village has a recognised balance and sense of scale which distinguish it from other local settlements, both of which should be respected and carefully protected in any future development.
- The A19 is a busy trunk route and is a fact of life. It is a barrier separating the west of Skelton from the east. Inhabitants of any further housing development to the west would have difficulty in accessing the community life and services of the village.
- The features identified in this Statement generate and ensure an enviable quality of life and it is hoped understanding of, and adherence to, these guidelines will ensure the benefits enjoyed today will be preserved for future residents for generations to come.



A first Public Consultation on this Design Statement was carried out in November and December 2007 in which every house in Skelton was circularised with a Questionnaire. There was a good response by over eighty households from all parts of the village.

In answer to the question ‘What physical features of Skelton make it special to you?’ there were over 150 observations summarised as follows:

- The green open spaces, heritage buildings and a variety of architectural styles and materials.
- The Church.
- The village being separated from other places by fields but with convenient access to outside amenities.
- Its restrained and compact scale and its quiet and safe village ‘feel’.
- The benefit of having pathways throughout and across the open spaces.

In response to the question ‘Are there any changes/improvements you would like to see?’ there were well over a hundred suggestions:

Those occurring most frequently related to improvements to road, footpath and traffic management, to lighting, to dog fouling, to hedges and trees (trimming back the former, increasing the latter in newer parts of the village) and children’s play facilities. All the suggestions were passed to the Parish Council for its consideration.

When invited to comment on the statement ‘Skelton benefits from being separated by green fields from neighbouring communities’ on a scale of 1 – 10 where ‘1’ marked ‘Agree strongly’ and ‘10’ ‘Disagree strongly’, the result was:-

Category 1	-	79
Category 2	-	3
Category 3	-	4
Categories 4 –10	-	0
Not stated	-	3

When invited to respond to the question ‘Do you think Skelton should stay broadly as it is in size or be allowed to grow via development?’ on a scale of 1 – 10 where ‘1’ marked ‘Stay as it is’ and 10 ‘Whatever demand decides’ the result was:

Category 1	69
Category 2	6
Category 3	9
Categories 4-6	0
Category 7	1
Category 8	0
Category 9	1



Consultation held in the Village Hall on 29th/30th March 2008.

Finally respondents were invited to make ‘Any other comments’.

There were over one hundred suggestions including a small number from those respondents who believed some judicious low scale development might be appropriate. However, the overwhelming majority opined development should not be permitted ‘just because there is a demand’. It has to be weighed against the effect on existing aspects and amenities and on the availability and greater suitability of other locations and opportunities.

The result of the public consultation was succinctly and movingly summarised in the words of one respondent:

‘Skelton is a village and should stay that way. It is a beautiful place to come home to.’

The Civic Party at the Exhibition



APPENDIX TWO

The following external organisations were consulted c document:

British Telecom
Chamber of Commerce, York & North Yorkshire
City of York Council
Community Services
Environmental Protection Unit
Highway Network Management
City Development
Transport Planning Unit
Development Control
Countryside Officer
Conservation Dept.
Legal Services
Public Rights of Way
Neighbourhood Services.
Ward Councillors
Skelton, Rawcliffe & Clifton Without Ward
Richard Moore, Joe Watt, Irene Waudby
Haxby & Wigginton Ward
Paul Firth, Chris Hogg, Richard Watson
Rural West York Ward
Ian Gillies, Paul Healey, Ben Hudson
Conservation Area Advisory Panel
Country Land and Business Association
Countryside Agency

Council for the Protection of Rural England
English Heritage
English Nature
Environment Agency
Kyle & Upper Ouse Drainage Board
National House Builders Federation
National Farmers Union
National Grid
Nether Poppleton Parish Council
North Yorkshire Police
Ramblers Association
Rawcliffe Parish Council
Skelton Parish Council
Skelton Village Trust
Sport England
Sustrans
Wigginton Parish Council
York Civic Trust
York Natural Environment Panel
York Natural Environment Trust
Yorkshire Rural Community Council
Yorkshire Water
Yorkshire Wildlife Trust
York Archaeological Trust

APPENDIX THREE

Pupils at Skelton Primary School were invited to complete a questionnaire to ascertain their thoughts about the village where they live. These were their responses:

WHAT DO YOU LIKE MOST ABOUT SKELTON?

By far the most popular feature was Skelton Pond, with playing fields, the shop, the Church, the school, the greens and friendly people all receiving support.

WHAT DO YOU THINK WE SHOULD BE PROTECTING?

Again Skelton Pond predominated, with the Church, trees, nature and the village also mentioned.

WHAT COULD WE IMPROVE IN THE VILLAGE?

Understandably there was very strong support for a park/playground. Also strongly featured were less litter or more bins, protecting the pond (from litter) and a bigger shop.

The pupils were also asked to draw or paint a picture of the aspect of the village which most appealed to them. There was a strong field of entries across all age ranges. The Lord Mayor presented prizes for the best three pictures in each Key Stage group. The winning entries are produced in the inside covers of this document.



The Lord Mayor with some of the prize winners

Annex 2 - Skelton Village Design Statement – responses to consultation comments (10.10.08)

Organisation	Comment	Response	Action
Skelton Village Trust	MEDIAEVAL/MEDIEVAL - We use the former spelling. Suggested the latter is the accepted modern spelling.	The dictionary allows both.	No change
	PAGE 4, RIGHT HAND COLUMN PARA 2 - advised that the last developments in Skelton were in fact The Wheelhouse and Pasture Close.	Agreed	Reword paragraph: “This was followed by several smaller developments, such as The Meadows, The Vale and The Dell, by the building on the old Grange Estate of some 240 houses around the new Fairfields Drive and Burtree Avenue, by The Wheelhouse and Pasture Close, and on Church Lane, bringing the present day population to over 1,600.”
National Grid	We would wish to see the reference in Design Guideline 10 to “all cabling routed underground” removed. Alternatively, you suggest the following wording may be included “Wherever practical, overhead electricity and telephone cabling in the Conservation Area should be installed underground and every opportunity taken to re-route existing services”, in which case National Grid would suggest that reference to “overhead electricity” is removed.	Noted	Change Design Guideline 10c to read “Wherever practical cabling should be installed underground and every opportunity taken to re-route existing services”.
Natural England	<p>General Comments</p> <p>Natural England supports the creation of Village Design Statements (VDS) as these will contribute to and encourage locally distinctive and valued housing and other built development. We believe that it is fundamental to sustainable development and the quality of life that local needs are met locally. All new development should be well designed to fit and enhance its context. It should be locally distinctive, environmentally efficient in its use of resources, and valued by the community as a beneficial addition to the environment.</p> <p>Natural England believes that all development should be of a high quality design not only in terms of aesthetics but also in ways in which it incorporates the full range of sustainable development objectives, i.e., economic, social and environmental. So, development should be good enough to approve, not bad enough to refuse. Village Design Statements, therefore, have an important role to play in providing guidance to developers and others to help ensure that local needs are met locally by development that is locally distinctive and is valued by the community.</p>	Noted	No action

	<p>Need for a 'vision'?</p> <p>It is difficult to be critical of this type of document as this is very much "the villagers' own document" and includes a range of information not all of which is relevant to the planning process. However, it could be argued that the document would benefit from the inclusion of 'Vision' that sets out a brief summary of what the VDS is trying to achieve. Such a vision should be a locally relevant, identifiable and attainable expression of what the villagers want to achieve for the village of Skelton. This would then shape the various aspects of the Statement.</p>	Disagreed. The vision is already stated on the first page in "The Purpose of this Statement" and again in the conclusion.	No change.
	<p>The Village Setting</p> <p>This section sets out how the village fits in the local landscape. However, it is not clear to what extent this has been informed by or linked any existing landscape character assessments. The use of such assessments and historic landscape characterisation can help to underpin this aspect of the Statement and contribute to the sense of place that the Statement is trying to achieve. Landscape Character Assessment provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating change as planning proposals are developed.</p>	Source Landscape Character Assessment.	Add 'The Countryside Agency produced a Countryside Character Map for England which identifies broad areas of different Countryside Character. Skelton lies within CCA28 Vale of York – the Vale of York character area which is low lying, generally flat or gently undulating.'
	<p>Skelton's Green and Open Spaces</p> <p>We are pleased to see the importance placed on the value of open space in the village. Green spaces within settlements are best treated as linked networks of spaces and corridors which provide for natural habitats, recreation, historic, economic and social benefits. Therefore we would wish to emphasise the importance of creating a network of public open space to integrate open space provision within the village and connect with the land and other features surrounding the village. This also links to design guideline 8(3).</p>	This is covered by Guideline 8.3, but accept further clarity of numbering would be helpful.	Split Design Guideline 8 to two guidelines and renumber accordingly.
	<p>Infrastructure and Environment</p> <p>There is no reference in this section to rights of way in and around the village. Design Guideline 11 could include reference to the need to safeguard any existing network of rights of way for the impact of future development.</p>	Noted. The only definitive Right of Way intrudes very slightly into the village proper.	Add to Design Guideline 11 : "f) Existing Rights of Way should be protected and/or enhanced in any future development."
Conservation	The panel commends this document and congratulated the	Accepted	Relocate Design Guideline 3 into "The Natural Environment"

Area Advisory Panel	group on its production. It was suggested that Design Guideline 3 on page 7 should be more accurately located on the section that deals with flooding.		section and renumber accordingly.
Sport England	Sport England welcome recognition of the importance of open space and its protection and enhancement as fundamental to the character of the village.	Noted	No action
	It is noted that the quality of open space and the provision of a play area were raised as key issues in the consultation exercise. However, these issues do not appear to have been translated into the document. To assist with this, reference to the evidence base of the emerging York Core Strategy (in particular the 2007 Open Space, Sport and Recreation Study) would be helpful in informing whether the current level of provision is adequate to meet the needs of the village. If this study is not fine-grained enough, a village scale study would be helpful.	The determination of sports needs is not within the remit of the Village Design Statement.	No action
Environment Agency	The Agency has no comment to make.	Noted	No action
Yorkshire Water	No comments	Noted	No action
CYC Highways 1	1. Page 9 Access to the A19 from the west The statement " the same considerations should apply....." should be amended to make it clear that any new developments to the west of the A19 should be provided with a safe means of access from the trunk road.	This is already dealt with under "The A19" and in Design Guideline 11c.	No action
	2. Page 9 Car Parking The paragraph beginning " the present problems should not be augmented by" needs amendment so that it is clear that any new development should be provided with adequate off- street parking facilities rather than relying on existing carriageway space.	Agreed	Change "depends" to "impacts". Change "All permission for building extensions should wherever possible be subject to satisfactory provision for off-road parking" to "All development should, wherever possible, provide satisfactory provision for off-road parking".
Yorkshire Rural Community Council	The document looks to have some good support and involvement from the local community.	Noted	No action
Yorkshire Wildlife Trust	The flora and fauna records for the village are very old, YWT would recommend carrying out new surveys of all the habitats within the village including any streams, ponds, woodlands, grasslands and the village's open and green spaces. In addition, the North & East Yorkshire Ecological	Noted. Most actions are not within the remit of the VDS. Other issues are already incorporated	Add "and are integral to its unique and much appreciated character" to Design Guideline 3, so it reads, "The immediate proximity of the surrounding fields, the rich and varied flora, the abundant natural bird and mammal life and these graceful, mature trees together unite with the many green open spaces

	<p>Data Centre (info@neyedc.co.uk); the region's ecological records centre, could be contacted regarding species records for the area. Valid, recent records of protected species within the village would really lend support to the villagers and sympathetic planners in terms of preventing developments which are likely to have a large impact upon the village.</p> <p>The Trust would recommend the village's open and green spaces be managed for biodiversity, with the aid of local volunteer groups and local school groups. Such management could include: clearance of non-native species, planting of native species which will benefit animals such as butterflies, creating refugia for animals including insects and amphibians, and conducting simple species surveys to help maintain an on-going record for the village.</p> <p>The natural environments and open and green spaces of the village are integral to its unique and much appreciated character. It is important to preserve these aspects and protect those natural features within and around the village which the inhabitants enjoy, such as the trees, streams and ponds.</p>	into Design Guideline 3. However, some enhancement of the section would be advisable.	to create in many residential parts of Skelton a rural atmosphere not otherwise found in an increasingly urbanised Greater York area, and are integral to its unique and much appreciated character".
CPRE	It is a well constructed document however, the plans referred to in the text are not included. Hence it is difficult to understand. Plans included should show layout of village with notable buildings and other features, i.e. extent of Green Belt, marked. There is also mention of a Dept. of Environment Map and Green Spaces.	Noted	The final document will include the information requested.
City Development Forward Planning Team	<p>Key Issue 1:</p> <p>With regard to the paragraph of text above guideline 4 starting "The Green Belt has been formally considered...", there are a couple of issues which should be addressed. The draft Local Plan was approved not adopted. The 2005 plan doesn't specifically refer to the Skelton green belt boundary. Also we are currently reviewing the extent of the green belt through the LDF process so it is suggested that this paragraph should be 'softened' in terms of it's wording around the green belt boundary.</p> <p>With regard to Guideline 4, this is too strongly worded. It will be the LDF that decides the green belt boundary and therefore it is suggested that the guideline should read: "All</p>	Agreed	Amend paragraph to read "The Green Belt has been formally considered in the City of York Development Control Local Plan incorporating the 4th Set of Changes (2005), and the boundary reflects the 1994 Inspectors Report from the Local Plan Inquiry which stated that <i>"the open land around Skelton fulfils a legitimate and important Green Belt function, should remain open, and should therefore remain within the Green Belt."</i> The principles of retaining openness and the character and setting of villages remain important, particularly to the people of Skelton. Commercial premises on the west side of the A19 occupied by a chilled food factory are excluded from the Green Belt as an

	proposed development will be required to satisfy green belt restrictions outlined in current planning policy documents". This ensures that developers follow the most up to date guidance available to them.		Existing Employment Area." Change wording of Design Guideline 4 to read "All proposed development will be required to satisfy green belt restrictions outlined in current planning policy documents".
	Key Issue 2: With reference to guideline 6, the VDS is not a suitable document to be allocating uses for individual sites. It should be judged by planning officers what use is suitable on the site. It is suggested that the guideline read; "In order to retain the existing character and setting of the village, careful consideration should be given to the type and scale of new development in specific locations within Skelton". The Council is currently undertaking assessments on the suitable location for new housing and employment developments.	Accepted	Change Design Guideline 6 to read "Developers of land to the west of the A19 should consider methods of integration with the existing village".
	General Issues: For ease of reference, it is advised that page and paragraph numbers are added to the document.	Noted	Page numbers will be added.
	Under the picture of St Giles Church, viewed from Church Lane the box of text should read approved rather than adopted, i.e. "The Village Design Statement was approved as an Interim Planning Statement to the..."	Accepted	Change wording from "adopted" to "approved".
	In the same box of text reference to the draft Local Plan should read; "...to the City of York's draft Local Plan (incorporating the 4th set of changes) by the planning committee. An extra sentence could be added here to say that the VDS will be a material consideration in determining all planning applications in the Skelton area.	Accepted	Change wording from "including" to "incorporating". Add a further sentence, "When the VDS is approved it will be an Interim Planning Statement, linked to the approved Local Plan. However, once the Local Development Framework Core strategy is adopted Interim Planning Statements can be converted into Supplementary Planning Documents which carry more weight."
	Under paragraph 2 of the section where it says, " <u>How has it been produced</u> ", text should be added to say what has happened since the consultation in early 2008 (specific date needed) i.e. that changes were made to produce the final document, ahead of it being approved.	Accepted	Update with details of consultation since the exhibition, and add a reference to the appendices.
	Under the section " <u>Who will use it?</u> ", text could be added saying the document will also be used by the City of York Council as well as developers etc.	Accepted	Insert "and the local planning authority" after developers on second line.
	Under the same section " <u>Who will use it?</u> " the second sentence of the second paragraph should be clarified as it	Accepted	Change second sentence to "The role of the individual property owner is as crucial as that of the large-scale

	is unclear what is meant.		developer in maintaining the character of the village”.
	Under the same section " <u>Who will use it?</u> " the third paragraph should be deleted as this has now been said earlier within the document, although this information could be expanded to say that the document will be linked to the LDF once the Core Strategy is adopted.	Agreed	Remove the last sentence from the paragraph.
	<u>Design Guideline 1:</u> Agree.	Noted	No action
	<u>Design Guideline 2:</u> Could add here where further information can be found i.e. City of York Council's Strategic Flood Risk Assessment (SFRA).	Noted	No action
	<u>Design Guideline 3:</u> Wording could be cut down but agree with the principle of the guideline.	Noted	No action
	<u>Design Guideline 5:</u> Agree with the comment regarding housing mix however it is unclear what is meant by mutual proximity. It is suggested that sentence ends after the word “housing” or further clarity is provided.	Noted	No action
	<u>Design Guideline 7:</u> <ul style="list-style-type: none"> • A & B are in general conformity with national guidance. • C - Agree • D - Agree • E – Agree 	All noted	No action
	<u>Design Guideline 8:</u> <ul style="list-style-type: none"> • A - Agree • B - Agree • C - Can't say this, say that guidelines set out by CYC should be followed. Not all developers are able to provide open space on-site. 	Noted Noted Accepted	No action No action Rearrange wording, bringing “where appropriate” to start of sentence.
	<u>Design Guideline 9:</u> <ul style="list-style-type: none"> • A - Consideration should be given if an applicant requires a green / brown roof. Would this not be encouraged? • B - No definition of what is meant by eco-friendly. Say instead that they should follow the guidance of the Council's Interim Planning Statement (IPS) on Sustainable Design and Construction. 	Noted Agreed	No action Reword as “New houses should be eco-friendly, in accordance with the local planning authority’s current sustainability policy, and of well-designed domestic architecture. If of contemporary building style they should be respectful of their setting.”
	<u>Design Guideline 10:</u> <ul style="list-style-type: none"> • A - Agree 	Noted	No action

	<ul style="list-style-type: none"> • B - Agree • C - This should refer to cabling to “new” developments only. • D - Agree • E - Agree • F - The Council isn’t able to ensure that all proposals will be discussed with residents and representative bodies. • G – Agree 	<p>Noted Disagree</p> <p>Noted Noted Accepted</p> <p>Noted</p>	<p>No action No action</p> <p>No action No action Insert “neighbouring” before “residents” to reflect current procedures followed.</p> <p>No action</p>
	<p><u>Design Guideline 11:</u> These should be numbered for ease of reference.</p> <ul style="list-style-type: none"> • A – The word “increase” should read “increased” instead. • B - Agree • C - Consider changing word egress to exit to ensure clarity to all readers. • D - Agree • E - Agree 	<p>Noted Superseded by Highways comment</p> <p>Noted Agreed</p> <p>Noted Noted</p>	<p>No action See response to Highways comments</p> <p>No action Change “egress” to “exit”.</p> <p>No action No action</p>
Kyle & Upper Ouse Internal Drainage Board	The Board would appreciate the opportunity to comment on the Statement as it effects land drainage and would be grateful if you could forward us a hard copy for me to raise at the next Board meeting scheduled for 27 th October 2008. <i>(Subsequent discussion should result in comments by 13th October. A verbal update will be given at Committee.)</i>	Noted	Await any comments
BT Openreach	With regard to Design Guideline 9C: “All cabling should be routed underground”. Openreach will be bound only by the terms and conditions of existing legislation with regard to Openreach, such as the Communications Act 2003 and the Openreach licence.	Noted	Amended in accordance with National Grid comments.
CYC Highways 2	<p>Church Lane access to A19: I think it would be more appropriate to describe Church Lane as a “effectively a single width carriageway with wide grass verges which enters The Green with a sharp 90 degree bend”.</p> <p>The only reason sight lines to the north of the junction with the A19 are currently restricted is because of growth of vegetation and I do not therefore believe this should be drawn attention to in the document as a reason for discouraging development.</p>	<p>Disagreed, but suggest compromise</p> <p>Disagreed, but suggest compromise</p>	<p>Change wording to “The lane is effectively a single width carriageway. It enters The Green by a 90 degree bend.”</p> <p>Change wording to “At times at the junction with the A19 sight lines to the north can be restricted by vegetation”.</p>

	<p>The bullet point describing Church Lane as being “unsuitable for further expansion” is considered to be somewhat extreme and should, I think be moderated to something along the lines of “...Church Lane, as a result of its restricted carriageway width, is unsuitable for handling any significant increase in vehicle movements arising from development proposals”.</p>	<p>Disagreed, but suggest compromise</p>	<p>Change wording to “Church Lane, as a result of its restricted carriageway width, is therefore unsuitable for handling any significant increase in vehicle movements”.</p>
	<p>St. Giles Road access to the A19: I would suggest amending the second sentence to: “These roads and this junction are relatively well used at peak periods by local traffic and drivers avoiding congestion on the York Outer Ring Road”</p> <p>The second paragraph could be moderated to read: “On street parking is often found fronting the row of cottages near the surgery which can restrict two-way flow in this area. Between this point and the A19 junction are two 90 degree bends which have the effect of limiting vehicle speeds.”</p>	<p>Disagreed, but suggest compromise</p> <p>Disagreed, but suggest compromise</p>	<p>Amend to “These roads and this junction are relatively well used, both by local traffic (including buses and large service vehicles) and by drivers avoiding congestion, at peak periods.” Paragraph amended to show it reflects the village view.</p>
	<p>Fairfield /Brecksfield access to the A19: The final bullet point should be amended to something like: “In the light of the levels of congestion to be found in the vicinity of the School, any development proposals which resulted in increased traffic levels along this section of Brecksfield should be discouraged.”</p>	<p>Agreed</p>	<p>Change wording to “Any development proposals which resulted in increased traffic levels along this section of Fairfields/Brecksfield should be discouraged”.</p>
	<p>Design Guideline 11 Paragraph A needs toning down somewhat – I would suggest: “Localised traffic congestion can be found at certain times in the areas of St. Giles Road / The Village and the northern section of Brecksfield. Any new development in the village should seek to avoid adding to these difficulties in terms of its associated traffic generation.”</p>	<p>Agreed</p>	<p>Amend point A to read “Localised traffic congestion, causing potential difficulties for drivers and pedestrians, is found in the areas of St. Giles Road/The Village and the northern section of Brecksfield. Any new development in the village should avoid adding to these difficulties.</p>