



Notice of meeting of

West & City Centre Area Planning Sub-Committee

To: Councillors Horton (Chair), Sue Galloway (Vice-Chair), Crisp, Steve Galloway, Galvin, Gillies, Reid, Sunderland and B Watson

Date: Thursday, 18 March 2010

Time: 3.00pm

Venue: The Guildhall, York

AGENDA

Site visits for this meeting will commence at 11.00am on Wednesday 17 March 2010 at Memorial Gardens.

1. Declarations of Interest

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

2. Minutes (Pages 5 - 14)

To approve and sign the minutes of the meeting of the West & City Centre Area Planning Sub-Committee held on Thursday 18 February 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** the working day before the meeting, in this case **Wednesday 17 March 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

Members will consider a schedule of reports of the Assistant Director (Planning and Sustainable Development), relating to planning applications with an outline the proposals and relevant policy considerations and the views and advice of consultees and officers.

- a) **Castle Museum, The Castle, York, YO1 9RY (09/02258/LBC)**
(Pages 15 - 26)

External and internal alterations at ground and first floor levels in concourse and debtors prison. *[Guildhall Ward]* **[Site Visit]**

- b) **Crabtree And Evelyn Ltd, 7 St Helens Square, York, (10/00347/LBC)** (Pages 27 - 32)

Infilling of basement vaults to provide additional structural support. *[Guildhall Ward]*

- c) **Doctors Surgery, 40 Moorcroft Road, York, YO24 2RQ (10/00035/FUL)** (Pages 33 - 42)

Erection of two storey GP surgery building after demolition of existing building. *[Dringhouses And Woodthorpe Ward]*

- d) **Edmund Wilson Baths, Thanet Road, York, YO24 2PE (09/02284/FULM)** (Pages 43 - 68)

Erection of foodstore with associated parking and landscaping after demolition of existing swimming pool. *[Westfield Ward]* **[Site Visit]**

- e) **Land Adjacent To Northminster Business Park, Wykeham Road, Upper Poppleton, York (09/02291/FULM)** (Pages 69 - 86)

Construction of 2-storey building for business use (Class B1) with associated car parking and landscaping (on land to the south of Acer House). *[Rural West York Ward]* **[Site Visit]**

- f) **Manor Church Of England School Site, Millfield Lane, Nether Poppleton, York, YO26 6PQ (09/02306/FULM)** (Pages 87 - 98)

Erection of 2 storey creative media centre building and 2 storey link to existing school, erection of single storey changing room facility and associated shelters and stores. *[Rural West York]* **[Site Visit]**

g) Land To The Rear Of Field View And Avondhu Millfield Lane Nether Poppleton York (09/02302/FULM) (Pages 99 - 108)

Change of use of agricultural land to sports pitches, allotments, and informal landscaped open space. Hard surfaced recreational area and associated footpaths, car parking and ball fencing. [Rural West York Ward] **[Site Visit]**

h) Playing Field, Millfield Lane, Nether Poppleton, York (09/01940/FUL) (Pages 109 - 122)

Erection of 1no. wind turbine with 18.3m mast. [*Rural West York*] **[Site Visit]**

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

Democracy Officers:

Name: Catherine Clarke and Louise Cook (job share)

Contact Details:

- Telephone – (01904) 551031
- E-mail – catherine.clarke@york.gov.uk and louise.cook@york.gov.uk

(If contacting us by e-mail, please send to both democracy officers named above)

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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- 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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WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE

SITE VISITS

Wednesday 17 March 2010

The bus for members of the sub-committee will leave Memorial Gardens at 11.00am

TIME (Approx)	SITE	ITEM
11.15	Manor C of E School, Millfield Lane, Nether Poppleton (Visit to the school extension site first, followed by the proposed playing field site rear of Field View and Avondhu)	4f & 4g
12.00	Poppleton Juniors FC Playing Field, Millfield Lane, Nether Poppleton	4h
12.30	Land adj Northminster Business Park, Wykeham Road, Upper Poppleton	4e
13.45	Edmund Wilson Baths site, Thanet Road	4d
14.30	Castle Museum, The Castle	4a

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City of York Council

Committee Minutes

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	18 FEBRUARY 2010
PRESENT	COUNCILLORS HORTON (CHAIR), SUE GALLOWAY (VICE-CHAIR), CRISP, STEVE GALLOWAY, GALVIN, GILLIES, REID, SUNDERLAND AND B WATSON

48. INSPECTION OF SITES

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
Land to North of 11 Melander Close	Councillors Crisp, Sue Galloway, Gillies, Horton, Reid and B Watson.	As objections had been received and the officer recommendation was for approval.
76 Beckfield Lane	Councillors Crisp, Sue Galloway, Gillies, Horton, Reid and B Watson.	
43 West Thorpe	Councillors Crisp, Sue Galloway, Gillies, Horton and Reid.	As objections had been received and the officer recommendation was for approval.
Doctors' Surgery, 40 Moorcroft Road	Councillors Crisp, Sue Galloway, Gillies, Horton and Reid.	As objections had been received and the officer recommendation was for approval.

49. DECLARATIONS OF INTEREST

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

Councillor Sunderland declared a personal and prejudicial interest in Plans Item 4e (Doctors Surgery, 40 Moorcroft Road) as she has longstanding family ties and a close relationship with the surgery. She left the room for discussion on this item and took no part in the debate or vote on this application.

Councillor Reid declared a personal interest in Plans Item 4e (Doctors Surgery, 40 Moorcroft Road) as she also has ties with the surgery. She stated that she had taken advice on this and had been advised it was not a

prejudicial interest. She also stated that she had been contacted by residents regarding this application and she had provided information on the planning process but referred them to another Ward Councillor to discuss any issues in relation to the application itself.

50. MINUTES

RESOLVED: That the minutes of the meeting of the West and City Centre Area Planning Sub Committee held on 20 January 2010 be approved and signed by the Chair as a correct record.

In response to a query received on whether she should have declared an interest in agenda item 6f (Site to Rear of 14 Companthorpe Lane, Bishopthorpe, York) (Minute 46f refers), Councillor Reid confirmed she had not had any interest in this item. She explained, for the benefit of those present, that she had declared a personal and prejudicial interest in an application on the same site when it was heard by the committee on 29 January 2008 as she knew the parents of the contracted purchaser for that application. She confirmed that she did not know the applicants on this occasion.

51. PUBLIC PARTICIPATION

There were no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the Sub-Committee.

52. PLANS LIST

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

52a 76 Beckfield Lane, York, YO26 5RJ, (09/02103/OUT)

Members considered an outline application by Mr Sydney Bailey for the erection of four 2 storey town houses after demolition of the existing dwelling (resubmission).

Officers circulated a written update to members which advised them that two further conditions be added, the first relating to vehicular crossings and the second relating to positive drainage.

Representations were received from the Acomb Planning Panel in objection to the application. The Panel stated that the houses did not fit in with the appearance and character of houses in Beckfield Lane and Turnberry Drive and advised that plot 3 should be set back in line with plot 4.

Representations were also received from the applicant in support of the application. He advised Members that 76 Beckfield Lane is a bungalow in a state of disrepair and it would not be financially viable to repair it. He stated that there was a need for more housing in York, especially for first time buyers and that building new houses would bring a boost to the construction industry which had been hit by the recession.

Some Members raised concerns that the drains, which already struggle to cope with heavy rainfall, would not be able to cope with increased surface water created by additional houses. Members also questioned whether plots 3 and 4 could be set back further but officers responded that this would not be possible as it would mean they would not have any back gardens.

Members voiced the opinion that the derelict site was in need of development and was large enough to accommodate 4 properties . They agreed that there was already a mix of properties on Turnberry Drive and that this development would create four desirable new properties.

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

Additional Condition 15

The development shall not be first occupied until all existing vehicular crossings not shown as being retained on the approved plan ref:BDC/MB/08.1B, have been removed by reinstating the verge and footway to match the adjacent levels.

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

Additional Condition 16

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

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

REASON: The proposal, subject to the conditions listed in the report and the additional conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the visual amenity of the wider street scene, impact upon the residential amenity of neighbouring properties and impact upon the local surface water drainage network. As such the proposal complies with Policies GP1, GP4a) , GP10 , GP15a),H4a), H5a) and L1c) of the City of York Development Control Local Plan.

52b Land to the North of 11 Melander Close, York, (09/02220/FUL)

Members considered a full application by Leeper Hare for the erection of two 2 storey dwellings.

Officer updated that a response had been received from the Acomb Planning Panel regarding the amended drawing which moved the dwelling further away from no.11 Melander Close. They had commented that moving the building 0.7m north is insignificant in improving the separation from 11 Melander Close.

Representations were received from the Acomb Planning Panel in objection to the application. They stated that the proposed dwelling does not fit with the appearance or character of other properties close by, that the hawthorn hedge to the north of the site should be retained and that the property would overshadow the garden of 13 Carnoustie Close and overlook the garden of 11 Melander Close.

Representations were also received from the applicant's architect in support of the application. He stated that when looking at building types it was important to look at the area as a whole and advised that the houses would be in the same style as properties in Excelby Court. He noted that the development would replace light industrial use and that there would be adequate parking and amenity space.

Members agreed that this was an area with a variety of types of houses. In response to concerns that the driveway running alongside the hedge may cause damage to the roots of the hedge and silver birch trees, officers advised that condition 8 already required the applicant to submit details of vehicular areas to be surfaced but that it could be amended to stipulate that a permeable surface must be used for the driveway.

RESOLVED: That the application be approved subject to the conditions listed in the report and the amended condition listed below:

Amended Condition 8

Prior to the development coming into use, all areas used by vehicles shall be surfaced and drained within the site, in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority. The driveway and parking area to plot 2 shall be permeable.

Reason: To prevent the egress of water and loose material onto the public highway and in the interests of retaining the trees and hedge on the boundary.

REASON: The proposal, subject to the conditions listed in the report and the amended condition below, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the locality, highway safety. As such, the proposal

complies with policies GP1, H4a, H5a and L1c of the City of York Local Plan Deposit Draft and the Council's Interim Planning Statement: Sustainable Design and Construction; national planning guidance contained in Planning Policy Statement 1 " Delivering Sustainable Development " and Planning Policy Statement 3 " Housing.

52c 25 The Orchard, Bishopthorpe, York, YO23 2RX (09/02269/FUL)

Members considered a full application from Ms Ann Ward for a single storey rear extension.

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

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the appearance of the dwelling and residential amenity. As such the proposal complies with Policies GP1 and H7 of the City of York Development Control Local Plan and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

52d 43 West Thorpe, York, YO24 2PP (10/00020/FUL)

Members considered a full application from Mr John McGarry for a first floor rear extension with a boundary wall to the front and side and change of use and extension of the garage to form a retail unit (resubmission)

Officers advised Members that a letter of objection had been received from the adjoining neighbour at 41 West Thorpe, who objected on the following grounds:-

- Proposed first floor extension would still overshadow and still be in view from the lounge window.
- Hipped roof does little to reduce the extension's dominant size
- Dominant site on the corner of West Thorpe
- Extending the width of the garage will decrease the space between the garage and existing extension and will disrupt the light entering the garden
- Noise intrusion from the proposed workshop

They also advised that the Dringhouses/Woodthorpe Planning Panel raised no objections but made the following comments:

- While the retail outlet will be very minor it must be sanctioned by council officials who may have rules regarding such isolated uses in residential areas

- Should be a condition preventing enlargement of the retail unit in case of change of ownership.
(In response to this concern, officers advised that Condition 5 restricted use of the unit to the named user and also restricted its type of use)

Members stated that they did not have particularly detailed information on the applicant's intended use of the unit for but noted that one of these uses was key cutting. They remarked that the grinding equipment used in key cutting is extremely noisy and were concerned this may effect neighbours. They agreed that a retail unit with a shop front and fascia sign would not be suitable in this residential location and did not agree with the height and design of the fence panel proposed. They also raised the issue of where customers would park when visiting the business.

RESOLVED: That the application be refused.

REASON:

1. The extension of the garage to create a retail shop is inappropriate in this residential area because it will result in noise and disturbance that would be harmful to the living conditions of neighbouring properties and the residential character of the area. Furthermore the lack of on site customer parking will result in customers parking on adjacent roads. As such the proposal is contrary to Development Control Local Plan policy GP1 which states that development proposals will be expected to respect and enhance the local environment and ensure that residents living nearby are not unduly affected by noise and disturbance and policy S10 which states that permission will be granted for a new local shop provided that there is no adverse effect on the amenity of neighbouring properties or the character of the area.
2. The proposed fence panels to the wall as shown on drawing no. MWT/102 and MWT/1/08 by reason of their height and design and location on a prominent corner site would be harmful to the appearance of the street scene which is characterised by low walls, fences and hedges that present a more open aspect to the street. The proposal is therefore contrary to policy GP1 of the Local Plan which states that development proposals will be expected to respect or enhance the local environment and be of a design that is compatible with the character of the area.

Members considered a full application from The Partners York Medical Group for the erection of a 2 storey GP surgery building after demolition of the existing building.

Officers advised that additional letters of objection had been received from residents of 29,42 and 44 Moorcroft Road raising the following issues:-

- Double yellow lines should be laid to the front of the surgery and around the corner with Bramble Dene. This should be considered as part of the planning application and not after any plans have been passed.
- Design of the building is not in character with the surrounding buildings
- Loss of privacy from the windows in the upper floor
- Increased traffic and parking problems
- Trees and shrubs had to be removed when the rear extension to the existing surgery was added
- Damage to adjacent garden and noise disturbance, loss of privacy during building works.
- If permission is granted hours of construction should be restricted to between 9-5, with no weekend working.

An e-mail from Councillor Holvey was circulated to Committee Members. He acknowledged that the application was of benefit to the wider area and that the surgery was a valuable resource to the community but raised some issues that would have negative impacts on neighbours. He stated that there were grounds for refusal with the building changing to a full 2 storey, moving much closer to existing properties and also now overshadowing a neighbour (in para 4.6), also with the increased parking that will worsen an already problematic situation. However, he stated that if the committee is minded to approve, the following issues should be taken into account.

- 1) "There is a significant issue of parking on the road outside the property which is on the No.12 bus route, the Highways comments should be taken on board and a full consultation should occur with local residents (funded by the scheme) which will allow the issue of restrictions to be looked into. I would suggest that the restrictions should be the full length of the road either side (from the no12 bus stop outside the garage to the next corner) which would ensure that people would use the car parking facilities behind the shops. Using single lines rather than double yellow, with restrictions between 8am and 6pm Mon-Fri and 8am-11am on Saturday, would also lessen the impact on local residents.
- 2) There are issues around privacy with the surgery being so close to other properties, steps should be taken regarding the windows being partly open and also translucent glass where needed.
- 3) Construction needs to be of minimal impact to neighbours, I welcome the restrictions regarding times of work but there are also concerns around impact on surrounding gardens and wildlife (with

an RSPB recognised garden in situ), could the committee please address these concerns.”

Representations were received from a local resident in objection to the application. He raised concerns that the timescale had not allowed for residents to be properly consulted. He stated that the proposals would lead to an increase of traffic on a residential road which is also a main bus route. He asked Members to consider parking arrangements for patients, stating that there was no parking provision onsite and queried whether nearby car parks could be used and signage put up to direct patients to use these.

Further representations were also heard from a neighbour at a next door property in objection to the application. He stated that the proposals would reduce the gap considerably between the GP surgery and his house to less than 1m which would make access for maintenance to his property difficult. He also raised concerns that noise may reverberate from the passage if used frequently and it may become a rubbish trap. He informed Members that water drains very slowly after heavy rain therefore there could be an increased flood risk. He advised that he had raised his concerns with York Medical Group and 2 consultation meetings had taken place but since the plans had been finalised in December, they had not consulted with neighbours on the size of the gap or other issues.

Representations were received from a GP at York Medical Group, the applicant, in support of the application. He explained that in last few years the building has fallen below the standard they would like to provide to patients and in a recent PCT report, the building failed to meet minimum standards in 9 out of 10 areas. He explained that they had looked at 3 options:-

1. Renovating building - but too much work required to bring up to required standard
2. Moving to another location - but surgery in optimum location for local community and no other suitable alternatives available.
3. Rebuild surgery from scratch – this would provide the best solution.

He stressed that the Group were not planning a large expansion in manpower and that there would be no increase in the number of doctors or nurses but that their aim was to create a greater diversity in services on offer to patients. He stated that therefore traffic should not increase. He responded to Members queries regarding number of patients and staff and how those people travelled to the surgery.

Member discussed the following issues relating to traffic and parking concerns:-

- Desire to park as close as possible to surgery could lead to potential increase in frustration of drivers and increase in accidents in area.
- Possibility of directing patients and staff to use a local car park.
- Possibility of transport team investigating introduction of parking restrictions on road - Single yellow lines/double yellow lines/disabled spaces discussed.

Members agreed that it would be doing the community a disservice if the application was not approved and the surgery was forced to move but

raised concerns over the lack of pre-application consultation and stated that a lot of the neighbours concerns could probably have been resolved if this had taken place. They indicated that some residents had approached the practice to view their concerns but had felt that nothing had been done to address them.

Officers noted that while it was not the applicant's current intention to increase staff and therefore patients, an increase in consulting rooms may lead to increase in patients in future.

In relation to the property at no 38, Members acknowledged that many properties only had a 1m gap in between them, which was sufficient for maintenance, therefore this could not be used as a reason for refusal however they raised concerns about the roofline and loss of light to no.42 Moorcroft Road although noted that this was exacerbated by the existing rear extension to the property.

Councillor Galvin moved and Councillor Horton seconded a motion to approve the application. On being put to the vote, the motion was lost.

Councillor Reid moved and Councillor Crisp seconded a motion to defer the application due to the effect on the neighbour at 42 Moorcroft Road.

RESOLVED: That the application be deferred until a future meeting.

REASON: Due to the effect on the neighbour at 42 Moorcroft Road.

53. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That Members of the press and public be excluded from the meeting during consideration of the following item of urgent business on the grounds that it may contain information that if disclosed to the public, would reveal that the Authority proposes to give, under any enactment or notice by virtue of which requirements are imposed on a person or that the Authority proposes to make an order or directive under any enactment. This information is classed as exempt under Paragraphs 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006.

54. URGENT BUSINESS

With the agreement of the Chair, Councillor B Watson raised concerns that work had been undertaken on alterations to a listed building without the required permission having been granted.

RESOLVED: That the Area Team Leader, Planning and Sustainable Development be asked to investigate the matter. ¹

REASON: In order to ensure the protection of the listed building.

Action Required

1. Area Team Leader to investigate matter

GA

Councillor D Horton, Chair

[The meeting started at 3.00 pm and finished at 4.35 pm].

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 18 March 2010 **Parish:** Guildhall Planning Panel

Reference: 09/02258/LBC
Application at: Castle Museum The Castle York YO1 9RY
For: External and internal alterations at ground and first floor levels in
concourse and debtors prison
By: Mr Michael Woodward
Application Type: Listed Building Consent
Target Date: 10 February 2010
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks listed building consent for internal and external works to the modern glazed link building that forms the concourse of the Castle Museum, now referred to as the Concourse Building. The proposed works relate to the relocation of the existing cafe from the first floor to the ground floor concourse and improvements to visitor circulation within the building. The agent has advised that the overall objective of the works is to provide an enhanced visitor experience and to improve the commercial operation of the museum.

1.2 As originally submitted, works included-

CAFE AND ASSOCIATED WORKS -

- a) the formation of new folding doors in a glazed window to form an additional entrance that would link the proposed cafe to a future external seating area
- b) the formation of a cafe area with the erection of screens and installation of a freestanding cafe pod
- c) the relocation of the existing retail area within the concourse to allow for the accommodation of the cafe area
- d) the removal of the redundant cafe on the first floor and part of kitchen area of the former Debtor's Prison.

WORKS ASSOCIATED WITH IMPROVING INTERNAL CIRCULATION -

- a) Removal of existing male WCs and creation of two openings 'A' and 'B' in the Debtor's Prison.

b) Removal of a modern spiral staircase, ramp, and the relocation of existing stores to allow for re-sited male WCs within Debtor's Prison

1.3 Revised plans have been submitted that delete one of the proposed openings as it would have resulted in a major alteration to the historic fabric of the original external walling of the Debtor's Prison. The proposed change to the fenestration to form an entrance to the new cafe has been redesigned to be less obtrusive. It is now intended that the relocation of ground floor stores to the first floor and the provision of a new passenger lift would be the subject of future applications for listed building consent. The Local Planning Authority has received revised plans to this effect. Further information and details have been submitted by the agent that clarify the details of the cafe pod, lighting and fire alarms, and structural details.

1.4 The Castle Museum: The Debtors' Prison is a Grade I Listed Building situated within the Castle Precinct that dates from 1701-1705, possibly designed by William Wakefield. The former Debtors' Prison is linked by means of the modern single storey concourse building to the Female Prison, also a Grade I Listed Building that dates from 1780-83. The Castle Museum is situated within the Central Historic Core Conservation Area No.1 and the site forms part of a Scheduled Ancient Monument.

1.5 The proposed works have been the subject of pre-application discussions between council officers, the applicant and the agent.

1.6 The application is referred to the West/ Centre Planning Sub-Committee at the request of Councillor Brian Watson given the status and contribution of the building as a major listed building in the city.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

Floodland Multiple (Spatial)

Floodzone 2 GMS Constraints: Flood Zone 2 CONF

Floodzone 3 GMS Constraints: Flood Zone 3

Listed Buildings Multiple (Spatial)

Scheduled Ancient Monuments GMS Constraints: SMR No.13275; York Castle (including Clifford's Tower)

2.2 Policies:

CYGP1
Design

CYHE4
Listed Buildings

3.0 CONSULTATIONS

3.1 INTERNAL CONSULTATIONS

Design, Conservation and Sustainable Development- No objections subject to conditions

3.2 EXTERNAL CONSULTATIONS/ REPRESENTATIONS

Guildhall Planning Panel- No objections

English Heritage- Broadly supports the application subject to details of archaeological mitigation being submitted and additional details relating especially to the cafe pod, concourse fenestration, the alignment and impact of services and drainage, works to the former cafe, works following removal of the spiral staircase, any new partitions and a full investigation of the barrel vaulted ceiling in the gent's toilet before the proposal for Opening B is finalised. It is advised that Scheduled Monument Consent would be required.

Other Representations- No representations have been received at the time of writing following the advertising of the application by site and press notices.

4.0 APPRAISAL

4.1 Key Issues

- Impact on the special interests of the listed building

POLICY CONTEXT

4.2 Planning Policy Statement 1: Planning for Sustainable Development (PPS1) aims to protect the quality of the natural and historic environment. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

4.3 Planning Policy Guidance Note 15 " Planning and the Historic Environment " seeks to ensure that the special characteristics of listed buildings are not adversely affected by inappropriate alterations.

4.4 The relevant development plan is the City of York Council Local Plan, which was placed on Deposit in 1998. Reflecting points made, two later sets of pre- inquiry changes (PICs) were published in 1999. The Public Local Inquiry started in 1999 but was suspended by the Inspector for further work to be done on the Green Belt. A Third Set of Changes addressing this further work was placed on deposit in 2003. Subsequently a fourth set of changes have been drafted and approved by Full Council on 12th April 2005 for the purpose of making Development Control Decisions, on the advice of the GOYH.

4.5 POLICY HE4 of the Local Plan relates specifically to listed buildings and states that consent for development in the immediate vicinity of listed buildings, demolition, internal and external alteration, and changes of use will only be granted where there is no adverse effect on the character, appearance or setting of the building.

4.6 POLICY GP1 is a general design policy in the Local Plan that includes the premise that new development should respect its surroundings.

ASSESSMENT

4.7 York Castle Museum was opened in 1938 and occupies the former Debtor's Prison and the Female Prison, both Grade I Listed Buildings. In addition, the ground beneath the listed buildings is a Scheduled Ancient Monument as it is the site of the York Castle. The application site is therefore highly sensitive to change due its evidential, historical and aesthetic values. The site has the potential to yield evidence about past human activity in York. Its historical value derives from the ways in which past people, events and aspects of York life can be connected through the buildings to the present. The site has aesthetic value for its architectural design and setting, and its relationship with adjacent listed buildings that comprise the current Castle complex.

4.8 The works associated with the relocation of the cafe area and the improvement of visitor circulation largely affect the inside of the building, with the main external change being the new glazed opening in the fenestration to the principal elevation of the Concourse building. The proposed works are assessed as outlined in the introduction of the report-

PROPOSED GROUND FLOOR CAFE

4.9 It is intended that a more accessible cafe area would be formed in the existing ground floor retail area where it would be more prominently sited and would benefit from views towards Clifford's Tower and the town centre. A proposed additional entrance in the fenestration of the building would link the cafe area with an associated outdoor seating area. The proposals would introduce-

- a) A full height screen and associated steelwork adjacent to the existing entrance doors
- b) A 1.8m screen and associated steelwork to the cafe area adjacent to the exit doors
- c) A freestanding cafe pod, requiring drainage alterations and power installations.
- d) Formation of entrance in existing window of glazed elevation to Concourse Building

4.10 The proposed screens would define the proposed cafe area within the concourse, separating general circulation from cafe seating, and would act as a wind buffer. These would be acceptable additions that would be appropriately sited in the concourse without detracting from the appearance of the building. No key internal views to historic fabric behind the fenestration would be obstructed by their scale or positioning. One of the main features of the modern concourse building is its visual transparency, and both English Heritage and the local planning authority would seek to ensure that the introduction of a freestanding cafe pod would be appropriately sited, designed, and constructed in sympathetic materials to minimize its impact on the adjoining historic buildings. The agent has submitted additional plans that indicate that the location, scale and impact of the detailed pod on the concourse would be acceptable. Further details of the materials and finishes of the cafe pod would require to be submitted for approval if Members are minded to grant listed building consent. This detail could be effectively conditioned as part of a listed building consent.

4.11 The glazed elevation that forms the principal elevation of the Concourse Building has a dedicated entrance and exit that are treated differently and the introduction of a further style of opening raised concerns from English Heritage and the local planning authority. The original proposal for a bi-folding door would have introduced a further variation in the design of the openings of the building that would further visually fragmented the elevation. Revised plans have been submitted that propose an outer frame similar to the general windows, with the panes being frameless at the hinged sides that would create the appearance of a single window when the doors are shut. It is considered that this revision would achieve greater simplicity and unity, whilst achieving the link between the proposed internal and future external cafe areas. The proposed pattern of glazing is unlikely to detract from the existing appearance and rhythm of the fenestration to the principal elevation of the Grade 1 Listed Building.

IMPROVED VISITOR CIRCULATION/ RELOCATION OF MALE WCs/PROPOSED WALL OPENINGS

4.12 The remaining proposals seek to alter the way visitors flow through the Concourse to the displays in the Debtor's Prison. They aim to improve circulation flow within the Debtor's Prison and its link to the Concourse, raise the prominence of the entry to the Debtors Prison from within the Concourse, have been designed to avoid a pinch-point being formed at the Concourse exit, and would provide a re-entry to the Concourse adjacent to the re-sited retail area following the introduction of the

proposed ground floor cafe. The current entrance to the Debtor's Prison would be retained. The major changes would occur at two distinct areas in the Debtor's Prison: at the existing exit to the concourse/ store room/ spiral staircase area to accommodate the relocated Male WC and at the existing Male WCs area where a new exit is proposed to link the Debtor's Prison to the Concourse following the relocation of the Male WCs.

Existing exit to the concourse/ store room/ spiral staircase area to accommodate the relocated Male WCs

4.13 The existing opening that forms the exit between the Debtor's prison and the Concourse would be closed off with the former opening highlighted as a recessed display area. The new male WCs would require drainage connections. It is intended that an existing modern spiral staircase that links the ground floor with the first floor would be removed to allow for the works that would improve the internal circulation of visitors. The stair is unused and its loss would not harm any special interest of the listed building. The existing internal finishes to the ground and first floor compartments where the modern spiral staircase is situated are modern with no historic value. The specification of the proposed reinstatement works to the affected areas would be acceptable. Existing walls would be re-plastered or dry-lined, depending on the extent of making good required after the removal of partitions and fittings. The ceiling would be provided with a new under-drawn plasterboard ceiling utilising metal firrings.

Removal of Male WCs and formation of new exit to link the Debtor's Prison to the Concourse

4.14 The existing Male WCs would be stripped out and would essentially become the new circulation route from the Debtor's Prison to the Concourse. There is an existing opening between the Concourse and the Debtor's Prison that is currently a doorway, visible from the Concourse but over-boarded to the Male WCs side. The intention to reinstate this opening to its original format as a window in terms of width and stonework would enhance the special quality of the listed building, though the opening would remain open from floor to head (Opening A). This would be an acceptable alteration subject to the details of the stone to be used and the method of dressing being approved. The proposal to introduce a new opening (Opening B) to simplify the route through the display area has now been deleted from the scheme.

ANCILLARY WORKS

4.15 The existing first floor cafe and kitchens would become redundant if listed building consent is granted for the ground floor cafe. It is also noted that the kitchen would be redundant as there would be no cooking of food that would require kitchen fittings and flues. The proposed works to the first floor cafe and kitchen facilities would retain original finishes; flue brackets to plastered walls and ceilings would be removed and made good; the removal of extracts through windows would be removed and new window panes would be installed with beading and decoration to match the existing profile, fixings, and finishes. Subject to the approval of the detail, it is considered that the works would be acceptable. Any further works to the kitchen

and cafe area, particularly to accommodate a relocated store from the ground floor, would be the subject of a future application for listed building consent.

4.15 The relocation of the retail area within the Concourse would have minimal impact on the Listed Building and would be an acceptable alteration.

5.0 CONCLUSION

5.1 The proposed works to the listed building would result in a more accessible and prominent cafe within the ground floor of the Concourse Building, better circulation for visitors, with more commercial viability from the relocated retail area.

5.2 It is concluded that the proposed works would not harmfully detract from the original fabric of the Grade I listed building. There would be no conflict with Policies HE4 and GP1 of the Local Plan, and related national guidance contained in Planning Policy Guidance Note No. 15 " Planning and the Historic Environment" and Planning Policy Statement 1 " Delivering Sustainable Development. "

5.3 If Members are minded to approve the application for Listed Building consent, it is requested that officers are granted delegated authority to approve the application following receipt of comments from English Heritage for the revised and additional details. The consultation period expires on 19 March 2010.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIMEL2 Development start within 3 yrs (LBC/CAC)

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

Drawing No. LBC1 (10) Rev 10 B Ground Floor Plan as Proposed, Received 4.3.2010

Drawing No. LBC1 (10) 12 Rev A Cafe Area as Proposed, Received 4.3.2010

Drawing No. LBC1 (10) 14 Rev A Ground Floor Plans Demolitions, Received 4.3.2010

Drawing No. LBC (10) 11 Rev A First Floor Plan Existing and Proposed, Received 1.3.2010

Drawing No. LBC1 (31) 10 Rev B Alterations to Fenestrations, Received 1.3.2010

Drawing No. LBC1 (43) 10 Rev A Floor Finishes as Proposed, Received 5.3.2010

Drawing No. LBC1 (45) 10 Ceiling Finishes as Proposed, Received 15.12.2009

Drawing No. LBC1 (42) 10 Rev A Wall Finishes as Proposed, Received 4.3.2010

Drawing No. LBC1 (52) 10 Rev A WC & Circulation area works, Received 4.3.2010

Drawing No. 2970/1/T/003 Ground Floor Proposed Lighting & Fire Alarm Layout
Received 28.1.2010

Drawing No. 2970/1/T/202 Ground Floor Proposed Lighting & Fire Alarm Layout
Received 28.1.2010

Drawing No. 9115/S1 Proposed Structural Details Received 28.1.2010

Cafe Pod Details-

Drawing No. YCM CS Elevations A-C Rev 2 Received 1. 3 2010

Drawing No. YCM CS Equipment Rev 2 Received 1. 3 2010

Drawing No. YCM CS Elevations A & B Rev 2 Received 1. 3 2010

Drawing No. YCM CS Under Worktop 005 Rev 2 Received 1. 3 2010

Drawing No. YCM CS CS Worktop 004 Rev 2 Received 1. 3 2010

Drawing No. YCM CS CS Worktop 002 Rev 2 Received 1. 3 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 Prior to the commencement of the works hereby approved, the following details shall be submitted for the written approval of the Local Planning Authority, and thereafter the works shall be implemented and retained in accordance with the approved details:

- a) External materials and finishes of cafe pod, including signage
- b) Sample of stone, details of the method of dressing the stone, details of the stonemason appointed to implement the works and the composition of the mortar mix should be submitted for approval prior to the commencement of works to 'Opening A' that connects the Museum Concourse to the former Debtor's Prison.
- c) A sample of replacement glazing to the first floor windows, following the removal of modern ductwork
- d) Drainage details of any new services required in association with the café pod and new male WCs.

Reason: To ensure that the details would be acceptable in the interests of the visual amenity and historical and architectural interest of the Listed Building.

4 All disturbed internal surfaces shall be made good to match the architectural and historic period of its surroundings.

Reason: In the interests of the visual amenity and historical and architectural interest of the Listed Building.

**7.0 INFORMATIVES:
Notes to Applicant**

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the visual amenity and character of the listed building. As such, the proposal complies with Policies HE4 and GP1 of the City of York Development Control Local Plan - Incorporating the Proposed 4th Set of Changes (2005) ; and national planning guidance contained in Planning Policy Statement 1 " Delivering Sustainable Development " and Planning Policy Guidance Note No. 15 " Planning and the Historic Environment. "

2. SCHEDULED MONUMENT CONSENT

You are advised that the proposal would involve works that appear to require Scheduled Monument Consent . For further information please consult English Heritage, Tanner Row, York.

Contact details:

Author: Fiona Mackay Development Control Officer (Tues - Fri)
Tel No: 01904 552407

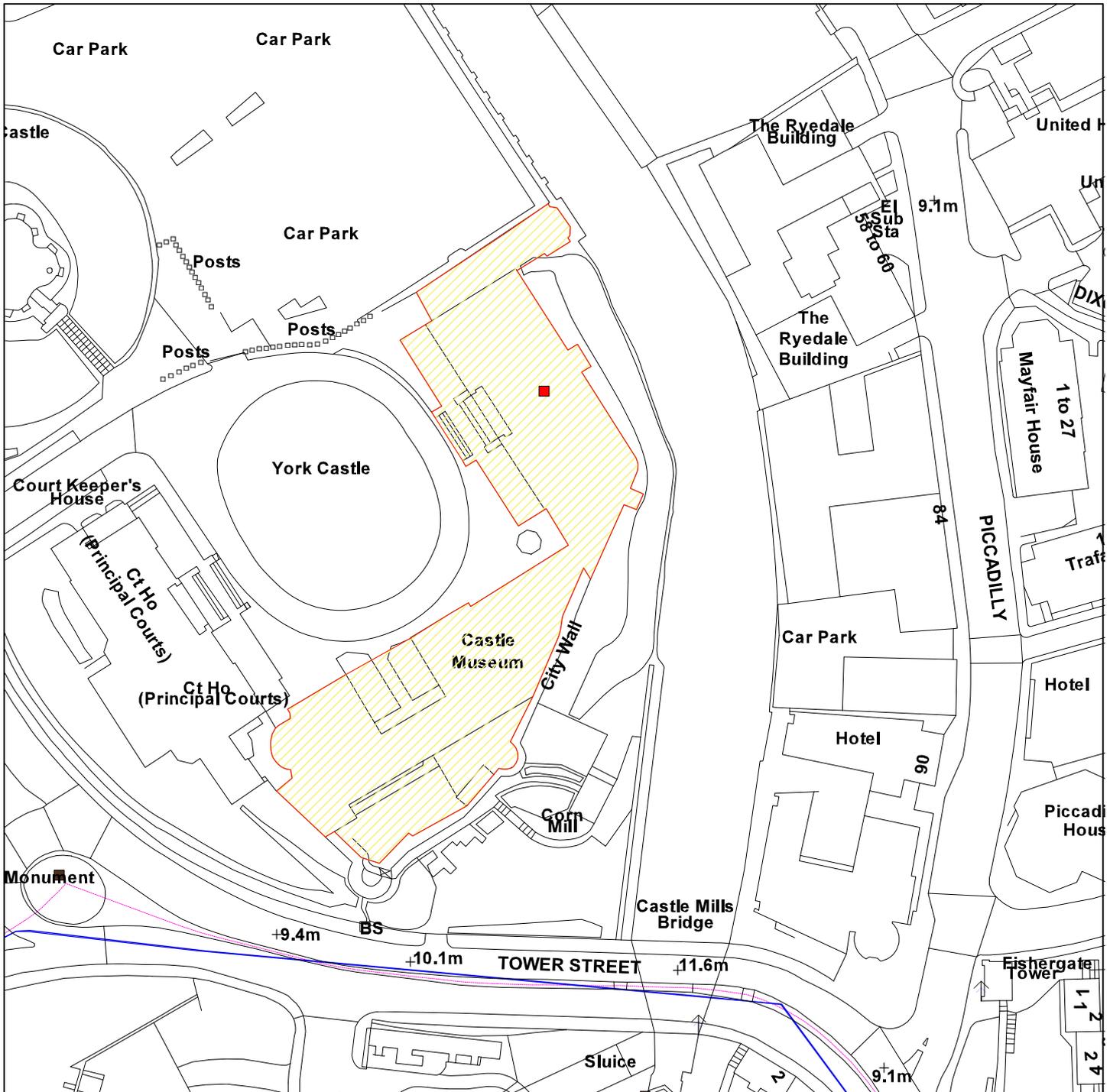
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Castle Museum, York

09/02258/LBC



GIS by ESRI (UK)



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Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application site
Date	05 March 2010
SLA Number	Not set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 18 March 2010 **Parish:** Guildhall Planning Panel

Reference: 10/00347/LBC
Application at: Crabtree And Evelyn Ltd 7 St Helens Square York YO1 8AN
For: Infilling of basement vaults to provide additional structural support
By: Mr Colin Hughes
Application Type: Listed Building Consent
Target Date: 28 April 2010
Recommendation: Delegated Authority to Approve

1.0 PROPOSAL

1.1 Crabtree and Evelyn occupies No.7 St. Helens Square, which comprises two adjoining Grade II listed buildings, each originally a house and shop. No 7 St. Helens Square dates from the mid eighteenth century with nineteenth century alterations and the adjoining property at No.'s 1 and 1A Stonegate dates from the mid nineteenth century with twentieth century alterations. The property occupies a prominent location within the Central Historic Core Conservation Area within the setting of a number of listed buildings.

1.2 Listed building consent is sought for works to address the structural failure of the brick vaults at basement level through the infilling of 2 No. brick vaulted chambers with foamed concrete. The application has been brought to Committee at the request of Councillor B Watson on the basis of concerns that alternative options have not been fully explored.

1.3 Planning, listed building and advertisement consent have recently been granted for the repainting of the shopfront and signage and the siting of replacement air conditioning units on the main roof.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

Listed Buildings GMS Constraints: Grade 2; 1 Stonegate York YO1 2AN 0645

Listed Buildings GMS Constraints: Grade 2; 3 Stonegate York YO1 2AN 0646

Listed Buildings GMS Constraints: Grade 2 Star; St Helen's Church St Helen's Square York 0648

Listed Buildings GMS Constraints: Grade 2; 7 St Helens Square York YO1 8QN 0644

2.2 Policies:

CYHE4
Listed Buildings

3.0 CONSULTATIONS

3.1 Internal

Urban Design and Conservation - The works to address the structural failure of the brick vaults at basement level situated below St. Helen's Square appear to be generally acceptable. Comments relating to the method statement will be reported at the meeting.

City Archaeologist - Comments to be reported at the meeting

3.2 External

Guildhall Planning Panel - Any comments to be reported at the meeting.

Consultation Period Expiry Date - 26th March 2010. Any comments received will be reported verbally at the meeting.

4.0 APPRAISAL

4.1 Key Issues

- impact on the character and special interest of the Grade II listed building.

4.2 Local Plan policy HE4 states that consent will only be granted for internal or external alterations where there is no adverse effect on the character, appearance or setting of the listed building.

4.3 Crabtree and Evelyn occupies No.7 St. Helens Square, which comprises two adjoining Grade II listed buildings. Listed Building consent is sought to infill two of its basement vaults with foamed concrete with a layer of high density polystyrene around the foamed infill. 2 No. paving stones on St. Helens Square would be lifted to allow the concrete to be pumped directly into the vaults.

4.4 The structural engineers report, which accompanies the application, explains that the two brick vaulted chambers run approximately 2.5 metres beyond the building line beneath St. Helen's Square. The vaults are fully propped with slender timber sections and there is evidence of significant past damage to the vaults, partially hidden by the propping and structural cracking below the springing level.

The report considers it likely that the damage has been caused by vehicle parking above and states that the area is vulnerable to future wheel loading, which could lead to partial collapse of the vaults, if action is not taken.

4.5 With respects to alternative solutions to addressing the structural failings of the basement, the structural engineer confirms that repair or strengthening of the vaults is a possibility. However, in view of the shallow depth of construction available and the potential for high vehicle point loads, the introduction of a suitable spanning element over the basement cross walls is likely to require the destruction of the majority of the original vault masonry. It is the Engineers opinion that the timber props should be replaced in such a way that the existing masonry is evenly supported and should be sealed off to remove a potentially hazardous void from the main basement area.

4.6 The proposed method of infilling with a foamed concrete is considered to be an established way to achieve support of a basement void. A membrane would be placed against the masonry, which would allow for it be removed cleanly in the future, allowing full archaeological investigation if required.

4.7 In terms of the impact of the proposed works on the fabric of the listed building and in the context of Local Plan policy HE4, the Conservation Officer is satisfied that the proposal is in line with good conservation practice as it preserves the historic fabric in situ and is reversible. A photographic record of the vaults has been provided.

5.0 CONCLUSION

5.1 The proposal to infill 2 of the brick vaulted chambers beneath 7 St. Helens Square with foamed concrete, is considered to be an acceptable means of addressing the structural failings of the basement. Whilst the vaults would be infilled, this option would preserve the historic fabric in situ and would be reversible. Officers are satisfied that alternative options have been explored and that the works have been justified. The application is therefore considered to accord with Local Plan policy HE4 and on this basis, Officers seek delegated authority to approve the application once the consultation period has expired.

6.0 RECOMMENDATION: Delegated Authority to Approve

1 TIMEL2 Development start within 3 yrs (LBC/CAC)

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

Cluttons Basement plan received on 2nd March 2010

Method Statement received on 2nd 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.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the fabric of the Grade II listed building. As such the proposal complies with Planning Policy Guidance 15 : Planning and the Historic Environment and Policy HE4 of the City of York Development Control Local Plan.

Contact details:

Author: Rachel Tyas Development Control Officer (Wed - Fri)

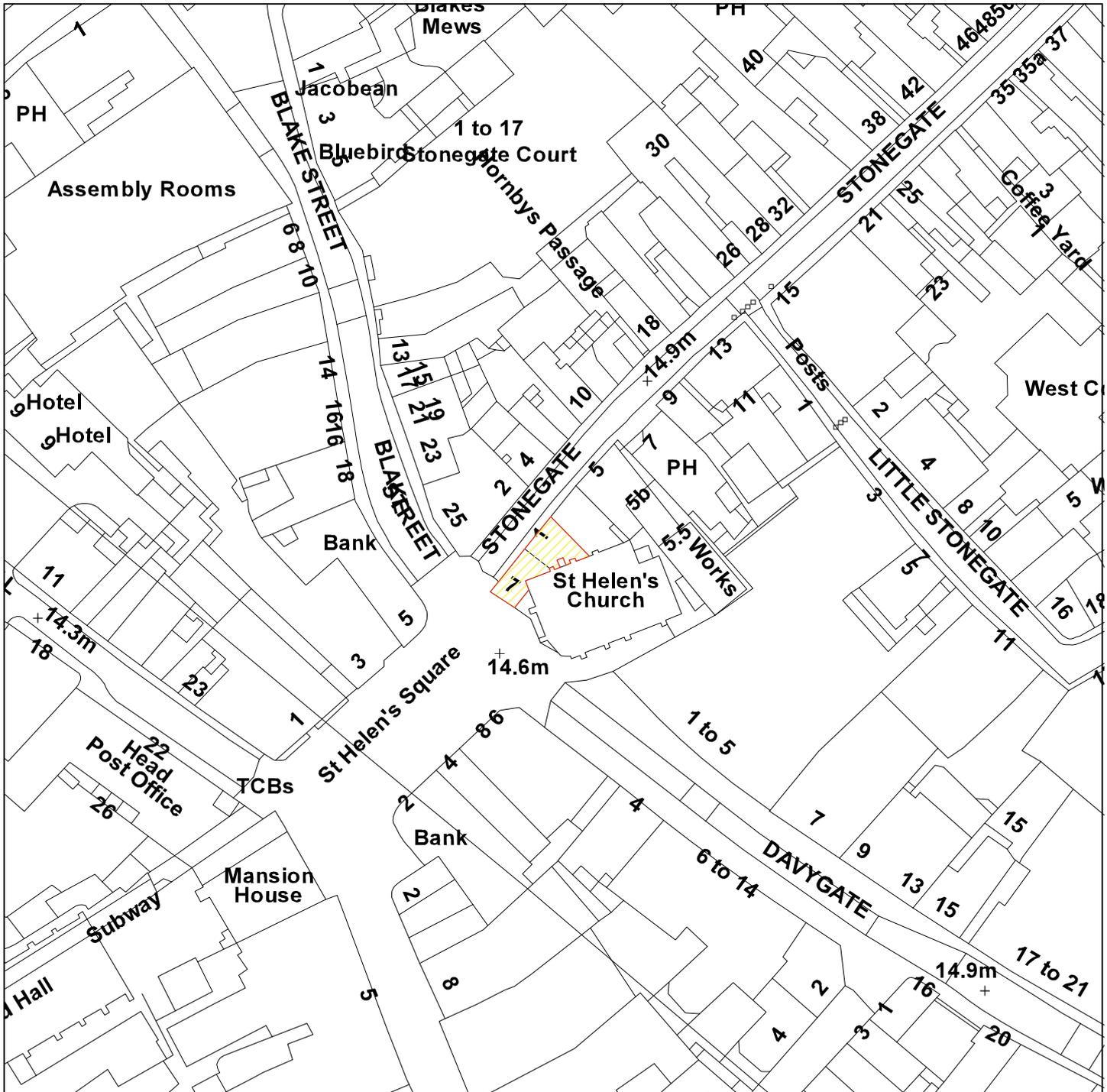
Tel No: 01904 551493

Crabtree and Evelyn Ltd, 7 St Helens Square

10/00347/LBC



GIS by ESRI (UK)



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Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application site
Date	05 March 2010
SLA Number	Not set

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SITE DESCRIPTION

1.4 The current surgery is located close to a bend along Moorcroft Road. It sits immediately adjacent to 38 Moorcroft Road and sides onto the rear gardens of 42 to 46 Moorcroft Road. The building still retains its domestic character, with the exception of a timber porch to the front, which serves as the reception area. A single storey flat roof extension is also present to the rear, which projects out some 3.7m. A single off-street car parking space is provided to the front. The highway immediately outside does not have any parking restrictions. The surgery currently operates with two consulting rooms and a treatment room at ground floor with the first floor unable to be used by patients.

1.5 The application site has been in use as a doctor's surgery for over 25 years, being converted from a residential property. In support the applicant has stated that patient needs and the National Health Service and the Primary Care Trust (PCT) services have changed considerably over this time and the building is no longer considered suitable to meet the current needs. North Yorkshire and York PCT undertook a suitability report in 2008, which severely criticised the existing building. The report graded the physical condition, functional suitability, energy performance, development capacity, location and quality at "D", being at risk of imminent breakdown, unacceptable in present condition and falling dangerously below the acceptable "B" rating. The practice has looked at relocating within the vicinity for a number of years with no acceptable sites coming forward. As such the application seeks permission to redevelop the existing site.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

2.2 Policies:

CYGP1
Design

CYC1
Criteria for community facilities

3.0 CONSULTATIONS

INTERNAL

Highway Network Management

3.1 No objections in principle to the scheme. However, there were initial concerns regarding vehicular parking due to the additional patients. The site currently has one parking space, which would not be increased and therefore does not meet the Council parking standards for medical practices. However, it is likely that the patients will be from the surrounding area so vehicle movements would be kept to a minimum. There are also car parking facilities available close by at the shopping parade.

Traffic Management

3.2 No complaints from local residents or the bus company have been received by Traffic Management about obstructions arising. If restrictions were placed on the street it would create a knock on effect pushing the vehicles onto nearby residential streets. However, if Members wished to condition the works the applicant should fund the Traffic Regulation Order.

Environmental Protection Unit

3.3 No objections but suggest hours of opening condition.

EXTERNAL

Neighbours - Original scheme

3.4 Letters of objection received from 29, 38, 46 and 49 Moorcroft Road, 108 Bramble Dene on the following grounds:

- Two storey building would not fit with the character of the area
- Loss of privacy from first floor rear windows
- Parking on Moorcroft Road, Bramble Dean and alongside the shops caused problems, especially with buses and delivery vans
- Double yellow lines are present at the junction of Moorcroft Road and Bramble Dene but this only pushes the parking further down the road
- Visitors should park to the rear of the shops but it appears that patients are unaware these spaces exist
- Increase in consulting rooms will lead to increased number of patients being seen to at one time and increased parking problems
- Disturbance caused by construction
- Nesting birds should be protected either in the undergrowth or nesting boxes
- Staff and patients park in the public house car park leaving no space for its own clients
- Existing gap (about 3m) should be kept between no.38 Moorcroft Rd and the application site, if narrowed it would create a rubbish trap and possible noise problems
- Existing surface water drainage problems need to be taken into account
- The proposed medical training could take place elsewhere, allowing the scheme to be scaled down
- Given the nil increase in the number of employees, and the need to consider the impact on adjacent property, the proposal for two additional consulting rooms is excessive

Neighbours - Revised Scheme

3.5 Members will be updated at committee of any additional comments received to the revised plans.

Dringhouses and Woodthorpe Planning Panel

3.6 Do not object but wish to make the following comments:

- Support the demolition of the existing building which is not fit for purpose
- Provides better healthcare and consulting services with more space and facilities within the same location
- Parking and road marking should be addressed as this is a busy road and a bus route
- Rear extension should be pitched roof rather than flat roof

4.0 APPRAISAL

4.1 Key considerations

- Design and impact on residential amenity
- Highway Implications

4.2 The relevant City of York Council Draft Deposit Local Plan policies are GP1 and C1. Policy GP1 'Design' of the City of York Local Plan Deposit Draft includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area. Policy C1 states that planning applications for social, health, community and religious facilities will be granted permission provided that; the proposed development is of a scale and design appropriate to the character and appearance of the locality; and it would meet a recognised need.

DESIGN

4.3 The proposed replacement building has been designed to appear as a residential property. As revised the main section would have a ridge height at 7.6m (400mm higher than existing) stepping down by 300mm for a section adjacent to number 38 Moorcroft Road. The existing property takes the form of a dormer bungalow with low eaves to the front and rear. The proposed surgery would increase the eaves to the front elevation to create a more usable first floor area. The eaves would therefore be 2m higher than existing. This would create a vertical front wall which it is proposed to insert a window. A dormer window would also be present to the front to gain additional head height required for the consulting room. The building would sit on a similar footprint to the original, although an increase of 10m² is proposed by single storey flat roofed elements to the front and rear. The existing carport to the side

would be removed and the two-storey structure moved closure to number 38, still leaving 1m to its blank side elevation. The new surgery would provide two consulting rooms and a treatment room at ground floor and two consulting rooms at first floor.

4.4 The application property is part of a run of 4 similar detached houses. Whilst a more traditional two-storey structure, it is considered that the proposed building has been designed to reflect the surrounding residential properties. It has retained a ridge height at a similar level to neighbouring properties and a similar footprint to the existing. It would sit closer to number 38 Moorcroft Road but this is not to the detriment of the street scene.

4.5 A sustainability statement has been submitted detailing carbon emissions, use of sustainable, renewable and recycled materials and water resources. The Sustainable Design and Construction IPS would not require a BREEAM assessment for this development.

RESIDENTIAL AMENITY

4.6 As the existing property is a dormer bungalow and the proposed surgery is more of a traditional two-storey property with higher eaves there would be an increase in the bulk of the structure. This would have an impact upon the amenity of 42, 44 and 46 Moorcroft Road, which lie immediately to the north of the application site. These properties are located around a 90-degree bend in Moorcroft Road and as such they back onto the application site. The rear elevations of these properties lie at a distance of 13m to the proposed side elevation of the new surgery. However, number 40 Moorcroft Road has an existing single storey extension, containing a dining room and a playroom, which brings it to within 10m of the proposed surgery. Due to the orientation the overshadowing which already occurs to these properties would be slightly increased, especially within the winter months. However, this increase would not appear to be so severe as to warrant a refusal based solely on these grounds.

4.7 The flat roof rear element projects further to the rear and marginally closer to number 38 Moorcroft Road than at present but it will be located 2m from the common boundary and being located to the north of no.38 is not considered that it would have any detrimental impact in terms of loss of light or over-dominance.

HIGHWAY IMPLICATIONS

4.8 Concerns have been raised in connection with the lack of off street parking. The plans indicate the provision of a single off road car parking space. The current parking standards would require a maximum of one space per professional staff, one per four other staff and two per consulting room. The proposed surgery would double the current consulting rooms and would likely increase patient numbers and trips to the surgery. At present on street parking occurs to both sides of the road, due to no parking restrictions immediately to the front, and visitors often park within the public house car park opposite and adjacent side streets. However, public car parking facilities are available to the rear of the local shopping parade, some 70m from the surgery. It is considered that many of the visitors to the surgery would live within the vicinity and as such it should be easily accessible by foot. It is also considered that if

alternative sites for the proposal could not be found within the immediate area and the surgery were to relocate out of its catchment area it would considerably increase vehicular movement to the alternative facility forming a less sustainable form of development.

4.9 Whist objections from neighbours have been taken into account it is considered that the lack of car parking within the site should not result in the refusal of the scheme. The surgery has stated that they will display signs inside the surgery and to the front of the site, if required, requesting patients to park in the nearby public car park. Furthermore, if permission is granted the surgery intend to write to all patients outlining the project and the temporary effect the redevelopment would have upon services. As part of this letter they would inform patients that once reopened they would be expected to use the public car park and not park to the front of the site. Likewise all new patients would be made aware of the parking arrangements.

4.10 Consideration was given to placing parking restrictions to the front of the surgery but Traffic Engineers are reluctant to encourage this approach as they have received no complaints in connection with obstructions arising in this location. Furthermore, if restrictions were placed to the front of the site it would push patient parking onto adjacent residential streets, resulting in additional disturbance.

5.0 CONCLUSION

5.1 It is considered that the proposed replacement surgery would not have any detrimental impact upon the character and appearance of the area. The design is in keeping with neighbouring properties and whilst a certain loss of light would occur to neighbours the distance between the rear elevation of the properties and the surgery is considered acceptable. Increased traffic movements and the lack of on site parking provision do give rise for concern. However, on balance, it is considered that relocating the facility outside of the catchment area would be detrimental to the patients and would create additional vehicle movements, creating a less sustainable scheme. If parking on the highway were to increase and cause potential vehicle conflicts placing parking restrictions on the highway could be investigated. The proposal is considered to comply with policy GP1 and C1 of the Development Control Local Plan.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing number FOX/0001/09/1002 Rev A received 1st February 2010 and drawing number FOX/0001/09/1002 Rev C received 8th 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 VISQ8 Samples of exterior materials to be app

4 The doctors surgery shall not be open except between the hours of 0800 and 1800 on Mondays to Fridays, with one weekday opening up to 2000, and 0800 to 1000 on Saturdays and not at all on Sundays or Bank Holidays.

Reason: To safeguard the amenities of local residents.

5 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.

Reason: To protect the amenities of adjacent residents.

6 DRAIN1 Drainage details to be agreed

7 HT1 7.6m

8 HWAY18 Cycle parking details to be agreed

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 residential amenity, the character of the area and highway safety. As such the proposal complies with Policies GP1 and C1 of the City of York Development Control Local Plan.

2. DEMOLITION AND CONSTRUCTION

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

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

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

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

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

vi. There shall be no bonfires on the site

3. PARKING AND INFORMATION FOR VISITORS

The applicant is requested to make patients aware of the nearby car park, cycle parking facilities and bus routes in order to minimise parking on the public highway. Reference to these facilities could be given in surgery literature and letters to patients, information for new patients, on appointment cards etc.

Contact details:

Author: Heather Fairy (Mon - Wed) Development Control Officer

Tel No: 01904 551668

Doctors Surgery, 40 Moorcroft Road

10/00035/FUL



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application site
Date	05 March 2010
SLA Number	Not set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Westfield
Date: 18 March 2010 **Parish:** No Parish

-
Reference: 09/02284/FULM
Application at: Edmund Wilson Baths Thanet Road York YO24 2PE
For: Erection of foodstore with associated parking and landscaping after demolition of existing swimming pool
By: Lidl UK GMBH
Application Type: Major Full Application (13 weeks)
Target Date: 19 March 2010
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks planning permission for a new foodstore on the site of the Edmund Wilson Swimming Baths on Thanet Road. The proposed foodstore would have 1353 sq m floorspace of which 1063 sq m would be dedicated to retail floor area.

1.2 The proposal is for the foodstore to be located on the north eastern part of the site with the car park to the south west. Vehicle access would be form a new access point on St James Place.

1.3 The site currently contains two buildings both of which would be removed to make way for the retail unit and car park. The existing main building is significantly set back from the Thanet Road with parking spaces to the side and front of the building. There is an existing telephone mast to the northern corner of the site that is retained in the proposed plans.

1.4 On two sides of the site is Hob Moor which is designated green belt and a non-statutory nature conservation site. To the south east of the site are dwellings and to the south west of the site is a Bowling Club and Acorn ARL Sports and Social Club.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

2.2 Policies:

CYSP3
Safeguarding the Historic Character and Setting of York

CYSP7A
The sequential approach to development

CYSP8
Reducing dependence on the car

CYGP1
Design

CYGP3
Planning against crime

CYGP4A
Sustainability

CYGP9
Landscaping

CYL1B
Loss of local leisure facilities

CYT4
Cycle parking standards

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT – Have concerns

3.1 The modification of the priority of the junction of the site entrance with St James' Place is considered to be acceptable

3.2 The submitted Transport Assessment has considered the net increase in traffic over the existing use and has demonstrated that the adjacent highway network will not be detrimentally impacted by the proposed development and adjacent junctions will continue to operate within their theoretical capacity.

3.3 Parking and turning within the site curtilage for both customers and delivery/servicing traffic has been provided.

3.4 Officers are not satisfied with the location of the proposed customer cycle parking facilities and have been in protracted negotiations with the applicants. It is considered that the proposed location does not encourage cycling as a form of travel as they have been placed behind the trolley collection point, away from the store entrance. Furthermore they are remote from the pedestrian access onto Thanet Road, which is the likely route that cyclists will use in accessing the store.

3.5 It has been confirmed that staff are to be permitted to store their cycles within the storage area of the building.

3.6 A Travel Plan is not proposed to be secured as experience demonstrates that the type of user proposed has low levels of staffing (particularly the amount on site at any one time) and as such is unlikely to prove conducive to producing a meaningful Travel Plan that could be successfully implemented.

3.7 Ambiguity of the gross floor area. If the store is 1520 m² GFA the store may have a maximum permitted provision of 66 spaces. If the store is 1353 m² GFA the store may have a maximum permitted provision of 59 spaces. The maximum standards are a maximum provision not a target and given the sites sustainable location and information provided on

likely parking accumulation we should see levels of parking below this maximum. The submitted traffic assessment included a car parking assessment which identified that during a weekday the total cars parked on site peaked at 36, this figure rises to 58 for a weekend. 8 spaces could be lost to bring down the level of provision down in line with the parking accumulation assessment. Not considered there would be displacement of car parking onto the adjacent highway if this did occur it could be dealt with through the creation of waiting restrictions. Sites that are in a sustainable location should actively promote sustainable travel in line with local and national planning and transportation policy. Recommend condition stating that the number of parking spaces should not exceed 59.

STRUCTURES AND DRAINAGE

3.8 No comments received regarding additional drainage details. Details will be reported at the committee meeting

ENVIRONMENTAL PROTECTION UNIT - No objections

3.9 Lighting - Within the application details of the proposed external lighting for the car park are provided and seem to indicate that the lighting levels will seamlessly integrate into the background lighting levels in the area. Furthermore the lighting is only proposed to operate during the hours of operation of the foodstore, turning off when the store is not operational. However, whilst this may be the case no details have been provided about the levels of light spill beyond the site boundary as a result of the proposed lighting. Therefore request conditioning further details

3.10 Land Contamination -The desk study report (dated Nov 2009) identifies the closed landfill site, but fails to fully assess the associated risks. The report states that there is a moderate likelihood of landfill gas due to the 'impermeable nature of the underlying and adjacent strata which will prevent migration below the building'.

3.11 Air Quality - The development site is not within City of York Council's Air Quality Management Area (AQMA), nor is it likely to have a significant impact on traffic flows within the AQMA. The impact of a new supermarket in this location, over and above the existing use as a swimming pool/leisure facility, is unlikely to have any air quality implications.

STREET LIGHTING - Light spill calculations are required

CITY DEVELOPMENT - No objections

3.12 There would be a small trade draw from Acomb District Centre, appraisal of the application against our retail study and PPS4 tests has shown that this would not be significant, and could be outweighed by other qualitative benefits such as local employment opportunities and low cost food retailing in a relatively deprived area of the city. would suggest that conditions are imposed to control: Overall maximum gross/net floorspace; and Future sub-division of the unit

LANDSCAPE ARCHITECT – Object

3.13 Concerned regarding the amenity of the public realm along Thanet Road. The proposed building comes a lot further forward resulting in a loss of trees within the margin between the building and the pavement.

3.14 Given that the Council still own the property it is important that there are some improvements to the public realm

3.15 If the footprint of the building cannot be altered then it may still be possible to achieve a wider planting strip by incorporating the existing concrete hardstanding along the tarmac footpath and possibly incorporate some fastigate trees (narrow, multi-trunk). The pavement should be incorporated /improved into the scheme

3.16 Seek highways opinion on the level of parking can be reduced to provide scope for some tree planting at least at each corner of the car park to frame the building and soften the development edge

3.17 The six new trees along the boundary are welcome but do not compensate for the loss of trees along the road front

3.18 No reasoning for removing the tree at the corner of St James Place

3.19 The application form has been incorrectly completed it has stated that no trees on site, rather there are 6 significant trees proposed for removal

3.20 This is council property and therefore we should be encouraged the implementation of the Council's aspirations where opportunities exist

3.21 The mono-pitch roof gently sloping towards Hob Moor lends itself to the creation of a living/green roof in the interest of increasing bio-diversity and decreasing surface water run off and the urban heat island effect. Given the commitment to this at the Park and Ride sites. This should be encourage if not imposed by the council

SUSTAINAIBILITY OFFICER

3.22 The requirement for a site waste management plan has been addressed

3.23 At present details have not been provided as to how the development will achieve the IPS requirement for a 'very good' rating under the BREEAM standard. Can be dealt with by way of a planning condition.

3.24 Details have not been provided as to how the development will achieve the IPS requirement for 10 per cent of the developments energy demand to come from on-site renewable energy sources. Can be dealt with by way of a planning condition

COUNTRYSIDE OFFICER - Have concerns

3.25 A large flat roofed structure such as this is ideally suited either to rainwater harvesting, solar energy or establishing a green/brown roof. Such structures can provide substantial benefits in energy saving and offsetting drainage as part of a Suds, as well as providing extremely valuable habitat for wildlife. As their does not seem to be any inclusion of rainwater harvesting or solar power in the proposal, then the roof space is effectively a dead space which does nothing but push water into the surface water drainage system. There is a prime opportunity therefore to establish a green roof for biodiversity and thermal control. Sustainable drainage, energy conservation and biodiversity issues should be brought into this development.

3.26 With regard to biodiversity, comfortable with the findings of the bat report and do not consider that anything other than a working strategy for the demolition of the building is required.

3.27 No record of a bat roost close to the Edmund Wilson site but there is good foraging habitat on Hob Moor and there may indeed be a roost in one of the mature trees close by.

Even if this was the case it is not considered that the roost would be significantly affected by the Lidl redevelopment, although lighting may be an issue and any proposed security or other lighting will need to be taken into account. The use of artificial lighting can be an issue particularly close to areas where bats are known to forage and roost - it can have an effect on foraging although this can be dependent on light intensities and the times in which the lighting is on.

3.28 With regard to the hedge on the NW boundary, accept that this would restrict the access road.

3.29 With regard to the fencing, it is noted that the Hob Moor boundary is proposed as a 2m palisade. Is such a substantial boundary particularly necessary bearing in mind that there does not appear to be any boundary fence to the front and southeast sides of the development. A lower fence, would make an equally acceptable boundary without being quite so intrusive. It is noted that a timber knee rail at the SE end and there are no details of what fencing is proposed by the new gated access. Presume this will be a post and rail fence to ensure stock control but would be grateful for confirmation of this.

3.30 With regard to the new gate, would like a combined field gate and kissing gate to permit both vehicular and pedestrian access.

PUBLIC RIGHTS OF WAY - No comments received

EXTERNAL CONSULTATIONS/REPRESENTATIONS

NORTH YORKSHIRE POLICE ARCHITECTURAL LIAISON OFFICER – No objections

3.30 No objections providing the development is carried out in accordance with the letter dated 19 January 2010 from Adrienne Forrest, Lidl Acquisitions Manager to Jim Shanks the Police Architectural Liaison Officer.

YORK NATURAL ENVIRONMENT PANEL - Object

3.31 The land use has changed from green public amenity to built public amenity, with the proposals now for a change to commercial enterprise. This site, amongst others appears to be part of a rolling program converting council owned land to commercially developable land. As it is recognised there is no longer a requirement for a built public facility the land should be reinstated to a green public open space. The ultimate aim, in line with council policy, should be to reinforce the green link through to Acomb and the countryside beyond.

3.32 Was exchanged land provided for the loss of stray as part of the planning consent for the development of the swimming pool?

3.33 If the application is granted consent would like the following: provide a suitable public access point to the stray; provide good agricultural access to the stray, particularly for the purpose of livestock management; provision of public toilets; that the building footprint be reduced back from the roadside to enable the planting of a line of trees at the front to soften hard lines of the development (alternatively a commuted sum should be provided to fund the planting of large trees in the public.

3.34 Footway, including castings for the diversion of existing services should it be necessary); plant a continuous native hedge around periphery of the site to include standard trees (achieved by reducing car parking space); building should be an exemplar for sustainable practice having a green roof and green walls (e.g. ivy) to soften its aspect; low intensity lighting to minimise light pollution particularly onto Hob Moor.

YORKSHIRE WATER

3.35 No objections regarding the siting of the water pipe and the sewer shown in Drawing Numbers 7 and 8.

3.36 The drainage details submitted are not acceptable. Curtilage surface water may continue to discharge as before if this is a public sewer. However to prevent overloading of the public sewer network, surface water discharges to the network should be restricted to the level of run-off from the previous use of the site. The developer will have to demonstrate this to the satisfaction of YWS/the LPA by means of investigation and calculation. No evidence of positive drainage to the public sewer has been provided

FRIENDS OF HOB MOOR - Have concerns

3.37 Have concerns regarding the amount of litter that would result, Will there be litter bins on the site? Would like Lidl to provide litter bins at the access of Hob Moor

3.38 Will there be a deposit required for trolleys? Who will be responsible for the collection of trolleys from Hob Moor

3.39 Would like existing information board and dog bin to be re-sited to new access path

3.40 There are number of trees on Hob Moor within a few metres of the boundary, the developers have completed section 16 of the application form incorrectly, a tree survey should be undertaken

3.41 The lighting design report does not mention the spillage of light outside of the site

3.42 Will the car park be open for use outside of the shop opening hours

3.43 Section 21 of the application states opening hours of 08.00 to 22.00 Monday to Saturday (six hours between) 10.00 - 17.00 Sunday. The lighting report states 08.00 - 20.00 Monday to Saturday, 10.00 - 16.00 Sunday

YORK NATURAL ENVIRONMENT TRUST – Object

3.44 The Edmund Wilson Baths were built originally on the Stray Land of Hob Moor. Although land adjacent to Hob Moor Terrace became part of Hob Moor Stray in 1964, it has not been demonstrated that this area of land was added specifically to facilitate the building of the baths, nor has it been demonstrated that it would have been and is still, an appropriate strategic substitute for the land on which the baths now stand.

3.45 It is probable that the original justification for building the baths on stray land was the provision of what would have been seen as a valuable public amenity.

3.46 Though much of the local housing existed at that time, there was no suggestion that the area required a major food store and it seems unlikely that commercial development on stray land for this purpose would have been deemed acceptable. This remains the case.

3.47 Local shops do exist and they perform an important local function. Their viability would be damaged by the proposed development. Other shops are available in all directions only a short distance away and the larger supermarkets also operate a remote shopping and home delivery service.

3.48 There is no reason to believe that further expansion of supermarkets is needed to meet the needs of the surrounding community and no justification for the implication that every house in the city needs to be within a five minute walk of a large retail food store.

3.49 Only the coincidence of Council ownership suggests this site as 'preferable' for the suggested purpose. The ongoing process of converting public green spaces into commercial development land, via a few decades of use for some 'worthy,' built civic amenity, is becoming apparent, cannot be justified and is not acceptable.

3.50 It is now widely recognised that, both for people and wildlife, green corridors are of particular importance in linking areas of open space, making the value of the whole very much greater than the sum of its component parts.

3.51 This concept has been accepted in York and is in process of becoming an important part of land use planning within the emerging LDF.

3.52 The baths constitute a major physical, visual and aesthetic discontinuity within the Hob Moor/Acomb Moor green corridor, the only significant green corridor in this sector of York. The proposed development would perpetuate this.

3.53 The Hob Moor/Acomb Moor green corridor cries out for restoration and enhancement of its strategic landscape function. The CYC case for selling this land is that the baths are no longer required to perform their function as a public amenity. That being so, their removal and restoration of the site to meadowland, would be a first step in this essential process of corridor restoration. The removal of other impediments to the corridor can be achieved long term, as part of the planning process, whenever opportunities arise.

3.54 To do this would be consistent with policy and the LDF and confirm that what is emerging from the LDF is genuine and meaningful. It would mark the start of a renaissance of green corridors, demonstrating that CYC has the ability to think beyond the box and recognises opportunities to reverse the relentless process of urbanisation of York's green places, to the great benefit of its green infrastructure.

3.55 Because of its commercial interest in the sale of land for the proposed development, the City of York Council is not in a position impartially to decide the outcome of this application, YNET asks that this application be referred to the Secretary of State and made subject of a Public Inquiry.

ONE LETTER OF SUPPORT

3.56 Welcome addition to the area and assist with easing the current large supermarket monopoly in this area

3.57 Would like local produce to be sold in the store, and would like it as a condition of the store going ahead

3.58 Concerned regarding litter and rubbish. Are there plans in place to handle in-store generated rubbish and more so rubbish deposited by customers that could affect wildlife and cattle on Hob Moor

FIVE LETTERS OF OBJECTION

3.59 Concerned regarding the ownership of the site. The site was originally part of Hob Moor which historically is under the management and control of the freeman of York and

which are protected for the leisure and well being of the citizens of York. Is it legal for a recently new authority to sell of land that is protected by law

3.60 In one of the supporting documents supplied by Lidl they state that they have taken steps to engage the local community including a 10,000 leaflet drop. The nearest residential street to the proposed development was not included

3.61 The application states that they are going to provide 66 parking spaces and that they intend to employ 25 people. Would the employees use the parking spaces. St James Place suffered parking issues from the previous use of the site. What assurance can Lidl provide that this will not occur.

3.62 Concerns regarding the right of way

3.63 Concerned is site environmental aspects during demolition of the existing building and the construction of the new building

3.64 Concerned regarding the state of the site during construction

3.65 Potential noise issues during construction- would like access area routes and exit routes and details of where the debris from the existing building will be deposited

3.66 What constraint on working hours during demolition and construction

3.67 The amount of licensed premises within the area

3.68 There is a bat colony in the adjacent trees and the existing swimming pool buildings

3.69 There are already two large supermarkets and several smaller ones within mile of the site and to open new one would accelerate the decline of small independent shops in Acomb, Foxwood, and Woodthorpe

3.70 Increase in traffic on Thanet Road and Gale Lane

3.71 Another supermarket is not needed in York

3.72 Need access to facilities such as swimming pools, why is the swimming pool not being kept?

3.73 Possible job losses in the area and/or store closures as a result

4.0 APPRAISAL

RELEVANT SITE HISTORY

4953A - The erection of swimming baths - Approved (1964)

97/00275/PRA - Installation of antennae on 15m high tower and mast on roof - No objections

ADDITIONAL PLANNING POLICY

CYC Interim Planning Statement on Sustainable Design and Construction, 2007

Planning Policy Statement 1 - Delivering Sustainable Development

Planning Policy Statement 4 - Planning for Sustainable Economic Growth

Planning Policy Guidance 13 - Transport

KEY ISSUES

1. Land Use
2. Retail Assessment
3. Design
4. Sustainability
5. Highways
6. Drainage

ASSESSMENT

PLANNING POLICY

4.1 National planning policy contained within PPS1 'Delivering Sustainable Development', states that good design is indivisible from planning. Design which is inappropriate within its context, or which fails to take opportunities for improving the character and quality of an area or the way it functions should not be accepted. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

4.2 PPS4 states new retail development all planning applications for economic development should be assessed against the following impact considerations: whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change; the accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured. Whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions; the impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives; the impact on local employment.

4.3 The objectives of Planning Policy Guidance 13 'Transport' is to: promote more sustainable transport choices for both people and for moving freight; promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling; and reduce the need to travel, especially by car.

4.4 Policy SP3 'Safeguarding the Historic Character and Setting of York' in the City of York Council Development Control Local Plan (2005) states that high priority will be given to the protection of the historic character and setting of York. The following principles appropriate to this site are: The protection of key historic townscape features such as Hob Moor that contribute to the unique historic character and setting of the City; the protection of the environmental assets and landscape features which enhance the historic character and setting of the City. These comprise the river corridors and the green wedges, both existing and extended.

4.5 Policy SP7a 'The Sequential Approach to Development' in the City of York Council Development Control Local Plan (2005) states that to ensure development outside York City Centre is highly accessible by non-car modes of transport, a sequential approach will be taken in assessing planning applications for new retail, commercial, leisure and office development. Planning permission will be granted for new retail, leisure and office development over 400 m² floor space (net) in accordance with the following hierarchy:

(a) The defined Central Shopping Area for retail and York City Centre for leisure and office; then in

(b) Edge of City Centre sites or Acomb or Haxby District Centre, where it can be demonstrated that all potential City Centre locations have been assessed and are incapable of meeting the development requirements of the proposal; then in

(c) Other out of centre locations genuinely accessible by a wide choice of means of transport, where it can be demonstrated that criterion (a) and (b) locations have been assessed and are incapable of meeting the development requirements of the proposal.

4.6 Proposals for individual retail units within criterion (c) will not be permitted to have a net sales floor space of less than 1000 square metres. In the case of applications for major shopping developments (including retail warehousing), outside the Central Shopping Area, evidence of retail impact will be required to show that the proposal would not, together with other recent or proposed developments, undermine the vitality and viability of York City Centre's predominant role as a sub-regional shopping centre, defined central shopping area, or the Acomb and Haxby District Centres.

4.7 Policy GP1 'Design' of the City of York Council Development Control Local Plan includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.8 Policy GP3 'Planning Against Crime' in the City of York Council Development Control Local Plan (2005) states that new development will be required, where deemed appropriate, to incorporate crime prevention measures to achieve: natural surveillance of public spaces and paths from existing or proposed development; and secure locations for any associated car and cycle parking; satisfactory lighting; provision of CCTV, where the proposal would include the consumption of alcohol or the congregation of large crowds or would contribute to a significant increase in traffic, pedestrian activity, or the parking of significant numbers of vehicles.

4.9 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.

4.10 Policy GP9 'Landscaping' in the City of York Council Development Control Local Plan (2005) states that where appropriate development proposals will be required to incorporate a suitable landscaping scheme, and this must: be planned as an integral part of the proposals; and include an appropriate range of indigenous species; and reflect the character of the locality and surrounding development; and form a long term edge to developments adjoining or in open countryside. Where landscaping is adjacent to a key transport corridor providing access to the city, or other visually sensitive location, it must be ensured that it enhances the attractiveness of the route with substantial planting provided in the initial phase of any development.

4.11 Policy NE5a 'Local Nature Conservation Sites' of the City of York Council Development Control Local Plan states that Development likely to have an adverse effect on a Local Nature Reserve or a non statutory nature conservation site will only be permitted where the reasons for the development clearly outweigh the substantive nature conservation value of the site.

4.12 Policy L1b ' Loss of Leisure Facilities' states that planning permission will only be granted for a change of use that would result in the loss of a leisure facility where it can be demonstrated that: a need for the leisure facility no longer exists; or appropriate alternative facilities exist within the catchment area.

LAND USE

4.13 The site is set between two major housing estates, and is surrounded on two sides by a non-statutory nature conservation site - Hob Moor. The building is currently unused but up until recently the site was used as a public swimming pool and gym. These facilities have been relocated to Energise on Cornlands Road, this is considered to comply with the requirements of policy L1b of the local plan. A swimming pool is not designated as a community facility in the Local Plan and therefore the community facilities policies of the local plan are not relevant.

4.14 Property Services have confirmed that in 1957, the then city council wanted to use part of Hob Moor for some other purpose, so the Edmund Wilson Pool site and other land behind Newby Avenue and Windsor Garth was appropriated (transferred with government consent) to become part of Micklegate Stray. In 1964, the decision was made to build the Edmund Wilson Pool, the site was appropriated out of Micklegate Stray and replaced with an equivalent area of land at Hob Moor Terrace. The site was part of Micklegate Stray for 7 years and not since 1964. Objectors have suggested that the site should revert to being part of Hob Moor following the demolition of the swimming pool. However the original planning permission for the swimming pool contained no condition requiring this and such this is a land ownership issue and not a planning issue.

RETAIL ASSESSMENT

4.15 This application seeks permission to demolish the two existing buildings on the site and to erect a new foodstore. The foodstore would have an external area of 1353 sq. m of which 1063 sq. m would be dedicated to retail floorspace. The Lidl store building would be situated in the northwestern portion of the site. The front of the building (with glazed customer entrance and canopy) would front onto the car park. The side elevations would face Thanet Road and Hob Moor. To the south east of the site would be the car park which would accommodate 66 cars. There would also be spaces for ten cycles. Vehicular access to the car park and service/delivery access would be via St James Place using a new access. The loading bay is situated to the north east/side elevation of the store building.

4.16 In assessing applications for retail development, PPS4 replaces the previous tests set out in PPS6, removing the requirement to evidence need for the proposed development. PPS4 was published on 29 December 2010, after this application was submitted. PPS 4 advises that planning permission for out-of-centre retailing which are not in accordance with a development plan should be refused where: The applicant has not demonstrated compliance with the sequential test, and; There is clear evidence that the proposal is likely to lead to significant adverse impacts, for example on emissions, local employment, the character and quality of the area or the vitality of local centres (taking into account local evidence base such as the current retail study).

4.17 PPS4 advises that a sequential assessment is required for planning applications of this type, which are not in an existing centre and are not in accordance with an up to date development plan. The applicant has considered other potential sites available, suitable and viable sites within the catchment, including Acomb District Centre and the local centres at Bishopthorpe, Copmanthorpe and Upper and Nether Poppleton. In line with local plan policy SP7a, they have also considered allocated sites within the City Centre, Haxby District Centre and the York Northwest area. No sequentially preferable sites were found.

4.18 In advance of development plans being revised to reflect PPS4, an assessment of impacts is necessary for planning applications for retail and leisure developments below 2,500 square metres which are not in an existing centre and not in accordance with an up to date development plan, that would be likely to have a significant impact on other centres. It is important to note that PPS4 puts more emphasis on consideration of the qualitative impacts (both positive and negative) of a scheme.

4.19 In quantitative impact terms, the turnover of the proposed store is likely to result in trade draw from other foodstores within the catchment area, namely the Tesco store at Askham Bar and Acomb District Centre (including Morrisons). It is anticipated that allowing this proposal would result in a loss of 2.1% of Acomb's trade, 1.7% from Tesco and 2.3% from other local shops. However, this is consistent with the forecast annual rate of growth in expenditure and therefore would have a negligible impact on the vitality and viability of Acomb District Centre, which the current retail study tells us is a healthy centre, with an anchor food store which is trading exceptionally well and above its company average level. Any impact from new floorspace is therefore likely to be absorbed by the surplus expenditure available in the catchment area. The impact and competition to other out-of-centre foodstores (such as Tesco at Askham Bar) is not a planning consideration.

4.20 In terms of the potential qualitative impact on economic and physical regeneration in the area, it is acknowledged that Westfield Ward has the most significant levels of socio-economic deprivation in this part of York, with higher than average scores in most indicators, including non-car ownership and unemployment. The Kingsway West area to the north of the site is one of the most deprived areas in York. Surrounding wards have high concentrations of older people, together with high proportions of households with no car compared to the York average. The proposed store would provide around 25 full-time and part-time staff, which the applicant states would be predominately from the surrounding local area. The site is very accessible by a choice of car and non-car modes, with the no. 4 bus route providing frequent bus access through Acomb to the University - sheltered bus stops are less than 100m from the site. There are good cycle links along Thanet Road. The proposed store would bring a range of discount food retailing to support that which current exists in Acomb. This development therefore offers benefits to the local area in terms of employment and accessible low-cost retailing.

4.21 Planning conditions can be placed restricting the range of goods to be sold to make certain that the development does not subsequently change its trading character which could adversely impact upon the vitality and viability of existing centres.

4.22 Consultations received from local residential have requested that local produce should be sold within the shop. This is considered to be outside the planning remit.

DESIGN

4.23 The proposed building would set back from the boundary on Thanet Road by 3.4 metres. The existing building is set back 10.5 metres from the boundary onto Thanet Road. The area and the streetscene is open in character and the setting the building closer to Thanet Road would cause the proposed building to be more prominent within the streetscene. The highest part of the building is closest to Thanet Road, at 7.7 metres in height. The elevation facing Thanet Road would be 43.5 metres in length excluding the canopy. It is made up of 8 white rendered bays of 3.1 metres in height with high level glazing separated by brick piers. Above this, up to the full height of the building would be grey cladding. Only one of the bays has full bay height glazing. It was requested from the agent to have at least another bay, preferable two, to have full bay height glazing to add visual

interest to this elevation. However the agent decided not to comply with this advice. It is considered that this elevation is nondescript. By virtue of the elevation's height and prominence within the streetscene it is considered that additional full length glazing would be a positive visual addition and could be conditioned along this elevation if the permission was granted.

4.24 The proposed design of the building is considered to have a utilitarian and functional appearance and given the proximity to the nature reserve and the residential properties the design is considered to be disappointing. Despite pre-application advice the applicant has refused to amend the design. The agent has stated that the design is a standard design they use in other parts of the country. This argument is considered to carry very little weight as each application is dealt with on a case by case basis and each site has different qualities.

4.25 There is a duo post structure supporting a high level illuminated advertisement within the canopy fronting the car park. The agent has been requested to remove this aspect because it is considered to be unduly prominent and incongruous given the adjacent residential streets. It is therefore it is recommended that this structure is removed by condition if planning permission is granted.

4.26 The applicants have proposed 2 metre high paladin fencing to the boundaries fronting Hob Moor. The security argument of the paladin fencing is considered to have little weight, as the boundaries to St James Place and Thanet Road would be separated by a timber knee rail and soft landscaping. At present there is a 2 metre high bow top fence which is considered to have a more attractive appearance than a paladin fence. However a paladin fence still affords views through the site and has been previously allowed at Hob Moor School. No details of the colour of the paladin fence have been submitted and therefore it is considered prudent to condition these details if planning permission is granted.

4.27 The Landscape Officer and the York Natural Environment Panel have both objected by virtue of the increase in prominence of the building together with the removal of existing trees. Both parties have requested that trees be planted along the Thanet Road boundary to provide an element of screening of the proposed building. However there is a water main running close to this boundary and as such Yorkshire Water will not allow trees to be planted along this boundary as the root system may cause damage to the water infrastructure and prevent access to the pipe. There is an over provision of car parking so if required some parking spaces could be used for landscaping this is also discussed in paragraph 4.36.

4.28 Limited landscaping has been provided along this elevation and much of the species proposed do not grow in excess of 1 metre in height. The Police Architectural Liaison Officer was concerned that the white render bays would encourage graffiti; the agent has proposed to overcome this problem by defensive planting to the elevation fronting Thanet Road. In addition as previously discussed more full length glazing along this elevation may also prevent anti-social behaviour.

4.29 The design is considered to have a neutral impact, in comparison to the existing. PPS1 states that design which fails to take opportunities for improving the character and quality of an area or the way it functions should not be accepted. It would have been preferable if the scheme could have responded more sympathetically to its environment and position adjacent to Hob Moor. The size and openness of Hob Moor causes the existing and proposed building to be visible from a considerable distance. However on balance the surrounding dwellings and buildings are relatively modest in design and the simplicity of the proposed design is not considered to be unduly intrusive despite the lack of screening and the small set back from the Thanet Road boundary.

SUSTAINABILITY

4.30 The Interim Planning Statement on Sustainable Design and Construction and Policy GP4a of the Local Plan require a sustainability statement which addresses all the criteria set out in Policy GP4a. The sustainability statement should state that a BREEAM assessor has been appointed and give an indication of timescales. The statement should also explain how the minimum standards (recycled materials, waste and landfill, pollution, site management and renewable energy) will be met.

4.31 No details have been provided as to how the development will achieve the IPS requirement for a 'very good' rating under the BREEAM standard. No details have been provided as to how the development will achieve the IPS requirement for 10 per cent of the developments energy demand to come from on-site renewable energy sources. Both these issues could be dealt with by relevant conditions

4.32 Options such as green/brown roofs, use of natural materials, photovoltaic panels, rainwater harvesting, solar gain etc appear not to have been considered at the design stage of this application and it is considered to be a missed opportunity. Especially as the site is large enough to accommodate these features.

HIGHWAYS

4.33 Access to the new foodstore is to be via the existing junction of Thanet Road and St James' Place. It is proposed to modify the priority of the junction of the site entrance with St James' Place in order to reflect the route of the main flow of traffic, which will be to the store. The change in priority will also assist in the manoeuvring of HGV delivery traffic to the store. The works will consist of some kerb realignment works as part of the formation of the site entrance and white lining. The alterations to the site access with St James Place is not considered to impact further on the residential amenity of the residents of St James Place and Thanet Road in terms of disturbance to residential amenity.

4.34 The submitted Transport Assessment has considered the net increase in traffic over the existing use and has demonstrated that the adjacent highway network will not be detrimentally impacted by the proposed development and adjacent junctions will continue to operate within their theoretical capacity. Parking and turning within the site curtilage for both customers and delivery/servicing traffic has been provided.

4.35 The site is located immediately adjacent to bus stops served by high frequency services including the FtR route. The adjacent highway has a number of crossing facilities, both controlled and uncontrolled, with street lighting and adequate footways. The site is therefore considered to be in a highly sustainable location and will enable customers and staff to arrive by non car modes.

4.36 It should be noted that the retail assessment and application forms submitted by the applicants is for a foodstore with a gross floor area of 1,353 sq m, (the agent has stated in a letter dated 2 February 2010 that the gross floor area is 1520 sq m, this is also specified in the Transport Assessment) but with the same net sales area - 1,063sq m. However the agent has included the canopy in the calculations of the gross floor area, as the canopy is open it is not considered that this can be used as part of the gross floor area and therefore the figure of 1,353sq metres as specified in the application forms is considered to be the gross floor area of the store. As such the applicant have proposed an over provision of parking spaces against the Council's maximum standards. The maximum level for the gross floor area of the proposal is 59 spaces. The application proposes 66 spaces. A reduction in car parking would promote the sustainability of the site but the agent is unwilling to amend the scheme. The submitted Transport Assessment included a car parking accumulation

assessment identified that during a weekday the total cars parked on site peaked at 36, this figure rises to 58 for a weekend. As such parking provision can be reduced by at least 8 spaces to bring the level of provision down in line with the parking accumulation assessment. Highways have suggested conditioning the number of parking spaces, to the maximum recommended for the gross floor areas – 59 spaces, this is considered to be reasonable. As such additional cycle parking and landscaping could be provided in the over supplied parking spaces. This could be covered by a condition and would bring the proposal within the maximum parking standards set out in the Local Plan. Highways have confirmed that it is not considered to lead to a displacement of car parking onto the adjacent highway, if this did occur it could be dealt with through the creation of waiting restrictions.

4.37 The number of cycle parking spaces (10) has been agreed with Highways officers based on the maximum number of cyclists expected on site at any one time. The cycle standards in the Local Plan would indicate that the site should have 38 cycle spaces. Whilst it is considered that this may be an over supply should Members consider that additional spaces should be provided it is considered reasonable that excess parking spaces could be used for additional cycle parking. The surrounding area has a below average car ownership level, and as the site is a sustainable location within the city and as such it is considered reasonable to have more cycle parking available and in addition to encourage cycle use.

4.38 Highway Officers are not satisfied with the location of the proposed customer cycle parking facilities and have been in protracted negotiations with the applicants. It is considered that the proposed location does not encourage cycling as a form of travel as they have been placed behind the trolley collection point, away from the store entrance. Furthermore they are remote from the pedestrian access onto Thanet Road, which is the likely route that cyclists will use in accessing the store. The applicant has indicated that cyclists are expected to have to cycle through the car park. This is considered to represent very poor design. The applicants are unwilling to amend the design. It is considered the siting of the cycle parking and trolley bay under the canopy could be overcome by condition. It has been confirmed that staff are to be permitted to store their cycles within the storage area of the building.

4.39 Hob Moor lies to the East of the site and currently there is a kissing gate in the sites Eastern boundary fenceline which enables pedestrians to access Hob Moor from Thanet Road/St James` Place. There is some doubt over whether the route is a Public Right of Way as it has been indicated that the site is secured on an evening. The route will have undoubtedly been used for many years, potentially prior to the swimming pool. As such it is considered that the most appropriate course of action is to treat the route as a PROW and have the route diverted under the 1980 Highways Act. This process is separate to the planning process. The diverted route will involve the creation of a new section of footway to the Northern side of St James` Place, which will be constructed and offered for adoption under a Section 38 Agreement of the 1980 Highways Act. The PROW will then exit onto St James` Place via a new kissing gate. These works are to be funded and provided by the developer. The countryside officer has requested that the access be upgraded to a vehicle access, however as the diversion of the route would be dealt with under non-planning legislation is not considered reasonable to request a vehicle gate.

DRAINAGE

4.40 Yorkshire Water have concerns reading the drainage details submitted. It is considered that further details and attenuation measures can be dealt with by condition. No condition has been proposed in this report, as the wording would depend on the feedback from our Structures and Drainage team, a condition will be put forward at the committee meeting.

4.41 At the time of writing the report no comments had been received from the Structures and Drainage team regarding the additional surface water drainage information submitted by the agent. They had originally objected to the scheme on the grounds of insufficient information.

4.42 Feedback from Yorkshire Water and the CYC Structures and Drainage team will be reported at the committee meeting.

OTHER ISSUES

4.43 There have been some objections to the development of the site. The ownership of the site by the City of York Council has been questioned. The ownership of the site is a civil matter and is not a planning consideration.

4.44 There is some ambiguity as to the opening hours proposed the lighting report states that Monday to Saturday opening hours are 08.00 to 20.00 hours and Sunday the store would be opened 10.00 to 16.00 hours. The application form specifies an opening time of Monday to Saturday 08.00 to 22.00 and on a Sunday 6 hours between 10.00 and 17.00. It is considered reasonable that the proposed opening hours are those specified in the application form.

4.45 The site given its sensitive location adjacent to Hob Moor, and the proximity to nearby dwellings, it is considered further details of the external lighting including light spillage are reasonable to condition.

4.46 The proposed use and appearance of the site is not considered to impact further on the amenity of Hob Moor than the existing building. The Friends of Hob Moor have requested that the applicants contribute towards refuse bins on Hob Moor.

4.47 Objections have been raised in regards of the local authority making a decision on an application that would be of financial benefit to the local authority. The Town and Country Planning General Regulations allows the local authority to be the decision making body in such cases subject to reference of applications to the Secretary of State by directions made under section 77 of the Town and Country Planning Act 1990. Circular 02/09 give directions of when applications are required to be referred. The application is for an out of centre retail unit however it is under the 5000sq metres threshold specified in the circular and as such is not required to be referred to the Secretary of State.

5.0 CONCLUSION

5.1 The proposal is considered to be in accordance with local and national planning policies. The principle of the development is considered to be acceptable, the design is simple and whilst more prominent than the existing buildings would not be unduly intrusive or harmful to the streetscene. The change in use of the site is not considered to cause harm to the residential amenity of the occupants of the nearby dwellings.

5.2 It is considered that the design issues and the additional information relating to sustainability, cycle parking, landscaping, parking provision can be dealt with by condition. Approval subject to the following conditions is recommended.

6.0 RECOMMENDATION: Approve

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

Drawing Number 01 Revision F received 3 February 2010
Drawing Number 02 Revision H received 3 February 2010
Drawing Number 03 Revision E received 2 March 2010

Except where conditions have been imposed which require amendments to the above drawings.

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

2 TIME2 Development start within three years

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

Reason: So as to achieve a visually cohesive appearance.

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

- Clothing and Footwear
- Accessories
- Watches and Jewellery
- Music and Video recordings and Video and CD Rom
- Camera and Photographic equipment
- TV/Video/DVD and Hi-Fi equipment
- Toys
- Pharmaceutical goods
- Books/Magazines
- Leisure and Luxury goods (e.g. handbags, luggage, china, glass goods and cutlery)

Reason: To minimise the impact of comparison goods sold at these stores competing with York City Centre and the Acomb Centre retail outlets selling the same goods, and in compliance with Policy SP7a of the City of York Council Development Control Local Plan.

5 The amount of comparison goods sales floorspace shall be limited to no more than 15% of the net floorspace granted permission. The remainder shall be retained for the sale of convenience goods.

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

6 The unit shall not be subdivided.

Reason: In the interests of the amenities of occupants of nearby residential properties and in compliance with Policy SP7a of the City of York Council Development Control Local Plan.

7 No mezzanine floor shall be installed into any part of the unit.

Reason - To ensure a sequential approach to the provision of retail development in accordance with PPS4 is achieved and to safeguard York City Centre and District Centres identified in the Local Plan.

8 The retail sales area shall not exceed 1,063 sq m.

Reason - To ensure a sequential approach to the provision of retail development in accordance with PPS4 is achieved and in compliance with Policy SP7a of the City of York Council Development Control Local Plan to safeguard York City Centre and District Centres identified in the Local Plan.

9 Before the commencement of development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan 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 and construction phases of the development and manage Heavy Goods Vehicle access to the site. It shall include details of measures to be employed to prevent the egress of mud, water and other detritus onto the public highway. It shall include for the provision of a dilapidation survey of the highways adjoining the site. Once approved, the Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenity of residential occupants on the site and in the surrounding area and in the interests of highway safety.

10 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 and approved in writing by the Local Planning Authority. These details shall include maximum sound levels (LA_{max}(f)) and average sound levels (LA_{eq}), octave band noise levels and any proposed mitigation measures. All such approved machinery, plant and equipment shall subsequently be used on the site in accordance with the agreed details. Any approved noise mitigation measures shall be fully implemented and operational before the associated machinery, plant or equipment to which it relates is first used and shall be appropriately maintained thereafter.

Reason: To safeguard the amenity of occupants of neighbouring premises in accordance with the aims of PPG24.

11 Notwithstanding the submitted plans and prior to the commencement of the development hereby permitted full details of the method and design of external illumination for the site including light spillage calculations shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details. In addition no development shall take place until details have been submitted to and approved by the council of how species known to use the surrounding area such as bats are to be taken into account with the proposed lighting scheme of the new development, and how any potential impacts will be minimised. The scheme should show how light spillage will be minimized, and ensure that any bat roost sites, bat foraging or commuting areas are not directly illuminated.

A 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.

Reason: In order to protect the amenities of neighbours and the character and appearance of the area from excessive illumination. To take account of protected species which are known to use the surrounding area and which can be affected by artificial lighting.

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

a. Site Characterisation

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

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

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

b. Submission of Remediation Scheme

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

c. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to

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

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

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

13 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.

14 The development hereby approved shall be constructed to a BREEAM standard of 'very good'. No building work shall take place until a BREEAM Pre-Assessment Estimator (Design and Procurement Stage) is submitted to the Local Planning Authority documenting a 'very good' rating. 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 building 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: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction

15 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 sources, 10 per cent of the developments predicted energy requirements. 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 must be maintained to the required level of generation.

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

development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction

16 The development shall not come into use until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerb and footway to match adjacent levels.

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

17 Notwithstanding the submitted plans, and prior to the commencement on site, details shall be submitted to and approved in writing by the Local Planning Authority indicating the siting of cycle parking adjacent to the entrance of the retail unit, underneath the canopy.

Notwithstanding the above cycle parking area, prior to the commencement of development on site, details of additional cycle parking areas within the car park shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas have been provided within the site in accordance with such approved details.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads

18 HWAY35 Servicing within the site

19 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with the approved plans, or arrangements entered into which ensure the same.

Works as indicatively shown on Site Plan 01 Rev F received 3 February 2010;

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

20 HWAY40 Dilapidation survey

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

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

22 No raw materials, finished or unfinished products or parts, crates, materials, waste, refuse, or overnight/weekend storage of vehicles or any other item shall be stacked or stored outside any building on the site without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of visual amenity.

23 HT1 IN Height - 7.7

24 The hours of operation of this approved use shall be confined to:

Mondays to Fridays 08.00 to 22.00
Saturdays 08.00 to 22.00
Sundays and Bank Holidays 10.00 to 17.00

Reason: To safeguard the amenities of occupants of the nearby dwellings.

25 Prior to the commencement of development on site details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority. Paladin and Palisade fencing will not be acceptable. The development shall be carried out in accordance with the approved details.

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

26 Notwithstanding the submitted plans and prior to commencement of development on site details shall be submitted to and approved in writing by the Local Planning Authority showing at least one further bay on the Thanet Road/south west elevation with full length glazing. The development shall be carried out in accordance with the approved details.

Reason: in the interests of the amenity of the area

27 Notwithstanding the submitted plans, the duo post structure above the canopy indicated as 16 in Drawing Number 02 Revision H, received 3 February 2010 shall not be constructed.

Reason: To protect the visual amenity of the surrounding area and streetscene.

28 Notwithstanding the detail indicated on the proposed site plan Drawing Number 01 Rev F, the maximum number of car spaces provided on the site, including disabled spaces shall not exceed 59 spaces. The layout and design of the car parking areas shall be agreed in writing with the LPA prior to commencement of works on site.

Reason; Car parking standards are represented as a maximum provision in line with the City of York Council Draft Local Plan. These standards are expressed as a ratio of spaces against Gross Floor Area and are as follows; staff provision at a ratio of 1 space per 100m² GFA and customer provision at 1 space per 30 m² GFA .The use of maximum parking standards is in line with local and national planning and transportation policy which seeks to encourage sustainable transport whilst reducing the dependence on the private car.

7.0 INFORMATIVES:

Notes to Applicant

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 the residential amenity of the neighbours, the visual amenity of the building and the locality, and highway safety. As such, the proposal complies with Policies SP7a, GP1, S2, L1b, GP4a of the City of York Council Development Control Local Plan (2005); and national planning guidance contained in Planning Policy Statement 1 "Delivering Sustainable Development", Planning Policy Statement 4 "Planning for Sustainable Economic Growth", and Planning Policy Guidance 13 "Transport".

2. INFORMATIVE:

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

Section 38 Agreement - Michael Kitchen (01904) 551336

3. INFORMATIVE:

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.

4. All demolition and construction works and ancillary operations which are audible beyond site boundary or at the nearest noise sensitive dwelling, 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: To protect the amenities of adjacent residents

5. Yorkshire Water Informative

If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he should contact our Developer Services Team (telephone 0845 120 84 82, Fax 01274 303 047) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition as supplemented by Yorkshire Water's requirements.

The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0845 120 84 82, Fax 01274 303 047) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

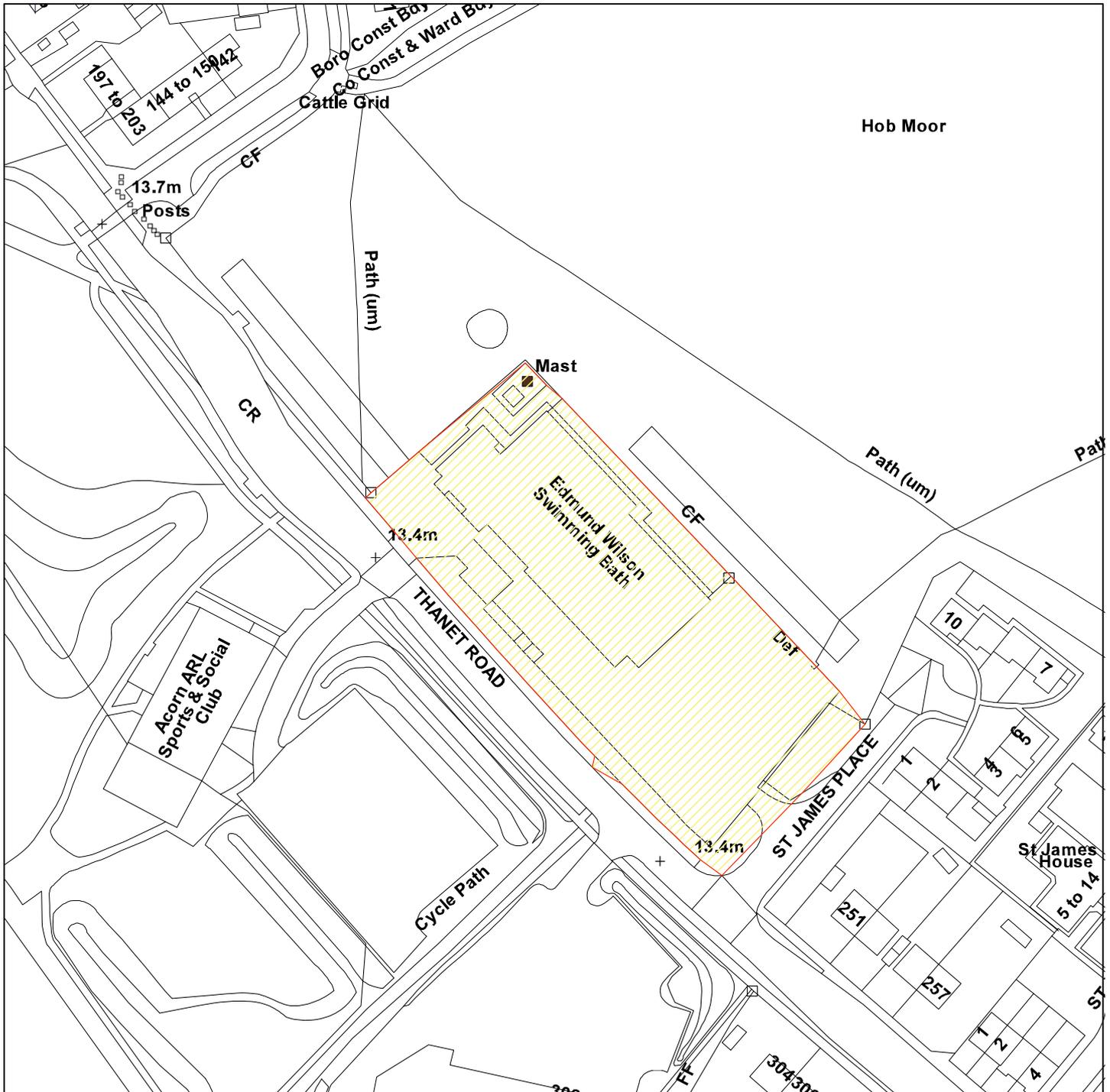
The public sewer network is for domestic sewage purposes. This generally means foul water for domestic purposes and, where a suitable surface water or combined sewer is available, surface water from the roofs of buildings together with surface water from paved areas of land appurtenant to those buildings.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

Contact details:

Author: Victoria Bell Development Control Officer
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Edmund Wilson Baths Site, Thanet Road

09/02284/FULM



Scale : 1:1250

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Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application site
Date	05 March 2010
SLA Number	Not set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Rural West York
Date: 18 March 2010 **Parish:** Parish Of Rufforth With Knapton

Reference: 09/02291/OUTM
Application at: Land Adjacent To Northminster Business Park Wykeham Road Upper Poppleton York
For: Construction of 2-storey building for business use (Class B1) with associated car parking and landscaping (on land to the south of Acer House)
By: Northminster Properties Limited
Application Type: Major Outline Application (13 weeks)
Target Date: 23 March 2010
Recommendation: Approve after referral to Sec. of State

1.0 PROPOSAL

APPLICATION SITE

1.1 The application relates to land to the south of the existing Northminster Business Park site. The site is designated in the local plan as safeguarded land and within the green belt.

1.2 The business park is accessed from North Field Lane; the entrance is around 470m south of the A59. The business park contains warehouse type buildings, used for light industry, storage and distribution and 2-storey office buildings, the latter are located along the east and south sides of the business park. There are open fields to the south, west and north of the business park, apart from buildings associated with a farm to the north side of the site entrance. To the east of the application site, between North Field Lane and the outer ring road, land is used for the storage of caravans. The business park, including the application site, is partially screened by rows of trees along the north boundary, North Field Lane (east side) and Moor Lane (south).

PROPOSALS

1.3 The application is for outline planning permission for a new headquarters for Measurement Devices Limited (MDL), to be used for research and development, light industry and offices (administration, sales and marketing). MDL develop eye safe laser measurement technology, used for measurement and navigation systems. MDL are described as a world leader in their field and the proposed building would be a base for their European, Asian and African operations. In 2008 turnover was £10 million, this is expected to grow to £30 million by 2013.

1.4 In addition to the principle of the development, approval is sought for the access to the site, site layout and the scale of the proposed building (its footprint and height). If permission were granted, reserved matters would be submitted at a later date for the detailed appearance of the building and landscaping of the site.

1.5 The proposed building would be two-story in height with an additional room on the roof for plant and laser testing equipment. The building would be around 53m by 19m, providing 1,858 sq m in floorspace. The building would typically be 8.5m high. The plant/laser testing room on the roof would be 13m by 7m, and in this area the building would be 10.5m high.

1.6 The site is 0.6 ha in overall size. In addition to the building, the site would accommodate 52 car parking spaces, landscaping and a 200m long laser testing range which would run parallel with North Field Lane along the east side of the site.

SITE HISTORY

1.7 Northminster Business Park began life after 1997 when planning permission was granted for business use of 3 existing warehouse buildings after the closure of the Challis Nursery (warehouse and distribution of plants) which previously occupied the site.

1.8 Subsequently outline permission was granted in 1999 for the larger site to be used for business, and storage and distribution uses.

1.9 Despite the land to the south and west of the site being in the green belt, the business park was subsequently extended as follows -

1.10 The site was extended by 0.66ha on the south side to accommodate the area where Acer House, Cherry Tree House, Maple House and Aspen house are now located in 2003 (03/00403/OUT). It was determined there were special circumstances to allow the development in the green belt, on the grounds that:

- The site had previously been developed, as glasshouses (although these had been demolished).
- There would be limited impact on the openness of the green belt.
- There was a shortage of available employment sites in the city.

1.11 The site was extended to the west in 2005 (04/03805/OUT) to accommodate Catherine House. A further extension to the rear (west) of Catherine House (occupied by Pavers shoes) for a 2456 sq m warehouse building was given outline planning permission in 2008 (07/02963/OUTM). The building is yet to be constructed. Again it was determined that special circumstances warranted an extension into the green belt. The grounds being that:

- The development was important for the local economy.
- There was no alternative site available.
- The site had been identified in the local plan for possible development in future.
- There would not be an undue adverse impact on the openness of the green belt.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

2.2 Policies:

CYGP1	Design
CYGP3	Planning against crime
CYGP4A	Sustainability
CYGP13	Planning Obligations
CYSP2	The York Green Belt
CYSP6	Location strategy
CYSP7A	The sequential approach to development
CYGP24	Safeguarded land
CYGB1	Development within the Green Belt
CYGB11	Employment development outside settlement limits
CYT2B	Proposed Pedestrian/Cycle Networks
CYT4	Cycle parking standards

3.0 CONSULTATIONS

CITY DEVELOPMENT

3.1 No objection to the proposal. The proposed occupant can be classed as being a business that is encouraged through the Local Plan (policy E1a advises that the Science City initiative is an essential part of York's long-term economic prosperity) and the Employment Land review. City of York Council Core Strategy Preferred Option document also refers to Northminster Business Park as a potential area of search for employment uses.

3.2 A business expansion of the type represented by MDL should be encouraged and would provide York with a significant opportunity. City Development considers that very special circumstances have been demonstrated in this case, and as such the development of the green belt is not objected to. These circumstances are considered to be:

- A justified need for MDL to create their new international headquarters in York and on Northminster Business Park.
- The suitability of the application site in terms of meeting the spatial requirements of MDL and the suitability in terms of minimising wider landscape impacts.
- An absence of suitable alternative sites within the City of York and its hinterland to house the proposed development.
- The importance of the proposal in economic terms.
- Transport links for staff and product distribution/proximity to workforce.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

3.3 Countryside Officer - The application site is within a field with little wildlife interest, being an ex-arable field with dense, species poor vegetation. As such there is no objection to the proposed development.

3.4 Officers add that there are opportunities for increasing the wildlife value of the site and the immediate surrounding area through landscaping and management of the remaining area not affected by development. An acidic, annual breck type vegetation could be developed along the side of the testing range for example. This species is typical of but very rare within the Acomb and Poppleton area.

3.5 Landscape officers - Consider the key issue would be the visual impact of the development from Moor Lane. Moor Lane is a public right of way and bridle path linking Knapton with Harewood Whin and Rufforth across open fields and mostly flat topography. It provides a means of access to the countryside for the neighbouring communities and links directly with Poppleton via North Field Lane. The surrounding land represents the countryside edge to the city. It is a relatively simple landscape; it's value lies in its openness and rural agricultural character. Moor Lane is a key recreational route and component of York's green infrastructure which has been identified in the draft local plan as an important link in the cycle/pedestrian network; therefore its setting merits protection, and preferably enhancement as well. In order for the lane to be part of the countryside experience, and to function as an effective part of the green infrastructure, its setting i.e. the openness either side of it, needs to be retained.

3.6 When viewed from Moor Lane the building will have an impact on the open character of the green belt, due to its physical presence and the need to provide screening of the building. It pushes the negative human influences closer to the lane, thereby reducing the benefit of distance as a mitigating factor. Although the building is narrow on plan and set against a shelterbelt of trees, it represents a significant extension into the belt of green fields that would threaten the quality of landscape experienced from the public right of way and lead to coalescence between Knapton and Northminster Business Park by way of sequential experience as one travels through the landscape. Should more development of this sort be allowed in the near future then the existing recent additional agricultural buildings in the neighbouring fields to the west would be read as part of the business park, resulting in a cumulative effect.

3.7 The planting along the northern boundary of Moor Lane provides some screening of the site, which during the winter months is transparent, therefore it acts as a distraction rather than a complete screen, but in the summer months it would provide good visual coverage along this short section of Moor Lane. However as one travels towards Knapton from further west the site is currently clearly exposed to view in all seasons. The building and exterior areas will require lighting, which will have a significant visual impact especially during the winter months when in use during office hours and when deciduous vegetation is lacking. This would also represent an extension of the urban edge.

3.8 The proposed mitigation planting is fairly meagre, nonetheless it is suitable in that it comprises of landscape features that are typical for the area, i.e. hedgerows, hedgerow tree, small groups of native trees within grassland. These will not provide complete screening, but nor should compete screening be necessary since this in itself represents a loss of openness. The reinstatement of a hedge along the western field boundary (outside of site but within ownership) would be welcomed and

presumably could be secured.

HIGHWAY NETWORK MANAGEMENT

3.9 No objection, make the following observations.

- As 100 staff may eventually be employed at the site a travel plan should be developed.
- The internal roads in the business park are not to adoptable standard, dominated by cars and poor for cyclists and pedestrians. It is asked that the applicants improve cycle/pedestrian access to the site. It is suggested the footpath be improved along North Field Lane between the existing business park entrance and the application site, which would provide a convenient and direct route for cyclists/pedestrians.
- The proposed car and cycle parking facilities are appropriate to the size of development proposed.
- The addition in traffic as a consequence of the development, although it would have minimal effect on the highway network, could increase queuing at the North Field Lane/A59 junction. This could be mitigated by increasing the length of the left turn lane. It is asked that the applicants agree to contribute towards such roadworks through a planning obligation.

MARSTON MOOR DRAINAGE BOARD

3.10 The site is in an area with existing drainage problems. Surface water from the business park is discharged into a balancing lagoon, which discharges, at a controlled rate, into Knapton Moor Dyke. The board suggest the proposed site drainage be connected to this system if there is capacity. Otherwise it should be restricted to any other watercourse at a greenfield site.

3.11 The drainage boards requirements for the development are as follows -

- It must be shown that the proposed means of water discharge will be controlled so it does not increase discharge into the receiving watercourse to the extent that would increase flood risk. It is preferred that the existing run-off rate be reduced by 30%.
- A sustainable drainage system should be implemented if feasible.

YORK DRAINAGE ENGINEERS

3.12 Although formal comments are pending engineers are of the opinion that the site can be acceptably drained. Details could be secured through a condition if necessary.

YORKSHIRE WATER

3.13 No objections. Ask that the site be developed with separate systems of drainage for foul and surface water on and off site.

3.14 Surface water from the car park would need to be treated before discharge to prevent pollution of the sewer network.

YORK NATURAL ENVIRONMENT PANEL (YNEP)

3.15 Would prefer to see re-development of the cities brownfield land, of note York Central/Northwest, or that MDL utilise a vacant building within the business park.

YORK GLIDERS CLUB

3.16 No response.

SAFER YORK PARTNERSHIP (SYP)

3.17 Only reported crimes at the business park have been forced entry, at ground floor level. To prevent such crimes SYP recommends boundary fencing, secure (to British Standard 7950) windows and doors at ground floor level, CCTV, alarm system, lighting and construction site security, the latter to prevent theft of building materials.

PARISH COUNCILS

3.18 Rufforth with Knapton - Object. This proposal is within the proposed extension to the business park, however the land is set aside for future development, which would be re-considered in the LDF which is still out for consultation. Until the LDF is adopted, the site is in the green belt. It is considered there are no special circumstances to allow the development, and that alternative sites, such as Monks Cross should first be considered.

3.19 Upper Poppleton - No objections although note that there could be a significant increase in traffic between the business park and the A59 road.

PUBLICITY

3.20 The application was publicised by site notice, press notice and letters of neighbour notification. The deadline for comments was 5.2.2010. No comments have been received.

4.0 APPRAISAL

4.1 Key issues

- Whether there are special circumstances to allow the proposed development, as the site is in the green belt.
- Sustainable development and construction
- Impact on the highway network
- Cycle and car parking
- Drainage

4.2 Policies relevant to the proposal

- PPG2: Green Belts.
- PPS4: Planning For Sustainable Economic Growth
- The Regional Spatial Strategy (RSS) for Yorkshire and the Humber
- Policies of the Local Plan -see 2.1

PPG2: Green Belts

4.3 PPG2 advises that the fundamental aim of green belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of green belts is their openness. PPG2 specifies the types of development that are acceptable in the green belt (these are re-iterated in policy GB1 in the Local Plan). Other development is deemed inappropriate, which is by definition harmful to the green belt, and should therefore not be granted planning permission. Inappropriate development may only be approved when the applicant can demonstrate 'very special circumstances', that outweigh the harm to the green belt. The proposed development is not, as established in PPG2, appropriate development in the green belt. According to PPG2, the scheme can only be considered favourably if very special circumstances are deemed to apply.

4.4 PPG2 advises that safeguarded land comprises of land which may be required to serve development needs in the longer term, i.e. beyond the plan period. This is not land allocated for development, but is land kept free to meet possible longer-term development needs. The development of safeguarded land should only be allowed following a local plan review which proposes the development of particular areas of safeguarded land.

PPS4: Planning for Sustainable Economic Growth

4.5 Policy EC11 of PPS4 is relevant as it relates to determining applications for economic development outside the centre, which are not in accordance with the local plan.

The Regional Spatial Strategy (RSS)

4.6 The RSS advises that York's economy has seen a loss of traditional manufacturing jobs, which has been offset by growth in the services sector, including knowledge industries. These changes are likely to continue and underpin the long-term growth of the York economy. The RSS policy for the York (Y1) is to diversify and grow York as a key driver of the Leeds City Region economy by encouraging knowledge and science-based industries.

Local Plan

4.7 Policy GP24a of the local plan relates to safeguarded land. GP24a states that until the local plan is reviewed, planning permission will only be given for development of safeguarded land when it is required in connection with established uses, or if not, a use which would preserve the open nature of the land and would not prejudice the potential for the future comprehensive development of the site. The background text suggests that reserved land has been selected, as it will help to meet development needs and ensure it occurs in sustainable locations.

4.8 The sequential approach to development is established in the local plan in policies SP6 and SP7a which give priority to developing brownfield land and central areas, prior to considering out of centre locations. This approach is in line with government's overarching objective established in national policy, to deliver sustainable growth, focusing development in existing centres, and reducing the need to travel.

4.9 York is developing a Core Strategy as part of the Local Development Framework (LDF) process. The LDF will eventually replace the local plan. The Core Strategy, which is presently at the preferred options stage (so not adopted and therefore carries very limited weight in policy terms), recommends that the land to the south and west of the existing Northminster Business Park retains its present status in case it is required to accommodate economic development over the plan period.

PRINCIPLE OF THE PROPOSED DEVELOPMENT

4.10 PPG2 does not define very special circumstances. It does however determine that 'the visual amenities of the green belt should not be injured by proposals for development within the green belt which, although they would not prejudice the purposes of including land in green belts, might be visually detrimental by reason of their siting, materials or design'. According to policy SP2 of the local plan, the primary purpose of the York Green Belt is to safeguard the setting and historic character of the city. In deciding whether very special circumstances apply, officers consider the visual impact on the green belt should be considered, against the economic benefits of the proposed development, and consideration given to whether there is a suitable alternative site for the development which would be sequentially preferable (see 4.8).

Openness of the green belt

4.11 The application site comprises of an unused field, formerly in agricultural use. The applicant's landscaping assessment reports that the development would be discreet due to the planting along North Field Lane to the east, along Moor Lane to the south and the business park to the north. The development would have a low level impact, due to views available being from the business park, from Moor Lane, south of the site, and SW of the site and the farm buildings to the west. From Moor Lane views of the site are interrupted by a Hawthorn hedgerow. Planting along the west boundary of the site could further reduce visual impact.

4.12 Due to the footprint (53m by 19m), shape and height of the building (8.5m to 10.5m) it would be a prominent addition that would erode the openness of the green belt, in particular when viewed from Moor Lane, to the south/SW of the site. The building has been designed to be efficient and fit for purpose, this has dictated its footprint and height. The applicants do not wish to amend the building's form/massing, thus reducing its prominence. Predominantly the building would be viewed from over 350m away and its prominence could be reduced by considering the cladding materials (for example timber cladding or a living wall to blend in with surrounding vegetation and it may be feasible to have a green/sedum roof), size of the roof extension and the scheme of lighting the building and its surroundings (overall brightness and times of operation). These elements would be the subject of conditions and a reserved matters application (for design).

Site selection

4.13 The application site is allocated as safeguarded land/land allocated for future development in the local plan. Such land is designated to avoid re-drawing green belt boundaries at the end of a plan period, if future demand is envisaged. According to PPG2 sites should be developable when needed, located where future development would be an efficient use of land, integrated with existing development, and well related to public transport and other existing and planned infrastructure.

4.14 Although the land the subject of this application is identified in the local plan for possible future development, it cannot be assumed it will be taken out of the green belt and allocated for employment use in the LDF. The LDF will identify the forecasted future demand for growth (over the plan period) and determine which sites are preferable to accommodate such.

4.15 Based on the council's latest employment land review (published Feb. 2009) there is more than enough land to accommodate predicted development over the upcoming plan period. The site to the south of Northminster Business Park scores poorly in relation to other 'available' sites (ranked 34th in sites suitable for office, research and development and 18th in land for industrial or storage and distribution uses). However the site does benefit from being deliverable in the short term period, unlike other identified sites for development, and accessibility would be improved should the Poppleton Bar park and ride proposal go ahead.

4.16 National and local planning policy stipulates that a sequential approach be taken to locating economic development. The preferred option is to develop brownfield and centrally located sites prior to greenfield land. The application site is greenfield, and in the green belt. In sequential terms the application site is not favourable for development. However the applicants have specific site requirements due to the laser testing operation, which is fundamental to the business, and have demonstrated there are no alternative sites available.

4.17 Laser testing is required as part of the research and development that would be carried out at the site. An uninterrupted 200m testing range and a further testing range that is uninterrupted for 5km (this would be carried out from the roof of the proposed building) are required. This poses difficulty in selecting a site for such development. Logistically it is preferable for the companies' operations to be under one roof. The applicants have undertaken an extensive site search, including vacant sites and sites allocated for development in the local plan. The outcome, which has been verified by York England, is that there are no other suitable sites within the city that are available and sequentially preferable to the application site, either due to site constraints or delivery/land ownership issues. There is the option that testing could be carried out at an independent site, away from the headquarters building, but the applicant is not amenable to this option which would be significantly less efficient in comparison to the proposal put forward.

Economic benefits of the proposals

4.18 As stipulated in policy EC11 of PPS4 in determining whether development outside the centre, and not in accordance with the Local Plan is appropriate, planning authorities (LPA's) are advised to -

- Weigh market and other economic information alongside environmental and social information.
- Consider any longer term benefits, as well as the costs, of development, such as job creation or improved productivity including any wider benefits to national, regional or local economies.
- Consider whether proposals help to meet the wider objectives of the development plan.

4.19 The proposed use, which involves research and development is the type of operation that the city seeks to accommodate, as part of the Science City York initiative. This is established in the RSS and the local plan. The proposed development will bring the companies' headquarters to the city and create a mix of employment opportunities, including skilled jobs involving research and development.

4.20 The proposed development would benefit the local economy and does to an extent meet the wider objectives in the plan as the application site has been set aside for possible employment use/development in future. On this basis the proposal is the type of development which PPS4 seeks to allow if any environmental harm is deemed to be acceptable.

SUSTAINABILITY

4.21 The proposed development is expected to meet the requirements of the council's Interim Planning Statement (IPS) on Sustainable Design and Construction. This requires schemes that involve over 500 sq m floorspace to achieve a BREEAM standard of very good. The applicants have agreed that should outline permission be granted they would commission an assessor to advise on the design, with the intention of achieving a very good rating. This can be secured through a condition should outline consent be granted.

4.22 The applicants contend that the site is accessible by rail (Poppleton station 800m away), buses that run along the A59 and through Poppleton, and possibly the Park and Ride presently proposed by the Council, and by cycle. As such despite the location, the site is not reliant upon car use. A green travel plan could also be prepared to promote alternative means of travel to the private car.

HIGHWAYS

Highway network.

4.23 The applicant's transport statement found that the A59/North Field Lane junction is currently operating below its capacity. However at peak travel times (8-9 am and 17:00-18:00) traffic can queue along the A59 toward the city and in the evening along North Field Lane attempting to get onto the A59.

4.24 As 60% of the envisaged staff at the proposed development will work between 8:30 and 16:30, much of the additional vehicles movements will be outside the peak times. It is estimated that at peak times there would be 23 additional vehicle movements in the morning, 18 in the evening when the proposed development were

at full capacity (100 employees). The applicants advise that this will not have a material impact on the existing road network. Highway Network Management officers accept these findings.

4.25 Highway Network Management note that vehicles leaving North Field Lane in the evening are currently delayed to some extent, as there is a single lane for cars wanting to turn left and right. Queuing could be alleviated by adding a filter lane for vehicles turning left onto the A59. It has been suggested the applicant fund this infrastructure. It is deemed this would be an unreasonable requirement on the applicant. Whilst an extra lane would be desirable, queuing already occurs and typically under 10% of vehicles turn left onto the A59. Queuing arises due to the amount of traffic on the A59, and there would not be a material impact on such, or the amount of vehicles on North Field Lane, as a consequence of the development. Furthermore improvements are proposed to this junction, including the provision of an additional lane, as part of the proposed Park and Ride development.

Consideration of cyclists and pedestrians

4.26 National policy note PPG13: Transport seeks to promote accessibility to jobs by public transport, walking and cycling, and to reduce the need to travel, especially by car. When considering planning applications it requires LPA's to give priority to pedestrians and cyclists over cars. PPG13 states developments should be in locations which are highly accessible by walking, cycling and public transport. In determining planning applications LPA's should pay particular attention to access arrangements to help promote walking as a key means of access, and create direct, safe walking routes.

4.27 An objective of the local plan is to promote more environmentally friendly uses of travel than the car. Policy T2b states that new built developments on sites over 0.4ha in size (application site is 0.6ha) should contribute towards the development and improvement of pedestrian and cycle route networks. The policy also notes that due consideration will be given to impacts on security.

4.28 There is a cycle/footpath between the A59 and the entrance to the business park, and also a route from Knapton to the south end of North Field Lane, which includes a crossing over the outer ring road. However the footpath from the A59 (along North Field Lane) terminates at the business park entrance and within the business park there are no dedicated cycle routes or footpaths between the site entrance and application site. Cyclists/pedestrians would, under the present situation, have to compete with vehicles, including parked cars and service vehicles. Also cyclists/pedestrians accessing the site from the south would have to pass the building's entrance and travel in excess of 600m to enter the building as the only site entrance proposed is through the business park (although it is likely the majority of staff would approach the site from the north).

4.29 To improve accessibility for cyclists and pedestrians it is desirable to provide cycle parking and a staff entrance at the north side of the building (opposed to the south). Officers consider it is also reasonable to request upgrading the pedestrian access to the proposed building, given that potentially 100 employees would be based in the building. Such a requirement would be consistent with PPG13 and policy T2b of the Local Plan. The applicants have agreed to provide a dedicated

walkway between the business park entrance and the application site, which would vary between 1m and 1.5m in width.

Cycle and car parking

4.30 Policy T4 of the Local Plan seeks to promote cycling and states that all new development should provide storage for cycles in accordance with the standards in appendix E of the Local Plan (so 31 spaces minimum for a development of this size). Changing facilities for staff are also preferable and should be provided within the building. Cycle parking would be provided at both ends of the building, and the amount of spaces (31) meets the requirements of the Local Plan.

4.31 55 car parking spaces are proposed, for the assumed 100 staff and visitors. The maximum number of spaces, as established in the Local Plan, for a site this size would be 62. The parking provision is deemed acceptable for the site and is not objected to.

Travel Plan

4.32 PPG13 states developments should be in locations which are highly accessible by walking, cycling and public transport. Businesses should make every effort - for instance by adopting travel plans - to encourage car sharing and non-car modes of transport. Policy T13a of the Local Plan requires a Travel Plan when developments would employ over 30 persons. A condition is suggested that a travel plan be submitted at an appropriate time and updated annually.

DRAINAGE

4.33 No formal details have been provided to date. The site is not in a flood zone. York Drainage Engineers have met with the applicants and are of the opinion that it will be possible to manage surface water run-off, without adding to flood risk elsewhere. It is proposed to use soakaways and storage tanks with restricted flows for surface water. A condition is presently suggested requiring details to be submitted, which allows for an achievable fallback should soakaways not work.

5.0 CONCLUSION

5.1 Under the Town and Country Planning (Consultation) (England) Direction 2009 as the amount of floorspace involved exceeds 1,000 sq m the application will need to be referred to the Secretary of State for consideration if approval is recommended as the site is within the green belt.

5.2 In officers opinion special circumstances exist that outweigh the impact on the green belt and justify development of safeguarded land. The development, by definition, is inappropriate in the green belt, contrary to national policy in PPG2, and there would be harm to the openness of the green belt due to the scale of the proposed development and its location. However there are presently no preferable sites where this particular development could be located, due to MDL's requirements, and the development will have benefits for the cities' economy due to the type of knowledge based industry involved and number of jobs created. It is also

noted that the site has been selected as one which could potentially be developed for employment uses in future.

5.3 The development could also help to mitigate its impact by adding ecological value to the site, delivering a building of sustainable construction and taking steps to encourage alternative means of travel to the private car. These can be secured through conditions and the reserved matters applications on landscaping and design.

5.4 The proposed development would not have a material impact on the highway network and the site drainage can be controlled through a condition.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve after referral to Sec. of State

1 OUT1 Approval of Reserved Matters – time limit

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

Details to be submitted: appearance and landscaping of the proposed development to be carried out, including a schedule of all external materials to be used and details of protection and enhancement of wildlife habitats (the latter in accordance with policy NE7 of the Draft Local Plan).

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006.

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

Access and layout as shown on drawing A863.2009.05 date stamped 18.12.2009.
Indicative scale of the building as shown on A863.2009.03B date stamped 18.12.2009.

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

4 At the time of making the reserved matters application for the appearance of the building hereby approved, or before, a BREEAM assessment, or equivalent, for the design and procurement stages of the building, shall be submitted to the Local Planning Authority and approved in writing. The assessment shall be followed by a BREEAM, or equivalent, post construction review to be submitted prior to occupation of the building.

All assessments shall confirm the minimum 'Very Good' rating, or equivalent, and be agreed to in writing by the Local Planning Authority.

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

5 Notwithstanding the details of the proposed building, as shown on drawing A863.2009.03B, the overall footprint and height(s) of the 2nd floor level shall be submitted to, approved in writing by the Local Planning Authority, and the development carried out in accordance with the approved details.

Reason: To keep the 2nd floor level to a minimal volume, to minimise the prominence of the building, in the interests of the openness of the green belt.

6 Details of the proposed lighting scheme, including times of operation and lux levels in and around the site (where affected), shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

Reason: In the interests of the setting which is within the green belt.

7 HT1 Height restricted to 10.5m from ground level.

8 Prior to occupation of the development hereby approved, a pedestrian walkway (as shown on drawing A863.2009.6), between the business park entrance and the application site entrance shall be implemented. The walkway shall be hard surfaced to match the existing pavement.

Reason: To promote sustainable travel in accordance with PPG13: Transport which seeks to promote accessibility to jobs by public transport, walking and cycling, and to reduce the need to travel, especially by car, and policy T2b of the Draft Local Plan.

9 Prior to occupation of the development hereby approved details of covered and secure cycle parking, including location, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained for such use thereafter. At least 31 cycle spaces shall be provided.

Reason: To ensure adequate space for cycle storage, and to promote sustainable modes of transport in accordance with PPG13: Transport and policy T4 of the Draft Local Plan.

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

Reason: In the interests of highway safety.

11 Within one of year of occupation of the building a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The travel plan shall be developed and implemented in line with local and national guidelines.

The travel plan shall thereafter be reviewed and updated on an annual basis, and submitted to the authority's travel plan officer and approved in writing by the Local Planning Authority.

Reason: To reduce private car travel in accordance with PPG13: Transport, and policy T20 of the Draft Local Plan.

12 No development shall commence until the proposed means of drainage of the site has been submitted to and approved in writing by the local planning authority. This shall include details of the rate of discharge from the surface water and foul systems. The scheme shall be implemented in accordance with the approved details prior to use of the development and maintained thereafter.

Reason: To ensure adequate drainage and to prevent increased flood risk. in accordance with PPS25 and requirements of York's Strategic Flood Risk Assessment.

13 Surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor of adequate capacity prior to being discharged into any watercourse. Roof water drainage shall not be passed through the interceptor.

Reason: To prevent pollution of the water environment.

14 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Schedule 2 Part 8 of that Order shall not be carried out without planning permission.

Reason: In the interests of the openness of the green belt the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the historic character and setting of York, the highway network and flood risk. The Local Planning Authority are also of the opinion that very special circumstances have been demonstrated that outweigh the impact of the development on the green belt (within which the application site is located).

As such the proposal complies with PPG2: Green Belts, PPS4: Planning For Sustainable Economic Growth, policies Y1 and YH9 of The Yorkshire and Humber Plan, and of the City of York Local Plan policies SP2, SP6, SP7A, GP1, GP3, GP4a, GP13, GP24, GB1, GB11, T2b, and T4.

2. SECURITY AND CRIME PREVENTION

Attention is drawn to the Police ALO comments and it is suggested that all vulnerable doors and windows be security-tested to British Standard 7950.

3. DESIGN

With regards building design/materials and landscaping the feasibility of a green/sedum roof should be considered and the building's elevations clad so the development may blend in with surrounding vegetation. You are encouraged to discuss with Council's Landscape Officers, prior to submitting a reserved matters application, requirements with regards biodiversity and screening of the building.

4. ACCESS

To make access safer and more direct it is asked that a staff entrance, and a reasonable amount of cycle spaces be provided at the north end of the proposed building.

Contact details:

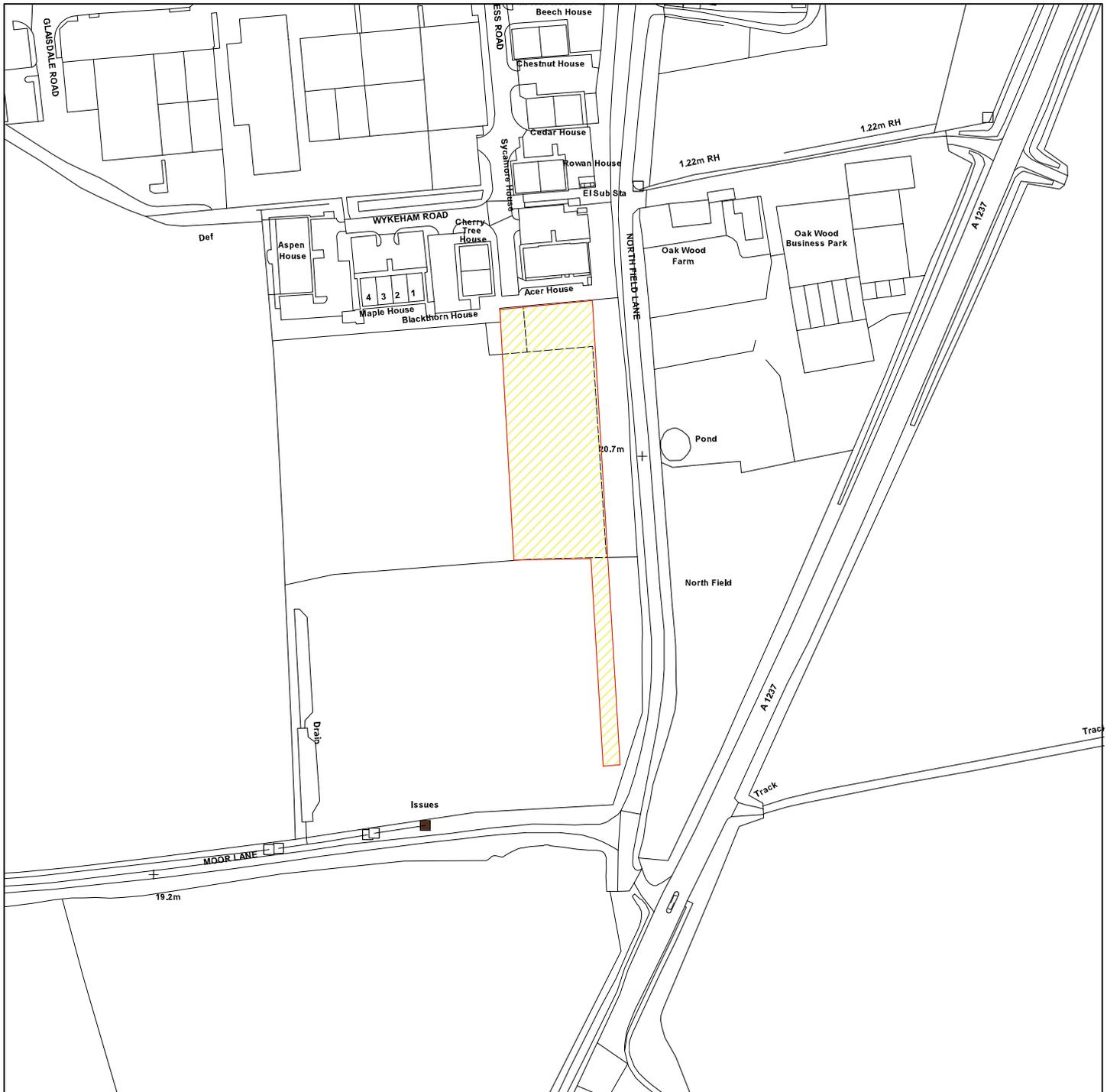
Author: Jonathan Kenyon Development Control Officer
Tel No: 01904 551323

Land adj to Northminster Bus.Park, Wykeham Road

09/02291/OUTM



GIS by ESRI (UK)



Scale : 1:2500

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Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application site
Date	05 March 2010
SLA Number	Not set

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2.2 Policies:

CYGP1
Design

CYGP3
Planning against crime

CYGP4A
Sustainability

CYGP9
Landscaping

CYGP15
Protection from flooding

CYGB1
Development within the Green Belt

CYGB13
Sports facilities outside settlements

CYT4
Cycle parking standards

CYED1
Primary and Secondary Education

3.0 CONSULTATIONS

INTERNAL:-

3.1 Highway Network Management raise no objection in principle to the proposal but express serious concern with regard to the design and location of the proposed cycle parking.

3.2 City Development raise no objection in principle to the proposal but point out that the development is by definition inappropriate development within the Green Belt and highlight the need to demonstrate "very special circumstances" surrounding the development that would over ride the general presumption against inappropriate development within the Green Belt.

3.3 Life Long Learning and Leisure were consulted in respect of the proposal on 13th January 2010. Any response will be reported orally at the meeting.

3.4 Structures and Drainage Consultancy express concern with respect to the level of drainage information submitted with the application.

3.5 Design, Conservation and Sustainable Development raise no objection to the proposal subject to the inclusion of standard conditions covering landscaping and sustainability being appended to any permission.

3.6 Environmental Protection Unit raise no objection to the proposal subject to the imposition of conditions covering construction hours, piling operations and a Construction Environmental Management Plan on any permission,

EXTERNAL:-

3.7 Yorkshire Water Services Limited raise no objection to the proposal.

3.8 North Yorkshire Police Architectural Liaison Officer raises no objection to the proposal.

3.9 Nether Poppleton Parish Council raise no objection to the proposal but requests that windows and doors should be designed to meet the appropriate "Secured by Design" standard and the school security lighting and cctv systems should be extended to cover the area of the new extension.

3.10 Network Rail express no objection in principle to the proposal but express concern with regard to possible increases in the volume of traffic using the Mill field Lane level crossing and construction traffic accelerating and decelerating in the vicinity of the level crossing.

3.11 York Natural Environment Trust object to the proposal on the grounds that the scheme would merely exacerbate the unpleasant visual impact of the existing premises upon the wider landscape and should have been considered when the original school was built in the recent past.

3.12 Seven letters of representation, one of support and six of objection have been received in respect of the proposal. The letters of objection express concern in respect of the nature and volume of traffic using the nearby level crossing as a result of the proposal, the location of the proposed construction site access and compound and the nature and extent of landscaping and fencing associated with the proposal.

4.0 APPRAISAL

4.1 KEY CONSIDERATIONS:-

- * Impact upon the open character and purposes of designation of the York Green Belt;
- * Impact upon the safety and convenience of users of the nearby level crossing;
- * Impact upon the availability of suitable facilities to cater for bicycle users going to and from the site;
- * Impact upon the local pattern of surface water drainage;
- * Impact upon the visual amenity of the surrounding area;
- * Impact upon the residential amenity of neighbouring properties;
- * Sustainability Issues.

GREEN BELT ISSUES:-

4.2 Policy GB1 of the York Development Control Local Plan following on from Central Government Policy Guidance outlined in PPG 2 "Green Belts" sets a firm policy presumption against new development in Green Belt areas other than where the scale, location and design of such development would not detract from the open character of the Green Belt and would not conflict with the purposes of including land within the Green Belt and are for one of a number of purposes deemed appropriate including agriculture or outdoor sport and recreation. All other developments are by definition inappropriate with a requirement that to overcome the general presumption against development "very special circumstances" must first be demonstrated. The current development notwithstanding that it would result in the extension of an existing facility would automatically be inappropriate development within the Green Belt. To demonstrate "very special circumstances" that would over ride the general presumption against inappropriate development within the Green Belt, the applicant has submitted detailed information in respect of the commissioning of the exemplar creative media teaching facility and the consideration given to alternative sites. The criteria for funding the facility outlined a requirement for a fully endorsed bid, an outline building design together with a suitable site. A "stand alone" site was investigated in or close to the City Centre, but no suitable sites were available. It was then decided to consider an existing school to host the facility and that this should be one with a performing arts specialism. Three schools were considered suitable, Canon Lee School, All Saints School and Manor School. All Saints School occupies a split site and insufficient land was available to enable to develop the facility. Canon Lee School has been identified as a high priority for refurbishment or replacement under the BSF programme as and when funding should become available, it would not therefore be appropriate to undertake a significant built development at the site in advance of such work being undertaken. Manor School was selected on the basis of its accessibility to the whole city, the availability of land to undertake the development within the site and the presence of an existing and well regarded performing arts department at the School. On balance it is felt that this could be argued to demonstrate "very special" circumstances to justify over riding the usual presumption against "inappropriate" development within the Green Belt.

4.3 Having demonstrated that development may be acceptable in principle or by virtue of "very special circumstances", within the Green Belt it then becomes necessary to demonstrate that the openness of the Green Belt would not itself be harmed by the development. In relation to the current proposal the extension would be located close within the built footprint of the existing complex on an existing area of hard-standing used as a hard play area which would be replaced by compensatory development to be considered as part of the recreational proposal also on this agenda. The massing and elevational treatment of the proposed extension would not depart significantly from that of the previously erected scheme and the proposed extension would be viewed in long and short distance views from outside of the school as firmly part of the existing complex. On balance it is felt that the openness of the Green Belt would not be significantly compromised by the proposal and that the terms of Policy GB 1 of the Draft Local Plan have therefore been complied with.

IMPACT UPON THE NEARBY LEVEL CROSSING:-

4.4 A half-barrier level crossing in regular use in association with the York to Harrogate railway lies approximately 260 metres along Mill field Lane from the site to the northwest. Concern has been expressed by Network Rail in relation to the potential impact of the proposal upon usage of the level crossing. The applicant has submitted a Traffic Impact Assessment with the proposal which identifies that approximately 50% of the users of the facility would be existing Manor School pupils and that the majority of the remainder of users would visit the site as part of an organised group. It is not felt therefore that there would be a detrimental impact upon the level of usage of the level crossing as a result of the proposed development. Highway Network Management concur with this view. Concern has also been expressed by local residents in relation to the location of the construction site access and compound in relation to the level crossing. An access point into the adjacent land to be used for recreational development exists some 100 metres from the level crossing, it is not felt that this would be suitable for use as a construction site access and associated compound location because of the generally slow moving nature of construction traffic and any permission would be conditioned accordingly.

FACILITIES FOR CYCLE USERS

4.5 Concern has been expressed in respect of the location, numbers and design of the cycle parking applied for at the site. The proposed parking envisages erection of a single substantial covered shelter to the south west of the proposed extension constructed in Perspex panels with powder coated aluminium structural members. There would be some 240 spaces included and it is intended that they would be lit by existing site lighting and be provided with cctv coverage for security purposes. The applicant has indicated that two way access from either end of the shelter would be provided and that the proposed "Sheffield" cycle hoops would be located in a manner suitable for free and unhindered access with the precise layout agreed with the Authority's Cycling Officer on site during construction. Concern has also been expressed that the location of the proposed shelter to the rear of the main building complex would deter cycling by virtue of the distances involved from public roads and cycle routes. The proposed shelter would however be only some 100 metres further into the site from the location envisaged in relation to the original school development and this is not felt to be in practice material. The size, nature and location of the proposed cycle parking is felt on balance to be acceptable.

SURFACE WATER DRAINAGE:

4.6 The applicant has submitted preliminary surface water drainage information which indicates a connection to the existing outfall to the balancing pond/soak away arrangement to the west of the built complex. It is recommended that the final detail of this be made the subject of a condition for further approval on any permission.

IMPACT UPON VISUAL AMENITY:

4.7 Policy GP1 of the York Development Control Local Plan sets down a firm policy presumption in favour of new development which respects or enhances the local environment and is of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials. The existing school is constructed in beige and red render with a buff brick lower storey and a standing seam roof. It is generally two storey with slight variation in roof heights and pitches to denote the various elements of the complex. The proposed extension would be constructed in brick with render panels and a standing seam roof. The proposed auditorium would be clad with a curtain walling system details of which would be subject to further agreement. In terms of its massing and design the proposed extension would blend in with the existing complex whilst retaining a degree of distinctive identity in respect of the proposed auditorium. Visual impact arising from the proposed minibus garage and cycle parking area would be minimal. The proposed changing room extension would be single storey and largely sheltered in long and short distance views from outside of the site by mature landscaping at the site boundaries and the mass of the existing complex, again overall impact would be minimal. The terms of Policy GP1 would thus be complied with in relation to the proposal.

IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES:

4.8 Two residential properties lie to the north west of the application site. The proposed extensions would lie some 34 metres away from the nearest property to the closest of the residential properties to the north. There would be no material impact upon the residential amenity of the adjacent properties over and above the existing situation when in use. Because of the nature of the site to the north west it would however be reasonable to condition the location of the proposed construction site compound and site access to safeguard residential amenity.

SUSTAINABILITY ISSUES:

4.9 The proposed extension as a development of over 500 metres sq falls within the criteria set down in the Interim Planning Statement on Sustainable Design and Construction for major developments. The developer has agreed to the achievement of a BREEAM standard of "very good" and the consideration of a range of renewable energy technologies. The precise detail of how this would be achieved has not however been submitted as yet, it is therefore recommended that any permission should be conditioned to secure 10% of the energy needs of the development produced by on-site renewable sources and the achievement of a BREEAM standard of "very good".

5.0 CONCLUSION

5.0 Manor School comprises a substantial brick and render built 900 place secondary school, recently relocated to an area of Green Belt to the North West of the City. It is proposed to erect an "exemplar" Creative Media Teaching Centre together with a minibus garage and a 240 space cycle parking area to the south west

of the existing complex. The development is by definition inappropriate and therefore harmful in the Green Belt. Consideration of "very special circumstances" is advanced on the basis of a lack of suitable alternative non-Green Belt sites, the accessibility of the application site and the presence of existing specialist facilities at the site. It is felt, on balance that these do amount to the required "very special circumstances" required to over-ride the general presumption against inappropriate development within the Green Belt. A level crossing associated with the main Harrogate to York railway lies some 280 metres to the north-west. It is not felt that the development itself would have a material impact upon the level crossing, however in view of the nature of construction traffic it would be reasonable to ensure that the construction site compound and associated access are kept away from the area of the level crossing. Cycle parking has also been applied for as part and parcel of the proposal. Whilst not ideally located the proposed parking area would securely contain parking within a specific area of the site and would not deter staff or pupils from cycling to and from school. The massing and design of the proposal would be broadly acceptable, there would be little direct impact upon the residential amenity of neighbouring properties and the terms of the Interim Policy Statement on Sustainable Construction can be complied with. Approval is therefore recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve following referral to Sec. of State

1 TIME2 Development start within three years

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

Drawing Refs: 081404-113-P1; 091407-101-P1; 081404-165-P1; 081404-101-P3; 081404-112-P1; 081404-111-P1; 081404-110-P3; 081404-109-P1; 081404-108-P1; 081404-107-P2; 081404-103-P3; 091407-105-P1; 081404-106-P2; 081404-102-P2; 081404-104-P3; 091407-112-P1.

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

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials, including colours and finishes 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 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs and other

planting. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

5 Development shall not begin until details of surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

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

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

7. Notwithstanding the application details hereby approved full details of the proposed construction site access and associated compound including location, means of enclosure and mode of surfacing shall be submitted to and approved in writing by the Local Planning Authority before work on site commences. Work shall thenceforth be undertaken in strict accordance with the details thereby approved and shall be retained for the duration of the building contract. The access and associated compound shall be reinstated to their condition prior to the commencement of development within 28 days of the completion of building work.

Reason:

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

8. 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:-

To ensure that the development is constructed in accordance with sustainable principles and to secure compliance with Policy GP4 a) of the York Development Control Local Plan.

9. No building work will 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 sources 10 per cent of the development's predicted energy requirements. This must include acceptable calculations that demonstrate how the 10 per cent on-site target will be met. 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 must be maintained to the required level of generation.

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.

10. All demolition and construction works and ancillary operations which are audible beyond the site boundary or at the nearest noise sensitive dwelling, 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: To protect the amenities of adjacent residents.

11. 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.

12 The cycle parking enclosure and stands shown on drawing number 081404-113-P1 shall be constructed prior to the removal of the existing cycle parking facilities on the site and shall be thereafter be retained as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that adequate and secure cycle parking facilities are provided on the site in order to maintain and promote cycle usage and reduce car journeys in accordance with policy T4 of the Local Plan.

**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, impact upon the safety and convenience of users of the nearby level crossing, impact upon the availability of suitable facilities for cyclists, impact upon the local pattern of surface water drainage, impact upon the visual amenity of the surrounding area, impact upon the residential amenity of neighbouring properties and the adherence to the principles of sustainable development. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies GP1, GP3, GP4a), GP9, GP15, GB1, GB13, T4 and ED1 of the City of York Development Control Local Plan and Government policy contained within Planning Policy Guidance note 2 'Green Belts'.

Contact details:

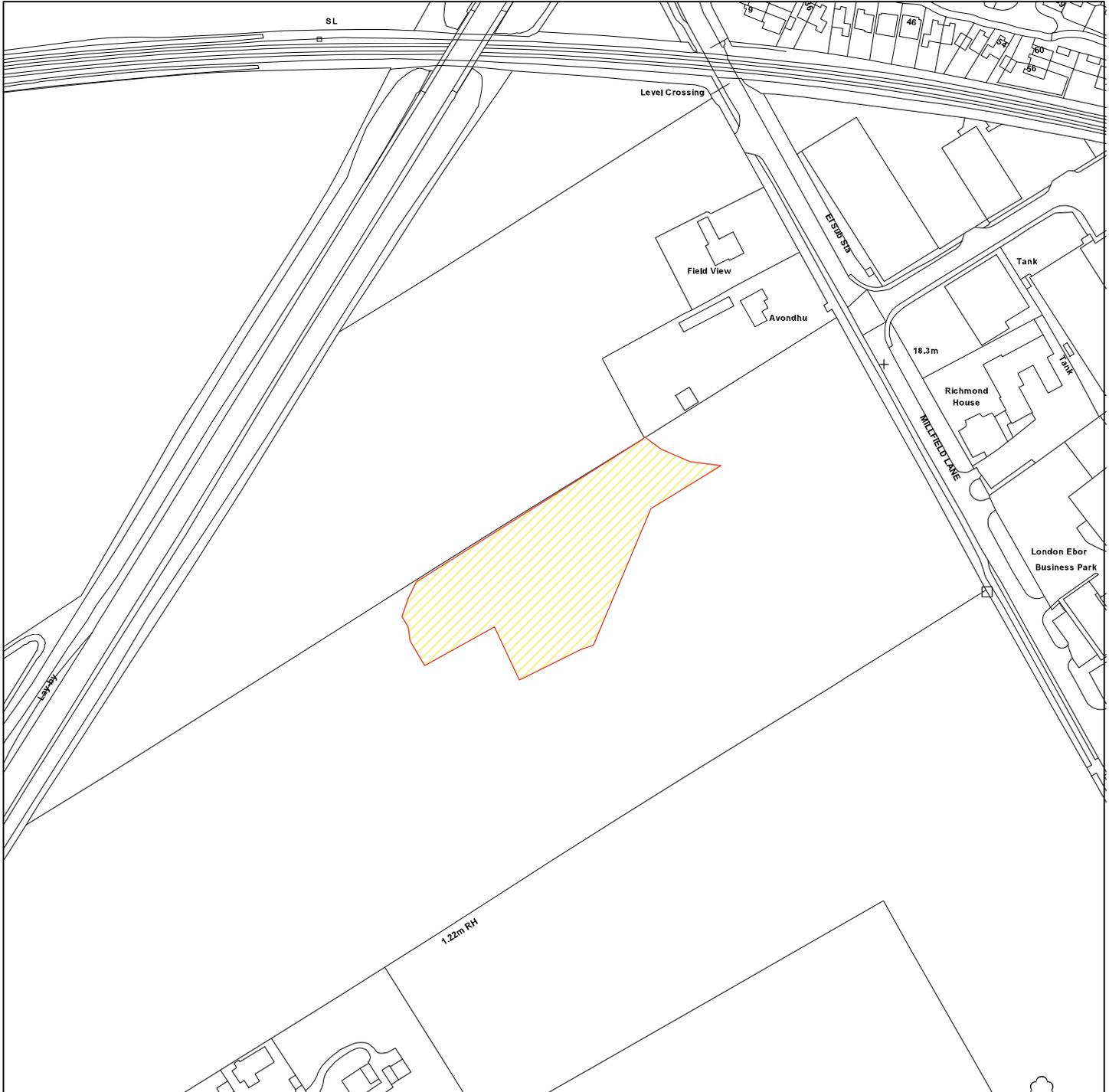
Author: Erik Matthews Development Control Officer
Tel No: 01904 551416

Manor C of E School, Millfield Lane

09/02306/FULM



GIS by ESRI (UK)



Scale : 1:2500

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Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application site
Date	05 March 2010
SLA Number	Not set

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2.2 Policies:

CYGB1

Development within the Green Belt

CYGP9

Landscaping

CYED1

Primary and Secondary Education

CYGP3

Planning against crime

CYGP1

Design

3.0 CONSULTATIONS

INTERNAL:

3.1 Design, Conservation and Sustainable Development raise no objection to the proposal but wish to see any permission conditioned to require the submission of a detailed landscape scheme for further approval.

3.2 Environmental Protection Unit raise no objection to the proposal but wish to see any permission conditioned to ensure that details of the proposed acoustic fencing to protect the residential amenity of the adjacent properties be secured for further approval together with an assessment for potential contamination of the proposed allotment area.

3.3 Structures and Drainage Engineering Consultancy express concern with respect to the level of drainage information submitted with the proposal.

3.4 Highway Network Management raise no objection in principle in respect of the proposal but wish to see the level of parking associated with the proposed allotments significantly reduced.

EXTERNAL:

3.5 North Yorkshire Police Architectural Liaison Officer raises no objection to the proposal subject to the boundary of the application site being appropriately fenced.

3.6 Nether Poppleton Parish Council raise no objection to the proposal.

3.7 Network Rail object to the proposal on the grounds that the proximity of the proposed access to the allotments to the level crossing on Mill field Lane would have an adverse impact upon the safety of level crossing users.

3.8 The Environment Agency were consulted in respect of the proposal on 14th January 2010, any responses will be reported orally at the meeting.

3.9 York Natural Environment Panel object to the proposal on the grounds that it would render an area presently Green Belt into potentially developable land and that the proposed sports pitches and orchard should be relocated to allow for the creation of a more substantial and robust landscape buffer.

3.10 York Natural Environment Trust object to the proposal on the grounds that the proposal would exacerbate the adverse visual impact caused by the existing school building, the proposed allotments would be more appropriately located elsewhere and would create an inappropriate urbanising element within the landscape and the proposed sports pitches should be relocated elsewhere.

3.11 Ten representations, nine of objection and one of support have been received in respect of the proposal. The following is a summary of the objections received:

- * Concern that the proposed pitches and allotments should be re-aligned to enable the planting of a more substantial belt of trees along the boundary with the A1237 Outer Ring Road;
- * Concern that the proposal would lead to increased traffic using nearby residential side roads to the detriment of amenity;
- * Concern that the proposal would exacerbate an existing problem of anti-social behaviour within the area outside of normal school operating times;
- * Concern that the proposal would materially detract from the pleasant rural ambience of the area;
- * Concern at the impact of the proposed development on the level and nature of traffic using the level crossing on Millfield Lane;
- * Concern at the location of the proposed construction access and site compound for the development; and
- * Concern at the proposed boundary treatment with adjacent residential properties.

4.0 APPRAISAL

4.1 KEY CONSIDERATIONS:-

- * Impact upon the open character and purposes of designation of the Green Belt;
- * Impact upon usage of the nearby level crossing on Mill field Lane;
- * Impact upon the residential amenity of neighbouring properties;
- * Impact on the visual amenity of the surrounding open countryside;
- * Impact of the proposal on the occurrence of crime and anti-social behaviour in the locality.

GREEN BELT IMPACT

4.2 Policy GB1 of the York Development Control Local Plan elaborating on Central Government guidance outlined in PPG2 "Green Belts" sets a firm policy presumption that planning permission will only be forthcoming within the designated Green Belt where the scale, location and design of such development would not detract from the open character of the Green Belt, it would not conflict with the purposes of including

land within the Green Belt, it would not prejudice the setting and special character of York and be for one of a number of Green Belt purposes including essential facilities for outdoor sport and recreation. The current proposal which combines the layout of two sports pitches, with a hard play area for school pupils, an orchard, layout of 17 allotments and associated car parking represents a form of "appropriate" development within the Green Belt. Development that is by definition appropriate within the Green Belt must also secure its openness. The current proposal envisages reinforcement of the existing landscape planting along the boundary of the site with the A1237 and the creation of a number of discrete sectors within the newly opened land. The layout, degree of landscaping and choice of surfacing material for the various activities proposed whilst representing a change of character for previously agricultural land would not detract from the openness of the Green Belt but would rather enhance its character in a significant urban fringe location.

IMPACT UPON MILL FIELD LANE LEVEL CROSSING

4.3 Concern has been expressed by both Network Rail and local residents in respect of the relationship of the proposal and specifically its access with the Millfield Lane level crossing on the main York to Harrogate railway line. The proposed vehicular access point for the allotments would be some 28 metres south east of the level crossing. This would be sufficient distance to avoid the risk of traffic queuing back over the crossing in view of the likely intensity of use of the site. The applicant has also agreed to lessen the area of dedicated parking associated with the allotments from 17 to 10 spaces so that a specific gating arrangement for access will not be required and the risk will be reduced further. The level of intensity of use of the proposed sports pitches would not be such as to have a material impact upon the volume or nature of traffic using the level crossing. Notwithstanding the fact that there would not be a material impact upon usage of the level crossing arising from the development in operation it would not be appropriate for construction site access to be gained in close proximity to the level crossing. Any permission should therefore be conditioned accordingly.

IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES.

4.4 Policy GP1 of the York Development Control Local Plan sets a firm policy presumption in favour of new development which respects or enhances the local environment, are of a density, layout and scale that is compatible with neighbouring buildings, spaces and the character of the area and ensure that residents living nearby are not unduly affected by noise and disturbance. Two residential properties lie directly to the south east of the application site at some 7 metres distance at the closest point. It is envisaged that the boundary treatment to both properties would be substantially expanded to incorporate a timber acoustic fence and additional landscape planting up to 28 metres wide. This would afford a high degree of protection to their residential amenity and there would not be a material increase in harm arising from the proposal over and above the existing situation. Precise details of the proposed fencing together the associated planting should be reserved by condition for further approval on any permission. The substantial reduction in parking area associated with the proposed allotments agreed by the applicant would also help safeguard the residential amenity of the adjacent properties by enabling the creation of a more substantial landscaped boundary to the site.

IMPACT UPON THE VISUAL AMENITY OF ADJACENT OPEN COUNTRYSIDE.

4.5 Policy GP9 of the York Development Control Local Plan sets a firm policy requirement for proposals where appropriate to incorporate a suitable landscape scheme which should be planned as an integral part of the proposals, include an appropriate range of indigenous species, reflect the character of the locality and surrounding development and form a long term edge to developments adjoining or in open countryside. The current proposal envisages the introduction of a mixture of activities normally found at the fringe of built development. The site comprises a substantial field previously in pasture use bounded by the York Outer Ring Road the A1237 with a narrow belt of mature trees marking the road side fringe. The extent of the planted boundary would be significantly extended and an orchard would be planted within the northern third of the site. This would alter the character of the space to notable extent but the man made character of the proposed sports pitches and hard play area would be largely mitigated by appropriately located planting and choice of floorscape surfaces. Concern has been expressed that the entire site should be retained as a denser landscape tree belt and that elements of the man-made activities should be relocated elsewhere. This would however be impractical and run the risk of creating a hard artificial landscape boundary to the urban fringe in this area. A partial detailed landscape plan has been submitted for the proposal but detailed information is required for prior approval for the whole site. On balance the scheme subject to appropriate conditions would comply with the requirements of Policy GP9 of the Draft Local Plan and help create a more visually pleasing transition between rural and urban activities.

IMPACT UPON THE OCCURANCE OF CRIME AND ANTISOCIAL BEHAVIOUR IN THE LOCALITY.

4.6 Serious concern has been expressed that in particular the proposed allotments would lead to an increase in problems of crime and anti-social behaviour experienced in the locality outside of normal school and working hours. The Safer York Partnership has recommended that appropriate measures be incorporated into the scheme to deter incidents involving the allotments and to secure the rear boundaries of the school and adjacent residential properties. It is recommended that any permission be conditioned accordingly.

5.0 CONCLUSION

5.1 Manor School comprises a substantial two storey 900 place secondary school recently constructed within the Green Belt to the north west of the City Centre. The current proposal envisages the layout of two hard surfaced sports pitches to the west of the existing school, a hard surfaced play area to replace the existing hard surfaced play area to be lost by construction of the proposed creative media teaching centre considered elsewhere on this agenda, and the layout of an orchard and community allotments. The proposed range of developments are considered to be appropriate within the Green Belt and the disposition of activities within the site with associated planting and floorscaping would not prejudice the openness of the Green Belt. Concern has been expressed in respect of the relationship of the proposal to the level crossing on Mill field Lane, however the distances are such that

there would not be a material impact upon the safety of level crossing users from individuals accessing the allotments. Two residential properties lie in close proximity to the application site to the north a substantial acoustic fence with additional landscape planting is envisaged to secure the residential amenity of both properties. Concern has also been expressed in relation to the impact of the proposal on the visual amenity of the wider landscape. A suggestion has been put forward that the application site should be substantially reorganised with elements relocated in order to facilitate the layout of a more substantial area of landscape planting. This would however be impractical given the aims of the application and would lead to a more harshly defined boundary to the urban fringe rather than the more gradual transition from rural to urban landscape envisaged. On balance the scheme complies with the relevant policies within 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 Ref: 091429-105-P1; E-11117-103-GR-MP-001; 091429-101-P1; 091429-103-P1

The layout of the allotment car park shall be in accordance with drawing no. 091429-105-P1.

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

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

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

4 Notwithstanding the application details hereby approved full details of the proposed floorscaping materials and kerbs 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.

Reason: To safeguard the visual amenity of the surrounding landscape and to secure compliance with Policies GB1 and GP9 of the York Development Control Local Plan

5 Notwithstanding the application details hereby approved full details including design, location and finishes of the proposed ball and security fencing 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.

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

6 Notwithstanding the application details hereby approved full details of the proposed street furniture to be erected within the site including designs, location and finishes 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.

Reason: To safeguard the visual amenity of the surrounding landscape and to secure compliance with Policy GP1 of the York Development Control Local Plan.

7 HWAY31 No mud on highway during construction

8 Notwithstanding the application details hereby approved full details of the proposed construction site access and compound including location and mode of surfacing shall be submitted to and approved in writing by the Local Planning Authority. Development shall thenceforth be undertaken in strict accordance with the details thereby approved and the site shall be reinstated to its previous condition within 28 days of construction work being completed.

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

9 Notwithstanding the application details hereby approved full details of the surfacing material of the proposed allotment site parking shall be submitted to and approved in writing by the Local Planning Authority. Development shall thenceforth be undertaken in strict accordance with the details thereby approved.

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

10 DRAIN1 Drainage details to be agreed

11 Prior to the commencement of the development hereby authorised full details of the acoustic noise barrier to protect the amenity of residential properties at the north eastern boundary of the application site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the construction

of, height, thickness, acoustic properties and exact location of the barrier. The barrier shall be erected in strict accordance with the details thereby approved before the site is first brought into use and maintained thereafter.

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

12 Prior to the commencement of the development hereby authorised soil sampling must be undertaken in the allotment area to determine the presence of contamination. In the event that contamination is found to be present, then a formal risk assessment must be carried out and a detailed report outlining the soil sampling, risk assessment and required mitigation measures including a timescale shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenity and safety of allotment users.

13 In the event that remediation is required a detailed remediation scheme shall be submitted to and approved in writing by the Local Planning Authority before work on site commences. Following completion of measures identified in the approved remediation scheme and prior to the allotments hereby authorised being first brought into use a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenity and safety of allotment users.

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 , impact upon the safety and convenience of users of the Millfield Lane level crossing, impact upon the residential amenity of neighbouring properties, impact upon the visual amenity of the neighbouring open countryside and impact upon the occurrence of crime and anti-social behaviour in the vicinity. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies GB1, GP1, GP3, GP9 and ED1 of the City of York Development Control Local Plan and Government policy contained within Planning Policy Guidance note 2 'Green Belts'.

Contact details:

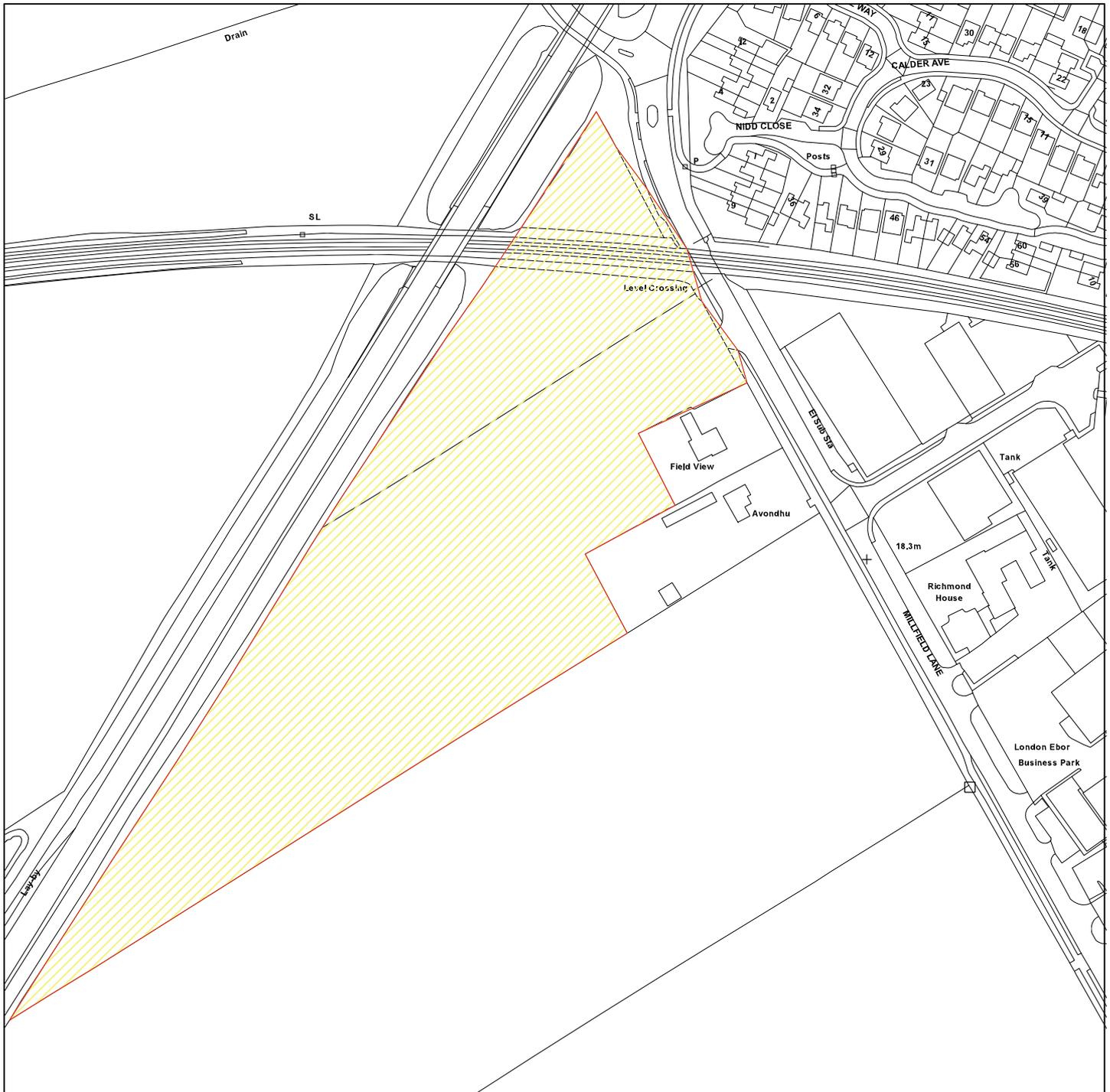
Author: Erik Matthews Development Control Officer
Tel No: 01904 551416

Land rear of Field View & Avondhu, Millfield Lane

09/02302/FULM



GIS by ESRI (UK)



Scale : 1:2500

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Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application site
Date	05 March 2010
SLA Number	Not set

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INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT - No objections

ENVIRONMENTAL PROTECTION UNIT - Object

3.2 The revised application shows that at a distance of 163m, the approximate distance to the nearest residential dwellings at Nursery Court, the expected noise level from the turbine varies from 31dB(A) to 37dB(A) depending on wind speed.

3.3 Whilst during the daytime these noise levels are less likely to be a problem, due to the noise produced by the York outer ring road (A1237) located approximately 350m from the site and 500m + from the nearest residential dwelling to the proposed turbine, have concerns about the noise level adversely affecting the amenity of residents during the quieter hours of the day and night. Currently no details have been submitted on the background noise levels at the site during the quietest times of the day and night.

3.4 In order to assess the potential effect that the turbine could have on these dwellings details on the background noise levels of the site would request that information be provided on the background noise levels at the site during the quietest time of the day and at night. In view of this I would request that the applicant undertakes a 24 hour noise monitoring exercise between 11pm on a Saturday evening and 11pm on a Sunday evening to determine the background noise environment. Such monitoring should be taken as near to the closest residential property at Nursery Court as possible. Details of the Leq and L90 for the monitoring period should be provided in 1 hour time periods. These results should then be compared with the predicted levels of noise from the wind turbine at the nearest residential dwellings.

CITY DEVELOPMENT

3.5 Adopted Regional Spatial Strategy sets out sub-regional energy targets to 2010 and 2021 and states that all development strategies, plans and decisions will maximise renewable energy capacity be delivering at least these targets. The CYC target for installed renewable energy is 11mw to 2010 and 31mw to 2021.

3.6 Wind turbines are not an appropriate use within the green belt so a very special circumstances argument would need to be assessed.

3.7 The proposed wind turbine would be located within an area preventing coalescence and is therefore within one of the areas defined as important to preserving the historic character and setting of York, as set out in "The approach to the Green Belt Appraisal" (2003). However it is noted that the site is already developed for sports and recreation use and the wind turbine would be ancillary use to it.

LANDSCAPE ARCHITECT

3.8 No objections to the original or revised scheme.

COUNTRYSIDE OFFICER

3.9 No objections.

EXTERNAL CONSULTATIONS/REPRESENTATIONS

NETHER POPPLETON PARISH COUNCIL

3.10 Object to original scheme and revised scheme on the following grounds:

- Unwarranted visual intrusion
- Reduction in visual amenity towards York from occupied properties in various area of the village
- Contrary to Green Belt policy
- Would set a precedent on the erection of masts, poles etc
- No argument why this mode of sustainable energy was preferred over other sources of supply, many of which are less visually intrusive

YORK NATURAL ENVIRONMENT PANEL

3.11 No objection

SPORT ENGLAND

3.12 Object

- Sport England is concerned over the as yet fully unexplored impact of the wind turbine on the current use of the site, as playing fields.
- Nothing in the submitted details covers the issue of harm to the pitches during construction and maintenance of the turbine.
- There may be a requirement for safety zones surrounding wind turbines to protect the public e.g. falling ice etc.

2 LETTERS OF OBJECTION to original scheme

- Have not been consulted by the football club
- Turbine would be visible from rooms in objectors dwelling
- Some of the supporting information states that the diameter of the rotor would be 5.57m while some of the other information states 9 metres in diameter
- As visible above the tree line would be prominent
- No objection to renewable energy, but the height of the mast should be reconsidered
- What is the noise level of the wind turbine, including at different speeds and distance from the turbine
- Would be prominent from the by-pass

1 LETTER OF OBJECTION to the revised scheme

- Height is out of keeping with the nearby bungalows and the low level nature of Nether Poppleton
- Proposed in an area where there are no other structures
- Set a precedent, coalescence of development
- Disproportionate height
- Intrude upon otherwise unbroken views across the countryside
- The development of the football facility was allowed, quite appropriately, to provide opportunities for outdoor sport and recreation, while retaining green spaces. However to develop the site further would be a change in use of the land and an abuse of the trust and support originally given
- Concerned regarding the noise of the turbine
- Concerned what impact the proposed turbine would have on the local birdlife
- There are other types of renewable energy that could be used on this site

1 LETTER OF COMMENTS to original scheme

- Will be able to hear turbine from Nursery Close
- How many hours a day will it run and what time of day will the turbine be active

4.0 APPRAISAL

RELEVANT SITE HISTORY

09/01583/FUL - Change of use of agricultural land to sports field and move boundary fence to include new land (renewal) - Approved

09/00474/FUL - Erection of one storey club house, extended car parking, cycle park, and bin store, Retention of 1 no. storage building - Approved

09/00492/FUL - Retention of 5no. storage containers/temporary buildings in connection with football club use - Approved

06/02108/GRG3 - Change of use of agricultural land to sports field and move boundary fence to include new land - Granted

05/00034/FUL - Siting of a portable steel storage building and variation of condition 1 of planning permission 00/00597/FUL - to allow retention of existing building for a further period - Approved

00/00597/FUL - Change of use of agricultural land to playing field, siting of three portable buildings with associated parking and accesses - Approved

ADDITIONAL PLANNING POLICY

Poppleton Village Design Statement, 2003

CYC Interim Planning Statement on Sustainable Design and Construction, 2007

Planning Policy Statement 1 - Delivering Sustainable Development

Planning Policy Guidance 2 - Green Belts

Planning Policy Statement 22 - Renewable Energy

Planning Policy Guidance 24 - Planning and Noise

KEY ISSUES

1. Impact on the greenbelt
2. Impact on neighbouring property

ASSESSMENT

PLANNING POLICY

4.1 Planning Policy Statement 1 - 'Planning for Sustainable Development' aims to protect the quality of the natural and historic environment. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue. Small scale renewable schemes should be encouraged by local authorities at the same time the quality of the natural and historic environment both rural and urban should be protected and enhanced

4.2 Planning Policy Guidance note 2 'Green Belts' sets out the purposes of including land within Green Belts and establishes specific categories of development that are appropriate within Green Belts. All other development is deemed inappropriate and therefore harmful to the Green Belt. For such development to be acceptable in Green Belts very special circumstances must be demonstrated to show that the harm is outweighed by other considerations. The boundaries of the Green Belt are detailed on the Proposals Map of the City of York Council Development Control Local Plan (CYCDCLP) and this site clearly falls within the Green Belt.

4.3 Planning Policy Statement 22: Renewable Energy advises that the development of renewable energy supplies will make a vital contribution to the Government's energy policy as set out in the Energy White Paper. It is considered that the increased development of renewable energy resources is vital to facilitate the delivery of the Government's commitments on both climate change and renewable energy. The Energy White paper indicates that local and regional bodies should be involved to deliver the Government's objectives, including establishing regional targets for renewable energy generation. This statement is supported by "Planning for Renewable Energy - A Companion Guide to PPS22". Of note the policy states:

- The wider environmental and economic benefits of all proposals for renewable energy projects, whatever the scale, are a material consideration that should be given significant weight in determining whether proposals should be granted planning permission. LPAs should not make assumptions about the technical and commercial feasibility of renewable energy projects. Small-scale projects can provide a limited valuable contribution to overall outputs of renewable energy and to meeting energy needs both locally and nationally. Planning Authorities should not therefore reject planning applications simply because the level of output is small. Development proposals should demonstrate any environmental, economic and social benefits as well as how

any environmental and social impacts have been minimised through careful consideration of location, scale, design and other measures

- When located in the Green Belt elements of the many renewable energy projects will compromise inappropriate development, which may impact on the openness of the greenbelt. Careful consideration will therefore need to be given on the visual impact of projects and developers will need to demonstrate very special circumstances that clearly outweigh any harm by reason of inappropriateness and any other harm if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.
- Of all renewable technologies, wind turbines are likely to have the greatest visual and landscape effects. However, in assessing planning applications, local authorities should recognise that the impact turbines have on the landscape will vary according to the size and number of the turbines and the type of landscape involved, and that these impacts may be temporary if conditions are attached to planning conditions which require the future de-commissioning of turbines.
- LPAs should ensure that the renewable energy developments have been located and designed in such a way to minimise increase in ambient noise levels

4.4 Supplementary Planning Guidance - Poppleton Village Design Statement (2003) sets down a series of design guidelines for proposed development. To maintain the village's rural character/atmosphere, there should be green and open land between Poppleton and York. This is not only important for Poppleton but for York so that it remains a contained and attractive city rather than being surrounded by unsightly urban sprawl. Expansion of Poppleton outside the existing curtilage towards the Ring Road should be discouraged. Any new development on the village periphery should be in keeping with both the surrounding properties and the countryside and should give a high priority to landscape design, to protect and enhance the external views of the village.

4.5 Policy YH9 and Y1 of the Yorkshire and Humber Regional Spatial Strategy (May 2008) sets out the extent of the City of York Green Belt.

4.6 Policy ENV5 of the YHRSS gives indicative local targets for installed grid-connected renewable energy in 2010 and 2021 (MW). The targets for York are 11MW by 2010 and 31MW by 2021. In the original application submitted there was the intention to sell some of the energy produced back to the National Grid. No information was submitted in regards of this issue for the revised scheme.

4.7 Policy SP2 'The York Green Belt' in the City of York Council Development Control Local Plan (2005) states that the primary purpose of the York Green Belt is to safeguard the setting and historic character of the City of York.

4.8 Policy SP3 'Safeguarding the Historic Character and Setting of York' in the City of York Council Development Control Local Plan (2005) states that high priority will be given to the protection of the historic character and setting of York.

4.9 Policy GP1 'Design' of the City of York Council Development Control Local Plan includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.10 Policy GP5 'Renewable Energy' in the City of York Council Development Control Local Plan (2005) states that the development of renewable energy will make a vital contribution to the reduction of carbon dioxide emissions, facilitating the delivery of the Government's commitment on climate change. Proposal for the development of renewable energy facilities will therefore be encouraged providing there is no significant adverse effect on the existing landscape, air quality, biodiversity, water resources, agricultural land or sites of archaeological or historic importance.

4.11 Policy GB1 'Development in the Green Belt' of the CYCDCLP follows the advice contained in PPG2 in stating that permission for development will only be granted where: the scale, location and design would not detract from the open character of the Green Belt; it would not conflict with the purposes of including land within the Green Belt; and it would not prejudice the setting and special character of the City, and is for a type of development listed as appropriate development. All other forms of development are considered to be inappropriate and very special circumstances would be required to justify where the presumption against development should not apply.

WIND TURBINE DETAILS

4.12 A condition was placed on the planning permission for the clubhouse (approved by sub-committee on 16 July 2009) for it to have at least 5 % renewable energy created on site. The applicant has decided that they would like to produce more than 5% and information has been submitted including the wind turbine but also the potential for photovoltaic panels on the proposed clubhouse and a biomass boiler/s in the proposed plant rooms. Although it is not clear if the applicant intends to use photolytic panels and biomass boiler in addition to the turbine.

4.13 The proposed Turbine would be 18.3 metres in height to the hub height with a horizontal axis dual rotor with a diameter of 13 metres. The proposed revised turbine is a reduction in the height of the originally submitted mast and a reduction in the number of rotors, although the revised scheme has a larger sweep path. The overall height would be 24.8 metres in height. The average windspeed in this area is just over 5 metres per second. Although it is noted no actual wind speed test have been

undertaken on site. The starting speed for the turbine is 2.5m/s. However PPS22 states that LPA's should not make assumptions about the technical feasibility of renewable energy projects.

4.14 The turbine has a gearbox, which in most cases turns the slow rotation of the blades into a quicker rotation that is more suitable to drive an electrical generator. The proposed wind turbine would have a constant blade rotational speed of 54rpm whatever the wind conditions.

IMPACT ON THE GREEN BELT

4.15 The proposed wind turbine does not fit into any of the appropriate uses set out in PPG2 or Policy GB1 and as such is considered to be inappropriate development. Very special circumstances are required to justify instances where this presumption against development should apply. The very special circumstances put forward by the agent, is that the proposal would lead to a reduction in carbon dioxide emissions from conventional source of over 22 tonnes per annum the equivalent of 60% of the new clubhouse footprint. The applicant intends to have displays within the clubhouse to show visitors including information and the output from the display machine helping to increase public awareness of low carbon energy creation. In addition they state that the design is of a limited scale and design and will visually contrast with the natural surroundings and would have little visual impact.

4.16 The provision of renewable energy is considered to have significant weight by virtue of the encouragement of renewable energy by central government as set out in planning policy. PPS 22 states that the wider environmental and economic benefits of all proposals for renewable energy projects, whatever the scale, are a material consideration that should be given significant weight in determining whether proposals should be granted planning permission and that the very special circumstances required for development in the green belt may include the wider environmental benefits associated with increased production of energy from renewable sources.

4.17 The green belt between Poppleton and York serves the purposes of preventing the coalescence of the two settlements, which is supported by policy set out PPG2 and the Poppleton Village Design Statement. The turbine is set away from the proposed club house, in the north east corner of the site and this isolation increases its visual prominence. In addition it is not viewed against the backdrop of buildings as the club house would be. It would add cumulatively to the visual impact of this site. However had the proposed turbine been proposed closer to the club house this may have increased the potential loss of residential amenity to the occupants of the nearby dwellings. The turbine is relatively small scale and its design limits its impact on the openness of the green belt. On balance, in this case the environmental benefits are considered to outweigh the harm to the greenbelt.

IMPACT ON NEIGHBOURING PROPERTY

4.18 The proposed turbine by virtue of its distance from the nearby dwelling (min. 175 metres) it is not considered to be unduly prominent or dominate the outlook from the nearby dwellings.

4.19 The Environmental Protection Unit (EPU) and a neighbour have raised concerns regarding the potential noise the turbine may cause. EPU have accepted that the noise levels throughout the day are acceptable however they are concerned about the turbine noise during the night. A background noise survey taken during the night has been requested from the agent. However no report has been received. EPU have based their comments on the distance of 163 metres between the proposed wind turbine and the closest dwelling, however scaled from the submitted plans it would indicate 175 metres. It has been suggested by the agent's renewable energy consultant to move the turbine so there is a distance of 180 metres to the nearest dwelling, which would remove EPU's concerns. It is not considered that moving the turbine an additional 5 metres would make a significant difference in the noise levels. There is a significant distance between the wind turbine and the closest dwelling and it is considered that on balance that the turbine would not cause a noise nuisance to the occupants of the neighbouring dwellings. However no data has been submitted to prove this. Noise levels from turbines are generally low under most operating conditions. There are two quite distinct types of noise source within a wind turbine. The mechanical noise produced by the gearbox, generator and other parts of the drive train; and the aerodynamic noise produced by the passage of the blades through the air.

OTHER ISSUES

4.20 The proposed site lies close to River Ouse, which contributes significantly to the quality of the local environment and provides an attractive habitat for local wildlife. No species or habitats of special importance have been identified that require special protection measures. The issue of 'bird strike' has been raised but it is advised in "Planning for Renewable Energy- A Companion Guide to PPS22" that there is evidence to suggest that the risk of collision of birds with moving of the rotor blades is minimal for both migrating birds and for local habitats.

4.21 The issue of 'shadow flicker' has been raised. Under certain combinations of geographical position and time of day, the sun may pass behind the rotors of a wind turbine and cast a shadow over neighbouring properties. When the blades rotate, the shadow flicks on and off. "Planning for Renewable Energy - A Companion Guide to PPS22" applicants for planning permission for wind turbine installations should provide an analysis to quantify the effect. This analysis was not submitted by the agent, however for the following reason it was not requested from the applicant. Only properties within 130 degrees either side of north, relative to the turbines can be affected at these latitudes in the UK. The further the observer is from the turbine the less pronounced the effect will be. "Planning for Renewable Energy - A Companion Guide to PPS22" states that flicker effects have been proven to occur only within ten rotor diameters of a turbine. Therefore if the turbine has 13m diameter blades, the potential shadow flicker effect could be felt up to 130m from a turbine. The closest dwelling that would be within the 130 degrees of north of the turbine would be 175 metres away. It is also considered that shadow flicker is unlikely to affect the playing fields given that the position of the turbine is in the north east corner and the football pitches do not fall within the 130 degrees either side of north.

4.22 Turbines can also cause flashes of reflected light, which can be visible for some distance. It is possible to mitigate the flashing by choice of blade colour and surface finish. This can be conditioned.

4.23 Sport England have raised concerns regarding the build-up of ice on turbine blades. Guidance set out in "Planning for Renewable Energy - A Companion Guide to PPS22" states that it is unlikely to present problems on the majority of sites in England. For ice to build up on wind turbines particular weather conditions are required, that in England occur rarely. If the icing of blades does happen, fragments of ice might be released from the blades when the machine is started. Most wind turbines, and the proposed wind turbine, are fitted with vibration sensors which can detect any imbalance which might be caused by icing of the blades; in which case operation of machines with iced blades could be inhibited. Sport England are concerned as to the safety of the users of the football pitches if the icing of the blades occur. As the playing fields are not open to the general public and it is not close to any public highway or dwelling it is considered that the potential safety and upkeep issues of the turbine would be the responsibility of the site management.

5.0 CONCLUSION

5.1 The proposed wind turbine is considered to be inappropriate development in the greenbelt and is considered to cumulatively add to the coalescence of development between Poppleton and York. However the environmental benefits of the proposed scheme are considered to outweigh the harm to the greenbelt and as such the proposed wind turbine would comply with national guidance - Planning Policy Guidance 2 "Green Belts" and Planning Policy Statement 22 "Renewable Energy. In addition the proposed wind turbine is not considered to unduly harm the residential amenity of the occupants of the nearby dwellings. Approval subject to the following conditions is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

Drawing Number 204C received 5 January 2010
Elevations submitted 4 January 2010
Drawing Number 209A received 2 December 2009;

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

2 TIME2 Development start within three years

3 The colour and finish of the turbine should be submitted to and approved in

writing to the Local Planning Authority.

Reason: To achieve a visually acceptable form of development.

4 The turbine and associated plant or equipment shall be appropriately serviced and maintained after installation to ensure it meets the manufacturers specification with regards to minimisation of noise output.

Reason: to protect the amenity of nearby occupants of noise sensitive premises.

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 the residential amenity of the neighbours, the visual amenity of the locality and the greenbelt. As such, the proposal complies with Policies GP1, GB1, and GP5 of the City of York Council Development Control Local Plan (2005); national planning guidance contained in Planning Policy Guidance 2 "Green Belts", Planning Policy Statement 22 "Renewable Energy" and "Planning for Renewable Energy - A Companion Guide to PPS22".

Contact details:

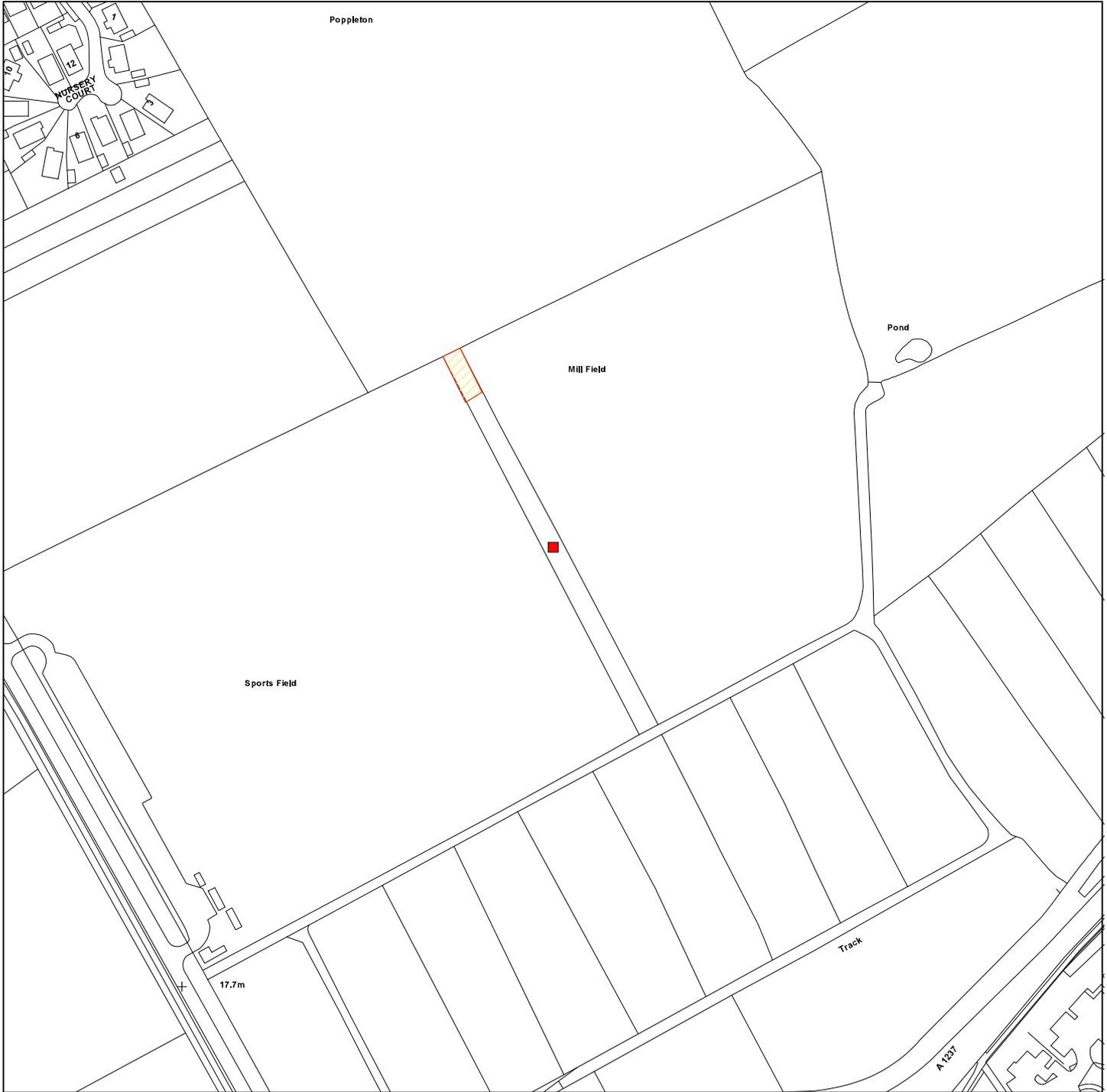
Author: Victoria Bell Development Control Officer

Tel No: 01904 551347

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Playing Field, Millfield Lane

09/01940/FUL



Scale : 1:2500

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Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application site
Date	08 March 2010
SLA Number	Not set

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**7 St Helen's Square / 1 Stonegate, York
Crabtree & Evelyn****Conservation statement - basement vaults**

Alan Wood & Partners were commissioned to comment on structural issues at the above property. We carried out a visual inspection on 27 July 2009 and prepared a report with recommendations. This statement is intended to clarify and support one of those recommendations, namely the infilling to two basement vaults.

The two brick-vaulted chambers run approximately 2.5m beyond the building line beneath St Helen's Square. The cover from soffit to pavement level was estimated at a shallow 250mm. This suggests the construction of the pavement is likely to be stone slabs on an insubstantial sub-base. The vaults are fully propped with slender timber sections which, from their appearance, has been carried out over the last five years. There was evidence of significant past damage to the vaults, partially hidden by the propping, and structural cracking below the springing level.

It is likely that the damage has been caused by vehicle parking above. The area is vulnerable to future wheel loading which could lead to partial collapse of the vaults if action is not taken.

When asked to consider the available options, our concern was to preserve as much of the original building fabric as possible. This is in line with good conservation practice. Repair or strengthening of the vaults is a possibility. In view of the shallow depth of construction available and the potential for high vehicle point loads, however, the introduction of a suitable spanning element over the basement cross walls is likely to require the destruction of the majority of the original vault masonry.

Our view was that the timber props should be replaced in such a way that the existing masonry was evenly supported. The vaults should also be sealed off to remove a potentially hazardous void from the main basement area.

Infilling with a foamed concrete is an established way to achieve support of an unserviceable basement void. Placed with a membrane against the masonry, it is relatively straightforward to remove this cleanly from the vault in the future, allowing full archaeological investigation if required.

Following discussions with the City of York Planning Officer and Conservation Officer, a layer of high density polystyrene will be included around the foamed infill. This will make it even easier to break out without disturbance to the vault.

We would, therefore, recommend that infilling of the vaults in this considered way is the best and most reversible means to preserve the historic fabric in situ.

Gez Pegram
Associate

BSc (Hons) CEng MICE MStructE
Engineer Accredited in Building Conservation

For and on behalf of Alan Wood & Partners

Officer Update - Plans item 4c - Doctors Surgery
40 Moorcroft Rd

ITEM 4c 18 March 2010

Doctor's Surgery, 40 Moorcroft Road

Objections from:

29 Moorcroft Road

- Submitted photographs indicating parking issues

38 Moorcroft Road

- Concerns that the site has not been accurately measured
- Plans do not indicate what would happen to the rear portion of the car port wall, which projects past the rear elevation of number 38 Moorcroft, and forms the boundary wall (officer note: applicant has confirmed that they are happy to retain the wall)
- Title deeds for the property do not clearly state who owns/is responsible for the car port wall
- Staff cycles should be provided to the rear of the site with patient parking to the front to protect residential amenity
- Request a condition that there should not be any side openings without the need for planning permission
- Comments in the minutes suggest that the gap between numbers 38 and 40 Moorcroft would be less than a metre where they would be 1.1m. (Officer note: The minutes were quoting this objectors representation to Members at Committee on the 18th February 2010 and not information contained within the Committee report)

42 Moorcroft Road

- Still object to the scheme as it will be wider and higher, than the current view from the ground floor window
- Surgery have already erected a fence and started to remove the shrubbery where they are hoping to erect the scaffolding

COMMITTEE UPDATE – 09/02284/FULM – Edmund Wilson Baths, Thanet Road

Response from Structures and Drainage

The agent submitted additional drainage details. However Structures and Drainage still consider some information to be still outstanding and recommend that the information is requested through the following condition. The following condition is also considered to cover the information required by Yorkshire Water:

Additional Condition - Surface Water Drainage – Drain 1

Revision to Condition 17

The reference to the siting of the cycle parking adjacent to the entrance has been removed.

Prior to the commencement of development on site, details of additional cycle parking areas within the car park shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas have been provided within the site in accordance with such approved details.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads

Revision to Condition 25

Prior to the commencement of development on site details of the colour of the paladin fence to the northeast and northwest boundaries shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of the visual amenities of the area

Additional Condition

The external car park lighting shall be switched off a maximum of 30 minutes after the store has closed for business, and switched on a maximum of 30 minutes before the store opens for business.

Reason: In order to protect the amenities of the neighbours and the character and appearance of the area from excessive illumination.

Revised 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 the residential amenity of the neighbours, the visual amenity of the

building and the locality, the retail impact on Acomb District Centre and the City Centre, and highway safety. As such, the proposal complies with Policies SP7a, GP1, L1b, GP4a of the City of York Council Development Control Local Plan (2005); and national planning guidance contained in Planning Policy Statement 1 "Delivering Sustainable Development", Planning Policy Statement 4 "Planning for Sustainable Economic Growth", and Planning Policy Guidance 13 "Transport".

1 letter of support

From Cllr Steve Galloway for the principle of the proposed development

- Questions the requirements for Condition 17 (Cycle parking location, and additional cycle parking), Condition 26 (Additional glazing on the Thanet Road elevation), Condition 27 (Duo post structure), and Condition 28 (Number of parking spaces reduced).
- Condition 25 (boundary fencing). The fencing should be the same as existing at present.

1 Letter from the agent - Adrienne Forrest (Acquisitions Manager from Lidl), in regards to the consultation responses shown in the report and the report.

- Consider 10 cycle parking spaces to be sufficient.
- The state that the gross floor area is 1520sqm and the canopy should be included in the calculation of floor space and subsequently contend that the number of car parking spaces should not be reduced.
- Do not agree that 6 significant trees will be removed, consider the trees to be small and insignificant.
- Question the need to supply additional drainage details.
- Would have liked the Statement of Community Involvement to have been discussed in the committee report.
- Question the additional amount of glazing required as had provided two glazed panels.
- Question the need for further lighting information (Condition 11).
- Question the EPU comments and the need for Condition 12 (remediation).

1 Letter of Objection from Peacock and Smith acting on behalf of Morrisons Supermarkets

- The impact assessment within the Lidl retail study contains 2 major inconsistencies:
- The Lidl retail study claims that the Morrisons store is overtrading against its benchmark turnover, and so it suggests that the predicted diversion of trade from it is acceptable. Morrisons agree that this was the case, however the modelled turnover of the store is based on its pre-extension turnover, and the extension which has recently been completed will have reduced over-trading;
- The trade diversion shown in the report are inconsistent with the likely patterns of competition which the proposed Lidl store will have. 50% of the store's trade is shown to be derived from the Tesco Askham Bar and 25% from clawback from facilities further a field including Tesco Clifton Moor, Sainsbury Fossbank and

Morrisons Foss Island. These represent highly improbable levels of diversion from such facilities which in addition to the deterrence of distance are significantly larger than the proposed store and which trade in a different manner the diversion would be from the Morrisons store and other facilities in Acomb. The overall impact on Acomb District Centre would be unacceptable, via direct competition with Morrisons and the loss of 'spin-off' trade to other shops.

- The proposed store would undermine the relevant aims and objectives of Policy EC2 of the Yorkshire and Humber Regional Spatial Strategy.
- Inconsistent with the retail objectives of the Local Plan and the emerging Core Strategy (Policy CS11).
- Fails to comply with the impact test set out in PPS4 (Policy EC16).

Response to the representation made by Peacock and Smith

- Not considered to be contrary to Policy EC16. In advance of development plans being updated to reflect PPS4 an assessment of impacts is necessary for retail below 2500sq m which are not in an existing centre and not in accordance with an up to date development plan and that would be likely to have a significant impact on other centres. Technically the Lidl store would not actually need a retail impact assessment under PPS4 unless it was considered the impact was likely to be significant
- It is not considered that the proposal will undermine the relevant aims and objectives of policy EC2 of the Yorkshire and Humber Plan. Policy E2 aims to strengthen the role and performance of existing city and town centres which should be the focus for local services and facilities. The policy also states that there should be no further development of **new** or **large scale** expansion of existing regional or **sub-regional shopping centres** and that proposals for **smaller scale** expansion should be assessed in line with PPS6 (now replaced by PPS4). It is clear from the justification of the policy that regional and sub-regional shopping centres are those such as White Rose Centre and Meadowhall. What is large scale will need to be considered in the light of the particular circumstances with a key determinant being if there would be regionally or sub-regionally significant impacts. It is clear in the Lidl proposal that this will not have a regionally or sub-regional significant impact and therefore as per Policy E2 the consideration of smaller scale extensions or new facilities will be a matter for LPA's to determine taking account of PPS6 (now PPS4).
- Proposal is consistent with Policy CS11 of the Core Strategy Preferred Options as the applicant has assessed sites in a sequential preferable locations and has not found a suitable, available and viable alternative
- The CYC Retail Study recommends that the Council be cautious to new **major** out of centre food stores given the impact on the city centres and other centres throughout the city. The available capacity should be directed to the existing network of district and local centres.
- The CYC retail study reports that the Morrison's store in Acomb is healthy and trading well. The store was at the time of the Retail Study achieving a turnover of £20.9m, which equates to a sales density (£ per sq m) of £16,639, which is well above the company average for a Morrison's store of £11,130 per sq m. This would indicate that the store is trading exceptionally well and is a strong attraction in Acomb's catchment area. This calculation is based on the pre-extension net food floorspace figure for Morrisons of 1,255 sqm. The extension

has increased the net food floorspace to 1,593 sqm which is likely to have reduced the over-trading and brought the sales density of the store down to around £13,119 per sq m which is still well above the company average level and shows strong, healthy trading levels.

- 20% of the trade draw will be from Acomb District Centre (including the Morrison's store) which equates to a trade diversion of £0.68m of the total estimated turnover of Acomb District Centre of £32.43m (2.1% impact)
- These predicted trade diversions can be compared with the overall forecast growth in retail expenditure of 13% between 2007 and 2012 which represents an annual growth of 2.5% per annum. Trade diversion of less than 2.5% is unlikely to be significant because they are effectively cancelled out by expenditure growth. The significance of the predicted trade diversions has to be interpreted on the vitality and viability of Acomb District Centre - Acomb District Centre has been shown to be healthy through the health check undertaken as part of the retail study and the anchor food store (Morrison's) is shown to be trading well above its company average levels indicating a strong store.



16/03/2010

Director of City Strategy
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Dear Sirs,

Planning reference 09/02284/FULM Lidl Store, Thanet Road

I will not be participating in the West and City Centre Planning Committee meeting scheduled to take place on Thursday 18th March as I have already publicly expressed my support, in principle, for this application by Lidl Stores. The proposed store will provide much needed additional shopping choice for the local community and has widespread local support.

I am happy for the views below to be shared with the committee.

While I am in general agreement with the officer recommendations, I would express the following concerns about some of the proposed conditions which I would ask that the Committee amend.

Condition 17 Cycle parking location. I can see no reason why the cycle parking provision should be located immediately outside the main store entrance. This is the obvious location for the siting of shopping trolleys. Given that, in our transport hierarchy, pedestrians have the highest priority, the cycle parking should be located where the applicant suggests (i.e. under cover, near the main entrance and with the benefit of CCTV surveillance). 5 stands, with capacity for 10 cycles, is perfectly adequate to meet likely demand.

Condition 28 Number of car parking spaces. I can see no reason why 66 car parking spaces should not be provided. The car park area as submitted is no larger than currently exists. If by achieving a better layout the applicant can provide 66 spaces then they should be allowed to do so. The highways network in this area is not subject to significant congestion and, while it is hoped that some customers will walk or cycle (or use the frequent number 4 ft bus service) to the site, the heavy nature of some purchases will mean that many will need their own transport. Failure to provide adequate, on site, car parking could lead to pressure "on street" nearby.

Condition 25 regarding boundary fences may need to be clarified. Following discussion with the Police Architectural Liaison Officer and the local Neighbourhood Policing Team it was agreed that railings were required to protect the site. The expectation is that they would be similar to those that already exist on the Thanet Road frontage to the car park (which are 2 metres in height). This is particularly important on the Hob Moor boundary. Condition 26 appears to relate to the type of glazing on the flank frontage. Provision of full length glazing would further expose the storage arrangements in the store to casual observation and is therefore undesirable. Condition 27 appears to refer to the signage above the store entrance. I can see no reason why this should not be provided. Indeed I cannot think of a store that does not have some sort of signage of this sort at their main entrance.

Yours sincerely,

Steve Galloway

Steve Galloway

CC Victoria Bell & Democracy Support

Please reply by Email whenever possible

Committee Update 2: 09/02302/FULM. Change of Use of Agricultural Land to Sports Pitches, Allotments, and Informal Landscaped Open Space. Hard Surfaced Recreational Area and Associated Footpaths , Car Parking and Ball Fencing on land to the Rear of Field View and Avondhu Millfield Lane Nether Poppleton.

Additional Condition: " Notwithstanding the application details hereby approved a lockable gate to a design and precise location previously agreed in writing by the Local Planning Authority shall be erected a minimum of 5 metres within the access to the allotment car park before the site is first brought into use and shall be retained thereafter.

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

**Committee Update 18/03/2010 Applications at Manor School Millfield Lane
Nether Poppleton. 09/02302/FULM .**

- The Authority's landscape architect has made further representations suggesting that a number of specimen trees be planted around the proposed informal student hard play area. This suggestion is supported and it is proposed that the wording of condition 4 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 landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs and other planting. This scheme shall allow for the planting of individual specimen trees and shall be implemented within a period of six months from the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species ,unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site and to secure compliance with York Development Control Local Plan Policy GP 9".

- A further letter of objection has been received requesting that the proposals be reconsidered to allow for a greater depth of tree planting adjacent to the A1237 Outer Ring Road to enable the wider area including the planting associated with the proposed Poppleton Park and Ride and the Wheatlands Community Woodland to form an exemplar green approach to the City.

12.3.2010

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to all members of the West and City Centre Area
Planning Sub-Committee

SENT 12.3.2010

MANOR SCHOOL - PROPOSED CHANGE OF USE OF LAND TO THE REAR OF FIELD VIEW AND AVONDHU, MILLFIELD LANE, NETHER POPPLETON - 09-02302/ FULM

Although the school did not indicate at the time of its original application for development in the Green Belt that it might wish to acquire the site in question, one could argue that this proposal is incremental development which could have been foreseen at the time.

Our concern, having accepted the existence of the new school as a fait accompli, is that the scheme put forward for approval on this enlarged campus is not taking full advantage of the opportunity offered to address the issues of visual impact, bio-diversity, climate change and pollution which should be at the heart of its development plans.

We enclose a letter which we have submitted to the Governors, asking them to give further thought to their proposals, and which covers our points of objection, which we will not repeat here.

Our hope is that the plans can be looked at again in the light of our comments, and to that end we would urge your Committee, if not necessarily refusing the application, to defer it so that modifications can be made which would be acceptable both to the applicants and the wider community.

Yours sincerely,

Philip Crowe

Barry Otley

3.3.2010

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The Chair of the Governors
Manor C.of E. School
Low Poppleton Lane
York YO 26 6BB

Dear Mrs. Somerville,

**PROPOSED CHANGE OF USE OF LAND TO THE REAR OF FIELD VIEW AND
AVONDHU, MILLFIELD LANE, NETHER POPPLETON**

The School Governors submitted its application for planning consent for this project in January, and it is to be determined by Committee on March 18th. As residents of York with a keen interest in environmental matters, and having had discussions with the planning officer dealing with the application, we would hope that you and the Governors might feel able to modify your proposals before it goes before the Committee.

In response to the public consultation on the York Northwest Issues and Options document in 2008, the York Environment Forum had suggested that the land in question could well be considered as an area suitable for significant tree planting as a contribution to the City's emerging tree strategy, with all the environmental benefits which that implies. Of course at that time information that the Governors were considering alternative proposals for the site was not in the public domain, as this land had never been included in the original planning application for the new school site.

We cannot stress too highly the importance of tree planting in contributing to the establishment of wildlife corridors and combating pollution, particularly from vehicle traffic. York has one of the lowest percentages of tree cover in the UK, and we had hoped that by developing your site as woodland, in conjunction with planting on the proposed park- and-ride site, the improvements to the A59 roundabout, the restoration of the waste disposal site at Harewood Whinn, and the continued development of Wheatlands Community Woodland, York Northwest would become an exemplar of co-ordinated and effective strategic landscape thinking at one of the major approaches to the city.

We fully understand and appreciate the need for the school to take advantage of adjacent open space to develop its outdoor educational activities, and we are particularly impressed by your allotment and orchard proposals. Would it be possible to reconfigure the site by reducing the areas of playing field, hard informal and car park space so that a much greater depth of woodland could be provided along the A1237 boundary, including the triangle of land designated as "*field to remain undeveloped natural habitat*", while still incorporating the allotment and orchard areas? This would benefit not only the school but the wider community, and be in line with the updated "Vision" for York which is now being developed by the Council.

Would you and your governors be able to arrange a meeting where we can discuss our suggestions constructively and in greater detail, before the planning meeting if possible, to see if a compromise solution can be reached?

We look forward to hearing from you.

Yours sincerely,

Philip Crowe

Barry Otley

encl. "Trees-Relief for the City"