



## Notice of meeting of

### Planning Committee

**To:** Councillors R Watson (Chair), Ayre, Boyce, D'Agorne, Firth, Funnell, Galvin, Horton, Hyman, Merrett (Vice-Chair), Moore, Morley, Reid, Simpson-Laing, B Watson and Wiseman

**Date:** Thursday, 17 February 2011

**Time:** 4.30 pm

**Venue:** The Guildhall, York

**The site visits will commence at 12.30pm on  
Wednesday 16 February 2011 meeting at Memorial Gardens**

### AGENDA

**Please note** that owing to the level of public interest in the application for the siting of the Observation Wheel and to the limited space available in the public gallery it has been found necessary to limit public admission to this meeting.

If you are interested in attending please could you contact Jill Pickering on (01904) 552061 to register your name, places will be allocated on a first come, first served basis. Apologies for any inconvenience this may cause.

#### **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 - 20)**

To approve and sign the minutes of the last meeting of the Planning Committee held on 20 January 2011.

### **3. Public Participation**

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by **5.00pm** on **Wednesday 16 February 2011**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

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

### **4. Plans List**

This item invites Members to determine the following planning applications:

**a) York City Art Gallery, Exhibition Square, York YO1 2EW (10/02794/FUL) (Pages 21 - 40)**

Temporary (2 year) siting of a 53m high Observation Wheel and permanent landscaping works following demolition of hutments to rear [Guildhall Ward] **[Site Visit]**

**b) York City Art Gallery, Exhibition Square York YO1 2EW (10/02795/CAC) (Pages 41 - 46)**

Demolition of existing hutments to rear in association with temporary siting of Observation Wheel and permanent landscaping works [Guildhall Ward] **[Site Visit]**

**c) York City Art Gallery, Exhibition Square, York YO1 2EW (10/02818/LBC) (Pages 47 - 52)**

Demolition of single storey additions to side. Alterations to boundary walls and railings [Guildhall Ward] **[Site Visit]**

**d) Proposed University Campus Lying Between Field Lane and Low Lane, A64 Trunk Road and Hull Road, York (10/02641/FULM) (Pages 53 - 68)**

Construction of a swimming pool building with health and fitness facilities plus outdoor sports pitches and car park with associated lighting and fencing [Heslington Ward] **[Site Visit]**

**e) Proposed University Campus Lying Between Field Lane and Low Lane, A64 Trunk Road and Hull Road, York (10/02696/REMM) (Pages 69 - 76)**

Construction of Northern Service Road (East), sections of the Movement Spine (East) and Hull Road Link Road (South) with associated pedestrian and cycle routes [Heslington Ward] **[Site Visit]**

**f) Proposed University Campus Lying Between Field Lane and Low Lane, A64 Trunk Road and Hull Road, York (10/02734/REMM) (Pages 77 - 86)**

Erection of student residences in 10 no. buildings with amenity/common room building and associated access, cycle parking and landscaping (Langwith College) [Heslington Ward] **[Site Visit]**

**5. The University of York Travel Plan - 2010-15 (Pages 87 - 90)**

To consider the University of York's submitted travel plan which has been updated to account for changes following the establishment of the new Heslington East campus. The Planning Committee are asked for their comments on the Plan prior to its formal approval.

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

Democracy Officer:

Name: Jill Pickering

Contact Details:

- Telephone – (01904) 552061
- E-mail – [jill.pickering@york.gov.uk](mailto:jill.pickering@york.gov.uk)

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

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

Contact details are set out above.

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**PLANNING COMMITTEE****SITE VISITS****WEDNESDAY 16 FEBRUARY 2011**

<b>TIME (Approx)</b>	<b>SITE</b>	<b>ITEM</b>
12.30pm	Bus leaves Memorial Gardens	
12.45pm	Proposed University Campus Lying Between Field Lane And Low Lane A64 Trunk Road And Hull Road York (meeting at the Grimston Bar Park and Ride site – assembling at the bus shelters) (10/02641/FULM, 10/02696/REMM & 10/02734/REMM)	4d, 4e and 4f
13.40pm	York City Art Gallery, Exhibition Square, York (meeting at the front of the City Art Gallery) (10/02794/FUL, 10/02795/CAC & 10/02818/LBC)	4a, 4b and 4c

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- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

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If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

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## **Holding the Executive to Account**

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

## **Scrutiny Committees**

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

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

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- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to;
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City of York Council

Committee Minutes

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MEETING	PLANNING COMMITTEE
DATE	20 JANUARY 2011
PRESENT	COUNCILLORS R WATSON (CHAIR FOR AGENDA ITEMS 1, 2, 3, 4A, 4B, 4C, 4F AND 4G), AYRE, BOYCE, D'AGORNE, FIRTH, FUNNELL, GALVIN, HYMAN, MERRETT (VICE-CHAIR IN THE CHAIR FOR AGENDA ITEMS 4D AND 4E), MOORE, MORLEY, REID, SIMPSON-LAING, B WATSON, WISEMAN AND KING (SUB FOR CLLR HORTON)
APOLOGIES	COUNCILLOR HORTON

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**29. INSPECTION OF SITES**

Site	Reason for Visit	Members Attended
Infinity Ltd, 88-96 Walmgate, York (10/02542/FULM and 10/02543/CAC)	To enable Members to view the site in relation to the Conservation Area, highway issues, surrounding properties and objections received.	Cllrs R Watson, Morley, Reid, B Watson
Proposed Development at Nestle South, Haxby Road, York (10/01955/OUTM, 10/01960/FULM, 10/02157/LBC)	To enable Members to view the site in view of the range and complexity of the development.	Cllrs R Watson, Morley, Reid, B Watson

**30. DECLARATIONS OF INTEREST**

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

Councillor D'Agorne declared personal non prejudicial interests in relation to Plans Items 4a, 4b and 4c (Nestle South, Haxby Road, York 10/01955/OUTM, 10/01960/FULM, 10/02157/LBC) as a member of the City Car Club, the York Cycling Campaign and the Cyclists' Touring Club, in Plans Items 4d and 4e (88-96 Walmgate, York 10/02542/FULM, 10/02543/CAC) as a member of the Green Party and in Plans Item 4g (Harewood Whin Landfill Site, Tinker Lane, Rufforth 07/02914/FULM) as a member of the York Environment Forum.

Councillor Merrett declared a personal non prejudicial interest in relation to Plans Items 4a, 4b and 4c (Nestle South, Haxby Road, York 10/01955/OUTM, 10/01960/FULM, 10/02157/LBC) as a member of the York Environment Forum, Honorary Member of the Cyclists, Touring Club,

a member of York Cycle Campaign and a member of the Cycling England Board.

Councillor Reid declared a personal prejudicial interest in relation to Plans Item 4g (Harewood Whin Landfill Site, Tinker Lane, Rufforth 07/02914/FULM) as the Council's representative on Yorwaste and left the room and took no part in the voting or discussion on the application.

Cllr R Watson declared a personal prejudicial interest in relation to Plans Items 4d and 4e (88-96 Walmgate, York 10/02542/FULM, 10/02543/CAC) as his firm undertook legal work in relation to the purchase of the site and vacated the Chair. He left the meeting and took no part in the voting or discussion on the applications.

**31. MINUTES**

RESOLVED: That the minutes of the last meeting of the Planning Committee held on 16 December 2010 be approved and signed by the Chair as a correct record.

**32. PUBLIC PARTICIPATION**

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

**33. PLANS LIST**

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

**33a Proposed Development at Nestle South, Haxby Road, York (10/01955/OUTM)**

Consideration was given to an outline application, submitted by Nestle UK Ltd, for a mixed use development including residential, live/work, residential student accommodation, offices, retail, café, assisted living, community centre, gymnasium, crèche, and associated car parking, landscaping, highway infrastructure and other ancillary works.

Officers referred to the three different types of applications under consideration at the meeting for the Nestle site, the first in outline for a mixed use development and access in line with the previously agreed masterplan together with an indicative layout for the remainder of the site, the second a full application for the retained buildings and the final application for listed building consent.

Officers circulated an update in relation to the applications which included details of the following issues (copy of the full update is attached as an Annex to the online agenda):

- Details of the various aspects of the draft Section 106 Agreement which formed part of the proposals under consideration, including:
  - Public Art
  - Sport and recreation
  - Sustrans path
  - Affordable housing
  - Contribution towards education provision
  - Community Use Agreement
  - Recording and analysis of air quality
  - Open Space and Woodland Construction Management and Maintenance Plan
  - Assisted Living Management Plan
  - Marketing Plan
  - Sustainable transport contributions
  - Traffic Regulation Orders
- Submission of an Environmental Impact Assessment and the need to add this to the Officers recommended reasons for approval.
- Receipt of an additional letter of objection from a local resident.
- Update to Paragraph 3.48, page 22 - comments of the Conservation Area Advisory Panel confirming that they raised no new issues to the proposed revisions.
- Additional condition relating to the provision of washing and changing facilities for office staff to promote bicycle use
- An additional condition regarding the creation of a pedestrian refuge for the crossing of Haxby Road.
- Details of amendments to the following suggested conditions:
  - Condition 2 – Plan revisions
  - Condition 11 – Internal noise level wording redrafted so as to be more precise
  - Condition 37 – Car parking/spaces wording redrafted so as to be more precise
  - Condition 39 – Connection to the Sustrans path, recommended for deletion as this was covered in the Section 106 Agreement.

Representations were then received from a representative of the York Civic Trust who confirmed that he welcomed the proposals which followed the previously agreed master plan. He stated that he hoped the property mix would be adhered to as there was a need for family homes in the city. Much thought had been given to the scheme as the scale of the proposals contrasted well with surrounding development and the family homes had been improved with the provision of defensible open space which was supported. Their only concerns related to the Joseph Rowntree Library and its subsequent conversion, the number of student parking spaces and the penthouse appeared dominant and required setting back.

A Nestle Director made representations in support of the scheme which he confirmed had been prepared in accordance with the Council's brief. He went on to explain the concepts behind the proposals which would regenerate an important city site building on the heritage of Joseph Rowntree.

Member went onto discuss the proposals in more detail and in particular they questioned a number of aspects including:

- The inclusion of allotment sites in the S106 agreement and proposals for the existing adjacent allotments.
- Request for an extension of the lease of the sports pitches/facilities on Haxby Road beyond the 25 years already offered. Confirmation by the applicants that a 99 year lease would be offered.
- Possibility of requiring additional money in the S106 to improve the cycle route into the city to assist less confident cyclists. Officers confirmed that the highway works already proposed were considered sufficient and proportionate to the development.
- In relation to the environmental agenda it was felt that this development should be an exemplar from the sustainability point of view. Questioned why a community heating system had not been progressed for the site. Confirmed that this was more a concern for the landowners rather than the developers.
- Questioned why the authority were not insisting on more than 10% of the expected energy demand being provided for through on-site renewables as 10% was only the minimum requirement.
- With the removal of the rear alleyways from the Design Code questioned waste/recycling and collection issues.
- Proposed Traffic Regulation Order contribution towards waiting restrictions. Confirmation that this contribution at the reserved matters stage would also ensure a low speed environment on the site.
- Flexibility was required with the proposed 40/60 housing split.
- Minimum road widths required to ensure emergency/refuse vehicle access. Confirmation that road widths could be specified at the detailed design stage.
- In answer to a question regarding traffic issues in the area confirmation that there were no proposals to provide a link road through the site between Haxby Road and Wigginton Road.
- Queuing traffic in the vicinity of Crichton Avenue Bridge and York Hospital and the possible provision of a slip road. Officers confirmation that a number of alternative options had been examined however the only feasible access had been that included in the application.
- Concerns that the on site open space provision should provide useable space for all ages.
- Future management of open spaces.
- Service charge concerns. The applicants detailed the various service charge options.
- Maintenance of northern and southern buffer zones.
- Confirmation that site fencing was proposed between the site and stray land as requested by the Police Architectural Liaison Officer.
- Need to ensure appropriate funding for provision of community facility. Officers confirmed that this was not part of the planning brief and that the outline application would only provide indicative land uses.

The Council's legal representative confirmed that it would be inappropriate to seek to renegotiate Section 106 agreement contributions at the meeting.

She stated that the contributions to be included within the agreement had only been negotiated by officers on an arms length basis following detailed negotiations between officers and the applicants.

Following further lengthy discussion it was moved by Councillor Merrett and seconded by Councillor D'Agorne that further consideration of the application be deferred for one month to allow Officers to discuss the inclusion of the under mentioned issues in the Section 106 agreement:

- Contribution for the provision of a community facility subject to a local study showing this was necessary.
- Prior to commencement of the development an independent study shall be carried out to assess the viability of utilising the existing heat and power system which operates within the Nestle factory site or a stand alone heating plant.
- In order to prevent displacement parking the developers be required to finance residents parking schemes, if needs demand as a result of the development in the next 5/10 year period.
- To overcome safety issues Officers be requested to examine the Wigginton Road highway arrangements and bus shelter locations.

On being put to the vote this motion was lost. Following further discussion it was

RESOLVED: That the application be approved subject to the conditions set out in the report and the following amended and additional conditions and a Section 106 agreement:

**Amended Condition 2:** Prior to the commencement of building works, reserved matters applications with fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a) appearance
- b) landscaping;
- c) layout; and
- d) scale

Such reserved matters applications shall comply with the general design principles set out in the following documents:

- Revised Design Code received by CYC 18/01/11
- Revised Parameters Plan 5541 AL(OP)200 A received by CYC 31/12/10
- Revised Illustrative Landscape Layout 930/08 Rev L received by CYC 24/12/10
- Revised Illustrative Sections for Buffer Planting Along Northern Boundary 0930-14 received by CYC 24/12/10
- Revised Illustrative Landscape Central Boulevard received by CYC 24/12/10
  - Revised Site Sections B,B - 5541 AL(OP)202 D, Sections C, D - AL(OP)203 D, Sections E, F - AL(OP)204 D, and G, H - AL(OP)205 C all received by CYC 07/12/10

The development shall be carried out in accordance with the approved

details.

**Amended Condition 11:** The internal noise level within all residential accommodation (including student accommodation and assisted living units) shall not exceed 30 dB LAeq (8 hour) and 45dB L<sub>Amax</sub> inside bedrooms at night (23:00 - 07:00 hrs ) and 35 dB LAeq (16 hour) in all other habitable rooms during the day (07:00 - 23:00 hrs). Should any works be required to achieve the required maximum noise levels, details of the attenuation works shall be submitted to and approved in writing by the Local Planning Authority. These noise levels stated shall be observed with all windows shut and any means of artificial ventilation in operation. No residential accommodation shall be occupied until the approved attenuation works, if required, have been installed in complete accordance with the approved details.

**Amended Condition 37:** The operation and management of the car parking on each phase of the development shall be undertaken in accordance with a car park management scheme for that phase, which shall be submitted to and approved in writing by the LPA prior to that phase of the development being brought into use. The car park management plan shall include, where appropriate, the following details:

- how many spaces are allocated to the use
- how car parking spaces within that use would be allocated
- where the car parking spaces are located
- how the car parking would be managed and enforced
- the procedures to be put in place as students move in and out of the premises

The approved scheme shall be implemented in complete accordance with the approved details and thereafter retained unless otherwise agreed in writing by the Local Planning Authority.

**Removal of Condition 39:** Access to the Sustrans cycle path had already been covered within the Draft S106 Agreement.

**Additional Condition:** Washing and changing facilities shall be provided within all B1 Office Accommodation, these facilities shall be accessible by all persons employed within the premises. Details shall be submitted to and approved in writing by the Local Planning Authority and the facilities shall be provided in accordance with the approved details prior to first use of the office accommodation and thereafter retained.

**Additional Condition:** The development hereby permitted shall not come into use until the pedestrian refuge on Haxby Road has been carried out in accordance with drawing EU00431\_SK12 rev E.

List of items for inclusion within the **Section 106 Agreement:**

- i) Affordable Housing at 25% to be linked to the Council's viability assessment.
- ii) A contribution towards education provision, sum to be calculated prior to occupation of the first residential unit.
- iii) A Community Use Agreement and lease for the sports pitches to the north of the factory site along both sides of Haxby Road and a one off £50,000 sum towards off-site sports pitch/facilities upgrading, with a 99 year lease.

- iv) An agreement to connect the site to the Sustrans path to the south, to thin out existing overgrown landscaping and to plant new low maintenance landscaping where appropriate, to illuminate the new access route, and to provide seating adjacent to the Sustrans track which would match the seating provided within the Nestle South site (as detailed below)
  - To create a pedestrian and cycle friendly link between the south of the site and the Sustrans path. Location and details to be agreed with the Local Planning Authority.
  - The submission of a landscaping plan to be agreed with the Local Planning Authority. The plan shall include details of the thinning out of some areas of green landscaping to the south of Nestle South in order to create a more open and light environment for users and to facilitate a greater level of natural surveillance of the path. Low maintenance additional planting would be provided where appropriate in order to improve the appearance and quality of the path thus encouraging its use.
  - To install a bench on/next to the Sustrans path which shall be the same specification as those used within the Nestle South site in order to 'tie' the areas together.
  - To agree a lighting scheme so that the access point from the Sustrans path to the Nestle South site is sufficiently illuminated to encourage use.
- v) A commuted sum of £80,000 towards Public Art
- vi) Recording and analysis of Air Quality
- vii) Open Space and Woodland Construction Management and Maintenance Plan
- viii) Assisted Living management plan
- ix) A marketing plan to promote the site to knowledge based industries
- x) Sustainable transport contributions including:
  - a) The choice of either a free cycle or 6-month bus pass to first occupiers of the residential units.
  - b) Contribution towards the provision of a car club on the site, including drive time and membership for residents
  - c) Contribution towards the provision of CCTV in the vicinity of the site access junctions on Haxby Road and Wiggington Road
  - d) Contribution towards the provision and/or improvement of bus stops on Haxby Rd/Wiggington Rd and within the site. The stops are to include kassel kerbs, shelters and real time (BLISS) displays
  - e) Contribution towards the provision of an intelligent bollard within the site to restrict traffic travelling through the site
  - f) Funding to pump prime the provision of a bus route through the development
  - g) A Travel Plan.
- xi) Traffic Regulation Orders such as a contribution towards the promotion/amendment of waiting restrictions in the vicinity of the site, the creation of a residents parking scheme on the site, and further restrictions to ensure that surrounding residential areas and highways are not disadvantaged by on-street parking

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

- Principle of Development
- Transport and Parking
- Design and Visual Amenity
- Sustainability
- Flood Risk and Drainage
- Open Space
- Crime Prevention
- Ecology
- Residential Amenity
- Land Contamination
- Environmental Issues

As such the proposal complies with relevant policies contained within the Council's Development Control Local Plan (2005), the Nestle South Development Brief, and national guidance contained within PPS and PPG's.

**33b Proposed Development at Nestle South, Haxby Road, York (10/01960/FULM)**

Members considered a major full application, submitted by Nestle UK Limited, for the conversion and alteration of retained buildings within Nestle South, including the creation of an additional storey, for a mix of uses incorporating residential, live/work, residential student accommodation, office, retail, café, and associated landscaping, roads and car parking.

Officers circulated an update which detailed (copy of the full update is attached as an Annex to the online agenda):

- Recommendation to read 'Approve subject to Section 106 Agreement'.
- Replace Condition 2 with updated list of plans/documents.
- Condition 31 relating to car parking management plan, redrafted so as to be more precise.
- Additional condition, relating to the provision of washing and changing facilities within the office accommodation.
- Additional condition, relating to the design and dimensions of the passenger lifts to be able to accommodate people with bicycles.

Members confirmed that there were minimal changes proposed to the building thereby retaining its character and important features whilst providing a number of mixed uses. They also expressed support for the conversion of the Library into a community café and the enhancement of the area with landscaping.

RESOLVED: That the application be approved subject a Section 106 agreement (as per the outline application), the



conditions listed in the report and the following amended and additional conditions:

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

- Revised Proposed Elevations Building 66-67-2 plan number AL(CA)209 G received by CYC 14/01/11
- Revised Proposed Elevations Building 66-67-2 The New Elements plan number AL(CA)214 B received by CYC 14/01/11
- Revised Proposed Masterplan plan number AL(CA)201 D received by CYC 14/01/11
- Revised Proposed Plans Building 66-67-2 Ground + First plan number AL(CA)206 F received by CYC 14/01/11
- Revised Proposed Plans Building 66-67-2 Floors 2-5 Floor 6 plan number AL(CA)207 E received by CYC 14/01/11
- Detailed Design for Haxby Road Frontage plan number 930-23A received by CYC 24/12/10
  - Revised Proposed Sections Building 66-67-2 Section A plan number AL(CA)210 F, Section B plan Number AL(CA)211 F, and Section C plan number AL(CA)212 E all received by CYC 14/01/11.

**Amended Condition 31:** The operation and management of the car parking on each phase of the development shall be undertaken in accordance with a car park management scheme for that phase, which shall be submitted to and approved in writing by the LPA prior to that phase of the development being brought into use. The car park management plan shall include, where appropriate, the following details:

- how many spaces are allocated to the use
- how car parking spaces within that use would be allocated
- where the car parking spaces are located
- how the car parking would be managed and enforced
- the procedures to be put in place as students move in and out of the premises

The approved scheme shall be implemented in complete accordance with the approved details and thereafter retained unless otherwise agreed in writing by the Local Planning Authority.

**Additional Condition:** Details shall be submitted to and approved in writing by the Local Planning Authority of the washing and changing facilities to be provided within the B1 Office Accommodation hereby approved. The washing and changing facilities shall be accessible by all persons employed within the premises and shall be provided in accordance with the approved details prior to first use of the office accommodation and thereafter retained.

**Additional Condition:** Details shall be submitted to and approved in writing by the Local Planning Authority of the design and dimensions of the passenger lifts to be installed. The lifts shall be suitable for use by people with bicycles. The lifts shall be installed in accordance with the approved details prior to the first occupation of the residential accommodation.

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

- Principle of Development
- Design and Impact on the Conservation Area
- Community Open Space/Play Area
- Highways
- Sustainability
- Flood Risk and Drainage
- Crime Prevention
- Ecology
- Noise
- Air Quality
- Environmental Issues

As such the proposal complies with relevant policies contained within the Council's Development Control Local Plan (2005), the Nestle South Development Brief, and national guidance contained within PPS and PPG's.

**33c Nestle Rowntree, Haxby Road, York YO31 8XY (10/02157/LBC)**

Consideration was given to a Listed Building Consent application, submitted by Nestle UK Ltd, for the demolition of buildings 51 and 52 and the reinstatement of the building fabric of buildings 66-67 and 76 (Joseph Rowntree Library).

RESOLVED: That approval be granted subject to the conditions set out in the report.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the character, appearance, and setting of the listed building. As such the proposal complies with Policy HE4 of the City of York Development Control Local Plan.

**33d Infinity Ltd, 88-96 Walmgate, York YO1 9TL (10/02542/FULM)**

Members considered a major full application, submitted by S Harrison Developments Ltd and Sojourn Hotels, for the erection of a 4 storey building to form a 102 bedroom hotel.

Officers updated with the following information:

- Additional condition required to ensure that adequate facilities were included for the treatment and extraction of cooking odours.
- Revised plans were displayed which detailed the addition of decorative railings and the incorporation of brickwork columns to divide the glazing on the frontage.

- Comments of the Green Party in relation to the strengthening of the proposals for sustainable building and renewables and coach parking.
- Officers confirmation that a coach could undertake a 3 point turn manoeuvre on Hurst's Yard/Percy's Lane. There was also sufficient room for a coach to load/unload on the Walmgate frontage whilst leaving sufficient space for a bus to pass.
- Confirmation that a Traffic Regulation Order contribution would be required to amend waiting restrictions in Percy's Lane to enable servicing of the hotel to take place.

Representations in support of the application were then received from the applicants agent. He pointed out that this would not be a budget hotel but run by a new operator from the United States, rejuvenating the Walmgate area and creating up to 40 jobs. The design was sympathetic to the Conservation Area and as the main hotel business would be accommodation this would assist in boosting the local economy.

Members questioned and commented on a number of aspects of the proposals including:

- Need to provide 2 dedicated disabled parking spaces for hotel guests.
- Staff parking issues with late shifts eg motorcycles.
- Archaeological survey work and possible incorporation of any findings in the building.
- Recycling facilities.
- Management plan for the servicing of arrivals and departures.

Officers confirmed that they would take members comments on board in relation to disabled parking when drawing up the traffic regulation orders in the area.

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

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

Floor plans  
D -201D - ground floor plan  
202C - 1st floor  
203B - 2nd floor  
204B - 3rd floor  
205B - roof

D – 302C -large scale elevations  
Elevation drawings D-401D, 402D, 403E, 404D

**Additional Condition:** Prior to occupation of the development a servicing strategy detailing how deliveries and coach arrivals and departures from the site will be managed shall be submitted to and approved in writing by

the Local Planning Authority. The development shall operate in accordance with the approved details thereafter unless otherwise agreed in writing by the Local Planning Authority.

**Additional Condition:** There shall be adequate facilities for the treatment and extraction of cooking odours. Details of the extraction plant or machinery and any filtration system required shall be submitted to the Local Planning Authority for written approval. Once approved it shall be installed and fully operational before the proposed use first opens, and appropriately maintained thereafter.

**REASON:** In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the setting of nearby listed buildings, the character and appearance of the conservation area, amenity, highway safety, archaeology and flood risk.

As such the proposal complies with national policy established in PPS1, PPS4 and PPS5 and Policies SP7A, SP7B, GP1, GP3, GP4A, HE2, HE3, HE10, T4, E3B and V3 of the City of York Development Control Local Plan.

**33e Infinity Ltd, 88-96 Walmgate, York YO1 9TL (10/02543/CAC)**

Members considered a Conservation Area consent, submitted by Mr Chris Hale, for the demolition of buildings in the conservation area in connection with the proposed redevelopment of the site.

Following discussion it was

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

**REASON:** In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the character and appearance of the conservation area. As such the proposal complies with PPS5: Planning for the Historic Environment and Policy HE5 of the City of York Development Control Local Plan.

**33f Hungate Development Site, Hungate, York (10/02646/FULM)**

Members considered a major full application, submitted by Hungate (York) Regeneration Ltd, for the conversion of 7 no. townhouses (unit numbers 22, 23, 24, 25, 26, 47 and 48) to 14 no. duplex apartments within Phase 1 of the Hungate redevelopment scheme.

Officers updated with the following information:

- An additional condition was required regarding windows in the new units.
- Confirmation that the overall scheme content of 720 units and the associated agreed affordable housing provision for the site as a whole would remain.
- There would also be no changes to the contributions in the previously approved Section 106 agreement.

Representations in support of the application were received from the applicants Planning Consultant. He referred to change in the economic climate since the outline scheme had gained approval 5 years ago. He pointed out that 21 of the 28 townhouse were still unoccupied and to the extensive marketing of the properties already undertaken. In answer to members comments he confirmed the popularity of the 3 bedroom properties and to the flexibility that would be required on the schemes four further phases.

Members referred to a number of issues including proposals for sound proofing between the properties and to concerns regarding the amenity levels and room size of the existing townhouses.

Following further discussion it was

**RESOLVED:** That the application be approved subject to a Section 106 agreement, the conditions set out in the report and the following additional condition:

Notwithstanding the submitted plans, full details of the new window units which incorporate the opaque glazing panel 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 opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to: the design of the development, mix of house types /number of units and parking provision.

As such the proposal complies with Policies GP1, HE2 and H3C of the City of York Local Plan Deposit Draft.

**33g Harewood Whin Landfill Site, Tinker Lane, Rufforth, York YO23 3RR (07/02914/FULM)**

Consideration was given to a full application, submitted by Yorwaste Ltd, for the construction of 2 no. concrete pads totalling 25,800m<sup>2</sup>, site roadways and drainage system including underground storage tanks, for use as a green waste composting and waste wood recycling facility.

Officers circulated an update on the application, which detailed the following (a full copy of the update has been attached as an annex to the agenda for the meeting):

- The Committee had previously approved this application, subject to the removal of the Environment Agencies objection. Confirmation that this objection had now been removed.
- The following concerns had been raised by members, residents, the Parish Council and local Member of Parliament:
  - Lack of overall strategy for the site.
  - Potential impact on the local surface water drainage pattern.
  - Lack of provision for renewable energy generation.
  - Use of recycled aggregate and the amount of embedded energy used in the construction process.
  - The scheme could lead to an increase in compostable material over and above the existing situation at the site.
  - Impact on the openness of the Green Belt.
  - Outstanding matter in relation to public rights of way from the Section 106 Agreement.
- Recommended addition of an informative to Condition 20 in relation to an odour management scheme for the site.
- Amendment of Condition 21 to read “noise management protocol scheme”.
- Amendment of Condition 4 to add “including semi-mature specimens wherever practicable”.
- Confirmation that Rufforth Parish Councils letter, previously circulated to members, referred to a separate application for the site to be considered by the West and Centre Sub-Committee.

Representations were received from a local resident expressing concerns at the lack of communication by Yorwaste, with the Parish Council and local residents. He also referred to a number of outstanding Section 106 conditions and to the 14 incremental variations and alterations received for the site. He asked members to recommend a formal review of the site and its use.

Representations were also received from a member of Rufforth Parish Council who expressed a number of concerns including that their objections to the scheme still remained. They pointed out that they believed Yorwaste had failed to argue the case for very special circumstances and requested the Committee to delay a decision to enable the developers to produce a master plan for the site.

A representative of Yorwaste confirmed that an Environmental Impact Assessment (EIA) had been submitted with the original application and that the present application had also been accompanied by an EIA which had considered the development’s potential impact in respect of visual impact, noise etc. He explained that the existing facility was now too small for purpose and that the new pads would enable the compost to be regularly turned to reduce the potential for odour from the site.

Councillor Gillies referred to several outstanding issues at the Harewood Whin site and to resident’s main objections being the lack of an overall

strategy for the site. He pointed out the number of separate applications made by the developers and to proposals for the Allerton Park site with additional vehicles being routed through Rufforth village. He asked the Committee to request the applicants to submit an overall development brief for the site and for them to undertake full consultation with the City of York Council, adjacent Parish Councils and the Drainage Board.

The Council's legal representative confirmed that there were no formal legal or policy requirements for the developers to prepare a master plan or development brief for the site. Officers went on to confirm that priority would be given to enforcement issues relating to the site but that this was separate to the application under consideration.

Members made a number of comments in relation to the proposals including:

- Need for a condition to control the proportion of demolition aggregate used in the construction of the pads. The applicants confirmed that this would be covered at the civil engineering detailed design stage.
- Confirmation received that the Sustrans cycle route adjacent to the site would be safeguarded.
- Confirmation that there had been no material change in policy or site circumstances since approval of the original application.
- Further details in relation to the removal of hedgerows and landscaping proposals.
- Request for detailed figures for future green waste.
- Additional traffic would make roads in the vicinity less attractive to sustainable transport and for the need to provide cyclists with an alternative route.

The Chair confirmed that he hoped the applicant would take note of the Parish Council and resident's comments and make presentations to all neighbouring Parish Councils on their proposals for the site. Officers also confirmed that further discussions would be undertaken with Yorwaste in relation to undertaking some preparatory work and safeguarding of the Sustrans cycle route.

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

**Amended Condition 4:** Prior to the commencement of development on site, a detailed landscaping plan, showing the number, species, height and position of all trees and hedging including semi-mature specimens wherever practicable, shall be submitted to and approved in writing by the Local Planning Authority.

**Additional Informative to Condition 20:** The odour management scheme should be developed in line with the DEFRA guidance document Good Practice and Regulatory Guidance on Composting and Odour Control for Local Authorities Appendix C.

**Amended Condition 21:** The noise management protocol scheme shall be reviewed 1 year after the first use of the development. This review must be submitted in writing with any amendments to the noise management protocol scheme to the Local Planning Authority for written approval.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the designated green belt, environmental issues, drainage and traffic. As such the proposal complies with PPG2, PPS7, PPS10 and Policies SP2, SP3, GP4a, GB1, GB14, MW5 and MW1 of the City of York Development Control Draft Local Plan.

R WATSON, Chair

[The meeting started at 4.30 pm and finished at 7.40 pm].



**COMMITTEE REPORT**

**Date:** 17 February 2011      **Ward:** Guildhall  
**Team:** Major and Commercial Team      **Parish:** Guildhall Planning Panel

**Reference:** 10/02794/FUL  
**Application at:** York City Art Gallery Exhibition Square York YO1 2EW  
**For:** Temporary (2 year) siting of 53m high Observation Wheel and permanent landscaping works following demolition of hutments to rear  
**By:** Mr Michael Woodward  
**Application Type:** Full Application  
**Target Date:** 16 February 2011  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application is for temporary permission for a 53m high observation wheel on the land behind the City Art Gallery. The application as originally submitted sought planning permission for a period of three years. In light of some of the concerns expressed the application has been amended and permission is now sought for a two year period, enabling the wheel to be in situ until after the Easter period in 2013. The main entrance to the site would be from Exhibition Square. Access would also be available from Marygate and from the Museum Gardens during operating hours of the gardens. In addition to installation of the wheel and its holding platform, the proposals include also the following:

- A Yorkstone paved access path down the north side of York City Art Gallery.
- The creation of a paved terrace to the rear of the gallery.
- The gravelling of the area within the precinct walls to form a base for the wheel.
- A link footpath with ramps and steps to connect the site with Museum Gardens to the south.
- The extension of the lawned area currently used as a bowling green.

1.2 The York Museum's Trust have made the application as the income generated from the wheel at this site, for the temporary period, will enable the area of land behind the gallery to become an outside exhibition space, that would be landscaped and form an extension to the Museum Gardens in their existing form. There are companion applications for the associated works - Conservation Area Consent to demolish the hutments and Listed Building Consent, to form the access from Museum Gardens and to demolish extensions on the north east side of the City Art Gallery.

1.3 Members will be aware that an observation wheel was formerly located at the National Railway Museum on Leeman Road. The wheel was granted permission for 3 years in 2006 (application 06/00599/FUL).

1.4 The application site is not allocated in the Local Plan for a particular use; the bowling green is not designated open space. However the site is within the Central

Historic Core Conservation Area and City Centre Area of Archaeological Importance. The site is within the St Mary's Abbey Precinct. Part of the precinct (which is presently the museum gardens) is designated as a scheduled ancient monument, as are the precinct walls to the St Mary's Abbey which form the north and western boundaries to the site.

## 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; City Art Gallery Exhibition Square York 0615
- Grade 1; St Mary's Abbey Remains Precinct Walls
- Grade 2; Railings And Gates Fronting Kings Manor 0618
- Grade 1; City Walls St Mary's Tower To Bootham Tower 0611
- Grade 1; St Mary's Tower St Mary's Abbey Remains 0485

Scheduled Ancient Monuments GMS Constraints: SMR 12A St Mary's Abbey Precinct Walls SE 597520

### 2.2 Policies:

CYHE9

Scheduled Ancient Monuments

CYSP3

Safeguarding the Historic Character and Setting of York

CYGP1

Design

CYGP3

Planning against crime

CYNE6

Species protected by law

CYNE8

Green corridors

CYHE2

Development in historic locations

CYHE3

Conservation Areas

CYL1B

Loss of local leisure facilities

CYV1

Criteria for visitor related development

### **3.0 CONSULTATIONS**

INTERNAL CONSULTEES

COMMUNITIES AND CULTURE

Support the application.

3.1 The scheme is in accordance with the aspiration of the cities Sustainable Community Strategy, to create high quality public spaces in the city.

3.2 It is proposed to cease use of the bowling green at the site. There have been 3 clubs who use the site, whom have been re-located, to Clarence Gardens and The Retreat, Heslington Lane. York Museum's Trust have agreed to provide funding for upgrading storage and shelter facilities at Clarence Garden's.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

No objection subject to conditions.

Works to side of gallery :-

3.3 A new Yorkstone paved access is proposed along the north elevation of York Art Gallery following the demolition of single storey annexes. This would significantly improve this run down alley way and allow public access. Samples of the proposed paving 'to match Exhibition Sq' would need to be agreed through an appropriate condition. There is no detail of the proposed lighting to this area or the proposed access gate - both of which are required. However, both are desirable and necessary. Any lighting fixed to the Art Gallery should ideally be considered as part of the Listed Building Application.

Works to the rear of the gallery:-

3.4 The suggested ramping up to meet the proposed terrace to the rear of the gallery is questioned and we await further detail on the proposed levels. The impact on the 2 large Beech trees at the NW corner of the gallery needs to be carefully considered and although this area is currently hard paved

3.5 The paved terrace to the rear of the gallery has great potential as an external exhibition space, however at this time in the absence of details showing how it will be connected to the gallery it may lack animation. The extent and levels of this area relative to the trees and the back of the gallery need to be confirmed. An enclosure (to bins / chillers) is indicated against the rear elevation of the gallery, this is acceptable in principle, but again there are no details provided - the detailed treatment will need to be agreed through condition.

3.6 The material for the gravelled area is not detailed and will also need to be controlled by an appropriate condition.

The path connecting the site to the Museum Gardens:-

3.7 This link to re-connect the site to the main area of Museum Gardens is critical to the success of the landscaping proposals. Whether the path should be paved in York stone or a more informal bound gravel material as those in Museum Gardens should perhaps be reconsidered. The forming of a new opening with iron gate in the stone dividing wall is also critical to the success of the project. The exact origins of the wall are not clear. It appears on plans between 1852 and 1874. It is likely to be contemporary with the gallery and its alignment has little historical basis. The proposed opening is acceptable and the principle of open iron gate agreed. A condition should be required to cover exact design details. It is suggested that it could better match adjacent railings and ironwork forms throughout the complex.

Ecology:-

3.8 Ask for a bat survey of the overall area to assess the potential impacts of the introduction of the wheel on any bats that may use the site and surrounding area. Initially this assessment should be a desk top study collating and analysing the existing information for the vicinity. Once such information is available, a more considered view of the potential impact of the proposal can be made.

3.9 The increase in lighting levels as a result of the proposed new use could have a significant impact on wildlife and especially bats, within the area, particularly for roosting, foraging and commuting. There are a number of recorded roost sites within the immediate surrounding area. There are also many excellent foraging opportunities and commuting links within this locality. The Museum Gardens being of particular importance and where a high level of bat activity has been seen.

3.10 Officers recommend that any scrub clearance/demolition be completed before mid March, to minimise likely disturbance to breeding birds nesting at the site. It may be possible to carry out demolition work later in the year on buildings provided that they are checked prior to demolition to ensure no nests are present.

#### ENVIRONMENTAL PROTECTION UNIT

3.11 No objections. However ask for the following information:

- A noise report to assess the impact on surrounding occupants. This is in particular a concern during the evening when background noise levels in the area will be lower.
- Details of lighting to the wheel, to consider the impact on surrounding occupants.
- A condition of approval to cover procedure should any unexpected contamination be found on the site.

#### HIGHWAY NETWORK MANAGEMENT

3.12 No objections, however ask for the following information:

- Detail of pedestrian access to ensure disabled access is suitably surfaced.
- As the car park area is not formally surfaced advise that a condition to prevent materials being deposited on the highway may be necessary.

- Details of how the wheel will be installed and removed. It is expected that due to the width of Marygate, craning may be necessary over the city walls. Officers would want re-assurances this will occur without causing damage.

## EXTERNAL CONSULTEES

### ENGLISH HERITAGE (EH)

Raise no objection to a time limited temporary permission, subject to conditions that recognise the wider public benefits.

3.13 EH Support the assessment supplied in the application that although the development will affect the setting of a number of listed structures, it would not have a negative impact on their significance. However consider the impact of the proposal on the setting of York Minster will be substantial. The 53 m high wheel will directly challenge the dominance of the Minster over its surrounding cityscape and rural hinterland and impact on its iconic status and significance. If the application were not for a temporary permission, EH would have recommended that the application be refused, on the grounds that there would be substantial harm to the setting of the Minster.

3.14 EH recognise the public benefit that the proposals could bring long term; enabling repairs to the gallery and the works at the rear, enhancing the Museum Gardens. EH ask that the allocation of revenue be specifically conditioned to fully implement this proposed public benefit, which will offset any harm to the setting of York Minster. Subject to this issue being resolved EH would not oppose the application.

### POLICE ARCHITECTURAL LIAISON OFFICER (ALO)

Support the scheme, recommend conditions.

3.15 Figures show that the application site is in an area of high risk in respect of crime and disorder. The area around the Art Gallery and Museum Gardens is an alcohol exclusion zone and there have been problems at the site itself, with burglary, rough sleeping and drug use occurring. The proposed developments at the site will assist significantly in overcoming the identified problems.

3.16 There were no reported incidents while the wheel operated at the railway museum. That site was monitored by a security company, CCTV and lighting. This application proposes 24-hour security and officers ask if this can be secured as a condition of approval.

### CONSERVATION AREAS ADVISORY PANEL

Object.

3.17 Opposed to the proposed development as any structure of this scale is deemed to be harmful to the setting of the Minster. At this site it would be uncharacteristic with the use of the gardens and have a harmful visual impact. The development would be an inappropriate use of the historic park, which is a botanical garden

containing historic structures of the highest importance. The position and size of the wheel were considered overbearing on the gardens, the ruins and also on the neighbouring streets of Marygate and Bootham. The panel also commented that pressures for commercialisation of the gardens appeared to go against CYC aims to green the city.

#### GUILDHALL PLANNING PANEL

3.18 Object on the following grounds:

- The building will only be slightly lower than the Minster and will dominate the city skyline. It will therefore be harmful to the historic identity of the city.
- Detrimental impact on residents living in view of the wheel.
- Potential impact on archaeology.
- Increased traffic congestion in the Bootham area.

#### YORK CIVIC TRUST

3.19 The wheel would have a detrimental impact on close and distant views of the city. No objection to the demolition required to enable the proposed development and the landscaping plans for the gardens. Note that Scheduled Ancient Monument (SAM) consent would also be required for these works (St Mary's Abbey remains and Museum Gardens designated SAM).

#### VISIT YORK

Support the proposals.

3.20 There would be improvement to the environment of, and access to St Mary's Precinct. The works would also aid in the expansion of the art gallery and improve its facilities. The wheel in this location would have economic benefits in particular that it would assist with the cities early evening economy.

#### RESPONSES TO NOTIFICATION AND PUBLICITY

3.21 Some 75 letters have been received objecting or raising concerns over the scheme, and 9 letters in support of the scheme have been received.

#### OBJECTIONS

3.22 Groups of note that have raised concerns with the scheme are the York Georgian Society, The North Yorks. Bat Group, The Green Party and the Dean and Chapter of York. The objections are collated and summarised as follows: -

i) To the principle of the development:-

- Question the need for the wheel; it is contrary to the main reason tourists visit the historic city, and elements of the city valued by residents. The city is already the 3rd most visited in the UK and this attraction will not have a material impact on the city's economy. The justification for the works is the removal of the hutments, and the subsequent enhancement of this area. However the visual impact of the existing

structures is limited, seen only from the King's Manor. In comparison the visual impact of the proposed structure would be significant and harmful.

- The structure would be out of character with the historic and cultural significance of the gardens and will detract from the setting of a number of listed buildings and scheduled ancient monuments. There will be need for signage, which is likely to detract from the appearance of the conservation area. The loss of the bowling green, for which there is still demand for, would be contrary to planning policy in the Local Plan.

- Allowing the wheel for 3 years would set a precedent and potentially create demand for its permanent installation at what is an unsuitable location.

- Question why the National Railway Museum could not continue to be used. That site is deemed more suitable and considering it is a council aspiration to improve links between this site and the city centre, the site has car parking, and is further away from historic buildings and residents.

- The wheel would have a detrimental impact on the cities bid for world heritage status

- Similar views of the city are already available to tourists from existing buildings such as Clifford's Tower and the Minster. Potentially competition from the proposed wheel would lead to a loss of income for these heritage assets.

- The application should have been subject to an Environmental Impact Assessment as the site is a sensitive site.

- The long terms plans involve the loss of the bowling green. Other such sites in the city have been lost, and an adequate supply of such facilities should be provided. Clarence Gardens Bowling Association are being increasingly asked to accommodate additional bowling clubs due to closures elsewhere (Minster Bowling Club and Burton Lane WMC recently). Due to the amount of users Clarence Gardens has a lack of facilities, in terms of shelter and changing facilities.

- When a wheel was proposed at North Street Gardens, the executive committee determined that such a structure needs to be sited sensitively and without either prejudicing existing amenity provision, or threatening the city's visual heritage. It was deemed that the site at North Street was therefore unsuitable. Objections consider this site is more sensitive, and therefore inappropriate.

- The proposal would have a harmful impact on the historic environment. This is grounds to refuse the application because it is contrary to the Town and Country Planning Act, which requires the Local Planning Authority to have special regard to the desirability of preserving any listed building and its setting, any features of special architectural or historic interest, and the character and appearance of any conservation area. The proposal also conflicts with the local plan strategy in terms of safeguarding the historic character and setting of York, which involves protecting the Minster's dominance on the cities skyline. Due to the location and scale of the wheel it will compete with the Minster for attention. Views will be affected from within the historic core conservation area (from the city walls for example), key gateways

into the city centre (such as Bootham which frames views of the Minster with its streetscape of listed buildings) and from distant views (from the Ings/green wedges leading into the city centre, ring road to the east and the Wolds).

ii) Amenity of surrounding occupants

- The overbearing impact of the wheel due to its height and proximity to residential premises.
- Overlooking/loss of privacy for surrounding residents (The wheel would be 20m from the residencies of Bootham School and Wandlesford House on the north side of Bootham).
- Loss of outlook for residents.
- Noise associated with the use and subsequent additional activity in the area. Impact of the lighting. It has been asked that any illumination at night be emergency lighting only.
- King's Manor is used by the university for educational purposes. The noise and activity as a consequence of the proposed development would have an adverse impact on students

iii) Ecology

- Impact on wildlife, in particular species such as Bat and Owls. North Yorks. Bat Group advise that bats are a protected species and no surveys have been carried out to date to ascertain whether there will be an adverse impact on bats. Bats are known to be present nearby (Museum Gardens, River, nearby private gardens and along the railway line).

iv) Highway network management and operational issues

- Concern that tourists and extra traffic will use the Marygate site entrance and Marygate car park. Marygate is narrow and cars/coaches could block the highway. The road is already heavily used and wide enough for a single lane of traffic in places. It has been asked if there are any proposals to change the gates. It is suggested the use of this entrance be restricted to daytime hours and signage be limited.
- The main entrance should be via Exhibition Square, with restricted access from other areas
- The pavements are narrow on St Leonard's Place, Bootham and Gillygate. Increased pedestrian footfall could have a detrimental impact pedestrian safety.
- Any new pathways in the garden should be reversible, to respect their integrity and original concept.
- Construction management plan should be supplied regarding installation, to include a risk assessment over Abbey Walls and surrounding buildings.



- Ask about impact on the highway network and the ability of the nearby car parks to accommodate demand for parking.
- Wheel would distract drivers.
- Access and operational procedures have been asked for, to consider the impact on King's Manor. The location of emergency exits, toilets and customer flows have been specified.

v) The other specific objections are:

- Views and setting of St Mary's Abbey and its ruins. Imposing impact on the Museum Gardens. These are Scheduled Ancient Monuments of national importance that would be detrimentally affected. The juxtaposition of the proposed development alongside the Abbey Remains, City Walls and King's Manor (the two latter are both grade 1 listed) presents a clash of architectural elements which will degrade the Romantic aspects of Museum Gardens and devalue both its historic status and that of the conservation area as a whole.
- Character and setting of Margate and its surrounds, a reasonably quiet and predominantly residential area.
- Residents at various locations in the city have written to amplify concern that their views of the city and Minster would be spoilt as a consequence of the proposed wheel.
- Proposed work connecting to city walls - shops which abut city walls already suffer from damp and there is concern works could worsen this.
- The potential impact on television signals.

## SUPPORT

- It has been proven in the past the proposed development would bring economic benefit to the city (The London Eye is the most popular paid attraction in the UK and sits comfortably with its historic surroundings).
- Positive change, benefit to tourism offer and business in the area. No long term harm to the city.
- Enhance the Museum Gardens and potential to improve pedestrian links through the site, between Lendal and Bootham for example.
- The wheel needs to be close to the city centre and its historic buildings in order to succeed and this location is appropriate.
- The houses on Marygate would be over 50m from the wheel and would not be unduly overlooked.

## 4.0 APPRAISAL

### 4.1 KEY ISSUES:-

- Principle of the proposed development
- Impact on the city, the conservation area and setting of listed buildings
- Impact on amenity of surrounding occupants
- Impact on nature
- Highway Network Management
- Implications regarding the bowling green
- Safety, crime and disorder

### PRINCIPLE OF THE PROPOSED DEVELOPMENT

4.2 Sequentially the site is desirable for the proposed facility, being in the city centre and within walking distance from main bus and rail links. The site is previously developed and in principle the location accords to where national policy in PPS4 and local policy seek to locate such economic development.

### IMPACT ON THE CITY, THE CONSERVATION AREA AND SETTING OF LISTED BUILDINGS

4.3 Due to the location and scale of the development it will visually impact on the setting of the city while the wheel is in place. The impact on nearby listed buildings and character and appearance the central historic core conservation area are material considerations. Relevant policies to consider are PPS5: Planning and the Historic Environment and of the Local Plan, policies SP3, GP1 and HE2, which are intended to ensure the historic setting and positive aspects of townscapes in general (such as scale, materials and urban spaces, public views, skyline and landmarks) are respected by development proposals. Policy HE9 of PPS5 advises that proposals which would adversely affect scheduled ancient monuments will not be supported. English Heritage guidance advises that in considering the impact on setting although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors and by our understanding of the historic relationship between places.

### VIEWS WITHIN THE CONSERVATION AREA

4.4 The York Central Historic Core Conservation Area is characterised by a dense concentration of fine-grained urban form with a tight medieval street pattern. Although in distant views the Minster dominates the skyline, from within the City streets it is only seen in 'surprise' revealed views. There are more locations within the central area where the Minster cannot be seen from street level than where it can. The proposed wheel would similarly only be visible from certain locations and in certain views from within the City and not always in the same view as the Minster. Certainly in key views such as that along Low Petergate from the junction with Goodramgate the proposed wheel would not be seen.

4.5 This is also evident in the immediate vicinity of the site. In views along Bootham from outside Bootham school on the north side of the street the Minster is barely visible – Bootham Bar is dead ahead and the proposed wheel would be visible to the

right / south. From the opposite side of the road (outside 50 Bootham) the Minster is in clear view but the wheel would not be seen behind the buildings lining the street. The same is true of views along Gillygate.

#### VIEWS FROM THE CITY WALLS

4.6 Some of the best views of the city can be gained from the City Walls and there are several well known viewpoints. The walls opposite the station afford one of the best views of the Minster and in this view the proposed wheel would be seen to the left / west of the Minster, but in most cases screened by trees to the south.

4.7 Any counterpoint to the Minster's majesty and dominance of the city skyline would be harmful – indeed the tower to St Wilfred's church on Duncombe Place provides a direct counterpoint in most views.

4.8 In views across the city from the south from Baille Hill or Walmgate the proposed wheel whilst visible would be beyond the Minster, again standing in conflict to the dominance / majesty of the Minster.

#### IMPACT ON ADJACENT HERITAGE ASSETS

4.8 The impact of the wheel on the setting of the adjacent listed buildings is such that it detracts in some way from their setting in certain views, perhaps particularly the City Gallery when viewed from Exhibition Square and from the City Walls at Bootham Bar; however, this visibility does not harm the significance of these heritage assets. The proposed wheel would be seen in immediate views along Bootham (from the Gillygate junction) and here its potentially looming presence would be harmful in terms its direct impact on this part of the Conservation Area. However, as discussed above this impact is very localised.

#### LIGHTING OF THE WHEEL

4.9 There is insufficient detail to assess this aspect of the proposal – the additional information submitted 30 January confirms that the illumination is limited to the structure and by low intensity LED lighting confined to the hrs of operation. The installation at the NRM did not suggest any particular issues – here the proximity to the Minster makes the proposed illumination and the levels of illumination more critical. The Minster itself is of course floodlight and because of its creamy stone and solidity it is likely to maintain the dominant appearance in the evening / after dark. The detail of the lighting installation will be covered by condition.

#### VIEWS OF THE CONSERVATION AREA AND MINSTER FROM MORE DISTANT VIEW POINTS

4.10 The proposed wheel will be clearly visible in certain key landscape views from distant vantage points. Views of the Minster and the City in their landscape setting are one of York's special characteristics. There is no agreed framework setting out the most important views and the visual impact assessment provided with the application does not cover all views. However, the analysis of the view from Askham indicates that the wheel will be clearly visible in views of the City and Minster and will

be seen as a counterpoint to the Minster. The proposal is therefore harmful to the significance of this highly graded heritage asset.

4.11 The challenge to the dominance / majesty of the Minster as the key feature on the skyline makes the proposed wheel a harmful intervention. The view from Water End (adjacent to Poppleton Road School) has also been identified as particularly important. From this viewpoint the Wheel is seen in close proximity to the west from of the Minster.

4.12 The Minster is some 150m long and 75m to the lantern tower the wheel is 53m high / in circumference other City landmarks visible in this view include St Wilfred's tower and the Foss Island Chimney which is c50m high.

4.13 There can be no doubt that the wheel would have an impact on the setting of York Minster and the wider Conservation Area. The fact that the wheel is not solid and that there is visibility 'through' the wheel is a given, however, this does not in itself mitigate the impact, where the main impact is as a counterpoint to the dominance of the Minster in the landscape and distant views. The wheel is not an elegant design icon in the way the London Eye is a bespoke design and therefore comparisons here and mitigation arguments are not justified.

4.14 However, the impact / harm is not uniform from all viewpoints. It is accepted that in views from the south west and north east the alignment of the wheel results in a reduced visual impact as per the visualisation from Askham. The wheel and Minster can be seen in the 360 deg round. In some circumstances the proposed wheel is behind the Minster in others in front. In certain views e.g. from travelling vehicles / trains the view is dynamic.

4.15 It is clear that as a permanent proposal the wheel could not be justified. However notwithstanding the harmful impact there is a wider benefit. The siting of the wheel for a temporary 2-year period would facilitate the demolition of the hutments to the rear of the gallery and the opening up of this under-used city centre space for wider public use. A space which has considerable historic significance.

4.16 YMT has detailed proposals for the development of Museum Gardens and the Art Gallery which have wider potential to benefit the City as a whole. These have been set out in detail in development plan documents over the last few years.

4.17 The public benefit here is therefore such that the harm of a temporary period of visual intrusion (2 yrs) is mitigated by the benefits arising. The balancing argument is made more difficult where policy and guidance is most commonly applicable to proposals for permanent development.

#### IMPACT ON AMENITY OF SURROUNDING OCCUPANTS

4.18 Policy GP1 requires that all developments do not have an undue adverse impact from noise disturbance, overlooking, overshadowing or from overdominant structures.

4.19 The 'pods' of the wheel would be around 45 to 50m from the nearest properties on Marygate. The electoral register advises the upstairs at 36 Bootham is in

residential use. It appears that other premises within the block of 36-42 Bootham may also be in residential use and the upper floor windows overlook the application site. No objections have been received from any residents at 36-42 Bootham however. The rear elevation of no.42 Bootham is around 21m from the 'pods' on the wheel, windows at the rear of no. 36 would be around 5m from the 'pod's. On the northern side of Bootham, the closest residents affected at no.33, are 25m away from the proposed wheel.

4.20 The proposed wheel could have an over-dominant appearance due to its height, which could lead to the perception of overlooking. However apart from the distance involved between the 'pods' and the rear elevation of 36-38 Bootham, the distance between the 'pods' and windows/gardens would make overlooking towards gardens and windows oblique and distant. At the rear of 36-38 due to the building configuration and position of windows, 2 windows on no.38 could be overlooked from the 'pods', but not the windows at the rear of no.36. Of the premises affected that are known to be in residential occupation, there would not be an undue impact on the amenity of surrounding residents in terms of overlooking.

4.21 As stated earlier the wheel would because of its scale be a dominant addition to the setting. However when policy GP1 refers to preventing overshadowing and overdominant, it is referring structures impeding short views or leading toward loss of light, from either windows or gardens. The proposed wheel because of its design, location and distance from surrounding buildings would not have an undue adverse impact in this respect.

4.22 The proposed wheel in operation would run at around 60dB, at a distance of 10m away. Noise levels may be reduced if a generator is not required (which is being investigated), or mitigated by acoustic screening if necessary.

4.23 Bootham is a major arterial road into York. It is likely that due to traffic noise, the wheel would not exceed background noise levels presently in the area, subsequently noise would not have a material impact on the amenity of surrounding occupants. In addition the confinement of the site by the precinct walls would help to ensure that any noise from generators or motors, which would be at or near ground level, is relatively contained. The 10pm closing would also ensure that the 'quiet' hours of 1100 to 0700 are not affected by the proposal. In light of the considerations it would be more appropriate to impose a condition requiring details of equipment and noise levels to be agreed prior to installation

## IMPACT ON NATURE

4.24 Policy NE6 of the Local Plan relates to species protected by law. It states that where a proposal may have a significant effect on protected species or habitats, applicants will be expected to undertake an appropriate assessment demonstrating proposed mitigation measures. Planning permission will not be granted where developments will cause demonstrable harm to species protected by law or their habitats. Policy NE7 relates to habitat creation and protection. It states that development proposals will be required to retain important natural habitats and where possible include measures to enhance or supplement these. In new developments, measurements to encourage the establishment of new habitats should be included as part of the overall scheme.

4.25 A desktop survey is to be submitted which informs likely-hood of bats at the site and the surrounding area. Mitigation measures may be necessary. Details of lighting and any roosts nearby the site also needs to be considered. It could be a condition that accommodation for bats be accommodated at the site after the lifetime of the wheel.

#### HIGHWAY NETWORK MANAGEMENT

4.26 Policy V1 of the Local Plan advises that visitor related development will be encouraged provided; there are adequate servicing arrangements, the site is accessible by public transport, whether highway safety would not be compromised.

4.27 Due to the location of the site it can be reasonably expected that visitors would arrive by alternative means to the car. If not the cities car parks would need to be used. The front of Exhibition Square proves a drop-off point for coaches. This is a sustainable location, which fits with national policy in PPG13 which seeks to encourage alternative means of transport to the private car.

4.28 There is level access. It could be a condition that cycle parking for staff is provided whilst the wheel is at the site. A construction management plan can be required as a condition to mitigate disturbance and in the interests of safety during construction.

#### IMPLICATIONS REGARDING THE BOWLING GREEN

4.29 As the bowling green is not allocated as open space in the Local Plan, the relevant policy is L1b, which relates to the loss of leisure facilities. L1b advises this may occur when a need for the facility no longer exists and when there are appropriate alternative facilities nearby.

4.30 Officers understand that there are 3 clubs that use the green and it has been agreed to relocate them to Clarence Gardens and possibly The Retreat. The applicants will fund necessary upgrades to these facilities. It is questionable whether a 'need' for the facility no longer exists. The Clarence Gardens Bowling Association report it is more the case that it is a council intention to consolidate the number of sites that it manages. It appears there is some conflict with policy L1b, however there are 2 bowling greens within the St Mary's Abbey Precinct, and potentially the wheel could be accommodated on-site with each green remaining in-situ, if that was the desire of the landowners.

#### CRIME AND ANTI-SOCIAL BEHAVIOUR

4.31 It is proposed a security firm will monitor the site. The means of securing the site outside hours of operation can be secured through an appropriate condition. There is no evidence that the proposed use would lead to crime or disorder and by bringing the site into active use, and ensuring it is secure (access is restricted otherwise) will improve the existing situation.

## 5.0 CONCLUSION

5.1 The proposal by YMT to landscape this semi derelict area of Museum Gardens and to open it to public access is a welcome improvement. Improved public access to an area of the City which has such historic significance, allowing greater appreciation of the whole of St Mary's Abbey precinct and better access to the St Mary's corner tower and walls is a valuable public benefit.

5.2 The temporary siting of 53m high observation wheel to the rear of the Art Gallery is in some ways compatible with previous use of the site as a temporary exhibition hall. This aspect of the proposal does cause harm to the setting of York Minster and the City Centre Conservation area, however, this harm is for a temporary period of 2 years.

5.3 The proposal affords an opportunity to re-discover a forgotten and neglected part of the City's heritage and the wheel offers the potential for a temporary and dynamic vantage point from which the city's special characteristics of dense urban form and medieval street pattern can be appreciated by a wide audience.

5.4 On balance the benefits, which are permanent, make the temporary location of the observation wheel for a 2-year period only acceptable. In addition the development would not have an undue impact on highway safety and residential amenity.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

### Conditions:-

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

P171 20 01 Proposed site plan.

P171 20 02 Proposed layout.

P171 20 04 Proposed layout after removal of the wheel.

P171 30 01 Details of the proposed wheel

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

2 The wheel and associated structures hereby approved shall be fully installed and operational before the 31<sup>st</sup> December 2011, and the development hereby approved shall cease use and the wheel and all associated structures shall be removed from the site within 2 years of the date which it is first open to the public.

Reason: In the interests of preserving the historic setting and the impact on the city skyline, given that this site is only deemed suitable for a temporary period as a result of the heritage benefits as a direct result of the proposal.

3 Outside the hours of 10:00 to 22:00 each day of the week the wheel shall not be used, all lighting (apart from any required emergency lighting) shall be turned off and the site secured/closed to the public.

Reason: In the interests of the amenity of surrounding occupants and security.

4 Notwithstanding the plans hereby approved, a detailed plan of the proposed hard landscaping measures shall be submitted to and approved by the Local Planning Authority prior to first use of the wheel. Samples of the surfacing materials shall also be submitted for approval and the development carried out in accordance with the approved details.

Reason: In the interests of the setting of listed buildings and the appearance of the conservation area.

5 A detailed landscaping scheme which shall illustrate how the site shall be restored after the lifetime of the wheel shall be submitted to and approved in writing by the Local Planning Authority before 1 April 2013. The approved scheme shall be implemented accordingly within 6 months of the aforementioned date.

Reason: To ensure that the heritage benefits proposed as a consequence of the scheme are achieved, in the interests of the character and appearance of the conservation area and setting of listed buildings.

6 Prior to installation of the wheel, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority and the development carried out accordingly.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

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

Reason: To protect the amenity of local residents and businesses.

8 Details of the proposed lighting to the wheel and any other external lighting to the site, to include location, manufacturers details, and details of light spill, shall be submitted to and approved in writing by the Local Planning Authority prior to first use of the wheel and the works shall be carried out in accordance with the approved details.



Reason: In the interests of amenity and to preserve the historic setting.

9 Prior to first use of the wheel details of the areas for staff cycle parking (to including type of secure fixing, elevations, materials and means of enclosure where proposed) shall be submitted to and approved in writing by the Local Planning Authority. The wheel shall not be opened to the public until the facilities have been provided in accordance with the approved details, and the facilities shall be provided/maintained thereafter for the period of this permission.

Reason: To ensure adequate space for, and to encourage cycle use in accordance with policies GP1, and T4 of the City of York Draft Local Plan.

10 Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details of protective fencing, phasing of works, site access during demolition/construction, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles and storage of materials. It is particularly important that the following details are included within the statement: construction details and existing and proposed levels, where a change in surface material and/or levels are proposed within the canopy spread and likely rooting zone of a tree.

Reason: To protect existing trees that are shown to be retained within the development proposals and are considered to make a significant contribution to the amenity of the area.

11 The following details of measures for bat mitigation and conservation shall be submitted to and approved by the Local Planning Authority and the development implemented accordingly.

a. Any lighting proposed within the site, and how any potential subsequent impacts on bats and other wildlife will be minimised. This shall show how light spillage will be minimised, and ensure that any roost sites, foraging or commuting areas are not directly illuminated. To be submitted before first use of the wheel.

b. Provision to be made within the restoration of the site to provide features for bats. Features include the use of special tiles, bricks, soffit boards, bat boxes and bat lofts and should at least replace or substitute for what is existing.

Reason: To take account of and enhance habitat for a protected species, in accordance with PPS9: Biodiversity and Geological Conservation and policies NE6 and NE7 of the Draft Local Plan.

#### RELEVANT INFORMATIVE

- Under PPS9 the replacement/mitigation proposed is expected to provide a net gain in wildlife value.
- If bats are discovered during the course of the work, then work should cease in the pertinent area and Natural England consulted.

12 In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be undertaken, and where remediation (clean-up) is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination 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 safety and health risks.

**Contact details:**

**Author:** Michael Slater, Assistant Director City Strategy (Planning and Sustainable Development)

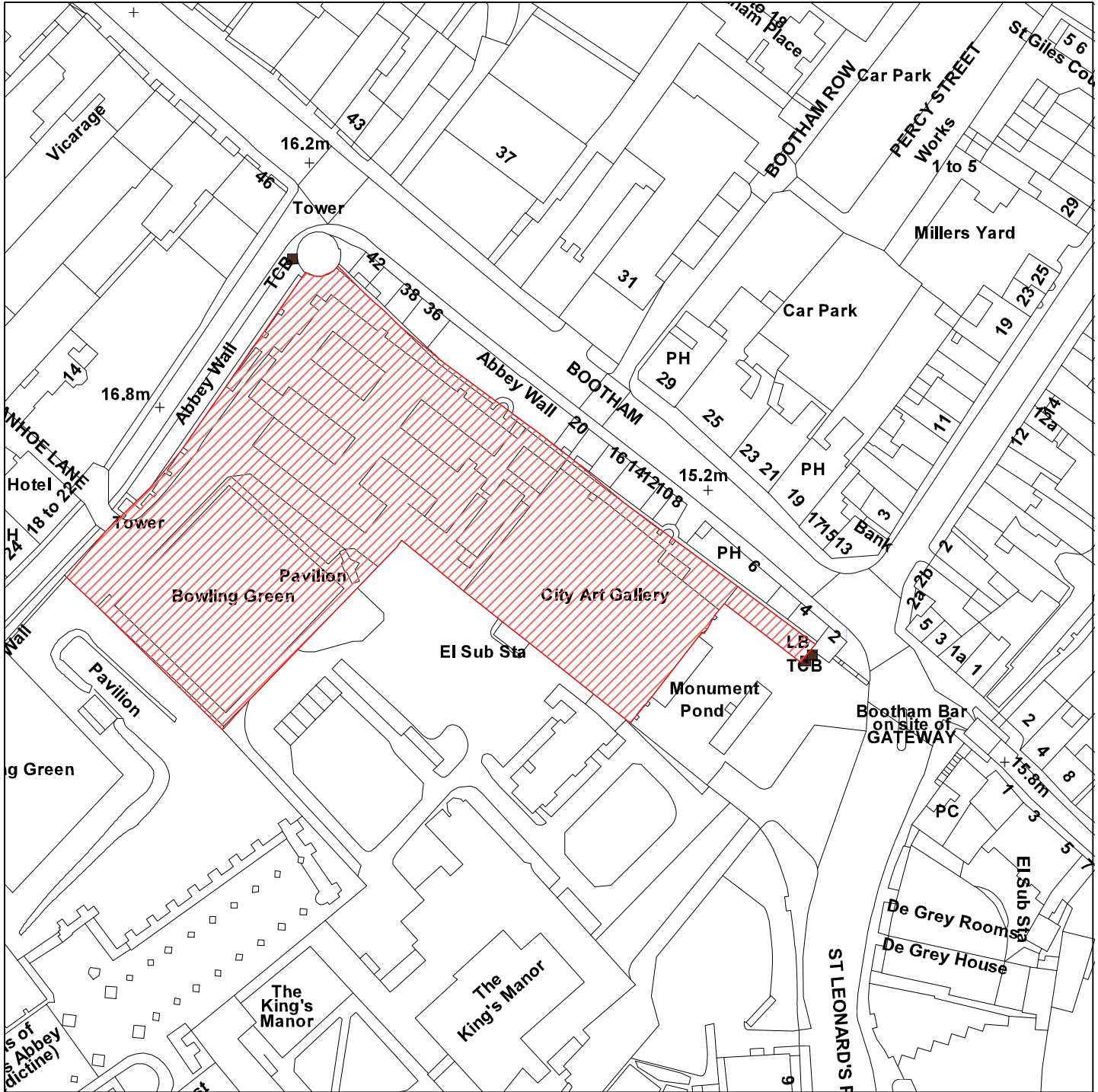
**Tel No:** 01904 551300

# York City Art Gallery

10/02794/FUL



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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	
<b>Date</b>	07 February 2011
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 17 February 2011      **Ward:** Guildhall  
**Team:** Major and Commercial Team      **Parish:** Guildhall Planning Panel

**Reference:** 10/02795/CAC  
**Application at:** York City Art Gallery Exhibition Square York YO1 2EW  
**For:** Demolition of existing hutments to rear in association with temporary siting of Observation Wheel and permanent landscaping works  
**By:** Mr Michael Woodward  
**Application Type:** Conservation Area Consent  
**Target Date:** 10 February 2011  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application relates to the land behind the City Art Gallery, to the north-east of the Museum Gardens. Conservation area consent is sought to demolish a group of hutment buildings added in 1942, after the Exhibition Hall that formerly occupied the site was destroyed during a bombing raid. The buildings are predominantly single storey and of concrete construction. This site is in the Central Historic Core conservation area. It is part of the St Mary's Abbey Precinct, although the Scheduled Ancient Monument boundary is marked by the wall at the north end of the precinct which identifies the extent of the Museum Gardens in their present form.

**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; City Art Gallery Exhibition Square York 0615
- Grade 1; St Mary's Abbey Remains Precinct Walls
- Grade 2; Railings And Gates Fronting Kings Manor 0618
- Grade 1; City Walls St Mary's Tower To Bootham Tower 0611
- Grade 1; St Mary's Tower St Mary's Abbey Remains 0485

Scheduled Ancient Monuments GMS Constraints: SMR 12A St Mary's Abbey Precinct Walls SE 597520

2.2 Policies:

CYHE5 Demolition of Listed Buildings and Buildings in Conservation Areas

CYHE12 Historic parks and gardens

### 3.0 CONSULTATIONS

#### DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

Support the proposals

3.1 This application is concerned only with the demolition of the hutments to the rear of York Art Gallery. The hutments should be considered as undesignated heritage assets within the York Central Historic Core Conservation Area.

3.2 The Museum Gardens Management Plan (2005) suggests that whilst the hutments are of interest in the context of the overall history of the site and the WWII story in York they do not have any wider significance. I support this analysis the demolition is therefore acceptable, subject to the appropriate recording being undertaken as recommended by the City Archaeologist and this should be conditioned.

3.3 The structures are of prefab concrete frame construction with clay brick infill panels and asbestos sheet roofing which was common for buildings of this type at the time. There are many surviving examples nationally and locally at Elvington and other airfields.

3.4 The buildings are of no particular merit architecturally in their own right and their historic interest is of local interest only. The buildings are in poor condition and beginning to deteriorate more significantly. They detract from the immediate setting of the St Mary's Abbey precinct Walls, although because the site is enclosed by these walls they do not have a wider detrimental impact on the conservation area. The demolition of these relatively recent additions to the site offers the potential for opening up to public access and enabling a greater appreciation of the site as a part of the wider St Mary's Abbey precinct.

#### ENGLISH HERITAGE

3.5 No comments regarding this application.

#### GUILDHALL PLANNING PANEL

3.6 Object. Comments relate to the proposed wheel. See full planning application.

#### PUBLICITY

3.7 Six letters in objection have been received. Apart from the objections to the proposed wheel that would occupy the site on a temporary basis following demolition of the hutments, objections are as follows:

- That the proposed works to improve the garden (new planting and re-alignment of stones) would be piecemeal, and would not follow the proposals in the conservation management plan for the site. The plan advises that there should be a landscape masterplan for the site, which respects the gardens original design. This has not occurred.
- Ask how the proposed works would affect the city walls on the north east corner.

## 4.0 APPRAISAL

### KEY ISSUES

4.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the local planning authority pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

### POLICIES

4.2 PPS5: Planning for the Historic Environment advises that when considering proposals, local planning authorities should take into account the relative significance of the element affected and its contribution to the significance of a Conservation Area as a whole. Where an element does not positively contribute to the area, local planning authorities should take into account the desirability of enhancing or better revealing the significance of a Conservation Area, including, where appropriate, through development of that element. This should be seen as part of the process of place-shaping.

4.3 Policy HE5 of the Local Plan regards demolition of buildings in conservation areas. It advises that permission will not be granted for the demolition of buildings which positively contribute to the character and appearance of conservation areas. Buildings which do not make a positive contribution to the character and appearance of an area can be permitted, provided the removal, or replacement development would have a positive impact.

### THE SIGNIFICANCE OF THE BUILDINGS IT IS PROPOSED TO DEMOLOISH

4.4 The buildings it is proposed to demolish are pre-fabricated structures added during the war. They are predominantly single storey and of concrete construction with sheet metal roofing. The buildings are in a dilapidated state and contain asbestos. The buildings are not listed, and are not of particular historic or architectural interest. As such demolition of the structures can be entertained. It is proposed to re-locate one of the hutments to Eden Camp. In accordance with part HE12 of PPS5 it can be a condition of the consent that the buildings are suitably recorded prior to demolition and relocation, to further understand the historic development of the site.

### ASSESSMENT OF THE PROPOSALS TO RE-DEVELOP THE SITE AFTER DEMOLITION

4.5 Whilst the area would accommodate a proposed observation wheel for a two year period, the Museum's Trust strategy for the site is to improve access to this part of the precinct and restore it to the extent it again becomes part of the gardens. The area where the hutments are would be used as a landscaped area and display space for the gallery, with an outside stone paved terrace immediately at the back of the gallery. These works would enhance the setting, allow public access to the area and assist with the economic viability of the gallery, all of which are recognised by PPS5 and the companion English Heritage guidance note as being heritage benefits.

## 5.0 CONCLUSION

5.1 There is no objection to the proposed demolition as the buildings concerned do not make a positive contribution to the setting and they are not of particular architectural or historic merit. In accordance with PPS5 and HE5 of the Local Plan, the buildings can be required to be recorded before they are removed. The demolition can be on the condition that suitable restoration of the site occurs; the Museums Trust whom are responsible for the site have indicated in their proposals that this would be the case.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

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

2 Within one year of the date of this consent a detailed scheme for landscaping of the site, or redevelopment of the site, shall be approved in writing by the Local Planning Authority, and the scheme shall be fully implemented within two years of this consent.

Reason: In the interests of the character and appearance of the conservation area.

3 Prior to demolition an annotated photographic record of the buildings to be demolished (interior and exterior) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To record and advance understanding of the historic development of the site before the buildings are demolished in accordance with PPS5: Planning for the Historic Environment.

## 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 character and appearance of the conservation area. As such the proposal complies with PPS5: Planning for the historic Environment and Policy HE5 of the City of York Development Control Local Plan.

### Contact details:

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**Tel No:** 01904 551323

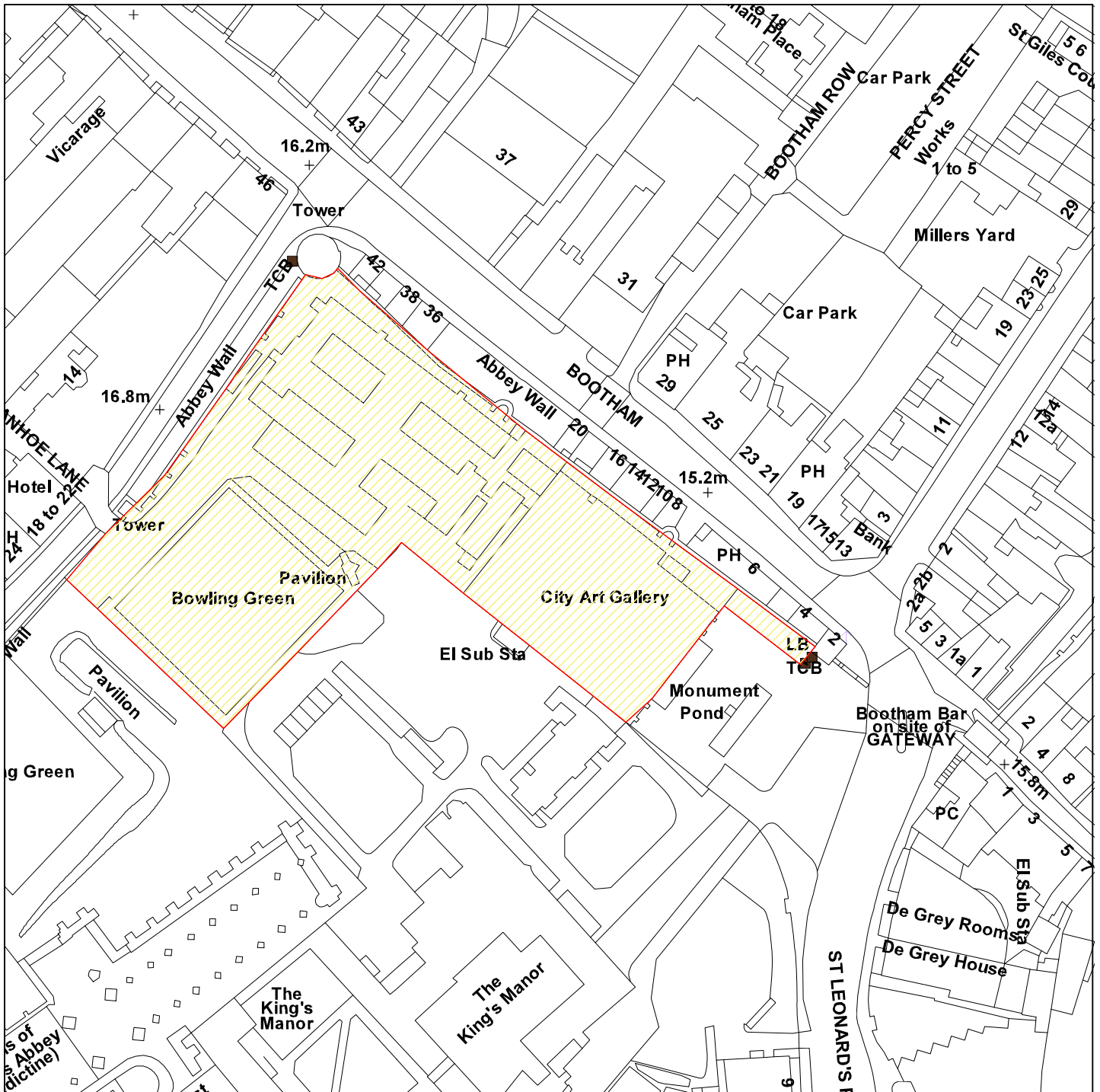


# York City Art Gallery

10/02795/CAC



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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	
<b>Date</b>	07 February 2011
<b>SLA Number</b>	Not Set

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2.2 Policies:

CYHE4 Listed Buildings

**3.0 CONSULTATIONS**

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

3.1 Records suggest that the single storey structures were added to the eastern side of the Gallery as stores / kitchens to facilitate the building's use as a school post 1890 and are likely to date from the early C20th. They are functional additions with the brick elements in a matching yellow grey brick to the main gallery walls with felted flat roofs and the timber boarded elements towards the principal elevation facing Exhibition Square. The removal of these elements is supported as they make no contribution to the special interest of the building. The timber element particularly being slightly incongruous.

3.2 The proposals involve removal of the low railings and gate between the north east corner of the gallery and the St Mary's Abbey precinct walls. These appear to survive as a remnant of railings which once enclosed the grassed area fronting Exhibition Square. They are of some interest, but their removal does not harm the special character of the building and its setting.

3.3 The steps to the basement have more substantial railings and a gate surrounding, and these abut one of the buildings which are to be demolished. There is a further gate in the same style and similar to the iron work found both here and on the railings to St. Leonard's Place. These elements should be retained and replicated to form the return element of the enclosure to the steps.

GUILDHALL PLANNING PANEL

3.4 No objection.

AMENITY SOCIETIES

3.5 No response.

PUBLICITY

3.6 No objections have been made.

**4.0 APPRAISAL**

Key issues

4.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 require that in considering applications for listed building consent, the local planning authority pay special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

## Policy

4.2 According to PPS5: Planning for the Historic Environment, the Government's objectives for planning for the historic environment is to deliver sustainable development. PPS5 recognises that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term; it is desirable to enhance the significance of heritage assets, and of utilising their positive role in place-shaping.

## Attachments to the City Art Gallery

4.3 The side extensions to the gallery are of single storey each with a lean-to roof. The structures overlay detail/features of the original elevation. Removal would enhance the historic and architectural understanding and appearance of the building, through restoration to the original configuration. As such these works are compliant with PPS5 and are fully supported. A gate to control access to the rear of the gallery is also proposed. In principle this is not objected to, however precise details of the construction and location are required. Officers are satisfied these can agreed as a condition of approval.

## External works and works to the wall

4.4 As part of the proposals for restoring the site behind the gallery to a garden, it is proposed to introduce a stone terrace to the immediate rear of the gallery, and provide a path and level access into the Museum Gardens. The wall through which the access would be created is thought to be contemporary with the construction of the gallery (it shows up on historic maps between 1850 and 1890). The gallery was introduced at a time when the original gardens were sub-divided. It is an aspiration of the Museums Trust, as identified in their conservation management plan, to enhance the area behind the gallery and again make this area accessible from the Museum Gardens. The proposed works will allow such public access, and assist in returning the garden to its original configuration. As such there are what English Heritage regard as 'heritage benefits' from this work. There would be no significant harm to heritage assets by the works to the wall. The works are compliant with policy and are supported.

4.5 It is proposed to re-align the kerb that encloses the grassed area to the south east of the gallery, to allow a wider entrance past the side of the gallery. This is a minor change, which will allow improved access to the space behind the gallery (which it is proposed to open to the public). Enabling public access and improving viability of the gallery, which occupies the listed building, are heritage benefits which justify this proposed change.

## **5.0 CONCLUSION**

5.1 The proposed works would have significant benefits to the appearance of the main building, by removing later attachments, and subject to agreement of large scale details, the external works will preserve the setting. It is recommended consent be granted.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve

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

2 PLANS1 Approved plans

3 Large scale details (at 1:10 or 1:20 scale) of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

- a) Gates and railings to east side of gallery building.
- b) Any new lighting, to include location, manufacturers details and means of fixing.
- d) Access gate to Museum Gardens.

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

4 Disturbed areas of the existing fabric shall be made good in materials and details matching adjacent surfaces. Making good of railings which enclose the stairs to the basement at east side of the gallery shall match the existing railings in all respect.

Reason: In the interests of the appearance 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 special historic interest of the listed building and its setting. As such the proposal complies with Policy HE4 of the City of York Development Control Local Plan.

SCHEDULED ANCIENT MONUMENT CONSENT

You are reminded that the St Mary's Abbey Precinct is in part a Scheduled Ancient Monument and consent may be required for alterations. You should contact English Heritage in this respect for further clarification.

**Contact details:**

**Author:** Jonathan Kenyon Development Management Officer

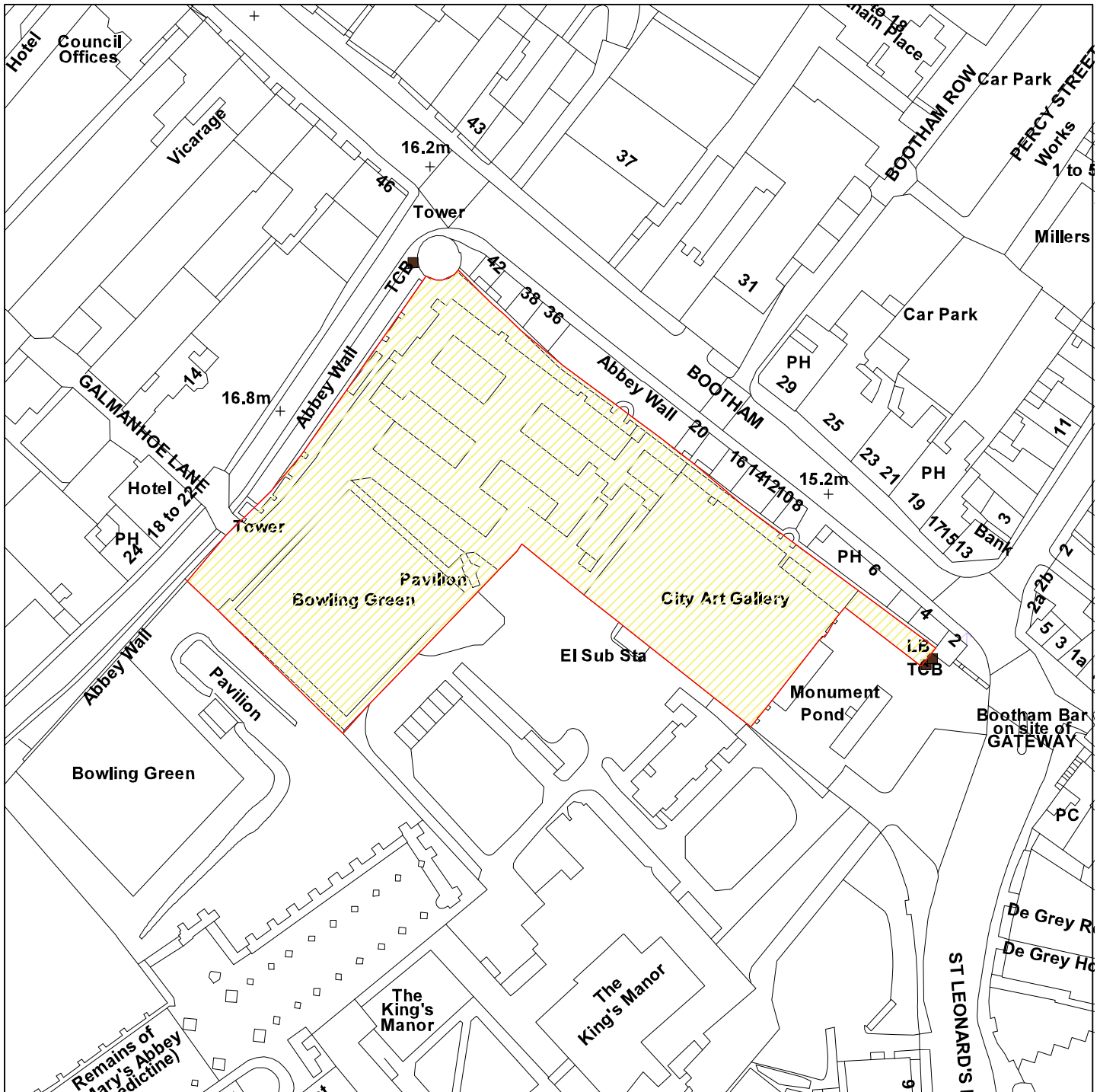
**Tel No:** 01904 551323

# York City Art Gallery

10-02818-LBC



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	
<b>Date</b>	07 February 2011
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 17 February 2011                      **Ward:** Heslington  
**Team:** Major and Commercial           **Parish:** Heslington Parish Council  
Team

**Reference:** 10/02641/FULM  
**Application at:** Proposed University Campus Lying Between Field Lane And Low Lane A64 Trunk Road And Hull Road York  
**For:** Construction of a swimming pool building with health and fitness facilities plus outdoor sports pitches and car park with associated lighting and fencing  
**By:** University Of York  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 15 February 2011  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 This is a full application for the erection of (a) a competition-standard public swimming pool with fitness studios and changing facilities, (b) an artificial-surfaced full-size, illuminated outdoor football pitch (c) three illuminated outdoor 5-a-side pitches, (c) car parking and (d) landscaping. Vehicular access would be from Hull Road via the proposed eastern access into Heslington East campus of the university of York. In the longer term the university's proposals for this part of the campus include the provision of a sports hall.

1.2 The pool would be a joint venture between the council and the university with a financial contribution from Sport England. The pool would be available for use by the public for a minimum of 90% of its opening hours with an absolute minimum of 70 hours per week of public opening. Public access would be secured by a legal agreement between the university and the council. A draft of the agreement has been submitted as Appendix 4 of the planning application. The agreement is expected to be finalised shortly. Notwithstanding this separate joint venture agreement, public access would be secured by a condition requiring details of a scheme for such access, (as in part outlined in the draft agreement between the council and the University), to be submitted and approved before use of the facilities and thereafter implemented.

1.3 It is intended that the proposal would form the first phase of a proposed sports village at Heslington East. Provision on the campus of a pool for use by the public is a requirement of s.106 agreement between the university and the council. However, the application cannot be a reserved matter pursuant to the outline consent for the campus because the high degree of public access prevents the pool being considered ancillary to university use.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

## 2.2 Policies:

CYGP1  
Design

CYGP4A  
Sustainability

CYGP5  
Renewable energy

CYGP9  
Landscaping

CGP15A  
Development and Flood Risk

CYED9  
University of York New Campus

CYNE1  
Trees, woodlands, hedgerows

CYNE7  
Habitat protection and creation

CYL1A  
Sites for Leisure development

## 3.0 CONSULTATIONS

### INTERNAL

3.1 Highway Network Management - No objections to the application subject to conditions being applied regarding submission of details, provision of transport links, surfacing and cycle parking.

3.2 Sport & Active Leisure - Fully in support of the proposal because it satisfies a recognised need for open-access swimming in the city.

3.3 Environment, Conservation, Sustainable Development (Sustainability) - The council's Interim Planning Statement (IPS) on Sustainable Design and Construction requires the development to achieve at least a 'very good' rating under the BREEAM scheme and for 10 per cent or more of the development's energy demand to come from renewable sources. Conditions should be applied to this effect. The IPS also requires the applicant to commit to the council's Considerate Constructors Scheme.

3.4 Environment, Conservation, Sustainable Development (Urban Design) - The internal layout of the pool building is acceptable. Details of barrier controls, external materials, screening, landscape, and design features should be made conditions of approval. Whilst the application includes an 'indicative masterplan', no masterplanning exercise has been completed as yet for this part of the site. Access between the pool building and the area to the south (the main area shown on the indicative masterplan for future phases of the sports village) is poor [Officers' response: This is being addressed by the applicant].

3.5 Environment, Conservation, Sustainable Development (Landscape) - States that the proposals lack visual appeal. There is a risk that the proposed parking, together with the other parking proposed in the area would result in a band of parking (which would be lit) along the southern base of Kimberlow Hill. The essentially rural setting of the existing public right of way through the site would be compromised, passing between fencing on both sides. Whilst the route would become part of the pedestrian circulation within the site, the proposals should retain some of the footpath's existing appeal. The development retains a small length of the existing hedge and removes an oak tree, which is not in good condition but could be retained, especially for its habitat potential. The very formal planting layout needs softening with a more elaborate landscape treatment and landscaping details should be made a condition of approval.

3.6 Environment, Conservation, Sustainable Development (Countryside) - States that the hedgerow alongside the public right of way through the centre of the site should be retained due to its species composition and its historical interest. A mature boundary tree within the hedgerow adds to its environmental and historic value, and provides good habitat for wildlife and so should also be retained (as originally specified within the Master Plan and approved Landscape Management Plan). This would provide a better visual and landscape backdrop to the proposals. If consent is granted it should be subject to the retention of the hedgerow and tree as part of the overall landscaping proposals.

3.7 Environmental Protection Unit - No objections. Conditions should be attached regarding possible contamination, construction noise/vibration/dust, operational noise, hours of operation, lighting levels. An informative should be attached seeking the installation of electric vehicle recharging points within the development.

3.8 Structures and Drainage - The site is in flood zone 1 and should not suffer from river flooding. Insufficient information has been provided by the developer to determine the potential impacts on the existing drainage systems.

#### EXTERNAL

3.9 Heslington Forum including Heslington Parish Council - The council's community planning officers notified forum members of the application on 7 November 2010 and invited comments on the proposals. On 7 December forum members were sent the submitted planning statement and sample plans. The council's formal consultation period expired on 20 December 2010. No formal representations on the proposals have been made by forum organisations.

3.10 Sport England - Supports the application subject to conditions requiring (a) the facilities to be built to prescribed standards and (b) a public access agreement being in place.

3.11 York Natural Environment Panel - The amount of parking appears to be contrary to CYC policy. The public right of way would be diverted along a protracted and less-attractive route [Officers' response: The current proposals do not include diverting the right of way]. Rainwater should be recycled. The hedge and two oak trees should be retained [Officers' response: One of the oak trees has since been felled]. Landscape areas should be planted up/designed to maximise their bio-diversity value. In the more open rural edge all species should be native.

3.12 Environment Agency - No objection subject to a condition requiring drainage details to be submitted.

3.13 Public Consultation - The consultation period expired on 20 December 2010. One objection has been received raising the following planning issues: The proposed parking should be controlled to prevent it being used by the university; A condition should be attached to prevent growth in traffic through Heslington village.

#### **4.0 APPRAISAL**

##### **4.1 KEY ISSUES:-**

- Principle of the Use
- Visual Appearance
- Masterplan
- Transport
- Landscape
- Bio-diversity
- Sustainability
- Environmental Protection
- Drainage
- Cumulative Development

##### **RELEVANT LOCAL PLAN POLICIES**

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

4.3 GP4a and GP5 set out a clear requirement for and policy context for the use of renewable energy in major development projects.

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

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

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

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

4.8 NE7 - Development proposals will be required to retain important natural habitats and, where possible, include measures to enhance or supplement them. New developments should include measures to encourage new habitats.

4.9 L1a - The need for leisure development on sites specified in the local plan and others will be considered against a needs assessment which should be undertaken before any planning permission is granted. Out of centre locations will only be considered when it can be demonstrated that specified or alternative city centre or edge of centre sites are suitable, or if the proposal is primarily to serve local need and is of a suitable scale.

#### APPLICATION SITE

4.10 The site comprises undeveloped formerly-agricultural land at the eastern end of the new Heslington East campus. It is bisected by a public footpath linking Hull Road to the north with Low Lane to the south. The land slopes down from the north. A mature hedge runs alongside the footpath for much of its length, marking the parish boundary.

#### PRINCIPLE OF THE USE

4.11 The section 106 agreement attached to the outline consent for the new campus includes a requirement for the university to provide within the campus a competition-standard swimming pool and other specified sports facilities. The agreement requires the university to make such facilities available to the public. The current application is in accordance with this agreement. The pool building, 5-a-side pitches and car park would lie within the allocated area of the campus, as approved by the Secretary of State in 2007. The full-size football pitch would lie within an area zoned as open space devoted substantially to organised sport.

#### VISUAL APPEARANCE

4.12 The development would be dominated by the pool building, which would be rectangular in shape with a curved roof. An external plant compound would sit alongside the building at its northern corner. The building would contain an 8-lane 25m pool, a training pool, health suite, café and changing facilities for wet and dry

sports (to include users of the external pitches). External building materials would include masonry, glazed curtain walling, and metal cladding, including for the standing-seam roof. The building would have a modern, stylish appearance in keeping with the approved masterplan and the character of other campus buildings constructed to date.

4.13 The car park would be located to the north of the pool building and be set into the slope of the ground. Access would be direct from the movement spine following its extension. Separate service access would be provided to the basement of the building via a vehicular ramp from the movement spine to the south side of the building. To the east of the pool would be the 5-a-side pitches and (beyond the public right of way) the full-size football pitch. The orientation of the pitch may be rotated through 90 degrees prior to construction but at this stage the applicant wishes the current layout to be determined. Any future revised position would have to be submitted for approval.

## MASTERPLAN

4.14 The draft masterplan for Cluster 2 of the campus has been submitted to the council and discussions between the University of York and officers are ongoing. Whilst it would have been preferable for this work to have been undertaken in advance of the formulation of detailed proposals for the 1st phase of the sports village complex, officers consider that this application can be determined without prejudicing later phases. Future proposals for the sports village would however have to take into account the constraints imposed by the presence of the swimming pool building and accompanying facilities.

4.15 The application includes a preliminary indicative layout for the sports village. It shows a possible location for an athletics track on the south side of the pool building. It is assumed that the land to the south of the pool building is likely to be used for outdoor recreation facilities of one type or another. The ramped service access would restrict pedestrian movement between the pool building/entrance towards this land to the south. The university has accepted the logic of improving pedestrian access to the south and is content for submission of details to be made a condition of approval.

## TRANSPORT

4.16 Approval has already been granted (at outline stage) for the access road between the allocated area of the Heslington East campus and Hull Road, via the entrance to the Grimston Bar Park and Ride. The current application will require the access road to be extended to link up with the movement spine further south. These highway works are included in a reserved matters application for the Northern Service Road, to be considered by members separately (see 10/02696/REMM).

4.17 As part of the current application 207 car parking spaces would be provided to the north of the pool building. This accords with council standards. Officers accept that vehicular traffic to the sports village would not predominantly be university-related so should not be treated as part of the maximum 1500 spaces permitted under the outline consent for the campus. Access to the car park would be barrier-

controlled to prevent unauthorised university parking. Details of how this would operate should be made a condition of approval.

4.18 The application includes 80 uncovered cycle parking spaces close to the main entrance to the pool building. These spaces should be protected from inclement weather. Provision should be made a condition of approval. 10 covered cycle parking spaces would be provided for staff to the north of the main building, which accords with council standards.

4.19 A coach lay-by with turning head would be constructed (as part of the movement spine) along the western frontage of the building. The turning head would ultimately be removed following the completion of the movement spine through the Heslington East campus. Service vehicles would gain access to the site either via the main car park entrance and then to a service yard to the east of the main building, or via the ramped access to the south, where vehicles carrying out maintenance to the pools filtration system would be directed. The yard to the east of the building would be capable of allowing refuse vehicles to turn on-site.

4.20 The public right of way through the site would not be diverted but the surface would be upgraded and its profile modified to accord with the new sports pitches alongside it. Details should be agreed prior to development.

4.21 There would be good public transport links to the sports village. These include three of the First York bus services which currently operate within vicinity of the site, all having a 10 minute frequency during the working day; The no.8 Park and Ride service; the no.6 service which drops off and picks up outside the B&Q store on Hull Road; and the no.4 FTR service which terminates at the transport interchange. In addition East Yorkshire services run along Hull Road and the Pullman no.44 University service terminates within the Heslington East campus. New public footways would be constructed to provide links from the transport interchange and Grimston Bar Park and Ride site to the sports village.

4.22 The University recognises that there is currently an absence of crossing facilities on Hull Road for pedestrians and cyclists reaching the complex from residential areas to the north and from the direction of the city centre. The application for an extension to the northern service road (10/02696/REMM) gives further details of measures to address this. They include signalled crossing points over both carriageways on Hull Road and the Grimston Bar access road. These works within the adopted highway would be undertaken by the council, as Highway Authority, and all associated design, construction and site supervision costs would be met by the university.

4.23 The traffic impact of the sports village has been examined by the university's transport consultants and their report accompanies this application. It predicts that vehicular trip generations are unlikely to exceed 52 two-way trips in the morning peak and 160 two-way trips in the evening peak. In terms of the likely impact on the adjacent highway network, the critical issue to examine is whether the signalled junction of Hull Road with Osbaldwick link road can handle this extra volume of traffic during the peak hours. An operational assessment of the junction predicts that there would be some modest increase in queue lengths but that all approaches would continue to operate below the desirable maximum levels of saturation. It is

recognised however that there would soon come a point, as traffic levels increase from the new campus via the Grimston Bar access, when improvements (identified in the outline submission as being eventually necessary) would have to be introduced. The assessment shows that a further 450 car parking spaces could be provided by the University, accessed from Grimston Bar Park and Ride site access, before the upgraded junction arrangement involving full signalisation would be necessary.

4.24 Regarding the public consultation objection to the proposals, the outline consent includes conditions to monitor and address parking and traffic. No further conditions are required as a result of the current application.

#### LANDSCAPE AND BIO-DIVERSITY

4.25 The proposals are very compact and do not provide much scope for landscaping. As a result the landscape proposals appear rather minimal. This is in contrast to the approved landscape masterplan, which gives the impression that there would be a much greater landscape setting integral to the sports facilities at this eastern end of the campus. Nevertheless, the formal layout of the proposals could be softened with a more elaborate landscape treatment. Particularly by connecting the agricultural landscape beyond the site with the new parkland/woodland landscape of Kimberlow Hill, using mainly native species. The only sizeable area available for any significant planting is around the car park and entrance to the swimming pool. In these areas the planting could be more substantive than shown. However these matters can be dealt with as a condition requiring the submission of landscaping details. The details should be set in an appropriate landscaping context for the whole of the sports village and should be an integral part of the emerging masterplan.

4.26 The setting of the public right of way through the site is currently essentially rural. The proposal would inevitably change the character of the path, passing between 8m-high fencing of the 5-a-side pitches on one side and 5m-high fencing of the football pitch on the other. However, the site lies within an area for which planning permission has been granted for a university campus. And within that campus the site has been zoned as open space devoted substantially to organised sport. As such the loss of at least some of the path's rural character would have been anticipated and accepted when outline planning permission for the campus was granted. Nevertheless, keeping the hedge and the remaining oak tree as suggested by Design, Conservation and Sustainable Development would help to retain their habitat potential and incorporate the scheme into the surrounding landscape. Discussions with the applicant are continuing. Members will be updated at the meeting.

#### SUSTAINABILITY

4.27 As a minimum, developments of this scale are required to achieve at least a 'very good' BREEAM rating and for at least 10% of energy demand to come from renewable sources. The applicant has committed to achieving these requirements. Conditions should be attached to ensure compliance.



## ENVIRONMENTAL PROTECTION

4.28 The proposal is likely to have a negligible impact on the nearest existing residential dwellings which are at least 500m to the north and 800m to the west. Nevertheless, Condition 21 of the outline consent restricts the permitted levels of construction noise and should be tailored to suit to the current proposal, particularly to protect future residents of the campus. Conditions should also be attached regarding contamination, construction noise/vibration/dust, operational noise, hours of operation and lighting levels.

4.29 In line with the council's emerging Low Emission Strategy, environmental protection officers encourage the use of low emission vehicles on new developments and seek provision of refuelling/recharging infrastructure wherever possible. They have requested that an informative be attached seeking the installation of at least eight electric vehicle recharging points within the development to promote the use of electric vehicles using the sports centre.

## DRAINAGE

4.30 Surface water from the building and car park would drain via a swale into the main lake to the south of the site. Drainage from the pitches would run into Hunt's Drain, which connects to Tilmire Drain. Foul water would drain via a main sewer to a new pumping station within Cluster 2. Whilst the council's drainage officers have requested more information this could be provided by planning condition.

## CUMULATIVE DEVELOPMENT

4.31 Condition 4 of the outline consent restricts the developed footprint (including buildings car parks and access roads) to 23% of the allocated area. The cumulative total to date, including (a) approved applications (b) Langwith College (c) the Northern Service Road (d) the swimming pool building and car park (e) a provisional figure for the Cluster 2 car park, which will be submitted for approval shortly, is 9% of the allocated area.

## 5.0 CONCLUSION

5.1 Whilst the pool is not pursuant to the outline consent for the campus it addresses the terms of the s.106 agreement, and the land uses (sports facilities) comply with the approved land use plan agreed by the Secretary of State in 2007. The design and appearance of the development are acceptable subject to submission of details for approval. Landscaping should be made a condition of approval and should reflect the landscape context for the sports village as a whole, which should be set by the emerging masterplan.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

1 The development hereby permitted shall be carried out only in accordance with the following plans: ..... [Plans list to be tabled at committee].

2 A sample panel of the masonry to be used on this building shall be erected on the site and shall illustrate the colour, texture, bonding and mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location.

3 VISQ8 Samples of exterior materials to be app

4 DRAIN1 Drainage details to be agreed

5 Within three months of the date of this permission details of measures to improve pedestrian movement between the public plaza shown on the approved plans and the land to the south/south-east of the application site 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 interests of the free flow and movement of pedestrians between the application site and the land to the south/south-east

6 Unless otherwise agreed in writing with the Local Planning Authority, prior to commencement of development the developer shall submit in writing and be approved by the local planning authority a formal pre-design BREEAM assessment for the design and procurement stages of the development. The developer shall submit a further BREEAM assessment after construction, at a time to be agreed in writing by the Local Planning Authority. The developer shall submit a completion assessment when issued by the BRE. All assessments shall confirm the minimum 'Very Good' rating anticipated in the preliminary BREEAM assessment submitted with the application

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

7 No building work shall take place until details have been submitted to and approved in writing by the local planning authority, to demonstrate how the applicant will provide, from renewable sources, 10% of the building's total energy demand on land within the control of the applicant. The development shall not be occupied until these works have been carried out in accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority (as part of an energy strategy for the Heslington East campus). Not later than 12 months after the building has first been brought into use, the applicant shall submit an Energy Statement to the Local Planning Authority, which details the percentage of the buildings energy consumption that has been derived from renewable sources. Thereafter the Energy Statement shall be submitted on an annual basis unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of sustainable development

8 No mechanical, electrical, telecommunications or other plant, equipment or apparatus (other than as shown on the approved plans) shall be installed on the roof of the building without the prior written consent of the Local Planning Authority.

Reason: In the interests of the design and external appearance of the building

9 Within three months of the date of this permission detailed landscaping/screening proposals shall be submitted to the local planning authority and approved in writing. The scheme, which shall show the number, species, height and position of trees and shrubs 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: To minimise the visual impact of the proposals on the surrounding area.

10 Within three months of the date of this permission details of the following measures shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the submitted details:

- (1) Refuse/recycling facilities including screening
- (2) External seating
- (3) Feature graphics
- (4) Entrance canopy

Reason: In the interests of design and the external appearance of the building.

11 Within three months of the date of this permission details of the following measures shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the submitted details:

(i) measures to ensure the proper management of the approved car parking facilities including their barrier control mechanisms.

(ii) showers, changing facilities and lockers for staff arriving to work by cycle.

(iii) arrangements for securing and protecting cycles belonging to both staff and visitors

(iv) any changes to the public right of way crossing the site, including changes to its profile, construction and surfacing.

Reason: In the interests of highway safety, and to promote sustainable transport trips by staff and users of the Sports Complex.

12 Prior to first opening of the development hereby approved, the following transport links shall be constructed and be in operation in accordance with the plans as approved by the Local Planning Authority:

(i) Motor vehicle, pedestrian and cycle links to the current access road from Hull Road serving the Grimston Bar Park and Ride site.

(ii) Pedestrian linkages to the transport interchange on the Heslington East Campus.

(iii) New signal-controlled, pedestrian and cycle crossing facilities at the intersection of Hull Road and the Grimston Bar Park and Ride access road.

(iv) Pedestrian and cycle linkages from the new signalled crossings on Hull Road to the existing facilities along Hull Road.

Reason: In the interests of highway safety and to promote sustainable transport trips by staff and users of the Sports Complex.

13 HWAY10 Vehicular areas surfaced, details reqd

14 HWAY19 Car and cycle parking laid out

15 HWAY31 No mud on highway during construction

16 During construction of the development hereby approved the Construction Environmental Management Plan for the Heslington East campus, approved by the local planning authority, 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.

17 All noise generated during the site preparation, groundwork and construction phases and associated ancillary operations of the use hereby permitted shall meet the following criteria :

LOCATION: The gardens of dwellings at (a) eastern boundary of the site on Hull Road and (b) northern boundary of the site on Field Lane.

MAXIMUM LIMIT: 70 dBA (1 hour)

TIME PERIOD: A continuous period of up to eight weeks in any calendar year, without the prior written notice of the Local Planning Authority

LOCATION: The gardens of dwellings at (a) eastern boundary of the site on Hull Road and (b) northern boundary of the site on Field Lane.

MAXIMUM LIMIT: Not exceeding background noise levels.

TIME PERIOD: Before 0800 and after 1800 hours Monday to Friday. Before 0900 and after 1300 hours on Saturdays. At all times on Sundays and Bank Holidays.

LOCATION: Within occupied residential buildings on the site.

MAXIMUM LIMIT: Not exceeding background noise levels.

TIME PERIOD: Before 0800 and after 1800 hours Monday to Friday. Before 0900 and after 1300 hours on Saturdays. At all times on Sundays and Bank Holidays

Before the commencement of development the developer will carry out an acoustic survey of the site boundaries at locations agreed with the Local Planning Authority to

establish background noise levels. Before the commencement of development the developer will submit a scheme to the Local Planning Authority setting out the means of regular monitoring of the noise levels at the agreed locations and this shall be approved in writing by the Local Planning Authority and implemented before the commencement of development.

Reason: To protect the amenities of residential occupants of the site and in the surrounding area in accordance with the aims of PPG24.

18 In the event that contamination is found at any time when carrying out the approved development, the findings shall be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment shall be undertaken, and where remediation (clean-up) is necessary a remediation scheme shall 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 shall be prepared, which is subject to the approval in writing of the Local Planning Authority.

Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part 2A of the Environmental Protection Act 1990.

Reason: To protect human health and the wider environment.

19 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<sub>max</sub>(f)) and average sound levels (LA<sub>eq</sub>), 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.

20 Use of the outdoor sports pitches shall not be open to customers outside the hours of 08:00 to 22:00 on any day.

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

21 The external floodlighting for the outdoor sports pitches shall not be in operation outside the hours of 08:00 to 22:00 on any day.

Reason: To safeguard the amenity of occupants of neighbouring premises.

22 Before the start of development, including demolition, building operations, excavations or the importing of materials a method statement of protection measures for the tree(s) shown to be retained shall be submitted to and approved in writing by the local planning authority. The statement shall include details and locations (shown on a plan) of protective fencing, method of preparation/excavation/construction, type of machinery/vehicles to be used, extent of working areas, locations of storage of materials and location of site cabin(s).

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

23 The development hereby approved shall not be brought into first use unless and until detail of arrangements for public access to the swimming pool and other sports facilities, referred to in the Section 106 planning agreement dated 30 November 2006, have been submitted to and agreed in writing by the Local Planning Authority. The facilities shall thereafter be operated to comply with the approved arrangements.

Reason: To ensure that the pool hereby approved is made available for use by members of the public.

## **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 principle of the use, scale and appearance of the building, renewable energy, landscaping, neighbour amenity, transport, sustainability, drainage, bio-diversity and provision of leisure facilities. As such the proposal complies with policies ED9, GP1, GP4a, GP5, GP9, GP15A, NE1, NE7 and L1a of the City of York Local Plan Deposit Draft.

#### **2. ELECTRIC VEHICLE RECHARGE POINTS**

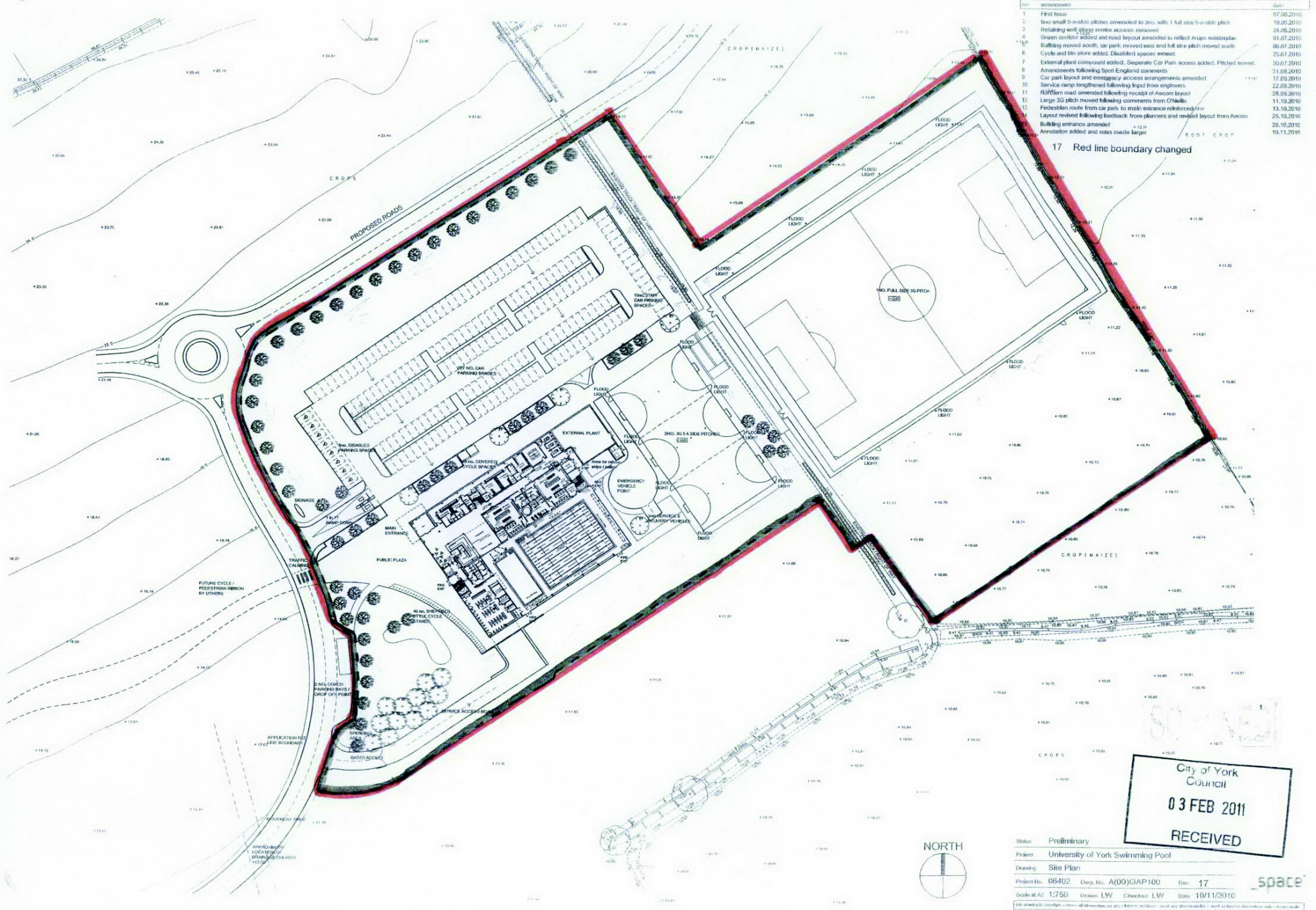
In line with City of York Council's emerging Low Emission Strategy, electric recharge points are currently being sought on new developments wherever appropriate. A Supplementary Planning Document is currently being jointly developed by EPU and City Development, which will set out standards for electric vehicle recharge points on all new developments. Within the last year, EPU have successfully negotiated electric recharge points as part of the new Waitrose supermarket on Foss Islands Road and in relation to the new Nestle development. Should City of York Council's new Park and Ride sites be taken forward, they will also include provision for electric vehicle recharging.

#### **Contact details:**

**Author:** Kevin O'Connell Development Management Officer

**Tel No:** 01904 552830

10/2641/FULM



Rev	Description	Date
1	Final Issue	07.05.2010
2	Five small 5m-wide pitches amended to 3m, with 1 full size 5m-wide pitch	19.05.2010
3	Retaining wall after service access removed	24.05.2010
4	Green corridor added and road layout amended to reflect Avon restoration plan	01.07.2010
5	Building moved south, car park moved east and full size pitch moved south	06.07.2010
6	Cycle and bin store added, Disabled spaces moved	25.07.2010
7	External plant compound added, Separate Car Park access added, Pitches moved	30.07.2010
8	Amendments following Sport England comments	31.08.2010
9	Car park layout and emergency access arrangements amended	17.09.2010
10	Service ramp lengthened following input from engineers	22.09.2010
11	Hoffman road amended following receipt of Avcom layout	28.09.2010
12	Large 3G pitch moved following comments from O'Hall's	11.10.2010
13	Pedestrian route from car park to main entrance redeveloped	13.10.2010
14	Layout revised following feedback from planners and revised layout from Avcom	25.10.2010
15	Building entrance amended	28.10.2010
16	Annotation added and notes made larger	10.11.2010

17 Red line boundary changed

City of York Council  
03 FEB 2011  
RECEIVED

Status: Preliminary  
Project: University of York Swimming Pool  
Drawing: Site Plan  
Project No: 06402 Draw No: A(00)GAP100 Rev: 17  
Scale: As 1:750 Drawn: LW Checked: LW Date: 10/11/2010  
space

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**COMMITTEE REPORT**

**Date:** 17 February 2011                      **Ward:** Heslington  
**Team:** Major and Commercial      **Parish:** Heslington Parish Council  
Team

**Reference:** 10/02696/REMM  
**Application at:** Proposed University Campus Lying Between Field Lane And Low Lane A64 Trunk Road And Hull Road York  
**For:** Construction of Northern Service Road (East), sections of the Movement Spine (East) and Hull Road Link Road (South) with associated pedestrian and cycle routes  
**By:** University Of York  
**Application Type:** Major Reserved Matters Application (13w)  
**Target Date:** 1 March 2011  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 This is a reserved matters application pursuant to the outline consent for the Heslington East campus (04/01700/OUT). In essence the proposal would mainly provide a new section of road to link Hull Road at the Grimston Bar Park and Ride site with the recently-constructed bus interchange near Field Lane. The road would be 2-way, 6m-wide and would be the principal route for service access to the new campus. The road's design construction would replicate the recently-constructed Western Access into the campus from Deans Acre. The proposal comprises six main elements:

(1) Construction of the Hull Road Link Road into the campus, ie between Hull Road at the entrance to Grimston Bar Park and Ride site and the eastern end of the allocated area. The alignment up to the allocated area was approved in 2007 as part of the outline consent for the campus. Consent is now sought for the construction details of the proposed access and the addition of a 3m-wide pedestrian/cycleway along the link's western side. A new roundabout would be provided inside the allocated area to connect with the Movement Spine. A new three-arm roundabout would be formed where the current access road turns into the Grimston Bar Park and Ride site.

(2) A new section of the Northern Service Road along the north side of the campus. At present the service road only extends eastwards from the western end of the allocated area to the bus interchange. The new section would extend eastwards from the interchange to connect with the proposed Hull Road Link Road. The Northern Service Road across the campus would thus be complete. The new section would provide access to clusters 2 and 3 of the campus. Use of the road would be limited to service vehicles, emergency vehicles, disabled users and permit holders. Access barriers would be located at both ends of the road to control vehicle movements along it. The location and method of operation of these barriers should be conditioned as part of any approval.

(3) A new short section of the Movement Spine at its eastern end to provide vehicular access to the sports village. It would connect with the Northern Service Road at a new roundabout. A temporary turning head would be formed outside the main frontage of the swimming pool building to allow coaches to drop off customers and then return to Hull Road. Barriers would be installed at the southern limit of the new section of movement spine to prevent unauthorised access.

(4) A 3m-wide, temporary, pedestrian/cycleway linking Cluster 2 with the Hull Road Link Road and the Sports Village. The route would be in operation until the existing western section of the Pedestrian/Cycle Ribbon has been extended to the eastern end of the campus. The route would be separated from the road by a 1.5m-wide grass verge. At the western end the footpath/cycleway would connect to the Pedestrian/Cycle Ribbon running through the centre of the campus.

(5) A permanent, recreational, pedestrian/cycle path linking the approved recreational route along the southern slope of Kimberlow Hill with the Northern Service Road.

(6) Various temporary and permanent drainage swales to drain Cluster 2 and the infrastructure for which consent is currently being sought. The swales would terminate at the lake within the campus.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

### 2.2 Policies:

CYGP1  
Design

CYGP9  
Landscaping

CGP15A  
Development and Flood Risk

CYED9  
University of York New Campus

CYGP4A  
Sustainability

### **3.0 CONSULTATIONS**

#### **3.1 INTERNAL**

Environment, Conservation, Sustainable Development (Landscape) - No objections. Much of the landscape setting for the proposals is outside the application site but will form part the future reserved matters applications. In the meantime the land should be seeded to provide a satisfactory appearance.

Structures and Drainage - No objections.

Highway Network Management - No objections, subject to conditions being attached.

#### **3.2 EXTERNAL**

Ouse & Derwent Internal Drainage Board - No objection as long as the proposals do not compromise the agreed drainage scheme for the campus.

Heslington Forum including Heslington Parish Council - The council's community planning officers notified forum members of the application on 13 December 2010 and invited comments on the proposals. No formal representations have been made by forum organisations.

Public Consultation - The consultation period expired on 25 January 2010. No response has been received.

### **4.0 APPRAISAL**

#### **4.1 KEY ISSUES**

- Principle of the proposed works
- Movement and access
- Landscaping
- Drainage
- Cumulative development

#### **THE APPLICATION SITE**

4.2 The site comprises 12.93ha of undeveloped formerly-agricultural land at the eastern end of the new Heslington East campus. It slopes down gently from north to south.

#### **POLICY CONTEXT**

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

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

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

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

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

#### PRINCIPLE OF THE PROPOSED WORKS

4.8 The principle of the use of the site as part of a campus was accepted when the Secretary of State granted outline consent in 2007. The Eastern Access, Northern Service Road, Pedestrian/Cycle Ribbon and Movement Spine are fundamental components of the new campus as approved. The proposal accords with local plan policy ED9 for the development of Heslington East and the approved masterplan for the campus. The principle of the proposed use is therefore acceptable.

#### MOVEMENT AND ACCESS

4.9 At present the only access into the campus is via the Western Access at Deans Acre and the Field Lane Roundabout. However, the long-term intention of the campus has been for Grimston bar to be the main access point. The works are now required in order to provide access (including construction access) to the proposed swimming pool and the approved energy centre. The highway works, which include construction details of external lighting, footways and cycleways, are acceptable.

4.10 The University accepts that new signalled crossing points would need to be formed over both carriageways on Hull Road and the Park and Ride exit lane so that pedestrians and cyclists can safely cross to the Sports Village from residential areas to the north of Hull Road and from the city centre. Such works would lie within the adopted highway and would be undertaken as part of a section 278 agreement between the University and the highway authority. Costs associated with the design, construction and site supervision of these facilities would be met by the University. The crossing facilities would ultimately be superseded by a full signalisation scheme for the Hull Road-Grimston Bar access road junction as and when traffic generated by future developments on the campus exceed the highway network's current capacity in that area.

#### ENVIRONMENTAL PROTECTION

4.11 The proposal is unlikely to have a material impact on existing residential dwellings. Nevertheless, Condition 21 of the outline consent restricts the permitted

levels of construction noise to minimise the impact on adjacent residents. Moreover, the university would be bound by the approved construction impact management plan for the campus.

## LANDSCAPING

4.12 The landscape setting for the proposals is outside the application site but would form part of the reserved matters applications for future phases of the campus. In the meantime the land should be seeded to provide a satisfactory appearance. Discussions between officers and the University are ongoing. Members will be updated at the meeting.

## DRAINAGE

4.13 Surface water from the new campus is drained by gravity to the recently-constructed lake along the southern side of the campus. The water is stored in the lake and released at agricultural rates into local watercourses. The current application includes the creation of various permanent and temporary swales to drain the proposed highway works and adjacent development sites. The temporary swales will be superseded by permanent drainage measures as future phases of the campus are developed. The council's drainage officers are satisfied with the proposals as submitted.

## CUMULATIVE DEVELOPMENT

4.14 Condition 4 of the outline consent restricts the developed footprint (including buildings car parks and access roads) to 23% of the allocated area. The cumulative total to date, including (a) approved applications (b) Langwith College (c) the Northern Service Road (d) the swimming pool building and car park (e) a provisional figure for the Cluster 2 car park, which will be submitted for approval shortly, is 9% of the allocated area.

## 5.0 CONCLUSION

5.1 The proposal conforms with policies of the draft local plan. The proposal also conforms with the outline consent for the campus granted by the Secretary of State and with the approved masterplan.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

1 The development hereby permitted shall be carried out only in accordance with the approved plans numbered 30080-P-367/K, 30080-P-370/H, 30080-P-371/H, 30080-P-372/E, 30080-1000-P-002/A, 30080-14-P-0000-001/B, 30080-14-P-0500-001/B, 30080-14-P-0700-001/B, 30080-14-P-1300-001/B, 30080-15-P-0000-001/D, 30080-15-P-0500-001/B, 30080-15-P-0700-001/B, 30080-15-P-1300-001/B, 30080-16-P-0000-001/B, 30080-16-P-0500-001/B, 30080-16-P-0700-001/B, 30080-14-P-1300-001/B, 30080-17-P-0000-001/A, 30080-17-P-0500-001A/, 30080-17-P-0700-001/A and 30080-17-P-1300-001/A.

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

2 Prior to commencement of any works details shall be agreed in writing with the Local Planning Authority of the method of operation of the entry barriers and their positions within the Northern Service Road.

Reason: In the interests of highway safety and to prevent unauthorised access by vehicular traffic.

3 Prior to commencement of any works, the applicant shall enter into a section 278 agreement with the Highway Authority in connection with the provision of signalled crossing points and associated footways/cycle paths in the vicinity of the junction of Hull Road and the Grimston Bar access road.

Reason: In the interests of highway safety.

4 Prior to commencement of any works, a method of works statement shall be submitted for agreement with the Local Planning Authority which shall cover temporary arrangements for ensuring unrestricted access to the Grimston Bar Park and Ride site for motor vehicles and Park and Ride services, throughout the period of construction.

Reason : To ensure continued operation of Park and Ride services.

5 HWAY31 No mud on highway during construction

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. REASON FOR APPROVAL

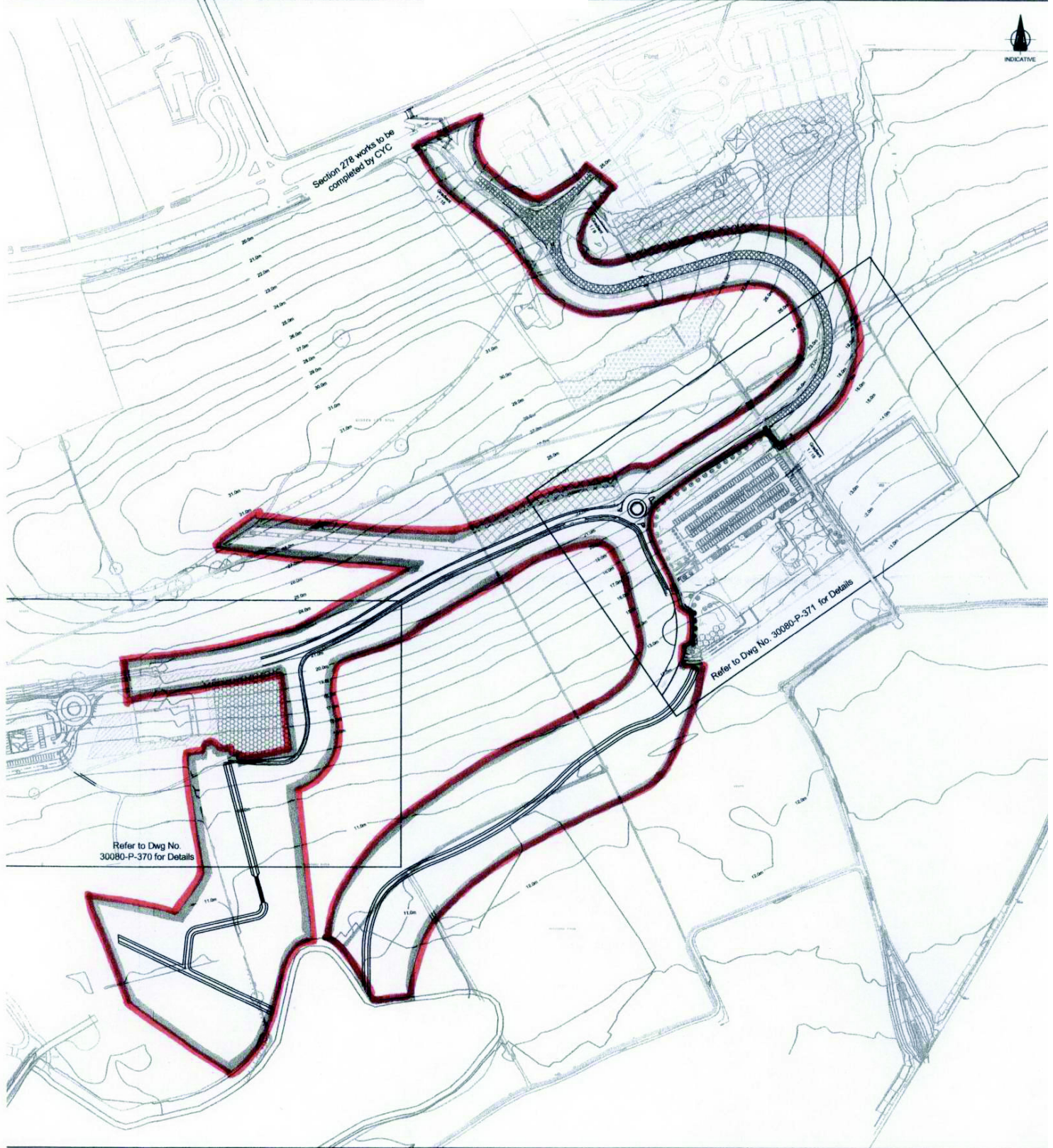
In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to provision of a new campus, sustainability, design, drainage, landscape and transport issues. The application therefore complies with policies GP1, GP4a, GP9, ED9, and GP15a, of the City of York Local Plan Deposit Draft.

#### **Contact details:**

**Author:** Kevin O'Connell Development Management Officer

**Tel No:** 01904 552830

NY principles, the budget for fees and the terms of reference agreed between AL and the Client. Any other party may rely upon this document without the prior and express written agreement of AL.



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**COMMITTEE REPORT**

**Date:** 17 February 2011                      **Ward:** Heslington  
**Team:** Major and Commercial      **Parish:** Heslington Parish Council  
Team

**Reference:** 10/02734/REMM  
**Application at:** Proposed University Campus Lying Between Field Lane And  
Low Lane A64 Trunk Road And Hull Road York  
**For:** Erection of student residences in 10 no. buildings with  
amenity/common room building and associated access, cycle  
parking and landscaping (Langwith College)  
**By:** University Of York/ Evans Advisory Ltd  
**Application Type:** Major Reserved Matters Application (13w)  
**Target Date:** 7 March 2011  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 Reserved matters application for the erection of new premises for Langwith College, which would be relocated from the existing campus at Heslington West. The proposals would provide living accommodation for 647 students and four members of staff. The proposal is part of the first phase of Cluster 2 of the Heslington East campus for the University of York. The campus was granted outline planning permission by the Secretary of State in June 2007 (04/01700/OUT).

1.2 The application would provide 18,680sqm of floorspace on a site of 2.04ha. The works mainly comprise six 3 to 5-storey blocks of flats (buildings A to F), four 3-storey residential terrace blocks (buildings G, H, J and K), a college centre building (the Langwith Centre), cycle stores and landscaping. Main materials would be red brickwork, timber board cladding and glazed curtain walling. Roofs would have a membrane finish.

1.3 This would be the second residential college at the campus. The first is Goodricke College, approved in 2008 and now occupied (08/00032/REMM).

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGP1  
Design

CYGP4A

Sustainability

CYGP9  
Landscaping

CGP15A  
Development and Flood Risk

CYED9  
University of York New Campus

CYED10  
Student Housing

CYT4  
Cycle parking standards

### **3.0 CONSULTATIONS**

#### **3.1 INTERNAL**

Highway Network Management - No highway objections to the application subject to conditions about provision of car/cycle parking and arrangements for the parking of contractors vehicles.

Environment, Conservation and Sustainable Development (Landscape) - No objections. The revised landscape proposals are acceptable.

Environment, Conservation and Sustainable Development (Urban Design) - No objections. The revised plans address concerns previously raised. Add conditions

Structures and Drainage - No objections. Add standard drainage condition.

Environmental Protection Unit - No objections. Environmental issues are covered by various conditions of the outline consent.

#### **3.2 EXTERNAL**

Heslington Forum including Heslington Parish Council - The principle of the provision of a 600-bed college was discussed at the community forum meeting of 19 July 2010. The council's community planning officers notified forum members of the application on 13 December 2010 and invited comments on the proposals. No formal representations have been made by forum organisations.

Ouse & Derwent Internal Drainage Board - No objection as long as the proposals do not compromise the agreed drainage scheme for the campus.

Police Architectural Liaison - More than happy with the proposal.

York Natural Environment Panel - No objections. Welcomes the general approach. The proposals are not unattractive. Suggest minor changes to attract more wildlife.

Public Consultation - The consultation period expired on 25 January 2010. No representations have been received.

#### **4.0 APPRAISAL**

##### **4.1 KEY ISSUES**

Principle of the Use  
Scale and Appearance  
Landscape  
Movement and Access  
Sustainability  
Drainage  
Construction Impact  
Cumulative Development

#### **THE APPLICATION SITE**

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

4.3 The site of the current proposal lies to the east of the central vista. To the north is the bus interchange and the site of the recently-approved energy centre. To the south is the site of the recently-approved social and catering building and future phases of Cluster 2. The area to the east is so far undeveloped but will be the site of future phases of the campus.

#### **PRINCIPLE OF THE USE**

4.4 The principle of the use of the site as part of a new campus was accepted when the Secretary of State granted outline consent in 2007. The college proposal accords with the land use plan C(i) approved as part of the outline consent and the approved masterplan for the campus.

#### **SCALE AND APPEARANCE**

4.5 Buildings A to F would form a broadly circular perimeter around the other elements of the college. Heights would be lower than the maximum heights specified in the outline consent and the buildings would not appear unduly large or out of keeping with the rest of the campus. The design and materials comply with the approved masterplan for the campus and the draft addendum for Cluster 2, which is currently under discussion with officers. Samples of all external materials should be submitted as a condition of approval.

## LANDSCAPE

4.6 Most of the landscape to the college would be at the perimeter of the campus, ie outside the allocated area for the built development. This landscape setting would be supplemented by green wedges located at intervals through the campus (including the central vista adjacent to the college). Landscaping forming part of the college application mainly comprises: courtyards; areas between the college buildings; the pedestrian/cycle ribbon where it passes through the college; pedestrian routes; surface drainage swales and minor re-profiling of ground levels. The proposals, as recently revised, are acceptable. One mature sycamore tree would be lost but it would be replaced as part of the landscape proposals. At the request of officers the University has agreed to provide the cycle stores with green (ie planted) roofs. Revised plans showing the roofs are awaited.

## MOVEMENT AND ACCESS

4.7 Vehicular access to the site would be restricted to servicing traffic, emergency vehicles and students with a disabled parking permit. A total of six disabled spaces would be provided on the eastern side of the central vista for users of all Cluster 2 buildings.

4.8 Secure cycle parking for a total of 400 cycles would be provided in accordance with standards previously agreed for the University. Additional pedestrian and cycle routes would be incorporated into the design layout which would link to other routes already constructed on the Heslington East Campus. Public transport is available nearby for staff and students at the transport interchange immediately to the north where the FTR now terminates and along the movement spine to the south where the no.44 Pullman Uni-service operates with a 15 minute frequency.

## SUSTAINABILITY

4.9 As a minimum, developments of this scale are required to achieve at least a 'very good' BREEAM rating and for at least 10% of energy demand to come from renewable sources. The applicant has committed to achieving these requirements. Conditions should be attached to ensure compliance.

## DRAINAGE

4.10 The surface water drainage routes and design follow the principles established for Cluster 1. Water from the college would drain via swales into the wider drainage network for Heslington East before discharging into the lake to the south of the site. Details should be submitted as a condition of approval.

## CONSTRUCTION IMPACT

4.11 The proposal is unlikely to have a material impact on existing residential dwellings, which are over 250m from the site. Nevertheless, Condition 21 of the outline consent restricts the permitted levels of construction noise on adjacent

residents. Moreover, the university would be bound by the approved construction impact management plan for the campus.

## CUMULATIVE DEVELOPMENT

4.12 Condition 4 of the outline consent restricts the developed footprint (including buildings car parks and access roads) to 23% of the allocated area. The cumulative total to date, including (a) approved applications (b) Langwith College (c) the Northern Service Road (d) the swimming pool building and car park (e) a provisional figure for the Cluster 2 car park, which will be submitted for approval shortly, is 9% of the allocated area.

## 5.0 CONCLUSION

5.1 The application is for the second residential college of the Heslington East campus. It would provide living accommodation for over 650 university students and staff. The proposal conforms with policies of the draft local plan particularly ED9 (New campus at Heslington East) and ED10 (provision of student housing). The proposal also conforms with the outline consent for the campus and the approved masterplan.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve

1 The development hereby permitted shall be carried out only in accordance with the approved plans numbered (00)002, (00)004, (00)005, (00)001 Rev G, (00)003 Rev A, (0)101 Rev E, (20)102 Rev B, (20)103 Rev B, (20)201 Rev E, (20)202 Rev B, (20)203 Rev B, (20)301 Rev E, (20)302 Rev B, (20)303 Rev B, (20)401 Rev E, (20)402 Rev B, (20)403 Rev B, (20)501 Rev D, (20)502 Rev A, (20)503 Rev A, (20)504 Rev A, (20)505 Rev A, (20)506 Rev A, (20)801 Rev D, (20)701 Rev D, (20)1001 Rev D, (20)901 Rev D, (20)601 Rev C, (20)602 Rev B, (20)1101 Rev A, 24086(00)010, (21)201, (21)202, (21)203, (20)501, (20)502, (21)601, (20)1102 Rev A, 10-373002 Rev D and 10-373-RL003.

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

2 Notwithstanding the approved plans details and samples of 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.

3 The detailed landscaping proposals hereby approved 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: To minimise the visual impact of the proposals on the surrounding area.

4 Prior to the commencement of any works, details shall be agreed in writing with the Local Planning Authority of arrangements for the parking of contractors vehicles in connection with building works and for monitoring compliance.

Reason : In the interests of highway safety

5 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles and cycles 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.

6 DRAIN1 Drainage details to be agreed

7 Unless otherwise agreed in writing with the Local Planning Authority, prior to commencement of development the developer shall submit in writing and be approved by the Local Planning Authority a formal pre-design BREEAM assessment for the design and procurement stages of the development. The developer shall submit a further BREEAM assessment after construction, at a time to be agreed in writing by the Local Planning Authority. The developer shall submit a completion assessment when issued by the BRE. All assessments shall confirm the minimum 'Very Good' rating anticipated in the preliminary BREEAM assessment submitted with the application

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

8 No building work shall take place until details have been submitted to and approved in writing by the Local Planning Authority, to demonstrate how the applicant will provide, from renewable sources, 10% of the building's total energy demand on land within the control of the applicant. The development shall not be occupied until these works have been carried out in accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority (as part of an energy strategy for the Heslington East campus). Not later than 12 months after the building has first been brought into use, the applicant shall submit an Energy Statement to the Local Planning Authority, which details the percentage of the buildings energy consumption that has been derived from renewable sources. Thereafter the Energy Statement shall be submitted on an annual basis unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of sustainable development

**7.0 INFORMATIVES:**

**Notes to Applicant**

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to provision of a campus at Heslington East, provision of student housing, sustainability, visual impact, flood risk, landscaping, and transport issues. The application therefore complies with policies GP1, GP4a, T4, ED9, ED10, GP9 and GP15a of the City of York Local Plan Deposit Draft.

**Contact details:**

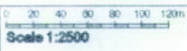
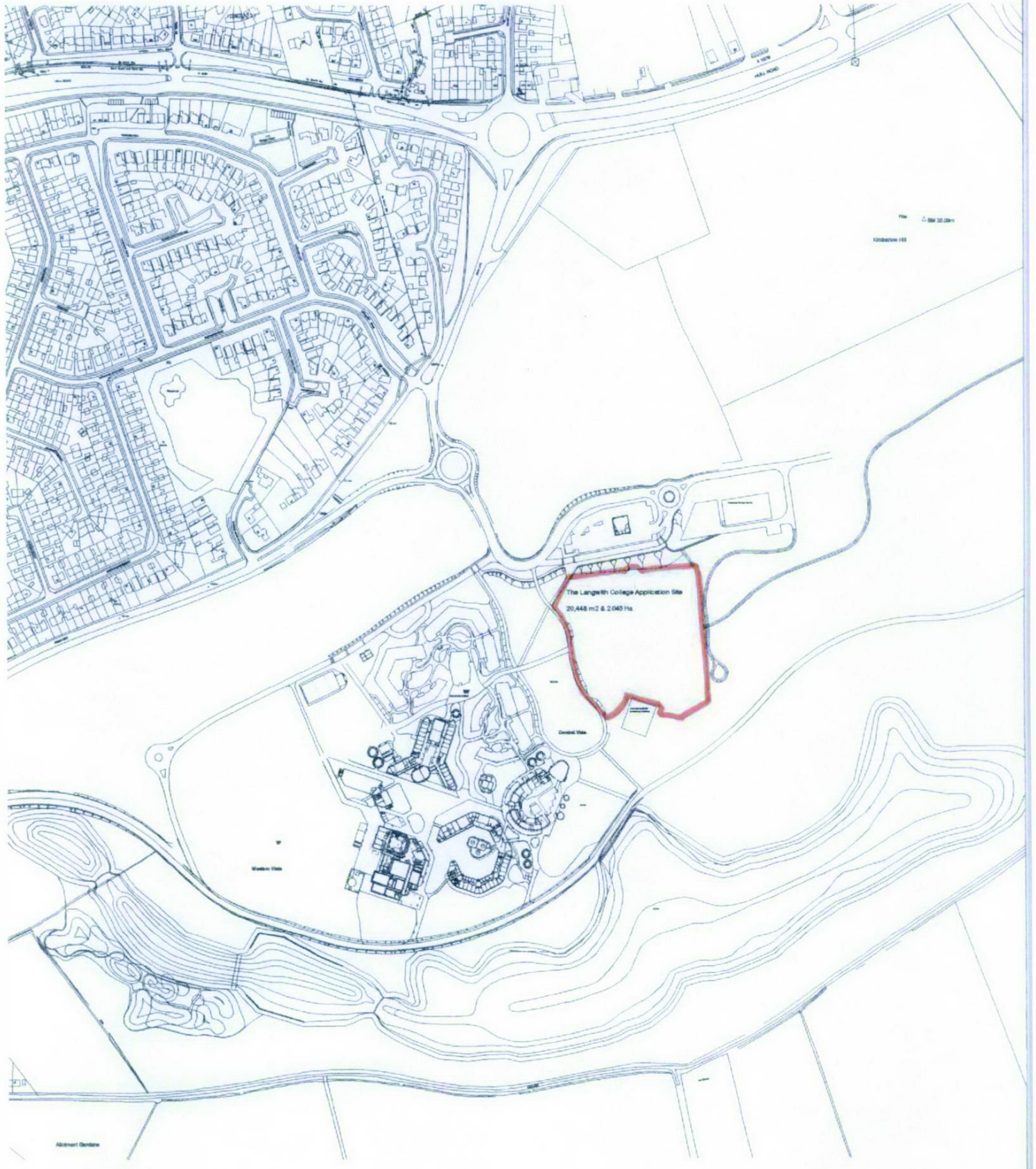
**Author:** Kevin O'Connell Development Management Officer

**Tel No:** 01904 552830

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10/2734/Remm



Contractor must verify all dimensions on site before commencing any work or shop drawings. If this drawing exceeds the quantities taken in any way the Architects are to be informed before the work is started. Only figured dimensions to be taken from the drawing. Do not scale off the drawing. Drawings based on Ordnance Survey and / or existing record drawings. ©2014

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## Planning Committee

17<sup>th</sup> February 2011

Report of the Director of City Strategy

### The University of York Travel Plan – 2010-15

#### Summary

1. This report forms a cover document to the University of York's submitted travel plan of September 2010. This plan supersedes the previous travel plan, approved in 2008, accounting for changes to the University following the establishment of the new Heslington East campus.
2. The travel plan will need to be refreshed throughout its five year life to meet with the two aims it is designed to serve:
  - To satisfy planning conditions associated with the expansion into the Heslington East campus.
  - To manage the growth of University generated traffic movements within acceptable levels by encouraging alternatives to the private car for travel to (and around) the University up to 2015.
3. Council officers are satisfied that the latest edition of the Travel Plan (forming Annex A to this report – available online) is of sufficient quality to be presented for consultation.

#### Recommendations

4. That the Planning Committee are recommended to:

Note the contents of the travel plan and to make any comments they have on the Plan for officers to take up with the University prior to formal approval.
5. Reason: This will ensure that the evidence given and the measures proposed by the University are suitably robust to achieve the aims outlined at paragraph 2.

#### Background

6. The University of York has regularly revised its Travel Plan since 2000 in recognition of its changing shape and the associated impact on the local highway and community.

7. The current travel plan identifies successes in reducing car born travel since first travel plan was introduced<sup>1</sup> in 2000. It also contains targets and actions for the period 2010-15 in an effort to ensure that growth of car born travel to the University is sufficiently arrested.
8. This report addresses questions tabled by members following a presentation of the University Travel Plan by their consultants Aecom on 16<sup>th</sup> December 2010. Comments presented by the Heslington Community Forum are contained at Annex B to this report (available online).

## **Consultation**

9. The University has worked closely with both the Council and local community to understand and mitigate its impact on the highway network. The Travel Plan outlines the University's strategy for limiting this impact and as such should be regarded as a 'living' document, to be reviewed on a regular basis.
10. As outlined at paragraph 3, the University presented the latest version of the Travel Plan for consideration by members in December. There were several specific issues raised at the meeting as follows.

### ***Parking***

11. Cllr. Merrett enquired as to what measures were being considered to address the increase in off-campus (University related) parking.
12. The University has undertaken a recent parking survey in line with its planning obligations. The survey has identified that parking levels have increased in certain areas of Badger Hill. The Council is now working with the University to introduce appropriate measures to address this increase.
13. Cllr. Moore asked whether the University had considered where parking would be offset to as a result of the application of double yellow lines on University Road.
14. The University monitor their car park usage on a regular basis and consider that there is sufficient space to accommodate any parking displaced by additional double yellow lines on University Road. Following consultation on the parking restriction proposals for University Road, the Council has now reviewed its position. The proposed application of double yellow lines along the full length of University Road has been advertised and comments are currently being sought.

### ***New signalised junction on Field Lane***

15. Cllr. Moore commented on the queues resulting from the signal arrangements at the new junction between Field Lane and the new Dean's Acre link road. These works fall outside the scope of the travel plan, but the latest position is that alterations have been made to the timings on the Field Lane / Church Lane signals which have improved queuing times. As the Highway authority, the Council will re-visit this work should the problems persist.

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<sup>1</sup> The plan reports a drop in the number of staff travelling to the University of 1.3% between 2000 and 2006.

16. It should be noted that the signals were erected to provide a high level pedestrian and crossing facility connected with the new campus. This would inevitably lead to a reduction in traffic capacity.

#### ***Cross-campus Cycle route***

17. Cllr. Merrett enquired as to what progress had been made to improve the cycling route across Heslington West campus.
18. The Council understands that following a consultation undertaken last year, the University is now working towards the introduction of an improved, identified, cycle route across Heslington West campus to link to Walmgate Stray.
19. Subject to confirmation of budget allocations the Council is proposing to implement a scheme to continue the Heslington Lane cycle route from the existing bridge (over a ditch on the edge of the University grounds) to Walmgate Stray along Main Street to University Road. A scheme to provide an off road route along University Road is also being developed for delivery in 11/12 or 12/13.
20. Annex B outlines comments raised by members of the Heslington Community Forum with regard to transport issues at the University. A number of comments raised by the Community Forum do not specifically relate to the Travel Plan and this is clarified where necessary.

### **Corporate Objectives**

21. Support for a strategic, ambitious and deliverable travel plan for the University contributes to the following Corporate priorities:
  - **Sustainable City** - There is considerable scope for reducing vehicle congestion delay on the overall network through greater use of sustainable modes, thereby reducing the associated adverse affects, such as air pollution and congestion.
  - **Inclusive City** – The existence of a regularly updated travel plan which meets the needs of University staff, students and visitors will also benefit residents and users of the wider highway network.

### **Implications**

- **Financial:** There are no financial implications.
- **Human Resources (HR):** There are no Human Resource implications.
- **Equalities:** There are no equalities implications
- **Legal:** There are no legal implications
- **Crime and Disorder:** There are no crime and disorder implications
- **Information Technology (IT):** There are no IT implications

- **Property:** There are no property implications

## Risk Management

22. The contents of this report are for information only. No risks result from this report as it does not make any proposals or recognitions other than requesting that members note the contents of the report.

## Contact Details

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### Chief Officer Responsible for the report:

Mike Slater  
Assistant Director City Strategy (Planning and Sustainable Development)

Report Approved



Date 7 February 2011

**Specialist Implications Officer(s)** Network Management Unit officers

**Wards Affected:** Heslington & Hull Road



For further information please contact the author of the report

### Background Papers:

#### Annexes (online only)

**Annex A:** University of York Travel Plan, September 2010

**Annex B:** Heslington Community Forum comments and responses, Dec 2010

(Copies of Annexes A and B will also be available in the Members' Library or can be obtained from the report author on request.

A3 colour copies of each of the maps will be available at the meeting)

10/02641/FULM – University of York, Heslington East  
Construction of Swimming Pool. etc

### **Committee Update**

17 February 2011

This is the first of three related applications before members today for the Heslington East campus. You should each have a pack of plans prepared by the applicant. The agent for the university is here to speak and will introduce the plans in his presentation.

#### **Masterplan**

Paragraph 4.14 of the refers to a masterplanning exercise for the sports village being carried out by the university. You will see in the pack of plans before you a draft masterplan of the campus, which shows a draft layout for the sports village. It shows the full-size football pitch rotated through 90 degrees from what is shown in the application drawings. This enables better screening to be provided along the eastern boundary (facing the A64) and a better setting for the right of way through the site – including the retention of the existing hedge. The applicant has agreed to the reorientation of the football pitch and the associated landscaping – which should be made conditions of approval:

Notwithstanding the approved plans, within three months of commencement of development details showing the orientation of the full-size sports pitch shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved plans unless otherwise agreed in writing by the local planning authority.

Reason: In order to properly screen the proposals from outside the site.

#### **Add s.278 Condition**

As part of the application for the northern service road a signal-controlled pedestrian/cycle route would be provided - under s.278 - across Hull Road. Draft Condition 3 of the service road application requires this work to be carried out. However, the link is required to serve the sports village so the condition should more appropriately be attached to the consent for the swimming pool. Officers therefore recommend that Condition 3 of the service road application be deleted and be replaced by a similar condition of the current application.

Prior to the opening of the Sports Village, the following transport links shall have been constructed and be in operation in accordance with details previously agreed between the University and the Highway Authority and which have been the subject to a section 278 agreement between these two parties.

(i) new signal-controlled pedestrian and cycle crossing facilities at the intersection of Hull Road and the Grimston Bar Park and Ride access road.

(ii) pedestrian and cycle linkages from the new signalled crossings on Hull Road to the existing facilities along Hull Road.

Reason: In the interests of highway safety and to promote sustainable transport trips by staff and users of the Sports Village.

### **Submission of Details**

Some of the draft conditions require details to be submitted prior to commencement of development or within three months of the date of approval. The applicant has asked that these time periods be generally extended due to the time lost in the tender and pre-construction stages. Officers therefore recommend that the period for compliance to be generally changed to within three months of commencement of development.

### **Loss of Oak Tree**

Paragraph 4.26 of the committee report refers to the loss of an oak tree that officers would wish to be retained. The university has explored ways to retain the tree but has found that the reprofiling of that part of the site to create the playing pitches, which need to be flat, would prevent its retention. Replacement trees should be included in the submitted landscape details, which are required by draft Condition 9. The condition has been modified to also require tree screening to include semi-mature specimens as appropriate:

Within three months of commencement of the development detailed landscaping/screening proposals (which shall include 4no. semi-mature oak trees) shall be submitted to the local planning authority and approved in writing. The scheme, which shall show the number, species, height and position of trees and shrubs 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: To minimize the visual impact of the proposals on the surrounding area and to compensate for those trees lost as a consequence of the development).

### **Lighting/Floodlighting**

The outdoor sports pitches include floodlighting. The submitted plans include light emission contours which show that light levels from the floodlights would not



exceed 2 lux within 50m of the site boundary. This level of lighting should not result in any loss of amenity and would comply with design guidance by the Institute of Lighting Engineers. Furthermore the applicant has confirmed that the upward light ratio (the 'sky glow') would not exceed 2.5% of the light generated by the floodlights. This too accords with the Institute of Lighting Engineers' guidance. Officers recommend that these maximum levels should be included in a revised Condition 21:

Unless otherwise approved in writing by the local planning authority light emissions from the floodlighting to the outdoor sports pitches shall not: (1) exceed the lux levels shown on approved drawing 0702-60-SKT-01/01 (b) have an upward light ratio exceeding 2.5% (c) be in operation outside the hours of 08:00 to 22:00 on any day. Reason: To safeguard the character of the area and the amenity of occupiers of neighbouring premises.

This should be supplemented by a new condition :

The amenity lighting for the external areas not comprising external sports pitches shall comply with the Lighting Strategy for Heslington East campus dated 9 January 2009 unless first agreed in writing with the Local Planning Authority. Reason: To safeguard the character of the area and the amenity of occupiers of neighbouring premises.

### **Travel Plan**

The development is not pursuant to the outline consent for the campus so is not explicitly bound by any travel plan approved under Condition 8 of the outline consent. Nevertheless the pool and the other sports facilities currently proposed are either integral to the operation of the campus or required by the s.106 agreement. Officers therefore propose that an additional condition be attached to the current application requiring the development to adhere to the terms of the agreed travel plan in force.

The development hereby approved shall at all times adhere to the terms of the approved travel plan for the campus unless otherwise previously agreed in writing with the Local Planning Authority. Reason: In the interests of sustainable transport.

### **Revised List of conditions**

***Prior to the opening of the sports village details of proposals for grass-seeding the area bounded by Langwith College, the northern service road and the alignment of the movement spine shall be submitted to approved in writing by the local planning authority and implemented in accordance with***

***the submitted details unless otherwise agreed in writing by the local planning authority.***

***Reason: In the interests of the visual amenity of the campus during construction.***

Kevin O'Connell

**10/02641/FULM**  
**Heslington East Campus**  
**Construction of a Swimming Pool, Playing Pitches, etc**

**Revised Draft Conditions**  
17 Feb 2011

1. The development hereby permitted shall be carried out only in accordance with the following plans: *A(00)EXP001 rev 5, A(00)GAP100 rev 20, A(00)GAP009 rev 12, A(00)GAE001 rev 5, A(00)GAS004 rev 09, 0702-60-SKT-01 rev 1, L(00)GAP003 rev 07, L(00)GAP004 rev 7, L(00)GAP005 rev 6 and L(00)GAP006 rev 3.*

Reason: To achieve an acceptable form of development.

2. A sample panel of the masonry to be used on this building shall be erected on the site and shall illustrate the colour, texture, bonding and mortar treatment to be used, and shall be approved in writing by the Local Planning Authority *within three months of commencement of development*. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location.

3 VISQ8 Samples of exterior materials to be app

4 DRAIN1 Drainage details to be agreed

5 *Within three months of commencement of development* details of measures to improve pedestrian movement between the public plaza shown on the approved plans and the land to the south/south-east of the application site 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 interests of the free flow and movement of pedestrians between the application site and the land to the south/south-east

6 Unless otherwise agreed in writing with the Local Planning Authority, *within three months of commencement of development* the developer shall submit in writing and be approved by the local planning authority a formal pre-design BREEAM assessment for the design and procurement stages of the development. The developer shall submit a further BREEAM assessment after construction, at a time to be agreed in writing by the local planning authority. The developer shall submit a completion assessment when issued by the BRE. All assessments shall confirm the minimum 'Very Good' rating anticipated in the preliminary BREEAM assessment submitted with the application

Reason - To ensure the development complies with the principles of sustainable development

7 *Within three months of commencement of development* details shall be submitted to and approved in writing by the local planning authority, to demonstrate how the applicant will provide, from renewable sources, 10% of the building's total energy demand on land within the control of the applicant. The development shall not be occupied until these works have been carried out in accordance with the submitted details unless otherwise agreed in writing by the local planning authority (as part of an energy strategy for the Heslington East campus). Not later than 12 months after the building has first been brought into use, the applicant shall submit an Energy Statement to the Local Planning Authority, which details the percentage of the buildings energy consumption that has been derived from renewable sources. Thereafter the Energy Statement shall be submitted on an annual basis unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of sustainable development

8 No mechanical, electrical, telecommunications or other plant, equipment or apparatus (other than as shown on the approved plans) shall be installed on the roof of the building without the prior written consent of the local planning authority.

Reason: In the interests of the design and external appearance of the building

9. *Within three months of commencement of development detailed landscaping/screening proposals (which shall include 4no. semi-mature oak trees) shall be submitted to the local planning authority and approved in writing. The scheme, which shall show the number, species, height and position of trees and shrubs 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: *To minimize the visual impact of the proposals on the surrounding area and to compensate for those trees lost as a consequence of the development).*

10 *Within three months of commencement of development* details of the following measures shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the submitted details:

- (1) Refuse/recycling facilities including screening
- (2) External seating
- (3) Feature graphics
- (4) Entrance canopy

Reason: In the interests of design and the external appearance of the building.

11 *Within three months of commencement of development* details of the following measures shall be submitted to and approved in writing by the local

planning authority. The works shall be carried out in accordance with the submitted details:

- (i) measures to ensure the proper management of the approved car parking facilities including their barrier control mechanisms.
- (ii) showers, changing facilities and lockers for staff arriving to work by cycle.
- (iii) arrangements for securing and protecting cycles belonging to both staff and visitors
- (iv) any changes to the public right of way crossing the site, including changes to its profile, construction and surfacing.

Reason: In the interests of highway safety, and to promote sustainable transport trips by staff and users of the Sports Complex.

12 Prior to first opening of the *sports village* hereby approved, the following transport links shall be constructed and be in operation in accordance with the plans as approved by the local planning authority:

- (i) Motor vehicle, pedestrian and cycle links to the current access road from Hull Road serving the Grimston Bar Park and Ride site.
- (ii) Pedestrian linkages to the transport interchange on the Heslington East Campus.
- (iii) New signal-controlled, pedestrian and cycle crossing facilities at the intersection of Hull Road and the Grimston Bar Park and Ride access road.
- (iv) Pedestrian and cycle linkages from the new signalled crossings on Hull Road to the existing facilities along Hull Road.

Reason: in the interests of highway safety and to promote sustainable transport trips by staff and users of the Sports Complex.

- 13 HWAY10 Vehicular areas surfaced, details reqd
- 14 HWAY19 Car and cycle parking laid out
- 15 HWAY31 No mud on highway during construction

16 During construction of the development hereby approved the Construction Environmental Management Plan for the Heslington East campus, approved by the local planning authority, 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.

17 All noise generated during the site preparation, groundwork and construction

phases and associated ancillary operations of the use hereby permitted shall meet the following criteria :

LOCATION: The gardens of dwellings at (a) eastern boundary of the site on Hull Road and (b) northern boundary of the site on Field Lane.

MAXIMUM LIMIT: 70 dBA (1 hour)

TIME PERIOD: A continuous period of up to eight weeks in any calendar year, without the prior written notice of the Local Planning Authority

LOCATION: The gardens of dwellings at (a) eastern boundary of the site on Hull Road and (b) northern boundary of the site on Field Lane.

MAXIMUM LIMIT: Not exceeding background noise levels.

TIME PERIOD: Before 0800 and after 1800 hours Monday to Friday. Before 0900 and after 1300 hours on Saturdays. At all times on Sundays and Bank Holidays.

LOCATION: Within occupied residential buildings on the site.

MAXIMUM LIMIT: Not exceeding background noise levels.

TIME PERIOD: Before 0800 and after 1800 hours Monday to Friday. Before 0900 and after 1300 hours on Saturdays. At all times on Sundays and Bank Holidays

Before the commencement of development the developer will carry out an acoustic survey of the site boundaries at locations agreed with the Local Planning Authority to establish background noise levels. Before the commencement of development the developer will submit a scheme to the Local Planning Authority setting out the means of regular monitoring of the noise levels at the agreed locations and this shall be approved in writing by the Local Planning Authority and implemented before the commencement of development.

Reason: To protect the amenities of residential occupants of the site and in the surrounding area in accordance with the aims of PPG24.

18 In the event that contamination is found at any time when carrying out the approved development, the findings shall be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment shall be undertaken, and where remediation (clean-up) is necessary a remediation scheme shall 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 shall be prepared, which is subject to the approval in writing of the Local Planning Authority.

Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part 2A of the Environmental Protection Act 1990.

Reason: To protect human health and the wider environment.

19 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 (L<sub>Amax</sub>(f)) and average sound levels (L<sub>Aeq</sub>), 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.

20 Use of the outdoor sports pitches shall not be open to customers outside the hours of 08:00 to 22:00 on any day.

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

*21 Unless otherwise approved in writing by the local planning authority light emissions from the floodlighting to the outdoor sports pitches shall not: (1) exceed the lux levels shown on approved drawing 0702-60-SKT-01/01 (b) have an upward light ratio exceeding 2.5% (c) be in operation outside the hours of 08:00 to 22:00 on any day. Reason: To safeguard the character of the area and the amenity of occupiers of neighbouring premises.*

*Reason: To safeguard the character of the area and the amenity of occupiers of neighbouring premises.*

*22 The amenity lighting for the external areas not comprising external sports pitches shall comply with the Lighting Strategy for Heslington East campus dated 9 January 2009 unless first agreed in writing with the Local Planning Authority.*

*Reason: To safeguard the character of the area and the amenity of occupiers of neighbouring premises.*

23 The development hereby approved shall not be brought into first use unless and until detail of arrangements for public access to the swimming pool and other sports facilities, referred to in the Section 106 planning agreement dated 30 November 2006, have been submitted to and agreed in writing by the Local Planning Authority. The facilities shall thereafter be operated to comply with the approved arrangements.

Reason: To ensure that the pool hereby approved is made available for use by members of the public.

*24 The development hereby approved shall at all times adhere to the terms of the approved travel plan for the campus unless otherwise previously agreed in writing with the Local Planning Authority.*

*Reason: In the interests of sustainable transport.*

25 Notwithstanding the approved plans, within three months of commencement of development details showing the orientation of the full-size sports pitch shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved plans unless otherwise agreed in writing by the local planning authority.

Reason: In order to properly screen the proposals from outside the site.

*26 Prior to the opening of the Sports Village, the following transport links shall have been constructed and be in operation in accordance with details previously agreed between the University and the Highway Authority and which have been the subject to a section 278 agreement between these two parties.*

*(i) new signal-controlled pedestrian and cycle crossing facilities at the intersection of Hull Road and the Grimston Bar Park and Ride access road.*

*(ii) pedestrian and cycle linkages from the new signalled crossings on Hull Road to the existing facilities along Hull Road.*

*Reason: In the interests of highway safety and to promote sustainable transport trips by staff and users of the Sports Village.*