

Notice of meeting of

Planning Committee

- To:** Councillors Horton (Chair), Cunningham-Cross, Galvin (Vice-Chair), Ayre, Boyce, Burton, D'Agorne, Doughty, Firth, King, McIlveen, Reid, Riches, Simpson-Laing, Williams and Wiseman
- Date:** Thursday, 26 July 2012
- Time:** 4.30 pm
- Venue:** The Guildhall, York

AGENDA

There are no Site Visits relating to this meeting.

1. **Declarations of Interest**

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

2. **Minutes** (Pages 3 - 26)

To approve and sign the minutes of the meeting of the Planning Committee held on **17 May 2012**.

3. **Public Participation**

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by **5pm on Wednesday 25th July 2012**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee. To register please contact the Democracy Officer for the meeting, on the details at the foot of this agenda.

4. Plans List

This item invites Members to determine the following planning applications:

a) Land Lying to the West of Metcalfe Lane, Osbaldwick, York (12/02163/OUTM). (Pages 27 - 40)

Variation of condition 8 of approved application 03/02709/OUT (Derwenthorpe Scheme) to allow 277 dwellings to be accessed from Fifth Avenue, 74 dwellings to be accessed from Meadlands, 125 dwellings to be accessed from Temple Avenue and 64 dwellings to be accessed from Osbaldwick Village.

b) Land Lying to the West Of Metcalfe Lane, Osbaldwick, York. (12/01286/REMM) (Pages 41 - 52)

A reserved matters application for the details of landscaping for phase 2 of a residential development granted under outline permission 03/02709/OUT.

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

Democracy Officer:

Name: Laura Bootland

Contact Details:

- Telephone – (01904) 552062
- E-mail – laura.bootland@york.gov.uk

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

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

Contact details are set out above.

About City of York Council Meetings

Would you like to speak at this meeting?

If you would, you will need to:

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

A leaflet on public participation is available on the Council's website or from Democratic Services by telephoning York (01904) 551088

Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

Access Arrangements

We will make every effort to make the meeting accessible to you. The meeting will usually be held in a wheelchair accessible venue with an induction hearing loop. We can provide the agenda or reports in large print, electronically (computer disk or by email), in Braille or on audio tape. Some formats will take longer than others so please give as much notice as possible (at least 48 hours for Braille or audio tape).

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

Every effort will also be made to make information available in another language, either by providing translated information or an

interpreter providing sufficient advance notice is given. Telephone York (01904) 551550 for this service.

যদি যথেষ্ট আগে থেকে জানানো হয় তাহলে অন্য কোন ভাষাতে তথ্য জানানোর জন্য সব ধরনের চেষ্টা করা হবে, এর জন্য দরকার হলে তথ্য অনুবাদ করে দেয়া হবে অথবা একজন দোভাষী সরবরাহ করা হবে। টেলিফোন নম্বর (01904) 551 550।

Yeteri kadar önceden haber verilmesi koşuluyla, bilgilerin terümesini hazırlatmak ya da bir tercüman bulmak için mümkün olan herşey yapılacaktır. Tel: (01904) 551 550

我們竭力使提供的資訊備有不同語言版本，在有充足時間提前通知的情況下會安排筆譯或口譯服務。電話 (01904) 551 550。

اگر مناسب وقت سے اطلاع دی جاتی ہے تو ہم معلومات کا ترجمہ میا کرنے کی پوری کوشش کریں گے۔ ٹیلی فون (01904) 551 550

Informacja może być dostępna w tłumaczeniu, jeśli dostaniemy zapotrzebowanie z wystarczającym wyprzedzeniem. Tel: (01904) 551 550

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 following a Cabinet meeting or publication of a Cabinet Member decision. A specially convened Corporate and Scrutiny Management Committee (CSMC) will then make its recommendations to the next scheduled Cabinet meeting, 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

Who Gets Agenda and Reports for our Meetings?

- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to;
- Public libraries get copies of **all** public agenda/reports.

City of York Council

Committee Minutes

MEETING	PLANNING COMMITTEE
DATE	17 MAY 2012
PRESENT	COUNCILLORS CUNNINGHAM-CROSS (CHAIR), GALVIN (VICE-CHAIR), BOYCE, D'AGORNE, FIRTH, FUNNELL, HEALEY (SUBSTITUTE), KING, MCILVEEN, MERRETT, REID, SIMPSON-LAING, WATSON, WATT AND WILLIAMS
APOLOGIES	COUNCILLORS AYRE, MERRETT.

51. INSPECTION OF SITES.

Site	Reason for Visit	Members Attended
Monks Cross Shopping Park, Monks Cross Drive, Huntington, York. (Items 4a & 4b)	To enable Members to view the site.	Cllrs Boyce, Burton, Cunningham Cross, D'Agorne, Funnell, Galvin, McIlveen, Orrell, Reid and Watson.
Huntington Stadium, Huntington, York. (Item 4c).	To enable Members to view the site.	Cllrs Boyce, Burton, Cunningham Cross, D'Agorne, Funnell, Galvin, McIlveen, Orrell, Reid and Watson.

52. DECLARATIONS OF INTEREST

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

Councillor Cunningham Cross declared a personal non prejudicial interest in agenda item 4c as her husbands boss is a patron of York City Football Club.

Councillor Simpson Laing declared a personal non prejudicial interest in agenda item 4c as her daughter is a member of York

Athletics Club and herself as a member of Liverpool Football Club Supporters Club.

Councillor Williams declared a personal and prejudicial interest in the agenda items as he is employed by Yorkshire Water. He advised that he would abstain from any vote if it included a condition relating to Yorkshire Water.

Councillor Watson declared a personal non prejudicial interest in agenda item 4c as he is a sponsor of a York City Knights player. He also declared a personal interest as a Guildhall Ward Councillor in reference to the Castle Picadilly site being mentioned in the agenda reports.

Councillor D'Agorne declared a personal non prejudicial interest as an employee of York College relating to employment and training issues mentioned in the agenda reports and a personal interest as a Member of York Green Party.

53. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That Members agreed to exclude the press and public from the meeting during consideration of any part of the report in relation item 4c during which any exempt information may be discussed. Members agreed to retire to a private room to avoid clearing the room of the press and public, if necessary.

54. PUBLIC PARTICIPATION

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

55. PROCEDURAL POINTS

The Council's Legal Officer spoke to clarify the procedure to be followed. He advised that the Committee would be considering 3 applications over the course of the meeting, all relating to the provision of retail floor space at Monks Cross. In view of the stand alone and cumulative impacts relating to each application,

normal practices for debating and determining applications would vary slightly. The procedure would be as follows:

Application 11/02199/OUTM (Monks Cross Shopping Park) will be presented, together with speakers, questions and debate.

Application 11/02208/FUL (Monks Cross Shopping Park) will be presented, together with speakers, questions and debate.

Application 11/02581/OUTM (Land Including Huntington Stadium to the West of Jockey Lane, Huntington, York) will be presented, together with speakers, questions and debate.

Consideration of and debate on the cumulative impacts of all the applications.

Members to vote on application 11/02199/OUTM (Monks Cross Shopping Park outline).

Members to vote on application 11/02208/FUL (Monks Cross Shopping Park s73).

Members to vote on application 11/02581/OUTM (the Community Stadium).

56. PLANS LIST

Members then considered 3 reports of the Assistant Director (Planning and Sustainable Development) relating to the following planning applications, which outlined the proposals and relevant planning considerations and set out the views of the consultees and officers.

56a Monks Cross Shopping Park, Monks Cross Drive, Huntington, York. (11/02199/OUTM).

Members considered a major outline application by The Monks Cross Shopping Park Trust for the erection of additional retail floor space (class A1) comprising either extensions to existing stores, new buildings and/or new or extended internal first floors to existing stores. Alterations to car park lay out, landscaping and associated highway works. Alterations to the planning controls for the existing and proposed retail units to allow a maximum unit size of 455sq.m, a maximum of 8 units less than

455.sq.m, permit up to two large units (upto 4,645 sq.m net sales area) to sell a broader range of goods than simply bulky goods.

Officers provided an update including the following information:

- Paragraph 1.2, the floor area should read 29,408 sq.m.
- The number of objectors and supporters of the scheme had been updated the previous evening and there were now 1793 objectors and 42 in support. The comments in the letters of support and objection were similar to those précised in the committee report apart from a letter from Fenwick, a department store in the City Centre which included a technical advisory document from Turley Associates and expressed concern about the impact of the development on the Coppergate Centre.
- On the issue of objections, the applicants agent had raised concerns about the lack of reference in the committee report to the community feedback report produced in January 2012 which had highlighted support for the scheme.
- The transport reason for refusal had not been clearly worded and had been replaced (which can be found at the end of this minute item).

Representations were heard from 10 people in respect of this application and the following application outlined at agenda item 4b, as follows:

Phillip Crowe spoke in objection on behalf of York Tomorrow. He advised that the Castle Piccadilly site had been in limbo for some time since the previous plans had been rejected. He argued that the approval of this application would affect the viability of the Castle Piccadilly site due to the cumulative effect of out of town retail on the city centre.

James Owens of LaSelle Venture Fund, which is behind Castle Piccadilly, spoke in objection. He stated that the Monks Cross applications mean a major increase in floor space and the removal of controls to allow a wider variety of goods to be sold. He advised that the city centre share of York's retail industry had already fallen and the Monks Cross developers had not shown that the new shops cannot be accommodated in the city centre.

Paul Thompson the owner of Barnitts, a city centre store, spoke in objection to the proposals. He raised concerns about the offer of free parking at Monks Cross compared to expensive parking charges in the city centre.

John Haewood a local resident, spoke in objection. He raised concerns about the dip in trade in the city centre and urged Members to vote for a sustainable future for York, not unsustainable.

Colin Hall a local resident spoke in support of the application. He advised that it is important to bring investment and job opportunities to the City.

Andrew Collier from Indigo Planning spoke on behalf of the applicant. He stated that currently, the units at Monks Cross are not the correct size or configuration for many of the retailers as they are either undersized or oversized. There are concerns that some existing retailers will not sign a new lease. The application is primarily to provide more flexibility at the Monks Cross site to safeguard its future and jobs.

Tim Waring also for Indigo Planning spoke to advise that the timing of the scheme was unfortunate as it had come before Members at the same time as the Community Stadium application. He asked Members to consider that the application is modest and is being made to respond to current retailer needs. He outlined what was being sought including additional controls such as a cap on the maximum number of units to 31, a cap on food sales, mezzanines will be controlled by conditions and 4 further small units.

Councillor Hyman spoke as Ward Member for Huntington and New Earswick Ward. He advised that he had concerns about the application as 16 more car parking spaces over all was not enough and he was unhappy about the loss of trees.

Councillor Runciman spoke as Ward Councillor for Huntington and New Earswick Ward. She raised concerns about the likely increase in traffic if Monks Cross is expanded and the impact on local residents. She had particular concerns about patrons of Monks Cross blocking residents driveways.

Members questioned the applicant and the registered speakers and commented on aspects of the application including:

- Phillip Crowe was asked to clarify exactly what his group would like to see happen at Castle Piccadilly. He confirmed that the York Tomorrow group would like to see a major public amenity on the site and in regard to his objections to past proposals the large size and scale had been an issue not the commercial development aspect.
- Members discussed the proposed financial contribution from the applicant towards transport arrangements, in particular the arrangements for a bus service to Monks Cross from residential areas and villages.
- It was queried whether the applicant expected to attract smaller retailers. It was confirmed that existing Monks Cross retailers are keen to downsize their units rather than create smaller units for the purpose of attracting smaller retailers. The aim was to retain existing stores.
- Some Members queried why the applicant had a different opinion on what can be done on the site under current conditions relating to maximum units and floor space to that of Planning Officers and drew attention to pages 41 to 46 of the report which outlined the fall back position (i.e. what the applicant could do without planning permission). Officers confirmed that discussions had been ongoing with the applicant in relation to the proposals put forward and permitted development. The applicant had offered various amendments but had chosen to have the scheme determined as submitted.

Members moved into debate and made the following comments:

- Opponents to the scheme are 'over egging' their case and it should be acknowledged that the people of York shop in both the City Centre and Monks Cross.
- Some Members felt that the application was not sustainable due to the majority of people accessing the site by car.
- It was considered by some Members to be a difficult application to consider when the plans in the committee report no longer reflected what was being asked for by the applicant on the day.
- Some Members commented that they could see both sides of the arguments put forward by the speakers. Although there would be an impact on the city centre they felt that York also had to progress to compete with new developments in nearby cities such as Leeds, Sheffield and Newcastle.

- Members commented it would be useful for a revised application to come before them at a later date so Members can fully understand the changes to the scheme that were being proposed by the applicant.

Following consideration of the cumulative impact of all 3 applications on the agenda, refusal was moved and seconded. Following a vote it was resolved that:

RESOLVED: That the application be refused.

- REASONS:
1. Retail floor space in an out-of-town location, together with amendments to existing planning controls to allow the introduction of additional smaller units and creation of 2 large units selling an unrestricted range of goods, is unacceptable by virtue of its impact on the ability to secure investment in vacant buildings and spaces in the city centre and particularly the Castle Piccadilly site, which in the opinion of the Local Planning Authority is suitable and available for development. It is also considered that the development will have significant adverse impacts on planned investment in, and the vitality and viability of, the city centre. The proposed development is therefore contrary to advice within the National Planning Policy Framework published on the 27th March 2012; the objectives set out in of the City of York Core Strategy Submission (publication version 2011) in particular policies SP1, SP3, CS2, CS3, CS4, CS15 and CS17 and policies SP7b, SP9, SP10, S1, S2 and YC1 of the Development Control Local Plan (approved for development control purposes April 2005).
 2. It is considered that the adverse effect on investment and employment in the City Centre that would result from the development would not be outweighed

by employment generated on site by the development. In addition the development represents a sequentially unjustified expansion of out of town shopping, contrary to national and local planning policy; maintains unsustainable travel choices; and hinders the promotion of fairness and inclusion through the enhancement of out of town facilities to the detriment of investment in the city centre. Overall the development does not achieve sustainable solutions in an economic, social or environmental context and is therefore contrary to the advice within the National Planning Policy Framework, which requires such dimensions to be taken into account in assessing the sustainability of development, and the aims and objectives set out in of the City of York Core Strategy Submission (publication version 2011).

3. The application relies on a proportionate increase in the use of sustainable modes of transport by visitors to the development site in order to minimise the vehicular impact of the development in terms of traffic generation and car parking demand. The site is not currently served by direct high frequency public transport services from areas of the city where demand will be generated. It is not considered that such an uplift in public transport use can be achieved solely through implementation of the submitted framework travel plan. The funding to provide the required additional or enhanced public transport to enable this would only be achieved either through the implementation of car park charges, (a proportion of which will be ring-fenced to sustainable travel initiatives) or the payment of a sufficient contribution. The increased offer that

would be available at the destination would draw custom from a wider area and given the lack of viable and realistic sustainable travel alternatives lead to a greater reliance on the private car. Furthermore the application proposes to remove an insulated public transport corridor in order to increase the level of car parking available, placing the emphasis on increasing the availability of car parking over the need to improve other transport links including improvements the remaining insulated public transport corridor and consideration of the provision of appropriately designed cycle hubs. The proposed development is therefore considered contrary to advice within the National Planning Policy framework published on the 27th March 2012, in particular paragraphs 32 and 34 to 37 and the objectives set out in section 15 of the City of York Core Strategy Submission (publication version 2011) and supporting documents including the Local Transport Plan approved by the Council on the 7th April 2007 and SP7a of the Development Control Local Plan approved for development control purposes April 2005.

**56b Monks Cross Shopping Park Monks Cross Drive
Huntington York (11/02208/FULM)**

Members considered a major full application by The Monks Cross Shopping Park Trust for the variation of condition number 3 of approved application 3/66/650K6/61/207g (original outline permission for Monks Cross Shopping Park) to reduce the minimum unit size to increase the net sales area for two units and to restrict the amount of food sales.

Officers provided an update, including that the number of objectors and supporters of the scheme had been updated at 4pm the previous day and the figures were now 1367 objections

and 13 in support. The comments received mainly reflected those already detailed in the committee report, however, a late letter of objection had been received from Fenwick's department store which also included a technical advisory note from Turley Associates detailing concern about the impact on Castle Piccadilly. Officers also advised that there was an error in the report as the conclusion to the report on page 119 refers to the wrong paragraph numbers, the relevant paragraphs being 3.130 – 3.142.

Members queried the Statement of Community Involvement which had highlighted support for the scheme and the previous related application. Officers read out the summary of findings, in particular that the local residents questioned had indicated they were mainly in support, with traffic impact being the main reason for objections.

Members had no further comments or queries due to covering them in the previous item which was closely linked to this application.

Following consideration of the cumulative impact of all 3 applications on the agenda, it was moved that the application be refused, this motion was seconded. Following a vote it was resolved that:

RESOLVED: That the application be refused.

REASON: 1. The introduction of additional smaller units and creation of 2 large units selling an unrestricted range of goods is unacceptable because the proposed development will impact on the ability to secure investment in vacant buildings and spaces in the city centre, and particularly the Castle Piccadilly site which in the opinion of the Local Planning Authority is suitable and available for development. It is also considered that the development will have significant adverse impacts on planned investment in, and the vitality and viability of, the city centre. . The proposed development is therefore contrary to advice within the National

Planning Policy framework published on the 27th March 2012; the objectives set out in of the City of York Core Strategy Submission (publication version 2011) in particular policies SP1, SP3, CS2, CS3, CS4, CS15 and CS17 and policies SP7b, SP9, SP10, S1, S2 and YC1 of the Development Control Local Plan approved for development control purposes April 2005.

2. It is considered that the adverse effect on investment and employment in the City Centre that would result from the development would not be outweighed by employment generated on site by the development. In addition the development represents a sequentially unjustified expansion of out of town shopping, contrary to national and local planning policy; maintains unsustainable travel choices; and hinders the promotion of fairness and inclusion through the enhancement of out of town facilities to the detriment of investment in the city centre. Overall the development does not achieve sustainable solutions in an economic, social or environmental context and is therefore contrary to the advice within the National Planning Policy Framework, which requires such dimensions to be taken into account in assessing the sustainability of development, and the aims and objectives set out in of the City of York Core Strategy Submission (publication version 2011).

56c Land Including Huntington Stadium to the West of Jockey Lane, Huntington, York. (11/02581/OUTM).

Members considered a major outline application by Oakgate (Monks Cross) Limited for a mixed use development comprising of the demolition of existing buildings and the erection of a 6,000 seat community stadium with conference facilities (use class D2) and community facilities (use classes D1 non residential institution, D2 assembly and leisure and B1 office), retail uses (use class A1), food and drink uses (use classes A3/A4 & A5) recreation and amenity open space, with associated vehicular access roads, car parking, servicing areas and hard and soft landscaping.

The Director of City Strategy spoke to provide guidance to Members, he reminded them that the application is of an unusual nature and many aspects of the application are unacceptable in planning terms but the package of benefits expected to be secured from the stadium is significant. He advised that if Members consider the harm to outweigh the benefits then the application should be refused, or to approve if this is not considered to be the case. The committee report was intended to provide appropriate guidance to assist members in their deliberations.

Officers provided an update including the following information:

- Since the committee report was finalised and circulated to members a number of consultation responses had been received, including one from Hugh Bayley MP which had been circulated to Members prior to the meeting and is attached to the online version of the agenda for public viewing.
- Marks and Spencer had submitted a further letter outlining their intention to prioritise additional investment in their Parliament Street store should the Monks Cross development go ahead.
- The non-determination notice issued by the Highways Agency as mentioned in paragraph 2.80 of the officer report had now been lifted following a further formal response received on 15th May 2012.
- The Highways Agency have issued a TR110 direction which asked that if the application is granted then the conditions set out within the TR110 should be included.

- Paragraphs 2.97 and 2.98 of the Committee report refer to the number of letters received in objection and support. As at 4pm on the 16th May the totals stood at 2,967 in support and 2,405 in objection. Due to the volume of letters and emails received Members were asked to be aware that they had not been checked for duplication and that the comments were similar issues to those referred to in the committee report; however a late letter had been received from Fenwick with a technical advisory document from Turley Associates in addition to expressing the same general objections to the scheme about the impact of the development on the Coppergate Centre.
- There was an error in the committee report at paragraph 3.214 (page 199 of the agenda). The final sentence of this paragraph had a word missing and should of read 'This would not provide for the increase in direct bus services that are considered appropriate to the scale and attraction of Monks Cross as a primary destination'.

Representations were heard from 35 people in respect of this application as follows:

Former City of York Councillor, Roger Pierce, spoke in objection to the application as a concerned resident. He advised Members that the original stadium had been intended to provide a solution for the struggling Rugby Club but this had not proved to be the case. He pointed out that York City Football Club were also suffering from low attendance figures and suggested that the new stadium proposals were a re-run of history.

Alistair Andrew spoke on behalf of the York Chamber of Trade in objection to the application. He stressed that under normal circumstances this application would be refused as it could not be classed as sustainable development under National Planning Policy Framework. He agreed with concerns that trade would be lost from the city centre and stated that the development would be inaccessibly located for many York residents.

James Owens, of the Castle Piccadilly developers, LaSalle Venture Fund, acknowledged that York City Football Club was struggling financially and that a new stadium was important for the Club's survival, but reminded members that this was not a matter for their consideration. He stated that the development would lead to traffic problems, and would mean the loss of an employment site. In addition, the scheme would take millions of

pounds away from the city centre every year and would mean the out of town retail market share would exceed that of the city centre. He added that, if approved, it would put both the Castle Piccadilly and York Central Schemes at risk.

Nick Eggleton of the Campaign4York, spoke in opposition to the plans. He stated that the costs of refurbishing Bootham Crescent were exaggerated and that York City Football Club were now only able pay a small amount of what they had originally committed to paying towards the new community stadium. He argued that the stadium business case was flawed raising concerns over the low level of contingency funds, issues around VAT, lack of cumulative assessment and weak mitigation. He warned Members that if they approved this application, the Council would be blamed for future problems arising from this scheme.

Andy Shrimpton, a local businessman, told Members that York was a great place to live and work, with its compact geography attracting people and businesses to settle there. He stated that there were a number of large development sites vacant within the city and urged the Committee to reject these proposals.

Phillip Crowe, of York Tomorrow, stated that he did not object to the proposals to build a stadium but was unconvinced that all other avenues for funding a stadium had been explored. He questioned whether the council had a contingency plan for the development of the site if the applicant was to pull out. He explained that if the Oakgate proposals were refused, Castle Piccadilly could proceed, but if approved, Castle Piccadilly would be abandoned. He urged Members to defer this application in order to allow for an outline application on the Castle Piccadilly development to be submitted.

Peter Brown, Director of York Civic Trust, advised that in normal circumstances the officer recommendation would be to refuse this application as it conflicts with National Planning Policy Framework and fails to meet York's sequential test for where new shops are to be built. He warned Members against departing from national planning guidance stating that a "yes" vote would lead to the emerging Local Development Framework being thrown out as unsound. He reminded Members that it is the listed buildings in the city centre which provide the ambience which makes York so special.

Denise Craghill, of York Green Party, stated that, even if the benefits of a community stadium were sound and deliverable, the harm which would be created would be too great. She advised that the proposals would undermine the efforts to reduce congestion and promote sustainable transport in York. She reminded Members that millions of pounds of officer time, as well as residents' time, had gone into developing policies which would be undermined if these proposals were approved.

It was reported that Kate Lock of the Environment Forum had not been able to attend the meeting to speak, but that the Environment Forum had submitted comments as part of the consultation exercise.

Richard Lane, of Friends of the Earth, informed Members that traffic congestion was the biggest barrier to economic growth stating that out of town shopping was designed for car owners. This proposal would create 9000 additional car manoeuvres on a Saturday and many more on a match day. He warned that City of York Council may face legal action regarding air quality management areas. In respect of the future of York City Football Club, he expressed the opinion that people will not want to travel further to attend matches and that those supporters from outside York who currently travel to York by train and walk to Bootham Crescent would decide to make the whole journey by car to Monks Cross.

Martin Skilbeck, a resident of New Earswick agreed that the main concern was that of traffic. He reminded Members that there was already regular congestion on the ring road stating that both Huntington and New Earswick roundabouts were not fit for purpose. He told members that the significant volume of delivery vehicles and shoppers and staff transport would exacerbate the current problems.

Mike Fisher, a local business owner, raised concerns about the proposed change of use from office to retail stating that there was a high demand for office space. He added that, if approved, it would have a negative impact on York city centre as it would deter inward investment in the Castle Piccadilly Scheme. He raised concerns that the draft Economic Strategy contradicted the LDF Core Strategy.

Adam Sinclair, of Mulberry Hall, spoke on behalf of the York Chamber of Trade. He stated that York has a beautiful world class city centre which provides the bedrock of reliance from the current and future recessions and that the proposals would be both damaging and disastrous. He warned the Committee that if we get this wrong, the best national and international brands and investors would not come to York city centre but would leave York behind.

Neil Wilson, Assistant Director of Strategy and Planning at NHS North Yorkshire and York spoke in support of the plans. He advised Members that the stadium plans included provision for the hospital, separately and in conjunction with York St John University, to provide community health services including physiotherapy and staff training in high quality premises. It would provide scope for working collaboratively with partner organisations to share skills and resources.

Janice Dunphy, who runs Creepy Crawlies Adventure Play Park, told members she was passionate about children's play. She advised Members that she had worked in partnership with the University of York on pioneering research into play and how play has positive benefits for children with obesity, dyspraxia and other problems. She stated that the community aspects of the stadium would help York to pioneer new approaches to play for children.

Professor Howard Hall, Professor of Sport and Exercise Psychology and Chair of Sport Related Subjects at York St John University, representing Active York, stated that the stadium should be viewed as a once in a lifetime opportunity to support local sports clubs. It would help achieve the aims set out in the City of York Sport and Active Leisure Strategy as it would act as a central hub providing facilities which would promote exercise in York and offer the opportunity to achieve an integrated approach.

Peter Vaughan spoke as a local resident, in favour of the application stating that in less than two years time, York could have a fit for purpose stadium on a site which had been selected by the Council. It would provide extra jobs, including construction jobs, for local people. He advised Members that to suggest that the proposals would damage city centre trade was nonsense.

Former City of York Councillor, Steve Galloway, spoke in support of the application having been involved in the project between 2003 and 2010. He agreed that for YCFC there was no option but to move to a new stadium. He noted the two main issues with the application were the location and method of funding. He acknowledged concerns regarding the effect these proposals would have on the city centre but pointed out that Monks Cross was only 2 miles out of the city centre. He advised that York could be marketed corporately stating the real competition was not between Monks Cross and the City centre but between York and Leeds.

Ian Yeowart, owner of F1 Racing which is based at Monks Cross, spoke in support of the proposals. He explained that he had formerly been chairman of Chesterfield Football club, who had been in a similar position to YCFC and had moved from their old ground to a new stadium by the town's bypass and their attendance figures had increased by 50% due to the move. He stated that York was two years behind Chesterfield but that the parallels were remarkable. He reminded Members that the proposals were only for two shops, which could not be accommodated in the city centre, and not a whole new shopping centre.

Jason McGill, Chairman of York City Football Club (YCFC) advised Members that since 2009 they had made 4 appearances at the new Wembley stadium including the previous Saturday when they won the FA Trophy and hoped to win promotion to the football league at Wembley that Sunday. This had helped achieve media coverage for both the city and the club. He explained that the club attracted the largest regular gathering of people in York with around 3000 people attending a match and the club was just as important culturally as theatres, galleries and museums. He stated that the new community stadium would be owned by the City of York Council which would ensure its long-term survival. He explained that the move to a new stadium would mean the loan to the club would be converted to a grant and the club would be able to reduce their costs, increase income and continue as a business.

Sophie Hicks, YCFC Communications and Community Director, spoke in support of the proposals. She stated that this season, players had attended 70 community events and were role models in the city. She explained that the community team

interacts with thousands of youngsters from around York by offering football fun camps, football development centres and by using football to tackle problems such as bullying. She explained that their work was currently limited due to antiquated facilities, and a lack of disabled access, but a move to the new stadium would enable the club to offer new initiatives and broaden engagement with local communities.

Frank Ormston, of the Minstermen Supporters Club, advised the committee that remaining at Bootham Crescent was no longer an option for the club therefore it was either a move to Monks Cross or nothing. He stated that all three sports clubs were part of the York Community.

Neil Hunter, Chair of the City of York Athletic Club, read out a statement from the club. He explained that the club provided facilities for track and field athletes and provided training and support for all abilities. This included delivering taster sessions in local schools as well as developing professional athletes. He said that this would not be possible without a new community stadium and the development was critical for the future of athletics in York.

Susie Cawood, Head of York and North Yorkshire Chamber said that the debate was about York showing the world it is a modern dynamic city which is open for business, open for investment and open for economic growth. She acknowledged that York's heritage was an asset to the city and stated that people would not stop visiting the city centre due to new development at Monks Cross but that the development would attract new visitors away from Leeds and Sheffield. She asked Members not to see it as Monks Cross against the city centre but about York working together.

Neil McClean of the Leeds City Regional Local Enterprise Partnership (LEP), the strategic body charged with promoting economic success for the whole region and the cities within that region, confirmed that the application endorses and supports the key objectives of the LEP.

Richard Wood, spoke on behalf of the applicants, Oakgate, and advised Members that he had been involved in many projects in York city centre which demonstrated his commitment to and passion for the city centre, but explained that he was also interested in development in York as a whole. He confirmed that

this project could be delivered and could proceed now and was a once in a lifetime opportunity for York.

Paul Irwin, a transport consultant, acknowledged that the proposals would impact on the local infrastructure but stated that the level of impact had been overstated. He assured Members that the analysis which had been undertaken had been rigorously scrutinised. He reminded Members that the transport budget could be spent as City of York Council decides, The Park and Ride site could be expanded to provide a further 400 spaces. Evidence demonstrates that that the proposals do not demonstrate a unreasonable level of harm and are therefore acceptable according to paragraph 32 of the National Planning Policy Framework.

Daniel Brown, a retail planning consultant, advised that the proposals would not have an significant long term impact on the vitality and viability of the city centre. He said that the proposals would lead to an additional £50m being spent in the York area which would boost York's economy and although there would be an initial short term loss in turnover in the city centre, the city centre would recover from this within two years.

John Handy, representing Marks and Spencer, advised that the firm's model of a city centre store and an out of town store had worked well in Cities such as Leicester and Bournemouth. Should the application be approved, Marks and Spencer would commit to a refurbishment of the Parliament Street store in order for it to be as attractive to shoppers as the new store at Monks Cross. He stated that the Stadium development would enable York to compete with other nearby Cities as a shopping destination such as Leeds and Sheffield.

Andrew Mills, representing John Lewis advised that the firm is keen to acquire a large store in York and would be long term investors in the local economy, working with local agencies to recruit local unemployed people. He stated that there were no City Centre retail opportunities available and although he was aware of the Castle Piccadilly site, to date, nobody from LaSelle Venture Fund had approached John Lewis to engage them in talks. Monks Cross is the only option for John Lewis and York.

Paul Rogerson, an Architect, spoke on behalf of the applicants. He advised that the scheme has two elements, the retail and the stadium, but is a much sought after development, with the Stadium in particular bringing long term benefits to York. He stated that it was important to have a good Section 106 agreement in place.

Sally Burns, the Director for Communities and Neighbourhoods at City of York Council spoke to highlight the benefits for sport and health in the City. She stated that there are 3 critical issues surrounding the scheme. Firstly the clear need for a stadium in York, secondly the financial position of the clubs and thirdly, the community benefits.

Councillor James Alexander, the Leader of the Council, spoke in support of the scheme. He acknowledged that it was York's biggest decision for years and important for the people of York, many of whom follow local sport. The previous Council administration had settled on the site for a stadium and he had been involved in discussions since 2010. He advised that Monks Cross was the only sustainable and financially viable option and that there was a lot of support for the scheme.

Councillor Keith Hyman spoke as Ward Councillor on behalf of residents and the other Ward Councillors for Huntington and New Earswick Ward. He advised that generally there was no objections to a Stadium from the local residents, but they had raised concerns about the traffic impacts of the scheme and asked that if the application be approved, sufficient safeguards are put in place to support the Stadium. He was pleased to see a new community facility and the subsequent increase in jobs and commented that it would be a boost for the City.

Councillor Ian Gillies, the Leader of the Conservative Group spoke to advise that although he supports the sports clubs in the City, he had concerns about the impact on the City Centre and the business case for the proposal which he felt was not robust enough. Until the business case is satisfactory he felt that the proposal should not go ahead.

Councillor Dave Taylor of the Green party, spoke to advise that he feels the application is contrary to local and national policies. He questioned the sustainability of the scheme and in relation to 'enabling development' he queried whether other forms of development such as housing, might be more suitable for

Monks Cross. He also raised concerns about the impact on the City Centre.

Members questioned the applicant, the registered speakers and commented on various aspects of the application including:

- The applicant was asked to outline details of any Community Consultation that had taken place. It was confirmed that there had been a number of community consultation events since June 2011, including an event at Huntington Stadium and at a hotel in the City Centre. These events had been promoted in advance including media coverage and letters to local residents. Representatives of the applicant had also attended Parish Council meetings. A further event had taken place in March 2012 which had included updated details of the scheme. The events had been well attended and indicated support with 78% of attendees in support.
- Further details on the origins of the Monks Cross development were sought by Members and clarified by Roger Pierce, a former employee of Ryedale Council, who was involved in the original planning application.
- Clarification was sought from The Head of Integrated Strategy on the impact on the Local Development Framework. Members were advised that there could be some impact on the City Centre in terms of trade diversion and loss of market share and therefore further technical work would be required on the LDF.
- Members also queried paragraph 2.16 of the committee report which stated that the site is allocated for employment uses in the LDF and asked how many other sites there currently are in York. Officers confirmed that other employment sites are available but they would need to ensure a sufficient supply of employment land not including the Monks Cross site.
- Representatives of York City FC were asked to clarify what it would mean for the Clubs community work if the application did not go ahead. It was confirmed that the Youth Policy including the current work with socially deprived youngsters would cease in order to cut costs.
- Aspects of the business case were queried, in particular what would happen if the Football Club ceased to be financially viable and the level of responsibility the Council would have for it as a consequence. Offices confirmed that the impact on the Council would be minimal. The

Chairman of York City FC was also asked to explain the current situation with the existing ground, Bootham Crescent.

Members moved into debate and made the following comments:

- Whatever is decided today, the Committee will be judged in the future and has to base the decision on what is right for York. There are negatives including the impact on the City Centre although there has been an overstating of the case.
- Reasonable arguments for and against have been put forward and the difficult decision was highlighted by the Chambers of Trade and Commerce having opposing views. Comments regarding the Castle Piccadilly site have been a little exaggerated. Although the City Centre share of the retail economy has dipped, figures show that footfall and the number of visitors have increased showing the resilience of York's economy.
- Supporters of the scheme who had spoken at the meeting were commended as some Members felt that for too long only opponents to big schemes had come forward. Many opponents of the scheme had tried to scaremonger but the application should be supported as it will not be as detrimental to the city centre as the opponents like to believe.
- People have predicted in the past that large projects will harm York but they have not. Retailing in York has to evolve if it is going to rival nearby cities.
- Certain Members commented that if the application was solely for a Stadium then they would be in support, but the shopping element goes against the Council's planning strategies and policies and a 'yes' vote would undermine the Council in future when dealing with other applications.
- If the stadium was not attached to the proposal then Officers would have recommended refusal due to sustainability. The majority of residents would like to see a John Lewis in York but Councillors have a responsibility to develop the City and there are questions how we will move forward with sites such as York Central and Castle Piccadilly should this application be approved.
- The benefits of Oakgate's plans outweigh the disadvantages. There is a danger that York will be left trailing by new developments in Leeds if this is not approved.

- Residents want to see more jobs, better transport and better health facilities and this application would provide that. Not everybody resides within the City walls in York and Members have to act in terms of the City as a whole.
- The Stadium can not be funded by the Council alone and the scheme is a sensible one. The City centre is a unique attraction in its own right and will not suffer as a result of this being approved.
- The Council had been asked to take a gamble on the future of York City Centre and it is important to do everything to preserve the City. The traffic issues and location are too much of a problem.
- Some Members expressed disappointment that some Members who have been involved in the Local Development Framework Group seem to have forgotten its importance by going against policies. Out of town shopping is no longer correct for York.
- The size of the retail poses a problem and Members are being asked to change the use of land, double the retail space. However, there is a clear need for a Stadium and the application is a good credible solution. The City needs to change and expand and the scheme should be supported.

Members considered the cumulative impact of all 3 applications on the agenda. Approval of the application was moved and seconded. Following a vote, 11 Members voted for approval and 4 against. However, Members asked that the conditions and heads of terms of the Legal Agreement be brought to the committee meeting on 23rd May for discussion and approval.

Therefore it was resolved:

RESOLVED: That Committee is minded to approve the application subject to prior agreement of conditions and terms of Section 106 agreement obligations at the Planning Committee on 23rd May 2012, and referral of the application to the Secretary of State.

CLLR L CUNNINGHAM-CROSS, Chair
[The meeting started at 10.00 am and finished at 6.45 pm].

COMMITTEE REPORT

Date: 26 July 2012 **Ward:** Osbaldwick
Team: Major and **Parish:** Osbaldwick Parish
 Commercial Team Council

Reference: 12/02163/OUTM
Application at: Land Lying To The West Of Metcalfe Lane Osbaldwick York
For: Variation of condition 8 of approved application 03/02709/OUT (Derwenthorpe scheme) to allow 277 dwellings to be accessed from Fifth Avenue, 74 dwellings to be accessed from Meadlands, 125 dwellings to be accessed from Temple Avenue and 64 dwellings to be accessed from Osbaldwick Village
By: Joseph Rowntree Housing Trust
Application Type: Major Outline Application (13 weeks)
Target Date: 23 August 2012
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL**SUMMARY**

1.1 This application seeks to vary Condition 8 of outline planning permission 03/02709/OUTM to allow a change to the number of dwellings that can be accessed from the access roads as specified in the condition and beyond the 10% tolerance allowed by the condition. The number of dwellings proposed to be accessed from Fifth Avenue would rise from 185 as approved to 277 and for Meadlands and Osbaldwick Village it would decrease from 125 to 74 and 105 to 64 respectively. The application has been publicised and the comments received taken into consideration. The proposed variation is considered to offer benefits to the scheme whilst not causing any significant harm to highway safety, air quality or amenity. As such, it is recommended that the proposed variation to the condition be allowed.

SITE HISTORY

1.2 Outline planning permission (ref: 03/02709/OUTM) was granted by the Secretary of State in May 2007 for a residential scheme of approximately 540 dwellings on land to the west of Metcalfe Lane, Osbaldwick. Means of access were approved as part of the outline consent. The general layout of the development, its division into four neighbourhoods each with its own individual vehicular access point, the size of these neighbourhoods and the approximate number of dwellings within each one, were established through an illustrative masterplan and design documents submitted in support of the outline planning application. Transport and air quality assessments were submitted and were based on the proposed illustrative masterplan.

1.3 Condition 8 was attached to the outline approval and specified the number of dwellings within each of the four neighbourhoods that could be accessed from the four access roads. The wording of the condition is as follows:

The site shall be developed in accordance with the revised Application Site Plan, Drawing No. A1418/2.3/04A dated July 2004 and on the basis of the four residential areas identified on that plan, each served by its own vehicular access and the strategic landscaping structure within the site as generally indicated on the Illustrative Green Space Structure Plan Drg No A/1418/2.3/03A dated July 2004. The number of units within each quadrant shall be as outlined in the Supporting Statement and Introduction to the Environmental Statement and as set out below, with a 10% tolerance either way unless otherwise agreed in writing by the Local Planning Authority.

Neighbourhood A - accessed from Fifth Avenue - 185 dwellings

Neighbourhood B - accessed from Meadlands - 125 dwellings

Neighbourhood C - accessed from Temple Avenue - 125 dwellings

Neighbourhood D - accessed from Osbaldwick Village - 105 dwellings

PROPOSAL

1.4 Joseph Rowntree Housing Trust (JRHT) now proposes to vary this condition to amend the number of dwellings that could be accessed from each vehicular access. The proposed number of dwellings to be accessed from each point is as set out below. This variation exceeds the 10% tolerance built into Condition 8 and, therefore, an application to vary the condition is required. There is no change proposed to the overall number of dwellings within the development, which remains at 540.

Neighbourhood A - accessed from Fifth Avenue - 277 dwellings

Neighbourhood B - accessed from Meadlands - 74 dwellings

Neighbourhood C - accessed from Temple Avenue - 125 dwellings

Neighbourhood D - accessed from Osbaldwick Village - 64 dwellings

1.5 A supporting letter has been submitted with the application by JHRT's agent. It explains that the approved form of the development reflects a fundamental concept of the Derwenthorpe scheme, that is to limit 'through' traffic and only permit buses, emergency vehicles, cyclists and pedestrians from one neighbourhood to another. It cites the design challenges for the scheme as being firstly, providing suitable vehicular access to the 41 dwellings within Neighbourhood D (accessed from Osbaldwick Village) that lie to the north of the Sustrans cycle track, whilst ensuring safe routes for pedestrians and cyclists and controlling extraneous cross-site traffic by private vehicles; secondly, the narrow link between the two areas within Neighbourhood B (Meadlands) created by the inclusion of the Great Crested Newt

habitat; and, thirdly, the required retention of hedgerows within or adjacent to Neighbourhood B. A Technical Note on the result of the proposed increase in development traffic passing through the Fifth Avenue/Tang Hall Lane junction prepared by AECOM is annexed to the supporting letter.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Osbaldwick CONF

City Boundary GMS Constraints: York City Boundary 0001

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

Schools GMS Constraints: St. Aelred's RC Primary 0223

2.2 Policies:

CYGP4B
Air Quality

CYH1
Housing Allocations

CYSP6
Location strategy

CYGP1
Design

CYGP3
Planning against crime

3.0 CONSULTATIONS

PUBLICITY

3.1 The application has been publicised by means of a Press advert, the posting of four site notices at entrances to each of the four access roads, notification to internal and external consultees including Osbaldwick Parish Council and 388 letters to local residents. The following comments have been received at the time of writing. The press notice consultation period expires 25th July 2012 and, therefore, any additional comments received will be reported to Committee.

INTERNAL

Highway Network Management

3.2 No objections are raised.

3.3 The application seeks to vary the number of dwellings that are to be served from each access point into the development. The access principles considered and approved as part of the outline planning consent were as follows: Fifth Avenue - 185 dwellings; Temple Avenue - 125 dwellings; Osbaldwick Village - 105 dwellings; and, Meadlands - 125 dwellings.

3.4 The main principle behind the access arrangements was that each village within the development should be independent and through vehicular traffic between villages would not be permitted (with the exception of servicing traffic, emergency vehicles and public transport).

3.5 The proposed variation to the condition will result in increased numbers of dwellings being served from Fifth Avenue, with the other access points either seeing no change or a reduction in dwellings served.

Fifth Avenue - 277 dwellings (+92)

Temple Avenue - 125 dwellings (no change)

Osbaldwick Village - 64 dwellings (-41)

Meadlands - 74 dwellings (-51)

3.6 A technical note has therefore been submitted, the scoping of which was agreed with officers, which assesses the potential impact on the Fifth Avenue/Tang Hall Lane junction from the traffic generated by the additional dwellings. Due to the period of time since the original granting of consent, the traffic flows on Tang Hall Lane have been reassessed using more recent council survey data. As a result of the findings of this traffic flows through this junction have been 'growthed' to more accurately reflect the current situation.

3.7 Nationally recognised junction assessment software (PICADY) has been used to assess what the potential impact of the proposed variation is in a 2016 future year scenario. This modelling has demonstrated that the junction of Fifth Avenue/Tang Hall Lane will continue to operate satisfactorily, with the increased level of traffic arising from the changes, in terms of both operational capacity and safety. Any changes in queuing/delay are negligible and not materially different to that considered and approved in the outline consent.

3.8 Following concerns raised by objectors and residents regarding the safety implications of the proposals officers have investigated the accident history for Fifth Avenue over the past 5 years. This data covered the full length of Fifth Avenue

(including side road junctions) from its junction with Tang Hall Lane to the point at which it terminates, where the site access is to be.

3.9 The data demonstrates that there have been 5 accidents, 4 of which occurred at the junction with Tang Hall Lane. The accident data does not identify any pattern nor indicate any specific type of accident which there would be the increased risk of potential for should traffic levels increase as proposed.

3.10 Fifth Avenue is traffic calmed with a 20mph zone due to a school safety scheme. It is considered that these features further improve road safety and reduce the potential for speeding in particular.

Environmental Protection Unit

3.11 No concerns raised on the basis that the change in access arrangements is extremely unlikely to trigger the units threshold for requiring additional air quality work. A junction capacity assessment has also been carried out and no significant additional queuing is anticipated in this area.

Environment and Conservation (Landscape Architect)

3.12 No objection.

EXTERNAL

Osballdwick Parish Council

3.13 No response at time of writing.

Local Residents

3.14 Eight letters received from local residents of Fifth Avenue making the following comments:

- Fifth Avenue has existing traffic problems associated with the school, library and clinic on Fifth Avenue and from rat-running of lorries linked to local shops;
- The proposal overburdens Fifth Avenue to appease Osballdwick and Meadlands residents;
- Concerned that additional traffic will cross the accesses to the school, library and clinic - will there be additional crossings and same no-through traffic measures?;
- Traffic travels too fast along Fifth Avenue, whereas Meadlands and Osballdwick are wide roads with bends to slow traffic down;
- The development should be as originally approved as it is unfair for residents of Fifth Avenue (and potentially Wherside and Penyghent) to bear the brunt of the majority of the traffic from it;

- Original plans were deemed acceptable as it spread the traffic load evenly across the area, so should be adhered to now, especially as the reasons for the change must have been known at the outset;
- Poor visibility at Fifth Avenue/Tang Hall Lane junction;
- Social problems from pockets of economic deprivation as social housing is to be placed on the Fifth Avenue side of the development;
- Visual impact - could be mitigated by tree planting to line the Avenue.

4.0 APPRAISAL

KEY ISSUES

4.1 The key issues to be considered are:

- highway safety;
- air quality;
- residential amenity.

POLICY CONTEXT

4.2 Relevant Central Government planning guidance is contained in the National Planning Policy Framework (March 2012). The heart of the framework is a presumption in favour of sustainable development. It contains a set of twelve core land-use planning principles to underpin plan-making and decision-taking, including securing a high quality design and a good standard of amenity for all. It encourages the delivery of a wide choice of high quality homes of good design and the promotion of healthy communities through the creation of safe and accessible environments.

4.3 The adopted development plan is the Yorkshire and Humber Plan Regional Spatial Strategy. This establishes the overarching policy context for the region and focuses most development in the sub-regional city of York within the York sub-area (Policy Y1). The Strategy is proposed for revocation, but still remains at this time part of the development plan.

4.4 City of York Draft Local Plan policies are material to the consideration of the application where they reflect the National Planning Policy Framework. The relevant policies are summarised in section 2.2 Policy GP1 of the Local Plan states that development proposals will be expected to (a) respect or enhance the local environment and (i) ensure that residents living nearby are not unduly affected by noise and disturbance. Policy GP3 (Planning against Crime) requires natural surveillance of public spaces and paths from existing or proposed development, secure car and cycle parking locations and satisfactory lighting in developments. Policy GP4b deals with air quality. Housing policy H1 lists the development site of Metcalfe Lane within its housing allocations table 7.2.

SUMMARY OF PROPOSAL

4.5 The proposal would change the number of dwellings within each neighbourhood and thereby the number of dwellings accessed from the four access roads. Whilst Neighbourhood C (Temple Avenue) would remain unchanged, Neighbourhood A (Fifth Avenue) would be increased from 185 dwellings to 277 dwellings (an increase of 92 dwellings) and Neighbourhoods B (Meadlands) and D (Osbalwick Village) would reduce by 51 and 41 dwellings respectively. The details for each neighbourhood are as follows:

Neighbourhood A - Fifth Avenue:

Number of dwellings referred to in condition: 185 (34% of total dwellings)

Proposed number of dwellings: 277 (51% of total of dwellings)

Additional number of dwellings proposed: 92 (50% increase)

Maximum number of dwellings allowed with 10% tolerance: 203.5 dwellings

Additional number of dwellings proposed over and above 10% tolerance: 73.5 (36% increase)

Neighbourhood B - Meadlands:

Number of dwellings referred to in condition: 125 (23% of total dwellings)

Proposed number of dwellings: 74 (14% of total dwellings)

Reduction in number of dwellings proposed: 51

Neighbourhood C - Temple Avenue:

Number of dwellings referred to in condition: 125 (23% of total dwellings)

Proposed number of dwellings: unchanged

Neighbourhood D - Osbalwick Village:

Number of dwellings referred to in condition: 105 (19% of total dwellings)

Proposed number of dwellings: 64 (12% of total dwellings)

Reduction in number of dwellings proposed: 41

ASSESSMENT OF PROPOSAL

4.6 JRHT propose to vary Condition 8 as a result of further design work to address some of the challenges affecting the internal site layout of the development. These are set out in section 1.3. The benefits of the proposal centre around meeting these design challenges and providing a better internal road layout that avoids the need for private vehicles to cross the Sustrans cycle track (only public transport and emergency vehicles would be permitted).

4.7 However, the change in the size of the neighbourhoods would result in an increase in the amount of dwellings being accessed from Fifth Avenue - from 34% of the number of dwellings within the development to 51%, or in other words a third to

a half of all dwellings. Consequently, this will lead to an increase in the number of vehicles associated with the additional dwellings, thereby potentially impacting on highway safety along Fifth Avenue and at the junction of Fifth Avenue and Tang Hall Lane, on air quality within the area and on the residential amenity of those residents living on Fifth Avenue.

Highway Safety

4.8 Local residents have raised concerns about the proposed variation, in terms of the impact the additional traffic generated by the increase in dwellings accessing via Fifth Avenue would have on highway safety.

4.9 A Technical Note prepared by a Highway Consultancy, AECOM, has been submitted with the application. The scope of the assessment reported in the note was agreed beforehand with the Council's Highway Network Management Team. The note concludes that the increased number of residential units would not adversely affect the operation of the Tang Hall Lane/Fifth Avenue junction, which would continue to operate within its capacity and with minimal queuing. As a result of this, Highway Network Management raises no objection to the proposal.

4.10 In terms of additional traffic generated by the extra dwellings, this would equate to one extra vehicle per minute using agreed and approved trip rates. The approved scheme (taking into account the 10% tolerance allowed) equates to just under 2 vehicles per minute during the peak periods. From a highway perspective, this would not have a material impact.

4.11 Furthermore, Highway Network Management reports that, from the Council's accident records, there have been five accidents on Fifth Avenue, four of which occurred at its junction with Tang Hall Lane. Analysis of the records does not identify the road as being one with safety concerns that would point to additional vehicles exacerbating an existing problem area nor does it identify any pattern or specific type of accident where there would be higher risk should traffic levels increase. Fifth Avenue is traffic calmed with a 20mph zone due to a school safety scheme and these measures help to improve road safety and reduce traffic speeds along the road.

4.12 In light of the above, and the no objection from Highway Network Management, it is considered that there are no highway safety grounds to refuse the application to vary condition 8.

Air Quality

4.13 Likewise, the Environmental Protection Unit raises no concerns on the basis that the access arrangements are unlikely to trigger the unit's threshold for requiring

additional air quality work and as no significant additional queuing has been identified in the junction capacity assessment.

4.14 The proposal to vary condition 8 is, therefore, considered to be acceptable in terms of air quality.

Residential Amenity

4.15 The approval of the outline planning permission accepted Fifth Avenue as a suitable access road to serve the biggest neighbourhood with the largest proportion of houses within the scheme - being a third of the dwellings within the development. The Inspector in his conclusions highlighted that Fifth Avenue had a wide carriageway at 6.1m with spacious verges and dwellings set behind front gardens. It was considered that an increase of almost 2 cars a minute during peak periods was acceptable given the characteristics of the road.

4.16 The proposal would increase the number of dwellings accessed from Fifth Avenue by 92 from the figure of 185 stated in the condition to 277 dwellings. However, as the condition allows a 10% tolerance either way from the specified figure, the actual increase in dwellings should be considered on the basis of the maximum amount of dwellings allowed by the condition, which is 203.5. This results in an increase of 73.5 dwellings, equating to a percentage increase of 36%. As mentioned above, in terms of traffic generation, based on the net impact over and above the approved scheme, the additional dwellings would equate to just under one extra vehicle per minute during peak hours using agreed and approved trip rates.

4.17 The granting of outline permission for development of the site accepted a level of disturbance to residents on Fifth Avenue, in terms of awareness of and noise from passing vehicles associated with the new housing. As the Inspector noted in his report, Fifth Avenue is relatively wide with grassed verges and houses set back behind front gardens. Furthermore, the road serves other smaller residential roads and community facilities, including the school, clinic and library, that impact on the level of noise and disturbance experienced by surrounding residents. As highlighted by AECOM's Technical Note, there would not be any significant increase in queuing at the junction that could erode the amenity of residents of the avenue. The extra one vehicle per minute during peak hour flows, in addition to what has already been approved, would be unlikely to lead to an adverse effect on the day to day living conditions of Fifth Avenue residents, given the characteristics of the road and set back of the houses.

4.18 It is officers' opinion that refusal of the application on amenity grounds could not be sustained.

5.0 CONCLUSION

5.1 The application seeks to vary condition 8 of the 2007 outline planning approval (ref: 03/02709/OUT) for residential development of land to the west of Metcalfe Lane to allow the size of Neighbourhood A accessed via Fifth Avenue to be increased in size and neighbourhoods B (Meadlands) and D (Osbalwick Village) to be reduced in size. The proposal has arisen following detailed design work that highlighted a different solution to the internal road layout and omitted the need to have private vehicles crossing the Sustrans cycle track, whilst maintaining the approach of four neighbourhoods each with its own vehicular access point.

5.2 Concerns have been raised by local residents on Fifth Avenue about the increase in dwellings served by this road and the impact this would have on highway safety and residential amenity. The residents feel that the permission should be implemented as approved and that no change to neighbourhood sizes should be agreed. However, the applicant is within their right to apply for such a variation and it is the Local Planning Authority's duty to consider such a proposal and assess its implications on material planning considerations.

5.3 Consultation has taken place with the Council's Highway Network Management and Environmental Protection Unit, who raise no objections on highway safety or air quality grounds. It is recognised that an increase in housing numbers accessed from Fifth Avenue would likely lead to additional vehicle movements along this road. However, when compared to the original permission with the 10% tolerance and taking into account the physical characteristics of the road, the impact on noise and disturbance is unlikely to cause significant additional harm to the living conditions of existing residents so as to warrant refusal. This is taking into account the wider benefits of the scheme in terms of meeting the City's housing needs with a sustainably located and constructed residential development and the benefits to highway safety by reducing the potential for conflict with users of the Sustrans cycle track. As such, the proposal accords with national and local planning policy set out in National Planning Policy Framework, Yorkshire and The Humber Regional Spatial Strategy and City of York Draft Local Plan.

5.4 The application to vary Condition 8 of the outline planning permission 03/02709/OUT is recommended for approval. The applicant has requested that the condition be varied to incorporate the new figures, with a 10% tolerance either way allowed. However, given the existing increase over and above the 10% allowance agreed by the Secretary of State, it is considered that to include an additional opportunity to increase the size of the neighbourhoods by a further 10% would be unreasonable. Therefore, it is suggested that condition 8 be varied to include the revised housing figures, with the reference to the 10% tolerance omitted to give the Local Planning Authority the opportunity to fully consider any future changes to the size of the neighbourhoods. This is a reasonable approach given the advanced stage of the development, including detailed work that has been undertaken into the layout of the site, the construction of phase 1 (Neighbourhood D), approval of siting,

design and external appearance of phase 2 (Neighbourhood C) and submission of the reserved matters for phases 3 and 4 (Neighbourhoods A and B).

5.5 The Section 106 Legal Agreement connected with the development and linked to the original planning permission, will need to be varied to take account of this variation application if approved.

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

New Wording for Condition 8:-

8 The site shall be developed on the basis of the four residential areas identified below, each served by its own vehicular access, and in accordance with the strategic landscaping structure within the site as generally indicated on the Illustrative Green Space Structure Plan Drg No A/1418/2.3/03A dated July 2004. The number of units within each quadrant shall be as set out below.

Neighbourhood A - accessed from Fifth Avenue - 277 dwellings

Neighbourhood B - accessed from Meadlands - 74 dwellings

Neighbourhood C - accessed from Temple Avenue - 125 dwellings

Neighbourhood D - accessed from Osbaldwick Village - 64 dwellings

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority, the proposal improves the internal layout of a scheme that offers wider benefits for the City in terms of meeting the City's housing requirements in a sustainable location and adopting sustainable construction methods. It would reduce the potential conflict with users of the Sustrans cycle track. The housing scheme, as varied by this permission, would not cause undue harm to interests of acknowledged importance, with particular reference to highway safety, air quality, planning against crime or residential amenity. As such, the proposal complies with the aims and objectives of the National Planning Policy Framework or Yorkshire and The Humber Regional Spatial Strategy or Policies GP1, GP3 and G4b of the City of York Development Control Local Plan.

Contact details:

Application Reference Number: 12/02163/OUTM

Item No: 4a

Page 11 of 12

Author: Hannah Blackburn Development Management Officer
Tel No: 01904 551325

12/02163/OUTM

Land Lying to The West of Metcalfe Lane



GIS by ESRI (UK)



Scale : 1:4000

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	16 July 2012
SLA Number	Not Set

This page is intentionally left blank

COMMITTEE REPORT

Date: 26 July 2012 **Ward:** Osbaldwick
Team: Major and **Parish:** Osbaldwick Parish
 Commercial Team Council

Reference: 12/01286/REMM
Application at: Land Lying To The West Of Metcalfe Lane Osbaldwick York
For: Reserved matters application for details of landscaping for phase 2
 of residential development granted under outline permission
 03/02709/OUT
By: Joseph Rowntree Housing Trust
Application Type: Major Reserved Matters Application (13w)
Target Date: 16 August 2012
Recommendation: Approve

1.0 PROPOSAL

SUMMARY

1.1 This application seeks reserved matters approval for the second phase of the larger residential development by Joseph Rowntree Housing Trust (JRHT) on land west of Metcalfe Lane, Osbaldwick, referred to as 'Derwenthorpe'. It covers the landscaping of Neighbourhood C, located in the south-west quadrant of the site and accessed from Temple Avenue. The application has been publicised and the comments received taken into consideration. Officers consider that the application complies with the outline planning permission. Further information is awaited in respect of the local area of equipped play and in response to the suggested revisions by the Council's Landscape Architect. Subject to this information being acceptable, the application is recommended for approval subject to conditions.

SITE HISTORY

1.2 Outline planning permission (ref. 03/02709/OUTM) was granted by the Secretary of State in May 2007 for a residential scheme of approximately 540 dwellings on land to the west of Metcalfe Lane, Osbaldwick. Means of access and the general landscaping structure were approved as part of the outline consent. The general layout of the development, its division into four neighbourhoods each with its own individual vehicular access point, the size and shape of these neighbourhoods and the approximate number of dwellings within each one, along with the general location of public open space, were established through an illustrative Masterplan and design documents submitted in support of the outline planning application.

1.3 As part of this planning consent, the developer was required to submit details for approval of the following reserved matters not considered at the outline planning

Application Reference Number: 12/01286/REMM Item No: 4b

stage: siting, design, external appearance and landscaping. Conditions 2 and 4 of the outline planning permission set out the requirements for these reserved matters applications. Condition 2 requires that the reserved matters comply with the general design principles set out in the Design Code and Design Guide documents that were submitted on 1 August 2003 as part of the application and amended by the Illustrative Masterplan dated July 2004. Condition 4 stipulates that such reserved matters applications shall be accompanied by details of existing trees and hedges along with their means of protection, details of proposed trees and shrubs, details of earthworks in connection with landscaping and details of materials for hard surfaced areas.

1.4 Phase 1 of the development (Neighbourhood D), accessed from Osbaldwick Village, was granted reserved matters approval in 2008 and is currently under construction (ref. 07/02789/REMM). It included a 'Village Green Area' with drainage ponds and equipped play areas to the west of the 64 dwellings.

1.5 Approval has been granted for the siting, design and external appearance of Neighbourhood C (12/00242/REMM). An application has been submitted and is pending consideration for the remaining two phases of the scheme - Neighbourhoods A, B and the northern part of D.

PROPOSAL

1.6 The application currently under consideration seeks consent for the detailed landscaping for the second phase of the development, being the south-west neighbourhood of the site accessed via Temple Avenue (referred to as Neighbourhood C in the outline approval). It is bounded on the north and east by Neighbourhoods A and D beyond areas of planned public open space, to the south by Osbaldwick Beck and to the west by the housing estate accessed off Temple Avenue.

1.7 A phasing scheme was submitted at the same time as the reserved matters application for Phase 1. It confirmed that the second phase of the development would be Neighbourhood C. This phase includes ancillary works relating to the laying out of the water bodies within the area of open space to the south of the housing in this neighbourhood, known as Osbaldwick Beck Park, and the laying out of the Crescent Park to the north of the housing. Two Local Areas of Play (LAP) are shown on the plans, one in the central square and one adjacent to the Sustrans cycle track. All properties have a rear garden and some have addition garden space or forecourts at the front.

1.8 Revisions to the scheme have been requested since the application was submitted, to take account of the requirement for a Local Equipped Area of Play to be provided within the Crescent Park and minor changes suggested by the Council's Landscape Architect.

ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

1.9 As part of the amendment to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, a request for a scoping opinion was sought on behalf of the applicant in July 2011 (ref. 11/01988/EIASP). This considered whether any further information to the original Environmental Statement was required by the Local Planning Authority in order that the environmental information before it was adequate to assess the environmental effects of the development. The Local Planning Authority gave its opinion in August 2011 confirming that with regards the various topics of the Environmental Statement, no further information was required.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Osbaldwick CONF

City Boundary GMS Constraints: York City Boundary 0001

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

Schools GMS Constraints: St. Aelred's RC Primary 0223

2.2 Policies:

CYGP4A
Sustainability

CYGP1
Design

CYGP3
Planning against crime

CYNE1
Trees, woodlands, hedgerows

CYNE7
Habitat protection and creation

CYGP9
Landscaping

3.0 CONSULTATIONS

PUBLICITY

3.1 The application was publicised by means of a Press advert, the posting of two site notices and notification to relevant internal and external consultees, including Osbaldwick Parish Council and adjacent residents. The consultation period expired 14th June 2012. The following comments have been received.

INTERNAL

Design, Conservation and Sustainable Development (Landscape)

3.2 As with phase 1, the landscaping proposals for phase 2 includes a good range of paving materials, and there are four distinct approaches to the tree planting within the built areas, including street trees, courtyard trees, garden trees and a large specimen tree associated with the LAPs. In addition to this, is the largely native, infrastructure planting around the perimeter, which includes generous tree planting. It mimics no particular plant association, but the overall impression will be attractive and naturalistic. Further comments are made about aspects of the detail, which are suggested revisions, not all of which are essential to render the scheme acceptable.

Flood Risk Management Team

3.3 The proposed development is in medium and high risk Flood Zone Flood Zone 1 and greater than 1 hectare, therefore a Flood Risk Assessment should be submitted for approval to the EA.

3.4 No objections to the scheme in principle but will require full foul and surface water drainage details to be submitted prior to commencement on site or preferably prior to approval to the REMM approval. The application should also be submitted for comment to the York Consortium of Internal Drainage Boards and the Environment Agency.

EXTERNAL

North Yorkshire Police (Architectural Liaison Officer)

3.5 No comments.

York Natural Environment Panel

3.6 Welcome open space to north of cycle track, which will enable the retention of an area of original floristic diversity. Suggest the planting of domestic fruit tree

varieties. Any path along southern aspect of site should be along existing desire line and not be in tarmac.

Foss Internal Drainage Board

3.7 No objection in principle provided that any footpaths created do not adversely affect the access for heavy plant and machinery to and along Osbaldwick beck.

Environment Agency

3.8 No objections as drawings show that existing grassland and levels will be maintained. Request an informative.

4.0 APPRAISAL

KEY ISSUES

4.1 The key issues to consider are whether the details submitted comply with the requirements of the outline planning permission and whether they are acceptable in that they contribute to the aims and objectives of the development, in that they create a safe and attractive environment and maintain or enhance ecological value of the site.

POLICY CONTEXT

4.2 Relevant Central Government planning guidance is contained in the National Planning Policy Framework (March 2012). The heart of this framework is a presumption in favour of sustainable development. It contains a set of twelve core land-use planning principles to underpin plan-making and decision-taking, including securing a high quality design and a good standard of amenity for all. The framework encourages the delivery of a wide choice of high quality homes; the promotion of good design with great weight being given to outstanding or innovative designs; and, the promotion of healthy communities through the creation of safe and accessible environments, where crime and disorder do not undermine the quality of life, and where clear and legible pedestrian routes and high quality public space are provided to encourage active public areas.

4.3 The adopted development plan is the Yorkshire and Humber Plan regional Spatial Strategy. This establishes the overarching policy context for the region and focuses most development in the sub-regional city of York within the York sub-area (Policy Y1). The Strategy is proposed for revocation, but still remains at this time part of the development plan.

4.4 City of York Development Control Local Plan policies are material to the consideration of the application where they reflect the National Planning Policy

Framework. The relevant policies are summarised in section 2.2. Policy GP1 states that new developments should respect or enhance the local environment, incorporate informative landscape design proposals and use appropriate building materials. Policy GP3 requires consideration of measures to reduce the opportunities for crime. Policy GP9 encourages suitable landscaping schemes within new development, which are integral to the proposals, include an appropriate range of indigenous species and reflect the character of the locality. Policy NE1 seeks to protect existing trees and hedgerow that are of important landscape, amenity, nature conservation or historical value. Policy NE7 encourages the inclusion in new developments of measures to establish new habitats.

ASSESSMENT OF PROPOSALS

4.5 The land proposed to be developed as part of Phase 2 is currently grassland. The removal of the existing field boundary that runs north-south within the development area of Neighbourhood C, necessary to allow the development to proceed, was agreed as part of approval of outline planning application. There are hedges and shrubs bordering the site to the west and south, lining the shared boundary with the adjacent houses and Osbaldwick Beck respectively and along either side of the Sustrans cycle track. The treatment of the Sustrans route through the development site is to be considered separately to this application and would be decided following further consultation with relevant interested parties. A method for the protection of existing planting, where necessary, has been submitted to the Council in line with Policy NE1.

4.6 Phase 2 comprises the built area of new housing that is surrounded by an area of public open space, which would both have a different landscaping approach.

4.7 The built area would be more formal, with four distinct approaches to tree planting to reinforce and distinguish the different areas within the Neighbourhood - communal LAP, streets (avenue and 'Homezone' tree planting), courtyards/mews and private gardens. The larger specimen, planted as a semi-mature tree, would be within the LAP, which would otherwise consist of part mown grass and part stone paving, enclosed by beech hedge planting within a gabion wall base. Street trees intended to be of 30-35cm girth at planting and would line the main cruciform street pattern and northern section of the outer circular road. Courtyard mews and rear gardens, where proposed to be planted, would have the same species at 20-25cm girth. Build outs in the roads and areas within the courtyards are proposed to be planted with shrubs - though detailed planting plans for these areas have not been submitted. Front gardens of properties would have either shrub planting or beech hedge planting (to be 1m high) to clearly define the public and private domains. Rear gardens would be mown grass with some tree planting as mentioned. A range of surfacing materials would be used, again to reinforce the areas within the neighbourhood - main circular route, 'Homezones', parking areas and private drives. The materials are consistent with the approach that has been taken on Phase 1.

The western boundary, where the development adjoins the existing residential area, a beech hedge that would be grown to 2m high is proposed.

4.8 There would be largely native infrastructure planting within the public open space around the perimeter of the built area. Two native shrub planting areas are proposed to the north of the houses backing onto the cycle track and to the south of the southern-most house adjacent to the western boundary. Native planting is encouraged by Policy GP9 of the Draft Local Plan and the benefits are that it would enhance the environment, soften the visual impact of the development, whilst providing a semi-rural feel. Whilst the native planting mix is provided, further detailed planting plans are still to be submitted. The inclusion of shrub or hawthorn hedge planting and the creation of 500mm high mounds on the outer side of the perimeter road would reduce the possibility for vehicles to park outside of the designated parking areas, on the grass verges and more widely into the public open space areas.

4.9 The land to the north of the housing, referred to as Crescent Park, would be retained at existing levels as species rich grassland to avoid any translocations of species and maintain the existing habitat. Within this park, a Local Area of Equipped Play (LEAP) is required by legal obligation to be provided. The form of this LEAP is understood to be informal comprising a series of timber pieces of play equipment within an area of grassland to the eastern end of the park. Further details are expected and Members will be updated of these at the meeting.

4.10 Within the area to the south of the housing, referred to as Osbaldwick Beck Park, a pond and swale are to be created as part of the development's sustainable urban drainage system (SUDS). The pond would connect to a network of drains and swales and to a larger balancing pond, which would collect surface water runoff. This pond and a larger one to the north, provided as part of Phase 1, are part of a wider drainage scheme approved under Condition 19 of the outline planning consent. Drainage details were not required to be submitted as part of the reserved matters application. The pond and swales, with the aquatic, marginal and salix swale planting, would provide landscape and habitat benefits. Meadow grassland is proposed around the pond and swale and would add visual interest as well as ecological value. The water bodies would result in habitat creation, which is encouraged within Policy NE7 of the Local Plan. The grassland and levels in the wider area around the pond and swale are to be maintained.

4.11 A letter by the scheme architect, submitted to support the application, explains that three short lengths of tarmac are to be created from the perimeter road to facilitate access to the Osbaldwick Beck Park and guide direction. However, the path beyond these points is not to be formalised in order to retain the informal appearance of this area and its natural character. JRHT are proposing to monitor the nature and degree of use of the space, as part of their on-going management of the open spaces on site, and provide a permanent path if necessary.

4.12 The Council's Landscape Architect has requested minor revisions to the landscaping details, including tree and shrub species substitution and further clarification about service runs and grassland mowing/maintenance regimes. This additional information, along with the requested clarification about the LEAP, is awaited and will be reported to the Committee in the officer update.

5.0 CONCLUSION

5.1 It is considered that the proposed landscaping for Phase 2 of this development is acceptable. The general design and landscaping principles are consistent with the development Masterplan approved as part of the outline planning permission and the site-specific design details are thought to be well considered and suitable for a development of this type within this location. In general, the scheme would help to create a safe and attractive environment that provides added ecological value to the site. Therefore, subject to the additional outstanding information being acceptable, the application is recommended for approval.

6.0 RECOMMENDATION: Approve

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

(final revision numbers to be inserted following Committee update)

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

2 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 alternatives are agreed in writing by the Local Planning Authority.

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

7.0 INFORMATIVES:

Notes to Applicant

1. Reason for Approval : In the opinion of the Local Planning Authority the proposed, landscaping subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to visual amenity, planning against crime and nature conservation and enhancement. As such the proposal complies with the aims and objective of the National Planning Policy Framework and Policies GP1, GP3, GP9, NE1 and NE7 of the City of York Development Control Local Plan.

Contact details:

Author: Hannah Blackburn Development Management Officer

Tel No: 01904 551325

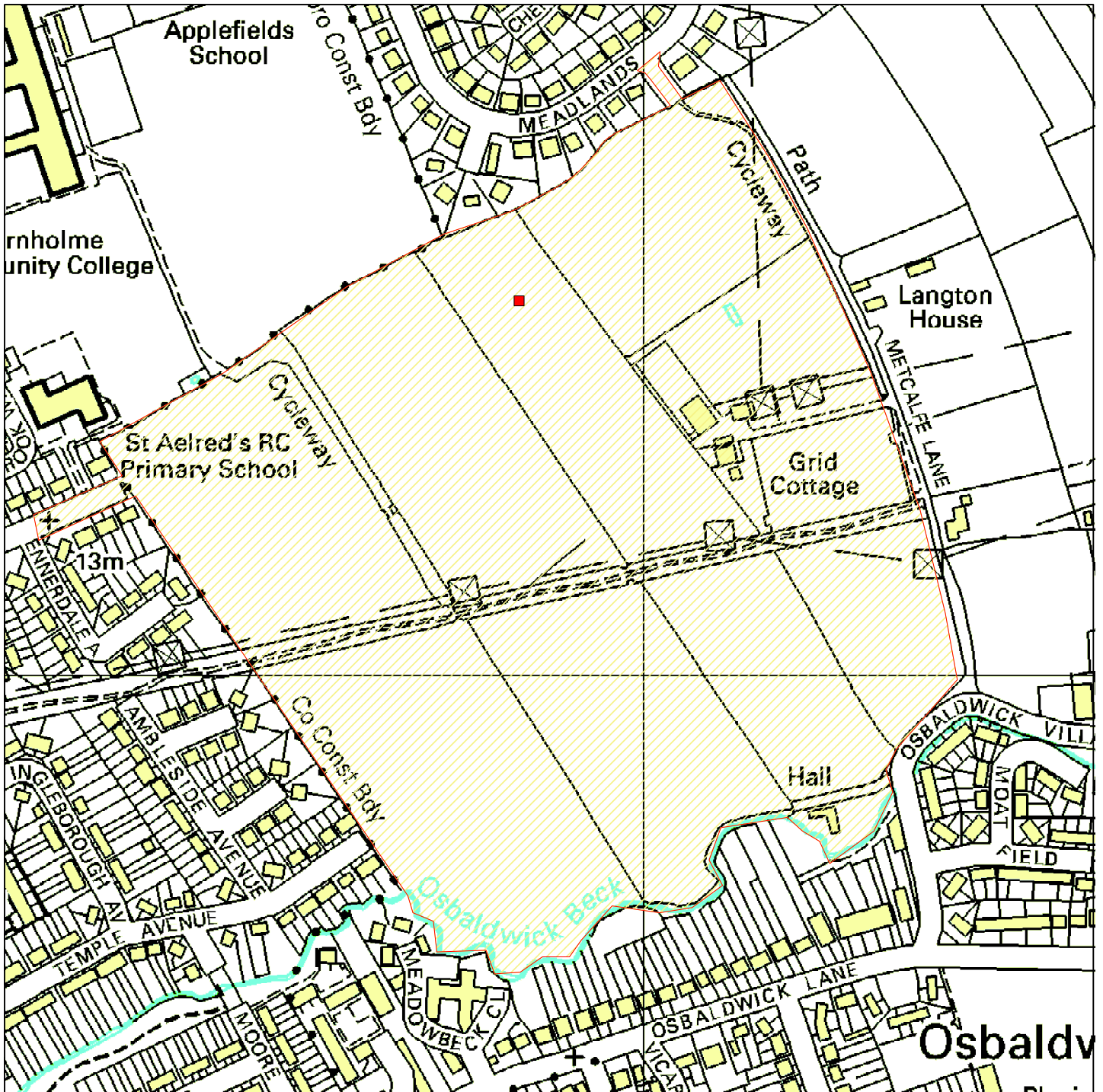
This page is intentionally left blank

12/01286/REMM

Land Lying to The West of Metcalfe Lane



GIS by ESRI (UK)



Scale : 1:4000

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	16 July 2012
SLA Number	Not Set

This page is intentionally left blank

COMMITTEE UPDATE – Plans Item 4a

Date: 26 July 2012 **Ward:** Osbaldwick
Team: Major and **Parish:** Osbaldwick Parish
 Commercial Team Council

Reference: 12/02163/OUTM
Application at: Land Lying To The West Of Metcalfe Lane Osbaldwick York
For: Variation of condition 8 of approved application 03/02709/OUT
(Derwenthorpe scheme) to allow 277 dwellings to be accessed
from Fifth Avenue, 74 dwellings to be accessed from Meadlands,
125 dwellings to be accessed from Temple Avenue and 64
dwellings to be accessed from Osbaldwick Village
By: Joseph Rowntree Housing Trust
Application Type: Major Outline Application (13 weeks)
Target Date: 23 August 2012
Recommendation: Approve subject to Section 106 Agreement

Additional correspondence

Three additional letters have been received – totalling 11 responses to the scheme from local residents:

1. Two letters of objection from residents of Fifth Avenue:
 - JRF promised Fifth Avenue residents that no more than 185 vehicles would access from Fifth Avenue;
 - Would not have signed up to original scheme if had known more than 185 houses would be built with access from Fifth Avenue;
 - Fifth Avenue is busy with traffic from school, library and clinic - no parking is available on the school site;
 - New bus route and extra cars using Fifth Avenue would cause further congestion;
 - Highway safety concerns at junction and near school – what speed preventative measures are to be put in place?

2. One letter from resident of Meadlands:
 - Suggests that dwellings at Meadlands be completed first before those at Fifth Avenue, allowing all service vehicles to continue using Fifth Avenue. To start using Meadlands would put excess strain on the area.

Author: Hannah Blackburn Development Management Officer

This page is intentionally left blank

Conditions

1. Condition 1 to read:

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

Drawing no. 2228_PL_600A 'Landscape Masterplan' dated 16.7.2012 and received 19 July 2012;

Drawing no. 2228_PL_601A 'Landscape General Arrangement 01' dated 16.7.2012 and received 19 July 2012;

Drawing no. 2228_PL_602A 'Landscape General Arrangement 02' dated 16.7.2012 and received 19 July 2012;

Drawing no. 2228_PL_603A 'Landscape General Arrangement 03' dated 16.7.2012 and received 19 July 2012;

Drawing no. 2228_PL_604A 'Landscape General Arrangement 04' dated 16.7.2012 and received 19 July 2012;

Drawing no. 2228_PL_605 'Crescent Park Landscape Strategy' dated 13.7.2012 and received 19 July 2012;

Drawing no. 2228_PL_612 'Landscape Details : Sheet 3' dated 13.7.2012 and received 19 July 2012;

Drawing no. 2228_PL_615A 'Landscape Details : Sheet 6' dated 25.7.2012 and received 25 July 2012;

Letter from Richard Partington Architects, dated 16 July 2012 and received 19 July 2012;

Document ref. 2228_PAA 'Public Access Areas Timetable : Phase 2', with accompanying drawing 2228_PL_006, dated 26 July 2012 and received 26 July 2012;

Document ref. 2228_PAMP 'Public Access and Management Plan' dated 26 July 2012 and received 26 July 2012.

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

2. Condition 2 to read:

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a schedule for bulb planting, including species and average planting density/specification. The approved details shall be implemented as part of the landscaping scheme in accordance with the Public Access Areas Timetable and accompanying drawing 2228_PL_006.

Any trees or plants approved as part of the landscaping details 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

Application Reference Number: 12/01286/REMM

Item No:

others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

No approval is hereby granted for the landscaping details along the western end of the Sustrans Route corridor, referred to on the approved drawings as 'Native Shrub Planting Screen'.

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

INFORMATIVE: The applicant has confirmed that the planting along the entire Sustrans Route that runs through the development site is to be subject of a separate detailed application.

3. Additional condition:

Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external surfacing 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.

Author: Hannah Blackburn Development Management Officer

This page is intentionally left blank