



Notice of meeting of

Planning Committee

To: Councillors R Watson (Chair), D'Agorne, Firth, Funnell, Horton, Hudson, Hyman, Jamieson-Ball, Moore, Morley, Pierce, Potter (Vice-Chair), Reid, Simpson-Laing, B Watson and Wiseman

Date: Thursday, 29 April 2010

Time: 4.30 pm

Venue: The Guildhall, York

The Site Visits will commence at 12.30pm on Wednesday 28 April 2010, meeting at the Memorial Gardens

AGENDA

1. **Declarations of Interest**

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

2. **Minutes** (Pages 5 - 24)

To approve and sign minutes of meetings of the Planning Committee held on 3 February and 25 March 2010.

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 **5.00pm** on **Wednesday 28 April 2010**. 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) Playing Field, St Mark's Grove, York (10/00446/FUL) (Pages 25 - 34)

Construction of a 2.5m wide footpath/cycleway with associated lighting and replacement of existing footbridge. *[Skelton, Rawcliffe and Clifton Without Ward]* **[Site Visit]**

b) Rawcliffe County Infant School, Eastholme Drive, York YO30 5TA (10/00148/FULM) (Pages 35 - 60)

Erection of a new two storey primary school building in the grounds of the existing school and adjacent playing fields with associated car parking access, landscaping and highway works. *[Skelton, Rawcliffe and Clifton Without Ward]* **[Site Visit]**

c) Land Lying to the West of Whitehall Grange, Wigginton Road, York (10/00143/FULM) (Pages 61 - 78)

Construction of up to 600 vehicle space park and ride facility with associated access, passenger terminal building, ground mounted photovoltaic solar array and landscape bund. *[Skelton, Rawcliffe and Clifton Without Ward]* **[Site Visit]**

d) Proposed University Campus Lying Between Field Lane, Common Lane, A64 Trunk Road and Hull Road, York (08/02543/REMM) (Pages 79 - 94)

Construction of central lake and raising of Kimberlow Hill, University of York. *[Heslington Ward]*

5. Appeals Performance and Decision Summaries (Pages 95 - 114)

This report informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate in the 4 month period up to 31 March 2010, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals as at 31 March 2010 is also included for Members information.

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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Holding the Executive to Account

The majority of councillors are not appointed to the Executive (40 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Decision Session) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

Scrutiny Committees

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

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

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PLANNING COMMITTEE

SITE VISIT

WEDNESDAY 28 APRIL 2010

The bus will depart from Memorial Gardens at 12:30pm

TIME (Approx)	SITE	ITEM
12.45pm	Rawcliffe School, Eastholme Drive and Park and Stride, Playing Field, St Mark's Grove	4a & 4b
13.30pm	Whitehall Grange, Wigginton Road	4c

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City of York Council

Committee Minutes

MEETING	PLANNING COMMITTEE
DATE	3 FEBRUARY 2010
PRESENT	COUNCILLORS R WATSON (CHAIR), D'AGORNE, FIRTH, FUNNELL, HORTON, HUDSON, HYMAN, MOORE, MORLEY, PIERCE, REID, SIMPSON-LAING, B WATSON, VASSIE (SUB FOR CLLR JAMIESON-BALL), KING (SUB FOR CLLR POTTER) AND GILLIES (SUB FOR CLLR WISEMAN)
APOLOGIES	COUNCILLORS JAMIESON-BALL, POTTER AND WISEMAN

30. INSPECTION OF SITES

The following site was inspected before the meeting:

Site	Reason for Visit	Members Attended
Factory, Bishopthorpe Road, York (09/01606/OUTM)	To enable Members to view the site in relation to the amended redevelopment proposals in particular the accesses and relationship of the development to the surrounding areas and Listed Buildings.	Councillors D'Agorne, Firth, Gillies, Hudson, Hyman, Morley, B Watson, R Watson and Wiseman.

31. DECLARATIONS OF INTEREST

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

Councillor D'Agorne declared a personal non prejudicial interest in relation to Plans items 4a to 4g (Factory, Bishopthorpe Road, York YO23 1NA) as a regular user of the Sustrans cycle path situated adjacent to the site and as he was employed by York College.

Councillor Fraser declared a personal non prejudicial interest in relation to Plans items 4a to 4g (Factory, Bishopthorpe Road, York YO23 1NA) as a Governor of Knavesmire School, situated on Campleshon Road, a resident of Millfield Road and as his daughter resided in Nunthorpe Avenue, both in the vicinity of the site.

32. MINUTES

RESOLVED: That the minutes of the last meeting of the Committee held on 17 December 2009, be approved and signed by the Chair as a correct record, subject to the deletion of the words 'nature conservation' in the sixth

paragraph of the preamble to Minute 27a (Land to the West of Metcalfe Lane, Osbaldwick, York) and its replacement with 'housing and open space'.

33. PUBLIC PARTICIPATION

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

34. PLANS LIST

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

34a Factory, Bishopthorpe Road, York YO23 1NA (09/01606/OUTM)

Members considered a major outline hybrid application, submitted by GHT Developments LLP, which consisted of outline and full proposals for the comprehensive redevelopment of the former Terry's site.

Officers circulated the following additional information and update reports:

- Details of the hybrid format of the applications;
- Updated affordable housing figures as follows:
Affordable housing at 82 units (32 x 2 bed flats, 7 x 2 bed houses, 10 x 3 bed houses) for affordable rent together with units (22 x 2 bed flats, 1 x 2 bed house and 10 x 3 bed houses) for discounted sale.
- Additional correspondence from Micklegate Ward Councillors in relation to outstanding matters and concerns, including, scale and massing of the office area, addition of a top floor on the Main Factory building, decking to the existing car park within the Green Belt, unacceptable and underestimated traffic and air quality impact, bus provision, cycle and pedestrian access, Mount Vale junction and continued consultation, community and educational needs, amount of affordable housing, provision of housing for the elderly, sustainability and construction work and traffic.
- Officers response to Ward Councillors comments;
- Comments received from the Racecourse, mainly in relation to the integration between the Chocolate Works site and York Racecourse and the new access to the site from Racecourse Road;
- Officer response to the Racecourse's comments;
- Comments from the Commission for Architecture and the Built Environment (CABE) whose comments it was pointed out were based upon a limited internal review of the site;
- Comments from English Heritage, the Conservation Area Advisory Panel and Yorkshire Forward;
- Details of the proposed method for calculating contributions;
- Updated Scarcroft Road/Bishopthorpe Road Junction analysis (detailed in a Technical Note from AECOM);

- Additional/Amended conditions relating to the % of designated workspace of each live/work unit, details to secure their internal arrangements and for no subdivision of these units, prevention of the B1 floorspace being used for the repair etc of motor vehicles or processing of food and retail;
- Details of the extension of time requested by the applicants which had been suggested as five years for submission of reserved matters and seven years from the date of permission or two years from the approval of the last reserved matters for the commencement of development;
- Amendment to Section 6.7 of the report in respect of the conditions;
- Briefing Note from Turley Associates responding to the comments of CABE;
- Art Strategy as proposed as part of the development;
- Perspective sketch plans of the proposed Racecourse link to the site;
- Legal note detailing the various elements of planning permission requested in the applications.

Officers confirmed that they had nothing to add to the Committee update other than to confirm that, if approved, the application would have to be referred to the Secretary of State as the proposed car park to the east of Bishopthorpe Road was sited in the Green Belt.

Representations were made by Steve Davis, Managing Director of Grantside in support of their proposals for the site. He referred to the refusal of planning permission in August 2008 and to the nine reasons for refusal. He pointed out that he hoped this scheme responded to and addressed all these reasons. Particularly as they had undertaken extensive consultation with the public and consultees and held discussions with the Community Forum and public exhibitions. He confirmed that the current application was not a revision of the previous scheme but it was a completely new scheme developed from first principles. He stated that he felt the wider community would gain significant benefits from the scheme.

Peter Callaghan, Development Director for Grantside, also made representations in support of the scheme. He spoke in relation to traffic and sustainable transport and confirmed that following agreement with Officers their Transport Assessment had scrutinised the overall impact of the development on the highway network. It had been concluded that the only highway engineering mitigation works necessary were at the Mount Vale/Knavesmire Road junction with signalisation of the junction being suggested. He confirmed that local residents had been consulted to ensure that their concerns were met. He then went on to outline the sustainable transport measures proposed which included the promotion of cycling and walking and the increased use of public transport.

Representations were then received from Eamonn Keogh on behalf of the Planning Consultants for the scheme who referred to the concerns raised by the Micklegate Ward Councillors. He stated that extensive public consultation had taken place with residents etc and pointed out that this was a community led scheme which had received a great deal of support.

Jane Hunt, representing Yorkshire Forward, expressed her support for the use of this brownfield site, which would provide a large amount of office space thereby assisting economic growth in the city. She confirmed that the mixed use proposals and hotel provision would encourage spending in the city and provide much needed employment and she welcomed the sustainable measures to be incorporated into the scheme.

Andy Chase of the Micklegate Planning Panel indicated that, although the Panel supported the significant improvements that had been made to the scheme, they were still concerned in relation to a number of issues. These related to traffic generation, access to the site, the decked car park which they felt was inappropriate in the Green Belt and the steep gradient of the cycle path to the north of the car park. The Panel felt that this was an opportunity to get the development right.

Representations were then received from William Derby, on behalf of York Racecourse. He confirmed that he supported both the development brief and the application but required clarification in relation to the integration between the Racecourse and the Chocolate works site. He referred to the Racecourse's busy Conference Centre and link between it and the proposed hotel, which he hoped would be incorporated into the plan to ensure its future completion. He went onto refer to the proposed access to the site via Racecourse Road, a busy cul de sac used by a large number of people and stated that he wanted to ensure the public's safety if the road was opened up for use.

Cllr Merrett, as one of the Local Members for the Micklegate Ward, referred to the key historic building on this important site. He confirmed that he supported its reuse and the improved application submitted for the site, which was a great opportunity for the city. However, he went onto refer to the intensification of use of the site with the increased scale and massing of the office area to the south, the increase in car parking spaces and the new modal split of traffic. He referred to the previous refusal for the site, owing to the impact of the significant addition traffic generated by the scheme, and pointed out that Ward Members felt that these proposals would have an unacceptable and underestimated traffic impact on the area. He confirmed that he had undertaken traffic counts at similarly located office developments within York and in view of his findings it appeared that the assumed modal split for office use on the site was over optimistic. Ward Members pointed out that it was important that the Travel Plan was stronger to encourage more sustainable forms of transport. He went on to request the Committee to defer further consideration of this application to enable negotiations to be undertaken to reduce the scale of the commercial element of the scheme together with a re-examination of the traffic implications to include phased implementation.

Cllr Gunnell, also as a Micklegate Ward Member, referred to the work undertaken by the three ward Councillors in relation to this application, she confirmed that her comments reflected the views of their ward residents. She stated that they wanted the Terry's site brought back into use but referred to the Ward Members concerns in relation to scale and massing, in relation to the top floor of the factory building, the car park sited in the Green Belt and the impact of traffic on air quality and impact on local

schools. She confirmed that local residents main concerns related to traffic generation and the possible under estimates in relation to this. She asked Members to require the developer to agree a bond to ensure that if traffic generation exceeded certain limits that this money would fund free residents parking etc. and for a contribution towards St Chad's Parish Hall for community use.

Cllr Fraser, also as a Micklegate Ward Member, confirmed his support for the development of the site, which was at present a target for vandals and graffiti. He stated that they welcomed many aspects of the revised application however they still had major concerns over the scale and massing of the development, which they felt was unchanged. The traffic would affect the highway network, particularly at the junctions, which were already overloaded, and this would add to existing air quality problems. He asked the Committee to note the traffic counts undertaken by Cllr Merrett and agree to defer the application or impose a condition requiring the developer to lodge a bond whilst the impact of traffic was assessed against the developers assessment and if this proved to have been underestimated then mitigation measures should be put in place.

Cllr Galvin then made representations as Local Member for Bishopthorpe. He confirmed that this was an important site, which would play a large part in improving the City's economy. He referred to the anticipated increased traffic levels in the vicinity of the site particularly in Bishopthorpe which he felt would be badly affected. Residents felt that traffic would access the site via Sim Balk Lane and Bishopthorpe thereby avoiding the traffic signals on Tadcaster Road. He stated alternatives were required either an improvement to the highway infrastructure or a new link road from the A64 to Sim Balk Lane. He therefore requested Members to defer further consideration pending receipt of proposals to deal with the proposed traffic generation.

Members then commented and questioned various aspects of the proposals including:

- The legality of the bond suggested by Ward Members;
- The possible phased approach to the development as used at the University of York;
- Types of mitigation measures;
- Integration of site and Racecourse;
- Reasons for amending time limit;
- Live work units and details of area designated for each;
- Calculation of education contributions;
- Matters to be included in the Section 106 agreement;
- Energy efficiency proposals for development;
- Confirmation that the figures for traffic generation were comparable with the proposed use of the site;
- Reference to air quality objectives;
- Need to promote sustainable transport for the site;
- Provisions made to accommodate cycle movements across Bishopthorpe Road to minimise disruption to traffic flow;
- No deterrent to use of car park, feasibility of charging for its use;

- Hours of operation of subsidised bus service as little public transport to site after 7pm;
- Details of the service charges to be imposed for the properties;
- Details of type of access proposed from Racecourse Road, speed limit and it's use on race days;
- Details of house/flat split for the site;
- Reference to research that had shown retired living units needed to have 2 bedrooms to accommodate carers;
- Police Architectural Liaison Officer's comments in relation to accommodation sited above shop units and the need for the incorporation of Secure by Design condition;
- Proposals for Public Art and its siting;
- Open space and play equipment provisions;
- Length of appointment of Travel Plan Co-ordinator;
- Affordable housing units if remain unsold they should revert to affordable renting;
- Hope that it was still the developer's intention to provide allotments on site.

Following further lengthy discussions Cllr Pierce moved and Cllr D'Agorne seconded that approval be granted subject to the imposition of the recommended conditions and additions to the Section 106 with the addition of conditions relating to phasing and traffic flows in line with those imposed by the Inspector in connection with the Heslington East campus. This would require the developer to undertake annual traffic surveys to and from the site and at the principal junctions. Also phasing of the applications and requiring each application to be accompanied by a comparison of the predicted traffic flows relating to the site together with actual surveys of traffic flows and if the actual volumes were more than 5% higher then the developers, details of mitigation measures to be prepared and an implementation programme for these to reduce the actual traffic flows. On being put to the vote the motion was lost and Cllr D'Agorne asked that his vote in support of this motion be recorded.

Members thanked Officers for their work on this scheme, negotiations with the developers and for their comprehensive reports. The Chair thanked Grantside for their work and wished them success with their proposed scheme.

RESOLVED: That the application be approved subject to the conditions set out in the report and the following:

1. Completion of a Section 106 legal agreement further to the Town and Country Planning Act 1990 to secure:
 - i) Affordable housing at 82 units, being 30.3% of the total, (32 x 2 bed flats, 7 x 2 bed houses, 10 x 3 bed houses) for affordable rent together with units (22 x 2 bed flats, 1 x 2 bed house and 10 x 3 bed houses) for discounted sale or affordable housing provision at 37% subject to receipt of Social Housing Grant or other public subsidy (distribution approximately pro rata).

- ii) A contribution towards local education provision of £1,166,881
 - iii) A contribution towards off site public open space facilities of £160,249
 - iv) Funding to be agreed between the Local Planning Authority, acting through the Chair and Vice Chair, and the Developer to allow for the detailed design, site supervision and construction of the following highway mitigation measures:
 - The introduction of traffic signals at the junction of Knavesmire Road with Tadcaster Road and Mount Vale.
 - The introduction of UTC control and CCTV equipment at the St. Helens Road/Tadcaster Road junction.
 - The introduction of a signal controlled toucan (cycle and pedestrian) facility on Bishopthorpe Rd between the main entrance and the car park/sustrans route to the river.
 - The provision of a new zebra crossing on Campleshon Road adjacent to Knavesmire Primary School.
 - Signalling changes at the junction of Bishopthorpe Road and Scarcroft Road aimed at improving capacity for traffic flow.
 - Improvements to the pedestrian/cycle route (Sustrans Route 65) between Bishopthorpe Road and the riverside path, including alterations on Bishopthorpe Road itself. Measures to include localised widening, smoothing of gradient and provision of street lighting.
 - Additional cycle route signs, as agreed, to be erected along the route between the development site and heading north through the South Bank district.
 - The introduction of an additional 26 spaces at the new Askham Bar Park and Ride site.
2. Funding to be agreed between the Local Planning Authority, the Racecourse Operator and the Developer to provide a highways/landscaping scheme to connect the Racecourse and the application site.
 3. Details and associated funding of the public art proposals to be agreed between the Developer and the Local Planning Authority.
 4. The following sustainable transport measures shall be provided by the Developer in association with this development:

- Inclusion of showers and drying rooms within all office blocks to encourage cycle trips.
 - Provision of a shuttle bus service between the development site, Askham Bar Park and Ride site and the Station, between the hours of 7 am and 7 pm at a 30 minute frequency for a 5 year period.
 - Travel vouchers to be issued to all residents on occupation of their home offering either travel on public transport or the purchase of a cycle, helmet and lock.
 - Provision within the development site of three spaces for the siting of City Car Club vehicles.
 - A year's membership of the City Car Club for each individual residential unit.
 - DDA compliant crossing points to be provided at all pedestrian points around the perimeter of the development.
 - The introduction of shelters, seating and bus passenger information at all stops which lie close to the site.
 - Preparation and agreement of Green Travel Plans (both residential and commercial), in consultation with future occupiers, residents and transport officers of the Authority.
 - The employment of a travel plan co-ordinator, from a date 18 months after commencement of the development, who will be resident on the site for a minimum period of three years, and who will promote sustainable transport trips by future residents, employees and visitors.
5. To agree with the Local Planning Authority, energy efficiency and waste and pollution minimisation plan with regard to the demolition and construction phases of the development, and also in the detailed design features of the scheme and its subsequent operation.
 6. That the developer be required to consult with the Police Architectural Liaison Officer at the start of each phase of the development.
 7. That, if any of the affordable housing units are not sold then they be let as social housing at an intermediate rent.
 8. Referral to the Secretary of State.

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

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

As such the proposal complies with policies listed in section 4.0 of the report.

Cllr D'Agorne requested that his abstention from this vote be recorded.

34b Factory, Bishopthorpe Road, York YO23 1NA (09/01608/LBC)

Consideration was given to an application for Listed Building Consent, submitted by GHT Developments LLP, for the selective demolition, alteration and construction of new extensions at the Multistorey Factory (MSF).

RESOLVED: That the application be approved subject to the imposition of conditions as listed in the report.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the Liquor Store which is a listed building, adjacent listed buildings and the Racecourse and Terry's Conservation Area. As such this proposal complies National Planning Policy Guidance Note 15, Policies Y1 and ENV9 of the Regional Spatial Strategy for Yorkshire and Humber and policies HE2, HE3, HE4 and HE5, of the City of York Local Plan Deposit Draft.

34c Factory, Bishopthorpe Road, York YO23 1NA (09/01607/LBC)

Consideration was given to a Listed Building application, submitted by GHT Developments LLP, for the removal of an external first floor walkway from the Head Office Building.

RESOLVED: That the application be approved subject to the imposition of the conditions listed in the report.

REASON: In the opinion of the Local Planning Authority the demolition of the walkway/bridge connected to the former Headquarters building (FHQ), subject to the

conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to FHQ, adjacent Listed Buildings and the Racecourse and Terry's Conservation Area. As such this proposal complies National Planning Policy Guidance Note 15, Policies Y1 and ENV9 of the Regional Spatial Strategy for Yorkshire and Humber and policies HE2, HE3, HE4 and HE5, of the City of York Local Plan Deposit Draft.

34d Factory, Bishopthorpe Road, York YO23 1NA (09/01609/LBC)

Members considered a Listed Building application, submitted by GHT Developments LLP, for the demolition of modern additions to the clock tower, ash bunker and boiler house building.

RESOLVED: That the application be approved subject to the imposition of conditions listed in the report.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the Clock Tower which is a listed building, adjacent listed buildings and the Racecourse and Terry's Conservation Area. As such this proposal complies National Planning Policy Guidance Note 15, Policies Y1 and ENV9 of the Regional Spatial Strategy for Yorkshire and Humber and policies HE2, HE3, HE4 and HE5, of the City of York Local Plan Deposit Draft.

34e Factory, Bishopthorpe Road, York YO23 1NA (09/01610/LBC)

Members considered a Listed Building application, submitted by GHT Developments LLP, for the demolition of modern additions to the Liquor Store.

RESOLVED: That the application be approved subject to the imposition of conditions as listed in the report.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the Liquor Store which is a listed building, adjacent listed buildings and the Racecourse and Terry's Conservation Area. As such this proposal complies National Planning Policy Guidance Note 15, Policies Y1 and ENV9 of the Regional Spatial Strategy for Yorkshire and Humber and policies HE2, HE3, HE4 and HE5, of the City of York Local Plan Deposit Draft.

34f Factory, Bishopthorpe Road, York YO23 1NA (09/01611LBC)

Consideration was given to a Listed Building application, submitted by GHT Developments LLP, for the demolition of the Nut and Fruit store.

RESOLVED: That the application be approved subject to the imposition of conditions as listed in the report.

REASON: In the opinion of the Local Planning Authority the demolition of the Fruit and Nut Store, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to adjacent Listed Buildings and the Racecourse and Terry's Conservation Area. As such this proposal complies National Planning Policy Guidance Note 15, Policies Y1 and ENV9 of the Regional Spatial Strategy for Yorkshire and Humber and policies HE2, HE3, HE4 and HE5, of the City of York Local Plan Deposit Draft.

34g Factory, Bishopthorpe Road, York YO23 1NA (09/01612/CAC)

Members considered a Conservation Area application, submitted by GHT Developments LLP, for the demolition of the central services building.

RESOLVED: That the application be approved subject to the imposition of the conditions as listed in the report.

REASON: In the opinion of the Local Planning Authority the demolition of the Central Services Building, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to adjacent Listed Buildings and the Racecourse and Terry's Conservation Area. As such this proposal complies National Planning Policy Guidance Note 15, Policies Y1 and ENV9 of the Regional Spatial Strategy for Yorkshire and Humber and policies HE2, HE3, HE4 and HE5, of the City of York Local Plan Deposit Draft.

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MEETING	PLANNING COMMITTEE
DATE	25 MARCH 2010
PRESENT	COUNCILLORS R WATSON (CHAIR), D'AGORNE, FIRTH, FUNNELL, HORTON, HYMAN, MOORE, MORLEY, PIERCE, POTTER (VICE-CHAIR), REID, SIMPSON-LAING, B WATSON, WISEMAN, AYRE (SUB FOR CLLR JAMIESON-BALL) AND GILLIES (SUB FOR CLLR HUDSON)
APOLOGIES	COUNCILLORS HUDSON AND JAMIESON-BALL

39. INSPECTION OF SITES

The following site was inspected before the meeting:

Site	Reason for Visit	Members Attended
Proposed site for Poppleton Bar Park and Ride, Northfield Lane, Upper Poppleton, York (09/02294/FULM)	To enable Members to view the site and its relationship to the A59, the Green Belt and adjacent properties.	Councillors Horton, Hyman, Morley, Reid, B Watson, R Watson and Wiseman.

40. DECLARATIONS OF INTEREST

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

Councillor Gillies declared a personal non prejudicial interest in relation to Plans list item 4a (Proposed Site for Poppleton Bar Park and Ride, Northfield Lane, Upper Poppleton, York) as two of the speakers were known to him and he had previous knowledge of the proposals through his Ward work and as he had attending Parish Council meetings.

Councillor Moore declared a personal non prejudicial interest in relation to Plans list item 4a (Proposed Site for Poppleton Bar Park and Ride, Northfield Lane, Upper Poppleton, York) in relation to matters relating to Clifton Moor, as one of the speakers was known to him as they were both Directors of the Clifton Moor Business Association.

Councillor Reid declared a personal non prejudicial interest in relation to Plans list item 4a (Proposed Site for Poppleton Bar Park and Ride, Northfield Lane, Upper Poppleton, York) as the Executive Member who had promoted the bid for the Access to York schemes. She stated that legal advice had confirmed that as no particular site had been earmarked at the time of the bid that she had no prejudicial interest to declare.

41. MINUTES

The Chair reported that Network Management had stated that there were still some technical details to sort out in relation to the Section 106 agreement related to the planning application for the Terrys Factory site on Bishopthorpe Road. In view of this it had been suggested that approval of the minutes of the 3 February 2010 meeting of the Planning Committee be deferred until the April meeting to allow Officers to confirm the details and amend the minutes accordingly.

Also in relation to these minutes Cllr D'Agorne referred to his reference to the need for provision to be made for cycle movements across Bishopthorpe Road and for its inclusion in the minutes. Cllr D'Agorne was asked to liaise with Officers in relation to the inclusion of this information.

- RESOLVED:
- i) That further consideration of the minutes of the 3 February 2010 meeting of the Committee be deferred to allow Officers to include full details of the Section 106 agreement.
 - ii) That the minutes of the meeting of the Committee held on 17 February 2010, be approved and signed by the Chair as a correct record.

42. PUBLIC PARTICIPATION

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

43. PLANS LIST

Members considered a report of the Assistant Director (Planning and Sustainable Development) relating to the following planning application, outlining the proposals and relevant planning considerations and setting out the views of consultees and Officers.

43a Proposed Site for Poppleton Bar Park and Ride, Northfield Lane, Upper Poppleton, York (09/02294/FULM)

Members considered a major full application, submitted by Mr Paul Thackray, for the construction of a park and ride facility with up to 1250 car parking spaces, associated access, passenger terminal building, wind turbine and landscaped bund.

Officers circulated the following updates and plans at the meeting:

- **Revised Landscaping Conditions**

Condition 5 should be amended to read:-No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed landscape scheme (including details for the living roof of the terminal building) which shall include the species, species mixes, density (spacing) and position of trees, shrubs and other plants, means of protection from rabbits, seeding mix and sowing rate. This scheme shall be implemented within a period of six months of substantive

completion of phase 1 of the development. Any trees or plants which within a period of five years from the implementation of the landscape scheme, die are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority otherwise agrees in writing.

Reason: So the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the entire site, since the landscape scheme is central to the amenity of the development and to secure compliance with Policy GB1 of the York Development Control Local Plan.

A further condition proposed in relation to the landscaping of phase 2 with the following wording:- No development comprising any element of phase 2 of the proposal hereby approved as outlined in application drawing ref:- CBHAEM500/02 F shall be commenced until a detailed landscape scheme in respect of phase 2 has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include full details of species, species mixes, density (spacing), and position of trees, shrubs and other plants, means of protection from rabbits, seeding mix and sowing rate. The scheme shall be implemented within a period of six months of substantive completion of phase 2 of the development. Any trees or plants which within a period of five years from the implementation of the landscape scheme, die are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority otherwise agrees in writing.

Reason: So the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the entire site, since the landscape scheme is central to the amenity of the development and to secure compliance with Policy GB1 of the York Development Control Local Plan.

- The wording of **Condition 22** should be amended to read:- Notwithstanding the application details hereby approved full details of the proposed wind turbine apparatus including height, colouring, design, location and mode of connection to the National Grid shall be submitted to and approved in writing by the Local Planning Authority before work on site commences. The development shall thenceforth be undertaken in strict accordance with the details thereby approved. All such wind turbine apparatus shall be retained and shall remain operational for the lifetime of the development unless the Local Planning Authority otherwise agrees in writing.

Reason To ensure that the development is undertaken in accordance with sustainable principles and to secure compliance with Policy GP5 of the York Development Control Local Plan

- **Additional Condition 23:** “ A strip of land 9 metres wide adjacent to the watercourse forming the western boundary of the site shall be kept clear of all new buildings and structures (including gates, walls, fences, and trees) unless agreed otherwise in writing by the Local

Planning Authority. Ground levels must not be artificially raised within the maintenance strip thereby created.

Reason: To secure safe and efficient drainage to the nearby watercourse.

- Phase 1 layout plan of the site, including highway and landscaping proposals.

Representations were received from a resident of Dikelands Lane who expressed concern at the proposed siting of the Park and Ride, which he felt, would fundamentally change the rural area. He questioned the justification for the scheme following consultation and the high level of opposition from local residents. He understood that since this scheme had first been proposed no survey of Park and Ride use had been undertaken to provide justification for the scheme. He referred to Officers reference to the small number of objections received however he stated residents had been under the impression that their views collected, at the pre planning stage, would have been taken into account. He therefore felt that Officers had failed to justify the need for the site and he requested the Committee to take account of both residents and Parish Council objections.

Representations were received from a resident of Station Road who spoke in relation to the impact on the area and to consultation with residents. He referred to the significant levels of traffic that would enter the site and to the phasing of the traffic lights on Station Road which he felt would have a detrimental impact on queuing traffic on the A59. He went onto refer to problems relating to residents who had registered objections to the scheme being notified of the Planning meeting when they had previously been told that they would be kept informed. He stated that for all these reasons he requested the Committee to reject the application.

Representations were also made by a resident of Burlands Lane who pointed out that, as far as he was aware, this was the only Park and Ride site in York which had an avoidance route available through an adjacent residential area. He pointed out that the proposals would increase congestion on the A59 to the Outer Ring Road and he felt the siting was wrong and for those reasons he asked Members to refuse the application.

The applicants confirmed that the Park and Ride site would be constructed in two phases with 600 spaces in the initial phase and the addition of a further 650 spaces at a later date for which funding was being sought. She also confirmed that major improvements were to be undertaken to the roundabout junction layout at the A59/A1237 and at the access to the site and Station Road. She stated that the principle of a Park and Ride site on the A59 corridor had been established some time ago and she detail the proposals for landscaping of the site. She also pointed out that it was felt the proposals would enhance the city and that the site would offer a more sustainable transport choice to visitors and residents.

Members then questioned and referred to a number of aspects of the scheme, representations made at the meeting and the site visit including:

- Affect on the residential amenity of Burlands Lane resident and the landscaping proposals;
- Details of the consultation undertaken in relation to the various sites;
- Consultation responses in relation to the Planning report;
- % difference in Park and Ride usage between those sited in/outside the ring road and details of roundabout modelling;
- How soon would the second phase of the scheme be required?
- Request for the evidence which placed this as the preferred site for a Park and Ride to serve the A59 corridor
- Further details in respect of the traffic management proposals;
- Local concerns regarding exacerbation of queuing traffic problems in the area;
- Height of wind turbine in relation to single storey terminal building and proposals for future renewables on site;
- Need for bus priority on route to ensure Park and Ride use as opposed to cars;
- Details of the arrangements for cyclists not using the facilities to travel through these junctions;
- Proposals for overhead line running through the site;
- Landscaping proposals for Phase 1;
- Noise levels during construction and hours of work;
- Funding details of Phase 1 and 2;
- Consultation with local bus operators;
- Wording in Planning Policy Guidance 2 in relation to the Green Belt and Park and Ride sites;
- May be need to shield 'dark sky' compliant columns adjacent to residential properties to avoid nuisance.

Certain Members expressed support for the principle of a Park and Ride site but had concerns at the proposed location.

Councillor Pierce moved deferral of the application pending receipt of further evidence to support this application in the Green Belt, which was seconded by Cllr D'Agorne. On being put to the vote this motion was lost.

Members then requested the amendment of the landscaping conditions to refer to "Any trees or plants which within perpetuity from the implementation of the landscape scheme die..." rather than within five years to ensure that the site screening was retained. They also requested amendment of Condition 14 relating to hours of construction to revert to standard Condition Noise 7.

Officers pointed out that any conditions imposed should be necessary and proportionate and required for a good reason. They felt that the inclusion of 'in perpetuity' in this condition was unnecessary, especially as it was unlikely that this would meet the tests for any subsequent challenge. Officers went on to point out that the extension in hours of work had been proposed as it was felt that existing traffic noise, with the close proximity of the A59/Ring Road, would mitigate any loss of amenity for residential properties in the vicinity.

Cllr Moore then moved and Cllr B Watson seconded amendment of the landscaping condition to refer to 'in perpetuity' and the reversion of the hours of work condition to Noise 7 and on being put to the vote this was carried.

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

Amended Conditions:

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed landscape scheme (including details for the living roof of the terminal building) which shall include the species, species mixes, density (spacing), and position of trees, shrubs and other plants, means of protection from rabbits, seeding mix and sowing rate. This scheme shall be implemented within a period of six months of substantive completion of phase 1 of the development. Any trees or plants which within perpetuity from the implementation of the landscape scheme, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority otherwise agrees in writing.

14. The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

22. Notwithstanding the application details hereby approved full details of the proposed wind turbine apparatus including height, colouring, design, location and mode of connection to the National Grid shall be submitted to and approved in writing by the Local Planning Authority before work on site commences. The development shall thenceforth be undertaken in strict accordance with the details thereby approved. All such wind turbine apparatus shall be retained and shall remain operational for the lifetime of the development unless the Local Planning Authority otherwise agrees in writing.

Additional Conditions:

23. A strip of land 9 metres wide adjacent to the watercourse forming the western boundary of the site shall be kept clear of all new buildings and structures (including gates, walls, fences, and trees) unless agreed otherwise in writing by the Local Planning Authority. Ground levels must not be artificially raised within the maintenance strip thereby created.

24. No development comprising any element of phase 2 of the proposal hereby approved as outlined in application drawing ref:- CBHAEM500/02 F shall be commenced until a detailed landscape scheme in respect of phase 2 has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include full details of species, species mixes, density (spacing), and position of trees, shrubs and other plants, means of protection from rabbits, seeding mix and sowing rate. The scheme shall be implemented within a period of six months of substantive

completion of phase 2 of the development. Any trees or plants which within perpetuity from the implementation of the landscape scheme, die are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority otherwise agrees in writing.

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 impact upon the open character and purposes of designation of the York Green Belt, appropriateness of the location of the proposal, impact upon highway safety and the free flow of traffic along the A59 and adjoining roads, impact upon noise and light pollution in the surrounding landscape, impact upon the rural ambience of the surrounding area, impact upon the residential amenity of properties in Station Road and Northfield Lane, Upper Poppleton and the appropriateness of the chosen means of renewable energy generation. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies GB1, SP8, GP1, GP3, GP4a), GP9 and T6 of the City of York Development Control Local Plan and Government policy contained within Planning Policy Guidance note 2 'Green Belts'.

R WATSON, Chair

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

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2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

Schools GMS Constraints: Rawcliffe Infant 0217

2.2 Policies:

CYGP1

Design

CYT2B

Proposed Pedestrian/Cycle Networks

3.0 CONSULTATIONS

INTERNAL

3.1 Highways Network Management - comments awaited

3.2 Landscape Architect - No objections to the landscaping scheme proposed. Conditions should be attached to ensure a no dig construction, to ensure all trees are protected by standard tree shelters and to require the submission of a method statement for the protection of existing trees. Lighting numbers seem a little excessive but are much better than tall lighting columns

3.3 Countryside Officer - The upgrading of the path is acceptable from a nature conservation point of view. The bollard lighting should not be a problem along the majority of the footpath where it runs down the edge of the field. Lighting is more of an issue close to the beck as this is likely to provide foraging for bats and possibly also a commuting route, linking Rawcliffe Lake right across to Rawcliffe and Clifton Ings to the west. It is therefore important that this area is not illuminated. Times of lighting should also be limited to provide some dark periods, although lighting in the winter months should not be an issue as bats roost/hibernate elsewhere. The construction of the bridge is acceptable from an ecological perspective.

EXTERNAL

3.4 Rawcliffe Parish Council - The Committee strongly object to this application on the following grounds:-

- The location of the footpath / cycleway, it being immediately behind a number of residents garden fences, will result in a loss of amenity for those residents due to increase noise and activity so close to said properties.

- One metre high bollard lighting would add further to the loss of amenity of aforementioned residents. There is no indication of hours of illumination and this Committee feels that any installation of 1 metre high dawn to dusk lighting would

create an unnecessarily bright pathway and is hopeful that alternative measures can be taken to delineate the said footpath/ cycleway.

- The Committee wishes to seek assurances that in the installation of such a footpath/cycleway (at a location further away from boundary properties) all entrances and exits to said footpath/cycleway are fitted with anti-motorcycle gates.

3.5 Crime Prevention Officer - The Crime Prevention Officer was consulted on this application as part of a pre-application consultation. It was advised that for safety reasons the route should be lit which is now the intention. Secured by design advises that footpaths should be as straight as possible, wide, well lit, devoid of potential hiding places and overlooked by surrounding buildings and activities. It is noted that there is a dog leg in the footpath; it is guaranteed that a shortcut will be created here; however the application is supported.

3.6 Three letters of objection have been received covering the following points:-

- At the parish council meeting one of the councillors stated that the footpath did not need to be so close to back gardens it could be 5 metres away without affecting the recreation ground. This would also avoid disturbance to mature trees
- The trees were planted to afford privacy to existing houses
- A specific footpath is not needed for children they can safely use the pavement at the other side of the field
- Do not think that a parent is going to get their children into a car and then not drive all the way to school
- Congestion on Eastholme Drive is not going to be relieved by this proposal
- Residents would be better served by not having this footpath and the needs of the football players should not take precedent
- Concern about the siting of one tree adjacent to 24 Bilsdale Close

PUBLICITY

3.7 The application has been advertised by means of site notices posted on the 22nd March 2010 and via neighbour notifications

4.0 APPRAISAL

4.1 Key issues:-

- Principle of the proposal
- Design and landscape considerations
- Traffic, highways and access issues
- Impact on Residential amenity
- Biodiversity

Principle of the Proposal

4.2 Planning Policy Statement 1 ("Delivering Sustainable Development") (PPS1) states that a number of key principles should be applied to ensure that decisions taken on planning applications contribute to the delivery of sustainable development. In particular, PPS1 promotes high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term but over the lifetime of the development. Design which fails to take the

opportunities available for improving the character and quality of an area should not be accepted. High quality and inclusive design should create well-mixed and integrated developments which avoid segregation and have well planned public spaces that bring people together and provide opportunities for physical activity and recreation.

4.3 The draft Development Control Local Plan (DCLP) policies are supportive of development and improvement of consistent, well connected and dedicated pedestrian and cycle route networks (policy T2b).

4.4 Policy GP1 requires that development respects or enhances the local environment, is of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment, design outdoor lighting schemes which are energy efficient and provide the minimum lighting level required for security and working purposes, taking into account any adverse impact on residential amenity, the character of the area and night sky illumination and ecological systems.

4.5 The development is essentially the improvement of an existing footpath and new bridge to allow both cycles and pedestrians to make full use of the footpath/cycle route network within the area. The development would also allow parents taking children to the proposed Rawcliffe Primary School (the next item on the agenda) by parking within the recreation ground car park and walking/cycling down the path to connect with a path within the school grounds. Such development accords with the principles of sustainable development set out in PPS1 and accords with the policies set out within the DCLP.

Design and Landscape Considerations

4.6 The recreation grounds and the adjacent school playing fields form part of an important open area within a primarily residential location. The proposal would involve the widening of the footpath to 2.5 metres and the improvement of the surface which is currently grass to a bitumen surface with timber edgings. The footpath would be lit by 1metre high bollard lighting at 7 metre intervals. The new bridge would be designed to accommodate the 2.5 metre wide footpath and would be a simple structure with wooden enclosure. The new footpath would introduce an element of hard surfacing into a open green area and would increase the visibility of the site by the introduction of lighting however overall the scheme affects a very small proportion of the total recreation area and will not be visually detrimental to the areas open character. The details and positioning of the new bridge will not be significantly different visually to the existing bridge and the details of the new bridge are considered to be acceptable.

4.7 There are a number of trees of varying quality and size along the western boundary of the playing fields and the rear gardens of Staindale and Bilsdale Close as has been picked up on the tree survey. The route has been aligned with the aim to retain all of the trees; except a couple in such poor condition that they are recommended for felling. The recommendations in the tree survey are considered to be acceptable, namely to lift the crowns to a height of 3m. The path is proposed as a no-dig construction. The ground is quite soft and wet, but such a construction has been achieved in similar situations, e.g. at Hob Moor. This path construction is illustrated on the 'Pathway Proposals' plan by Poplewell Associates. A condition

ensuring that a no dig construction method is proposed. The scheme suitably includes a range of additional tree planting along the route. The Landscape Architect considers that these should be protected with the local authority's standard shelters comprising four posts, two cross bars and weldmesh surround to a height of 1.8m. This significantly reduces the risk of vandalism and mowing damage to the tree.

4.8 The details of the landscape proposals are considered to be acceptable.

4.9 There has been one letter of concern from an occupier of Bilsdale Close about one of the new trees to be planted being too close to an existing garage for the size the tree grows to. The particular tree type has been changed and the writer has confirmed acceptance of the amended proposals.

Traffic, Highways and Access Issues

4.10 There are two elements to this proposal. Firstly it is proposed to improve the footpath and this will improve the cycle/footpath network within the area secondly the improvement of the footpath has been brought about by the desire to provide alternative access routes to the redeveloped Rawcliffe School which will be increasing the school roll from 266 to 669 to incorporate Clifton Without Junior School if the next item on the agenda is approved. The formation of the 'park and stride' will provide parents with the opportunity to park their vehicles within the recreation ground car park (it appears at the moment that the school will be opening the gate on the morning and evening for parents) and then take the route across the field to enter the school from the rear playing field which will have a new path/cycle leading to the school building. A plan submitted by the applicant shows that, at the moment, 117 pupils live on the north side of the school and could benefit from the footpath improvements.

4.11 The comments of Highways Network Management on this scheme are awaited and will be reported direct to committee.

Impact on Residential Amenity

4.12 There have been a small number of letters of concern to the application as well as concerns raised by Rawcliffe Parish Council. The thrust of the concerns relate to the lighting of the footpath and the positioning of the path close to the rear of residential properties. The line of the existing footpath runs along the back of the houses albeit that the existing path is narrower, informally surfaced and unlit. The properties that back on to the path are fenced mainly with 1.8 metre high fencing. The widening and lighting of the footpath and the intention to encourage park and stride to the school will increase the usage of the path. It is considered that because of the existing boundary treatment to the residential properties there will be no detriment to residential amenity as a result of the widening and surfacing of the footpath. The lighting will however, if illuminated throughout the night from the onset of darkness, introduce significant illumination of the area to the rear of properties particularly when viewed from upper windows and will in Officers opinion be detrimental to their amenity . It is proposed to restrict the hours of illumination of the lighting to 3pm to 10 pm between September and March. This will allow the path to be used for the Park and Stride scheme and for locals as part of the overall footpath network but would also provide relief from the lighting for adjacent residents. The restriction on the hours of the lighting would also overcome the concerns of the Countryside Officer as noted in paragraph 3.3 and

discussed in paragraph 4.15 below. Members will note that the Crime Prevention Officer is not objecting to the application because lighting is included within the scheme, there are few potential hiding places and the path is overlooked by surrounding buildings.

4.13 Comments that the path could be 5 metres into the recreation ground are noted although the current proposal as submitted in this application has firstly to be assessed on its own merits. The issue is whether this application, as it stands in the location shown, is acceptable, which from a residential amenity perspective is considered to be the case.

4.14 As discussed above all but two of the existing trees are to be retained as part of this application. No existing tree cover, which objectors believe add to privacy, will therefore be lost.

Biodiversity

4.15 The Countryside Officer is not objecting to the proposal but does have concerns about the lighting at the end of the footpath adjacent to the beck. The concern is that the lighting will affect the forage area and possibly commuter routes for bats. The use of lighting in the winter is less of a concern because bats roost/hibernate elsewhere. The condition suggested in paragraph 4.12 above restricting the hours and time of year of illumination of the lighting should overcome the Countryside Officers concerns. Any further comments received from the Countryside Officer on the proposed condition will be reported direct to committee. There are no objections to the remainder of the scheme from a wildlife or nature conservation point of view.

5.0 CONCLUSION

5.1 The development is essentially the improvement of an existing footpath and new bridge to allow both cycles and pedestrians to make full use of the footpath/cycle route network within the area. The development will also allow parents taking children to Rawcliffe Primary School (the next item on the agenda) by parking within the recreation ground car park and walking/cycling down the path to connect with a path within the school grounds. Such development accords with the principles of sustainable development set out in PPS1 and accords with the policies set out within the DCLP.

5.2 The new footpath will introduce an element of hard surfacing into a open green area and will increase the visibility of the site by the introduction of lighting; however overall the scheme affects a very small proportion of the total recreation area and will not be visually detrimental to the areas open character. The details of the landscape proposals are considered to be acceptable.

5.3 The comments of Highway Network Management will be reported direct to Committee

5.4 The design and siting of the footpath is considered to be acceptable in terms of its relationship to existing residential properties with the restriction on the illumination of the lighting and is also considered acceptable from a crime prevention perspective.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing no. 2188/1

Drawing no. 2188/2

Drawing no. 2188/3

Drawing no. HE/09010581/02A

Tree survey received 12th March 2010

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

3 Before the commencement of development including site preparation any excavations or importing of materials a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing, phasing of works, site access and haulage routes, type of construction machinery/vehicles to be used for all operations (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles and storage of materials. The method statement shall also include construction details, and methods of implementation for the pavement construction and the instalment of lighting bollards.

Reason: To protect existing trees which are considered to make a significant contribution to the amenity of this area.

4 Before the development hereby permitted is brought into use all trees both existing and proposed shall be supported and protected with tree shelters to the Local Authorities specification or in such manner as may be agreed in writing by the Local Planning Authority.

Reason: To protect the trees from vandalism and damage in the interests of visual amenity.

5 The lighting hereby approved shall only be illuminated between 15:00 hours and 22:00 hours 1st September to 31st March and at no other time without the prior written approval of the Local Planning Authority.

Reason: In order to protect the bio-diversity of the site and in the interests of residential amenity.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

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

- Principle of the proposal
- Design and landscape considerations
- Traffic, highways and access issues
- Impact on Residential amenity
- Biodiversity

As such the proposal complies with Policies GP1, T2b of the City of York Development Control Local Plan.

Contact details:

Author: Diane Cragg Development Control Officer (Mon/Tues)

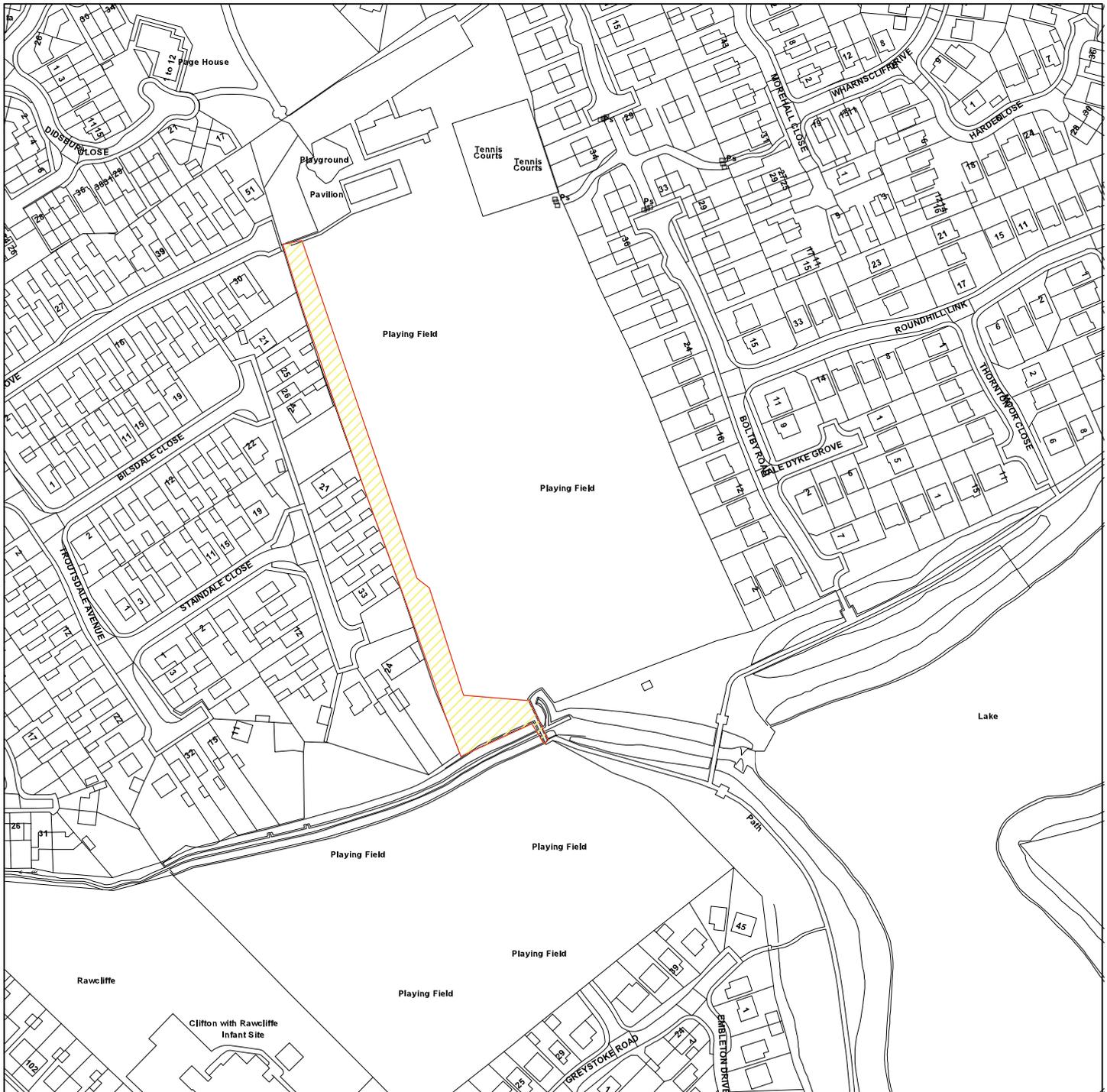
Tel No: 01904 551657

Playing Field, St Marks Grove

10/00446/FUL



GIS by ESRI (UK)



Scale : 1:2500

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Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application site
Date	19 April 2010
SLA Number	Not set

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Update for committee item 10/00446/FUL related to park and stride scheme Rawcliffe Recreation Ground

Following site visits yesterday an amended plan has been submitted which shows the path relocated so that it is 2.5 metres away from the boundary with residential properties and bollard lighting has been removed from the scheme in favour of solar panelled lighting.

Highway comments received (original scheme)

No highway objections to the principle of the development. There are no objections to the erection of motorcycle barriers, although the design must be submitted for approval. Lighting should be to the councils' street lighting specification. It is advised that the bridge should be 3 metres wide.

Highways have clarified that despite preferring a 3 metre wide bridge the 2.5 metre bridge is acceptable .

The footpaths Officer has set out the procedure that will need to be followed to change the line of the definitive footpath.

An additional condition with regard to the motorcycle barrier is proposed as follows :-

Prior to the commencement of the development details of motorcycle barriers on the entrance to the footpath from the Recreation Ground car park shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the barrier detail shall be implemented prior to the footpath being brought into use.

Reason: In the interests of residential amenity and Highway Safety Officers are satisfied that the bridge at 2.5 metres wide will be sufficient to serve the needs of the path/cycle way (the bridge is the same width as that at Walmgate Stray)

The condition relating to the control of the lighting will not now be necessary as the proposal is for solar panel lighting. (Condition 5 on the agenda)

An additional landscaping scheme condition is proposed.

Officers ask that if members are mindful to approve the principle of the amended scheme consultation should be undertaken in respect of the amendments and powers to delegate the application to chair, vice chair and assistant director are sought provided no new issues are raised by re-consultation on the amended scheme.

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- Formation of new car park area located to the front of the new school buildings; providing car parking for 55 cars including 3 accessible spaces. Access to the car park will be from the existing school entrance.
- Provision of secure cycle shelters accessed via new entrance points along the site frontage.
- Erection of separate boiler house building, silo and water sprinkler tower
- Provision of new footpath entrance across the site to join with the network of footpaths on the north east side of the site in particular the footpath on the west side of the Rawcliffe Recreation Ground
- Associated play areas including new hard court MUGA (1830 square metres) and grassed mini soccer pitch/play area.
- New security fencing to three boundaries and site landscaping incorporating existing tree cover.
- Off site highway works including the widening of the footpath adjacent to the school entrance and traffic calming measures along Eastholme Drive, Greystoke Road/ Garburn Grove with alterations to the turning head within Garburn Grove.

1.5 The application is supported by the following documentation :-

- Design and Access Statement
- Transport Assessment
- School Framework Travel Plan
- Flood Risk Assessment and Sequential Test
- Ecological Assessment
- Draft Community Use Agreement
- Sustainability Statement
- Sport England Report
- Ground Investigation
- Archaeological Evaluation

Planning History

1.6 Rawcliffe Infants School has been the subject of a number of applications related to the extension of the existing facilities and retention of mobile classrooms since 1996. None of the planning site history is considered particularly relevant to the current proposals.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

Floodzone 2 GMS Constraints: Floodzone 2

Floodzone 3 GMS Constraints: Floodzone 3

Schools GMS Constraints: Rawcliffe Infant 0217

2.2 Policies:

CYED11
Protection of Playing Fields

CYED1
Primary and Secondary Education

CYGP1
Design

CYGP4A
Sustainability

3.0 CONSULTATIONS

INTERNAL

3.1 Highways Network Management - The increased school role will generate a noticeable increase in all forms of traffic movement in the vicinity of the Eastholme Drive site. The package of measures referred to in the planning application is considered to be appropriate and will seek to minimise potential highway safety and traffic movement issues. Parental parking at the start and end of the school day will have some impact however, in highway terms, it is expected that they can be largely mitigated and managed through the proposed physical alterations and traffic regulation orders.

3.2 Landscape Architect - No objections in principle. The planting adjacent to Blue Beck could be more random. Some more specimen planting should take place within the rear of the site and the fencing between the MUGA/football pitches and remaining area to the rear should be softened with landscaping. Despite the building being set further back and there being a much larger car park the arrangement of paths, trees, cycle stores, and garden/teaching spaces leads one from Eastholme Drive to the building entrance in a logical, readable manner. Tree loss to allow for the development is generally acceptable although T44 could be retained. Play areas should illustrate a commitment to the principles of 'learning through landscapes' and the governments 'Design for play' guidance. The Landscape Architect regrets that only one of the three flat roofs is to be 'green'. Confirmation is required that fencing will be removed and not replaced along north east boundary with Rawcliffe lake and beck.

3.3 Countryside Officer - Existing school playing fields have fairly limited wildlife value. The site is a suboptimal habitat for greater crested newts therefore no further survey work is required in this respect. However the small pond in the school wildlife area may provide some suitable habitat and therefore care should be taken during construction and if any newts are discovered all works should be ceased and Natural England consulted. A mitigation plan should be submitted and should include provision within the design of the building for the enhancement of bat habitats, alternatively a condition is proposed to require a mitigation plan. There is concern to ensure that lighting on the site should not affect any wildlife potential of the site. Help can be provided to ensure that the green roof proposed also provides education and wildlife value.

3.4 Sustainability Officer - The applicant has committed to achieving a 'very good' rating under the BREEAM standard, to ensure this a BREEAM pre-estimator documenting a rating prior to commencement of work should be conditioned as should a post-construction certificate. Would like a commitment to energy efficient lighting where feasible. A condition should be attached to ensure that details are submitted to show 10 per cent renewables will be achieved with the bio mass boiler and solar thermal hot water system proposed.

3.5 City Development - No objections from a policy standpoint

3.6 Environmental Protection - No objections in principle but does have concern over the impact of the development upon completion and during the construction/demolition phase. Conditions are proposed that require a lighting impact assessment, a construction Environmental Management Plan, details of plant and machinery which will be audible beyond the site boundary, treatment of cooking odours, an air quality assessment in relation to the proposed bio-mass boiler. Environmental Protection have also requested further information about air quality due to additional traffic to the site.

3.7 Structures and Drainage - Comments awaited

EXTERNAL

3.8 Rawcliffe Parish Council - The committee wishes to support this application noting the following concerns:

- Adequate screening of silo and clarification as to the actual height of silo (as this is not displayed on the plans)
- Assurances that Appendix G of the Transport plan is implemented through conditions being incorporated into any permission granted.
- A variety of substantial trees are planted (not merely saplings) to replace those felled in the development
- Assurances that the memorial tree (planted at the front of the existing school) is retained
- Details for the provision of the park and stride scheme (using Rawcliffe Recreation Association car park) are clarified i.e. opening times, both am and pm, key holder policy
- Bungalow (which is retained on plans provided) will distract from the overall positive aesthetics of the new school

3.9 Yorkshire Water Authority - Do not object in principle to the development including the stand-off distance shown from the public sewer; the proposed separate systems of drainage on site and off site; the proposed amount of domestic foul water to be discharged to the public foul water sewer and the proposed point of discharge of foul water to the public foul water sewer. Several suggestions are made about how the detail of the drainage works should be implemented and 6 conditions are proposed to ensure the proper implementation of the scheme.

3.10 Sport England - Sport England initially raised concerns about the loss of adult sized playing pitches resulting from the development. Following further information being provided about the provision of junior and adult provision within the area as well

as future predictions for provision this objection has essentially been withdrawn provided that a condition is attached which requires the submission of a management plan to show how the potential for an adult pitch could be maintained in the future by the removal of the fence which will separate the junior pitches connected with the school and the land to the rear of this which will form junior pitches managed in conjunction with the Recreation Association. Sport England are satisfied that the development in all other respects accords with their policies and do not object to the proposals.

3.11 Environment Agency - acknowledge written confirmation from the Local Authority that the Sequential Test has been undertaken and passed. This confirms to the Agency that there are no other 'reasonably available' sites in lower flood risk areas to which this development could be directed. The Environment Agency consider that the proposed development will only be acceptable if the measures as detailed in the Flood Risk Assessment are implemented and secured by way of a planning condition.

3.12 Ten letters of objection have been received covering the following points:-

- Concerned that the site needs to be secure. Currently fences are breached and the site is used for various activities including as a cut through, dog walking and youths playing football.
- If the site is to be used for community sport what measures will be taken to ensure adjacent properties are not damaged.
- Concerned about the traffic impact the new larger school will have on the area, the park and stride scheme will not compensate for the increase in traffic. The area can not cope and there will be a safety risk for everyone.
- Inconsiderate and hazardous parking will be exacerbated by the larger school population and attendant increase in traffic flows. To prevent this happening parking restrictions and traffic control are required.
- Could the Council outline measures to be taken to enforce traffic control in the area.
- What other alternative sites if any were considered, the site is too small to cope with the increase proposed and would not leave any room for future increase.
- If this site had to be chosen would it not have been better to erect portacabins during the construction leave the school in its present position so that there would be more playing field area and potential room for expansion.
- Adequate provision for off-street parking for parents should be made within the site.
- Proposed trees in the landscaping scheme will cause loss of light to properties on Garburn Grove

3.13 There has been a further group of letters submitted which sets out the concerns about the existing parking situation adjacent to the school site. Residents of Garburn Grove have been asking for protection from the parking situation for over a year since

the new school was announced, even though residents of Garburn Grove consider that it is necessary now. The request has been made through the Parish Council, Police and school project team as well as the headmaster, Mr Wiggly. A petition for traffic orders has already been submitted to the Council on behalf of the residents of Garburn Grove.

PUBLICITY

3.14 The application has been advertised by means of site notices posted around the site (4) dated 22nd February 2010, an advert posted in the paper dated 24th February 2010 and via neighbourhood notification.

4.0 APPRAISAL

4.1 Key issues:-

- Policy background
- Principle of the proposal
- Design and landscape considerations
- Traffic, highways and access issues
- Impact on Residential amenity
- Playing field provision and community use
- Drainage/Flood Risk
- Sustainability
- Crime prevention
- Biodiversity

Policy Background

4.2 Planning Policy Statement 1 ("Delivering Sustainable Development") (PPS1) states that a number of key principles should be applied to ensure that decisions taken on planning applications contribute to the delivery of sustainable development. In particular, PPS1 promotes high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term but over the lifetime of the development. Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted. High quality and inclusive design should create well-mixed and integrated developments which avoid segregation and have well planned public spaces that bring people together and provide opportunities for physical activity and recreation.

4.3 The following policies within the Development Control Local Plan (DCLP) are considered to be relevant:-

- Policy SP6 of the DCLP states that development will be concentrated on brownfield land within the built up urban area of the City and urban extensions, followed by surrounding settlements and selected existing & proposed public transport corridors. Outside defined settlement limits, planning permission will only be given for development appropriate to the Green Belt or the open countryside.

- Policy GP1 'Design' aims to increase the awareness and importance of good design; visually, environmentally and sustainably. This design policy is supported by policy

GP4a 'Sustainability' which requires new development to have regard to the principles of sustainable development.

- Policy GP3 'Planning Against Crime' states that new development will be required, where deemed appropriate, to incorporate crime prevention measures to achieve: natural surveillance; secure locations for any associated car and cycle parking; satisfactory lighting; and provision of CCTV in certain locations.

- Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development and sets out those issues to consider as part of a sustainably designed development. The interim planning statement (IPS) on Sustainable Design and Construction supports Policy GP4a in setting out ways to achieve sustainability furthermore the document requires that 10% onsite renewables be achieved. Policy ENV5 of the regional spatial strategy supports the requirements of the Interim planning document by saying that non residential floor space over 1000 square metres should secure at least 10% of their energy from decentralised and renewable or low-carbon sources.

- GP9: 'Landscaping' where appropriate development proposals will be required to incorporate a suitable landscaping scheme.

- GP11: 'Accessibility' In order to achieve satisfactory access to new development planning applications will be required to demonstrate that suitable provision will be made for access and facilities for people with mobility problems sensory impairment and carers with children, including parking facilities and pedestrian routes to and from those parking facilities.

- NE1: 'Trees, Woodlands and Hedgerows' states that trees, woodlands and hedgerows, which are of landscape, amenity, nature conservation or historical value, will be protected.

- T13a: 'Travel Plans and Contributions' Developments which meet the criteria set down in PPG13, or which are likely to employ more than 30 employees, or a residential site with more than 20 units, will be required to submit a travel plan including; modal split targets, time scales, measures and sanctions to be taken to meet these targets as well as measures to monitor the effectiveness of the plan.

- T20: 'Planning Agreements' Where traffic, pedestrians and cyclists could be accommodated by the provision of special facilities or appropriate improvements to the highway network affected, applicants will be expected to enter into a Section 106 Agreement under the Town and Country Planning Act 1990 and into an agreement under the Highways Act 1980 in order to provide or make an appropriate contribution to such improvements.

- ED1: 'Primary and Secondary Education' Planning applications for new/extended primary and secondary education facilities will be granted permission provided that: it would meet a recognised need; the proposed development is of a scale and design appropriate to the character and appearance of the locality; an area of open space and playing fields, sufficient to meet the needs of pupils is incorporated in the

development; where a development is capable of a joint or dual use for community benefit, this has been incorporated into the design.

- Policy ED11: 'Protection of Playing Fields' The loss of playing fields associated with educational establishments will not be permitted, unless exceptional circumstances are proven to exist. Where education establishments are due to close the development of associated playing fields, will not be permitted where they can be used to address deficiencies in the surrounding area.

Principle of the Proposal

4.4 The Rawcliffe Infant School and the playing fields to the rear are all currently allocated for educational purposes within the Draft Development Control Local Plan (DCLP). The principle of the re-development of the site to provide larger educational facilities is considered to accord with policies within the DCLP and to accord with the principles of sustainable use of land set out in PPS1.

Design and Landscape Considerations

4.5 The proposed new building is sited approximately 100 metres back from the Eastholme Drive frontage. The building is sited so that the front elevation is on a north west/south east axis which means that the building is angled towards the southern, side boundary and the Eastholme Drive frontage. The building consists of a series of two storey flat roofed blocks forming a semi-circle around the entrance area and main school hall. The part of the building housing the entrance and hall has been designed with a pitched roof with maximum height of 11.2 metres. The blocks behind this central area have been designed with a series of flat roofs with a maximum height of 7.65 metres. The building creates a length of front elevation of approximately 60 metres although this is made up of various angles of structures and varying building lines rather than a single solid line of building. The maximum depth of the building is 40 metres. The structure is located so that it is a minimum of 45 metres from the northern boundary of the site, 25 metres from the southern boundary and 65 metres from the rear of properties on Eastholme Drive. The design of outside space is roughly divided between the area at the front providing the access, cycle and parking facilities and the remaining areas providing suitable outdoor and sporting facilities for the school use, although access from the north east corner of the site adjacent to the recreation grounds is afforded via a footpath that crosses the rear of the site. The building is to be constructed of brick and render with metal cladding and coated aluminium windows. The main central pitched roof is to be clad in a copper effect membrane. A retractable awning supported on a timber structure is proposed to the front elevation to enhance the use of the external space.

4.6 The design and access statement says that the location of the new building has been largely dictated by the need to retain the existing school building in operation until the new building is complete, the need to avoid the area within flood zone 3 and the siting of the building on the highest part of the land, retaining trees, avoiding building over the 11Kv underground cable crossing the rear playing field and the positioning of the existing vehicular access.

4.7 The site is surrounded by a mix of two and single storey residential dwellings. The new site for the school will mean that to all those properties that back on to the site the school buildings and the use of external areas will be more visible. The surrounding properties are all of relatively modern design with no dominant layout or character. The siting of the building away from boundaries will mean that the feeling of openness for adjoining properties will be retained and the new building's design has the potential to be a modern, social centre for the community. The visibility of the school from the Eastholme Drive road frontage will rely on landscaping, access and parking to provide a visual connection to the school building. Policy GP1 of the Draft local plan says that development should respect or enhance the local environment and should be of a density, layout, scale, mass and design that is compatible with neighbouring buildings spaces and the character of the area. In the context of this policy it is considered that the design of the scheme is acceptable. A condition requiring the submission of materials is proposed to ensure that reference, in the choice of materials, is made to the materials that surround the site.

4.8 This site is linked with Rawcliffe lake to the east and the playing fields of Rawcliffe recreation ground to the north, which in turn connects directly with the open space associated with the new Manor Lane housing estate. It is therefore a key component of this section of green infrastructure. Thus it is important to maximise the amenity and biodiversity potential of the site within the parameters of the development. The existing school playing field can be accessed through a gate leading from a footbridge that connects the recreation ground with Rawcliffe lake. The entire area, with the exception of the grounds immediately adjacent the school buildings are used by dog walkers. The Blue Beck runs along the northern perimeter of the site and is at present a rather neglected element of the landscape. The south side of the beck is relatively open, though random scrub lines the banks. The north side of the beck is bound by rear gardens, mostly exposed to the beck, others are fenced off. A concrete post and chain link fence runs along the top of the southern bank. This continues around the north, east, and south sides of the school playing field. The fencing is considered by the Landscape Architect to be detrimental to the amenity of the site, especially where it is exposed at close range at the restricted nodal point between Rawcliffe lake and the two sets of playing fields where the footbridge crosses the beck. Young tree planting around the southeast boundary screens the fencing and provides a setting and a buffer between the field and neighbouring housing on Greystoke Road.

4.9 There are a number of existing trees within the site. The most significant of these being those to the Eastholme Drive frontage and those in an area to the rear of properties on Eastholme Drive. The application as submitted includes a full landscaping scheme and a schedule of trees that need to be removed to accommodate the development. The landscaping scheme shows extensive new planting to the front of the site to relate the building to the street frontage and to provide a setting for the building. The scheme also shows the retention of trees to the frontage as well as those to the rear of Eastholme Drive. A new landscaped boundary is proposed adjacent to Blue Beck. An access strip for the Environment Agency of 2.5 metres is proposed behind the landscaping. The Landscape Architect has made comments on the proposal and is generally happy with the scheme however it is suggested that there should be more planting within the rear of the school site, both in the playing fields and immediately adjacent to the buildings, further information is also requested in relation to the play areas and the way in which the children's learning

experience will be enhanced through their design. The design of the play areas will be covered by condition. The landscaping proposed to the rear which includes the planting to the boundary of Blue Beck is however considered to provide a good structure for the school site. Further planting may be achieved through the design of the play areas.

4.10 The Landscape Architect also comments that all three flat roofs should be green roofs rather than just one, however the applicant has said that the flat roofs are needed to get the flows required to serve the proposed grey water recycling facilities. Officers are satisfied with the balance between the provision of green roofs and sustainable water use proposed and are not proposing to ask for any amendments in this respect.

4.11 There has been one letter of concern about the landscaping proposals from an occupier of a property on Garburn Grove. The concern is that the height of some of the new tree planting within the car park area will eventually lead to overshadowing of adjacent garden areas. The new trees proposed are Sorbus trees which can grow to a significant height (in the order of 15 metres). A plan has now been submitted which amends the landscaping scheme within the car parking area to ensure trees do not exceed 5 metres in height. Any further comments received from the occupier of Garburn Grove with regard to the amended trees will be reported direct to committee

4.12 In general terms the landscape structure proposed to the front of the site including the retention of existing trees is considered to be sufficient to provide a welcome entrance to the site and enhance the street scene. Landscaping proposed at the rear adjacent to the Blue Beck will, in Officer's view, provide a setting for the building when viewed from adjacent properties on this side of the site.

Traffic, Highways and Access Issues

4.13 The new school will have a role of approximately 630 pupils (with a further 39 foundation stage places), which represents an increase on the existing Rawcliffe Infant school site from 240 pupils plus 26 foundation stage places (an increase of 390 pupils with 13 additional foundation stage places). The numbers of staff will increase from 34 (teaching and admin) to 63

4.14 The application is supported by a traffic assessment which concludes that in transportation terms there are no overriding objections to the proposed development that should prevent the granting of planning permission.

4.15 Access to the school site will remain as existing for vehicles and servicing traffic. The level of car parking for staff has been based upon the expected numbers of staff on-site at any one time and expected modal split targets contained within the Travel Plan. The level of parking to be provided is in accordance with CYC Annex E maximum standards. The potential to allow parents to access the school car park or to provide a drop-off facility has been raised a number of times. In reality such a facility would prove of little use as insufficient land is available to provide an adequate sized facility to make a meaningful difference and experience demonstrates that once parking has been provided, it attracts vehicles to the site with parents less likely to consider an alternative mode of transport. In safety terms it is also considered

undesirable to have additional vehicular traffic mixing with pedestrians (particularly children) within a confined environment, as would be the situation here.

4.16 The main issue relating to the provision of the new enlarged school relates to the impact on the adjacent highway from on-street parking associated with the school. Officers have undertaken a number of site visits during the peak hours of operation of the existing school sites and are aware that a significant level of parking occurs on the highways adjacent to the school sites. This parking is often indiscriminate in nature and is a cause of concern and complaint to local residents.

4.17 The creation of the new school with enlarged role will undoubtedly further increase the level of on-street parking. In order to address this issue officers have negotiated the following:-

1) School Travel Plan; A draft School Travel plan has been submitted and following detailed negotiations with officers has been improved. This document will be implemented by the school and clearly defines what measures will be undertaken to promote access to the school by non-car modes and promote sustainable travel. This will be achieved through a number of measures including lessons within the curriculum and work with the council, residents and parents.

2) Waiting Restrictions; A package of waiting restrictions will be drawn up and funded by the applicants. This package of restrictions will be subject to further consultation with members and local residents to ensure that the most appropriate traffic orders are used whilst limiting inconvenience to residents. (These Orders will however be subject to separate highway committee approval and can not be guaranteed through the planning system)

3) Highway Works; A package of physical highway works to compliment the proposed waiting restrictions have been proposed. In brief these works consist of a number of plateaux junctions to prevent vehicles parking around junction bellmouths, whilst also assisting pedestrians by providing a level crossing point. The footway to the school frontage is to be widened to 3m to cater for the increased school role and to help encourage parents to walk their children to school. In Garburn Grove a build out and re-profiling of the existing turning head is proposed to assist in managing the on-street parking to minimise the inconvenience that is currently caused to local residents from parked vehicles.

4) Park and Stride; It is also proposed (albeit through a separate planning application) to surface the existing public footpath from Rawcliffe Recreation Ground which connects to the rear of the school site. This footpath is proposed to be surfaced and lit and will provide an alternative location for parents arriving from the North of the school site to park within the existing car park here and walk their children to the school.

4.18 Highways Network Management have concluded that the increased school role will generate a noticeable increase in all forms of traffic movement in the vicinity of the Eastholme Drive site. The aforementioned package of measures is considered to be appropriate and will seek to minimise potential highway safety and traffic movement issues. Parental parking at the start and end of the school day will have some impacts

however, in highway terms, it is expected that they can be largely mitigated and managed through the proposed physical alterations and traffic regulation orders.

Impact on Residential amenity

4.19 The current infant school building is a single storey structure located towards the front of the site, so that both in terms of its size and siting the structure has little visual impact either within the street scene or within the land to the rear of the site.

4.20 The new structure will be set further back into an open area of land and will be two storeys high. The structure in its siting and design will be much more visually significant to those properties that back on to the open land. Further more the new school will increase the numbers of both pupils and staff so that the number of traffic movements to and from the site will be greater and the amount of traffic on the 'school run' will increase in both time and duration.

4.21 The main objections that have been received relate to the impact of traffic caused by the increased pupil numbers, the security of the site to prevent unauthorised entry, the potential for the increase in sporting activities to cause damage to adjacent properties, the general concerns that the site is too small to cope with the increase in numbers, that the school should be constructed in its present location rather than further back in the field and a concern about the size of trees in the proposed landscaping scheme.

4.22 Undoubtedly the strongest objection to the application is the increase in traffic flows expected to the site as a result of the increase in pupil numbers. Members will note that Highways Network Management is not objecting to the application. They do however acknowledge that the site will see an increase in traffic flows to the site but consider that the physical measures proposed and traffic regulation orders will largely mitigate the traffic impact on the highway network. In amenity terms it appears from some of the correspondence and from Officers site visits that there is some indiscriminate parking at the moment and at times the current school causes a problem on the highway which could be said to impact on the amenity of residents mainly through inconsiderate use of the public highway. Obviously the impact to amenity is limited to the morning and evening start and finish of school and is relevant during school term time only. The proposal will, because of the different leaving times for infant and junior children, potentially increase the length of the time of on street parking and because of the highway works proposed and the increase in number of children coming to the school extend the distance away from the school people will park. Thus the parking will affect more houses than at present. The effectiveness of the mitigation measures proposed including the park and stride scheme and those within the travel plan will largely depend on school management and the good will of parents but in planning terms they offer a real alternative to the use of the car and accord with Governments objectives of sustainable transport (as well as wider non-planning objectives of encouraging active, healthy children). Officers therefore acknowledge that there will be some additional impact on residential amenity caused by parking vehicles at the beginning and end of the day during term time but consider that with the planning conditions proposed that seek to ensure the physical traffic measures are implemented, promotion of traffic regulation orders and requirement to implement a travel plan do represent real alternatives to the use of the car and

therefore an objection to the scheme based on the comings and goings of vehicles and their impact on residential amenity grounds could not be sustained.

4.23 The concern about the impact of trees in the new landscaping scheme is dealt with in paragraph 4.11 above.

4.24 Concerns about the impact of the increased use of the sports fields and the potential for damage to adjacent properties from this use are largely a site management issue. The site is an existing underused playing field area and there will be a noticeable increase in the use of the area. It is considered that vegetation and existing boundary treatment on the boundary of the site with Greystoke Road will afford protection to properties. The school will need to address the boundary treatment of the site if the existing situation proves inadequate. In terms of the security of the site the application proposes new 2 metre high Heras Zenith Security welded mesh in standard green polyester coating with matching gates along the western and northern boundaries of the site. The existing fencing that forms the back boundary of the site will be repositioned to form the new rear boundary of the site and the southern boundary will remain undisturbed. The southern boundary is made up of existing walls, galvanised steel fencing and tree/shrub planting.

4.25 With regard to the siting of the school. The application makes clear that in considering a new school on this site it has been necessary to keep the existing site functioning whilst the new school is being built. As Officers have pointed out above the new site will be more visible to properties surrounding the application site but in Officers view there will be no direct amenity implications in terms of the proximity of the building to adjacent properties or the use of the land that could be sustained in planning terms.

4.26 The initial scheme included a preliminary lighting scheme which showed a substantial number of 5 metre lighting columns including lighting in the rear area of the site leading up to the school from the entrance to the north-eastern corner connecting to the park and stride. Officers are concerned about this element of the proposal and its potential to impact on adjacent residents and wildlife. The Environmental Protection Officer has requested a full lighting impact assessment and the applicant has now withdrawn the preliminary lighting scheme in favour of considering lighting through the condition suggested by Environmental Protection.

4.27 Other planning conditions are required by the Environmental Protection Officer to ensure that the development does not impact on adjacent residents these include a Construction Environmental Management Plan, and conditions to protect against noise and smells associated with the running of the school. An air quality assessment condition is also proposed with regard to the bio mass boiler. An air quality assessment has also been requested in relation to traffic movements to and from the site. It would not be appropriate to condition this as any mitigation measures required would need to be assessed and conditioned. Further reference will be reported direct to committee on this issue following further discussions with Environmental Protection. It is also proposed to attach an hours of works condition for during the construction period to the permission

4.28 The Parish Council wish to have confirmation of the height of the water tank and the silo to serve the boiler house located on the south of the site. The silo and tank are 10 metres and 8 metres high respectively. They are located, at the closest point 17 metres away from the joint boundary with properties on Greystoke Road. The tanks will be visible from these properties, although there is good boundary treatment between the two sites at this point. Officers are satisfied that the tanks will not be overbearing when viewed from adjacent properties and are therefore satisfied with the height and location of the silo and tank.

Playing Field Provision and Community Use

4.29 The new school will provide 9400 square metres of grassed play space, 1830 square metres of MUGA (multi use games area) courts, soft play area of 2770 square metres, 2230 square metres of hard play space and 925 square metres of habitat land. The remaining part of the playing field to the rear approximately 5320 square metres will be leased to the Rawcliffe Recreation Association to offer enhanced community playing fields. The additional land will offer two mini soccer pitches for use by Rawcliffe junior football club and training space for adults. The new primary school will have the right to use the additional field and will have access to the facilities at the recreation association for school fixtures. The school and the recreation association will work together to offer managed community use of the school pitch and MUGA this will be set out in the community use agreement, a draft of which has been submitted with this application.

4.30 Sport England has commented on the application. Overall they are happy with the provision for junior sports facilities, the association between the Rawcliffe Recreation Association and the school and the undertaking to provide community use. Sport England originally raised concern that the proposal in theory results in the loss of one adult playing pitch without the provision of evidence that there is no deficiency of adult pitches within the immediate area. Sport England suggest conditions that would ensure that an adult pitch provision would be maintained. To do this the new security fence between the school and the additional playing pitches would have to be removed. Following receipt of Sport England's comments additional information was forwarded to them to show what the level of provision for adult sport is within the area. Sport England have now made a further comment which says there is a clear long term need for pitches of all sizes of rugby pitches and senior cricket. Given the dimensions of the existing playing field Sport England can see how a senior cricket pitch would not be possible on this site as currently arranged. However there is room for a senior rugby pitch. The recent submission includes a statement that the council are already planning for future growth in these sports with the relevant accredited clubs in locations that best fit their growing needs; however this does not identify how and where new provision will come forward through a clear and tested delivery plan. To meet Sport England's policy exception E1 a site specific action plan to remedy the shortfalls needs to be presented to add this context to the findings. A condition is suggested that would require the submission of a management plan to show where future adult provision will be and/or provide for the school to remove the fence that divides the school pitches from those to be managed by the Recreation Association. If this fence were removed there would be space for an adult pitch. Sport England also requires conditions to ensure a community use agreement is agreed and that the MUGA and other sports facilities are implemented to a technical standard.

4.31 In general terms the new play provision for the school provides a variety of options/opportunities for outside play, learning and sport and fully utilises an area of open sports facilities which are currently little used. The sporting provision within the scheme is considered to meet the requirements of policy ED1 and ED11 of the draft City of York Local Plan.

Drainage/Flood Risk

4.32 Prior to the application being submitted the site was located within flood zone 1 with an area of the site to the north being located in Flood Zone 2. The application was submitted on this basis. However on the update of the flood maps in January the application site was re-classified into Flood Zone 2 and a small area to the north to Flood Zone 3. Because of the change to the flood maps the flood risk assessment has had to be updated and a sequential test undertaken to accord with the requirements of PPS25. Officers are satisfied that the sequential test shows that the size of school proposed could not have been relocated to another site within flood zone 1 within the school catchment area. This has been confirmed to the Environment Agency. The Environment Agency are not objecting to the application provided that the application is conditioned to ensure that it is carried out in accordance with the details of the flood risk assessment.

4.33 Yorkshire Water Authority has suggested a number of conditions to ensure that the site is adequately drained. Our own Structures and Drainage section are concerned about the level of information that has been submitted and have requested more details. Some of the concerns raised will have been addressed through the amended Flood Risk Assessment and further comments from Structures and Drainage will be reported direct to committee . However Officers consider that with the conditions proposed by Yorkshire Water Authority and with the condition of the Environment Agency it will be possible to achieve the proper drainage of the site.

Sustainability

4.34 The application is supported by a Sustainability Statement which sets out the measures to be employed within the building to achieve a BREEAM rating 'very good' and indicates that a BREEAM pre- assessment has been carried out for a 'very good' rating. The Sustainability Officer has indicated that the achievement of a 'very good' rating should be commended and suggests a condition to ensure that a Post Construction assessment is submitted to secure a 'very good' rating. In terms of achieving 10% renewables on site the sustainability statement refers to the use of a bio-mass boiler and the investigation of PV panels as a possible renewables source. The Sustainability Officer suggests a condition to ensure 10% renewables is achieved. Such a condition is in line with the policies of the Spatial Strategy and the requirements of the IPS on Sustainable Design and Construction.

Crime Prevention

4.35 The Police Architectural Liaison Officer has commented that he was involved in pre-application discussions on the site and is satisfied with the details of the application in relation to designing out crime.

Biodiversity

4.36 The existing school playing fields have fairly limited wildlife value. The site is a suboptimal habitat for Greater Crested Newts therefore no further survey work is required in this respect. However the small pond in the school wildlife area may provide some suitable habitat and therefore care should be taken during construction and if any Newts are discovered all works should be ceased and Natural England consulted. A mitigation plan was requested at pre-application stage with regard to bats but this has not been forthcoming. A mitigation plan is being sought through condition and must include provision within the design of the building for the enhancement of bat habitats. There is concern to ensure that lighting on the site should not affect any wildlife potential of the site, as noted in paragraph 4.26 above this scheme has now been withdrawn and will be considered as part of the planning conditions. The Countryside Officer can provide help to ensure that the green roof proposed also provides education and wildlife value.

5.0 CONCLUSION

5.1 The Rawcliffe Infant School and the playing fields to the rear are all currently allocated for educational purposes within the DCLP. The principle of the re-development of the site to provide larger educational facilities is considered to accord with policies within the DCLP and to accord with the principles of sustainable use of land set out in PPS1.

5.2 Policy GP1 of the DCLP says that development should respect or enhance the local environment and should be of a density, layout, scale, mass and design that is compatible with neighbouring buildings spaces and the character of the area. In the context of this policy it is considered that the design of the scheme is acceptable. In general terms the landscape structure proposed to the front of the site including the retention of existing trees is considered to be sufficient to provide a welcome entrance to the site and enhance the street scene. Landscaping proposed at the rear adjacent to the Blue Beck will, in Officer's view, provide a setting for the building when viewed from adjacent properties on this side of the site.

5.3 Highway Network Management has concluded that the increased school role will generate a noticeable increase in all forms of traffic movement in the vicinity of the Eastholme Drive site. The package of measures referred to within the body of this report is considered to be appropriate and will seek to minimise potential highway safety and traffic movement issues. Parental parking at the start and end of the school day will have some impacts however, in highway terms, it is expected that they can be largely mitigated and managed through the proposed physical alterations and traffic regulation orders.

5.4 From a residential amenity perspective (as opposed to highway safety) the effectiveness of the mitigation measures proposed including the park and stride scheme and those within the travel plan will largely depend on school management and the good will of parents but in planning terms they offer a real alternative to the use of the car and accord with Government's objectives of sustainable transport. Officers therefore acknowledge that there will be some additional impact on residential amenity

caused by parking vehicles at the beginning and end of the day during term time but consider that with the planning conditions proposed, which seek physical traffic measures, promotion of traffic regulation orders and a requirement to implement a travel plan, represent real alternatives to the use of the car and therefore an objection to the scheme based on the comings and goings of vehicles and their impact on residential amenity grounds could not be sustained.

5.5 In all other respect the details of the scheme, subject to appropriate conditions, are considered to accord with the requirements of local and national policies.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

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

3 VISQ7 Sample panel ext materials to be approv

4 VISQ8 Samples of exterior materials to be app

5 HWAY18 Cycle parking details to be agreed

6 HWAY19 Car and cycle parking laid out

7 No barrier or gate to any vehicular access shall be erected within 12 metres of the rear of the footway abutting the site, without the prior written approval of the Local Planning Authority, and shall at no time open towards the public highway.

Reason: To prevent obstruction to other highway users.

8 HWAY31 No mud on highway during construction

9 HWAY35 Servicing within the site

10 The development hereby permitted shall not come into use until the Highway Works as indicatively shown on drawing ref 0962/113 rev.A have been carried out to the satisfaction of the Local Planning Authority

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

11 The development hereby approved shall not come into use until the Rawcliffe Recreation Park and Stride Scheme shown on drawing no. and approved under

planning reference dated has been implemented to the satisfaction of the Local Planning Authority.

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

12 The development hereby approved shall not commence until a package of Traffic Regulation Orders, which seek to manage on-street parking in the vicinity of the school site, to be promoted by the Highway Authority have been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of safety of highway users, the free flow of traffic and residential amenity.

13 HWAY40 Dilapidation survey

14 HWAY41 Safety Audit

15 Within 6 months of occupation of the site a full travel plan shall have been submitted and approved in writing by the LPA. The travel plan should be developed and implemented in line with local, national guidelines and the draft travel plan submitted with application 10/00148/FUL.

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

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

16 The development hereby approved shall be constructed to a BREEAM standard of 'very good'. A formal Post Construction assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate shall be submitted to the Local Planning Authority prior to occupation of the building. Should the development fail to achieve a 'very good' BREEAM rating a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a 'very good' rating. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.'

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local Plan and the Interim Planning Statement 'Sustainable Design and Construction'

17 'No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority to demonstrate how the development will provide, from on-site renewable energy, 10 per cent of the developments predicted energy demand. The development shall be carried out in

accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before first occupation of the development. The site thereafter shall be maintained to the required level of generation.'

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local Plan and the Interim Planning Statement 'Sustainable Design and Construction'

18 Prior to the commencement of the development or within such longer period as may be agreed in writing by the Local Planning Authority prior to commencement a management plan for the future management, maintenance and review of the playing fields has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The management plan shall include, but not be limited to, providing details of the review of any playing pitch model or strategy that should it identify a need for current senior pitches in the locality and no other sites be forthcoming provision for the fence shown on approved plan x/x in red to be removed and that land used flexibly for this purpose.

Reason: To ensure that the future needs for adult/senior pitches can be met in accordance with Sport England advice and policy ED1 and ED11 of the City of York Development Control Local Plan approved for development control purposes in 2005.

19 Prior to the commencement of the development or within such longer period as may be agreed in writing with the Local Planning Authority prior to commencement a community use scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include mechanisms for review. The approved scheme shall be implemented upon the development being brought into use.

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with policy ED1 and ED11 of the City of York Development Control Local Plan approved for development control purposes in 2005.

20 The sports facilities approved as part of the development shall be constructed in accordance with Sport England/NGB Technical Design Guidance Notes to include 'Access for Disabled People 2002' 'Natural Turf for Sport' 'MUGAs and STPs part 1' 'Comparative sizes of Pitches and Courts' unless otherwise agreed with the Local Planning Authority in consultation with Sport England.

Reason: To ensure that the future needs for adult/senior pitches can be met in accordance with sport England advice and policy ED1 and ED11 of the City of York Development Control Local Plan approved for development control purposes in 2005

21 No development shall take place until a wildlife protection plan and method statement to offset the possible impact of development has been submitted to and approved in writing by the Local Planning Authority. The plan should include:

- i. Details of what protective measures (both physical measures and sensitive working practices) will be in place to avoid any possible impacts during and prior to the construction phase.
- ii. Details of what measures are to be provided within the design of the new building and landscaping to enhance the biodiversity of the area and to replace habitat lost through re-development of the site.
- iii. The timing of all operations.

The works shall be implemented in accordance with the approved details and timing unless otherwise approved in writing by the Council.

Reason: To take account of and enhance the habitat for a protected species. (It should be noted that under PPS9 the replacement/mitigation proposed should provide a net gain in wildlife value.)

Note: If bats are discovered during the course of the work, then work should cease and Natural England consulted before continuing.

22 Prior to any works commencing on site, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork, construction and demolition phases of the development and manage Heavy Goods Vehicle (HGV) access to the site. Once approved, the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To protect the amenities of adjacent residents.

23 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 sound levels (LA_{max}(f)) and average sound levels (LA_{eq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenities of adjacent residents.

24 All piling operations shall be carried out using the method likely to produce the least vibration and disturbance. Full details of the dates, times and duration of operations shall be submitted to, and agreed in writing by, the Local Planning Authority before any piling operations are begun.

Reason: To protect the amenities of adjacent residents.

25 There shall be adequate facilities for the treatment and extraction of cooking

odours from kitchens in the school. Details of the extraction plant or machinery and any filtration system required shall be submitted to the Local Planning Authority for written approval. Once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenities of adjacent residents.

26 Prior to the commencement of the development an assessment of emissions from the proposed biomass boiler shall be submitted and approved in writing by the Local Planning Authority. The assessment shall include completion of City of York Council's biomass information request proforma and completion of AEAs technical screening assessment for biomass boilers. If this screening assessment indicates that further assessment is necessary, further stack modelling may be appropriate using a dispersion model. A chimney height assessment may also be required.

- Information about operation and maintenance of any biomass installations including cleaning regime. Information about fuel supply to include type, quality, delivery frequency and storage, and critically, where the fuel is to be sourced from.
- The operation of biomass boilers and associated activities may cause noise, dust and odour nuisance. Information on how these will be minimised will also be required.
- Comparison of emissions for existing site and new site in terms of NOx, PM10 and Carbon (to include vehicles and building emissions)
- Written confirmation that any combustion appliance used on the site is exempt under the Clean Air Act for use within a smoke control area.

The approved details shall be implemented before the development is brought into use

Reason: To protect the amenities of adjacent residents.

27 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	07.30 to 18.00
Saturday	08.30 to 14.00
Not at all on Sundays and Bank Holidays.	

Reason: In the interests of residential amenity.

28 Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 5 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

29 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

30 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

31 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

32 Unless otherwise approved in writing by the Local Planning Authority, no buildings shall be occupied or brought into use prior to 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

33 Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage should be passed through an interceptor.

Reason: In the interests of satisfactory drainage

34 A full Lighting Impact Assessment for all proposals involving floodlighting, undertaken by an independent assessor (not the applicant or the lighting provider), shall be submitted to and approved in writing by the Local Planning Authority. The Lighting Impact Assessment shall include the following:

- A description of the proposed lighting: number of lighting columns and their height, and proposed lighting units.
- Drawings showing the illuminance levels (separate drawings for each item listed):
 - A plan showing horizontal illuminance levels (E_h), showing all buildings within 100 metres of the site boundary
 - A plan showing vertical illuminance levels (E_v), showing all buildings within 100 metres of the site boundary.
- A specification of the Environmental Zone of the application site, as defined in The Institution of Lighting Engineers' Guidance Notes for the Reduction of Light Pollution.
- A statement of the need for floodlighting.

Reason: In the interests of residential and visual amenity

35 Prior to the development hereby approved being brought into use the fence and gate details shown on drawing no.618126- SD- AS-141A and specified as Heras Zenith security welded mesh system shall be implemented to the satisfaction of the Local Planning Authority.

Reason: In the interest of the visual amenity of the site

36 In the first planting season following the occupation of the site the landscaping scheme shown on drawing no. 2111/9 revision E shall be implemented to the satisfaction of the Local Planning Authority. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: In the interest of the visual amenity of the site.

37 The development permitted by this planning permission shall only be carried out in accordance with the approved revised Flood Risk Assessment (FRA) by Atkins dated 18 March 2010 and the following mitigation measures detailed within the FRA:

1. Porous surfacing, a green roof, rainwater harvesting and swales will be used to reduce and store surface water run off from the site. A flow control device will restrict surface water run-off rates from the swales to 22.7 l/s for the entire site.

2. Provision of a Flood Warning and Evacuation Plan to be submitted and approved by Emergency Planners at the Local Authority. When it is available the School should be signed up to the Agency's Flood Warning service for this area.

3. Finished floor levels will be set no lower than 12.050m above Ordnance Datum (AOD).

Reason: 1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. 2. To ensure safe access and egress from and to the site in the event of a flood. 3. To reduce the risk of flooding to the proposed development and future occupants.

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:-

- Principle of the proposal
- Design and landscape considerations
- Traffic, highways and access issues
- Impact on Residential amenity
- Playing field provision and community use
- Drainage/Flood Risk
- Sustainability
- Crime prevention
- Biodiversity

As such the proposal complies with Policies GP1, GP3, GP4a, GP9, GP11 ED1,

ED11 of the City of York Development Control Local Plan.

Contact details:

Author: Diane Cragg Development Control Officer (Mon/Tues)

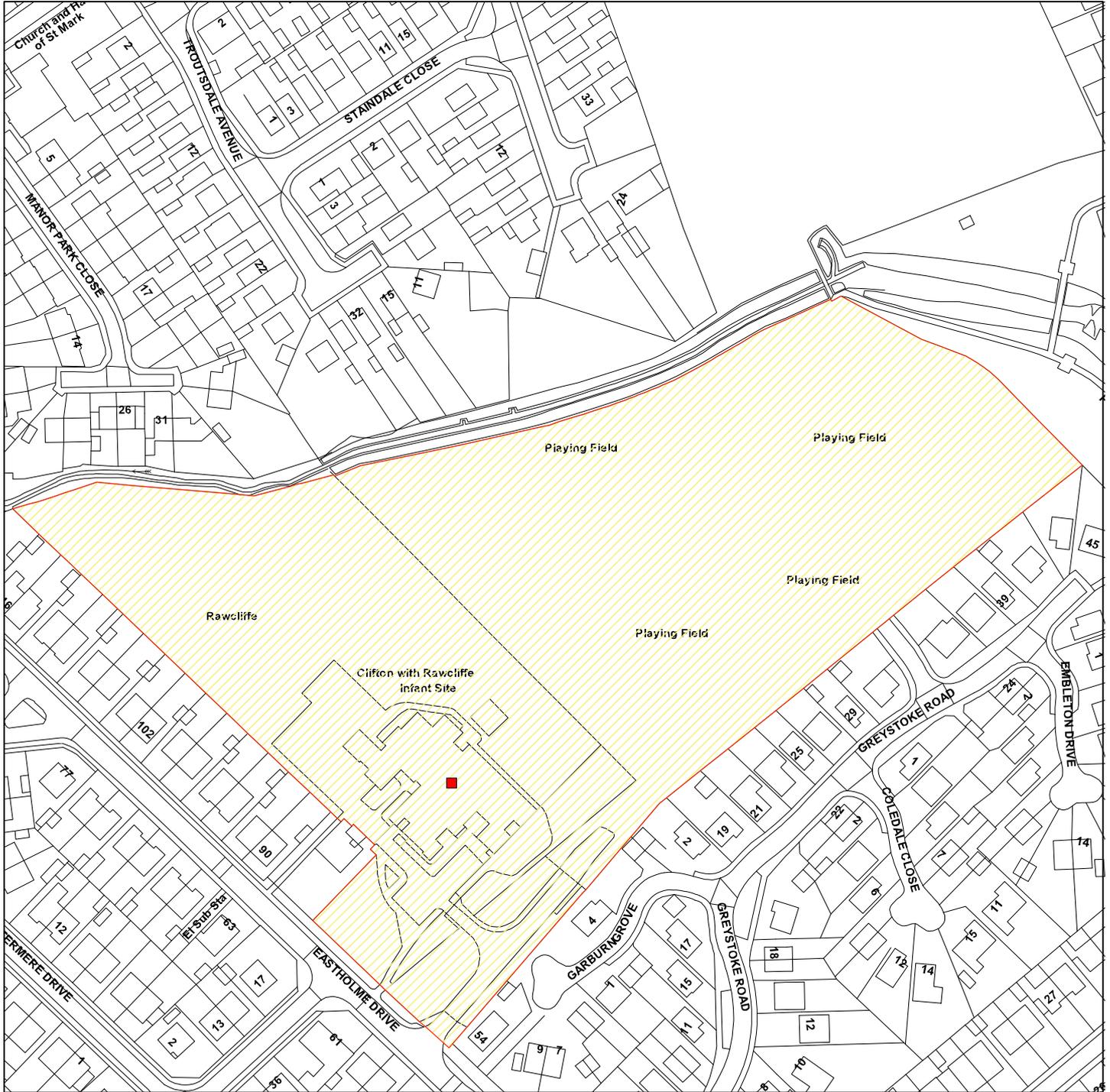
Tel No: 01904 551657

Rawcliffe County Infant School

10/00148/FULM



GIS by ESRI (UK)



Scale : 1:1875

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Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application site
Date	19 April 2010
SLA Number	Not set

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Update for committee item 10/00148/FULM for Rawcliffe Infant School York.

Condition 2 insert drawing no. and associated documentation as follows:-

DRAWING TITLE	Drawing No
Site plan existing	618126/SD/AP/001
Site plan proposed	618126/SD/AP/002
Ground floor plan	618126/SD/AP/003
First floor plan	618126/SD/AP/004
Roof plan	618126/SD/AP/005
Elevations 1	618126/SD/AP/006
Elevations 2	618126/SD/AP/007
Elevations 3	618126/SD/AP/008
Elevations 4	618126/SD/AP/009
Cross section	618126/SD/AP/010
Energy centre GA	618126/SD/AP/011 B
3D images	618126/SD/AP/012
Drainage site plan	618126/SD/DC/100
Building drainage	618126/SD/DC/101 A
Fences and gates plan	618126/SD/AS/141 A
Site location plan	0962/001
Location plan	0962/100
Proposed highway improvements	0962/113A
Design and access statement	
Existing trees on site	2111/1
Tree protection	2111/2
Site levels	2111/8
Detailed landscape proposals	2111/9G
Terrace details	2111/11
Schedule works foundation play area	2111-sw-fplay
Tree works	2111-sw-tree
Flood Risk Assessment	
Transport Assessment	

The further comments of structures and drainage have been received. Whilst they would have liked further information on the drainage proposals before the application is determined a detailed condition is suggested to cover the outstanding matter. The details required overlap to an extent with the requirements of Yorkshire Water and the Environment agency and therefore some of the conditions within the report have been changed accordingly. This means that conditions 29, 31, 32 have been deleted and one conditions and an informative have been added. The main change will be to ensure that the drainage details submitted show satisfactory drainage of foul and surface water for the site including attenuation of surface water. The wording of the Environment

Agency condition (no.37 on agenda) has been slightly amended to refer to sustainable drainage systems.

Mr Spencer from Garburn Grove referred to in paragraph 4.11 of the report is concerned about the height of trees within the proposed landscaping and has verbally still expressed concern about the height of proposed trees close to his boundary. proposed trees have been removed from the landscaping scheme within the car park area and have been replaced with landscaping to overcome his concerns.

Reference is made in paragraph 4.27 of the report to an Air Quality Assessment . Having been provided with additional information about traffic levels Environmental Protection have confirmed that the traffic levels do not breach their thresholds for air quality assessments to be submitted and are raising no objections to the application in this regard.

Sport England request two further conditions; condition 1 relates to ensuring continuity of use of existing sports facilities and condition 2 relates to phasing of the development during construction to ensure the facilities are out of action for the minimum amount of time and will be fully restored. Both conditions are to ensure full compliance with PPG17 and Sport England's Playing Field Policy. Should these conditions not be attached to any planning approval then Sport England will view this as a loss of playing field, albeit temporary, and may review its position hence the application would need to be referred to Government Office .

The conditions are as follows:-

Prior to commencement of the development a scheme to protect and ensure the continuity of the national curriculum for sport shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The scheme shall ensure that facilities remain at least as accessible and at least equivalent in terms of size, usefulness, attractiveness and quality and include a timetable for implementation. The approved scheme shall be complied with in full throughout the carrying out of the development.

Reason: To protect sports facilities from damage, loss or availability of use

Prior to the commencement of development details for the phasing of development, including the provision of the sports facilities, shall be submitted to and approved in writing by the Local

Planning Authority after consultation with Sport England. The development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use.

An additional condition is also proposed to require details of the outside play areas and equipment to be submitted and approved before the development is brought into use.

The condition is as follows:-

Prior to the commencement of the development or within such longer period as may be agreed in writing prior to commencement details of external play areas and play equipment shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme.

Reason: In the interests of visual and residential amenity

The wording of the lighting Impact assessment condition has been amended to relate to all lighting not just floodlighting.

Condition 11 – reword as follows to take into account that the Park and Stride may not be determined at the meeting rewording is as follows:-

The development hereby approved shall not come into use until a park and stride scheme from Rawcliffe recreation ground to the new school site, the principles of which are detailed within the transport assessment and travel plan, has been implemented to the satisfaction of the Local Planning Authority.

Additional wording to condition 12:

The development hereby approved shall not commence until a package of Traffic Regulation Orders, which seek to manage on-street parking in the vicinity of the school site, **to be promoted by the Education Authority in consultation with the** Highway Authority have been submitted to and agreed in writing by the Local Planning Authority.

Reason :- In the interests of safety of highway users, the free flow of traffic and residential amenity.

Condition 18 – add in plan no. 618126/SD/AP/002 and delete words in red from the condition.

Hours of work condition (Condition 27 on the agenda) amended to relate to 'standard times' i.e.

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

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

Reason: In the interests of residential amenity.

COMMITTEE REPORT

Committee: Planning Committee **Ward:** Skelton, Rawcliffe, Clifton Without
Date: 29 April 2010 **Parish:** Clifton Without Parish Council

Reference: 10/00143/FULM
Application at: Land Lying To The West Of Whitehall Grange Wigginton Road York
For: Construction of up to 600 vehicle space park and ride facility with associated access, passenger terminal building and ground mounted photovoltaic solar array.
By: Mr Paul Thackray
Application Type: Major Full Application (13 weeks)
Target Date: 29 April 2010
Recommendation: Approve

1.0 PROPOSAL

1.1 Full planning permission is sought in respect of the construction of a 600-space Park and Ride facility with associated access, passenger terminal building and ground mounted photovoltaic array on land at Whitehall Grange, Wigginton Road York. The site lies within the designated Green Belt to the north of the City and lies in close proximity to the Clifton Moor Employment Area. The surroundings comprise a generally flat landscape bounded by individual trees and lengths of hedgerow. The proposal forms part of a wider current programme of car traffic management measures including an expanded and relocated Askham Bar Park and Ride facility and an additional Park and Ride site accessed from the A59 at Northfield Lane Upper Poppleton both of which have previously been considered by this Committee. The bus access to the site has been amended to take account of development being undertaken within the Clifton Moor Employment Area to the west.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CYGP5
Renewable energy

CYGP1
Design

CYGP3
Planning against crime

CYSP8
Reducing dependence on the car

CYGP4A
Sustainability

CYGP9
Landscaping

CYGB1
Development within the Green Belt

CYT6
Park and Ride

3.0 CONSULTATIONS

INTERNAL:

3.1 City Development - raise no objection to the proposal subject to any approval being conditioned to require submission of a full landscaping scheme for further approval;

3.2 The City Structures and Drainage Engineering Consultancy - raise no objection to the proposal;

3.3 Environmental Protection Unit - raise no objection to the proposal subject to any approval being conditioned to require submission and prior approval of a Construction Environmental Management Plan, the restriction of construction and delivery times, a contamination remediation strategy and strict controls on noise and light emissions from the site;

3.4 Design, Conservation and Sustainable Development - raise no objection in principle to the proposal subject to any approval being conditioned to require submission and prior approval of details of the proposed ground mounted solar array, a detailed landscape scheme and habitat management plan and scheme of archaeological investigation;

3.5 Highway Network Management - raise no objection to the proposal subject to the addition of a number of standard conditions covering junction and parking design and layout being appended to any approval.

EXTERNAL:

3.6 The North Yorkshire Police Architectural Liaison Officer - raises no objection to the proposal;

3.7 Natural England - raise no objection to the proposal;

3.8 Yorkshire Forward - raise no objection to the proposal;

3.9 Yorkshire Water Services Limited - raise no objection to the proposal;

3.10 The Environment Agency - raise no objection in principle to the proposal subject to details of drainage, contamination remediation and foundation design for the proposed terminal building being reserved for further approval;

3.11 York Natural Environment Panel - raise no objection in principle to the proposal subject to details of the proposed landscaping and site lighting being reserved by condition for further approval;

3.12 Haxby Town Council - raise no objection to the proposal;

3.13 Rawcliffe Parish Council - raise no objection in principle to the proposal but requests that the site be developed in its entirety and expresses concern with respect to the failure of the scheme to penetrate the City Centre, to provide for the needs of the nearby retail/industrial park and a lack of clarity in respect of bus routes servicing the site;

3.14 Clifton Without Parish Council - raise no objection in principle to the scheme but request that a further length of cycle way be provided along Wigginton Road linking with the existing cycle way at the junction with Crichton Avenue with additional bus bays being provided on Wigginton Road outside of York Hospital;

3.15 Councillor Merrett objects to the proposal as submitted on the grounds that the cycle lane on Wigginton Road should be extended from the built up edge of the City to the entrance of the application site, that pedestrian facilities at the approach junctions to the site are presently inadequate and that pedestrian access from the application site into the Clifton Moor Leisure/Business Park should be improved.

3.16 One letter of objection has been received, on behalf of an adjoining landowner. This expresses detailed concern in respect of the proposed access to the site for buses from Stirling Road which would cause safety concerns for commercial vehicles accessing the adjacent site, together with pedestrians using Stirling Road and motor cars entering and leaving the car park serving the adjacent site.

4.0 APPRAISAL

DETAILED POLICY CONTEXT:-

4.1 PPG 2 "Green Belts" is of particular relevance in considering the current case. This firmly establishes a presumption against development other than for specific purposes deemed appropriate, including the provision of Park and Ride facilities within the Green Belt. In order to be deemed as "appropriate development" within the Green Belt it is required that there be no alternative more sustainable non-Green Belt locations for the proposal and the development must demonstrate that the openness of the Green Belt can be safeguarded.

4.2 PPG 13 " Transport" is of particular relevance in considering the current case. This further clarifies the policy guidance outlined in PPG 2 establishing that to be

located within the Green Belt a Park and Ride facility must be in the most sustainable location and must not have an adverse impact upon the openness and purposes of designation of the Green Belt.

4.3 Policies T2(E) and Y1 D(3) of the Yorkshire and Humber Regional Spatial Strategy are of particular relevance in considering this case. Both policies stress the importance of using the provision of new Park and Ride facilities as a means of managing car use within the local area and more specifically the use of Park and Ride facilities as a means of improving accessibility to and within York.

4.4 Policy SP8 of the York Development Control Local Plan is of particular relevance in considering this proposal in that it sets a firm policy requirement for all large scale new development to be designed to minimise car use on sustainability grounds.

4.5 Policy GB1 of the York Development Control Local Plan is of particular relevance in considering this proposal in that it sets out a firm policy presumption against new development within Green Belt areas other than for very specific purposes deemed to be "appropriate". These include the provision of Green Belt facilities.

4.6 Policy T6 of the York Development Control Local Plan is of particular relevance in considering this application in that it sets out a firm policy basis for the provision of additional Park and Ride facilities within the City which should be well related to the route of the Outer Ring Road, be on or easily accessible to a major radial route and should not have an adverse impact upon the open character and purposes of designation of the Green Belt.

4.7 Policy GP1 of the York Development Control Local Plan is of particular relevance in considering this application in that it sets a firm policy presumption in favour of new developments which respect or enhance the local environment, are of a density, layout, scale and design that is compatible with neighbouring buildings, spaces and the character of the area and which incorporate out door lighting schemes which provide the minimum level of lighting necessary for working and security purposes and which take into account any adverse impact upon the character of the area, night sky illumination and ecological systems.

4.8 Policy GP3 of the York Development Control Local Plan is of particular relevance in considering this application in that it sets a firm policy requirement for new development where required to incorporate crime prevention measures to achieve natural surveillance of public spaces and paths from existing or proposed development, secure locations for associated car and cycle parking, satisfactory lighting and the provision of CCTV where the proposal would result in the gathering together of large groups of people or the parking of large numbers of vehicles.

4.9 Policy GP4a) of the York Development Control Local Plan is of particular relevance in considering this application in that it sets down in conjunction with the Adopted Interim Policy Statement on Sustainable Construction a firm policy requirement for new development projects to clearly demonstrate adherence to sustainable principles in their execution.

4.10 Policy GP9 of the York Development Control Local Plan is of particular relevance in considering this application in that it sets down a clear requirement for

new development proposals where appropriate to incorporate a suitable landscape scheme which must be planned as an integral part of the proposals, include an appropriate range of indigenous species, reflect the character of the locality and the surrounding development and form a long term edge to development adjoining or within open countryside.

KEY CONSIDERATIONS INCLUDE:-

- * Impact upon the open character and purposes of designation of the Green Belt;
- * Justification for and Sustainability of the scheme;
- * Impact upon the landscape setting of a principal approach to the City;
- * Impact of the proposal upon the natural environment and local biodiversity;
- * Impact of the proposal upon the safety and convenience of highway users in the vicinity of the proposed access points to the site;
- * Provision for pedestrians and cyclists entering and leaving the site;
- * Impact of the chosen mode of renewable energy generation over and above the alternative possibilities;
- * Impact of the proposal upon the amenity of nearby residential properties and the surrounding landscape.

GREEN BELT IMPACTS:-

4.11 Central Government Planning Policy guidance outlined in PPG2 " Green Belts" in conjunction with Draft Local Plan Policy GB1 identifies Park and Ride sites as being inherently appropriate development within the Green Belt providing that no sustainable non-Green Belt locations are available in preference to the application site and that the proposed development would not compromise the open character and purposes of designation of the Green Belt. The current development site was selected as the end result of a wide site identification exercise. A wide range of criteria were examined including impact upon the wider landscape and natural environment, impact upon wider residential and local amenity, accessibility of the proposal to a major desire line in terms of vehicular traffic and compliance with wider planning and transportation policies. The application site was chosen on the basis that it was the most suitable location to accommodate the required size characteristics of the facility, it had the least impact of the possible sites on locally designated sites of nature conservation importance and it would have the least adverse impact upon the residential amenity of nearby properties in terms of noise, lighting and other forms of pollution. The application site was furthermore considered to be particularly well located in terms of its relationship to the junction of the B1363 Wigginton Road and the A1237 York Outer Ring Road. In terms of impact upon openness, whilst the site lies within an area that could be described as having the characteristics of a "Green Wedge" its relationship to the built development of the eastern area of the Clifton Moor Business Park would act to minimise any adverse impact and on balance the terms of Central Government Planning Policy on Green Belts in PPG 2 together with Draft Local Plan Policy GB1 would be complied with.

JUSTIFICATION FOR AND SUSTAINABILITY OF THE SCHEME:-

4.12 The managed reduction of car borne traffic in to the City Centre forms a major element of the Local Transport Plan for the City and the Regional Spatial Strategy for Yorkshire and the Humber in so far as it affects York. The provision of enhanced

Park and Ride facilities including the expanded Askham Bar Park and Ride and Poppleton Bar Park and Ride recently approved by this Committee form an integral part of this strategy. The current application site lies in close proximity to a major vehicular route into the centre of York from the north as well as a major access point for staff and visitors accessing York District Hospital. The B1363 suffers from particularly high peak vehicle usage and is used as an alternative route by traffic coming from the A19 to the north. The proposed scheme is envisaged to reduce vehicle flow into the City Centre along the B1363 by the order of 20% when fully operational with consequent improvements in air quality and reductions in traffic congestion along adjoining roads. It would also be providing an alternative mode of transport for staff and visitors significantly improve traffic flow in the vicinity of the principal entrances to York District Hospital, an area of particular pressure in terms of congestion.

IMPACT UPON THE LANDSCAPE SETTING OF A PRINCIPAL APPROACH TO THE CITY:-

4.13 The application site lies within an area that can be defined as a "Green Wedge" with built development to the south and west and open landscape directly to the east. The application site is located some 105 metres from the B1363 at its nearest point. The surrounding landscape is broadly flat and characterised by individual mature trees and lengths of hedgerow. The proposed landscape strategy which envisages the use of a mix of shrub planting with native tree species at strategic locations would complement the existing characteristics of the site and its surroundings. The location of the proposed terminal building, solar array and site lighting columns have similarly been chosen to minimise wider impacts. The site is furthermore characterised by significant longer distance views of York Minster to the south west which would be safeguarded by the location and design of the Terminal Building. It is felt that the design of the proposal would safeguard the "Green Wedge" character of the site and that the terms of Policy GP9 of the Draft Local Plan would be complied with.

IMPACT UPON THE NATURAL ENVIRONMENT AND LOCAL BIODIVERSITY:-

4.14 The Environmental Impact Assessment accompanying the application identifies the presence of a number of important and protected species in close proximity to the application site. These include Great Crested Newts and several species of bat. Great Crested Newts in particular are recorded in within 150 metres of the site boundary. The design and layout of the application site has been specifically designed so as to enhance habitat for newts and other protected species. With the proposed means of renewable energy generation specifically chosen so as to minimise impact upon the range of bats and bird life known to be present within the vicinity. Lighting is also likely to be a sensitive issue in terms of impact upon bats and it is recommended that details of lighting be conditioned for further approval and that construction site lighting be specifically excluded. Any work impacting upon the Great Crested Newt habitat will require a specific licence from English Nature and it is recommended that any approval be conditioned to require the prior approval of an appropriate mitigation strategy.

IMPACT OF THE PROPOSAL UPON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS PASSING THE SITE:-

4.15 The application site would be serviced by access points for buses to the north west via Clifton Moor and by buses and cars to the south east along Wigginton Road. The proposal envisages the partial extension of the existing public footpath along Wigginton Road in the vicinity of the filling station to the south east. Concern has however been expressed in relation to the provision for cyclists using Wigginton Road with a suggestion that a dedicated cycle lane or track be provided linking the site up with the main urban area. However not being directly related to the proposed development this would lie outside of the scope of the current application. Furthermore the likely increase in usage of Wigginton Road by cycle traffic as a result of the proposal would not be significant enough to justify a dedicated cycle track/lane being installed. The proposed bus access to the north west in the vicinity of the former Icon and Diva Night Club lies within an area of notable pedestrian movements and specific arrangements have been put in place involving a network of refuges for those crossing the point of access. Concern has however been expressed that the proposed facilities should be extended further with provision of additional footpath links and a pedestrian crossing. This may be desirable but once again does not directly relate to the development applied for. The additional pedestrian flows generated by the Park and Ride Facility would furthermore not justify this. Concern has also been expressed in relation to the impact of the development upon users of the car park adjacent to the bus egress on to Stirling Road. In practice the location of the business car park access and bus route would not be detrimental to users of the car park because of the low intensity of use of the access with buses travelling into the site once every 10 minutes. Furthermore if correctly aligned any vehicle within the access to the car park would have a clear view of buses entering and leaving the site.

PROVISION FOR CYCLISTS AND PEDESTRIANS ACCESSING AND EGRESSING THE SITE:-

4.16 Concern has also been expressed in relation to the facilities to be provided for cyclists and pedestrians entering and leaving the site. A footpath link adjacent to the bus access to Stirling Road within Clifton Moor would be provided as part of the scheme allowing individuals to park within the site and walk to work or to use the leisure/retail facilities within Clifton Moor. Opportunities to improve facilities for cyclists have also been identified in the vicinity of the principal site access on to Wigginton Road. However the facility has been designed primarily as a means of vehicle journey demand management in relation to the City Centre and not to enhance car borne trips (with parking at the P&R site and easy pedestrian/cycle access) to nearby facilities in the Clifton Moor Business/Leisure Park and it is on that basis that the special exemption from the presumption against what would otherwise be "inappropriate" development within the Green Belt exists.

RENEWABLE ENERGY GENERATION:-

4.17 The City's Adopted Interim Policy Statement on Sustainable Construction requires that a minimum of 10% of the site's energy needs should be generated via renewable sources. In respect of the other Park and Ride sites recently approved at Askham Bar and at Northfield Lane Upper Poppleton the chosen mode of renewable

energy generation has been a single vertical access wind turbine. Studies of wind patterns in relation to the current application site together with the presence of bats have suggested that a vertical access turbine would be less viable as a means of renewable generation as a consequence a ground mounted adjustable solar array has been selected as the proposed mode of renewable energy generation. As mentioned this would be sited so as to minimise its visual impact locally.

IMPACT UPON RESIDENTIAL AMENITY:-

4.18 The proposed application site lies at some distance from any significant concentration of residential development. However the nearest residential property Whitehall Grange would be only 85 metres from the application site. The proposal envisages a significant degree of landscape boundary planting to reflect the local landscape character whilst at the same time lessen the impact of the proposal on nearby areas. The proposed ground mounted photovoltaic tracker would be some 5.2 metres wide and 4.5 metres high, sitting on a 1 metre high superstructure which would be located so as to not give rise to issues of light reflection for motorists and nearby residential properties. The proposed lighting would be "dark skies" compliant and would consist of some 10 x 15 metre high columns located so as to not impact upon adjacent properties. The Park and Ride bus service would operate between the hours of 07:00 and 20:20 on weekdays and Saturdays and between the hours of 09:30 and 18:00 on Sundays. Overall the scheme has been designed so as to not have a material impact upon the residential amenity of neighbouring properties and the terms of Policy GP1 of the Draft Local Plan would be complied with.

5.0 CONCLUSION

5.1 . The scheme described forms part of a wider package of measures to tackle the quantity of vehicle journeys entering the City Centre which have included new and expanded Park and Ride facilities at Askham Bar and Northfield Lane Upper Poppleton. The application site would be landscaped to complement the surrounding landscape and the site would incorporate a terminal building designed according to sustainable principles. The site lies in close proximity to an area of Great Crested Newt habitat that would be appropriately mitigated. The design and layout of the site would not impact significantly upon the openness of the Green Belt and there would be no material impact upon the residential amenity of neighbouring properties. Concern has been expressed in relation to the facilities available to pedestrians and cyclists passing the site as well as entering and leaving the site. A number of the suggested features such as a dedicated cycle way along Wigginton Road linking into the City and improvements to the pavement layout and provision of additional crossings on Stirling Road would be desirable but not made essential by the development applied for i.e. imposition of the additional cost of these works on this scheme is not justified by its effect on these matters. Taken as a whole the scheme amounts to "appropriate development "within the Green Belt, complies with the relevant policies of the Draft Local Plan and approval is therefore recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing Refs: HE/DEC08010355/009A; HE/DEC08010355/007 K; HE/DEC08010355/016; CBHAEN009/23/F; 0864/01; 0864/02; 0864/03. Date Stamped 27th January 2010.

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

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

Reason: So as to achieve a visually cohesive appearance.

4 Notwithstanding the application details hereby approved full details of the proposed floorscaping materials and street furniture including finishes, designs and locations shall be submitted to and approved in writing by the Local Planning Authority prior to their erection on site. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason: To safeguard the character of the site in the interests of visual amenity and to secure compliance with Policy GP1 of the York Development Control Local Plan.

5 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed landscape scheme (including details for the living roof of the terminal building) which shall include the species, stock size, species mixes, density (spacing); position of trees, shrubs and other plants; means of protection from rabbits; seeding mix, and sowing rate. This scheme shall be implemented within a period of six months of substantial completion of the development. Any trees or plants that in perpetuity from completion of the landscape scheme, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size or species, unless the Local Planning Authority agrees to alternatives in writing.

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

6 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed landscape/habitat management plan which shall make reference to the landscape scheme, and include ground preparation and operational specifications for the creation and management of the various landscape types, with particular reference to the hedgerow, wetland planting, and the four types of grassland.

Reason: So that the Local Planning Authority may be satisfied with the suitability of the planting and habitat implementation and establishment methods which form part of the amenity and mitigation of the development.

7 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work in accordance with the Archaeological Framework (a scheme of archaeological excavation and subsequent programme of analysis and publication involving community archaeology groups at all stages) agreed in writing with the Local Planning Authority. This programme of archaeological work shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies in an Area of Archaeological Importance and the development may affect important archaeological deposits that must be recorded prior to destruction.

8 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 energy sources, 10% of the development's predicted energy requirements. This must include acceptable calculations that demonstrate how the 10% target will be met.

Reason: To ensure that the development is undertaken in accordance with sustainable principles and to secure compliance with Policy GP4a) of the York Development Control Local Plan.

9 Notwithstanding the application details hereby approved full details of the proposed ground mounted solar array including location, height, design and mode of fixing shall be submitted to and approved in writing by the Local Planning Authority, before work on site commences. The development shall thenceforth be undertaken in strict accordance with the details thereby approved. All apparatus shall be retained and shall remain operational for the lifetime of the development unless the Local Planning Authority otherwise agree in writing.

Reason: To ensure that the development is undertaken in accordance with sustainable principles and to secure compliance with Policy GP 5 of the York Development Control Local Plan.

10 Prior to the commencement of the development hereby authorised, full details shall be agreed in writing with the Local Planning Authority of the design of the following access points to serve the Park and Ride site:

- a) the new access and egress point for bus services on to Stirling Road;
- b) the new access point for vehicular traffic on to the B1363 Wigginton Road;

Stage 1, 2 and 3 Safety Audits area also to be undertaken and submitted for approval in respect of the works.

Reason: In the interests of highway safety.

11 Prior to the commencement of any works, full details shall be agreed in writing with the Local Planning Authority of the construction of the Park and Ride facility, including cycle parking facilities, drainage, lighting, signing and lining, barrier control equipment, and CCTV equipment .

Reason: In the interests of highway safety.

12 Prior to the commencement of the development hereby authorised, a detailed method of works statement shall be submitted to and agreed in writing by the Local Planning Authority. This statement shall include the precautions to be taken to ensure the safety of the general public, the method of securing the site, access to the site and the route to be taken by vehicles transporting the construction materials, and the hours during which this will be permitted.

Reason: To ensure that the works are undertaken in a safe and expedient manner, and with the minimum disruption to users of the adjacent public highway

13 Prior to the commencement of the development hereby authorised, details shall be agreed in writing with the Local Planning Authority of the arrangements for maintaining the free flow of traffic within the vicinity of the site, during the periods when construction work is due to take place in relation to the provision of new access points serving the Park and Ride facility.

Reason: In the interests of highway safety.

14 HWAY40 Dilapidation survey

15 HWAY31 No mud on highway during construction

16 Piling or any other foundation design using penetrative methods shall not take place 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 strict accordance with the details thereby approved.

Reason: To prevent the creation of pathways for any surface contamination migrating down to ground water.

17 The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment and Drainage Statement and the following measures outlined therein:

- i) Sustainable Urban Drainage Systems shall be used to attenuate surface water run off from the site;
- ii) The discharge should be regulated to the green field run-off from a 1 in 1 year storm and sufficient storage be provided to at least accommodate a 1 in 30 year storm;
- iii) The design should also ensure that storm water resulting from a 1 in 100 year event plus 20% for climate change and surcharging the drainage system can be stored on the site without risk to people or property and without overflowing into the watercourse;

iv) Details of how the drainage system shall be managed and maintained should be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

18 The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall thenceforth be implemented in strict accordance with the details thereby approved.

Reason: To protect water quality.

19 During the development of the site, all preparation and construction works and ancillary operations, including deliveries to and despatch from the site, shall be confined to the following hours, unless otherwise agreed in writing by the Local Planning Authority:

Monday to Friday 08:00 to 18:00
Saturday 08:00 to 12:00
Not at all on Sundays and Bank Holidays.

Reason: To safeguard the residential amenity of nearby properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

20 Prior to the development hereby authorised being commenced, a Construction Environmental Management Plan (CEMP), incorporating the measures outlined in Section 7 of the submitted Environmental Statement, shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration and dust resulting from the demolition, site preparation, groundwork and construction phases of the development. Once approved, the CEMP shall be adhered to all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard the residential amenity of neighbouring properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

21 Details of all machinery, plant and equipment to be installed in or located on the site hereby permitted, which are audible outside of the site boundary when in use, shall be submitted to the Local Planning Authority for approval. These details shall include maximum sound levels (LA max(f)) and average sound levels (LA eq), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the Local Planning Authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed development first opens and shall be maintained for use thereafter.

Reason: To safeguard the residential amenity of neighbouring properties and to secure compliance with Policy GP 1 of the York Development Control Local Plan.

22 Unless otherwise agreed in writing 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 below have been complied with:

a) Site Characterisation:

An investigation and risk assessment, in addition to any assessment currently provided, 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 written approval of the Local Planning Authority. A written report of findings must also be submitted to and approved in writing by the Local Planning Authority, such a report 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;
- * ground waters 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 11 A 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 that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by 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.

23 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 the previous condition, 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 in accordance with the previous condition.

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.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the open character and purposes of designation of the Green Belt, justification for and sustainability of the scheme, impact upon the landscape setting of a principal approach to the City, impact upon the natural environment and local biodiversity, impact upon the safety and convenience of highway users in the vicinity of the access points to the site, provision for pedestrians and cyclists entering and leaving the site, impact of the chosen mode of renewable energy generation over and above the alternative available possibilities and impact of the proposal upon the amenity of nearby residential properties and the surrounding landscape. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies GP1, GP3 , SP8, GP4a), GP9 ,GB1, T6 and GP5 of the City of York Development Control Local Plan and Government policy contained within Planning Policy Guidance note 2 'Green Belts'.

2. HIGHWAY WORKS:

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

3. STATUTORY UNDERTAKERS:

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

Contact details:

Author: Erik Matthews Development Control Officer

Tel No: 01904 551416

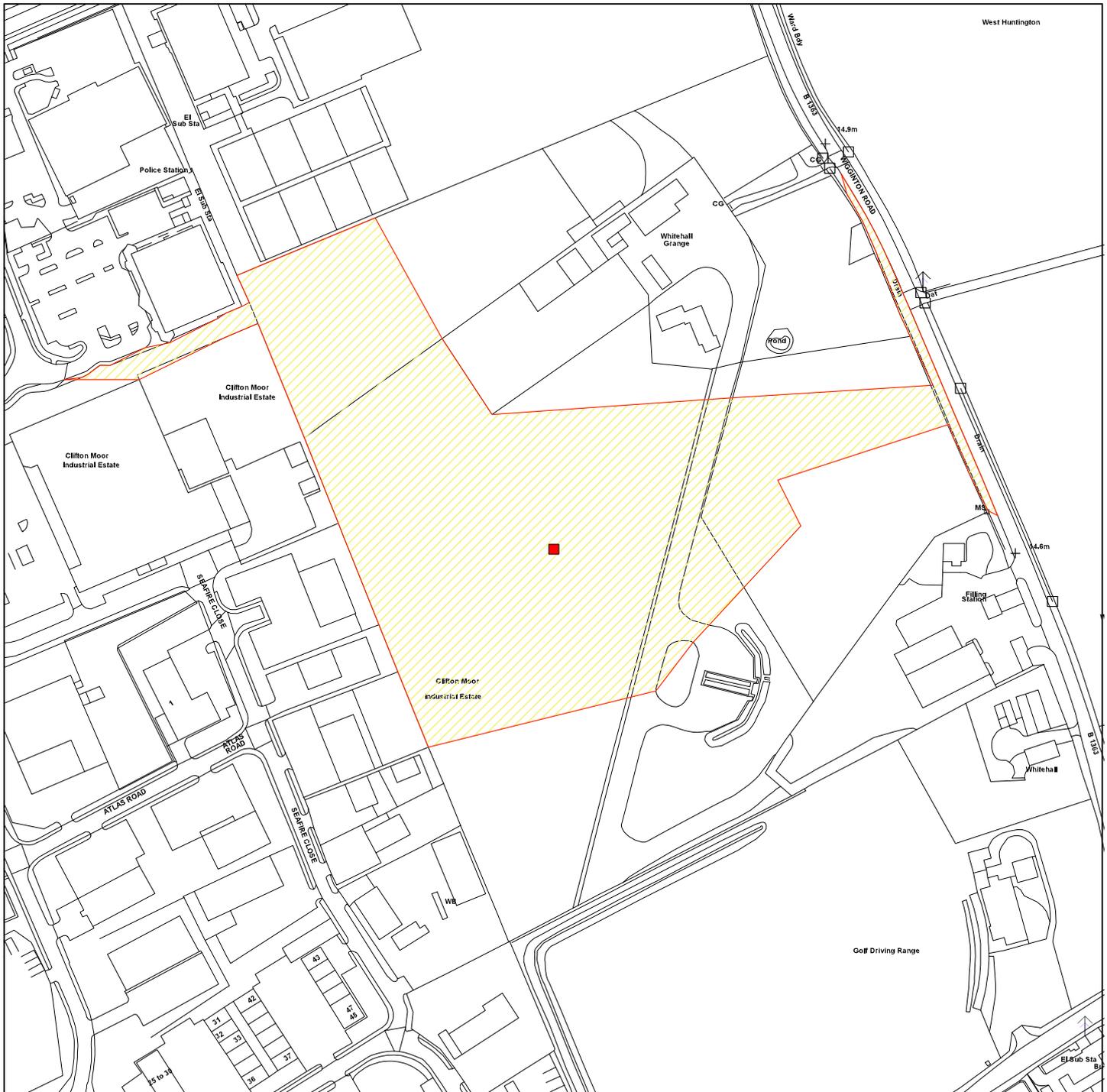
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Land to west of Whitehall Grange, Wigginton Road

10/00143/FULM



GIS by ESRI (UK)



Scale : 1:3000

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Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application site
Date	12 April 2010
SLA Number	Not set

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1. The development shall be carried out only in accordance with the approved plans or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment.
 2. The outlet control centre and that section of the lake labelled 2A shall be constructed and be operational prior to 1 October 2009. The sections of the lake labelled 2B and 2C shall be constructed and be operational prior to 1 October 2010.
- 3.2 The decision notice was never issued. By the time the application was put before members in June 2009 the council had not received adequate drainage details of the lake nor of the temporary measures for the duration of the construction period. Officers' expectation was that, following the committee's resolution to approve, the university would quickly address the deficiencies in the submitted plans thereby enabling the council to issue the decision notice. However, the subsequent negotiations with the university were protracted. By December 2009 the permanent drainage works (i.e. the construction of the central lake) were largely acceptable but the phasing plans were out of date. Also, the proposed temporary works were based on erroneous runoff calculations. Only within the last month have these deficiencies been addressed. Nevertheless construction of the central lake began in July 2009, soon after the committee's resolution to approve. The whole of the central lake (i.e. sections 2A, 2B and 2C) is expected to be complete by July 2010. The temporary drainage proposals were agreed on 19 March 2010 but officers have yet to see evidence that the works have been connected to the occupied buildings, functional highway infrastructure, and construction areas and therefore fully implemented.

4.0 APPRAISAL

- 4.1 Whilst officers are now content to recommend approval of most of the revised proposals some recently received plans include fundamental contradictions. These plans relate to the general arrangement, outlet control centre, weir levels/sizes, inlet/outlet pipes and overflow details. Officers are discussing these particular plans with the university with a view to resolving all remaining anomalies prior to committee. Members will be updated at the meeting. Some of the current plans are completely new and are not among those for which officers were given delegated authority to approve. Therefore all the current plans will be put before members for approval. They are listed in condition 1. The anomalous plans are in italics.
- 4.2 Condition 2 raises more substantive issues. Members' required the outlet control centre and section 2A of the lake to be in operation by 1 October 2009 in order to ensure that the risk of flooding would be attenuated as soon as possible. The other sections of the lake (2B and 2C) were required to be ready by 1 October 2010. This was in order to ensure the lake's early establishment as an important landscape feature of the campus and to provide permanent protection to downstream watercourses. However, the university did not complete the outlet control centre or section 2A by the due date, which has, in any event, now passed. In practice the excavation for section 2A had already been largely carried out as part of the works to the western lake by way of a borrow pit to extract clay to line the lake. Instead of seeking early completion of the outlet control centre and section 2A the

university has prolonged the use of the temporary drainage measures. In the meantime work on section 2A has progressed but only as part of the construction of the whole of the central lake (i.e. sections 2A, 2B and 2C). This larger project requires a longer construction period than for section 2A only. A consequence is that section 2A is not expected to be complete until July 2010. Bearing in mind that issuing the decision with the condition agreed by members would be meaningless, officers propose an alternative condition. It requires the whole of the central lake (i.e. sections 2A, 2B and 2C) together with the outlet control centre and the other drainage apparatus to be operational by 1 October 2010 and for the temporary drainage works to be retained until then.

5.0 CONCLUSION

5.1 The drainage details as shown on the submitted plans are now acceptable, subject to resolution of anomalies in the approved plans shown in italics at Condition 1 below.

6.0 RECOMMENDATION: That the committee resolution of 25 June 2009 be superseded and that the application be approved subject to the following amended conditions.

1. The development hereby permitted shall be carried out only in accordance with the approved plans numbered: DD110317.L.401/F(A), 70072/SK67, 770072/SK68, 70072/SK69, 70072/SK73, 700072/SK74, 70072/SK75, 70072/SK76, 70072/SK77, 70072/SK70, 70072/SK71, 70072/SK72, 70072/107/D, 70072/180/F, 70072/183/E, 70072/LO1C, 70072/132/D, 70072/230/C, *H128-YU-005/A, MMD-264263-S-DR-H128-YU-010/E, CP000318-A/B, H128-002/P1, MMD-264263-C-DR-H128-YU-240/D, MMD-264263-S-DR-H128-YU-274/C, 70072/232/D, 70072/229, 70072/238, H128-YU-100/C, MMD-264263-C-DR-H128-YU-100/A, 70072/241/B and H128-YU-SK101/AB*

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

2. The works hereby approved shall be constructed and be fully operational in their entirety prior to 1 October 2010. The temporary drainage works, as described in the agent's letter dated 15 December 2009 and the accompanying ARUP report dated 1 December 2009 and in the drawing no. H128-YU-SK101/AB received on 17 March 2010, shall be retained in place and operational until the central lake and the discharge controls contained within the outlet control centre are completed and fully operational.

Reason: To enable the early establishment of the lake and to ensure that satisfactory surface water drainage arrangements are in place for the college and academic buildings within Cluster One of the Heslington East campus.

7.0 INFORMATIVES:

Contact details:

Author: Kevin O'Connell Development Control Officer

Tel No: 01904 552830

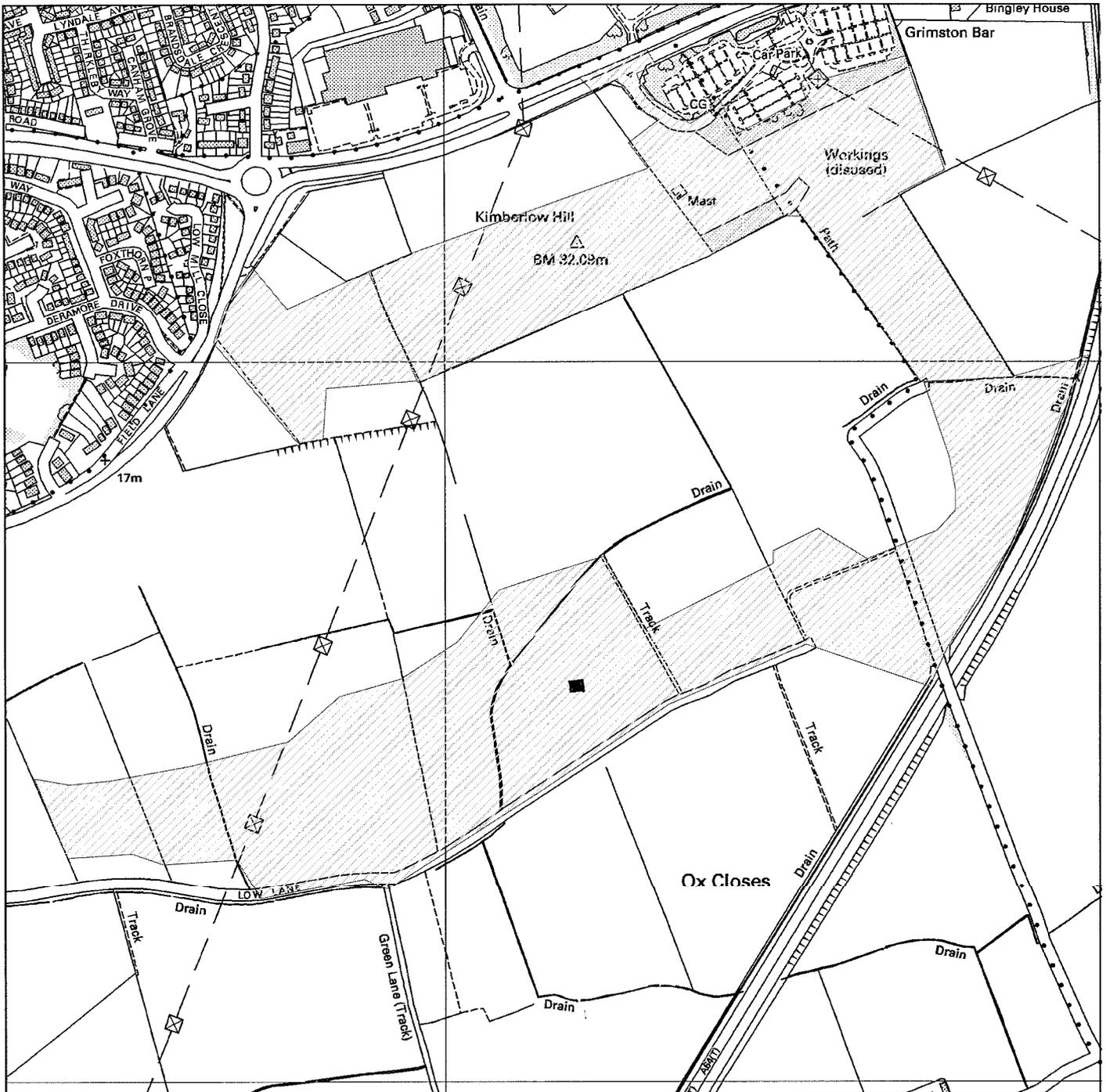
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Proposed University Campus

Ref 08/02543/REMM



GIS by ESRI (UK)



Scale : 1:8000

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Organisation	City of York Council
Department	Development Control
Comments	Application Site
Date	16 June 2009
SLA Number	

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2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYGP9
Landscaping

CGP15A
Development and Flood Risk

CYNE7
Habitat protection and creation

CYT4
Cycle parking standards

CYED9
University of York New Campus

3.0 CONSULTATIONS

3.1 Internal

Environment, Conservation, Sustainable Development (Landscape) - The proposals are acceptable. They comply with the EIA submitted with the outline application and the landscape design guidelines approved pursuant to the outline consent.

Environment, Conservation, Sustainable Development (Countryside) - No concerns.

Environment Protection Unit - No objections subject to the submitted construction environmental management plan being adhered to at all times and other relevant conditions of the outline consent being complied with.

Structures and Drainage - No objections to the latest approved scheme, subject to conditions, particularly to ensure that the proposals are carried out promptly.

Highway Network Management - No highway objections subject to a condition restricting the use of the Low Lane access to the purposes indicated by the applicant (ie very limited access for maintenance).

3.2 External

Heslington Community Forum - The university gave presentations to the forum on 10 December 2007 and 4 February 2008, prior to submission. Since then the forum has been kept updated on progress.

Heslington Parish Council - No response.

Dunnington Parish Council - The proposal is ill-conceived and extravagant both financially and environmentally. Using a borehole for an ornamental rather than an agricultural use is a waste of water.

Osbaldwick Parish Council - The parish council considers that it has not been given enough time to make informative comment. [Officers' response - The parish council has been told that any representations received up to the date of the committee will be reported verbally by officers at the meeting]

DEFRA - The public right of way between Grimston Bar Park & Ride and Low Lane (across Kimberlow Hill) should be maintained. Could the access from Badger Hill to the right of way be improved, either from Hull Road or from Field Lane?

Highways Agency - No objection.

Yorkshire Water - No objections.

Ouse and Derwent IDB - No objection to the latest proposals subject to conditions and formal ratification by the main board.

Environment Agency - No objections if the council's drainage officers and the IDB are satisfied with the proposals.

York Natural Environment Panel - (1) The lake lacks the detailed elements required to create optimum habitat for wildlife, including for example an irregular shoreline. (2) The scheme will result in reduced discharges to Germany Beck, including at times of reduced flow, which could be detrimental to the existing habitat. (3) The alterations to Kimberlow Hill will destroy geological heritage. (4) Given the number of different planning applications there should be a consistent approach with all relevant information being provided at the outset.

Public Consultation - Consultation measures include letters to all occupiers fronting onto the site, advertisements in the local press and site notices along the perimeter. Copies of the application were available for inspection at St Leonard's Place and the university. The consultation period expired on 31 December 2008. One objection has been received from a local resident. It refers only to matters unconnected to the current application.

4.0 APPRAISAL

4.1 Key Issues

Principle of the use;
Drainage;
Landscape and topography;
Ecology and bio-diversity;
Movement and access.

The Application Site

4.2 The site of the outline consent comprises 116ha of farmland between Field Lane/Hull Road and Low Lane. The site is being developed as a university campus.

The site of the current application occupies approximately 50ha. Kimberlow Hill rises from approximately 22m AOD to 31m AOD. The area of the lake is generally level at approximately 11m AOD.

4.3 The site of the current application comprises approximately 50ha forming a wide C-shaped swathe of land around most of the perimeter of the new campus. The application site wraps around (but excludes) the allocated area in which most of the campus buildings, car parks and roads would be located. The site is partly agricultural and partly construction site.

4.4 Policy Context

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

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

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

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

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

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

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

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

Principle of the Use

4.5 The principle of the use of the site as part of a new campus was accepted when the Secretary of State granted outline consent in 2007. The proposal accords with: local plan policy ED9 for the development of the campus; the adopted development brief for site; the land use plan C(i) approved as part of the outline

consent; the design brief masterplan; and the landscape masterplan. The principle of the proposed use is therefore acceptable.

Drainage

4.6 The central lake will receive surface water from the whole of the new campus (whilst some surface water will pass through the western lake it will provide a mainly ornamental function). Surface water will be stored in the lake and released at agricultural rates into local watercourses, ie Germany Beck and Tilmire Drain. These principles were accepted by the inspector at the public inquiry and are fundamental to the sustainable drainage strategy for the campus. Runoff collection will be maximised in order to provide a sustainable supply of water to the lake. The lake will be filled initially by abstracting local ground water.

4.7 Because of the importance of the lake for surface water runoff the IDB and the council's drainage officers have wanted to be satisfied that the capacity of the lake and the other drainage proposals are fit for purpose. Negotiations with the university have been protracted but council officers are now satisfied that the lake and ancillary drainage measures are adequate, subject to conditions. The IDB has appointed a consultant to advise it on the adequacy of the proposals for protecting local watercourses. The consultant (JBA) has examined the university's latest drawings and is satisfied that the proposals are acceptable. JBA's report and conclusions were accepted by a special sub-committee of the IDB on 9 June. Formal ratification by the main board of the IDB is expected at the next scheduled meeting of the main board on 23 June. Members of the planning committee will be updated at the committee meeting on 25 June.

4.8 Suitable conditions are in the process of being drafted. Officers will update members at the meeting.

4.9 Dunnington Parish Council considers that using a borehole to top up the lake would be a waste of water. Once the lake is full the borehole is unlikely to be needed except during periods of drought or due to possible future effects of climate change.

Landscape and Topography

4.10 In addition to having a drainage function the lake will be a major feature of the new campus. The other alterations to ground levels - notably the increase in the height of Kimberlow Hill and the new earthworks along the A64 - will add further visual interest. In particular the works to Kimberlow Hill will enhance the appearance of and from the hill, including views of York Minster. The final appearance and value of the works will be dependant on the landscaping/planting proposals which have yet to be submitted. Their scale and form will be guided by the landscape masterplan.

4.11 The proposals comply with the EIA submitted with the outline application and the landscape design guidelines approved pursuant to the outline consent. The latest revisions show Kimberlow Hill as having a 'peak'. Nevertheless, given the broad scale of the earthworks and tree planting the proposals are acceptable. The bund alongside the A64 is relatively steep and high (4m from the base). But it is a relatively short stretch of the site boundary adjacent to the A64 which is itself slightly raised. Once wooded the slopes will be less conspicuous and will serve as a sound

buffer between the site and traffic on the A64. The lake modelling appears to be suitably profiled.

4.12 Whilst the planting will be the subject of a separate reserved matters application the illustrative woodland blocks on the southern slopes appear unnaturally segmental. Moreover, the woodland planting has been drastically reduced from the scheme in the EIA and the initial version of the landscape masterplan. The reserved matters application needs to reconsider the shape and size of the woodland blocks/edges and properly relate to any open areas in between. Also, views to the Wolds may need to be re-assessed.

Ecology and Bio-Diversity

4.13 The works will result in some loss of species on the site. The inquiry inspector identified this loss but accepted that there would be substantial habitat gains in the long term, implying that they would be satisfactory compensation (which is acceptable in terms of PPS9). Conditions of the outline consent require the university to submit an environmental site management plan (ESMP) and a landscape management plan (LMP) They have been approved and the applicant will be bound by their contents.

4.14 YNEP has a number of ecological concerns about the proposals: (1) Variation to the lake shore was raised when the western lake was being considered. It was resolved by varying the shoreline during construction. The same approach could be adopted for the central lake and made a condition of the landscaping application, once it has been submitted. (2) Whilst drainage attenuation measures will, from time to time, result in reduced flows to local watercourses, a minimum flow of 1.1l/s will be maintained. This will help to even out the flows and protect the ecology of the receiving watercourses. Furthermore the maximum flow from the lake will be restricted to agricultural rates which will further even out surface water discharge from the site. At present there is no such attenuation. (3) The geological implications of altering Kimberlow Hill were addressed at the public inquiry into the outline planning application. The inspector noted that there would be no geological exposures on the site and that the development would have no adverse impact on the local geology (paras. 701 - 705 of the Inspector's report).

Movement and Access

4.15 This application includes no highway works, whether permanent or for construction. Nevertheless, a pumping station for the abstraction borehole will be accessed from Low Lane. It will be used for occasional maintenance only. All construction access to the site will be via the existing central access. This is a condition of the outline consent.

4.16 An existing footpath runs north-south across the eastern end of the site from Grimston Bar Park & Ride to Low Lane, via the crest of Kimberlow Hill. DEFRA wants this footpath to be retained and that, if possible, access to it from Badger Hill will be improved. The north-south footpath will be retained along its present (horizontal) alignment. Moreover, the landscape proposals for the site (to be submitted shortly) include the provision of a recreational footpath link between the new Field Lane access and Grimston Bar Park & Ride. The link will provide a more

convenient off-road link between Badger Hill and the start of the footpath than the suggestion put forward by DEFRA.

Other Matters

4.17 The site of the central lake is currently bisected by overhead power lines. One of the pylons is within the area that will be covered by water. The university has applied to NEDL, the statutory undertaker that owns the pylon, to have it removed. Consent has not been granted within the requisite period so the university has appealed. A decision is expected shortly. Assuming the university is successful a temporary peninsula will need to be retained for a short time to support the pylon in the lake. The University would remove the peninsula once the pylon is dismantled. The lake would then be completed in accordance with the currently-proposed design. If the university's appeal were to be unsuccessful - and the pylon has to remain - the university would discuss with the council proposals for the permanent retention of the peninsula, together with any consequent design amendments that might be required.

4.18 The outline approval for the campus shows the lake extending eastwards well beyond the central lake. Whilst the eastern lake would not serve a drainage function it would contribute to the visual setting, character and amenity of the campus. It is for this reason that the lake was conceived and shown on the approved design brief masterplan and landscape masterplan. Whilst the current proposal will not preclude provision of the eastern lake the university has not yet drawn up detailed proposals for its design or provision. On the contrary, the university is non-committal about the eastern lake, stating that the eastern part of the campus may not be completed for another 10-15 years and that circumstances may change between now and then. The university is not required to include the eastern lake with its proposals for the central lake. Nevertheless, any material changes to the two masterplans would need the agreement of the council.

5.0 CONCLUSION

The application comprises the second and major section of the lake, which will be an integral component of the storm water and drainage management scheme for the development. It is also a major element of the setting of the new campus. The proposal conforms with policies of the draft local plan particularly ED9 (New campus at Heslington East). The proposal also conforms with the outline consent for the campus, the design brief masterplan and the landscape masterplan.

6.0 RECOMMENDATION: Approve (Proposed conditions to be tabled at the meeting)

7.0 INFORMATIVES:

Contact details:

Author: Kevin O'Connell Development Control Officer
Tel No: 01904 552830

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PLANNING OFFICERS REPORT TO PLANNING COMMITTEE MEETING, 25 JUNE 2009

09/02543/REMM – University of York, Heslington East
Construction of Central Lake and Raising of Kimberlow Hill

Draft Conditions

25 June 2009

Condition 1

The development hereby permitted shall be carried out only in accordance with the approved plans numbered:

DD110317.L.401/F(A)	70072/132/D
70072/SK67	70072/230/B
70072/SK68	70072/232/C
70072/SK69	70072/228
70072/SK73 (Bund sections)	70072/171/01/Sheet1/F
70072/SK74	70072/171/01/Sheet2/F
70072/SK75	70072/171/02/Sheet1/E
70072/SK76	70072/171/02/Sheet2/E
70072/SK77	70072/133
70072/SK70	70072/134
70072/SK71	70072/238
70072/SK72	70072/239
70072/107/D	70072/240
70072/180/F	70072/241/B
70072/183/E	70072/SK73 (Detention basin
70072/LO1B	and outlet control detail)

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

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

Condition 2

The outlet control centre and that section of the lake labelled 2A on drawing 70072/LO1/B - "Landscape and lake areas (construction sequence)" - or such other area as may subsequently be agreed in writing with the Local Planning Authority shall be constructed and be operational prior to 1 October 2009. The sections of the lake labelled 2B and 2C on drawing 70072/LO1/B - or such other area as may subsequently be agreed in writing with the Local Planning Authority shall be constructed and be operational prior to 1 October 2010.

Reason: To ensure satisfactory surface water drainage arrangements are in place for the college and academic buildings within Cluster One on the Heslington East campus site.

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**08/02543/REMM - Construction of Central Lake and
Raising of Kimberlow Hill**

Recommended Conditions – 29 April 2010

The plans in bold text were approved by the Planning Committee of 25 June 2009

1. The development hereby permitted shall be carried out only in accordance with the approved plans numbered: **DD110317.L.401/F(A), 70072/SK67, 770072/SK68, 70072/SK69, 70072/SK73, 700072/SK74, 70072/SK75, 70072/SK76, 70072/SK77, 70072/SK70, 70072/SK71, 70072/SK72, 70072/107/D, 70072/180/F, 70072/183/E, 70072/LO1C, 70072/132/D, H128-YU-005/B, MMD-264263-S-DR-H128-YU-010/E, CP000318-A/B, H128-002/P1, MMD-264263-C-DR-H128-YU-240/D, MMD-264263-S-DR-H128-YU-274/C, MMD-264263-S-DR-H128-YU-270/F, 70072/229, 70072/238, H128-YU-100/C, MMD-264263-C-DR-H128-YU-100/A, 70072/241/B** and H128-YU-SK101/AB

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

2. The works hereby approved shall be constructed and be fully operational in their entirety prior to 1 October 2010. The temporary drainage works, as described in the agent's letter dated 15 December 2009 and the accompanying ARUP report dated 1 December 2009 and in drawing no. H128-YU-SK101/AB received on 17 March 2010, shall be retained in place and operational until the central lake and the discharge controls contained within the outlet control centre are completed and fully operational.

Reason: To enable the early establishment of the lake and to ensure that satisfactory surface water drainage arrangements are in place for the college and academic buildings within Cluster One of the Heslington East campus.

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East Area Planning Sub Committee	15 th April 2010
West and City Centre Area Planning Sub Committee	22 nd April 2010
Planning Committee	29 th April 2010

Appeals Performance and Decision Summaries

Summary

- 1 This report (presented to both Sub Committees and Main Planning Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate in the 4-month period up to 31st March 2010, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals as at 31st March 2010 is also included.

Background

- 2 Appeal statistics are collated by the Planning Inspectorate on a quarterly basis. Whilst the percentage of appeals allowed against the Council's decision is no longer a Best Value Performance Indicator, it has been used to abate the amount of Housing and Planning Delivery Grant (HPDG) received by an Authority performing badly against the average appeals performance. To date, there has been no abatement of this Council's level of HPDG as a result of appeals performance, as performance has been close to the national average for a number of years.
- 3 Whilst the Inspectorate breaks down the appeals by type in reporting performance, the table below includes all types of appeals such as those against refusal of planning permission, against conditions of approval, enforcement notices, listed building applications and lawful development certificates. Figure 1 gives a breakdown of appeals received by the Inspectorate, both by CYC area and decision type for the 4 months and also the combined area (CYC)12 month performance.

**Fig 1 : Appeals Decided by the Planning Inspectorate
For 4 months to 31st March 2010**

	East 4 months	West & CC 4 months	CYC 4 months	CYC 12 months
Allowed	2	3	5	11
Part Allowed	0	1	1	4
Dismissed	4	5	9	30
Total Decided	6	9	15	45
% Allowed	33.33%	33.33%	33.33%	24.44%
% Part Allowed	0%	11.11%	6.67%	8.89%
Withdrawn	0	2	2	5

Analysis

- 4 The table shows that for the 4 months to 31st March 2010, a total of 15 appeals relating to CYC decisions were determined by the Inspectorate. Of those, 5 were allowed. At 33.33%, the rate of appeals allowed is the national average but significantly higher than the 9% reported as allowed in the preceding 3-month period.
- 5 However for the 12 months up to 31st March 2010, CYC performance was 24.44% allowed, a slightly lower rate than the previously reported 12 month period of 26.32%.
- 6 The summaries of appeals determined in the last 4 months to 31st March 2010 are included at Annex A. Details as to whether the application was dealt with under delegated powers or Committee (and in those cases the original officer recommendation) are included with each summary. In the period covered, 4 of the appeals determined related to applications refused by Committee:-
 - 09/00622/FUL: 68 Clarence Street - allowed. Officer rec. approve
 - 09/00646/FUL:18 Brentwood Crescent - dismissed . Officer rec. approve
 - 09/01271/FUL:York Caravan Park, Stockton Lane - allowed. Officer rec. refuse
 - 09/01125/FUL: The Homestead, Murton – allowed. Officer rec. approve
- 7 One site at 11 Farmlands Road accounted for 3 appeals (dealt with under delegated authority); one against refusal of planning permission for retention of a 1.8m fence and two against enforcement notices served on each of the owners of the property, requiring lowering of the fence. All of the appeals were dismissed.
- 8 The list of current appeals is attached at Annex B. There are 17 appeals lodged with the Planning Inspectorate, 9 in the East Sub Committee area and 8 in West and City Centre Sub Committee area.

Consultation

- 9 This is essentially an information report for Members and therefore no consultation has taken place regarding its content.

Corporate Objectives

- 10 The report is relevant to the furthering of the Council's objectives of making York a sustainable City, maintaining its special qualities, making it a safer city, and providing an effective organisation with high standards.

Implications

- 11 Financial – There are no financial implications directly arising from the report
- 12 Human Resources – There are no Human Resources implications directly involved within this report and the recommendations within it other than the need to allocate officer time towards the provision of the information
- 13 Legal – There are no known legal implications associated with this report or the recommendations within it.
- 14 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

Risk Management

- 15 In compliance with the Council's risk management strategy, there are no known risks associated with the recommendations of this report.

Recommendation

- 16 That Members note the content of this report.

Reason: So that Members can continue to be updated on appeal decisions within the CYC area and informed of the planning issues surrounding each case for future reference in determining planning applications.

Contact Details

Author:

Jonathan Carr
Head of Development Control
Directorate of City Strategy

01904 551303

Chief Officer Responsible for the report:

Mike Slater
Assistant Director Planning & Sustainable
Development, Directorate of City Strategy

Report Approved Date 1st April 2010

Specialist Implications Officer(s) None.

Wards Affected:

All Y

For further information please contact the author of the report

Annexes

**Annex A – Summaries of Appeals Determined between 1st December 2009 to
31st March 2010**

Annex B – Outstanding Appeals to 31st March 2010

Appeal Summaries for Cases Determined from 01/12/2009 to 31/03/2010

Application No: 08/02089/FUL
Appeal by: Mr Andrew Shewan
Proposal: Retention of 1.8m high timber fence
Site: 11 Farmlands Road
York YO24 2UA
Decision Level: DEL
Outcome: DISMIS

This application was for the retention of 1.8m high timber fence to the front and side boundary. The officer recommendation was refuse. The property is situated in a residential street on a prominent corner of Farmlands Road and Wains Road. The majority of properties are characterised by low lying walls/hedges to the front boundary. Reasons for refusal were its height, appearance and close proximity to the front boundary, which resulted in the fence having an overdominant and overbearing impact upon the streetscene. The inspector agreed that the height, length and position of the fence so close to the adjacent footpath is a visually dominant and intrusive feature which has an adverse impact on the visual character of the neighbourhood. The appeals were therefore dismissed and the enforcement notice upheld.

Application No: 09/00548/FUL
Appeal by: Mr Daniel Russell
Proposal: Change of Use from Agriculture to Equestrian Use.
Erection of a Six Bay Stable Block and Layout of an
Equestrian Surface.
Site: The Garth
Yew Tree Close
Rufforth
York YO23 3RG
Decision Level: DEL
Outcome: ALLOW

The appeal relates to a site in the Green Belt at the north western edge of Rufforth village. The applicant applied for planning permission for a maneage together with two timber built stable blocks on an area to the north west of his property which was principally accessed via a residential cul-de-sac at the north western edge of Rufforth village. Permission was given subject to a series of conditions including one making the development subject to a personal permission as the access to the site was substantially unsuitable for use by a commercial equestrian operation. The appellant challenged this on the basis that it would prevent for example, family friends or other bona fide visitors from using the maneage. The Inspector agreed with this line of reasoning and up held the appeal substituting his own condition which would preclude commercial/business use of the equestrian facilities.

Application No: 09/00622/FUL

Appeal by: Mr Chris Georgiou

Proposal: Part single/part two storey pitched roof rear extension resulting in 3-bed flat above ground floor shop and detached building at rear to provide 2-bed dwellinghouse.

Site: 68 Clarence Street

York YO31 7EW

Decision Level: COMM

Outcome: ALLOW

Officer Recommendation was to Approve. The appeal proposal was for a single storey 2-bed dwelling in the back garden of a terraced unit. The main building accommodated a shop and residential above. The dwelling would rely on access through a narrow alleyway, which already served the back yards of terraced houses. The reconfiguration of the existing building also meant that the upper floors would only have access from the alley. The backyard was reasonably deep and the proposed building had a separation of 2m from the back wall, and 8m to the main building. The proposed house was 37.5 sq m. Officers had recommended approval but planning permission was refused at committee on the grounds that the proposed dwelling would offer inadequate levels of amenity, mainly due to its size, and that the access was unsuitable. The inspector allowed the appeal ruling that the 'compact' house would be suitable for some, it would have reasonable outlook, amenity space and storage. It was deemed the access was adequate, although difficult for those with cycles/pushchairs etc. However it could serve the proposed development and already did serve some dwellings (although not the main entrance). There was no objection to the upstairs flat being re-configured so it relied on the rear access also. The inspector did not support the suggested condition which required a contribution toward open space, due to the lack of evidence provided. Although refererence was made to the open space Interim Policy Statement , there was no text supplied which demonstrated need specific to this development, i.e. that there was either a shortfall in the amount or quality of open space in the locality.

Application No: 09/00646/FUL

Appeal by: Mr Jawed Kadhim

Proposal: Two storey side and single storey rear extensions after demolition of existing garage (resubmission)

Site: 18 Brentwood Crescent

York YO10 5HU

Decision Level: COMM

Outcome: DISMIS

Officer Recommendation was to Approve. The application property is a modern semi-detached house at the head of a cul-de-sac. The appeal related to the refusal of a planning application for a two-storey side extension and single storey rear extension. Officers recommended the application for approval, however, the decision was overturned at committee because of concerns in respect to overdevelopment, harm to the living conditions of the adjoining property and highway safety. The Inspector dismissed the appeal. He did not feel that the proposal would harm neighbours living conditions, he felt however, that in the local context, two-off street car parking spaces were insufficient for the resultant four-bedroom dwelling. In addition, despite the proposed two-metre set back at first floor level he felt that the development as a whole amounted to overdevelopment of the site and would detract from the spacing that existed between properties.

Application No: 09/00694/FUL

Appeal by: Mr Tony Lumb

Proposal: Removal of conditions 1, 2 and 3 (requiring amendments to fence, planting of a hedge and erection of domestic paraphenalia) of planning application 08/01177/FUL for the replacement of 3no. moorings

Site: The Orchard

Tyn Garth

Acaster Malbis

York YO23 2LX

Decision Level: DEL

Outcome: PAD

The appeal relates to a site with a complicated Enforcement History. An Outline Planning Permission followed by a Reserved Matters Consent had been given for erection of a four bed roomed detached house on an adjacent site. This had stipulated the erection of an open post and rail fence separating the domestic curtilage from the adjacent river side and river side footpath. Whilst implementing the planning permission for erection of the house the appellant refurbished three river side moorings without consent including erection of a 1.8 metre high close boarded fence and subsequently was given retrospective planning permission for the work. The appeal relates to the conditions applied to that permission. Permission was given subject to three conditions: that the fence be redesigned to be a post and rail design as originally intended, that a hedge be planted along the riverside walk and that Permitted Development Rights be withdrawn in respect of domestic paraphenalia within the fenced area surrounding the moorings. The appellant contended that this was highly unreasonable and didn't comply with the six statutory tests of planning conditions outlined in Circular 11/95. A costs application under the new "fair playing field rules" was also submitted. The Inspector endorsed the Local Planning Authority's view that the fence should be redesigned as a post and rail structure and upheld the condition, he similarly upheld the Local Planning Authority's intention in respect of the third condition restricting the erection of domestic paraphenalia within the fenced area but re-worded the condition. The Inspector however rejected the reasoning behind the condition requiring the planting of a hedge and furthermore made a partial award of costs against the Local Planning Authority in respect of the imposition of this condition.

Application No: 09/01125/FUL

Appeal by: Mr Peter James

Proposal: Change of use of land to a private gypsy site for a single gypsy family and the retention of existing hard standing (retrospective)

Site: The Homestead

Murton Lane

Murton York

Decision Level: COMM

Outcome: ALLOW

Officer Recommendation was to Approve. Retrospective planning permission was sought for the change of use of land to a private gypsy site for a single gypsy family of 2 adults and 4 children. Reason for refusal was conflict with green belt policy. The authorised use of the site is agriculture but it has been surfaced in gravel for many years. The site is largely screened from public view by a 2m-high wall along the highway frontage and by a fence and trees along the side boundaries. The inspector attached significant weight to the harm to the green belt due to inappropriateness. He acknowledged a small amount of additional harm to the openness of the green belt and to the purposes of including land in it. Against these factors he acknowledged that there were a number of weighty considerations in favour of the proposal namely the significant need for additional gypsy sites in the York area; that the shortage was unlikely to be addressed until the end of 2011; that some of the sites to be allocated as part of the LDF process would be in the green belt; the family's need for gypsy accommodation; the absence of any identified available site to which they could move; and the hardship they could face by being made homeless. The inspector was of the view that these factors clearly outweighed the harm (mainly due to inappropriateness) caused by the proposal. He concluded that the circumstances of the case were very special and justified the development, subject to conditions. They included that planning permission be limited to the appellants and their dependants only and that only two caravans shall be stationed on the site at any one time. In consideration of human rights the inspector felt that dismissing the appeal or granting consent for a temporary period would be a disproportionate response to the degree of harm that the development causes and the considerable interference that either option would cause to the family's home, private and family life.

Application No: 09/01156/FUL
Appeal by: Moorside Developments Ltd
Proposal: Erection of 4no. dwellinghouses to rear of 5 and 6
Northfields (amended scheme)
Site: 5 Northfields
Strensall
York YO32 5XN
Decision Level: DEL
Outcome: DISMIS

Planning permission was refused for four houses on the basis that the density of the development would result in a very hard street frontage relative to the rest of the street contrary to policies H4a,GP1, GP10, PPS3 and PPS1 . The inspector dismissed the appeal on the basis that the scheme failed to take the opportunity to improve the character and quality of the area and was inappropriate to the character and form of the area.

Application No: 09/01271/FULM
Appeal by: Mr Andrew Wilson
Proposal: Use of land for the stationing of 20 additional touring
caravans and camping pitches (resubmission)
Site: York Caravan Park
Stockton Lane
York YO32 9UA
Decision Level: COMM
Outcome: ALLOW

Officer Recommendation was to Refuse. The appeal was against refusal of planning permission for the extension of an existing caravan site to provide an additional 20 pitches. The site is located within the green belt and within the green wedge identified in the green belt appraisal for York. The Inspector concluded that the development would have limited effect on the openness of the green belt and the purposes of including land in it. The Inspector also concluded that the restriction on maximum sizes for a caravan site in Policy V5 has no support outside the CYDLP and therefore afforded little weight to the policy purpose. The Inspector accepted evidence put forward by the applicant that there is significant unmet demand for additional pitches for people wishing to visit the York area and considered the location on Stockton Lane to be well related (in terms of access options) to the city centre. He also took the sequential test to show that there were few other sites available to accommodate caravan sites.

Application No: 09/01311/ADV

Appeal by: Individual Restaurant Company

Proposal: Display of 3no halo illuminated fascia signs, 1no illuminated hanging sign and 1no internally illuminated menu box (retrospective)

Site: 18 Bridge Street

York YO1 6DA

Decision Level: DEL

Outcome: ALLOW

The application was for 3 no. halo lit illuminated fascia signs (one along the river elevation and two along the Bridge Street elevation), 1 no. illuminated hanging sign, and 1 no. internally illuminated menu box. The application was retrospective. The building was a grade II Listed Building and within the Central Historic Core Conservation Area. The application was refused on two grounds. Firstly the lettering of the fascia signs by virtue of standing forward of the detailing of the listed building and its depth together with its illumination would be visually intrusive and harm the special architectural importance, appearance and visual amenity of the listed building, and also the character and appearance of the Conservation Area. Also the proposed internally illuminated menu box by virtue of its siting (to a rusticated pilaster), scale and illumination was considered to be visually intrusive in views of the building and causes undue harm to the special architectural importance, appearance and visual amenity of the listed building, and also the character and appearance of the Central Historic Core Conservation Area. The Inspector considered that the proposed fascia lettering on the Bridge Street frontage would be located on existing fascia areas and, in terms of size and colour would be discreet and proportionate and the method of illumination subtle. The lettering on the riverside elevation, which is of the same scale and proportions, relative to the fascia area, requires a backing panel to accommodate cabling etc. As a result, it is set forward of the brick surrounds to the windows. The inspector did not consider the projection of the lettering to be an issue. He had noted there was similar in the area (although without advert consent). In regards of the illuminated menu box the inspector did not consider that it would be an unduly intrusive element in the street scene, nor detract from the architectural composition or detailing of the building.

Application No: 09/01406/CLU
Appeal by: Mr Ben Baldwin
Proposal: Certificate of lawful use for the proposed siting of a mobile home
Site: Manor Farm
Towthorpe Road
Haxby
York YO32 9SP
Decision Level: DEL
Outcome: DISMIS

A certificate of lawfulness was sought for the proposed erection of a mobile home up to the maximum size permissible for a caravan (as defined by legislation). It would be located within the grounds of a farmhouse occupied by the appellant. The caravan would be primarily used for the provision of residential accommodation for elderly relatives. The appellant argued that the caravan was permitted development because :- (a) it would be located within the curtilage of the dwellinghouse . Council officers had in the past agreed in writing that the site of the proposed caravan was within the curtilage of the farmhouse - but had added the usual caveat that this advice was officer opinion only. By the time of the CLU application officers had reviewed the history of the site and felt that the earlier advice may not have been correct. Officers imparted this to the appeal inspector. He concluded that on a balance of probability the residential curtilage did not include the application site. Therefore the use of the land for the siting of a caravan in any residential use would not be lawful. and (b) it would be used for purposes incidental to the use of the dwellinghouse The inspector found that the caravan would represent an additional self-contained unit of occupation that could exist entirely separately from the dwellinghouse and not reliant on it for anything. Therefore the siting of such a caravan on the land would be unlawful.

Application No: 09/01421/LBC
Appeal by: Mr A Chaudhry
Proposal: Fascia and hanging signs and two internal neon signs.
Site: 19 Micklegate
York YO1 6JH
Decision Level: DEL
Outcome: DISMIS

Proposed signs were: acrylic built up signage to fascia with LED light below and internal neon signs in windows. Both deemed to harm the character and design of the listed building and conservation area setting. The shop is in a listed building with detailed timber shopfront of Georgian style. The Inspector concluded the signage would be unduly strident, contrary to the style of the building. Of note being the size of the lettering, the materials and illumination.

Application No: 09/01752/FUL

Appeal by: Mr And Mrs Paul Temple

Proposal: 2 storey dwelling attached to side of existing dwelling after demolition of lean-to bathroom extension (resubmission)

Site: 229 Fifth Avenue

York YO31 0PL

Decision Level: DEL

Outcome: DISMIS

Planning permission was sought for the erection of a 2-storey dwellinghouse on the side of a semi-detached house. The existing house occupied a constrained, tapered site at the corner of two residential streets. The council refused consent, mainly due to (a) impact on the street scene and (b) impact on the living conditions occupiers of the existing house and proposed house. In terms of impact on street scene the inspector found that the windows, materials and roof form would reflect the host property and surrounding dwellings. Nevertheless, due to its scale, bulk and siting, the house would be a discordant addition that would visually compete with the existing dwelling and compromise the symmetry of the pair of existing semi-detached houses. With regards to impact on living conditions of occupiers. The inspector found that the living conditions of the occupiers of both houses would be adequate. This is despite: the small amount of living space in the new house; the small amount of amenity space available to the new and existing occupiers; car parking right up to the front window of the existing house; and access to the rear garden of one house being taken across the rear garden of the other. The council felt that the cumulative impact was sufficient to include as a reason for refusal. The appeal was dismissed but only due to impact on the street scene.

Application No: 09/01899/FUL
Appeal by: Mrs Ruth Hildreth
Proposal: Single storey pitched roof rear extension
Site: The Stables
Woodside Farm
Moorlands Farm And Hospital
Wigginton
York YO32 2RF
Decision Level: DEL
Outcome: DISMIS

Planning permission was sought for the erection of a single storey extension to a converted stable block located at the edge of, but detached from, a group of former farm buildings in the York Green Belt. The dwelling had previously been extended to add a study and large garage. The council refused consent as the extension, taking into account the previous extension, represented a disproportionate addition constituting inappropriate development that would be harmful to the openness of the Green Belt and would further harm the open character of the Green Belt due to the extension being built away from the cluster of former farm buildings. No very special circumstances existed to

outweigh the harm by reason of inappropriateness or additional identified harm. The inspector agreed with the Council that the extension would, in conjunction with the previous extension, be disproportionate to the size of the original building and consequently was inappropriate development that would reduce the sense of openness and 'undermine the Green Belt purpose of safeguarding the countryside from encroachment', contrary to national and local planning policy. Whilst he felt that the extension would not be unduly prominent nor materially harmful to visual amenity and that the design was acceptable, he considered that these did not constitute very special circumstances to clearly outweigh the harm to the Green Belt.

Application No: 09/00037/EN
Appeal by: Nicola Claire Harrison
Description: Appeal against
Site: 11 Farmlands Road
York YO24 2UA
Outcome: DISMIS

This appeal was against an enforcement notice requiring removal of a 1.8m high timber fence to the front and side boundary of the property. The property is situated in a residential street on a prominent corner of Farmlands Road and Wains Road. The majority of properties are characterised by low lying walls/hedges to the front boundary. Planning permission was applied for retrospectively but refused. Reasons for refusal were its height, appearance and close proximity to the front boundary, which resulted in the fence having an overdominant and overbearing impact upon the streetscene. The inspector dealing with the appeals against the Notice and refusal of permission agreed that the height, length and position of the fence so close to the adjacent footpath is a visually dominant and intrusive feature which has an adverse impact on the visual character of the neighbourhood. The appeals were therefore dismissed and the enforcement notice upheld.

Application No: 09/00037/EN
Appeal by: Mr A Shewan
Description: Appeal against
Site: 11 Farmlands Road
York YO24 2UA
Outcome: DISMIS

This appeal was against an enforcement notice requiring removal of a 1.8m hightimber fence to the front and side boundary of the property . The property is situated in a residential street on a prominent corner of Farmlands Road and Wains Road. The majority of properties are characterised by low lying walls/hedges to the front boundary. Planning permission was applied for retrospectively but refused. Reasons for refusal were its height, appearance and close proximity to the front boundary, which resulted in the fence having an overdominant and overbearing impact upon the streetscene. The inspector dealing with the appeals against the Notice and refusal of permission agreed that the height, length and position of the fence so close to the adjacent footpath is a visually dominant and intrusive feature which has an adverse impact on the visual character of the neighbourhood. The appeals were therefore dismissed and the enforcement notice upheld.

Decision Level:

DEL = Delegated Decision
COMM = Sub-Committee Decison
COMP = Main Committee

Outcome:

ALLOW = Appeal Allowed
DISMIS = Appeal Dismissed
PAD = Appeal part dismissed/part
allowed

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Outstanding appeals

Officer: Billy Wong					Total number of appeals: 2
Received on:	Ref No:	Appeal Ref No:	Site:	Description:	
25/02/2010	10/00009/REF	APP/C2741/A/10/2122459/WF	9 Keith Avenue Huntington York YO32 9QH	Erection of 1no. dwelling with dormers to front and rear and associated access off Garth road (resubmission)	
25/02/2010	10/00010/REF	APP/C2741/A/10/2122462/WF	11 Keith Avenue Huntington York YO32 9QH	Erection of 1No dwelling with dormers to front and rear and associated access off Garth Road (resubmission)	
Officer: Erik Matthews					Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Site:	Description:	
04/03/2010	10/00015/REF	APP/C2741/A/10/2124163/NWF	Wellgarth House Wetherby Road Rufforth York YO23 3QB	Outline application for construction of 4no two-storey dwellings after demolition of existing dwelling	
Officer: Fiona Mackay					Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Site:	Description:	
19/03/2010	10/00016/EN	APP/C2741/F/10/2124960	Railway Station Road York	Unauthorised Replacement Retail Unit (Enforcement Notice)	
Officer: Hannah Blackburn					Total number of appeals: 2
Received on:	Ref No:	Appeal Ref No:	Site:	Description:	
23/02/2010	10/00012/FUL	APP/C2741/A/10/2122171/NWF	Zero House Greenclyffe Drive York YO30 6LL	Conversion of basement to form self contained flat (retrospective application)	
01/03/2010	10/00008/FUL	APP/C2741/D/10/2123440	2 Station Cottages Naburn Lane Naburn York YO19 4RW	Single storey side extension, conservatory to rear and renovation works for swimming pool	
Officer: Jonathan Kenyon					Total number of appeals: 3
Received on:	Ref No:	Appeal Ref No:	Site:	Description:	
09/03/2010	10/00011/REF	APP/C2741/D/10/2123661	81 Lower Priory Street York YO1 6HD	Part first floor part two storey side extension and alteration to roof of existing single storey part. (resubmission)	

03/02/2010	10/00007/REF	APP/C2741/A/10/2121944/NWF	The Lowther 8 Cumberland Street York YO1 9SW	External alterations and balcony to front
15/03/2010	10/00014/REF	APP/C2741/D/10/2124693	29 Albemarle Road York YO23 1EW	First floor flat roof side extension with balcony to front. Alterations to front boundary including new gates (1.8m high).
Officer: Kevin O'Connell				
Received on:	Ref No:	Appeal Ref No:	Site:	Description:
13/11/2009	09/00046/REF	APP/C2741/A/09/2116625/WF	57 York Road Haxby York YO32 3EE	Erection of 1no. four-bedroom detached house to rear of 57 York Road
06/01/2010	10/00001/REF	APP/C2741/A/10/2119795	Manor Farm Towthorpe Road Haxby York YO32 9SP	Erection of 1 no. detached dwelling
18/03/2010	10/00017/REF	APP/C2741/A/10/2125131/NWF	5 Northfields Strensall York YO32 5XN	Erection of 3no. dwellinghouses to rear of 5 and 6 Northfields (amended scheme) (resubmission)
Officer: Michael Jones				
Received on:	Ref No:	Appeal Ref No:	Site:	Description:
15/01/2010	10/00003/REF	APP/C2741/A/10/2120303	Westholme 29 Church Street Dunnington York YO19 5PP	Detached two storey dwelling and detached single garage (resubmission)
Officer: Matthew Parkinson				
Received on:	Ref No:	Appeal Ref No:	Site:	Description:
22/01/2010	10/00006/FUL	APP/C2741/A/10/2119841/WF	Viewlands 227 Malton Road Huntington York YO32 9TD	Outline application for the erection of a dwelling
Officer: Victoria Bell				
Received on:	Ref No:	Appeal Ref No:	Site:	Description:
22/06/2009	09/00024/REF	APP/C2741/H/09/2107171	The Old School Front Street York	Retention of 1no. externally illuminated lettering sign to Green Lane elevation (re-submission)
22/06/2009	09/00025/REF	APP/C2741/E/09/2107208/NWF	The Old School Front Street York	Retention of 1No.externally illuminated sign to Green Lane elevation
Officer: Kevin O'Connell				
				Total number of appeals: 3
Officer: Michael Jones				
				Total number of appeals: 1
Officer: Matthew Parkinson				
				Total number of appeals: 1
Officer: Victoria Bell				
				Total number of appeals: 3

04/03/2010 10/00013/REF APP/C2741/H/10/2124043 Display of 7no. internally illuminated fascia signs, 1no. internally illuminated totem sign, 13no. non illuminated freestanding signs, 4no. non illuminated fascia signs, 4no. floodlights and 1no. flagpole

Holiday Inn Tadcaster Road
Dringhouses York YO24 1HF

Total number of appeals: 17

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Update for committee item 10/00446/FUL related to park and stride scheme Rawcliffe Recreation Ground

Following site visits yesterday an amended plan has been submitted which shows the path relocated so that it is 2.5 metres away from the boundary with residential properties and bollard lighting has been removed from the scheme in favour of solar panelled lighting.

Highway comments received (original scheme)

No highway objections to the principle of the development. There are no objections to the erection of motorcycle barriers, although the design must be submitted for approval. Lighting should be to the councils' street lighting specification. It is advised that the bridge should be 3 metres wide.

Highways have clarified that despite preferring a 3 metre wide bridge the 2.5 metre bridge is acceptable .

The footpaths Officer has set out the procedure that will need to be followed to change the line of the definitive footpath.

An additional condition with regard to the motorcycle barrier is proposed as follows :-

Prior to the commencement of the development details of motorcycle barriers on the entrance to the footpath from the Recreation Ground car park shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the barrier detail shall be implemented prior to the footpath being brought into use.

Reason: In the interests of residential amenity and Highway Safety Officers are satisfied that the bridge at 2.5 metres wide will be sufficient to serve the needs of the path/cycle way (the bridge is the same width as that at Walmgate Stray)

The condition relating to the control of the lighting will not now be necessary as the proposal is for solar panel lighting. (Condition 5 on the agenda)

An additional landscaping scheme condition is proposed.

Officers ask that if members are mindful to approve the principle of the amended scheme consultation should be undertaken in respect of the amendments and powers to delegate the application to chair, vice chair and assistant director are sought provided no new issues are raised by re-consultation on the amended scheme.

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Update for committee item 10/00148/FULM for Rawcliffe Infant School York.

Condition 2 insert drawing no. and associated documentation as follows:-

DRAWING TITLE	Drawing No
Site plan existing	618126/SD/AP/001
Site plan proposed	618126/SD/AP/002
Ground floor plan	618126/SD/AP/003
First floor plan	618126/SD/AP/004
Roof plan	618126/SD/AP/005
Elevations 1	618126/SD/AP/006
Elevations 2	618126/SD/AP/007
Elevations 3	618126/SD/AP/008
Elevations 4	618126/SD/AP/009
Cross section	618126/SD/AP/010
Energy centre GA	618126/SD/AP/011 B
3D images	618126/SD/AP/012
Drainage site plan	618126/SD/DC/100
Building drainage	618126/SD/DC/101 A
Fences and gates plan	618126/SD/AS/141 A

Site location plan	0962/001
Location plan	0962/100
Proposed highway improvements	0962/113A
Design and access statement	
Existing trees on site	2111/1
Tree protection	2111/2
Site levels	2111/8
Detailed landscape proposals	2111/9G
Terrace details	2111/11
Schedule works foundation play area	2111-sw-fplay
Tree works	2111-sw-tree
Flood Risk Assessment	
Transport Assessment	

The further comments of structures and drainage have been received. Whilst they would have liked further information on the drainage proposals before the application is determined a detailed condition is suggested to cover the outstanding matter. The details required overlap to an extent with the requirements of Yorkshire Water and the Environment agency and therefore some of the conditions within the report have been changed accordingly. This means that conditions 29, 31, 32 have been deleted and one conditions and an informative have been added. The main change will be to ensure that the drainage details submitted show satisfactory drainage of foul and surface water for the site including attenuation of surface water. The wording of the Environment

Agency condition (no.37 on agenda) has been slightly amended to refer to sustainable drainage systems.

Mr Spencer from Garburn Grove referred to in paragraph 4.11 of the report is concerned about the height of trees within the proposed landscaping and has verbally still expressed concern about the height of proposed trees close to his boundary. proposed trees have been removed from the landscaping scheme within the car park area and have been replaced with landscaping to overcome his concerns.

Reference is made in paragraph 4.27 of the report to an Air Quality Assessment . Having been provided with additional information about traffic levels Environmental Protection have confirmed that the traffic levels do not breach their thresholds for air quality assessments to be submitted and are raising no objections to the application in this regard.

Sport England request two further conditions; condition 1 relates to ensuring continuity of use of existing sports facilities and condition 2 relates to phasing of the development during construction to ensure the facilities are out of action for the minimum amount of time and will be fully restored. Both conditions are to ensure full compliance with PPG17 and Sport England's Playing Field Policy. Should these conditions not be attached to any planning approval then Sport England will view this as a loss of playing field, albeit temporary, and may review its position hence the application would need to be referred to Government Office .

The conditions are as follows:-

Prior to commencement of the development a scheme to protect and ensure the continuity of the national curriculum for sport shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The scheme shall ensure that facilities remain at least as accessible and at least equivalent in terms of size, usefulness, attractiveness and quality and include a timetable for implementation. The approved scheme shall be complied with in full throughout the carrying out of the development.

Reason: To protect sports facilities from damage, loss or availability of use

Prior to the commencement of development details for the phasing of development, including the provision of the sports facilities, shall be submitted to and approved in writing by the Local

Planning Authority after consultation with Sport England. The development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use.

An additional condition is also proposed to require details of the outside play areas and equipment to be submitted and approved before the development is brought into use.

The condition is as follows:-

Prior to the commencement of the development or within such longer period as may be agreed in writing prior to commencement details of external play areas and play equipment shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme.

Reason: In the interests of visual and residential amenity

The wording of the lighting Impact assessment condition has been amended to relate to all lighting not just floodlighting.

Condition 11 – reword as follows to take into account that the Park and Stride may not be determined at the meeting rewording is as follows:-

The development hereby approved shall not come into use until a park and stride scheme from Rawcliffe recreation ground to the new school site, the principles of which are detailed within the transport assessment and travel plan, has been implemented to the satisfaction of the Local Planning Authority.

Additional wording to condition 12:

The development hereby approved shall not commence until a package of Traffic Regulation Orders, which seek to manage on-street parking in the vicinity of the school site, **to be promoted by the Education Authority in consultation with the** Highway Authority have been submitted to and agreed in writing by the Local Planning Authority.

Reason :- In the interests of safety of highway users, the free flow of traffic and residential amenity.

Condition 18 – add in plan no. 618126/SD/AP/002 and delete words in red from the condition.

Hours of work condition (Condition 27 on the agenda) amended to relate to 'standard times' i.e.

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

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

Reason: In the interests of residential amenity.

**08/02543/REMM - Construction of Central Lake and
Raising of Kimberlow Hill**

Recommended Conditions – 29 April 2010

The plans in bold text were approved by the Planning Committee of 25 June 2009

1. The development hereby permitted shall be carried out only in accordance with the approved plans numbered: **DD110317.L.401/F(A), 70072/SK67, 770072/SK68, 70072/SK69, 70072/SK73, 700072/SK74, 70072/SK75, 70072/SK76, 70072/SK77, 70072/SK70, 70072/SK71, 70072/SK72, 70072/107/D, 70072/180/F, 70072/183/E, 70072/LO1C, 70072/132/D, H128-YU-005/B, MMD-264263-S-DR-H128-YU-010/E, CP000318-A/B, H128-002/P1, MMD-264263-C-DR-H128-YU-240/D, MMD-264263-S-DR-H128-YU-274/C, MMD-264263-S-DR-H128-YU-270/F, 70072/229, 70072/238, H128-YU-100/C, MMD-264263-C-DR-H128-YU-100/A, 70072/241/B** and H128-YU-SK101/AB

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

2. The works hereby approved shall be constructed and be fully operational in their entirety prior to 1 October 2010. The temporary drainage works, as described in the agent's letter dated 15 December 2009 and the accompanying ARUP report dated 1 December 2009 and in drawing no. H128-YU-SK101/AB received on 17 March 2010, shall be retained in place and operational until the central lake and the discharge controls contained within the outlet control centre are completed and fully operational.

Reason: To enable the early establishment of the lake and to ensure that satisfactory surface water drainage arrangements are in place for the college and academic buildings within Cluster One of the Heslington East campus.

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