



**Notice of meeting of  
East Area Planning Sub-Committee**

**To:** Councillors Wiseman (Chair), Douglas (Vice-Chair), King, Fitzpatrick, Funnell, McIlveen, Watson, Hyman, Firth and Warters

**Date:** Thursday, 7 July 2011

**Time:** 2.00 pm

**Venue:** The Guildhall, York

**AGENDA**

Members are advised to note that if they are planning to make their own way to the Site Visits to let Judith Cumming know by **5 pm** on **Tuesday 5 July** on **(01904) 551078**.

**If Members have any queries regarding Agenda Item 6 please email or telephone Matthew Parkinson by Wednesday 6 July 2011 by 5pm.**

**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. Exclusion of Press and Public**

To consider excluding the public and press from the meeting during consideration of agenda item 6 on the grounds that it contains information which is classed as exempt under Paragraph 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006.

### 3. **Public Participation**

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is **Wednesday 6 July 2011 at 5.00 pm.**

### 4. **Minutes** (Pages 4 - 9)

To approve and sign the minutes of the last meeting of the Sub-Committee held on 9 June 2011.

### 5. **Plans List**

To determine the following planning applications related to the East Area.

#### a) **Plot 5, Monks Cross Drive, Huntington, York. (11/00658/FULM)** (Pages 10 - 28)

This is a full planning application for the erection of a part single, part two storey building to accommodate a pub/restaurant with associated first floor staff working and living accommodation, car parking and landscaping. [Huntington/New Earswick] **[Site Visit]**

#### b) **5 Millfield Court Millfield Lane York YO10 3AW (11/00564/FUL)** (Pages 29 - 37)

This application is a revision of a previous application for which planning permission was refused in December 2010. The application is for a single storey rear extension, cycle store and the conversion of a garage into a bedroom.

The application has been called in by Councillor Warters, due to the applicant/agents dissatisfaction with the Council's scheme of delegation and the implications for possible appeal costs should the application be refused given the agent's reputation for pursuing such matters. [Hull Road] **[Site Visit]**

c) **York Designer Outlet, St Nicholas Avenue, (Pages 38 - 62)  
York. (11/00868/FUL)**

This application relates to land at the Designer Outlet in Fulford, specifically the coach park adjacent to the south entrance walkway. The proposal is for the use of the land for the operation of an outdoor recreational ice rink in November, December, and January for the next five years.

This application has been brought before East Area Planning Sub Committee as the previous one year consent was approved by committee. [Fulford] **[Site Visit]**

d) **York Cricket And Rugby Union Football (Pages 63 - 74)  
Club, Shipton Road, Clifton, York. YO30  
5RE (11/00592/FULM)**

This application is for a Variation of condition 2 of planning permission 08/01930/FULM for a new club house building to allow minor amendments to increase the floorspace of phase two. (Members' bar)

This application is being referred to Committee as it is an amendment to an application which was previously approved by Planning Committee. A site visit is to be carried out so that members can fully appreciate the comments received from a local resident. [Skelton, Rawcliffe and Clifton Without] **[Site Visit]**

6. **Enforcement Cases Update** (Pages 75 - 176)

The purpose of this report is to provide Members with a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by this Sub-Committee.

7. **Urgent Business**

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

**Democracy Officer:**

Name- Judith Cumming

Telephone – 01904 551078

E-mail- [judith.cumming@york.gov.uk](mailto:judith.cumming@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 set out above.

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- 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);
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### **Holding the Cabinet to Account**

The majority of councillors are not appointed to the Cabinet (39 out of 47). Any 3 non-Cabinet Councillors can 'call-in' an item of business from a published Cabinet (or Cabinet Member Decision Session(CMDS)) agenda. The Cabinet 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 Cabinet 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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**EAST AREA PLANNING SUB COMMITTEE****SITE VISITS****Wednesday 6 July 2011****Members of the sub-committee to meet at Union Terrace Car Park  
at 10.00**

<b>TIME</b> <b>(Approx)</b>	<b>SITE</b>	<b>ITEM</b>
<b>10:10</b>	<b>York Cricket and Rugby Club</b>	<b>5d</b>
<b>10:45</b>	<b>Plot 5, Monks Cross Drive</b>	<b>5a</b>
<b>11:15</b>	<b>5 Millfield Court off Millfield Lane</b>	<b>5b</b>
<b>12:00</b>	<b>York Designer Outlet</b>	<b>5c</b>

City of York Council

Committee Minutes

MEETING EAST AREA PLANNING SUB-COMMITTEE

DATE 9 JUNE 2011

PRESENT COUNCILLORS WISEMAN (CHAIR),  
DOUGLAS (VICE-CHAIR), FITZPATRICK,  
WATSON, CUNNINGHAM-CROSS  
(SUBSTITUTE FOR COUNCILLOR KING),  
HYMAN, FIRTH AND WARTERS

APOLOGIES COUNCILLORS KING, FUNNELL AND  
MCILVEEN

## INSPECTION OF SITES

Site	Attended by	Reason for Visit
Canon Lee School	Cllrs Douglas, Warters, Watson and Wiseman	To familiarise Members with the site.

### 1. DECLARATIONS OF INTEREST

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

Councillor Hyman declared a personal non prejudicial interest in Agenda Item 4a) Canon Lee School as a speaker was known to him personally.

No other interests were declared.

### 2. MINUTES

RESOLVED: That the minutes of the East Area Planning Sub-Committee held on the 21 April 2011 be approved and signed by the Chair as a correct record.



**3. PUBLIC PARTICIPATION**

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

**4. PLANS LIST**

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

**4a Canon Lee School, Rawcliffe Drive, York. YO30 6NS (10/02738/GRG3)**

Members considered a general regulations application by City of York Council for the installation of a multi use sports pitch with 8no floodlights, 4m high fence and associated spectator benches.

In their update to Members, Officers informed them that additional responses had been received from Clifton Without Parish Council. The Parish Council recommended that if the application was approved that;

- a mature natural hedge should be installed between the games area and residential properties as a noise limitation barrier
- that the landscaped mound along Water Lane should continue around the end of the sports pitch for at least the full width of the apparatus
- that padded or rubber boards should be added to wooden surrounds to limit noise

In reference to the additional responses from the Parish Council, Officers suggested that a landscaping condition could be added to planning consent to require that details be agreed in the interests of residential amenity, if Members were minded to approve the application.

Members were also informed that Sport England welcomed the amended plans, which mentioned the improved pitch and sufficient hours of usage for community use.

The amendments to the published plans were as follows; that the figures in section 4.6 of the report were approximate and should be amended to read the outer edge of the pitch being '28 m from 22 Saville Grove and 26m from 27 Fairway' with floodlights being 34m and 33m. From 133 Water Lane, the distances should be 20.5 m and 26.5 m and from those opposite Water Lane the minimum distance is 40m.

Officers stated that an additional representation in objection to the application had been submitted after the agenda was published. This was then attached to the agenda after the meeting, which was subsequently republished online.

Representations in support were received from the head teacher of Canon Lee School. He explained that the reasons behind the application were that;

- the sporting curriculum was currently limited, as no outdoor usage was available for significant parts of the winter due to weather
- the off-site land that they owned, had now been given over to Rawcliffe Primary School
- that the funding for the pitch had now ceased, and that it could not be run without financing from external lettings

Further representations in support were received from Councillor Looker, as the Chair of Governors of Canon Lee School. She spoke about how she felt that the governors had recognised the need for the new facilities, both for the school and the community. She added that the pitch would be available for specific community groups and that they would book the let through the school. Finally she added that she felt that the maintenance of the current sports pitch was untenable and that a replacement would overcome this problem.

Representations in objection to the application were received from a neighbour who lived adjacent to the school. She spoke about the current levels of noise from the site, and that it would be increased if the application was approved. She added that there could be increased pressure on the police due to the potential of out of hours unauthorised usage.

Representations were received from Councillor Watt as the Ward Member. He stated that he was against the application for a number of reasons including; current and potential light pollution from the floodlights, noise pollution, the reduction in the

amount of green open space and that the benches around the site could encourage Anti Social Behaviour on the site.

Members asked the head teacher about the out of school usage, lettings of the sports pitch, the security of the pitch and the need for it in the school grounds.

In response to Members' questions, the head teacher replied that a car park and changing facilities would be available for out of school usage, but that outside lettings would not be permitted during school hours. Additionally, a site manager would be present on the pitch from 21.15-21.30. It was also reported that the lights on site would be extinguished 15-20 minutes after the end of a letting. The head teacher explained the school's view on the need for the pitch. He stated that the pitch had been proposed in order to create an appropriate space near to the school for activities such as hockey to take place.

Some Members felt that the application should be refused on the grounds of visual impact (that it would be perceived to look like a "prison camp"), noise and light pollution and due to the loss of a grassed playing field to a replacement hard standing pitch.

Other Members felt that the sports facility for the school and the community was likely to be improved. They did express concerns about the lighting of the pitch, and suggested that they shine downwards on to the pitch, but were reassured that they were to be switched off after the end of a letting and that site management would control this. It was felt that the site management could also dampen the noise levels emitted from the site.

**RESOLVED:** That the application be approved subject to an additional condition requiring sound attenuation of the kickboard around the all weather pitch

**REASON:** In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the Officer's report, would not cause undue harm to interests of acknowledged importance, with particular reference to:

- loss of playing field;
- benefit to the wider community;
- visual impact;
- affect on residential amenity;
- highway safety implications;
- flood risk and drainage matters;

As such the proposal complies with national planning advice contained within Planning Policy Statement 1 “Delivering Sustainable Development”, Planning Policy Statement 17 “Planning for Open Space, Sport and Recreation”, Planning Policy Guidance Note 24 “Planning and Noise”, Planning Policy Statement 25 “Planning and Flood Risk”, and Policies GP1, GP3, GP15a and ED11 of the City of York Development Control Local Plan.

**4b Bonneycroft, 22 Princess Road, Strensall, York. YO32 5UD (11/00606/OUTM)**

This application was not considered by the Committee due to its withdrawal by the applicant prior to the meeting.

**4c 12 Feversham Crescent, York, YO31 8HQ (11/00586/FUL)**

This application was not considered by the Committee due to its withdrawal by the applicant prior to the meeting.

**4d 19 Arlington Road, York. YO30 5GF (11/00918/FUL)**

Members considered a full application from Mr Richard Emerson for a single storey rear extension.

Officers reported that no neighbour responses had been received and the date on condition 3, in the Officer’s report would be amended due to the receipt of requested plans.

**RESOLVED:** That the application be approved.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the Officer's report, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on amenity and living conditions of adjacent residents. As such the proposal complies with Policies H7 and GP1 of the City of York Development Control Local Plan and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

**4e 42 Tuke Avenue, York. YO10 3RN (11/00830/FUL)**

Members considered a full application from Mr W Collins for a single storey side and rear extension.

RESOLVED: That the application be approved.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the Officer's report, would not cause undue harm to interests of acknowledged importance, with particular reference to the effect on the amenity of and living conditions of adjacent occupiers and the impact on the streetscene. As such the proposal complies with Policies GP1 and H7 of the City of York Development Control Local Plan and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

Cllr S Wiseman, Chair

[The meeting started at 2.00 pm and finished at 2.55 pm].

## COMMITTEE REPORT

**Date:** 7 July 2011                                  **Ward:** Huntington/New Earswick  
**Team:** Major                                  and **Parish:** Huntington                          Parish Commercial Team                          Council  
**Reference:** 11/00658/FULM  
**Application at:** Plot 5 Monks Cross Drive Huntington York  
**For:** Erection of part two storey restaurant part single storey public house with associated residential and staff accommodation, car parking and landscaping  
**By:** Cloverleaf Restaurants Limited  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 27 July 2011  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 This is a full planning application for the erection of a part single, part two storey building to accommodate a pub/restaurant with associated first floor staff working and living accommodation, car parking and landscaping.

1.2 The application site is located in the employment area to the rear of the Monks Cross shopping park. The application site, which extends to 0.57ha and is now known as plot 5, is located on the northern end of the business park and is bounded to the west by Alpha Court, to the south by the Monks Cross Drive and to the north and east by land with extant permission for office development.

1.3 The proposal is to construct a new purpose built amenity restaurant/public house with first floor staff office and residential accommodation. The floor space to be created over the two levels is 1291 square metres with the ground floor providing 915 square metres of gross external floor space of which licensed area is 580 square metres (net) and 198 square metres (net) comprises the kitchen/prep/ ancillary areas. The remainder would consist of toilets, lobby areas etc. The total first floor area is 376 square metres gross external area and comprises staff facilities/ restaurant, office and accommodation for the restaurant manager, a three bedroom flat, and two assistant's flats with one bedroom each.

1.4 The building is designed with external amenity areas, new vehicular access from the access road serving Alpha Court, car parking, cycle parking with dedicated cycle and pedestrian routes from Monks Cross Drive and from the road adjacent to Alpha Court.

1.5 The application site is currently used for parking in conjunction with one of the business uses at Monks Cross.

### Planning History

1.6 Permission was granted for temporary office structures on the site for Norwich Union in September 2002.

1.7 In September 2003 a temporary consent for the retention of car parking was granted ( the use was to cease after the opening of the Monks Cross Park and ride).

1.8 Outline planning permission was granted for the erection of office units on the site and the adjacent land in July 2007

1.9 In August 2010 permission was granted to extend the time period for implementing the office development.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYE1A  
Premier Employment Sites

CYGP1  
Design

CYGP4A  
Sustainability

CYGP9  
Landscaping

CYNE6  
Species protected by law

### **3.0 CONSULTATIONS**

#### INTERNAL

3.1 Highway Network Management – No objections in principle. However the level of car parking, based on the submitted transport assessment is considered to be too high. Amendments are suggested to improve access to the site by means other than the car and to reduce the overall number of parking spaces. A contribution towards the Monks Cross master plan is requested based on the trip generation from the site.

3.2 Economic Development Unit - concerned about the potential loss of employment land

3.3 Countryside Officer - Greater Crested Newts (GCN) have recently been recorded on adjacent land and within the surrounding area. Surveys in 2007, 2008 and 2010 assessed the local population size as low-medium. The site itself consists mainly of hard standing and so is low quality and of little interest with regard to GCN. In relation to the site area of this application only it is not considered that a licence would be required due to the unsuitability of the habitat for GCN. A detailed method statement and wildlife protection plan would though be needed and should be in place during all stages of the work. The statement and plan should be secured by condition.

3.4 Landscape Architect - Amendments and additions are suggested to the scheme, which should be sought before the development is approved.

3.5 City Development - There is a presumption in favour of retaining premier employment sites, unless it can be successfully demonstrated that the site is not needed for employment use. Should EDU raise concerns regarding the loss of this employment site there would be a policy objection. Further information is required to substantiate the conclusion that the development will have no impact on other areas due to the local catchment.



3.6 Sustainability Officer - A BREEAM assessment is required by condition. A minimum 'very good' should be achieved. A commitment to 10% renewable should be sought and conditioned. The sustainability statement currently has no such commitment although reference to renewable technologies are made.

3.7 York Consultancy - Object to the application because insufficient information has been submitted to show that the site can be satisfactorily drained.

3.8 Environmental Protection - No objection to the principle of the development but to ensure that the proposed first floor residential accommodation is not affected by the development a condition is proposed to restrict occupancy of the accommodation.

## EXTERNAL

3.9 Huntington Parish Council- The Committee support this application and consider that such will bring much needed employment to the area in addition to an added amenity.

3.10 Foss Internal Drainage Board - Yorkshire Water should confirm that that the existing controlled system in the Monks Cross area has capacity to accommodate discharge from the site.

3.11 Police Architectural Liaison Officer - there are no 'design out crime' concerns with regard to the design and layout of the proposal.

3.12 2 letters of support has been received covering the following points:

- 
- The company Reeves and co. consider that these facilities would be welcomed. There are currently no facilities that can be used for lunch time meetings and find they have to drive to Clifton Park or similar
- As a company that markets some of the offices in the area Reeves & Co know that companies value the facilities proposed
- The restaurant is a much needed facility for local businesses

## 4.0 APPRAISAL

4.1 Key Issues: -

- Policy background

- Principle of the development
- Design and Landscaping
- Highways, access and parking
- Ecology
- Drainage
- Sustainability

## Policy Background

4.2 The development is for the erection of a new amenity restaurant/public house located in the out of town location, Monks Cross, north of York.

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

4.4 Planning Policy Statement 4 entitled "Planning for Sustainable Economic Growth" defines economic development as including development within the "B" Use Classes (Business and General Industrial), public and community uses and main town centre uses. The policies also apply to other development, which achieves any one of three objectives: i.e. provides employment opportunities, generates wealth or produces or generates an economic output or product. Furthermore the policies within PPS4 referring to main town centre uses shall apply to retail, leisure, office, art, and culture and tourism development. The PPS says that the Governments' objectives for prosperous economies are sustainable economic growth which should be achieved through building prosperous communities, reducing the gap in economic growth rates between regions, deliver more sustainable patterns of development, reduce the need to travel, especially by car and respond to climate change, promote the vitality and viability of town and

other centres as important places for communities and raise the quality of life and the environment in rural areas.

4.5 Policy EC8 of PPS4 requires that locally set maximum parking standards should be put in place through Local Development Frameworks based on the principles of sustainable travel.

4.6 Policy EC10 states that local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably setting out the impact considerations that economic development should be considered against; limiting carbon emissions, accessibility through a choice of transport modes, high quality inclusive design, impact on economic and physical regeneration of an area, impact on local employment.

4.7 Policy EC 14 requires that main town centre uses (including leisure uses) which are not located within a centre should be supported by a sequential test where the development provides for more than 200 square metres of floor space. EC15 to 17 sets out the requirements of a sequential assessment and impact assessments

4.8 Policy EC18 says that local parking standards shall be applied unless the applicant has shown why a higher level of parking is required and shown the measures proposed to be taken (for instance in the design, location and operation of the scheme) to minimise the need for parking. In the absence of local standards, the standards set out in annex D of PPG13 shall be applied.

4.9 Planning Policy Statement 13 'Transport' states that in developing and implementing policies for parking, it is important to ensure that, as part of a package of planning and transport measures, levels of parking provided in association with development will promote sustainable transport choices

4.10 An important consideration is the ministerial statement issued on the 23rd March 2011, which states that planning has a key role to play in ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible. The statement says that appropriate weight should be given to the need to support economic recovery and that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4).

4.11 Local plan policies relevant to the development are: -

Policy E1a identifies 'out of centre' employment suitable (schedule 1 sites) for the science city York sector of the economy. The scale layout and design of proposals should contribute to the creation of a high quality commercial environment.

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

- Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development and sets out those issues to consider as part of a sustainably designed development. The interim planning statement on Sustainable Design and Construction supports Policy GP4a in setting out ways to achieve sustainability furthermore the document requires that 10% onsite renewables be achieved.

- Policy GP9 requires where appropriate developments to incorporate a suitable landscaping scheme

- Policy NE6 says where proposals may have a significant effect on protect species or habitats applicants will be expected to undertake an appropriate assessment demonstrating their proposed mitigation measures. Planning permission will only be granted for development that will not cause demonstrable harm.

4.12 The Stage 2 Employment Land Review develops a broad set of spatial principles to help guide the future provision of employment land in the City, and uses these to assess the existing larger employment areas and potential new supply. It presents shortlists of sites for the range of employment use classes that may be considered for allocation as part of the Local Development Framework process.

4.13 The Arup Employment Paper (September 2010) commissioned to explore employment land provision in the city validates the findings of the Employment Land Review. The report concludes that land provision should be made on the basis of annual job growth of about 1000 jobs per year.

#### Principle of the Development

4.14 The application is for the erection of an amenity restaurant/public bar. The statement that accompanies the application explain that Monks Cross is home to a range of leading businesses, however, there are no integrated amenity support facilities. The provision of amenity services is increasingly seen as the "differentiator" when businesses make decisions about where to locate. The applicant (Cloverleaf Developments) have similar facilities located either on or directly adjacent to new, existing or emerging business parks and offer informal pub style environment which incorporates carefully designed specific areas for informal business meetings and provide free wi-fi for business customers. The Cloverleaf development will also feature a comfortable bar, spacious dining areas and a wide range of food and drink. The development is considered different from conventional bars, as it is predominantly a place to eat.

4.15 There are two main issues to be satisfied for the principle of development to be acceptable on this site; firstly is there sufficient justification for the development to override the need to protect this allocated employment site and secondly, in accordance with the policies in PPS4, can the development be accommodated without impact on the vitality and viability of the city and district centres The application is supported by a sequential test which examines available sites within the city centre for the proposed use and an employment land assessment

#### Employment Land

4.16 The application site is identified in schedule 1 of Policy E1a of the Draft Local Plan as a premier employment site. The site has an extant outline planning permission for B1 office development. It is a longstanding employment site and has recently been identified as a future employment site in the Employment Land review (Entec 2009) shortlisted for B1, B2 and B8 uses. The site forms part of the identified employment land supply in the emerging core strategy.

4.17 Policy E1a does not provide policy guidance on non employment uses however the site is an important part of current and emerging future land supply and as such there is a requirement to test the loss of the site from employment use in both quantitative and qualitative terms.

4.18 The emerging Submission Draft Core Strategy (recommended for approval by the Executive on 1 March 2011 and considered by Full Council on 7 April 2011) seeks the delivery of up to 1,000 jobs per annum and sufficient employment land and premises to meet this growth. This is based on the findings of the Employment Land Review, validated recently by the conclusions of Arup's work to explore employment land provision in the city. Emerging Policy CS16 from the Submission Draft Core Strategy protects existing employment sites to ensure continued economic success and prosperity. Monks Cross is identified as a location to contribute to the accommodation of new office development (B1a).

4.19 The applicant has undertaken an employment land assessment and an office land review. Both documents concluded that the impact of the proposal on the supply of employment land is negligible. The Council's Economic Development Unit (EDU) state they have concerns about the loss of employment land but offer no response to the information submitted by the applicant which shows the current excess of supply. In the absence of any clear lead from EDU that this employment site should be retained for office use, it is considered that this development, which is proposed as an enabling development for the existing and future office development within the Monks Cross area, does not undermine the principle of achieving employment development within North Monks Cross. Indeed, based on the applicant's assessment, it may even encourage it.

### Sequential Assessment

4.20 In order for the development to be acceptable the proposal should be supported by a sequential test, demonstrating why the development cannot be located within either the city centre or the district centres of Haxby and Acomb (policy EC14 to 17 of PPS4). The applicant has submitted a sequential assessment, which has assessed sites within the city centre. The main conclusion of the assessment is that there are no available sites that would meet the needs of the business. Additionally the applicant considers that the particular business model means that the catchment area for the development precludes the restaurant being located in either the city centre or in the two district centres of Haxby and

Acomb. City Development have raised concerns about the extent of the submitted information, stating that in policy terms the starting point is that the city centre is the preferred location for leisure uses, including food and drink development. As the proposal is for a food and drink use, the presumption is that it should be located in the city centre, unless it can be successfully demonstrated that this type of development in another location would not be detrimental to the vitality and viability of the city centre. This can be demonstrated by assessing the likely turnover of the proposed development against the turnover of leisure uses in the city centre. The applicant considers that this cannot soundly be demonstrated as data on turnover of food and drink uses does not exist as it does for retail uses. Whilst this is accepted it is still considered that the applicant's assertions that the proposals will not be detrimental to the city centre should be quantified.

4.21 Although there may not be any comparable developments in the catchment area, as suggested by the applicant it is considered that information exists that can be utilised to quantify the applicant's conclusions that the trade draw would be from Monks Cross rather than the city centre. As there is an identified operator to implement the proposal it is likely that information within their business model can be used to demonstrate this. It may also be possible to draw upon case studies already developed to show the likely catchments of similar developments.

4.22 In response to the concern of City Development, additional information has now been submitted which provides details of comparable Cloverleaf developments. The comments of City Development on this additional information will be reported to committee. Overall it is the officer's opinion that the additional information sufficiently shows that the restaurant could not serve its target market if located in either the district centres or the city centre and therefore is unlikely to have any material impact on the vitality or viability of the City and District centres.

4.23 Members attention is drawn to condition 8 of the attached schedule, which proposes that the premises shall be used as an "amenity restaurant" in accordance with the application details and for no other purpose, including any other purpose in Class A3 in the Schedule of the Town and Country Planning (Use Classes) Order 1987. The proposed amenity restaurant is specifically formatted to meet the business needs of the Monks Cross area, consequently the catchment area for the development is anticipated to be around the Monks Cross area only.

Without this condition it is considered that the proposal would conflict with national planning advice contained within Planning Policy Statement 4 ("Planning for Sustainable Economic Growth") (PPS4) by introducing an unrestricted Class A3 use in an out of town location. The condition would enable the Local Planning Authority to re-assess alternative uses which, without this condition, may have been carried on without planning permission by virtue of Article 3 of the Town and Country Planning (Use Classes) Order 1987, to ensure the development does not conflict with the requirements of PPS4.

## Design and Landscaping

4.24 The site is currently used for car parking and is therefore roughly hard surfaced to accommodate this use. The area of the site adjacent to Monks Cross Drive frontage and the road accessing Alpha court is mounded and grassed so that much of the site is obscured. The proposal is to lower the bunding to open up the frontage on to Monks Cross Drive. The mound will be 1 metre at its maximum height above footpath level. The proposed restaurant building is a part two storey part single storey pitch roofed structure with an eaves height varying between 2.5 metres on the single storey section and 6 metres on the two storey element. The overall maximum height varies between 6.5 metres and 10 metres. Externally the building provides an outdoor patio to the east and south sides of the building enclosed by low boundary treatment. To the west between the site and the road is the service yard, which is bounded by a wall and fence approximately 2.5 metres high. The Design and Access statement supporting the application concludes that the Monks Cross area has no specific architectural style. The scale and form of the building has been dictated, the document states, by the need to create a restaurant with a broad appeal to the local business community. The elevations replicate a traditional pub style. The design of the building originally included a stone and render finish. The stone detailing has been withdrawn and materials are to be agreed by condition with the possibility that the structure would be constructed in brick, which, it is considered, is more aligned to the majority of the materials in the area. The siting and design of the building are considered to be acceptable in the context of the site and its surroundings and in compliance with the general thrust of PPS1 and Policy GP1 of the Draft Local Plan.

4.25 One of the defining features of the Monks Cross area is the quality of its landscaping. The amount and maturity of the landscaping sets it apart from other out of centre retail business schemes and in officers' view adds to the attractiveness of the area as a destination for



businesses and retail custom. However the application site has no landscaped features within it although the boundary beyond, to the east of the application site, is well treed. The proposed development includes a landscaping scheme, which shows the reduction in the height of the existing mound around the site. The site presents good opportunities to enhance the tree cover within the area and provide an attractive setting for the building. The Council's Landscape Architect considers that currently the scheme is inadequate and that there is further opportunity to secure a landscape scheme that will enhance adjacent planting and introduce a sufficient level of planting commensurate with that provided on adjacent sites, thus maintaining the overall landscape quality of the area. An amended landscape scheme is expected to be received prior to today's meeting.

### Highways Access and Parking

4.26 The proposed development, which has been amended since first submission, includes a new vehicular access from the frontage of the site adjacent to Alpha Court, with two separate pedestrian/ cycle entrances one from each frontage of the development site. 16 cycle parking spaces are provided, with 8 at each pedestrian /cycle entrance. The proposed car parking provision is based on 90 car parking spaces, the developer indicates this as the minimum amount accepted by the investors in the scheme, and without this level of parking the scheme will not progress. The Highways Network Management Officer, whilst accepting the principle of the development, has concerns regarding the detail of the scheme. The main concern is the level of car parking. The Transport Assessment supporting the application indicates that a much lower level of parking provision is needed to serve the site, particularly given that much of the anticipated use of the site will be from the Monks Cross Business Park and/or linked trips associated with Monks Cross shopping park. There is clear support in PSS4 and PPG13 for the highway approach to achieving sustainable development. To overcome these concerns, the applicant has submitted additional survey information related to some of their existing sites. This indicates that the parking demand is higher than their original transport assessment, such that car parking levels are reasonable in the context of maximum parking standards set out in the Draft Local Plan. In addition, an alternative surface on part of the car park area is proposed, which will act as an overspill area reducing the visibly available spaces for day-to-day use. The comments of Highways Network Management on these amendments to the scheme will be reported verbally to committee.

4.27 The site falls within the area covered by the member approved Monks Cross Masterplan and as such the applicant is required to provide a contribution to the aforementioned masterplan. The contribution is based upon the PM trips generated by the site by all modes. The amount of the contribution has yet to be determined; detail of the contribution and the mechanism for achieving the contribution will be reported verbally to committee.

### Ecology

4.28 Within the adjacent land there are a number of ponds in which Greater Crested Newts (GCN) have recently been recorded. A Newt Mitigation Strategy supports the application. The Countryside Officer states that recent surveys record the population as medium to low and that the area for the development of the restaurant will not affect the GCN in the area. The Countryside Officer does not consider that a licence will be required for the restaurant works but a detailed method statement and wildlife protection plan will be necessary. Such works have been covered within the survey report and include newt fencing and thorough checking of pond 1 prior to the commencement of construction works. The detailed method statement and protection plan are conditioned.

### Drainage

4.29 The site is located within flood zone 1 and should not suffer river flooding. However York Consultancy objects to the application because insufficient information exists within the application with regard to ground and finished floor levels and as to how the system will be attenuated to ensure that surface water discharge is restricted to the agreed discharge rate. The details of the means of attenuation of the system have been requested and will be reported verbally to committee. It is anticipated that with a clearer understanding of the attenuation proposed the details of the drainage for the site will be able to be conditioned.

### Sustainability

4.30 The application is supported by a sustainability statement, which indicates that the applicant has undertaken preliminary work towards a BREEAM assessment, and which considers renewable technologies. A later letter confirms the applicants' commitment to achieve 10% renewables on site. Conditions are proposed to ensure a BREEAM very good rating and 10% on site renewables are achieved.

## Other Matters

4.31 It is recommended that the accommodation proposed at first floor level be conditioned to ensure occupancy only in connection with the restaurant use. This is to ensure future occupants are not adversely affected by the restaurant use.

## 5.0 CONCLUSION

5.1 There are two main issues to be satisfied for the principle of development to be acceptable on this site; firstly is there sufficient justification for the development to override the need to protect this allocated employment site and secondly in accordance with the policies in PPS4 can the development be accommodated without impact on the vitality and viability of the city and district centres. The application is supported by a sequential test which examines available sites within the city centre for the proposed use and an employment land assessment.

5.2 In terms of the loss of the employment land officers consider that this development, which is proposed as an enabling development for the existing and future office development within the Monks Cross area, does not undermine the principle of achieving employment development within North Monks Cross.

5.3 City Development have received additional information with regard to the impact of the development on the vitality and viability of the city centre and district centres. Their comments on the submitted information will be reported verbally to Committee.

5.4 The siting and design of the building is considered to be acceptable in the context of the site and its surroundings and in compliance with the general thrust of PPS1 and GP1 of the draft local plan. Additional landscaping details are required and should be submitted prior to Committee.

5.5 The comments of Highway Network Management are awaited on the scheme. The scheme will require a contribution towards the Monks Cross master plan. Details of the contribution, proposed conditions and the comments of Highway Network Management will be reported verbally to Committee.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

To be inserted

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

3 VISQ8 Samples of exterior materials to be app

4 Prior to the commencement of the development a full strategy for the protection of Greater Crested Newts (including a time scale for the implementation of the strategy) based on the information set out in section 6 of the submitted Greater Crested Newts Mitigation Strategy dated December 2010 shall be submitted to and approved by the Local Planning Authority. The approved detail shall be carried out in accordance with the time scale set out within the strategy and to the satisfaction of the Local Planning Authority.

REASON - This is proposed to take account of and enhance the habitat and biodiversity of the locality in accordance with PPS9 ' Biodiversity and Geological Conservation'.

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

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York

Development Control Local plan and the Interim Planning Statement  
'Sustainable Design and Construction'

6 No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority to demonstrate how the development will provide, from on-site renewable energy, 10 per cent of the developments` predicted energy demand. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before first occupation of the development. The site thereafter shall be maintained to at least the required level of generation.'

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

7 The first floor residential accommodation hereby approved, namely a 3 bedroomed managers flat and two, one bedroomed assistants flats shall only be occupied by employees of the proposed restaurant and public house.

Reason: To protect the amenity of the occupants of the proposed accommodation.

8 The premises shall be used as an "amenity restaurant" in accordance with the application details and for no other purpose, including any other purpose in Class A3 in the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: The site is located on land allocated for employment use. The proposed amenity restaurant is specifically formatted to meet the business needs of the Monks Cross area, consequently the catchment area for the development is anticipated to be around the Monks Cross area only. Without this condition it is considered that the proposal would conflict with national planning advice contained within Planning Policy Statement 4 ("Planning for Sustainable Economic Growth") (PPS4) by introducing an unrestricted Class A3 use in an out of town location. The condition would enable the Local Planning Authority to re-assess alternative uses which, without this condition, may have been carried on

without planning permission by virtue of Article 3 of the Town and Country Planning (Use Classes) Order 1987, to ensure the development does not conflict with the requirements of PPS4.

9 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority. Thereafter the approved surface water and foul drainage works shall be implemented to the satisfaction of the Local Planning Authority before any dwelling hereby approved is occupied

Reason: To ensure that no foul or surface water discharge take place until proper provision has been made for their disposal and to ensure that the site is properly drained

Note: see informative

## **7.0 INFORMATIVES: Notes to Applicant**

### **1. REASON FOR APPROVAL**

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

- Principle of the development
- Design and Landscaping
- Highways, access and parking
- Ecology
- Drainage
- Sustainability

As such the proposal complies with Policies E1a, GP1, GP4a, GP9 and NE6 of the City of York Development Control Local Plan, and national planning advice contained within Planning Policy Statement (PPS) 1: "Delivering Sustainable Development", PPS4: "Planning for Sustainable Economic Development" and PPS 13: "Transport".

### **2. Contamination**

If, as part of the proposed development, the applicant encounters any

suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a scheme remediation to the satisfaction 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 IIA of the Environmental Protection Act 1990.

**Contact details:**

**Author:** Diane Cragg Development Management Officer (Mon/Tues)

**Tel No:** 01904 551351

# Plot 5, Monks Cross Drive, Huntington

11/00658/FULM



GIS by ESRI (UK)



Scale : 1:2222

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	
<b>Date</b>	27 June 2011
<b>SLA Number</b>	Not Set



**COMMITTEE REPORT**

Date: 7 July 2011                      Ward: Hull Road  
Team: Householder      and Parish: Hull Road Planning  
         Small Scale Team                      Panel

Reference: 11/00564/FUL  
Application at: 5 Millfield Court Millfield Lane York YO10 3AW  
For: Single storey rear extension, cycle store and  
         conversion of garage to bedroom (resubmission)  
By: Mr Alan Ellis  
Application Type: Full Application  
Target Date: 11 May 2011  
Recommendation: Refuse

**1.0 PROPOSAL****1.1 Application site**

The application site relates to a property located on land that previously formed part of the rear gardens of 107, 109 and 111 Millfield Lane. The dwelling that is subject to this application (5 Millfield Court) is a dormer bungalow nearing completion located to the rear of another infill bungalow and block of three flats that were built in 2002/3. The site is accessed via a private road located between 111 and 113 Millfield Road. Immediately to the east of 5 Millfield Court are the rear gardens of 9 and 10 Burniston Grove.

**1.2 Proposed development**

This application is a revision of a previous application for which planning permission was refused in December 2010. It is proposed to erect a single storey side extension to the east elevation of the dwelling. The floor area is approximately 3.5m x 3.5m. It would immediately abut the rear garden boundary of 9 Burniston Grove. The attached garage would also be converted to living accommodation.

The application differs from that refused in 2010 in that its length has been reduced by 2m and the rear elevation of the roof hipped to reduce its profile.

5 Millfield Court has no permitted development rights for extensions. In addition, condition 9 of planning permission 08/01598 also required the

area for car and cycle parking to be retained unless planning permission is granted for its conversion.

### 1.3 Property history

There have been several previous applications relating to 5 Millfield Court. They are outlined below. All have been determined under delegated powers:

June 2005 - 05/0891/FUL – Erection of dormer bungalow. Approved.

September 2005 – 05/01690/FUL – Erection of dormer bungalow (Revised scheme). The revisions included an increase in the ground floor footprint of the building by around 20% from the original consent. The ridge height was also increased by 0.6m. Approved.

December 2007 – 07/02500/FUL – Single storey rear extension and 3 dormers to the side elevation. The proposal increased the ground floor footprint of the building by a further 15% and provided additional living space within the roof. Approved.

August 2008 – 08/01598/FUL – This was a retrospective application to regularise relatively minor elements that had not been constructed in accordance with the approved plans. Approved.

December 2010 – 10/02332/FUL – Single storey rear extension, cycle store and conversion of garage to bedroom. This was refused because of the negative impact it would have on the living conditions of 9 and 10 Burnsiton Grove.

1.4 The application has been called in for a Committee decision by Councillor Mark Warters, Member for Osbaldwick Ward. The reasons relate to the applicant/agents dissatisfaction with the Council's scheme of delegation and the implications for possible appeal costs should the application be refused given the agent's reputation for pursuing such matters.

## 2.0 POLICY CONTEXT

### 2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

Floodzone 2 GMS Constraints: Flood zone 2

Floodzone 3 GMS Constraints: Flood zone 3

## 2.2 Policies:

CYGP1  
Design

CYH7  
Residential extensions

## 3.0 CONSULTATIONS

### 3.1 Internal

None.

### 3.2 External

Planning Panel - No objections

Neighbours:

Objections have been received from the owners of 9 and 10 Burniston Grove. The following concerns have been raised:

This is the sixth application in 6 years all extensions have been to increase the size of the property.

Diagrams seeking to justify the scheme are not to scale and could easily be mis- interpreted.

The alterations and extensions that were approved in 2008 (07/02500) were stated to be to meet the requirements of a disabled person. There is now adequate space to meet the needs of a person with disabilities within the existing dwelling and this reason should not be used again to justify an additional extension.

The extension will add to the mass of a house, which already goes beyond what is acceptable in scale, form and proximity to neighbours. The property has no permitted development rights.

The extension will only be 5.5 metres from the conservatory of 10 Burniston Grove. The property dominates this house and any further extensions are unacceptable.

A new cycle store is not needed, as there are existing outbuildings that could serve this purpose.

Having put up with building work for 4 years and finding the existing dwelling unacceptable, the comment from the agent that any rejection of the amended scheme would be petty and unwarranted is unhelpful.

#### 4.0 APPRAISAL

##### 4.1 Key Issues

- impact on streetscene
- impact on amenity and living conditions of adjacent occupiers

4.2 The proposal will not have a significant impact on the streetscene. There is adequate grassed and hard surfaced garden space remaining to meet the needs of the house for recreation, parking and storage. The extension meets requirements in respect to flood risk. The key issue in assessing the proposal is whether the proposed extension would have an unacceptable impact on the living conditions of the occupants of 9 and 10 Burniston Grove.

4.3 Policy H7 'Residential Extensions' of the City of York Local Plan Deposit Draft sets out a list of design criteria against which proposals for house extensions are considered. The list includes the need to ensure that the design and scale are appropriate in relation to the main building; that proposals respect the character of the area and spaces between dwellings; and that there should be no adverse effect on the amenity that neighbouring residents could reasonably expect to enjoy.

4.4 Local Plan Policy GP1 'Design' states that 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. The design of any extensions should ensure that residents living nearby are not unduly

affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

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

4.6 When judged in isolation the extension is small in scale. The eaves height of the extension would be only marginally higher than the fence that adjoins the rear garden of 9 and 10 Burniston Grove. The ridge of the section of the proposed extension roof that 'cuts' in to the side roofslope of the house would be approximately 1.8 metres higher than the 1.8m boundary fence at its highest point. The area that projects beyond the house is hipped to reduce its impact.

4.7 However, although the proposal is small in scale it is not considered that the impact on 9 and 10 Burniston Grove is so minor that it can be considered to be immaterial. 5 Millfield Court is a relatively large structure, which has been built, in close proximity to the rear gardens of Burniston Grove. It is the case however, that the design of the house (with its low eaves and shallow roof pitches) is such that the ridge of the property is approximately 15.5 metres from the rear of adjoining properties. It is considered that this separation coupled with a relatively low ridge height and a slight change in ground levels is sufficient to avoid undue harm in terms of loss of light.

4.8 The key consideration in determining the latest application is not the impact on light levels, but whether the proposal would have an unacceptable impact on the character and enjoyment of the rear rooms and gardens of 9 and 10 Burniston Grove.

4.9 The depth of the rear garden at 9 Burniston Grove is relatively shallow at between 5.5 and 7.0 metres. At the present time, it is the case that the mass of roof tiling along the side of 5 Millfield Court creates a dominant built structure when viewed from the rear of this property. It is also the case, however, that the absence of development along the small section of garden boundary that immediately faces the rear habitable room window of no. 9 provides an element of visual relief and retains a degree of openness and a balance between close up views of the existing tiled roofing and the longer distance views beyond. However, if the application property was extended for a further 3.5

metres along the boundary, as proposed, it would result in the overall length of built development along the rear boundary of no. 9 being increased to approximately 10 metres, and would remove the degree of openness that presently exists. Given the restricted depth of the rear garden at no. 9, it is considered that this would lead to the impression of being unacceptably enclosed by development and detract from the character of the house and garden, particularly when combined with the impact of previous extensions and amendments that have taken place at the dwelling.

4.10 The previous scheme was refused due of the impact on number 10 as well as number 9 Burniston Grove. It is recognised that the extension would be located within close proximity to the conservatory at no. 10. However, it is considered that the reduction in ridge height and length when compared with the previously refused scheme is sufficient to avoid the extension causing unacceptable additional harm to the amenity and living conditions of the occupiers of this property.

## 5.0 CONCLUSION

5.1 Since the dwelling was first approved in June 2005 several planning applications have subsequently been approved to modify the design. These have resulted in the dwelling moving closer to the rear of properties on Burniston Grove and increasing in size. If this current proposal were approved, the overall footprint of the dwelling would increase to 160 sq metres from an originally approved area of approximately 90 square metres.

5.2 Although when taken in isolation the proposed extension is modest in scale (12sqm), it is considered to be material to the amenity and living conditions of the adjacent occupiers at 9 Burniston Grove. Most of the previous extensions to the property have also been relatively modest, however, as can be seen, cumulatively, the overall increase in the size of the approved dwelling is not insignificant. It would be unreasonable to argue that it is not possible to extend the application property further, however, it is considered that the existing impact of the dwelling on 9 Burniston Grove is such that any additional proposals to extend the property within close proximity to no. 9 are likely to be unacceptable.

5.3 The location of the proposed extension is particularly sensitive, as it would occupy the only undeveloped section of the garden boundary immediately opposite the only principal ground floor habitable room window in the rear elevation of no. 9. At this point, the depth of the rear

garden is only 7 metres. For this reason, it is considered that to allow an additional extension along the boundary would detract from the character of the garden area, create an additional impression of enclosure, and detract from the standard of amenity that the occupiers of 9 Burniston Grove could reasonably expect to enjoy.

5.4 It is recommended that the application be refused.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Refuse**

1 The proposed single storey extension would immediately abut the rear garden boundary of 9 Burniston Grove. Because the property has a relatively short rear garden the extension would be positioned approximately 7 metres from the main rear ground floor opening of that property. Notwithstanding its relatively low height, it is considered that if the development were approved it would, when combined with previous development at the site, lead to the adjoining property and garden being unacceptably enclosed and result in an outlook that would be dominated by a localised level of built development that in scale, form and proximity goes beyond what is considered to be acceptable in this location. As such the proposal conflicts with policy GP1 (criterion a, b, c and i) and H7 (criterion d and e) of the City of York Draft Local Plan (fourth set of changes) approved April 2005.

#### Contact details:

Author: Neil Massey Development Management Officer  
(Wed/Thurs/Fri)

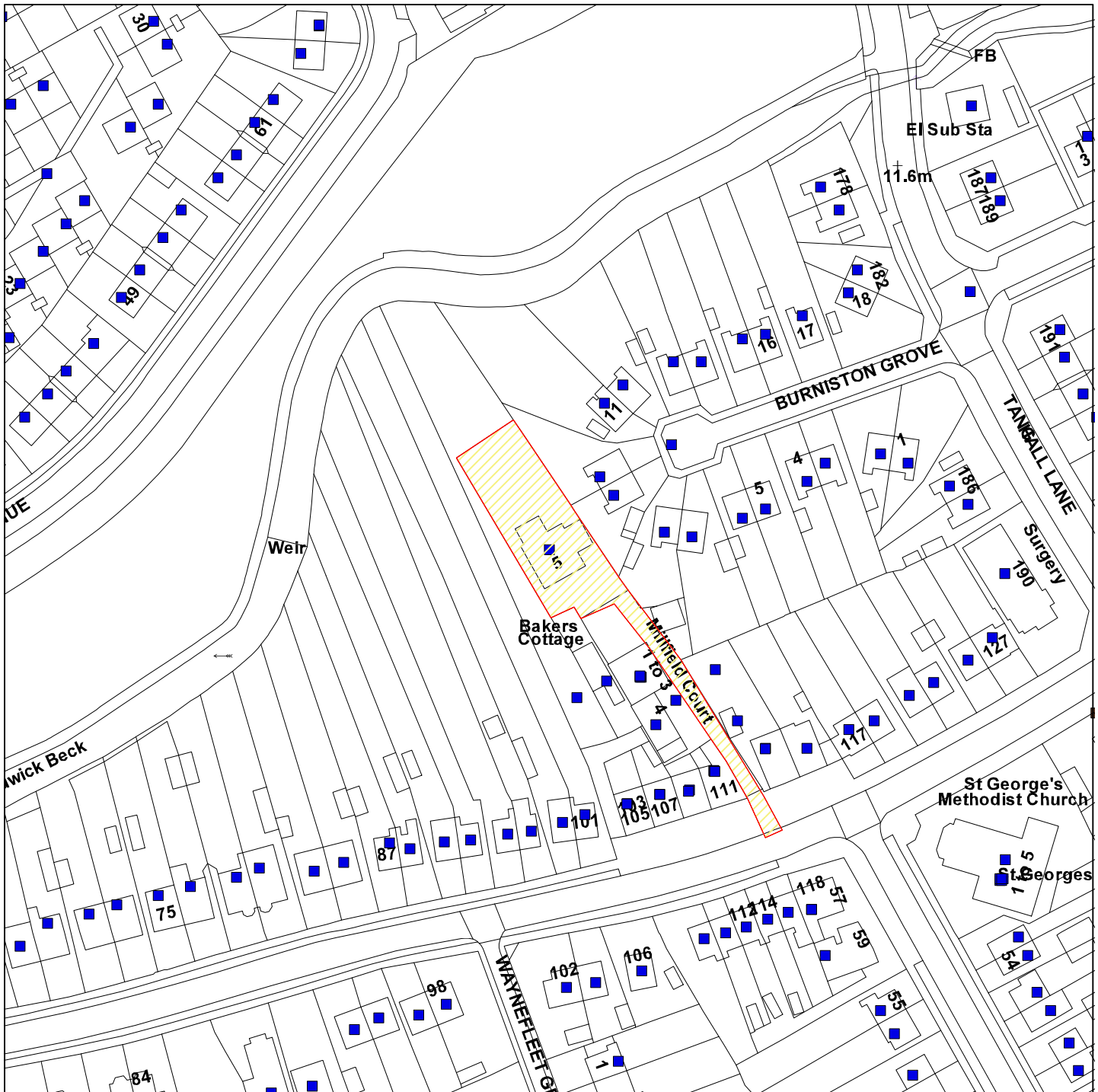
Tel No: 01904 551352

# 5 Millfield Court

11/00564/FUL



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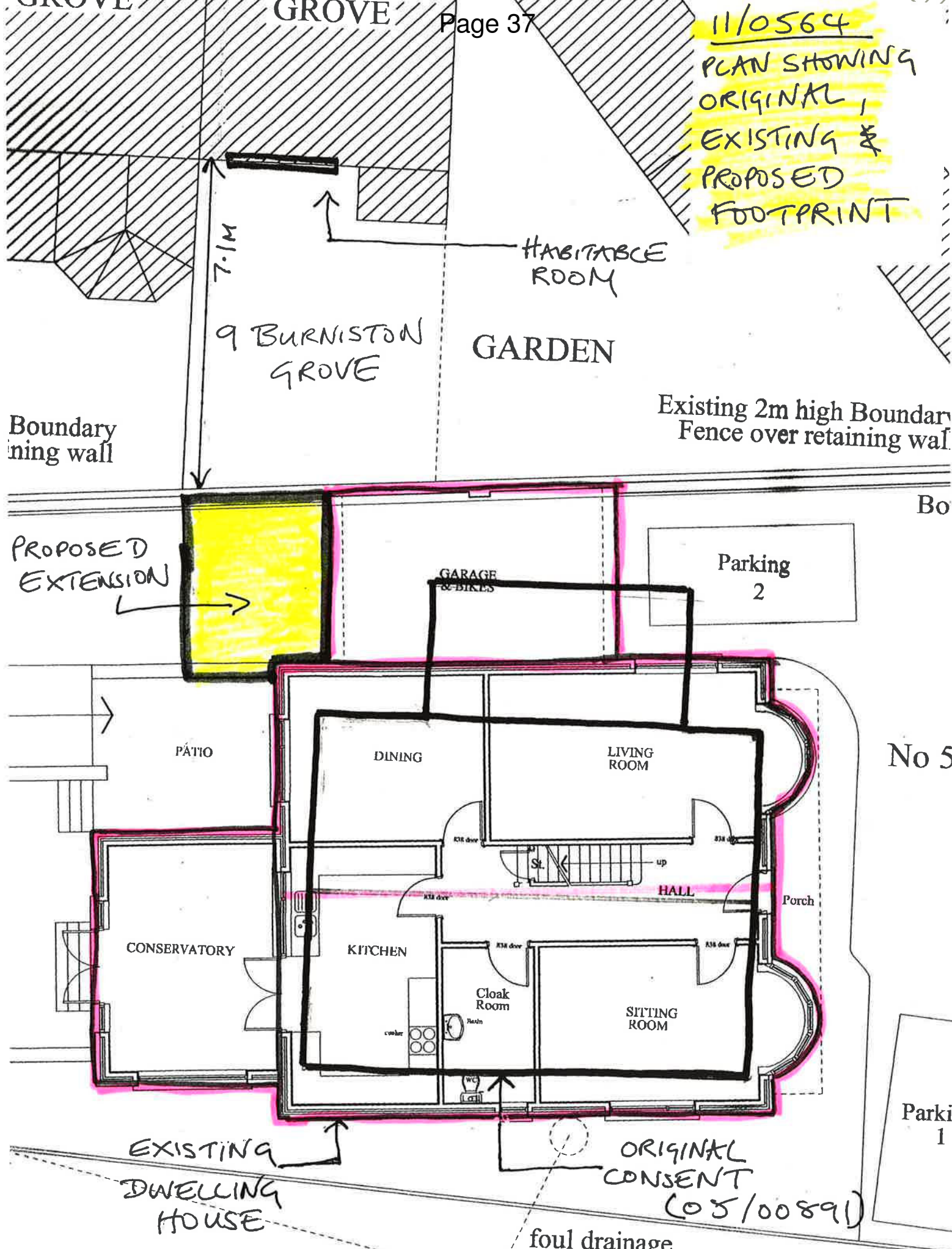
<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	
<b>Date</b>	27 June 2011
<b>SLA Number</b>	Not Set



GROVE

GROVE

11/0564  
PLAN SHOWING  
ORIGINAL,  
EXISTING &  
PROPOSED  
FOOTPRINT



AGENDA ITEM 5B) CIRCULATED AT MEETING

**COMMITTEE REPORT**

**Date:** 7 July 2011 **Ward:** Fulford  
**Team:** Major and **Parish:** Fulford Parish Council  
Commercial Team

**Reference:** 11/00868/FUL  
**Application at:** York Designer Outlet St Nicholas Avenue York  
**For:** Temporary siting (5 years) of public ice rink on coach park  
**By:** Mrs Maria Farrugia  
**Application Type:** Full Application  
**Target Date:** 1 July 2011  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 This application relates to land at the Designer Outlet in Fulford, specifically the coach park adjacent to the south entrance walkway. The proposal is for the use of the land for the operation of an outdoor recreational ice rink in November, December, and January for the next five years. The ice rink would operate between the hours of 08:30 to 21.30 during this period.

1.2 The rink itself would measure 30 by 27 metres, with a canvas skate hire building to the west and a café, office and first aid facility opposite to the east of the ice rink. A ticket office would be located to the south of the rink.

1.3 Members will recall that an ice rink operated at this site last year having moved from its previous location in the city centre. Last year's event was the subject of a temporary planning consent which has now expired. Following its commercial success the applicants wish to run the ice rink from this location for the next five years. This application has been brought before East Area Planning Sub Committee as the previous one year consent was approved by committee. A site visit is recommended so that members can fully appreciate the concerns of local residents.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Contaminated Land

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGB1  
Development within the Green Belt

CYGB13  
Sports facilities outside settlements

CYGP23  
Temporary planning permission

CYGP1  
Design

### **3.0 CONSULTATIONS**

INTERNAL

3.1 Environmental Protection Unit (EPU) - During last years event a number of complaints were received regarding noise from the generator associated with the ice rink. Visits from EPU found that noise from the operation of the generator was giving rise to elevated noise levels inside residential dwellings on Naburn Lane. The noise was not a statutory nuisance, however residents felt it resulted in a loss of amenity. As a result the operator turned off the generator at 22:00 hours each day and an alternative mains power source was provided to operate the chiller units required to maintain the ice rink. This approach is proposed within this application with further investigations planned to see if mains power can be used for 24 hours a day. However, since it cannot be guaranteed at this stage that mains electric can be used all day, two conditions have been recommended. These relate to the use of only one electric generator at any one time, and that no generator may be used between 22:00 and 09:00 hours. These conditions should be added to all conditions, which were attached to the previous approval.

3.2 Highway Network Management and Transport Planning - No objections to proposed development. Options for promoting sustainable

transport choice are still being discussed; an update will be given at Committee.

## EXTERNAL

3.3 Fulford Parish Council - Object to the application on the following grounds:

- The proposal represents inappropriate development in the Green Belt;
- The development is not one of those listed as suitable within the Green Belt and it is a new use not linked to the existing car park, therefore the proposal is by definition inappropriate in the Green Belt and very special circumstances are required to overcome this harm;
- The proposed facilities are not essential for the operation of an ice rink;
- The footprint, height and mass of the various structures would impact on the openness and visual amenities of the Green Belt;
- Any screening benefit from the existing trees is lost in the winter and the white plastic walls and roofs of the marquees have an unattractive appearance;
- The Parish Council accept that the use and buildings would be temporary, however Green Belt Policies make no allowance for temporary permissions and therefore very special circumstances are still required to overcome the presumption against this development;
- The additional lighting and significant level of noise would have a severe detrimental impact on bats or other animals in the area;
- English Nature should be consulted on the proposals in relation to the impact on bats;
- The sound report submitted with the application demonstrates that the nuisance from noise generated by last years` event was sufficient to cause complaints from nearby residents, therefore the proposal either needs to run off mains electricity or further noise mitigation must be provided;
- Photographs are submitted to show that last year the event resulted in significant parking and road safety issues with overspill parking observed on grassed and other unallocated areas;
- Coaches were not directed to the Blue Zone as conditioned but were instead assigned to park along a two-way access road resulting in dangerous obstruction of crossing points;
- The parking provision at the outlet is already inadequate during peak trading times having a total capacity of only 2800 vehicles, last winter the highest recorded vehicles peaked at 8160 which is an increase of more than 500 cars on the previous years peak;
- If more joint trips were made visiting both the ice rink and the shopping centre, this would create longer periods of car parking which further aggravates the parking problems;

- Last year the winter was particularly harsh and therefore is not an accurate guide for potential future users; and
- No evidence of recent sequential testing of alternative sites has been provided.

3.4 Ward Councillor - Comments were received from Cllr. Aspden. Whilst no objection was made, Cllr Aspden wanted to highlight the concerns of local residents and stated that conditions should be put in place in order to protect their amenity. The comments also pointed out the Green Belt status of the site and highlights that special circumstances should be clearly outlined in order to justify the proposal.

3.5 Police Architectural Liaison Officer - There have never been any crime or anti-social behaviour issues associated with this facility. No objections.

3.6 Third Parties - Five letters of objection have been received from four households, these are 32, 34, 42, and 50 Naburn Lane. The following points were made:

- Serious concerns about noise from the generator, which was a problem last year;
- The noise information submitted is not a fair reflection of the noise emitted, as there were occasions when the 'super silenced' generator had to be replaced with the use of a louder generator and the door to the compound was left open;
- In addition, there was a lack of quality and the following of a standard process when making the recordings so the data provided is not reliable;
- Sound readings were taken from different points on Naburn Lane and when there were increases in noise level the survey states that this was the result of traffic noise but it was actually from the generator, if the sound was from cars then a secondary survey should be done now to demonstrate that cars can produce that level of noise in this area;
- The sound records do not show an increase in sound when the secondary generator was used, however this must be inaccurate as the sound was unbearable;
- A lot of cars were parked on the grass verge in Naburn Lane during the event; this creates road safety issues as it is close to a blind bend in the road;
- Last year there was a disregard from organisers that this is a residential area;
- The site should be shut down at 9pm at the same time as the Designer Outlet, not 9.30 as applied for;
- The organisers are planning a larger event this year incorporating a German Market and fairground rides, but no details are provided for

these other uses and there is concern that this will bring more disruption to local residents;

- The area is of significance to wildlife, the proposal is entirely inappropriate for this area;
- Trees are not in leaf in the winter and therefore the ice rink is very visible from local houses;
- Last year the operators breached a number of planning consents including extreme noise, lighting being left on for the first 24 hours constantly, the operation of a funfair without consent, operating at 8am, inconsistent noise monitoring; and
- The noise and vibration from the event led to a loss of sleep and harm to health, 'super silent' generators or mains electricity should be used.

## **4.0 APPRAISAL**

### 4.1 Key Issues:

- Impact on neighbouring amenity;
- Traffic and car parking; and
- Impact on the Green Belt.

4.2 As last winter was the first time the ice rink had been located at the Designer Outlet, there were a number of unknowns in terms of the commercial success of the facility in this location and the impact on neighbouring amenity and traffic and car parking. For this reason temporary consent was granted for a single time period so that it would be possible to monitor the impacts before determining whether it was a suitable use in the longer term. As part of the previous consent the applicants were required to gather information relating to visitor numbers, modes of transport used, and noise levels generated.

4.3 Information collected regarding visitor numbers to the Designer Outlet site between 18/11/10 and 09/01/11 showed an increase of around 9000 people in comparison to the previous year. This was the period when the Ice Factor was operational and represents an increase of a little fewer than 4%. In terms of visitors to The Ice Factor, numbers were down by around 6000 customers to just fewer than 31,000 compared to the previous years event in the city centre. Information collected from visitors to the ice rink (not including pre-booked tickets) showed that 76% of customers also shopped at the Designer Outlet showing a high number of linked trips. In terms of the transport mode used to travel to the venue, 81% arrived by car, around 19% by bus with just 57 visitors arriving by bike or on foot.

## IMPACT ON NEIGHBOURING AMENITY

4.4 Objections to this application and complaints received during last years event show that there were occasions when The Ice Factor had a negative impact on neighbouring amenity. Complaints and objections are primarily focused on noise from the electric generators. Very few issues have been raised regarding noise from people or music or any negative impact from lights.

4.5 The nearest residential dwellings are on Naburn Lane, the curtilage of number 2 Naburn Lane being around 80m from the proposed ice rink. The carriageway of Naburn Lane, an internal circulation road within the Designer Outlet and a substantial area of landscaping are located between the proposed ice rink and the dwellings. It is understood that noise complaints were received during last year's event when the electric generator was first used. As a result of this the developer exchanged this generator for a quieter model, which significantly reduced the amount of noise generated and the complaints then stopped. There was an occasion where a back-up generator was required when the quieter primary generator developed a fault. Again this led to complaints about noise nuisance.

4.6 Following the receipt of consultation responses from neighbours and the Environmental Protection Unit, the Ice Factor have confirmed that the event will utilise mains electricity. Electric generators would only be used should mains electricity drop out. It is considered that this would overcome the concerns of a number of local residents, as electricity generators were the primary source of noise complaint from last year's event. Therefore, in order to protect neighbouring amenity it is recommended that a condition is added to any approval which states that mains electricity shall be used other than in an emergency.

4.7 The ice rink would be operational between 0930 and 2115 for public ice skating. The Ice Factor wish to operate ice skating lessons from 0830 to 0930 on weekends. The proposed hours of operation are outside of the particularly noise sensitive hours of the day and it is not considered that there would be any significant impact on neighbouring amenity. No lighting (other than security lighting) or public audio system would be used outside of the proposed operating times.

## TRAFFIC AND CAR PARKING

4.8 The proposed ice rink and the associated buildings are sited within the coach park. The coach park can accommodate 38 coaches. While

the ice rink is in place, coaches would be re-directed to another part of the of the Designer Outlet's car park. This is the same process as was in operation last year and there were no known problems.

4.9 Photographs submitted by Fulford Parish Council show a number of cars parked on grassed areas inside the site during last years event. It is not known whether this was due to the car park being full, whether people parked in this area because it was close to an entrance point, or whether the Ice Factor increased the likelihood of this happening. The Designer Outlet is private property and it is the responsibility of on- site management to control indiscriminate car parking. The manner in which visitors to the site choose to park their cars is not something, which is reasonable for the Planning Department to control through this application, and any condition would be virtually unenforceable.

4.10 The Transport Planning and Highway Network Management teams have no objections to this application. From an analysis of last year's event there were no known public highway problems associated with the ice rink operation. It is recommended that a condition be added to any approval whereby a method of promoting sustainable transport choice is agreed prior to the event taking place. Discussions are ongoing with the event organisers regarding the best way to promote sustainable travel choice and an update will be given at Planning Committee.

## GREEN BELT

4.11 The coach park within which the proposed ice rink is to be sited is within the Green Belt. Green Belt Policy GB1 allows for the development of essential facilities for outdoor sport or recreation where it would not detract from the open character of the Green Belt and where it would not conflict with the purposes of including land within the Green Belt. The proposed ice rink provides outdoor sport and recreation. The facilities proposed to be included around the ice rink include a small office and first aid unit, a ticket office, skate hire and changing marquee, and a cafe. This level of development is not considered to be above and beyond what is typically accepted as ancillary development in association with outdoor sport and recreational facilities of this scale. In addition, given that the proposed ice rink would only operate for a small proportion of the year and that the development is adjacent to a large shopping centre, it is considered that the proposal complies with Policy GB1.

## OTHER ISSUES RAISED BY LOCAL RESIDENTS



4.12 A number of local residents raised concerns relating to the impact of the proposal on wildlife, particularly bats. Advice taken from the Countryside Assistant at the Council was that given the existing level of illumination and lighting at the Designer Outlet, the proposed development is unlikely to have an additional impact on wildlife. Some concerns were also raised about cars parking on the grass verge in Naburn Lane rather than using the car park. Whilst it is understandable that this is of concern to local residents living opposite, there is no evidence that these cars are associated with the Ice Factor rather than the Designer Outlet in general. Should this become a road safety issue it would be for the Highways Department to put measures in place to stop cars using the grass verge for parking. It is not considered reasonable to object to this application based on the fact that some visitors appear to be parking cars outside the site.

## **5.0 CONCLUSION**

5.1 It is considered that subject to appropriate conditions as recommended below, the proposed development complies with relevant local and national planning policies.

## **COMMITTEE TO VISIT**

## **6.0 RECOMMENDATION: Approve**

1 The use hereby approved shall only operate between 1st November and 31st January for a period of five years and shall cease by 31st January 2016 unless prior to that date the consent of the Local Planning Authority has been obtained to extend the period of the permission.

Reason: The temporary nature of the structures is such that the use is considered inappropriate on a permanent basis.

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

Drawing Number 1007 Rev P3

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

3 All buildings and equipment used in association with the ice rink shall be removed from the site and the land reinstated to its former condition and use as a coach park at or before 31st January of each year for the period of this consent unless an extension of the period shall first have been approved in writing by the Local Planning Authority.

Reason: To ensure the coach park is re-instated in line with the requirements of the shopping centre.

4 The hours of operation of the ice rink and associated cafe shall be confined to 0830 and 2130 hours Mondays to Sundays.

Reason: To safeguard the amenities of local residents.

5 Lighting shall be installed and operated in complete accordance with details received by the City of York Council on 1st June 2011, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenity of local residents

6 No lighting associated with the development, other than security lighting, shall operate outside the hours of 0800 to 2230, unless required for emergency purposes.

Reason: To safeguard the amenity of local residents

7 No audio systems associated with the development shall operate outside the hours of 0830 to 2130, unless required for emergency purposes.

Reason: To safeguard the amenity of local residents

8 Prior to the commencement of the use hereby approved full details of the location of the acoustic enclosure around the plant and equipment to be located in the service yard shall be submitted to and approved in writing by the local planning. The acoustic enclosure shall be installed in complete accordance with the approved details and shall be in place for the entire operation of the use hereby approved.

Reason: To safeguard the amenity of local residents

9 The development shall be operated at all times from a mains electrical source. An electric generator shall only be used in the case of an emergency.

Reason: To safeguard the amenity of local residents

10 The two outdoor heating units serving the development shall only be operated during the hours of 0900 to 2200, unless required for emergency purposes.

Reason: To safeguard the amenity of local residents

11 Prior to the commencement of the use hereby approved full details of the location of the acoustic enclosure around the outdoor heating units shall be submitted to and approved in writing by the local planning. The acoustic enclosure shall be installed in complete accordance with the approved details and shall be in place for the entire operation of the use hereby approved.

For the avoidance of doubt, the acoustic enclosure shall be at least 2.0m in height and imperforate in construction with no air gaps to allow the passage of noise, such as a close boarded fence.

Reason: To safeguard the amenity of local residents

12 The ice resurfer shall only be operated during the hours of 09:00 to 22:00, unless required for emergency purposes.

Reason: To safeguard the amenity of local residents

13 Prior to the first use of the ice rink, details shall be submitted to and approved in writing by the Local Planning Authority as to how sustainable transport choices will be promoted. This shall include promotion of bus services and safe and illuminated pedestrian and cycle routes. The development shall be carried out in accordance with the approved details.

Reason: For the reasons of sustainability and traffic management.

## **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 impact on the

amenities of local residents, the impact on the openness of the Green Belt, and impact on the local highway network and car parking. As such the proposal complies with Policies GB1, GB13, GP1 and GP23 of the City of York Development Control Local Plan and Government policy contained within Planning Policy Guidance Note 2 'Green Belts'.

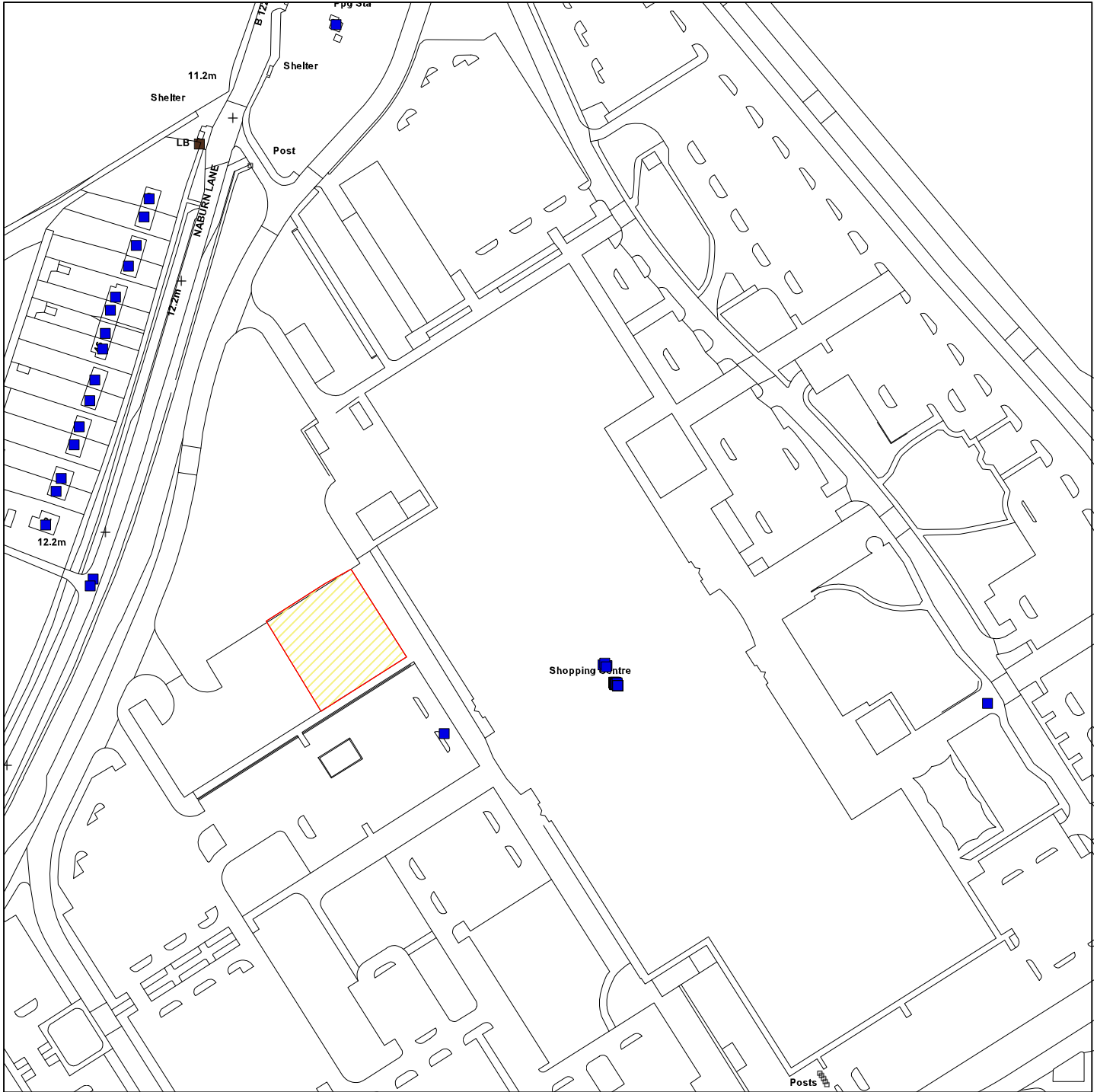
**Contact details:**

**Author:** Michael Jones Development Management Officer

**Tel No:** 01904 551339

# York Designer Outlet, St Nicholas Avenue, York

11/00868/FUL



Scale : 1:2222

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	
<b>Date</b>	27 June 2011
<b>SLA Number</b>	Not Set

10 20.9.10  
15 20.9.10



**Planning and Design Group**

<b>To: Principal Engineer - Highway Regulation ()</b>	
<b>Committee:</b>	Major and Commercial Team
<b>Ref:</b>	10/01868/FUL
<b>Application at:</b>	York Designer Outlet St Nicholas Avenue York
<b>For:</b>	Temporary siting of public ice rink (November to January) on coach park for a period of five years
<b>By:</b>	Mrs Maria Farrugia
<b>From ADCO:</b>	<b>Michael Jones</b> 01904 551339
<b>Date:</b>	3 September 2010

PE comments  
 loss of coach park. + heli-pad  
 Christmas/Noitar.  
 + setting up/dismantle  
 parking surcharges  
 customer cars.  
 P+R app. end.  
 Times - 9 finish Pub L.  
 Coach park well laid out and signed  
 Approved by PE/AE  
 - ENT/1000 Mon 13<sup>th</sup> - 4 delivery vans  
 \* reduce constraints / increase cars.

Please write your comments on the above application and any conditions which you require <sup>Limit</sup> within 15 working days and return to Development Control. Comments are required for <sup>at entrance?</sup> marking incorporation into the Planning report for Committee. **PLEASE WRITE CLEARLY.**

HIGHWAY REGULATION - OBSERVATIONS			
Date received	6.9.10	Highway Implications	Yes/No
Trunk Road	Yes/No	Classified route + No	A19
Road Safety Audit Required?	Yes/No	Car parking standards satisfied?	Yes/No/£
Transport Assessment req'd?	Yes/No	Cycle Parking standards satisfied?	Yes/No/£
Green Travel Plan required?	Yes/No	Site Inspected?	<input checked="" type="checkbox"/> Yes/No
Additional comments/recommendations/conditions:			
<div style="border: 1px solid black; width: 100%; height: 100%;"></div>			
Please continue overleaf if necessary			
Recommendation:	No objections/Refuse/Defer pending resolution of the above		
Please apply these standard Conditions and Informatives:	please see attached memo for comments & recommendations		
Signed + date		Approved + date	15/09/10

see attached memo

**ENVIRONMENT & DEVELOPMENT SERVICES**

**MEMORANDUM**

**From:** Mick Yates, Highway Development      **Extn:** 1636

**To:** Michael Jones  
**Copy to:**

**Our Ref:**  
**Your Ref:** 10 / 01868 / FUL

**Date:** 14 / 09 / 10

**York Designer Outlet, St Nicholas Ave, Fulford**

**Temporary siting of public ice rink (November to January) on coach park for period of five years**

I refer to the above application and I note the following: -

- The development would be erected on the existing coach park; the park would be reduced from 39 spaces to 11 (72% - drw nos 1006 Block Plan) or from 38 to 7 (82% - planning statement). There are no details of any replacement parking.
- Including erection and dismantling, the ice rink would be on-site from 1<sup>st</sup> November to January 16<sup>th</sup>. The rink would be open continually from 12<sup>th</sup> November to January 9<sup>th</sup>.
- The opening hours for the rink would be 9a.m. to 9 p.m. daily whereas the Designer Outlet normally opens from 10a.m. to either 5, 6 or 8p.m. depending upon which day of the week but it is understood that these times may be extended during the Christmas and new year period. The P & R service operates daily from 7a.m. to 8 p.m. but 9:30 a.m. to 6:20 p.m. on a Sunday with "the gates locked after the last bus" but it is understood that this refers to entry gates only as there are no obvious barriers to the exit.
- The ice rink appears to be predominantly an independent feature
- In order to facilitate entry into the coach park the entry to it from the main internal circulation road is marked such that vehicles enter and leave on the right-hand side of the carriageway. This could cause confusion for other road users!
- The application does not contain any details of signage to the site
- The coach park includes a large marked circle with an "H" in the middle; this would be obscured by the development. What is this for?
- The move from the "Eye of York" is as a result of complaints relating to noise; would there be any impact on the residents in Naburn Lane? (It is considered that the tree belt between Naburn Lane and the site would preclude any visual distraction to passing motorists)
- It was noted at a recent site visit (@ 9a.m.) that the coach park was empty of coaches but was in use by six service vehicles – nominally a mix of 35cwt and 3.5tonne). Is this common practice?

Historically the period applied for i.e. the run-up to Christmas and the Boxing Day / New Year sales, is a very busy time of the year for retail businesses. The removal of the majority of the coach parking at this retail establishment and the simultaneous introduction of a very popular visitor attraction within the parking area gives rise to obvious concerns for capacity. Anecdotally, even outside peak periods such as bank holidays, but at weekends especially, the Designer Outlet can be very busy with difficulty finding a parking space!

It is therefore requested that the following additional information be submitted in order to fully assess the highway implications of this application: -

1. Estimated / previous parking accumulation figures for the period of November to January for the Designer Outlet for both cars and coaches
2. Estimated / previous visitor figures for the ice rink.
3. Estimated modal split of visitors
4. Estimated peak periods of both existing retail use and ice rink
5. Estimated proportional split of exclusive customers / shared customers
6. Details of residual / alternate coach parking
7. Details of staff car and cycle parking



DEC 12<sup>th</sup> 2010 Page 53  
AGENDA ITEM SC) CIRCULATED AT MEETING



DEC 12<sup>th</sup> 2010

-8 JUN 2011



JAN 2<sup>nd</sup> 2011

-8 JUNI 2011

AGENDA ITEM 5C) CIRCULATED AT MEETING



NOV 28<sup>th</sup> 2010

City of York  
Council  
8 JUN 2011

File 2.0

AGENDA ITEM 50) CIRCULATED AT MEETING

**Ice Skating at York Designer Outlet**[Home](#)[About The Ice Factor](#)[News & Reviews](#)[Opening Times](#)[On the Ice](#)[Ice Bar & Café](#)[Groups & Parties](#)[School Groups](#)[New prices for 2011](#)[Skate School](#)[The Gallery](#)[Promo video](#)[Getting there](#)[Interesting Facts](#)[Mailing list](#)[Contact](#)[Comments](#)[Sponsors](#)

**The Ice Factor, York's REAL ICE outdoor rink is back for it's 7th season at York Designer Outlet!!**

**This Year the Ice Factor will open from Saturday 26th November 2011- Sunday 8th January 2012.**

**On Sale Soon!!!**

Conveniently located on the A64/A19 interchange, The Ice Factor is better than ever with a **50% bigger** outdoor rink, over 300 pairs of new skates and a bigger skate hire marquee for more customer comfort.

The ice rink will be turned into a Winter Wonderland village square, surrounded by log cabins, an illuminated forest with reindeer, and a giant Christmas tree in the centre of the rink. The Ice Factor promises to be better than ever as the ice rink will become the centre piece for a Yorkshire Winter Festival surrounded by a festive market and traditional fair rides alongside the skating, all adding to the Christmas magic.

With a public viewing area, heated skate hire marquee and the heated Ice Bar & Café for rinkside spectator comfort, the fun doesn't stop there. The Ice Factor at York Designer Outlet offers **free parking** and with over 120 shops offering up to 60% discount right next door. Why go anywhere else this Christmas?

**Latest News...**

### **New school prices announced for 2011!**

The Ice Factor is happy to announce the new 2011 school group price list [click here](#) to view the full school groups list for our seventh year.



### **Annual ice rink to return to York Designer Outlet**

ORGANISERS of York's annual ice rink have confirmed they intend to bring it back to the Designer Outlet next Christmas.

And they say they are working with outlet managers on plans to make it a bigger "winter wonderland" attraction, with additional features nearby such as a German market and children's fairground rides.





7<sup>th</sup> June 2011

Mr M Jones  
Planning Officer  
City of York Council  
9 St Leonard's Place  
YORK  
YO1 7ET

Dear Mr Jones,

**York Designer Outlet, St Nicholas Ave. Temporary siting of public ice rink (five years) on coach park. 11/00868/FUL**

Fulford Parish Council objects to the application.

**Grounds of objection:**

**1. Inappropriate development within the green belt.**

The site lies within the green belt as confirmed by the City of York Draft Local Plan (incorporating the fourth set of changes) of April 2005.

Under Policy GB10, the main Designer Outlet building (together with a small area of curtilage at the rear) is designated as a "Major Developed Site in the green belt" but importantly, the whole of the coach park lies outside this defined area. Furthermore, as the Local Plan is not adopted, any retail or leisure development associated with the Designer Outlet cannot be appropriate development in Green Belt policy terms because the provisions of PPG2 relating to major developed sites only apply when such sites are designated in adopted local plans.

The proposed development of the site as an ice rink is clearly a new use and is entirely unrelated to the current use as coach park for an existing retail development. In these circumstances, the development is considered inappropriate by definition and that if approved, very special circumstances must exist that would outweigh any harm caused.

PPG2 states that the construction of new buildings inside a Green Belt is inappropriate unless it is for specific purposes, including for *"essential facilities for outdoor sport and outdoor recreation, for cemeteries and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it"*. (3.4)

PPG 2 also describes the kind of essential sporting facilities that might be appropriate: *"Possible examples of such facilities include small changing rooms or unobtrusive spectator accommodation for outdoor sport, or small stables for outdoor sport and recreation"*. (3.6)

The Parish Council considers that the facilities proposed for the ice-rink are not 'essential' as defined in PPG2 and neither are they small or unobtrusive.

It also considers that the size of the new structures in the green belt must not be compared to the unrelated buildings of the Designer Outlet in order to assess their impact.

The footprint, height and mass of the various structures are considerable and would impact on the openness and visual amenities of the green belt. The proposed white plastic walls and roofs of the 'marquees' would present a conspicuous and visually unattractive appearance. Any screening benefit arising from the presence of surrounding trees would be severely reduced during the winter months and the structures will be noticeable from various

viewpoints, including from Naburn Lane. The proposed fencing, necessary signage and the tall lighting gantries also need to be taken into account in assessing any detrimental impact on the green belt.

The Parish Council acknowledges that the use and buildings would be temporary. However PPG2 makes no exception to its policies for temporary buildings and uses. Where such buildings are not appropriate development in terms of PPG2, very special circumstances need to be shown by the Applicant. The Parish Council does not believe that such very special circumstances exist in this case.

The Parish Council therefore requests that Officers undertake a full assessment of the impact on the green belt and that the applicants are required to cite very special circumstances prior to determination. If no very special circumstances exist, then the application must be refused otherwise the decision would set a precedent for any future applications within the curtilage of the Outlet. Such a decision could also be open to a legal challenge.

## **2. Wildlife – harm to protected species.**

The site abuts a large wooded area with mature trees important for wildlife and the landscape setting of the Designer Outlet

Bats use the area extensively during the summer for roosting and foraging and could be in hibernation close to the site during the winter months.

The additional lighting and the significant level of noise generated, plus the increase in human disturbance would have a severe detrimental impact on bats or other animals in hibernation.

The Parish Council requests that English Nature be consulted on the proposals in relation to the impact on bats and that nearby trees be assessed for their potential to provide suitable places for roosting and hibernation.

## **3. Noise:**

The sound report submitted by Heworth Acoustics demonstrates that the nuisance from the noise generated by last year's event is of a sufficient level to cause complaints from nearby residents. In order to protect residential amenity it is considered desirable to utilise a mains supply (if this can be negotiated) otherwise, further noise mitigation must be provided. In the event of permission being granted, suitable conditions to control noise levels must be applied that can be strictly monitored and enforced throughout the event.

## **4. Parking and highway issues:**

Last year's event resulted in significant parking and road safety issues with overspill parking observed on grassed and other unallocated areas. In addition, the coaches were not directed to the Blue Zone (as conditioned) but were signed to park along a two-way access road resulting in dangerous obstruction of crossing points. (Photos are supplied).

The parking provision at the Designer Outlet is already inadequate during peak trading times, having a total capacity of only 2800 vehicles. Last winter, the highest number of recorded vehicles peaked at 8160 compared to 7638 the previous year, an increase of more than 500 vehicles. Furthermore, if visitors to the ice rink also shop at the Outlet and vice versa, their stay will of necessity be of longer duration, thus further aggravating the parking problems.



Full detailed analysis of car and visitor numbers must be provided that pays particular attention to the weekends and the period around Christmas and the New Year. The exceptional weather of last winter should be also be factored in when analysing average footfall and car-counts from last year especially if they are used as a basis for projections of future visitor numbers. The figures presented in the Event Report by Lunchbox theatrical productions do not include any details of pre-booked visitors, (almost a third of all customers with presumably very different statistical data regarding linked journeys and mode of transport) so these figures do not represent the customers of the Ice rink as a whole.

If it cannot be demonstrated that the site is capable of safely absorbing the increase in parking demand at the busiest time of year (coinciding with the loss of the coach park), then the application should be refused.

**5. Lack of information.**

- a) A design and Access statement is a requirement for an application of this type and it is considered that in this case such a statement would be beneficial especially in terms of providing information on sustainable travel arrangements and the impact on surrounding roads and the local landscape.
- b) Evidence of recent sequential testing for alternative sites should be provided.

We trust that our objections will be taken into account and we thank you for consulting us.

Yours sincerely

J M Fletcher

Jeanne Fletcher  
Clerk to Fulford Parish Council

**York Designer Outlet Public Ice Rink on Coach Park Verbal Update**

Highways raise no objections to the proposed development.

The siting of the Ice Factor is in the coach park area. Alternative coach parking has been catered for in the existing Blue Zone.

The site has a previous consent allowing the Ice rink to operate for a year. As part of this consent a condition was placed on the application requiring the operators to gather data regarding the facilities operation. Following interrogation of this data it can be seen that the majority of customers to the ice rink do so as part of a linked trip to the Designer Outlet. It is reasonable therefore to treat the ice rink as an ancillary use to the Designer Outlet and as such will not generate significant levels of traffic or car parking in its own right.

In order to promote sustainable travel to the attraction officers have been in negotiation with the ice rink operators to secure a discount off the ticket price for those arriving by bus. No agreement has yet been reached.

It is recommended that the following additional condition be applied to any planning permission granted: -

HWAY18 – Cycle Parking Details to be Agreed

**COMMITTEE REPORT**

**Date:** 7 July 2011                      **Ward:** Skelton, Rawcliffe, Clifton Without

**Team:** Major                      and   **Parish:** Clifton Without Parish  
Commercial Team                      Council

**Reference:** 11/00592/FULM

**Application at:** York Cricket And Rugby Union Football Club Shipton Road Clifton York YO30 5RE

**For:** Variation of condition 2 of planning permission 08/01930/FULM for a new club house building to allow minor amendments to increase the floorspace of phase two (members bar)

**By:** York Cricket And Rugby Union Football Club

**Application Type:** Major Full Application (13 weeks)

**Target Date:** 6 July 2011

**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 In October 2008, planning permission was granted for the erection of a two storey clubhouse, incorporating changing rooms and a members bar, at York Cricket and Rugby Union Football Club on Shipton Road (Planning Ref. No. 08/01930/FULM). The first phase of the development which included the changing rooms and clubroom has been completed and is in use. The second phase, which was proposed to include the members' bar and meeting rooms, has not yet commenced.

1.2 This application seeks planning permission for an amendment to the approved second phase of development. Externally the amendments consist of an increase in footprint of approximately 45 sqm to 193 sqm. The increase in building size results in a need for larger window openings. There is no increase in height and the overall design is consistent with the previously approved plans.

1.3 The whole of the application site is within the Green Belt.

1.4 This application is being referred to Committee, as it is an amendment to an application, which was previously approved by Planning Committee. A site visit is to be carried out so that members can fully appreciate the comments received from a local resident.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

### 2.2 Policies:

CYGB1

Development within the Green Belt

CYHE3

Conservation Areas

CYGB13

Sports facilities outside settlements

CYGP1

Design

CYGP4A

Sustainability

## **3.0 CONSULTATIONS**

### INTERNAL

3.1 Drainage - The development is in Flood Zone 1 and should not suffer from river flooding. No objections to the proposal, all drainage works shall be carried out in accordance with previously approved drainage details.

3.2 Landscape - No objections, tree planting should be revised to suit.

3.3 Highway Network Management - No objections, the increase in ground floor area is minimal and is not considered to have a material impact on the traffic generation or parking arrangements previously agreed.

3.4 Environmental Protection Unit - No objections.

#### EXTERNAL

3.5 Clifton Without Parish Council - No objections.

3.6 Environment Agency - No objections.

3.7 Third Parties - One letter received from a resident at 30 Shipton Road. The following points were raised:

- the amended plans are not a minor amendment; it is a significant and major alteration to the plans approved in 2008. The building is to be extended by 2.7m, two storeys high and with an additional window at the front on both the ground and first floor level. The reason given for the amendment is 'to increase the floorspace of the members bar' but the proposed extension is two storeys high. The application represents planning creep in the Green Belt. Views from 30 Shipton Road as well as light and privacy would be further diminished by the proposed amendment. Trees should be planted on the site boundary to screen the development and any signage should be low key and turned off at night, this is a residential conservation area.

#### **4.0 APPRAISAL**

4.1 The key issue is whether the proposed amendments have a significantly adverse impact on:

- the openness of the Green Belt;
- the character and appearance of the Conservation Area;
- neighbouring amenity; and
- car parking.

4.2 The application site is within the Green Belt. National planning advice in relation to development within the Green Belt is contained within Planning Policy Guidance Note 2 "Green Belts" (PPG2). Essential facilities for outdoor sport and recreation are listed in PPG2 as appropriate within the Green Belt. The creation of a clubhouse, which meets the needs of the sports club, is considered to be an essential facility for outdoor sport and recreation. This was accepted within the approved application 08/01930/FULM, which this application seeks to vary.

4.3 The main purpose of Green Belt allocation is to protect and maintain openness. The proposed amendments include an increase in the footprint of built development. The increase in footprint is the result of small additions to the north, east, and west elevations, and the overall bulk, massing and scale of the building have not changed significantly. The proposed increase in footprint is 45 sqm, which represents only around 7% of the overall footprint of the clubhouse, and it is not considered that this level of change would significantly impact on the openness of the Green Belt.

4.4 The application site is not within a Conservation Area. However, Shipton Road and the houses opposite are within Clifton (Malton Way/Shipton Road) Conservation Area 19. Houses to the south are within Clifton Conservation Area 2. It is not considered that the minor amendments to the previously approved clubhouse would have any significant impact on the character and appearance of the area.

4.5 Internally a number of changes are proposed. These consist of the removal of meeting rooms in order to create a larger members bar. The proposal increases the capacity of the member's bar and therefore could result in more activity and visitors to the clubhouse. The clubhouse is set back around 30m from Shipton Road, which is a busy thoroughfare, with the nearest residential unit from the proposed members bar being over 40m away. The dwellings on the opposite side of Shipton Road are approximately 55m away. It is not considered that the potential modest increase in occupation of the members' bar or the increase in windows on the front elevation would have any significant impact on neighbouring amenity.

4.6 The proposed amendments result in the loss of two car parking spaces compared to the previously approved development. The Club have stated that they do not foresee this as a problem and have confirmed that further informal car parking space is available on the club site should any special occasions require it. The Club are confident that the number of car parking spaces proposed is sufficient for their needs and national planning policy with PPG13 'Transport' states that Local Planning Authorities should not ask developers to provide more car parking spaces than they themselves require. The club is well established and the level of demand for car parking is already known. Highways officers have raised no objections to the proposals.

## **5.0 CONCLUSION**

5.1 It is considered that the proposed amendments are acceptable and accord with local and national planning policy.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve

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

Drawing no 2624/03 (PL) Rev C - site layout plan received by CYC on 23/03/11

Drawing no 2624/02 (PL) Rev B - elevations received by CYC on 23/03/11

Drawing no 2624/01 (PL) Rev B - floor plans received by CYC on 23/03/11

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

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

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

Reason: So as to achieve a visually cohesive appearance.

3 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 7.2 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: To establish existing ground level and therefore to avoid

confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

4 Prior to the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with details, which have been previously submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

7 No part of the site shall come into use until the turning areas have been provided in accordance with the approved plans. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To enable vehicles to enter and leave the site in a forward gear thereby ensuring the safe and free passage of traffic on the public highway.

8 Prior to the development commencing details of the measures to be employed to prevent the egress of mud, water and other detritus onto the public highway, and details of the measures to be employed to remove any such substance from the public highway shall be submitted



to and approved in writing by the Local Planning Authority. Such measures as shall have been approved shall be employed and adhered to at all times during construction works.

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

9 Prior to the commencement of the works hereby permitted, a detailed method of works statement shall be submitted to and agreed in writing by the Local Planning Authority. This statement shall include the precautions to be taken to ensure the safety of the general public, the method of securing the site, the access to the site, the parking of construction vehicles within the site, the route taken by vehicles transporting the demolition waste from and construction materials to the site and the hours of operations.

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

10 The details of any means of enclosure erected between the car park and the sports pitches shall be submitted to and agreed in writing by the Local Planning Authority prior to its erection. Any subsequent alterations to this enclosure shall also be agreed in writing by the Local Planning Authority prior to the changes being implemented.

Reason. In order to preserve views across the fields from Shipton Road in the interests of visual amenity and the preservation of the openness of the Green belt.

11 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits, which must be recorded during the construction programme.

12 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed

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

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

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

Reason. To prevent pollution of the water environment.

14 Finished floor levels shall be set at no lower than 11.90metres AOD.

Reason: To minimise the impact of flooding.

15 Development shall not commence until details of the method of surface water drainage for the site have been submitted to and approved in writing by the Local Planning Authority. The details shall incorporate a discharge rate limited to 29 litres per second during a 1 in a 100yr + 20% flood event. The development shall not be occupied until the drainage works have been carried out in accordance with the approved details.

Reason: In order to ensure that the site is properly drained.

16 No development shall take place until details have been submitted to and approved in writing by the Council of the measures to be provided within the design of the building to accommodate bats. The development shall be carried out in complete accordance with the approved details.

Reason: In order to enhance biodiversity in the surrounding area, in accordance with Central Government advice within Planning Policy Statement 9: "Biological Diversity and Geological Conservation".

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

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

Reason: To protect the amenities of adjacent residents.

18 Details of any external lighting either within the site or on the approved building shall be submitted to and agreed in writing by the Local Planning Authority prior to its implementation. Such a scheme shall include details of the position, design and level of illumination of the lights and the scheme shall only be implemented in strict accordance with this approval.

Reason. To reduce harm from light pollution to a minimum In the interests of local residential amenity and in the interests of visual amenity with regard to the character, appearance and openness of the Green Belt.

19 The use hereby permitted shall be confined to the following hours:

Monday to Wednesday	08:30 to 23:30
Thursday to Saturday	08:30 to 01:30
Sundays and Bank Holidays	08:30 to 23:00

With additional hours on the following Bank Holidays

08:30 to 02:00 on New Years Eve

08:30 to 01:00 on Good Friday, Easter Monday, Boxing Day, New Years Dave

Reason: To protect the amenity of the locality from noise generated by the use hereby approved.

20 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible outside of the site boundary when in use, shall be submitted to the local planning authority for approval. These details shall include maximum sound levels (LA<sub>max</sub>(f)) and average sound levels (LA<sub>eq</sub>), octave band noise levels

and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of the locality from noise generated by the use hereby approved.

21 All electronically amplified music emitted from the premises shall be played or reproduced through loudspeakers and a noise limitation device. The device, the levels set and the installation shall be approved in writing by the local planning authority before the use hereby approved commences. Thereafter the approved levels, equipment, installation and position and type of loudspeakers shall be maintained in accordance with the planning approval; at no time shall they be modified without the written approval of the local planning authority

Reason: To protect the amenity of the locality from noise generated by the use hereby approved.

22 Prior to the use hereby approved coming into use, the local planning authority shall identify a position on the public highway where music from the within the premises shall be inaudible at all times except with the written approval of the local planning authority. The use hereby approved shall not commence until the positions where music is inaudible have been approved in writing by the local planning authority. The local planning authority may review this condition and the location at where noise must be inaudible at any time

Reason: To protect the amenity of the locality from noise generated by the use hereby approved.

23 All windows, doors and other openings in the building structure shall be kept closed at all times when a function is being held at the premises where amplified music is being played.

Reason: Reason: To protect the amenity of the locality from noise generated by the use hereby approved.

24 Prior to the commencement of development, the developer shall

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

Reason: In order to achieve a 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:

- the openness of the Green Belt;
- the character and appearance of the Conservation Area;
- neighbouring amenity; and
- car parking.

As such the proposal complies with Policies GB1, GB13, GP1, GP4a and HE3 of the City of York Development Control Local Plan.

### **Contact details:**

**Author:** Michael Jones Development Management Officer

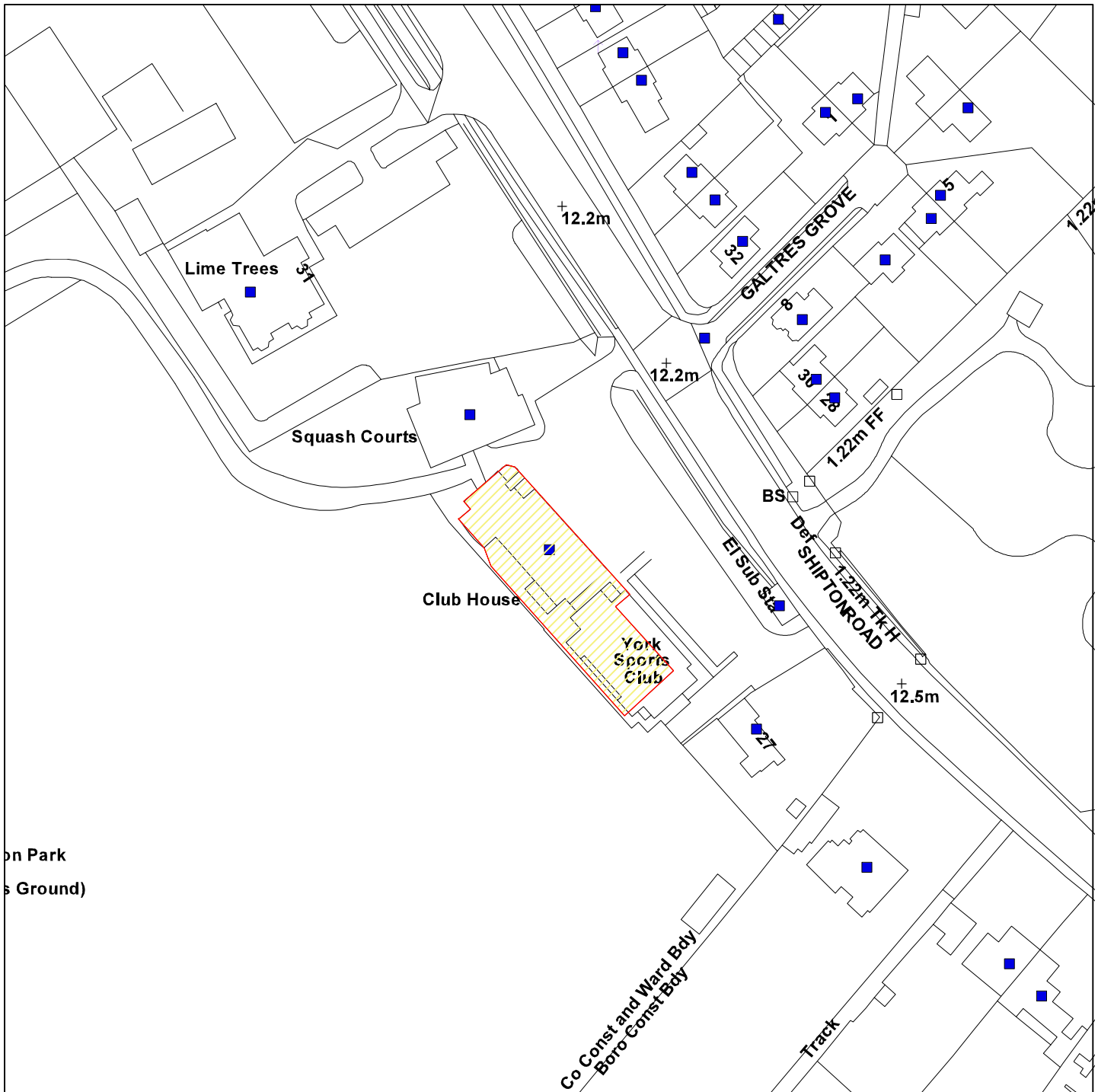
**Tel No:** 01904 551339

# York Cricket and Rugby Union Football Club

11/00592/FULM



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>	27 June 2011
<b>SLA Number</b>	Not Set



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**East Area Planning  
Sub-Committee****7<sup>th</sup> July 2011**

Report of the Director of City Strategy

**Enforcement Cases - Update****Summary**

1. The purpose of this report is to provide Members with a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by this Sub-Committee.

**Background**

2. Members have received reports on the number of outstanding enforcement cases within the Sub-Committee area, on a quarterly basis, since July 1998, this report continues this process.
3. Some of these cases have been brought forward as the result of information supplied by residents and local organisations, and therefore "The annexes to this report are marked as exempt under Paragraph 6 of Part 1 of Schedule 12A of the Local Government Act 1972, as this information, if disclosed to the public would reveal that the Authority proposes to give, under any enactment a notice under or by virtue of which requirements are imposed on a person, or that the Authority proposes to make an order or direction under any enactment".
4. In order to give Members an up to date report, the schedules attached have been prepared on the very latest day that they could be to be included in this report on this agenda.
5. Section 106 Agreements are monitored by the Enforcement team. A system has been set up to enable Officers to monitor payments required under the Agreement.

**Current Position**

6. Members should note that 58 new cases were received for this area within the last quarter, 64 cases were closed and 308 remain

outstanding. There are 101 Section 106 Agreement cases outstanding for this area after the closure of 7 for this quarter. Letters have gone out on some other developments where the contributions are now required and responses to these are awaited. 5 reports have been prepared and signed during this period authorising the serving of enforcement notices against unlawful developments in the east area and 1 authorisation for prosecution report for the failure to comply with an enforcement notice at Lords Moor Lane, Strensall has also been prepared and signed. These papers are now with Legal services to progress.

### **Consultation**

7. This is an information report for Members and therefore no consultation has taken place regarding the contents of the report.

### **Options**

8. This is an information report for Members and therefore no specific options are provided to Members regarding the content of the report.

### **Corporate Priorities**

9. Improve the actual and perceived condition and appearance of city's streets, housing estates and publicly accessible spaces.

### **10. Implications**

- **Financial** - *None*
- **Human Resources (HR)** - *None*
- **Equalities** - *None*
- **Legal** - *None*
- **Crime and Disorder** - *None*
- **Information Technology (IT)** - *None*
- **Property** - *None*
- **Other** - *None*

### **Risk Management**

11. There are no known risks.



## Recommendations

12. If members have any queries or questions about cases on this enforcement report then please e-mail or telephone either Matthew Parkinson, Mandy Swithenbank or Alan Kendall by 5pm on Tuesday 5<sup>th</sup> July. Also, if members identify any cases which they consider are not now expedient to pursue and / or they consider could now be closed, giving reasons, then if they could advise officers either at the meeting or in writing, then that would be very helpful in reducing the number of outstanding cases.

Reason: To update Members on the number of outstanding enforcement cases within the Sub-Committees area.

## Contact Details

### Author:

#### **Author's name**

Matthew Parkinson /  
Mandy Swithenbank/  
Alan Kendall  
Planning Enforcement  
Officer

**Dept Name** City Strategy  
Tel No. 551376/551324

### Chief Officer Responsible for the report:

#### **Chief Officer's name**

Michael Slater  
*Assistant Director (Planning and Sustainable Development)*

**Report Approved**



**Date** 27/6/2011

*Chief Officer's name: Michael Slater  
Title: Assistant Director (Planning and Sustainable Development).*

**Report Approved**



**Date** 27/6/2011

### **Specialist Implications Officer(s)** *List information for all*

*Implication ie Financial*

*Name*

*Title*

*Tel No.*

*Implication ie Legal*

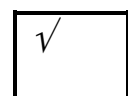
*Name*

*Title*

*Tel No.*

**Wards Affected:** *All Wards*

**AI**  
**I**



**For further information please contact the author of the report**

**Background Papers:**

Environment and Development Services Business Plan (2000/2001).

Report to Area Sub-Committee in July 2010 – Enforcement Cases Update.

**Annexes**

Annex A - Enforcement Cases – Update (Confidential)

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted