

Notice of a public 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, 20 September 2012
- Time:** 4.30 pm
- Venue:** The Guildhall, York

AGENDA

Site Visits for this meeting will commence at 10.00am on Tuesday 18th September at the Memorial Gardens.

1. **Declarations of Interest**

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

2. **Minutes** (Pages 5 - 12)

To approve and sign the minutes of the meetings of the Planning Committees held on 26 July 2012 and 23rd August 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 **5pm on Wednesday 19th September 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) Hungate Development Site, Hungate, York. (12/02216/FULM). (Pages 13 - 24)

A Major Full Application for the conversion of 6 townhouses (unit numbers 49,70,71,73,74 and 75) to 12 duplex apartments within Phase 1 of the Hungate redevelopment scheme. *[Guildhall Ward]*

b) Hungate Development Site, Hungate, York. (12/02282/OUTM). (Pages 25 - 42)

Application to extend time period for implementation of permission 02/03741/OUT as follows:

An outline application to redevelop 4.1ha. of land for residential (720 units), Class B1 business (total floor space 12,062 sqm), Class A1 retail, A3/A4/A5 food/drink uses (total 6,392 sq.m), focal building, enhanced nature reserve/riverside, public spaces, landscaping, car/cycle parking, access routes, bridge to Navigation Road and sewer realignment. *[Guildhall Ward]*.

c) Proposed University Campus Lying Between Field Lane and Low Lane A64 Trunk Road and Hull Road, York. (12/02306/FULM). (Pages 43 - 58)

A Major Full Application for an athletics track and a closed road racing cycle circuit with ancillary parking, lighting and fencing and including re-routing of public right of way. *[Heslington Ward]* [Site Visit]

d) James Ashton Playing Field, Water End, York. (12/02373/FULM). (Pages 59 - 70)

A Major Full Application for the Water End Flood Alleviation Scheme, incorporating the following elements:

The construction of a flood wall along the crest of Water End road embankment; construction and operation of a demountable flood defence barrier across the east entrance to Landing Lane from Water End; raising the existing Leeman Road earth flood defence embankment; construction of a new earth flood defence embankment extending from the Leeman Road embankment to Cinder Lane; construction of two flood walls and a

ramp at Cinder lane; establishment and use of one main temporary construction compound, two satellite compounds, material storage areas and haul routes; reinstatement of construction working areas; and associated landscaping works. *[Holgate Ward]* [Site Visit]

- e) **Proposed Site for Poppleton Bar Park and Ride, Northfield Lane, Upper Poppleton, York. (12/02429/FULM).** (Pages 71 - 86)

A variation of condition 2 of planning permission 09/02294/FULM to alter the layout of the park and ride facility. *[Rural West York Ward]* [Site Visit]

- f) **Land Including Huntington Stadium, To The West of Jockey Lane, Huntington, York. (12/02545/REMM)** (Pages 87 - 102)

A Major Reserved Matters application for details of appearance, landscaping, layout and scale of mixed-use development comprising, 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 granted under outline permission 11/02581/OUTM. *[Huntington & New Earswick Ward]*.

- g) **Creepy Crawlies, The Arena, Clifton Gate Business Park, Wigginton Road, York. (12/02459/FUL).** (Pages 103 - 110)

A Full Application for the change of use of part of a reception building to a childcare facility, including outdoor space. *[Haxby and Wigginton Ward]* [Site Visit]

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

COMMITTEE UPDATES

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
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- Copies of reports

Contact details are set out above.

PLANNING COMMITTEE**SITE VISITS****Tuesday 18th September 2012.**

TIME	SITE	ITEM
10:00	Coach leaves Memorial Gardens.	
10:10	James Ashton Playing Field, Water End.	4d
10:45	Poppleton Rd Park & Ride Site, Northfield Lane.	4e
11:20	Creepy Crawlies, Wigginton Road.	4g
11:50	Heslington East Campus.	4c

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City of York Council

Committee Minutes

MEETING	PLANNING COMMITTEE
DATE	26 JULY 2012
PRESENT	COUNCILLORS HORTON (CHAIR), CUNNINGHAM-CROSS, GALVIN (VICE- CHAIR), AYRE, BOYCE, BURTON, D'AGORNE, DOUGHTY, FIRTH, KING, MCILVEEN, REID, RICHES, SIMPSON- LAING, WILLIAMS AND WISEMAN
IN ATTENDANCE	COUNCILLOR WARTERS

1. 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 Ayre declared a personal interest as the Chair of Derwenthorpe Transport Sub Committee.

Councillor Williams declared a personal interest as an employee of Yorkshire Water.

2. MINUTES

RESOLVED: That the minutes of the meeting held on 17 May 2012 be approved and signed by the Chair as a correct record subject to the following amendment:

Councillor Burtons name be added to the attendees list to reflect that he was present at the meeting as a substitute for Councillor Merrett.

3. PUBLIC PARTICIPATION

It was reported that there had been one registration to speak under the Council's Public Participation Scheme.

Councillor Warters had registered speak under the general remit of the Planning Committee. He referred to construction vehicles using residential roads leading to the Derwenthorpe site and pointed out that the photographic survey is now out of date and there has been no dilapidation survey. He suggested that the procedures surrounding these surveys should be made simpler.

4. PLANS LIST

Members considered the 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.

4a Land Lying to the West of Metcalfe Lane, Osbaldwick, York (12/02163/OUTM).

Members considered a major outline application by the Joseph Rowntree Housing Trust for the 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 Temple Avenue and 64 dwellings to be accessed from Osbaldwick Village.

Officers provided an update. 3 additional letters had been received in response to the scheme, 2 in objection from residents of Fifth Avenue and one from a resident of Meadlands.

Tom Hughes of Meadlands Residents Association spoke in objection to the scheme. He referred to paragraph 3.14 of the committee report which stated that residents of Fifth Avenue had written letters, one of which suggested that the 'proposal overburdens Fifth Avenue to appease Osbaldwick and Meadlands residents'. He advised that this was not the case and Meadlands should not have been considered for access in the first place. He felt that the JRHT had not taken into account views of residents when developing access.

Jenny Hubbard of the Joseph Rowntree Housing Trust spoke to advise that there would be no construction traffic using Meadlands and that the reason for the application was to provide suitable access for the 41 dwellings within Neighbourhood D whilst improving the safety of the route for

cyclists and pedestrians so to attract people out of their vehicles.

Councillor Warters spoke as Ward Councillor. He referred to a letter dating back to July 1992 from the Chief Planning Officer of Ryedale District Council which suggested that Fifth Avenue should be the primary access to the Derwenthorpe site.

Following the registered speakers, members had no further questions or comments. Approval was moved and seconded.

RESOLVED: That the application be approved, subject to the Section 106 Agreement.

REASON: 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.

**4b Land Lying to the West Of Metcalfe Lane, Osbaldwick, York.
(12/01286/REMM)**

Members considered a reserved matters application by the Joseph Rowntree Housing Trust for details of landscaping for phase 2 of residential development granted under outline permission 03/02709/OUT.

Officers provided an update, full details of which are attached to the online agenda, but included details of responses received to the additional information on the local area of equipped play and revisions made by the Councils Landscape Architect.

Tom Hughes of Meadlands Residents Association referred to page 44 of the agenda. He pointed out that flooding occurs on Temple Avenue and queried why this flood zone wasn't mentioned in the officers report. He raised concerns about the land being sufficiently changed by the development to cause additional flooding in the area.

Councillor Warters spoke as Ward Member. He commented that he had been pleased to have some input into the proposals that they would be more naturalistic. He urged the JRHT to consider using local landscape architects and tradesmen for the work. He suggested that the land surrounding the Sustrans cycle track could be worked on by students of Askham Bryan College.

Members questioned the comments made by Tom Hughes in relation to flooding. Officers confirmed that flooding had been dealt with satisfactorily in the outline planning permission and that the application before members today was for landscaping only.

RESOLVED: That the application be approved.

REASON: 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.

Cllr Horton, Chair

[The meeting started at 4.30 pm and finished at 5.10 pm].

MEETING	PLANNING COMMITTEE
DATE	23 AUGUST 2012
PRESENT	COUNCILLORS HORTON (CHAIR), GALVIN (VICE-CHAIR), AYRE, BOYCE, BURTON, D'AGORNE, DOUGHTY, FIRTH, KING, MCILVEEN, REID, RICHES, SIMPSON-LAING, WATSON (SUBSTITUTE), LOOKER (SUBSTITUTE) AND BROOKS (SUBSTITUTE)
APOLOGIES	COUNCILLORS CUNNINGHAM-CROSS, WILLIAMS AND WISEMAN

5. **DECLARATIONS OF INTEREST**

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

No interests were declared.

6. **MINUTES**

RESOLVED: That the minutes of the meeting held on 23rd May 2012 be approved and signed by the Chair as a correct record.

7. **PUBLIC PARTICIPATION**

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

8. **PLANS LIST**

Members considered the 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.

8a 9 St. Leonards Place, York, YO1 7ET (12/01975/FULM).

Members considered a Major Full Application by Rusbond PLC for the change of use of 1-9 St Leonards Place and 2 and 4 Museum Street from offices to hotel use (use class C1) and business use (B1) and/or restaurant (A3) and/or bar (A4) and/or leisure (D2) with external alterations by way of extension and selective demolition of modern attachments and associated landscaping.

Officers updated the committee on a number of details including that additional bat survey work had now been completed and the site is unlikely to hold a significant bat roost. It was confirmed that no additional comments had been received from English Heritage. Full details of the update are attached to the online agenda for information.

Members queried the following:

- Further details on the fire shutters to be used on the lifts.
- Further information on the matter of non-opening windows versus secondary glazing and a further explanation from the Environmental Protection Unit Officer on Air Quality issues in the area.
- Confirmation from Officers that a hotel is the right use for the building.
- The location of car parking and coach drop off points and details on cycle parking provision.
- Whether the installation of air conditioning would affect conservation.

The applicant spoke to advise that he had worked closely with council officers prior to submitting the applications and thanked them for their assistance. He also thanked York Museums Trust and York Civic Trust for their guidance. He advised that hotel use is the most appropriate use for the buildings and the development would compliment what York already has to offer. The support of Members would assist in attracting operators and more details on the scheme would be forthcoming once an operator is selected.

Members entered debate and commented that they were pleased to see the building would be developed in a sensitive manner.

Approval was moved and seconded subject to the conditions recommended in the report and the Officer update.

RESOLVED: That the application be approved.

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

- Loss of employment use
- Principle of hotel use
- Impact on the character and appearance of the area
- Air quality
- Noise
- Neighbouring amenity
- Highways
- Sustainability
- Ecology

As such the proposal complies with Policies SP7a, GP1, GP4a, GP9, NE6, HE2, HE3, T4, E3b, S6, S7, and V3 of the City of York Development Control Local Plan.

9. 9 ST. LEONARDS PLACE, YORK, YO1 7ET (12/01976/LBC).

Members considered an application for Listed Building Consent for internal and external alterations to 1-9 St. Leonards Place and 2 and 4 Museum Street, including alterations to internal walls and windows, selective demolition and erection of rear extension.

Please refer to the previous item for details of discussion.

Approval was moved and seconded.

RESOLVED: That the application be approved.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the character, appearance and setting of the Grade II* and II listed buildings. As such the proposal complies with Policies HE4 and HE5 of the City of York Development Control Local Plan and the guidance within the National Planning Policy Framework.

10. APPEALS UPDATE.

Members considered a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1st April to 30th June 2012 and provided a summary of the salient points from appeals determined in that period. List of outstanding appeals to date was also included.

Members acknowledged the report and agreed to contact Officers with any queries they may have.

RESOLVED: That Members noted the content of the report.

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

CLLR HORTON, Chair

[The meeting started at 4.30 pm and finished at 5.20 pm].

COMMITTEE REPORT

Date: 20th September 2012 **Ward:** Guildhall
Team: Major and Commercial Team **Parish:** Guildhall Planning Panel

Reference: 12/02216/FULM

Application at: Hungate Development Site Hungate York

For: Conversion of 6no. townhouses (unit numbers 49, 70, 71, 73, 74, and 75) to 12no. duplex apartments within Phase 1 of the Hungate redevelopment scheme

By: Hungate (York) Regeneration Ltd

Application Type: Major Full Application (13 weeks)

Target Date: 9 October 2012

Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

THE SITE

1.1 This application relates to the Hungate development site, which is located between the Stonebow to the northwest and the River Foss to the south. This particular application relates to Phase 1, which comprises the eastern third of the development site with the Kings Pond Nature Reserve occupying the north easternmost part. The regional headquarters for DEFRA adjoins the north western boundary of Phase 1 with the River Foss running alongside its south eastern boundary.

THE OUTLINE AND RESERVED MATTERS APPROVAL

1.2 The original outline approval for this mixed use development (02/3741/OUT), issued in July 2006, included detailed consideration of the siting of buildings (except for the landmark office building and Block H) and means of access, excluding car and cycle parking routes. The excluded matters formed the basis of conditions requiring the submission and approval of details on a phased basis. This approval was superseded by permission 10/2527/OUTM, which amended the siting of the focal building and made revisions to the Phase 2 building. This permission allowed an increase in the number of residential units in Phase 2 from 154 to 175 and a reduction in the amount of commercial floorspace.

1.3 The original outline application proposed the erection of 720 dwellings, of which 122 would be provided within Phase 1. The proposed housing mix at outline stage for phase 1 included 6 No. 3 bed flats and 35 No. four bed flats and houses.

1.4 The reserved matters application for Phase 1 was approved in February 2007. This scheme detailed the creation of 162 dwellings; 33 four bed townhouses and 129 apartments.

1.5 In 2011, an application (referenced 10/2646/FULM) was then granted which allowed the conversion of 7 of the existing townhouse units to form 14 No. duplex apartments. This brought the total of units in Phase 1 to 169, which are 47 more than envisaged for Phase 1 under the original outline scheme.

1.6 The original outline application was considered on the basis of 720 units, both in terms of its implications for housing supply and in order to calculate the S106 contributions for affordable housing, highways, education and leisure provision. Therefore the increase in the number of units approved in Phase 1 was only considered to be acceptable on the basis that this would not lead to an increased number of units in the scheme overall.

THE PROPOSAL

1.7 This application seeks permission to convert a further 6 of the existing townhouse units to form 12 No. duplex apartments. The application also seeks to regularise the approval for the conversion of the 7 townhouse units referred to in paragraph 1.5 above as since this consent was granted, two of the townhouses were sold and consequently only 5 of the townhouses have been converted to 10 duplex apartments. Taking this into account and this proposal for the conversion of 6 townhouse units, the number of units in Phase 1 would total 173 of which 22 of these would be townhouses. The agent confirms that that the overall scheme content of 720 units will remain in place in accordance with the outline planning permission and numbers will be regularised relative to this context and as individual subsequent phases of the scheme are progressed.

OTHER CURRENT HUNGATE PLANNING APPLICATIONS

1.8 Also on this months agenda is an application to renew the outline planning permission for Hungate as Condition 1 requires all the reserved matters applications to be made to the Local Planning Authority by August 2012. To date reserved matters application have only been submitted and approved, for phases 1 and 2.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

2.2 Policies:

CYH3C -Mix of Dwellings on Housing Site

CYGP1 -Design

CYHE2 -Development in Historic Locations

3.0 CONSULTATIONS

Internal

Highway Network Management

3.1 The townhouses as approved have 2 car parking spaces each assigned to them. This is in line with CYC Annex E maximum standards. The proposed duplex apartments only require 1 car space each in accordance with the aforementioned standards. The proposals therefore will have no impact on parking provision or the level of traffic generated by the scheme, over that previously considered and approved.

3.2 The proposals will create an increased demand for cycle parking however it is considered that this can be accommodated within the basement area and secured by condition. No objections are therefore raised.

Design, Conservation and Sustainable Development

3.3 States the Hungate development is outside the Historic Core Conservation Area and the external changes would only be seen from within the site; therefore there would be no impact on the setting of the conservation area.

3.4 Externally the majority of the alterations reuse the same type of elements as existing i.e. similar windows, window panels, doors and balconies. The architecture is strong enough to receive the proposed changes without there being a significant alteration to the appearance of the buildings.

3.5 It is requested that the large "box" dormers appear as two separate windows, as they differ from the module size and proportion used in the strong code of proportions on the rest of the scheme. This change of detail would allow for the extra circulation space whilst retaining the highly ordered appearance characteristic of each house, Also request conditions / Informatives with respect to improving the quality of light within the depth of the plan and with respects to the cills of the new bathroom windows.

External

Environment Agency

3.6 No objections

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Guildhall Planning Panel

3.7 Object. States it has always held the view that Hungate was an overdevelopment in terms of population density, this further increase in density. Concern is expressed over a lack of facilities making this development unappealing to prospective residents and visitors, and established retailers should be encouraged to come to Hungate.

Publicity

3.8 The application was publicised by site notice, press notice and letters of neighbour notification. The deadline for comments was 29.8.2012. No written representations have been made.

4.0 APPRAISAL

4.1 Key Issues

- Principle of loss of townhouses and replacement with duplex apartments
- Design and external appearance
- Vehicular / cycle parking

PROPOSAL

4.2 Phase 1 of the Hungate development was completed and available for sale in July 2009. The development comprises a mix of 1, 2 and 3 bedroom apartments together with a number of 4 bedroomed townhouses. As a result of the townhouse units which front onto Palmer Street and Pond Garth proving difficult to sell, permission is sought to convert six of the properties into 12 No. two bedroomed duplex apartments.

4.3 2 No. apartments would be provided within the existing shell of each 4 storey townhouse proposed for conversion. The position and proportion of all external openings would remain as existing, however on the "entrance" elevations at first floor level, whilst the approved scheme details two French doors, the proposed scheme replaces one of the double door set with a window unit so as to accommodate a bathroom. The top half of the new window unit would match the glazing geometry of the existing door and the lower half would be formed out of a glass faced opaque spandrel panel to match the glazing.

4.4 The existing elevation to the respective squares at second floor details two windows. It is proposed that these windows be replaced with two new French doors and a balcony. It is also proposed to install a box dormer window at third floor on the inward, square facing elevation so as to provide a bedroom.

4.5 Access into the apartments is via a communal entrance with one per apartment block and 1 shared entrance lobby per 2 duplex apartments. Each of the townhouse units proposed for conversion has a private rear deck/patio of 3 x 5 metres in size defined by low level railings and has balconies to front and rear at first floor. These private external spaces would be available for the occupants of the ground/first floor duplex. The occupants of the second/third floor duplex would have a balcony at second floor and access to the semi private communal courtyard, which has controlled access via two gated entrance points per courtyard.

4.6 The parking strategy would not be affected as a result of the proposal. There are currently 2 No. parking spaces allocated to each townhouse property within the basement. Each duplex apartment would have the use of 1 No. parking space.

JUSTIFICATION FOR THE PROPOSAL

4.7 The applicant has provided background information to explain the reasons for this proposal as follows;

4.8 28 No. townhouses were launched for sale in September 2007. One unit was sold from plan. Built and completed in June 2009, seventeen have been sold with the last sale in June 2012. Pricing was initially from £500,000 and is now from £450,000.

4.9 The townhouses have been advertised regularly in the York Press and the Yorkshire Post. The houses are advertised nationally in the Sunday Times and Telegraph. Regional media has been tested on numerous occasions such as Yorkshire Life and free local publications. The townhouses are advertised on property portals such as Rightmove, Prime Location, Find a property. Two local agents have been instructed, Your Move and Carter Jonas on the townhouses in addition to having a marketing suite on site which is open daily. There is a show home on site to demonstrate the properties.

4.10 The agent states that the reason the properties have not been popular is that parties who are looking to purchase a house in this market segment require larger rooms. Whilst the properties offer a large amount of square footage - average 1730 to 1780 sq foot - this is spread over 4 floors. Parties feel that the kitchen and living rooms are not large enough. The agent states that they are flexible and will change layouts - i.e. it has been demonstrated in the show home that the kitchens can be upstairs or downstairs.

4.11 The townhouse conversions have been popular and there is a demand for apartments in the city. Whilst the living room/ kitchen sizes are considered small for a townhouse they are generous for an apartment and therefore would be received better by this sector of the market. The proposed townhouse conversions would range in size from 743 sq ft to 884 sq ft with the prices ranging from £265,000 to £305,000 with one parking space.

NUMBER OF UNITS, MIX OF HOUSE TYPES AND AFFORDABLE HOUSING

4.12 The National Planning Policy Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community and identify the size, type, tenure and range of housing that is required in particular locations.

4.13 Draft Local Plan Policy H3c states that a mix of new house types, sizes and tenures will be required on all new residential development sites where appropriate to the location and nature of development. Residential developments must demonstrate that the range of type, size of units (including number of bedrooms), design and layout of the plot and tenures and pricing meets local housing needs.

Housing mix

4.14 Although Officers welcomed the number of larger units as proposed in the outline and reserved matters schemes in terms of addressing the range of demands for different types of houses within the overall strategic target, the difficulties of selling such large units, with little private amenity space in this location are accepted. The background information provided by the applicant, detailed in paragraphs 4.7 - 4.11, indicates the widespread marketing undertaken and the reasons behind the lack of sales.

4.15 Officers accept the disadvantages of the layout of the townhouse and consider the units lend themselves better to duplex apartments with them having more generous floor areas and storage compared to the majority of other approved apartments within the development site. With the proposed conversion of the townhouses to two bedroomed units, the proposal still responds to the 2011 Strategic Housing Market Assessment (HMA) which highlights a demand for 2 plus bedroomed dwellings.

4.16 The 21 No. affordable homes agreed for Phase 1 (five of which are 4 bed townhouses) would not be affected as a result of this proposal.

Number of units

4.17 As detailed in paragraphs 1.3 to 1.7, the number of units provided in Phase 1 increased by 40 between the outline and reserved matters application, from 122 units to 162 units. The previous permission for the conversion of 7 no. townhouses increased the number of units in Phase 1 to 169. Taking into account the fact that two

of the townhouses were not converted and this proposal for the conversion of a further 6 townhouse units, the number of units in Phase 1 would total 173.

4.18 Officers raise no objection to the proposed increase in the number of units in phase one. It is accepted that in a large, phased development such as Hungate, flexibility is desirable in order to incorporate up-to-date information on demand over the duration of the whole scheme.

4.19 Although this is a stand alone application, it is acknowledged that it forms a part of a larger scheme, a scheme which was considered on the basis of 720 units, both in terms of its implications for housing supply and in order to calculate the s106 contributions for affordable housing, highways, education and leisure provision. On the basis of the agent's confirmation that the overall scheme content of 720 units will remain in place and numbers will be regularised as subsequent phases of the scheme are progressed, officers are not seeking additional financial contributions through this application. However, it is recommended that as part of this planning approval, the planning obligation for the Hungate site be updated to reflect this standalone application so as to ensure numbers across the site are not exceeded without due reconsideration of the key principles and re-calculation of s106 requirements in accordance with site viability.

DESIGN IMPLICATIONS

4.20 A core principle of the National Planning Policy Framework is that planning should always seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.21 Consideration should also be given to the requirements of Draft Local Plan Policy GP1 (Design), which states that development proposals will be expected to be of a scale, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate materials. Draft Local Plan policy HE2 states that in areas adjoining conservation areas, development proposals would be expected to respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

4.22 The Hungate Design Statement submitted with the outline application, proposed a number of character areas for the Hungate development with particular design options provided for each area. The design statement described the design concept for the townhouses to be reflective of the grandeur of regency terraces such as St. Leonard's Place, which have a consistency and elegance based on a harmonious composition of horizontal and vertical elements. The design of the houses is therefore strong and simple, using an ordered framework of brick and render and a consistency of window and external door types which are aligned and also related proportionally.

4.23 The majority of the proposed external alterations reuse the same type of elements as existing with similar windows, window panels, doors and balconies. Officers consider that the architecture is strong enough to receive the proposed changes without there being a significant alteration to the appearance of the buildings. There are concerns with respects to the proposed large box dormers which are required to provide adequate internal circulation space within the bedroom in the attic. The windows of the proposed design differ from the module size and proportion used in the strong code of proportions on the rest of the scheme. Subject to a condition requesting revisions to the design of the dormer windows to ensure each dormer appears as two separate windows, Officers are satisfied that the proposed alterations would sit comfortably with the Hungate Design Statement.

PARKING

4.24 On the basis that the townhouses, as approved, have 2 No. car spaces each assigned to them and the proposed duplex apartments require one car space each, the proposal to create 12 No. apartments instead of 6 No. townhouses, would have no implications on the highway layout or the traffic generated by the site. With reference to cycle parking within Phase 1, 122 resident cycle spaces are provided in the basement car park with a further 20 cycle spaces located at ground level for the use of visitors. Although 6 No. additional cycle spaces would be required as a result of this proposal, officers are satisfied that these can be provided within the basement and recommend a condition requiring further details.

5.0 CONCLUSION

5.1 No objections are raised to the proposed conversion of a further six of the properties into 12 No. two bedroomed apartments in phase one. It is accepted that there have been difficulties in selling such large units with little private amenity space in this location and acknowledge that in a large, phased development such as Hungate, flexibility is desirable in order to incorporate up-to-date information on demand over the duration of the whole scheme.

5.2 There are no other planning objections as the conversion of the townhouses would not affect visual or residential amenity, highway safety or the appearance of the conservation area and nearby listed buildings.

5.3 It is recommended that the application be approved and that the planning obligation for the Hungate site be updated to reflect this stand alone application so as to ensure numbers across the site are not exceeded without due reconsideration of the key principles and re-calculation of s106 requirements in accordance with site viability.

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 TIME2 Development start within three years -

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

Design and Access Statement May 2012

Dwg No's 012134_113 (Location Plan) and 012134_291 / 292/ 293 /294 /295/ 296 received 18 June 2012

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

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

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

4 Notwithstanding the submitted plan and elevational drawings, large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

(i) The cills of the new bathroom windows shall be aligned with the balcony rails height or alternatively, aligned with the previously approved amended cill heights.

(ii) The design of the proposed large box dormers shall be amended so that they appear as two separate windows with the windows matching the width and position of the existing frames of the individual dormer windows; so narrower windows would align vertically with the windows/doors below. This would result in a wide central mullion between the windows and to reduce its impact a recessed filler piece should be introduced.

Reason: To retain the highly ordered appearance characteristic of each house and to ensure the dormers would appear to match those dormers on the opposite roof slope.

5 The windows, doors and balcony railings shall match the existing in all respects.

Reason: To achieve a visually acceptable form of development.

**7.0 INFORMATIVES:
Notes to Applicant**

1. REASON FOR APPROVAL

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

- design of the development
- mix of house types / number of units
- parking provision.

As such the proposal complies with paragraphs 17, 49 and 50 of the National Planning Policy Framework and Policies GP1, HE2 and H3C of the City of York Development Control Local Plan.

2. Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development.

3. The applicant is advised that the lack of light in the centre of the deep plans should be addressed by the realignment of the partitions or by the introduction of glazing into the partitions to allow for borrowed light.

Contact details:

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

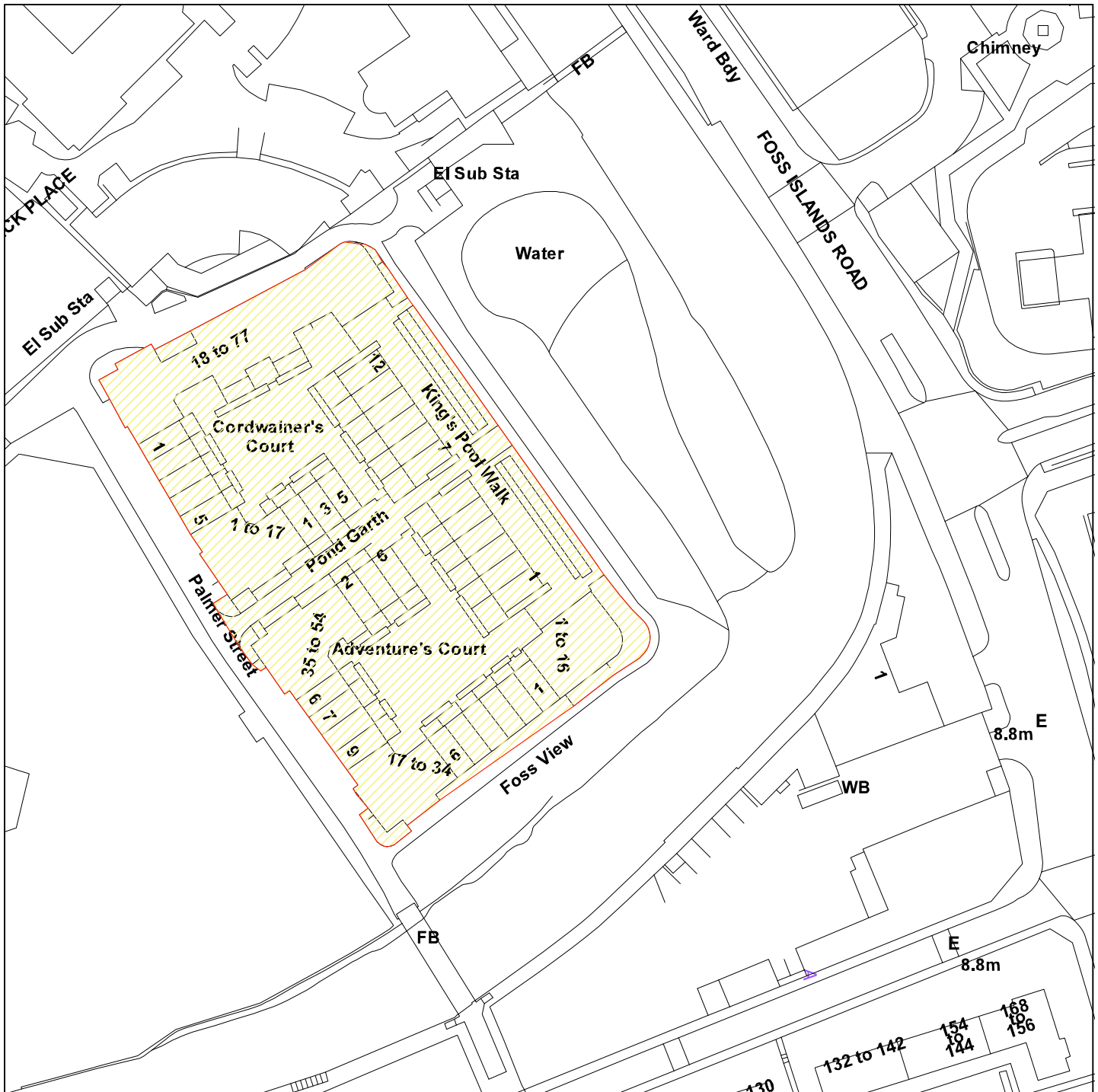
Tel No: 01904 551610

12/02216/FULM

Hungate Development Site



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	10 September 2012
SLA Number	Not Set

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COMMITTEE REPORT

Date: 20th September 2012 **Ward:** Guildhall
Team: Major and Commercial Team **Parish:** Guildhall Planning Panel

Reference: 12/02282/OUTM

Application at: Hungate Development Site Hungate York

For: Outline application to redevelop 4.1 ha. of land for residential, (720 units) Class B1 business (total floorspace 12,062 sq. m), Class A1 retail, A3/A4/A5 food/drink uses (total 6,392 sq. m), focal building, enhanced Nature Reserve/Riverside, public spaces, landscaping, car/cycle parking, access routes, bridge to Navigation Rd and sewer realignment (Application to extend time period for implementation of permission 02/03741/OUT)

By: Hungate York Regeneration Limited

Application Type: Major Outline Application (13 weeks)

Target Date: 26 September 2012

Recommendation: Approve

1.0 PROPOSAL

1.1 The application relates to the Hungate site which was granted outline permission for mixed use in 2006 - application 02/03741/OUTM.

1.2 Condition 1 of the permission required all the reserved matters applications to be made to the Local Planning Authority by August 2012. To date reserved matters application have only been submitted, and approved, for phases 1 and 2. This application is therefore made to renew the outline planning permission which has now lapsed. The applicants request that the application be renewed allowing the following timescales for development to commence -

Phase 2: within 3 years of this planning permission

Phase 3: within 5 years

Phase 4: within 7 years

Phase 5: within 9 years

Phase 6: within 10 years

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest: City Centre Area

Conservation Area: Central Historic Core

Contaminated Land

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Flood zone 2
Flood zone 3

3.0 CONSULTATIONS

INTERNAL

City Development
3.1 No comment.

Design, Conservation and Sustainable Development
3.2 No objection.

Environmental Protection Unit
3.3 In addition to the conditions to the 2002 application officers suggest a further condition that would require an electric vehicle charging point to be provided on-site.

Highway Network Management
3.3 No objection provided there is no reduction on the requirements of the legal agreement, as costs for highways works and materials have increased since the 2002 permission was granted.

EXTERNAL

English Heritage
3.4 No objection.

Environment Agency
3.5 No response.

Natural England
3.6 No objection

River Foss Society & York Natural Environment Panel
3.7 No response

Yorkshire Water
3.8 No further comment since the 2002 outline permission.

Guildhall Planning Panel
3.9 No objection

Publicity
3.10 No written representations made.

4.0 APPRAISAL

KEY ISSUES

4.1 The considerations in determining whether to renew the original consent is whether there have been any changes in planning policy since the original permission that would lead to a different decision and in this case whether the timeframe for delivery of the development proposed by the applicants is acceptable.

POLICY GUIDANCE

4.2 Since the economic downturn Central Government advice has stressed that Local Planning Authorities must be flexible in order to avoid stalling development. In 2009 a procedure was brought into place to allow applicants to apply for a new planning permission to replace an existing permission in danger of lapsing, in order to obtain a longer period in which to begin the development. (See greater Flexibility for Planning Permissions guidance document). This measure has been introduced in order to make it easier for developers and LPA's to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve.

4.3 Circular 08/2005 - Outline Planning Permission advises such permissions must be subject to conditions imposing two types of time-limit, relative to the dates which applications must be made for the approval of reserved matters and the time which the development must be started. The circular advised that the periods would typically be 3 years and 2 years respectively. However, the Local Planning Authority can be flexible in setting these timescales if it is deemed to be appropriate.

ASSESSMENT

4.4 The application asks for the renewal of the outline permission and to allow the remaining phases to be developed within the following timeframe -

Applications for reserved matters to be made by:

Phase 3: within 5 years of this planning permission

Phase 4: within 7 years

Phase 5: within 9 years

Phase 6: within 9 years

Development to commence by:

Phase 2: within 3 years of this planning permission

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Phase 3: within 5 years

Phase 4: within 7 years

Phase 5: within 9 years

Phase 6: within 10 years

4.5 The application was originally made in 2002, some 10 years ago. In this time the economy has changed and the demand for various uses in the city has also altered to an extent. Given the scale of the proposed development and its complex nature, considering constraints such as land contamination and archaeology and given the mixed of uses proposed officers do not object to the request for a timeframe that exceeds the usual allowances for the approval of reserved matters and commencement of development. It is deemed this approach would be in line with Central Government guidance which asks LPA's to be flexible in order to allow development to be implemented when economic conditions improve.

4.6 To allow this application would result in a fresh planning permission and therefore the conditions of the original outline permission would be re-applied provided they remained relevant and necessary. The same applies to the legal agreement.

4.7 With regards conditions of the outline permission, the variations proposed are as follows:

- Condition 2 - reserved matters
To be layout, scale, appearance, access and landscaping (as required since changes to legislation in 2006, see circular 01/2006).
- Condition 12 - construction management
Updated in line with Highway Network Management requirements.
- Condition 30 Drainage
Updated to accord with the York Strategic Flood Risk Assessment
- Conditions 33 and 34 - land contamination
Updated to Environmental Protection Unit standards
- Condition added requiring electric vehicle charging point
- Condition deleted which required details of inclusive access as this duplicates the requirements of Part M of the Building Regulations.

4.8 The legal agreement would be updated to refer to the new planning permission reference and to recognize that payments required for phase 1 have been made and the bridge has been installed. The legal agreement had the following requirements:

- Affordable housing
- BREEAM standards for buildings
- Community uses within the Focal Building
- Kings Pool Nature Reserve works
- Navigation Wharf Bridge - delivered
- On site open space
- Travel Pass provision

Financial contributions paid in phases towards:

- Archaeology £3,330,000
- Bicycles £30,000. This has now been paid.
- Car club £112,000. £28,000 paid.
- CCTV £90,000. £30,000 paid.
- Education £954,306.
- Off site highway works £1,654,000 - £413,500 paid.
- Public open space £403,131.

5.0 CONCLUSION

5.1 Officers consider that the request to renew the permission is acceptable, to allow such would comply with national planning guidance and the development still accords with planning policy otherwise. It is deemed reasonable to allow the requested timeframe for delivery, again considering government guidance in the current economic climate, and given the scale/complexity of the site. Approval is recommended, subject to updating the legal agreement accordingly.

6.0 RECOMMENDATION: Approve subject to S106 agreement

1 Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the following dates:

Phase 3: within 5 years of this planning permission

Phase 4: within 7 years

Phase 5: within 9 years

Phase 6: within 9 years

Development of each phase shall commence within 2 years of the approval of the reserved matters.

Reason: To ensure compliance with Section 92 and 93 of the Town and Country Planning Act 1990 as amended.

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

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Details to be submitted: layout, scale, appearance, access and landscaping.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of the development.

3 List of approved plans and statements

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

4 Location of block H

Notwithstanding the details submitted on the Masterplan drawings, the precise siting of building H shall be agreed in writing by the Local Planning Authority prior to commencement of development. The precise siting shall be within the area marked on the attached plan,

Reason: In order that the Local Planning Authority may be satisfied with the siting of the building, having been informed by more detailed works carried out under the programme of archaeological investigation and excavation.

5 The external design details for each phase of the development shall be fully in accordance with the submitted Design Code (January 2005), to the satisfaction of the Local Planning Authority.

Reason: In order to ensure that the design of the development reflects the original principles of the design as agreed by the Local Planning Authority.

6 Building heights

With the exception of Block E in Phase 2 of the development, the buildings to be erected on this site shall not exceed the building ridge heights as specified as O.S. datum levels on the Sections on pages 38 and 39 of the amended Design Statement received on 11th January 2005.

Reason: In the interests of protecting the amenities of the adjoining residents and to assist the development being integrated into the area.

7 The phasing for the development shall be in accordance with that established in the planning obligation. Unless otherwise agreed in writing by the Local Planning Authority.

Reason; In order that the impact of the phasing of the development can be properly assessed and to ensure appropriate infrastructure development.

8 Each phase of development shall not be occupied unless or until the design and materials of roads, footpaths and other adoptable spaces, including street-lighting, to which it fronts, is adjacent to or gains access from, has been constructed in accordance with details which have been approved in writing by the Local Planning Authority.

Reason: To ensure appropriate access and egress to the properties, in the interests

of highway safety and the convenience of future occupants.

9 Safety Audit

A full 3 stage road safety audit carried out with advice set out in the DMRB HD19/03 and guidance issued by the council, will be required for the internal highway layout and all off-site works requiring alteration, stage 1 of which must be submitted to and agreed in writing by the Local Planning Authority prior to each phase of works commencing on site.

Reason: To minimise the road safety risks associated with the changes imposed by the development.

10 Cycle Parking

Prior to each phase of the development commencing details of the secure cycle parking areas, including means of enclosure, shall be approved in writing by the Local Planning Authority. The building or buildings within that phase shall not be occupied until the cycle parking areas and means of enclosure (including the public cycle parking areas within that phase) have been provided in accordance with the approved details, and these areas shall not be used for any purpose other than the parking of cycles. Cycle parking shall be in accordance with the schedule Summary of Cycle Parking Requirements 1056/70 dated 23/05/05.

Reason: To ensure adequate space for such storage, and to promote sustainable modes of transport in accordance with policies GP4a and T4 of the City of York Draft Local Plan and the National Planning Policy Framework.

11 Construction management

Prior to each phase of the development commencing a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The a statement shall include at least the following information;

- measures to prevent the egress of mud and other detritus onto the adjacent public highway
- a dilapidation survey jointly undertaken with the local highway authority
- the routing for construction traffic that will be promoted
- a scheme for signing the promoted construction traffic routing

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

12 Vehicle Servicing

Prior to the commencement of the use hereby approved in each phase of development, provision shall be made within the site for accommodation of delivery/service vehicles in accordance with details which shall have been previously

submitted to and approved in writing by the Local Planning Authority. Accommodation for servicing to block G will be made within the courtyard with access via Carmelite Street. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To ensure that delivery/service vehicles can be accommodated within the site and to maintain the free and safe passage of highway users.

13 Highway works

Prior to the commencement of any of the remaining phases of the development hereby permitted a programme for the following off site works by phase shall be approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

- Zebra crossing and pedestrian refuges on Peasholme Green at junction with St.Saviours Place,
- Pedestrian tables/plateaus at the junctions of Dundas Street, Hungate and Garden Place, including street furniture/signage.
- Surface improvement at the Fossgate junction,
- A scheme covering street furniture along The Stonebow (adjustment/enhancement),
- A scheme covering new and improved highway signage, to surrounding streets, including cycle and pedestrian links.

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

14 Highway Works

Prior to the commencement of any phase of the development hereby permitted a phased programme of works as set out in the Outline Specification for Upgrade of Existing Streets, dated 22/6/05 Revision E, shall be submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same. These works shall be in accordance with the Street Section Drawings, 1056/70/101, 1056/70/102 B & 1056/70/103 B dated 24/5/05.

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

15 Travel Plan

Prior to occupation of any phase which includes office or commercial development a stage one (interim) Travel Plan, which shall include details of modal split targets and default provisions in the event that those targets are not met, shall be approved in writing by the Local Planning Authority.

Within six months of first occupation of any part of the office or commercial development a stage two (final) Travel Plan shall be approved in writing by the Local Planning Authority.

The Travel Plans shall be implemented in accordance with the approved details for the lifetime of the development.

In the event that there shall be any change of occupier of any part of the office or commercial development that occupier shall submit to the Council prior to its occupation a revised Travel Plan and implement such Travel Plan as maybe approved by the Council throughout its period occupation.

Reason: to ensure the delivery of sustainable transport objectives including reductions in car usage and increased use of public transport, walking and cycling.

16 Landscaping

Prior to occupation of each phase of development a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs shall be approved in writing by the Local Planning Authority. This scheme shall be implemented within a period of 6 months of the completion of the relevant phase of development. Any trees or plants which within a period of 5 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.

17 Tree Protection

The detailed drawings for each phase of development shall include a plan and schedule of all trees and shrubs on the site. Such plan shall show the spread of each tree. It will identify those trees and shrubs to be retained and those to be felled. Trees and shrubs to be retained shall be protected during the development of the site by the following measures:

- A chestnut pale or similar fence not less than 1.2m high shall be erected at a distance of not less than 4.5m from the trunks;
- No development (including the erection of site huts) shall take place within the crown spread of the trees;
- No materials (including fuel or spoil) shall be stored within the crown spread of the trees;
- No burning of materials shall take place within 3m of the crown spread of any tree;
- No services shall be routed under the crown spread of any tree without the express written permission of the local planning authority;

Reason: To avoid the loss of existing planting which is considered to make a significant contribution to the amenities of this area, in accordance with policy NE7 of the Local Plan and paragraph 109 of the National Planning Policy Framework.

18 Works to riverbank

A scheme of works for the restoration of the Foss Riverbank/wall, excluding the Kings Pool site, shall be submitted and agreed with the Local Planning Authority prior to the commencement of the relevant phase of development.

Reason: In the interests of the visual amenities of locality, flood defence and ecology along the Foss corridor.

19 During the development of the site, all demolition and construction works and ancillary operations, including deliveries to and dispatch from the site, shall be confined to the following hours:

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

Reason: To protect the amenity of the locality

20 The hours of operation for each Class A premises (under the use classes order) shall be approved in writing by the local planning authority. Once approved, the agreed hours shall be complied with at all times, unless agreed otherwise in writing by the local planning authority.

Reason: To protect the amenity of local residents.

21 The hours of delivery to and dispatch from each commercial premises (Use Classes B1, A1, A3, A4 and A5) shall be confined to the following times, unless otherwise approved in writing by the local planning authority:

Monday - Friday 08:00 - 18:00
Saturday, Sunday & Bank Holidays 09:00 - 18:00

Reason: To protect the amenity of local residents.

22 Noise insulation to commercial premises

Premises used for Class B1, A3, A4 or A5 use, that adjoin residential premises, shall be noise insulated in accordance with a scheme to be approved in writing by the local planning authority. The noise insulation scheme shall be fully implemented prior to occupation. No alterations to the external walls, facades, windows, doors, roof or any openings in the building(s) shall be undertaken (including the closing up or removal of openings) without the prior written approval of the local planning authority.

Reason: To protect the amenity of local residents.

23 Details of all fixed machinery, plant and equipment to be installed in or located

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on the use hereby permitted, which is audible at any noise sensitive location, shall be submitted to the local planning authority for approval. These details shall include maximum sound levels (LA_{max}(f)) and average sound levels (LA_{eq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of the locality.

24 Residential premises facing The Stonebow and Peaseholme Green shall be fitted with fixed windows that cannot be opened and provided with alternative means of mechanical ventilation. These premises shall also not be provided with balconies or any other form of outdoor area. The residential premises to which this condition applies shall be agreed in writing with the local planning authority.

Reason: To prevent the introduction of relevant receptors and the requirement to declare an air quality management area.

25 The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels of 30 dB LA_{eq} 1 hour and 60 dB LA Max (23:00 - 07:00) in bedrooms and 35 dB LA_{eq} 1 hour (07:00 - 23:00) in all other habitable rooms. These noise levels are with windows shut and other means of acoustic ventilation provided. The detailed scheme shall be approved in writing by the local planning authority and fully implemented before the use hereby approved is occupied.

Reason: To protect the amenity of residents.

26 There shall be adequate facilities for the treatment and extraction of fumes so that there is no adverse impact on the amenities of local residents by reason of fumes, odour or noise. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for approval; once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of the locality.

27 Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 6m (six) of the line of the sewers at greater depths, or within 3m (three) of the line of the sewers at shallower depths which cross the site.

Reason : To prevent pollution of the water environment.

28 No piping shall be installed within 10m of any public sewer unless otherwise

agreed in writing by the Local Planning Authority.

Reason: To prevent pollution of the water environment.

29 Sewer realignment

Prior to the commencement of the remaining phases of development hereby permitted details of the proposed sewer realignment and confirmation of the phase of development in which the works will be undertaken shall be approved in writing by the local planning authority.

Reason : To prevent pollution of the water environment.

30 Prior to the commencement of each phase of development details of the foul and surface water drainage works shall be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and reasonably managed and maintained for the lifetime of the development. Drainage details are expected to include-

- a) Peak surface water run-off from the proposed development restricted to a maximum of 14.0 lit/sec.
- b) Site specific details of the flow control devise manhole limiting the surface water to the 14.0 lit/sec.
- c) Storage volume calculations, using computer modelling, to accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model shall include an additional 20% allowance for climate change. The modelling shall use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. The full range of modelling is required.
- d) Site specific details of the storage facility to accommodate the 1:30 year storm and details of how and where the volume above the 1:30 year storm and up to the 1:100 year storm will be stored.
- e) Any variation in levels in comparison to those shown within the approved master-plan document.

Reason: To reduce flood risk in accordance with York's Strategic Flood Risk Assessment.

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

Reason: To prevent pollution of the water environment.

32 Development on Land Affected by Contamination

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not

commence until parts a to c of this condition have been complied with:

a. Site Characterisation

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

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

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

b. Submission of Remediation Scheme

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

c. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The

Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

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

33 Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the previous condition, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the previous condition.

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

34 Piling

Development of each phase approved by this permission shall not be commenced unless the method for piling foundations has been approved in writing by the Local Planning Authority. The planning shall thereafter be undertaken only in accordance with the approved details.

Reason: The site is contaminated/potentially contaminated and piling could lead to the contamination of groundwater in the underlying aquifer.

35 Diffusion tube monitoring points shall be provided that are fully accessible by officers of the council, on the facade of any new residential buildings erected along The Stonebow / Peaseholme Green. The exact position of the monitoring points shall be confirmed in writing by the local planning authority.

Reason: To allow the monitoring and assessment of local air quality.

36 Construction management

Prior to any works commencing on site, a construction environmental management plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration and dust resulting from the site preparation, groundwork and construction phases of the development and the method of securing the site. Once approved, the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of occupants of adjacent and adjoining properties during the development of the premises.

37 Full details of the proposed CCTV facilities within the site and lighting for car parking areas and cycle routes shall be submitted to and approved in writing by the LPA, prior to any part of the development being brought into use.

Reason: In the interests of safety and visual amenity.

38 The operation and management of the apartment block car parks shall be undertaken in accordance with car park management schemes which shall previously have been submitted to and agreed in writing with the Local Planning Authority for each phase of the development, and shall not be revised without the prior written approval of the LPA.

Reason: In order to ensure the efficient operation of these facilities, in the interests of the safety and convenience of highway users.

39 The development shall make provision for the linkage of the Foss Walkway adjacent to the Shambles car park with the proposed pedestrian and cycle route within the site. Details of the treatment of the boundary at this south west corner of the site and site levels at the boundary shall be submitted to approved in writing by the Local Planning Authority prior to the phase of development within which it is located is commenced. Thereafter the agreed treatment shall be retained at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to safeguard the future provision of a continuous route along the north bank of the Foss at this point, in accordance with the objectives of the Foss Walkway Strategy.

40 At least one electric vehicle recharge point shall be installed within the development site boundary prior to completion of the development. The location and specification for the recharging point(s) shall be agreed with the Local Planning Authority prior to installation.

Reason: To promote the use of low emission vehicles on the site in accordance with the Council's draft Low Emission Strategy and paragraph 35 of the National Planning

Policy Framework.

7.0 INFORMATIVES: Notes to Applicant

1. LEGAL AGREEMENT

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town _ Country Planning Act 1990 relating to this development

2. The reserved matters applications will be expected to demonstrate compliance with the principles of the Secure By Design initiative and Designing out Crime guidance, and should the design details be formulated in full consultation with the Police Architectural Liaison Officer.

3. REASON FOR APPROVAL

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

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

As such the proposal complies with Policies H9,E4,R1 and E5 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, GP3,GP4,GP6,GP11,HE2,HE9,HE10,T4,T13,T14,T20, H1, H2 a, H3 c, H4, H5, L1(c), C3,NE1, NE2, NE3, NE7, NE8, and ED4 of the City of York Local Plan Deposit Draft.

Contact details:

Author: Jonathan Kenyon Development Management Officer

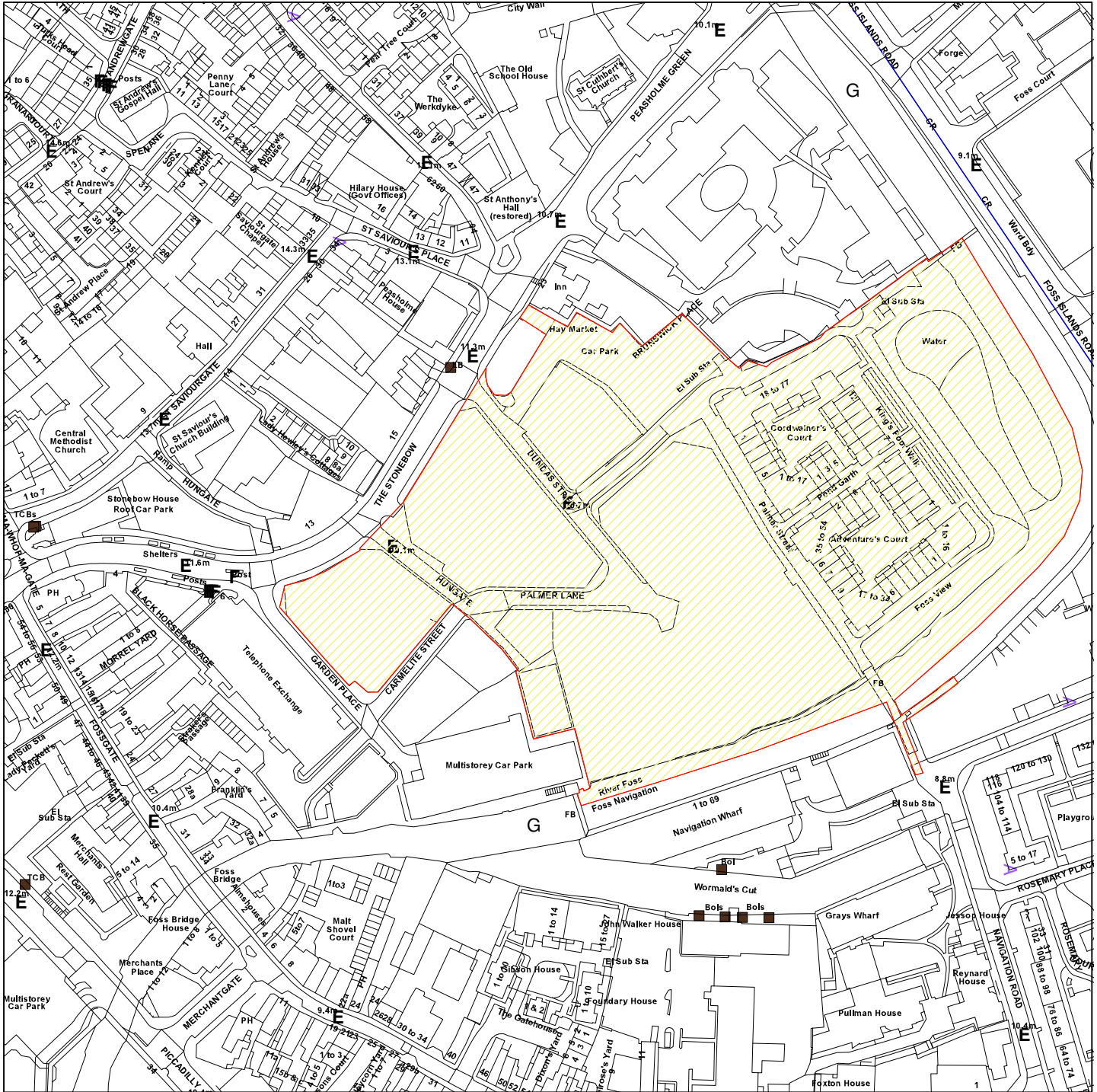
Tel No: 01904 551323

12/02282/OUTM

Hungate Development Site



GIS by ESRI (UK)



Scale : 1:2500

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	10 September 2012
SLA Number	Not Set

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operated track at Huntington, which would be demolished as part of the Stadium/John Lewis development at Monks Cross South approved earlier this year.

1.6 The masterplan drawing submitted with the application shows a location for a sports pavilion and small grandstand. Whilst the design and specification have yet to be agreed the pavilion is expected to be single-storey and provide a reception, changing rooms, toilets, showers and a multi-function room. The pavilion would also provide facilities for the closed road racing circuit, including a cycle store, workshop and use of the showers, toilets and multi-function room. The grandstand would be provided alongside the pavilion, facing the athletics track. Whilst the design and specification are not yet settled the University is satisfied that the proposed facilities will be able to be accommodated within the illustrative footprint shown on the masterplan.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGP1 - Design

CYGP9 - Landscaping

CGP15A - Development and Flood Risk

CYED9 - University of York New Campus

CYNE1 - Trees, woodlands, hedgerows

CYL1A - Sites for Leisure development

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management - No objections to the application subject to conditions regarding submission of details, provision of car/cycle parking and submission of a car park management plan.

3.2 Sport and Active Leisure - The proposed athletics track and closed circuit cycle loop will be a welcome addition to the community sports facilities in the city. The athletics facilities will replace the poor quality facilities currently at Huntington Stadium, which have failed various elements of the 2012 competition certification assessment. The new track will have 8 lanes rather than the current 6 and will have long jump pits outside the track, which will allow throwing events to take place at the same time as jumps. The cycling track will allow off road cycling for beginners, disabled participants and competition. It has the backing of local cycling clubs and accessible bike providers. A track in this region has been identified as a priority in British Cycling's facilities development plan. To operate fully as a venue for county level competition and as a replacement for the facilities at Huntington Stadium spectator, changing, first aid, toilet and official's facilities will also be required.

3.3 Environment, Conservation, Sustainable Development (Landscape) - The diverted public right of way should be located part-way up the woodland mounding along the eastern edge of the site. The three mature Oak trees along the existing public right of way should be retained. There are several elevated views over the sport village, therefore the landscape treatment will be important not only for the experience of those using the sports village but also for views of it from higher ground such as the approach from the park and ride in the north and from the public right of way over the A64. There should be a considerable content of Oak planting in the proposals to reinstate the local plant community. The proposed car park encroaches into the already depleted landscape scheme for this part of the campus.

3.4 Environment, Conservation, Sustainable Development (Archaeology) - The site lies in an area that has produced significant archaeological features and deposits dating from the third millennium BC to the medieval period. A scheme of further archaeological work has been discussed with the applicant and this scheme of work must be implemented before any construction works commence. This scheme of work can be covered by a planning condition.

3.5 Environmental Protection Unit - No objections. Conditions should be attached regarding submission of a construction environmental management plan, construction noise, operational noise, possible contamination and hours of operation of the floodlighting. An informative should be attached seeking the installation of electric vehicle recharging points within the development.

3.6 Flood Risk Management - No objections. The site is in flood zone 1 and should not suffer from river flooding. Add a condition requiring details of foul and surface water drainage.

EXTERNAL

3.7 Heslington Parish Council - No objections.

3.8 Heslington Forum - The University regularly engages with stakeholder groups at the Heslington East Community Forum. At the last forum meeting before submission of the application the details of the proposal were not known. The council's community planning officers notified forum members of the application on 4 July 2012 and invited comments on the proposals. One query was received, which was answered to the member's satisfaction.

3.9 York Natural Environment Panel - The erosion of existing mounding and tree planting agreed as part of the planning consent for the campus is deprecated by the Panel. The PRoW should be aligned to go around the outer east side of the proposals [officer response - this is now proposed]. The wildlife value of the surrounding habitat should be enhanced and have links to other areas. The centre of the track should have provision for improving if there is no conflict with the use of the track. The lighting should be directional and at a specified light level to minimise spillage. It should only be switched on when the track is in use.

3.10 Public Consultation - The consultation period expired on 8 August 2012. No objections have been received. One letter of support has been received jointly on behalf of York Cycle Campaign and the British Human Power Club.

4.0 APPRAISAL

4.1 KEY ISSUES

- Principle of the Use
- Visual Appearance
- Transport
- Landscape
- Environmental Protection
- Drainage
- Cumulative Development

RELEVANT LOCAL PLAN POLICIES

4.2 The National Planning Policy Framework (General) - There is a presumption in favour of sustainable development which, for decision-taking, means approving without delay development proposals that accord with the development plan (paragraph 14). Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless: (1) any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed

against the policies in the Framework taken as a whole; or (2) specific policies in the Framework indicate development should be restricted.

4.3 National Planning Policy Framework (Social, Recreational and Cultural Facilities) - Planning policies and decisions should: plan positively for the provision of community facilities; guard against their unnecessary loss; ensure that established facilities are able to develop and modernise in a way that is sustainable and for the benefit of the community; and ensure that their location is considered in an integrated way. Planning policies for access to open spaces and opportunities for sport and recreation should be based on robust and up-to-date assessments of need.

4.4 The City of York Development Control Local Plan was approved for development control purposes in April 2005. Its policies are material considerations although it is considered that their weight is limited except where in accordance with the NPPF. The following local plan policies are still applicable:

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

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

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

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

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

4.10 L1a - The need for leisure development on sites specified in the local plan and others will be considered against a needs assessment which should be undertaken before any planning permission is granted. Out of centre locations will only be considered when it can be demonstrated that specified or alternative city centre or

edge of centre sites are suitable, or if the proposal is primarily to serve local need and is of a suitable scale.

APPLICATION SITE

4.11 Undeveloped land between Heslington East Sport Village at the eastern end of Heslington East campus and the A64. It is bisected by a public right of way linking Hull Road to the north with Low Lane to the south. Part of the land slopes down from the north. The site is largely devoid of significant vegetation other than three mature Oak trees alongside the public right of way.

PRINCIPLE OF THE USE

4.12 The facilities would replace the athletics track at Huntington and increase the range of sports facilities available to the people of York and the surrounding area. Most of the site lies within the area of the campus designated as open space devoted substantially to organised sport. The remainder is designated as open space composed substantially of open water. Whilst the athletics/cycle tracks are only partly for university use they supplement the university's existing sports facilities. The principle of using the site as part of the sports village has been accepted by the council.

VISUAL APPEARANCE

4.13 The proposals would be partially visible from some nearby sections of the A64 but their visual impact would not be out of keeping with the character of the campus, subject to appropriate landscaping.

CONSTRUCTION PROGRAMME

4.14 The funding arrangements for the road racing cycle circuit require the completion of the cycle circuit by the end of March 2012. This requirement relates only to the provision of the track and associated lighting and fencing; there is no requirement from British Cycling to provide a pavilion or other facilities.

4.15 Pending the approval and construction of the pavilion and grandstand, the University's intention is that users of the cycle circuit would use the swimming pool changing facilities if required (users may arrive at the circuit already changed). In the interim, if facilities are required to store equipment or cycles, the University intends to seek consent for the siting of a container or temporary building, as necessary, pending the completion of the pavilion and grandstand. The council's obligation to provide suitable replacement facilities for the York City Athletic Club would ensure that any temporary storage building would be required only for a limited period. This should be made a condition of any approval for such a temporary building.

TRANSPORT

4.16 Access to the proposals is from the built section of the Movement Spine, which takes its access from Hull Road. The access into the proposed site would take the form of a new priority junction just south of the existing swimming pool access. General traffic (with the exception of buses and servicing traffic) is not permitted beyond the barrier adjacent to the proposed access, all traffic associated with the development would therefore approach via Hull Road.

4.17 The application has been supported by a Transport Statement which demonstrates that the site would generate in the region of 12 and 30 two-way vehicular movements during the AM and PM peak periods respectively. This is considered to represent the worst case scenario and does not take into account the potential for linked trips. This increase in traffic would not have a material impact on the adjacent highway network and in reality would be unperceivable when considered against current traffic flows on the adjacent highway network.

4.18 Use of the car park would be monitored and controlled to ensure it is not used by non-patrons of the facility such as university staff/adjacent and employees/students, which would undermine the aims of the parking strategy and Travel Plan secured under the Heslington East consent. Such control measures may include a barrier and token system where the token must be validated within the sports facility. This level of control/management should be secured through a suitably worded condition.

4.19 Work is under way on the last section of the movement spine (i.e, south of the application site) and the anticipated completion date is November 1012. The Transport Statement sets out the arrangements for the re-routing of buses along the movement spine following its completion.

PUBLIC RIGHT OF WAY

4.20 The proposals include the realignment of an existing Public Right of Way (PROW) which crosses the site (north/south). The realignment of this section is necessary in order to carry out the development. PROW Officers have been consulted and raise no objection in principle to the realignment. The University has been in discussion with the council about realigning a longer section of this PROW. The current planning application seeks planning permission to construct the short and long sections of new footpath. Formal consent under separate legislation to divert the PROW would still be required.

LANDSCAPE

4.21 Landscaping for the scheme has not yet been designed. Nevertheless the University's intention is to retain, as far as possible, and develop the parkland setting of the campus. The design work will be guided by the Design Guidelines Landscape Masterplan of July 2008, approved under the Heslington East outline consent. They would be primarily grassland with woodland zones, clusters of trees and country paths. Some sections of mounding along the eastern side of the site would have to be modified to accommodate the cycle track. Any maturing trees (planted as part of the parkland setting of the campus) should be replaced.

4.22 In practice, the proposals will seek to enhance the mounding and planting that has already been undertaken to the east and south of the site, and to replace and strengthen any planting that will be affected by the construction of the cycle circuit track. Given the nature of the two track proposals, there are limits to the options for additional woodland planting within the site, and therefore the predominant landscaping will be grassland. However (in response to the YNEP comments about providing links across the site for wildlife) the University proposes to concentrate additional planting to the site boundaries to encourage the formation of wildlife corridors from the open land to the south and east to the lake. Screen landscaping will be undertaken around the accessible car parking spaces and the entrance to the site from the movement spine (as annotated on the Masterplan), and planting will be used to enhance the appearance and character of the footpath links (subject to addressing any concerns in relation to security of users). Opportunities will be taken to provide clusters of trees where appropriate. Opportunities should also be taken to soften, by planting, the appearance of the proposed car park at the northern end of the site. Landscaping, including tree replacement, should be made a condition of approval.

4.23 The site is largely devoid of significant, mature planting (i.e. from before the creation of the campus) apart from three Oak trees along the existing right of way. These trees contribute to the character of the area and should be retained if possible. The University expects that the detailed design work will enable two of these trees to be retained. Any losses should be replaced.

4.24 Fencing would be required for safety and security. The cycle circuit would be enclosed by a low (perhaps 1.2 metres high) fence to protect cyclists from pedestrians or animals that might inadvertently cross the track. The fence is shown as a blue dotted line on the submitted Masterplan. The fence is likely to be supplemented by dense planting along the circuit's outside edge to add further protection against access. This would need to run adjacent to the diverted footpath and along the southern and western sides of the track.

4.25 The fence around the athletics track would need to be more substantial to prevent access to the track due to the potential for injury from field event equipment such as javelins and hammers. Again, it is shown as a blue dotted line on the Masterplan. The fence would be approximately 2 metres in height and similar in appearance to that around the existing athletics track at Heslington West. The details of the fences and their exact location can be controlled through a planning condition.

4.26 The submitted plans show no proposals for the area of land between the swimming pool building and the athletics track. The University intends to keep this area of land as open as possible. In view of this, the University is considering the option of using it for playing pitches.

4.27 The triangular area of land contained within the western "loop" of the cycle circuit is to be grassed initially. However, the University is considering how it could be used in the future, most likely in a cycling-related way for training purposes or for a BMX-type use. This would develop as the track is used.

ENVIRONMENTAL PROTECTION

4.28 The proposal is likely to have a negligible impact on the nearest existing residential dwellings which are at least 700m to the north and 800m to the west. Nevertheless, Condition 21 of the outline consent restricts the permitted levels of construction noise and should be tailored to suit to the current proposal, particularly to protect future residents of the campus. Conditions should also be attached regarding contamination, construction noise/vibration/dust, operational noise, hours of operation and lighting levels.

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

DRAINAGE

4.30 Surface water from part of the site would drain via a swale into the main lake to the south of the site. The remainder would run into Hunt's Drain, which connects to Tilmire Drain. Foul water would drain via a main sewer to a new pumping station within Cluster 2. Details should be made a condition of approval.

CUMULATIVE DEVELOPMENT

4.31 Condition 4 of the outline consent for the campus restricts the developed footprint (including buildings car parks and access roads) to 23% of the allocated area. The cumulative total to date is 10% of the allocated area.

5.0 CONCLUSION

5.1 Whilst the application is not pursuant to the outline consent for the campus, it complies with the approved land use plan agreed by the Secretary of State in 2007. Submission of details (particularly landscaping and drainage) should be made conditions of approval. The application does not include the proposed pavilion and grandstand, which would need separate consent.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 The development hereby permitted shall be carried out only in accordance with the following plans: 2860 AL(0)100 rev A, Uheath1207e.cc and un-numbered lighting details received 3 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.

3 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details. They shall include construction details of the athletics track, sports field, permeable car park, cycle track and road/parking paving together with details of the connection to existing swale(s).

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

4 VISQ8 Samples of exterior materials to be app -

5 Within three months of the date of this permission details of measures to improve pedestrian movement between the public plaza in front of the swimming

pool building and the athletics track and cycle track shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the free flow and movement of pedestrians between the application site and the existing sports village.

6 Within three months of the date of this permission detailed landscaping/screening proposals, including replacement trees, shall be submitted to the local planning authority and approved in writing. The scheme, which shall show the number, species, height and position of trees and shrubs shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: To minimize the visual impact of the proposals on the surrounding area.

7 Within three months of the date of this permission details of the proposed realigned public right of way across the site, including its horizontal and vertical alignment, construction and surfacing, shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the submitted details.

Reason: In the interests of public safety, amenity and access.

8 Prior to the development hereby approved a car park management plan shall have been submitted to and approved in writing by the Local Planning Authority. Said plan shall set out the measures and initiatives that will be implemented to control and manage the car park in order to prevent its use for long stay parking and by non patrons of the facilities it serves. Measures should include a barrier control system and charging regime. The car park management plan shall be implemented prior to the development hereby approved being brought into use and shall be implemented hereafter unless agreed otherwise in writing by the Local Planning Authority.

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

9 HWAY18 Cycle parking details to be agreed -

10 HWAY19 Car and cycle parking laid out -

11 During construction of the development hereby approved the Construction Environmental Management Plan for the Heslington East campus, approved by the local planning authority, shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

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

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

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

MAXIMUM LIMIT: 70 dBA (1 hour)

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

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

MAXIMUM LIMIT: Not exceeding background noise levels.

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

LOCATION: Within occupied residential buildings on the site.

MAXIMUM LIMIT: Not exceeding background noise levels.

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

Reason: To protect the amenities of residential occupants of the site and in the surrounding area.

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

Reason: To protect the amenities of residential occupants of the site and in the surrounding area.

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

Reason: To protect human health and the wider environment.

15 Details of all machinery plant and equipment to be installed in or located on the use hereby permitted, which is audible outside of the site boundary when in use, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include maximum sound levels ($L_{Amax}(f)$) and average sound levels (L_{Aeq}), octave band noise levels and any proposed mitigation measures. All such approved machinery, plant and equipment shall subsequently be used on the site in accordance with the agreed details. Any approved noise mitigation measures shall be fully implemented and operational before the associated machinery, plant or equipment to which it relates is first used and shall be appropriately maintained thereafter.

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

16 Use of the athletics track and cycle track shall not be open to customers outside the hours of 08:00 to 22:00 on any day.

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

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

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

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

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

19 ARCH1 Archaeological programme required -

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the principle of the use, visual amenity, landscaping, environmental protection, transport, drainage, and provision of leisure facilities. As such the proposal complies with the National Planning Policy Framework and policies ED9, GP1, GP9, GP15A, NE1 and L1a of the City of York Local Plan.

2. ELECTRIC VEHICLE RECHARGE POINTS

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

Contact details:

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Tel No: 01904 552830

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Client: **THE UNIVERSITY of York**

Project: **SPORTS VILLAGE EXTENSION**

Title: **EXISTING SITE PLAN**

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Design: MC	CAD: RT
Chk'd: MC	App'd: MC
Date: 02/07/2012	Scale: 1:2750
No. FIGURE 4	Rev:

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COMMITTEE REPORT

Date: 20th September
2012

Ward: Holgate

Team: Major and
Commercial Team

Parish: Holgate Planning Panel

Reference: 12/02373/FULM

Application at: James Ashton Playing Field Water End York

For: Water End Flood Alleviation Scheme, incorporating the following elements: construction of a flood wall along the crest of Water End road embankment; construction and operation of a demountable flood defence barrier across the east entrance to Landing Lane from Water End; raising the existing Leeman Road earth flood defence embankment; construction of a new earth flood defence embankment extending from the Leeman Road embankment to Cinder Lane; construction of two flood walls and a ramp at Cinder lane; establishment and use of one main temporary construction compound, two satellite compounds, material storage areas and haul routes; reinstatement of construction working areas; and associated landscaping works

By: Ms Helen Tattersdale

Application Type: Major Full Application (13 weeks)

Target Date: 10 October 2012

Recommendation: Approve

1.0 PROPOSAL

1.1 Various works to raise the height of existing flood defences along the river Ouse and to construct new sections of defence. The purpose is to improve the level of flood protection to 393 residential and commercial properties in the vicinity of Water End. The works mainly comprise:

(a) Installing a 15m-wide and up to 1.2m-high demountable flood barrier across Landing Lane at the junction with Water End;

(b) Constructing a 300m-long and up to 1m-high flood wall on the riverward side of Water End road embankment;

(c) Raising a 150m-long section of the existing Leeman Road embankment by 1.1m. A ramp and timber steps would be provided to enable the public to cross the embankment from Lincoln Street to the river.

- (d) Constructing a new 400m-long flood embankment around around St Barnabas' School to connect with the raised Leeman Road embankment. The embankment would be 2m above ground level where it joins the existing embankment and 1.2m above ground level where it meets Cinder Lane;
- (e) Raising ground levels (by up to 0.5m) and flood walls along the western-most section of Cinder Lane at its junction with Jubilee Terrace to tie-in with the new embankment;
- (f) Provision of a kick-about pitch in the area of open space to the north of the raised section of Leeman Road embankment.
- (g) Temporary use of the former bowling green off Salisbury Road as a construction compound and reinstatement after construction.

1.2 Some additional minor works would be carried out under the Environment Agency's permitted development rights, in particular the provision of three storage cabinets within the Holgate Beck Pumping Station compound at Landing Lane.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

Floodzone 2 GMS Constraints: Floodzone 2

Floodzone 3 GMS Constraints: Floodzone 3

Schools GMS Constraints: St. Barnabas' CE Primary 0224

York North West Boundary GMS Constraints: York North West Boundary CONF

2.2 Policies:

CYGP1 - Design

CYGP9 - Landscaping

CYNE1 - Trees, woodlands, hedgerows

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management - No objections.

3.2 Flood Risk Management - No objections.

3.3 Sport & Active Leisure - No objections.

3.4 Environmental Protection Unit - No objections. Add environmental protection conditions.

3.5 Environment, Conservation, Sustainable Development (Landscape) - A significant number of trees would be lost but the applicant proposes substantial replacement tree planting as compensation/mitigation. The quantity, size, locations and species of the trees provide suitable mitigation for the losses. This should be made a condition of approval. The use of brick to clad the flood wall along Water End is acceptable although concrete would have been preferred.

EXTERNAL

3.6 Holgate Planning Panel - No objections.

3.7 Natural England - No objections.

3.8 Canal & River Trust - No objections.

3.9 YNEP - The scheme is an opportunity to create riparian flood meadow land habitat. The brick wall along Water End would introduce an urban element into what is a relatively green, rural aspect. A green bund with an underlying concrete structure should be provided instead. The necessity of the railing on top of the wall is questioned. The loss of two mature Sycamores (T46 and T47 on the tree constraints plan) could be avoided by minor changes to the bund design.

3.10 Public Consultation - The consultation period expired on 24 August 2012. Two contributions have been received from local residents raising the following planning issues:

(1) Supports the flood defence measures but has concerns about the number of trees that would be removed and the visual appearance of the works. Public consultation/information was inadequate.

(2) Approves of the flood defence measures but the new wall/railings at Cinder Lane should be higher to discourage people climbing over it into neighbouring gardens. Benches, etc should not be placed in this area as they would attract anti-social behaviour.

4.0 APPRAISAL

4.1 KEY ISSUES

- Visual impact
- Neighbour amenity
- Landscaping/trees
- Public consultation

THE APPLICATION SITE

4.2 Approximately 6.1Ha of mainly council-owned public open space bisected by Water End, on the south side of the river Ouse. The site lies between the river to the north and a large, predominantly-residential area to the south. The area has some flood protection measures, mainly the Leeman Road embankment and the Water End road embankment.

POLICY CONTEXT

4.3 The National Planning Policy Framework (NPPF) - There is a presumption in favour of sustainable development which, for decision-taking, means approving without delay development proposals that accord with the development plan (paragraph 14). Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless: (1) any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or (2) specific policies in the Framework indicate development should be restricted.

4.4 National Planning Policy Framework (Flood Risk) - Local plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to bio-diversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.

4.5 National Planning Policy Framework (The Natural Environment) - Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land) providing that it is not of high environmental value. When determining planning applications local planning authorities should aim to conserve and enhance biodiversity. Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats unless the need for, and benefits of, the development in that location clearly outweigh the loss.

4.6 The City of York Development Control Local Plan was approved for development control purposes in April 2005. Its policies are material considerations although it is considered that their weight is limited except where in accordance with the NPPF. The following local plan policies are still applicable:

4.7 GP1 - Development proposals should be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and local character; respect or enhance the local environment; provide/protect amenity space; protect residential amenity; accord with sustainable design principles; include refuse facilities; and include, where appropriate, landscaping.

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

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

VISUAL IMPACT

4.10 The flood embankments would be of variable slope to give them a more naturalistic appearance and reduce the engineered look. The impact of the increase in height would be most pronounced at the junction with Water End where it would be 1.1m higher than at present. In some places, namely the northwest end and the eastern end, the flood bank would be kept narrow, with resultant steeper sides, in order to retain the quantity of playing field.

4.11 The wall along the west side of Water End would be 300m long and be clad in brick. The cycle path along Water End would be realigned so that for approximately 150m it would run immediately next to the wall. The top of the wall would be level, resulting in a wall of varying height (up to a maximum of height of 1m) due to undulations in the lie of the land. The wall would be capped by a chamfered, reconstituted-stone coping. The wall would have some impact on the largely-open views from Water End towards the river. However, the wall is needed to for defence against a 1 in 200 year flood. The wall would be no higher than necessary to provide the required level of protection.

4.12 The EA proposes that the coping would be topped by a railing, generally 150mm high. The purpose of the railing is to prevent people walking along the wall and prevent cyclists crashing over it. Whilst the rail is likely to be effective in deterring people from walking along the wall the risk of serious injury in the event of

a fall is likely to be small. Cyclists could accidentally collide with the wall but it is not clear that a 150mm-high railing would do much to reduce any injury. Nevertheless the EA argues that the railing is necessary for public safety. Bearing in mind that the railing would further restrict views towards the river officers are making further enquiries about the need for the railing. Members will be updated at the meeting.

4.13 The new embankment around St Barnabas' School would connect to the existing flood wall along Cinder Lane in a location where it would have the least impact on adjacent residents in Regents Court and Cinder Mews. The wall along the north side of Cinder Lane would be rebuilt to give it greater resistance to flood water but the height would not have to be increased. Reclaimed bricks/copings would be used. The wall on the south side of Cinder Lane, adjacent to Cinder Court, would be rebuilt (again using reclaimed bricks) to a finished height 50mm higher than existing to provide the required defence against flood water. The character and appearance of the wall and railings would be as existing.

TREES AND LANDSCAPING

4.14 The development, would unfortunately, result in the loss of a significant number of trees, but this has to be weighed against the need to protect a large number of properties from potential flooding. The scheme aims to include substantial replacement tree planting as compensation/mitigation. It may also be possible to lift and transplant some of the younger trees planted close to the existing flood bank. The quantity, size, locations and species of the trees provide suitable mitigation for the losses.

4.15 Two mature Sycamores and two mature Limes (T45-T48) adjacent to Water End are likely to be lost as a result of the embankment works. YNEP would like them to be retained. It may be possible to retain the Limes (T45 and T48), but earthworks over the rooting zone are likely to be detrimental to the long term health of the trees. The trees do not justify protection but should be replaced as part of the proposed landscaping scheme.

4.16 The site compound would be located on the existing bowling green, which would be reinstated as lawn for general amenity use until an alternative use has been agreed by the council.

4.17 Victoria Park play area would remain intact and available for use but the BMX track would be removed and temporarily incorporated into the material storage area and haulage route. This would be reinstated at the end of construction either as a new BMX track or as another facility, to the same value, to be agreed with the council.

4.18 The submission states that it is the EA's intention to maintain the new planting for the first five years after planting. This should be stipulated in a landscaping planning condition.

NEIGHBOUR AMENITY

4.19 The impact on neighbouring occupiers would be minor, particularly in comparison to the flood risk benefits for the area. The most affected residents would be the occupiers of Forth Street and Swinerton Avenue, who would be approximately 20m from the raised embankment. Nevertheless, as the increase in height would be no more than 1.1m, the impact would be small. An occupier close to Cinder Lane is concerned that raising the public highway at Cinder Lane by up to 0.5m would make it easier for intruders to climb over their garden walls. The applicant is investigating the extent of any increase in risk. Officers will report at the meeting. A resident close to Cinder Lane has asked that no benches, etc, be placed in Cinder Lane, in order to avoid encouraging anti-social behaviour. The applicant has confirmed that it has no plans for such street furniture.

CONSULTATION

4.20 The EA has been in discussion with the council throughout the development of the scheme and carried out public consultation at key stages. These include public drop-in sessions in March 2010 and January 2012. The purpose of the 2010 session was to explain the need for the defences and provide information about the options assessment and designs. As a result the EA changed the design to prevent seepage beneath the embankment. The 2012 session was for residents and other stakeholders to view the design proposals and provide feedback to inform the final design. As a result the design was revised and assurances given about traffic management, surveys/monitoring, materials and security/privacy. The EA carried out additional consultation - about design revisions - with the residents of Cinder Lane and Government House Road in April/May 2012.

5.0 CONCLUSION

5.1 The works are required in order to improve the level of flood protection to 393 residential and commercial properties in the Water End area. The works have been designed to minimise the impact on neighbouring properties, whilst providing the required level of protection. The proposal accords with the National Planning Policy Framework and relevant policies of the City of York Local Plan and is acceptable. A significant number of trees would be lost. These should be replaced as a condition of approval.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 The development hereby permitted shall be carried out only in accordance with drawings 108983-000001/C, 108983-00001/C, 108983-00002/C, 108983-00003/C, 108983-21001/C, 108983-21002/D, 108983-24001/D, 108983-24002/C, 108983-24003/C, 108983-80001/A, 108983-80002/A, River Ouse map1-email.mpd, 108983-22001/C, 108983-22001/C, 108983-22003/C, 2519/002, 4.7.5a, 4.7.5b and 4.7.5c

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

3 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscape scheme in accordance with the Landscape Masterplan shown on Figures 4.7.5a, 4.7.5b, 4.7.5c, which shall include the species, stock size, numbers, and position of trees, shrubs and other plants, and seeding mix, and sowing rates. 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 substantial completion of the planting and development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing. This also applies to any existing trees that are shown to be retained within the approved landscape scheme.

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

4 Tree protection of existing trees shown to be retained shall be in accordance with the submitted 'Arboricultural Implications Assessment Report' dated July 2012.

Reason: To ensure the protection of existing trees during construction.

5 VISQ8 Samples of exterior materials to be app -

6 Before the commencement of development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust, light pollution and waste disposal resulting from the site preparation, groundwork and construction phases of the development and

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

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

7 All construction works and ancillary operations which are audible beyond site boundary or at the nearest noise sensitive dwelling, shall be confined to the following hours:

Monday to Friday 07:00 to 19:00

Not at all on Saturdays, Sundays and Bank Holidays (without prior consent from the local planning authority)

Reason: To protect the amenities of adjacent residents

8 All deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08:00 to 17:30

Not at all on Saturdays, Sundays and Bank Holidays (without prior consent from the local planning authority)

Reason: To protect the amenities of adjacent residents

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

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

INFORMATIVE:

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

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the principle of the use, visual appearance, landscaping, environmental protection and neighbour amenity. As such the proposal complies with the National Planning Policy Framework and policies GP1, GP9 and NE1 of the City of York Local Plan.

Contact details:

Author: Kevin O'Connell Development Management Officer

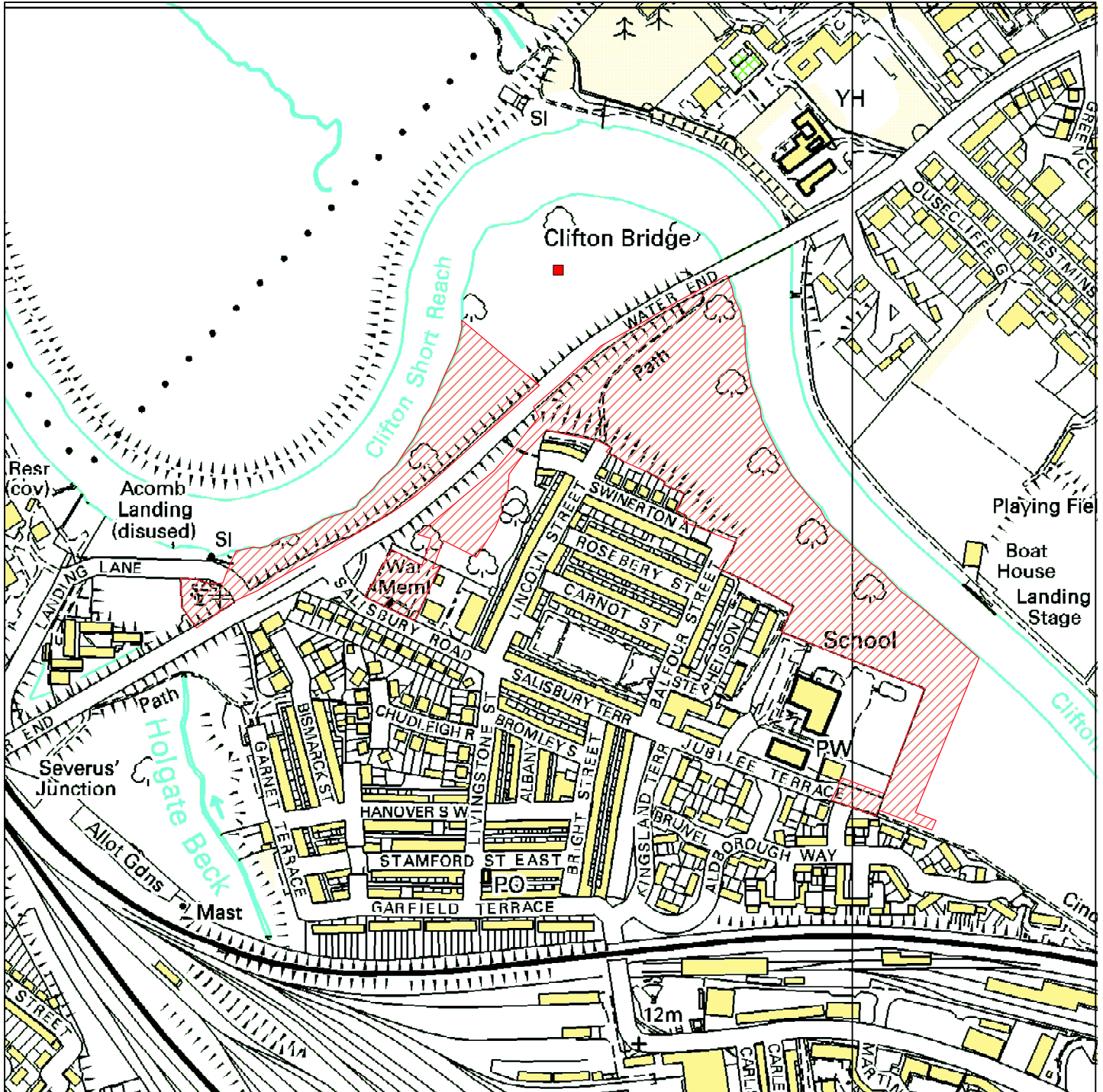
Tel No: 01904 552830

12/02373/FULM

James Ashton Playing Field



GIS by ESRI (UK)



Scale : 1:5000

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	10 September 2012
SLA Number	Not Set

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COMMITTEE REPORT

Date: 20th September 2012 **Ward:** Rural West York
Team: Major and Commercial Team **Parish:** Upper Poppleton Parish Council

Reference: 12/02429/FULM

Application at: Proposed Site for Poppleton Bar Park and Ride, Northfield Lane, Upper Poppleton, York.

For: Variation of condition 2 of planning permission 09/02294/FULM to alter the layout of the park and ride facility

By: City Of York Council

Application Type: Major Full Application (13 weeks)

Target Date: 5 October 2012

Recommendation: Approve

1.0 PROPOSAL

1.1 Planning permission is sought under Section 73 of the 1990 Town and Country Planning Act to vary condition 2 to Planning Permission 09/02294/FULM to realign the internal layout and junction arrangement with the A59 York to Harrogate Road to accommodate an area of registered Village Green. The principle of development was established by planning permission 09/02294/FULM, the current application seeks simply to establish the acceptability of an amended layout.

1.2 The proposal is for a 1,250 space park and ride facility to be erected in two phases, with associated road improvements, a 14.5 metre high wind turbine and a terminal building providing facilities for site users, to the west of Northfield Lane Upper Poppleton. A series of alterations, including a pedestrian and cycle underpass and alterations to the roundabout junction layout would be undertaken at the A59/A1237 York Ring Road junction under Local Highway Authority Permitted Development Rights at the same time. The site lies within the designated York Green Belt and forms part of a wider package of demand management measures to deal with traffic growth in the York area including an expanded and relocated Askham Bar Park and Ride site previously approved. The current proposal has been the subject of a Full Environmental Impact Assessment which has been amended to take account of the altered layout.

1.3 The siting of the Park and Ride Proposal was formalised following on from an extensive public consultation exercise including a public exhibition, a leaflet drop and a public meeting. Discussions are on-going in respect of the treatment and enhancement of the area of village green to the north east.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

Common Land and Village Greens GMS Constraints: VG 15 Upper Poppleton Village Green and Assoc Waste Lands

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

York North West Boundary GMS Constraints: York North West Boundary CONF

2.2 Policies:

CYGB1 -Development within the Green Belt

CYSP8 - Reducing dependence on the car

CYGP1 - Design

CYGP3 - Planning against crime

CYGP4A - Sustainability

CYGP9 - Landscaping

CYT6 - Park and Ride

3.0 CONSULTATIONS

INTERNAL:-

3.1 Integrated Strategy Unit were consulted in respect of the proposal on 2nd August 2012. Any response will be reported orally at the meeting.

3.2 Environmental Protection Unit were consulted in respect of the proposal on 2nd August 2012. Any response will be reported orally at the meeting.

3.3 Structures and Drainage Engineering Consultancy raise no objection to the proposal subject to the previously recommended drainage conditions being re-imposed.

3.4 Highway Network Management raise no objection to the proposal.

3.5 Design, Conservation and Sustainable Development raise no objection to the proposal as it would allow for the area of registered Village Green to be brought back into use by the local community.

EXTERNAL:-

3.6 Marston Moor Internal Drainage Board raises no objection to the revised scheme.

3.7 The Environment Agency raises no objection to the revised scheme.

3.8 Rufforth and Knapton Parish Council were consulted with regard to the proposal on 2nd August 2012. Views will be reported orally if available.

3.9 Natural England raises no objection to the proposal.

3.10 The York Natural Environment Panel raise no objection to the revised scheme.

3.11 Upper Poppleton Parish Council object to the proposal on the grounds that the proposed signal controlled junction layout between Northfield Lane, Station Road and the A59 would not work and would lead to traffic congestion both within Upper Poppleton village and along the route of the A59 towards the City Centre and towards Harrogate.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- * The Principle of the Development;
- * Impact upon the open character and purposes of designation of the Green Belt;
- * Impact upon highway safety and the free flow of traffic on the A59 and adjacent roads.

POLICY CONTEXT:-

4.2 Paragraph 90 of the National Planning Policy Framework is of particular relevance in the current context. This establishes that certain forms of development are not inappropriate within the Green Belt provided they preserve the openness of the Green Belt and the purposes of including land within the Green Belt. These include transport infrastructure such as Park and Ride sites.

4.3 Policy SP8 of the York Development Control Local Plan is of particular relevance in the current context. It seeks that new development must reduce dependence upon the private car by providing for more environmentally friendly modes of transport.

4.4 Policy GB1 of the York Development Control Local Plan is of particular relevance in the current context. It identifies a firm policy context whereby planning permission will only be given in Green Belt areas where the scale, location, and design of such development would not detract from the open character of the Green Belt, it would not conflict with the purposes of including land within the Green Belt, it would not prejudice the setting and special character of the City of York and it is for one of a number of defined Green Belt purposes including the provision of a Park and Ride facility.

4.5 Policy GP1 of the York Development Control Local Plan is of particular relevance in the current context. It sets a policy framework requiring that development proposals should respect and enhance their local environment, be of a density, layout and design that is compatible with neighbouring spaces and the character of the area, design outdoor lighting schemes which have the minimum adverse impact upon residential amenity and ensure that residents living nearby are not unduly affected by noise and disturbance.

4.6 Policy GP3 of the York Development Control Local Plan is of particular relevance in the current context. This sets down a requirement for new development to incorporate crime prevention measures to achieve natural surveillance of public spaces and paths, secure locations for car and cycle parking, provide satisfactory lighting and provide CCTV where large groups of people and /or vehicles would be gathered.

4.7 Policy GP4a) of the York Development Control Local Plan is of particular relevance in the current context. This seeks that all new development should adhere strictly to sustainable principles. This would include securing a high quality design utilising materials from renewable sources, maximising the use of renewable energy sources to meet the energy needs of the development and maintaining and increasing the economic prosperity and diversity of York.

4.8 Policy GP9 of the York Development Control Local Plan is of particular relevance in the current context. This seeks that new developments should be subject to an appropriate landscape scheme that should be planned as an integral part of the proposals, reflect the character of the locality and surrounding development and form a long term edge to developments adjoining or in open countryside.

4.9 Policy T6 of the York Development Control Local Plan is of particular relevance in this context. This seeks that proposals for New Park and Ride facilities should be

well related to the York Outer Ring Road, should not adversely affect the environment of local communities, should not significantly detract from the open character of the Green Belt or seriously prejudice the Green Belt function of the site and should be located on or close to a major radial route approaching the City.

THE PRINCIPLE OF THE DEVELOPMENT:-

4.10 The current application seeks permission for the proposed development with an amended layout to accommodate the designated Village Green to the north east. The principle of the development can not be reconsidered at this stage.

IMPACT UPON THE OPEN CHARACTER AND PURPOSES OF DESIGNATION OF THE GREEN BELT:-

4.11 The NPPF allows for Park and Ride developments to be taken as appropriate development within the Green Belt providing appropriate measures are taken to ensure that the openness of the Green Belt is safeguarded. The application site as amended to take account of the village green comprises an area of gently undulating agricultural land to the south west of Upper Poppleton village directly to the north of the Northminster Business Park and directly to the west of the Wyevale Garden Centre and its associated development. The York to Harrogate Railway lies in the middle distance to the west and north west. The area of built development as amended would lie to the south west of the site with the Terminal Building incorporating a range of sustainable materials as previously approved.

4.12 Significant areas of landscape bunding would be created along the western and southern boundaries of the site with further planting along the northern boundary of the site integrating in with the treatment of the registered village green. The character of the landscape treatment of the site would be maintained between phases 1 and 2 of the development with the earth mounding to the west and north west of the site being drawn out to accommodate the additional spaces together with additional tree planting at key visual locations within the area of the additional spaces. With the amended siting the degree of change would be lessened. In view of the nature of the adjoining development, the location of the built footprint of the site, which would be physically more compact with the revised scheme, and nature of the proposed landscaping it is felt that the openness of the Green Belt would be safeguarded and the requirements of the NPPF and Draft Local Plan Policy GB 1 would be complied with.

ENVIRONMENTAL IMPACT ASSESSMENT:-

4.13 The previously approved scheme was subject to a formal Environmental Impact Assessment which has been amended in respect of the revised location for the built element of the proposal. This gave due consideration to issues of biodiversity, traffic and transport, landscape and visual amenity, historic heritage,

noise, air quality, water, land use and public rights of way, ground conditions, waste and cumulative impact. Each issue has been carefully considered and consultees have concurred with the conclusions set out and mitigation measures to ensure that the development has least impact locally on, for example, ecology, landscape and the historic environment.

BENEFITS FOR CONGESTION AND THE SUSTAINABILITY OF PROPOSALS:-

4.14 The planning statement submitted with the proposal and more specifically the Traffic Impact Assessment outline the benefits of the proposal for the wider City. The City Centre area particularly at peak holiday periods endures very high levels of vehicle generated green house gas emissions and other related pollutants. The current proposal together with those associated with it would lead to demonstrable reductions in car generated pollution within the City Centre area. The Traffic Impact Assessment furthermore demonstrates very significant reductions in traffic congestion along the A59 corridor leading into the City Centre and along adjoining routes with consequent improvements in journey times. At the peak morning period reductions in traffic flow at times in excess of 50% have been estimated for the period when the scheme is fully operational. The scheme has been the subject of a successful Major Transport Scheme Bid on the basis of these demonstrable benefits. Furthermore the aims of Central Government Policy in relation to car borne transport outlined in the NPPF and Draft Local Plan Policies SP8 and GP4b) would be delivered by the development when fully operational.

IMPACT UPON HIGHWAY SAFETY AND THE FREE FLOW OF TRAFFIC:-

4.15 Concern has previously been expressed about potential increases in traffic congestion along the A59 Harrogate Road and rat running through associated side roads exacerbated by the effect of the proposed signalised junction between Northfield Lane and the A59 to control vehicles entering and leaving the site. The application has been accompanied by a detailed Traffic Impact Assessment which clearly demonstrates that current levels of traffic congestion within the vicinity would be significantly reduced following implementation of the proposal. The junction between Northfield Lane and the A59 would be further modified by the addition of a left turning slip road on to the A59 and a further left turning lane would be provided for traffic exiting the site directly on to the A59. Separate points of access would be provided for buses and vehicular traffic entering and leaving the site onto Northfield Lane.

4.16 It is estimated that even with the slightly amended junction layout average queues at the A59/A1237 junction would be reduced by 950 metres in the morning peak period and by 1,130 metres at the evening peak with queues at the junction of Station Road and Northfield Lane being reduced by 560 metres in the morning peak and 130 metres in the evening peak. Average delays per vehicle would be reduced by 620 and 230 seconds respectively in the morning and evening peak period. Rat

running through Upper Poppleton village would also be greatly reduced as the significant reductions in queuing and delay on the approach to the A59/A1237 roundabout coupled with the reduction in trips from the Harrogate direction into the City Centre would substantively negate any benefit from diverting into Upper Poppleton to reach the Outer Ring Road. The proposed off-site improvements to the A59/A1237 roundabout and its approaches including the creation of a combined pedestrian and cycle underpass would similarly improve the situation.

5.0 CONCLUSION

5.1 The Park and Ride remains an integral part of the Council's Local Transport Strategy in seeking to reduce congestion and delay to and from the City Centre as well as minimising pollution levels. The development of the facility in the amended location does not conflict with the purpose or principles of the site's Green Belt designation.

5.2 The facility would be constructed in two phases with 600 spaces initially, with a further 650 spaces to be added in the medium term. The proposed landscape treatment would be varied accordingly with the proposed earth mounding relocated with additional tree planting in visually significant areas. The design and layout of the scheme and its associated landscaping would ensure a minimal impact upon the Green Belt's openness and the practical impact of the proposed relocation to accommodate the designated Village Green would only serve to minimise any impact further.

5.3 The proposal has been subject to a detailed traffic impact assessment which clearly demonstrates that it would lead to significant reductions in queuing along the A59 and surrounding roads and as a consequence deter rat running through Upper Poppleton village.

5.4 The scheme as a whole complies closely with Central Government Guidance in relation to the NPPF and the requirements of Draft Local Plan Policy T6. The scheme as amended is not felt to be materially different from that previously and approval is recommended subject to the previous conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 The development hereby authorised shall be begun no later than 29th March 2013.

Reason:- To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by Section 51 of the Compulsory Purchase Act 2004.

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

Drawing Refs:- HE/DEC08010354/009 C; CBHAEL502 K; HE/DEC08010354/003 E; HE/DEC08010354/002 E; HE/DEC08010354/005; CBHAEL501 J. Date Stamped 3rd 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.

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

Reason: So as to achieve a visually cohesive appearance.

4 Notwithstanding the application details hereby approved full details of the proposed street furniture including bins, lamp posts, benches, sign posts and cycle lockers shall be submitted to and approved in writing by the Local Planning Authority prior to their erection on site. The development shall thenceforth be undertaken in strict accordance with the details thereby approved and retained thereafter.

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

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

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

6 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed landscape/habitat management plan which shall make reference to the landscape scheme and include ground preparation and operational specifications for the creation and management of the various landscape types, with particular reference to the three woodland types, two species rich grasslands, scrub, grassland with bulbs and management of the existing hedge to be gapped up.

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

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

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

8 Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the LPA.

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

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

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

10 Prior to the commencement of any works, full details shall be approved in writing by the Local Planning Authority of the design of the following access points to serve the Park and Ride site:

i) The mini-roundabout access on to Northfield Lane providing vehicular access to the site;

- ii) The new access and egress points for bus services on to Northfield Lane;
- iii) The new egress point for vehicular traffic on to the A59.

Stage 1,2 and 3 safety audits are also to be undertaken and submitted for approval in respect of these works.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

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

Reason: to ensure the safety and convenience of highway users

13 Prior to the commencement of any construction works, details shall be submitted to and approved in writing by the Local Planning Authority of the arrangements for maintaining the movement of traffic in the vicinity of the site, during the periods when construction work is being undertaken in relation to the provision of new access points serving the Park and Ride facility.

Reason: In the interests of highway safety

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

Reason: To protect the amenities of adjacent residents.

15 Prior to any works commencing on site, a construction environmental management plan(CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration and dust resulting from the site preparation, demolition, groundwork and construction phases of the development. Once approved, the CEMP shall be adhered to at all times unless otherwise agreed in writing by the Local Planning Authority.

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

16 In the event that unexpected contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared which is subject to the written approval of the Local Planning Authority. Following completion of the measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

17 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage of the site and its surroundings.

18 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority before work on site commences.

Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

19 No development shall take place until details of the proposed means of disposal of foul water drainage , including details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site is safely and satisfactorily drained

20 Unless otherwise approved in writing by the Local Planning Authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure that the site can be safely and satisfactorily drained.

21 Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage should not be passed through any interceptor.

Reason: In the interests of safe and satisfactory drainage.

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

Reason:

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

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

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

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

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

7.0 INFORMATIVES:

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the open character and purposes of designation of the York Green Belt, appropriateness of the location of the proposal and impact upon highway safety and the free flow of traffic along the A59 and adjoining roads. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies GB1; SP8; GP1; GP3;GP4a) GP9 and T6 of the City of York Development Control Local Plan and Government policy contained within Planning Policy Guidance note 2 'Green Belts'.

2. CONSENT FOR HIGHWAY WORKS:

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

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

Temporary Highway Closure.

3. STATUTORY UNDERTAKERS EQUIPMENT:-

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

Contact details:

Author: Erik Matthews Development Management Officer

Tel No: 01904 551416

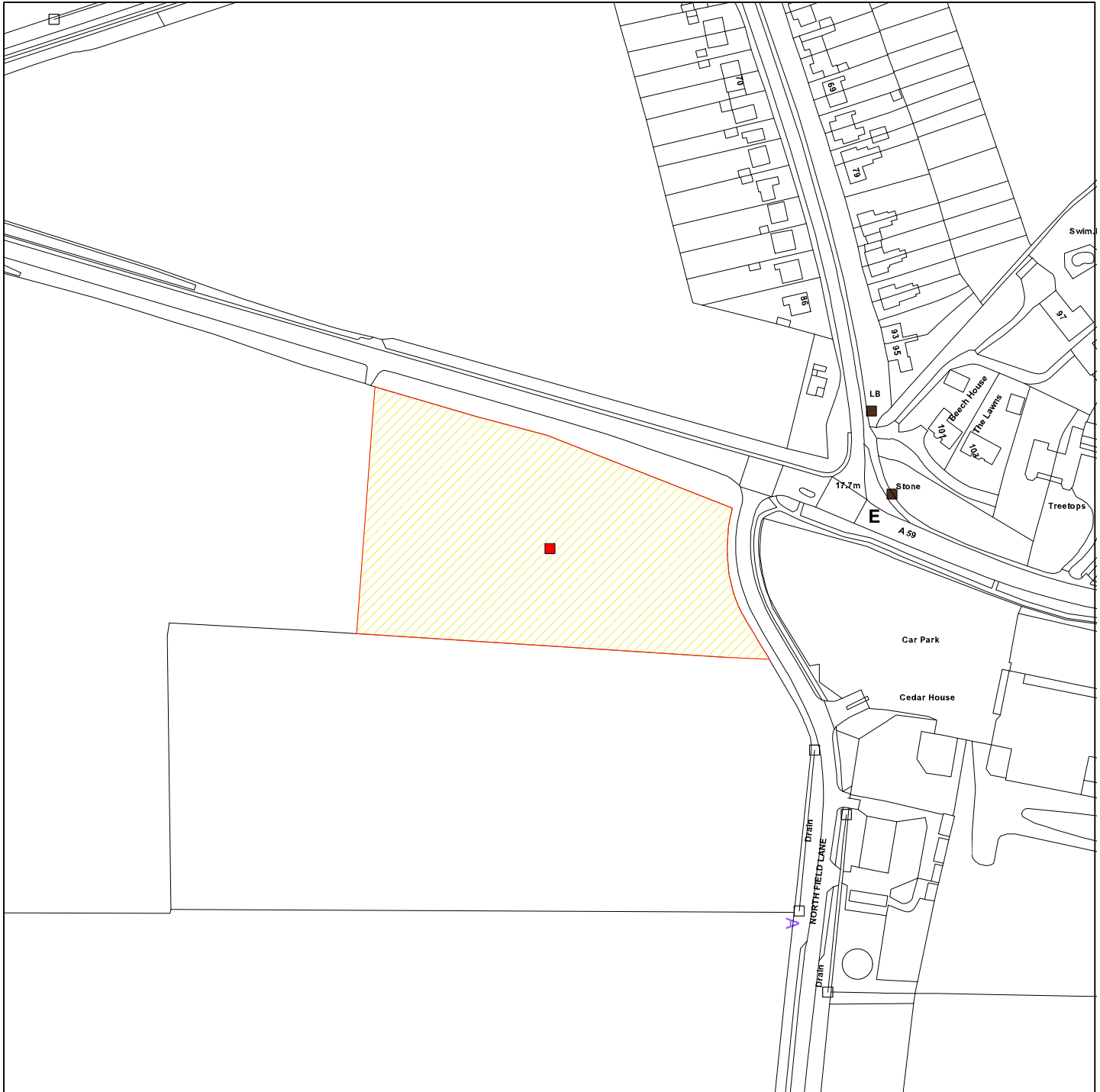
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12/02429/FULM

Proposed Site for Poppleton Bar Park and Ride



GIS by ESRI (UK)



Scale : 1:2500

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	10 September 2012
SLA Number	Not Set

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COMMITTEE REPORT

Date: 20th September 2012 **Ward:** Huntington/New Earswick
Team: Major and Commercial Team **Parish:** Huntington Parish Council

Reference: 12/02545/REMM

Application at: Land Including Huntington Stadium To The West Of Jockey Lane Huntington York

For: Reserved matters application for details of appearance, landscaping, layout and scale of mixed-use development comprising, 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 granted under outline permission 11/02581/OUTM

By: Oakgate (Monks Cross) Limited

Application Type: Major Reserved Matters Application (13w)

Target Date: 23 October 2012

Recommendation: Approve

1.0 PROPOSAL

1.1 At Main Planning and Transport Committee on 23rd May 2012 it was resolved to grant outline planning permission, subject to conditions and legal agreement, for 'a mixed-use development comprising, 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' at Monks Cross South. The planning permission was issued on 5th July 2012.

1.2 The outline application considered means of access with details of appearance, landscaping, layout and scale of the development to be considered within reserved matters applications. The outline application also contained an illustrative masterplan, land use parameters plan, building heights parameters plan, and a design code to show how the site could be developed. The principle of development has been established through the grant of outline planning permission. This permission included restrictions on floorspace, car parking spaces, and building heights.

1.3 This reserved matters application covers the main retail part of the Monks Cross South site. The area of the application site including the stadium and multi-use games area is not part of this application. This reserved matters application covers appearance, landscaping, layout and scale for the retail and restaurant part of the outline application site.

1.4 The application site is approximately 3km north east of the city centre and located south of the existing Monks Cross Shopping Park in Huntington. Broadly the application site is bounded by Jockey Lane to the south and east, Martello Way and the Monks Cross Park and Ride to the west, and the retail units served off Kathryn Avenue and Julia Avenue to the north.

1.5 There are no Conservation Areas or Listed Buildings in close proximity to the application site.

1.6 The outline planning permission contained conditions which limited the amount of floorspace for the three large retail units to 29,728 sq m gross, 22,668 net. Since the outline application was approved, discussions have advanced with potential end users of the buildings. As a result, the applicant's wish for Unit A to be reduced in size by 1858 sq m and for Unit B (smaller middle unit) to be increased in size by 1858 sq m. There would be no overall increase in retail floorspace within the three large retail units and it is considered that this change remains within the confines of the conditions attached to the outline planning permission.

1.7 A separate condition on the outline planning permission decision notice restricted the amount of floorspace which could be built within the restaurant and kiosk cluster to the west of the site. The Design Code submitted with the outline application stated that there would be four restaurants and one retail kiosk. The applicant's discussions with potential end users of these units have resulted in a redistribution of the floorspace approved for retail kiosk and restaurant use. The reserved matters application contains four restaurants and four retail kiosks, however there has been no increase in the total gross internal floor area which was stated and approved within the Design Code. Therefore, it is considered that the reserved matters application is in accordance with the floorspace restrictions stated and conditioned at outline stage.

1.8 An Environmental Impact Assessment was undertaken for the outline planning application. The outline planning application documents identified certain parameters for the development. The likely environmental effects of these parameters were assessed and mitigation measures secured. The proposals contained within the reserved matters application are within the parameters set at outline stage. Additionally there has been no material change in site circumstances. Therefore, it is considered that the development proposed within the reserved matters application would not create any environmental issues not considered at

outline stage. Therefore, it is determined that an EIA is not required in respect of this reserved matters application.

1.9 The applicant undertook significant public consultation as part of the outline planning application. As the plans have not altered significantly from the indicative site layout included within the previous public consultation process, the level of public consultation by the applicants in respect of the reserved matters application has not been as extensive. The applicant has sent letters to key stakeholders and local residents regarding the reserved matters application, encouraging them to make any comments to the Local Planning Authority.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

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

Scheduled Ancient Monuments GMS Constraints: SMR NO. 34718; Roman Camp On Huntington South Moor

2.2 Policies:

CYGP1 -Design

CYGP9 -Landscaping

CYNE1 -Trees,woodlands,hedgerows

CYNE7 -Habitat protection and creation

CYT4 - Cycle parking standards

3.0 CONSULTATIONS

INTERNAL

3.1 Economic Development Unit - The development of Monks Cross South would contribute positively to York's economy. The reserved matters application has altered the floor space of the individual units a little, however this does not change EDU's position regarding the proposal.

3.2 Flood Risk Management Team - No objections.

3.3 Environmental Protection Unit - No comments, however wish to remind the applicants of conditions attached to the outline planning permission which cover issues including construction and environmental management plan, contaminated land, lighting, noise, odour, and electric vehicle recharge points.

3.4 Integrated Strategy Unit - No comments.

3.5 Design, Conservation and Sustainable Development (Landscaping) - The development is set within a naturalistic landscape infrastructure which extends across the distributor road and into the car park where remaining lengths of the existing hedgerow and trees are retained. The car park is supplemented with large-species trees to provide shade and visual amenity. Smaller species trees are included along the retail boulevard. Significant further design work is required for the public plaza/space before the detail of this can be approved.

3.6 Sport and Leisure - No comments.

3.7 Highway Network Management - Details to be provided at Committee.

EXTERNAL

3.8 Huntington Parish Council - No objections.

3.9 English Heritage - The Monks Cross South site is adjacent to a Roman 'practice camp' Scheduled Monument. The proposed landscaping works, taking place in only the retail and restaurant part of the site, will not have an impact on this heritage asset.

3.10 Natural England - No comments to make specifically regarding this application. General Natural England advice regarding conserving biodiversity is highlighted.

3.11 Environment Agency - No further comments to make beyond those submitted as part of the outline application consultation.

3.12 Yorkshire Water - There are water mains and a sewer laid within highways in the site boundary, this infrastructure can be protected via New Roads and Street Works Act legislation. The local sewer network does not have capacity to accept any discharge of surface water from the proposal site. The application states that SUDs will be used, advice should be sought from appropriate authorities regarding this. Surface water runoff should pass through an interceptor prior to discharge to a sewer. Conditions suggested to be added to any approval regarding drainage.

3.13 Ainsty Internal Drainage Board - No comments to make.

3.14 Highways Agency - No comments to make.

3.15 Visit York - No correspondence received at the time of writing the report.

3.16 Police Architectural Liaison Officer - Continued dialogue is taking place in respect of 'designing out crime'. This has ensured that any issues that have arisen have been discussed and agreed at an early stage. The applicants are aiming to achieve 'Park Mark - Safer Parking Award Scheme' in respect of the retail units car parking areas. No concerns are raised in respect of this application.

3.17 Local residents - One letter received. The submitted plans fail to show correctly the pond/drainage area behind no. 19/ 20 Kathryn Avenue with the large pond is missed off completely. This large water expanse provides for drainage for all the properties 18/19/20 Kathryn Avenue. These properties have suffered from subsidence requiring underpinning in some cases with a change in the water table in the area. Also the large pond area is used by many forms of wild life in the area including frogs, toads and newts. Newts are regularly found in the area.

Concerns also raised regarding the new junction on Kathryn Avenue for deliveries to the new stores. Currently it is only through good luck that there has not been a serious accident on the sharp bend on Kathryn Avenue. This is currently used heavily by buses yet HGV vehicles are regularly parked on the junction delivering vehicles to Stoneacre Ford blocking the whole road. At the same time cycles are encouraged to be on the pavement until the same junction again causing an increased danger. By having the new access to the new stores in this position and next to the designated pedestrian access (from Monks Cross 2 to Monks Cross) then again surely the risk of accident is increased. Would it not be more sensible to have the HGV access straight from the main road adjacent to Rogers of York where the vehicles would avoid all the smaller roads and avoid clogging up the main car/ bike/ vehicle entrance to Julia Avenue/Sainsbury's and Monks Cross, again this measure would reduce the chances of serious accident. This also does not include the increased traffic both vehicle and pedestrian created on Kathryn Avenue due to access to the Sports facilities. Looking at the plans for this new junction it also shows an area for HGV holding (waiting) to enter the service yard to the rear of the stores. However it also shows this very close to the designated pedestrian access. There are concerns especially about young children using this route both from the new centre and also the Sports facilities if a HGV holding area is too close or indeed too small meaning that said HGV's overflow onto the main junction as regularly happens currently.

4.0 APPRAISAL

4.1 Members are required to consider issues of appearance, landscaping, layout and scale, in determining this application.

4.2 The proposed development is broadly in line with indicative plans shown on the illustrative masterplan submitted as part of the outline planning application. A land use parameters plan was conditioned as part of the outline planning application whereby certain areas of the application site were zoned for different uses. The proposed layout is in accordance with this zoned plan. The layout consists of large retail units towards the north of the site with car parking to the west, south and east of these units. Restaurants and small retail kiosks would be located to the west of the site adjacent to the eastern edge of the Monks Cross Park and Ride site. To the north of this is a public space plaza. The multi use games area to the north and stadium to the west of this public plaza will be the subject of a separate reserved matters application. To the south of the car park is a new link/access road which connects Martello Way and Jockey Lane with the retail car park. To the south of the link/access road is a substantial area of land dedicated to landscaping and ecology works. This green infrastructure also extends around the east and west of the application site boundary. Two substantial lines of landscaping which run north-south through the site would be retained within 20m wide green corridors. The access points for pedestrians/cyclists and motor vehicle users are as approved within the outline planning permission.

4.3 The main retail frontage faces south towards the car park and Jockey Lane beyond. The frontage consists of three individual shop units creating a frontage of approximately 212m. Unit A, expected to be occupied Marks and Spencer and Unit C, expected to be occupied by John Lewis also have primary side elevations.

4.4 The layout of the proposed development is simple in design with the main frontage facing towards the car park and the main access road. Whilst it may have been preferable for the proposed development to face north and east towards rather than away from existing retail developments in the area, there are a number of site constraints and requirements of the proposed end users of the site which meant that this was not feasible. Therefore, the north elevation of the three large retail units provides for delivery and service access. This is consistent with the indicative masterplan submitted as part of the outline application. The north elevations of the three proposed retail units accordingly have the appearance of rear elevations. Primarily only glimpse views between existing buildings will be afforded in respect of the rear elevations of Units B and C. The rear of Unit A will be more visually prominent with views from Kathryn Avenue and the sports and leisure facilities to the north west being afforded. The applicant has sought to soften this view through the incorporation of tree planting and a post and wire hedge fence. It is considered that this would help the appearance of the area at ground level. On the western edge of the north elevation of Unit A, a signage zone is proposed. It is considered that this would assist with giving the unit some identity when viewed from the rear and aiding navigation. However, the layout of the proposed development does create difficulties in creating an inclusive and sustainable development where people walk between the various retail and leisure uses in the area.

4.5 The proposed Unit A is 11.5m in height. The frontage onto the car park contains a variety of materials which helps to give the building some vertical emphasis and visual interest. At ground floor level the materials proposed are predominantly glazing and a natural stone coloured masonry. At first storey level the proposed building is vertically clad in grey aluminium with sections of glazed curtain walling with an aluminium brise soleil to provide shading for this south elevation. A section of the frontage measuring approximately 18.5m by 8.6m would be a living green wall system.

4.6 The proposed curtain walling wraps around the south west corner of Unit A to create a reasonably attractive corner feature at first storey level. Whilst the west elevation of Unit A contains some windows at first storey level and an external entrance, overall its appearance is as a secondary rather than primary elevation. Given the relationship between this side elevation and the community open space plaza and the community stadium, officers have worked with the applicants in an attempt to improve the west elevation to bring more life and interest to the community areas. Whilst the elevation under consideration is not particularly active and does not contain strong architectural details, operator requirements have severely restricted the options available. The retention of the entrance on the west elevation is considered of significant importance and an additional benefit which has been secured on the revised plan is the intention to create a green wall through the use of climbing plants. The revised plan show a 3m high area of climbing plants landscaping between the entrance and the northern edge of the building. It is considered that this will give a softer and more attractive boundary to the public open space plaza, rather than a solid relatively featureless wall which was previously proposed.

4.7 Unit B, expected to be occupied by Next, would measure 11.5m in height. The front elevation is designed to appear light weight with a significant element of glazing framed within a simple stone/ceramic clad frame. Unit B only has a primary elevation facing south towards the car park. This unit is more narrow than the two units which sit either side, it is considered that the proposed design which is simple and light weight in appearance is appropriate. This will provide some visual break in the bulk of the frontage of the three large retail units.

4.8 The proposed Unit C also measures 11.5m in height. The design of the building includes a simple palette of materials. The proposed building is primarily glazed and clad with a natural stone coloured Rainscreen. Unlike Units A and B, Unit C does not have a consistent building line. The south west corner of the building is in line with the frontages of Units A and B. The building frontage then angles back towards the centre and entrance point before angling forwards to create a sharp and strong corner feature. The glazing on this corner wraps around onto the east elevation. The east elevation of this building is considered to be important as it faces towards Jockey Lane and the existing Monks Cross Shopping Park beyond this. The east

elevation of the building has been designed to be active with the creation of a large glazed entrance area towards its northern end. The east elevation is given further visual interest with the use of a spacer channel between the cladding. It is considered that the proposed design of Unit C is acceptable in this relatively prominent corner location.

4.9 Approved as part of the outline application was a building heights parameters plan. This plan set a height which the buildings cannot exceed in height. For the three large retail units the maximum height set was 13m. The proposed units at 11.5m in height are in accordance with these approved parameters. There is the potential that some plant may need to be sited on the roof of the three large retail units; however, these would not exceed the 13m maximum height.

4.10 The restaurant and kiosk area towards the west of the site was given a height parameter of 7m. The plans submitted as part of this application show that these buildings would measure between 5m and 5.8m in height. Allowing for roof plant which would be enclosed by timber acoustic screening, the total height of the buildings would not exceed 7m.

4.11 The proposed development includes four retail kiosks and four restaurants. These units would sit within two rows separated by a central walkway which continues forward to create the pedestrian boulevard in front of the three large retail units. This walkway would link the Park and Ride site with the restaurants and kiosks and beyond to the main retail park. The walkway provides a suitable gateway to the site from the Park and Ride to the west and could help to encourage sustainable transport choice. The restaurants and kiosks have been designed as two rows of units with a consistent design theme. The bespoke units have not been designed to the standard appearance of the individual operators. It is considered that this creates a more uniform appearance creating a greater sense of place and raising the visual quality above the standard appearance of many restaurant areas within retail parks. Designing the kiosks and restaurants at the same time as the large retail units also allows for a more consistent use of materials within the whole site. The proposed kiosks and restaurants are designed with large expanses of glazing with cladding in natural colours selected to complement but not match those used on the three large retail units. All materials to be used would require approval, however the indicative small scale samples of the materials submitted by the applicant are considered appropriate.

4.12 It is considered that the restaurants and kiosks should, as far as possible, be double fronted. Initial plans had a dominant east elevation facing towards the retail park, however it was felt that other elevations were not strong enough. As the restaurants and kiosks have the Park and Ride to the west, retail units to the east, and public open space plaza to the north, it is important that the proposed units have active frontages in these directions. Through work with the applicant a stronger west elevation has been created. This includes the use of more glazing,

entrances, outside seating areas, and the inclusion of a planting screen around the bin stores. There are restrictions to creating a truly double fronted restaurant and retail kiosk, however it is considered that the revised plans have created an active frontage. Restaurant 1 has a north elevation facing the public open space plaza. Two new sets of doors have been created from the north elevation of the restaurant to allow greater interaction between the public space and the restaurant. This helps to give the public plaza some life and interaction from the south. It is hoped in time that the stadium will provide much greater purpose to this space. Double doors have also been added to the south elevation of Restaurant 4 to create access to a sitting out area. The creation of entrances on the west elevation of the restaurants leading to outside seating areas will allow people to enjoy the afternoon sun whilst creating an active frontage onto the Park and Ride. It is considered that this helps to create a more sustainable and inclusive development where the restaurants have an active frontage onto the Park and Ride site rather than just the proposed retail park. The creation of a more active frontage on the west elevation is also considered of benefit in relation to the Community Stadium in terms of linking up the two developments and encouraging movement between the uses.

4.13 The most important social space within the original outline application site was the community open space plaza to the east of the stadium, north of the restaurants and kiosks and west of Unit A. This area sits between the sport and leisure uses to the north and west and the retail and restaurant uses to the south and east. For this reason the applicant was asked to provide a framework for its future development within the Design Code. The Design Code states that this area should provide for a range of community and recreational uses which provide for congregation, excitement and adrenalin. The area was to include green space with tree planting. The uses for the area were proposed to include children's play space, street theatre and performance area. Informal recreational space which could be used for play and reflection was proposed with the use of mounding, natural materials, and informal seating integrated within the planting. In terms of quality the Design Code refers to design excellence with features of iconic quality to enhance the sense of arrival and the creation of an impressive setting. Creative lighting was proposed to help engender the sense of an evening- use environment providing safe and user friendly spaces for public use.

4.14 It is felt that the proposals that have come forward as part of the reserved matters application do not currently meet the high standards set out in the Design Code. Mounding and planting is proposed but in a way which provides a buffer to the MUGA rather than an inclusive environment with interaction between the spaces. The remainder of this area is hardstanding with trees which appear to guide a visitor through the space rather than encourage them to stop and enjoy the community area. The applicant has agreed to carry out significantly more detailed work into how this part of the site could be developed to a high standard and encouraging community use as set out in the approved Design Code. The applicant has been asked to draw up some indicative schemes to provide comfort to Officers

and Members that the community open space will be appropriately designed. A condition could then be added to any approval requiring full detailed designs to be submitted and approved.

4.15 A condition is attached to the outline planning permission requiring public art to be integrated into the development. These details have not been submitted as part of the reserved matters application, but it is felt that the public open space plaza would be a highly suitable location for such works. A public art strategy is required to be submitted and approved prior to the commencement of the retail development, it is anticipated that this can be approved at the same time as the detailed design for the public open space plaza. It is understood that meetings have already taken place with the Head of Arts, Heritage and Culture, to discuss a budget and potential public art works.

4.16 The proposed development is required, by condition, to achieve a BREEAM 'very good' rating as well as at least 10% of the predicted energy requirements for the buildings being obtained from low or zero carbon technologies. As part of the requirements for this condition the applicant has submitted a strategy for meeting this target. The strategy sets out that the three technologies which are being investigated in order to achieve the target; these are heating and cooling from the aquifer, photovoltaic panels, and air source heat pumps. Either one or a combination of these technologies would be used. The three options were selected from a list of eight potentially viable systems with those considered to be most suitable for this site taken forward for further investigation.

4.17 Should heating and cooling from the aquifer be chosen this would require a kiosk to be installed around the pipework to house the pump, valves and associated electrical equipment. The heat exchangers would be to the rear of the retail units adjacent to other mechanical and electrical equipment associated with the building. If Photovoltaics are used, the panels would sit on the roofs of the buildings, covering up to 56% of the available roof area. The panels would be set below the proposed parapet. An air source heat pump system would require plant to be located to the rear of units adjacent to mechanical and electrical equipment. Smaller air source heat pumps would be required for the smaller units than the three large retail units. It is considered that whichever energy source is used (or combination of sources) that there would be no significant impact on the visual amenity of the buildings or the application site more widely.

4.18 One of the major strengths of the application site and the outline application which was approved, is the retention of significant landscape areas including trees. The perimeter landscape infrastructure reflects that which was previously approved under a full application with all of the trees proposed to be planted now of a native species. The meadow mix has been extended across the distributor road and the previously proposed ornamental planting under the existing trees has been omitted and meadow grass reinstated, completing the naturalistic setting of the site. This

will help to soften the visual impact of the proposed development and help to retain the naturalistic appearance of the landscape in the surrounding area.

4.19 Two landscape corridors run from north to south through the car parking area. Trees within these corridors would be retained within a 20m wide undeveloped green area. These substantial green corridors will provide some visual relief from the car park. Additional trees are proposed in four rows across the car park as well as along the retail frontage and around the main inner circulation road. Along the retail frontage is proposed bamboo and hedging which would provide structure and greenery and some height. Trees have been added intermittently both along the shop frontage and at the ends of the parking bays, which if successful would provide the effect of a boulevard as suggested in the Design Code. In time it is considered that the proposed planting would soften the appearance of the built development and provide a more pleasant environment for customers. The applicant has revised the landscaping scheme within the car parking area to include trees which would be large, broad-spreading species to provide greater levels of shade and greater visual impact.

4.20 The development has been designed to accommodate 1340 car parking spaces within the retail and restaurant car park. This is in accordance with the approved Design Code and the transport assessment which was submitted and assessed by Highway Officers. The site benefits from being well connected to parts of the city's cycle network. There is an off road cycle route along Malton Road to the site with cyclists able to go up New Lane and across the field to the Park and Ride site or to carry on up Malton Road and access the site via Martello Way. It is important that these strengths are built on and therefore the applicant was asked to submit a site cycle strategy showing how cyclists would enter and use the site and the location of the cycle parking areas.

4.21 Significant work has taken place with the applicant to draw up a cycle strategy that served the proposed retail occupiers as well as providing a safe and accessible option for cyclists. There are two key cycle entrances to the site from the west. The first is for those choosing to enter the site from across the field from New Lane. This cycle route runs to the north of the Park and Ride with cyclists entering the site across the public open space plaza. The second route is across the green landscape infrastructure and through the car park from Martello Way. Once within the site, cyclists will be encouraged to use a 4m shared pedestrian and cycle route which would lead to the front of Unit A. Users of this route would have priority over road users with crossings proposed over Martello Way and the internal circulation/access road. From the south a similar 4m wide shared pedestrian and cycle path would be created through the car park from the circulation/access road, this time leading to the front of Unit C. Access from the east is to be provided by two off road entry points which would be shared pedestrian and cycle routes. These entry routes would be accessed from the off road cycle lane along Jockey Lane. Following concern by the proposed retailers and the Police Architectural Liaison

Officer it was decided that the 5m wide boulevard along the retail frontage would be pedestrian only. However, cyclists will be able to cycle close to the retail unit entrances through the use of the road between the car park and the pedestrian boulevard. 208 cycle parking spaces are proposed, of which 84 would be covered. Through negotiations the revised plans now show cycle parking in convenient locations close to the key uses within the site. Full details of the cycle parking areas need to be submitted and approved as part of a condition within the outline planning permission. The condition requires the cycle parking to be installed prior to the first use of the retail operation. Highway Network Management are now content with the proposed cycling strategy and the number and location of the cycle parking facilities.

4.22 The application site is located over 200m away from residential dwellings on Forge Close to the north west of Huntington Stadium. The major built development on the application site is set well away from the small cluster of dwellings to the south of the Malton Way/Jockey Lane/Martello Way roundabout. It is not considered that the proposed scale and layout of the development would have any significant impact on neighbouring amenity. The most significant neighbour amenity consideration relates to the stadium part of the development package which will be considered and addressed within a subsequent planning application. Issues of the impact of traffic on neighbouring amenity have already been considered when the outline application seeking approval for access to the site was approved in May. Conditions are in place on the outline application regarding such things as plant and machinery and construction management. These provide comfort that neighbouring amenity will not be significantly harmed as a result of the proposed development. There have been no letters of objection to the proposed development regarding neighbouring amenity.

4.23 Advice has been sought from the Countryside Assistant regarding the letter of concern which was submitted by a local resident regarding a pond to the north of the site and Great Crested Newts which are within it. The Countryside Assistant has confirmed that the pond mentioned has been taken into account and was included in the 2009, 2010 and 2011 Amphibian Surveys undertaken as part of the previous outline application. The pond to the rear of 19/20 Kathryn Avenue is referred to as Pond 2 in the Survey Report (dated 2011) and was found to contain Great Crested Newts and Smooth Newts as well as frogs and toads. The loss of this pond has been mitigated for in the landscaping of the site and as part of the wider Ecological Mitigation Scheme. Work will also be undertaken under licence from Natural England providing additional comfort that appropriate mitigation will take place. Regarding the concerns raised by the local resident regarding the use of Kathryn Avenue to the north of the site for delivery vehicles and servicing, it is noted that this issue was considered as part of the outline planning application when access was approved.

5.0 CONCLUSION

5.1 The proposed layout and scale of the development is in accordance with the approved land use and building heights parameters plans approved as part of the outline application. The layout and the scale of the development proposed is considered appropriate within the context of the site and the surrounding area. The retail and restaurant units have been designed with visual interest with each of the three large retail units having an individual appearance which will help to add interest and reduce the visual bulk of the proposed development.

5.2 Existing landscaping is being retained and supplemented with new planting where appropriate including an area around the west, south and east of the site as well as two tree lined green corridors running north to south through the proposed car park. Additional landscaping is proposed throughout the site including within the car park, along the retail frontage and in the public open space area. The landscaping proposed is supported by the Council's Landscape Architect.

5.3 Access to the site has already been approved as part of the outline application. Cycle and pedestrian access to the site has been considered with routes linking up to existing off site pedestrian and cycle routes. Cycle parking has been located in suitable and accessible locations throughout the key areas of the site.

5.4 For the reasons outlined above the application is recommended for approval. The key public open space area between the retail units and the proposed Community Stadium requires significant additional design work in order for it to function as a high quality community area as outlined within the approved Design Code. Officers are recommending a condition covering this area with the comfort that a Design Code has already been approved which sets out the standards required for this space and the type of uses it must accommodate. It is hoped that further design work will have been carried out before Committee and Members will be updated on this.

6.0 RECOMMENDATION: Approve

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

- List of drawings to be approved to be provided as an update at Committee.

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

2 Notwithstanding information submitted as part of this application, plans showing the detailed design of the 'Community Plaza' shall be submitted to an approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure an inclusive high quality public space is provided in accordance with the aims of the Design Code.

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

Reason: So as to achieve a visually acceptable appearance.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to layout, scale, appearance, and landscaping. As such the proposal complies with Policies GP1, GP3, GP9, NE1, NE7, and T4 of the City of York Development Control Local Plan.

Contact details:

Author: Michael Jones Development Management Officer

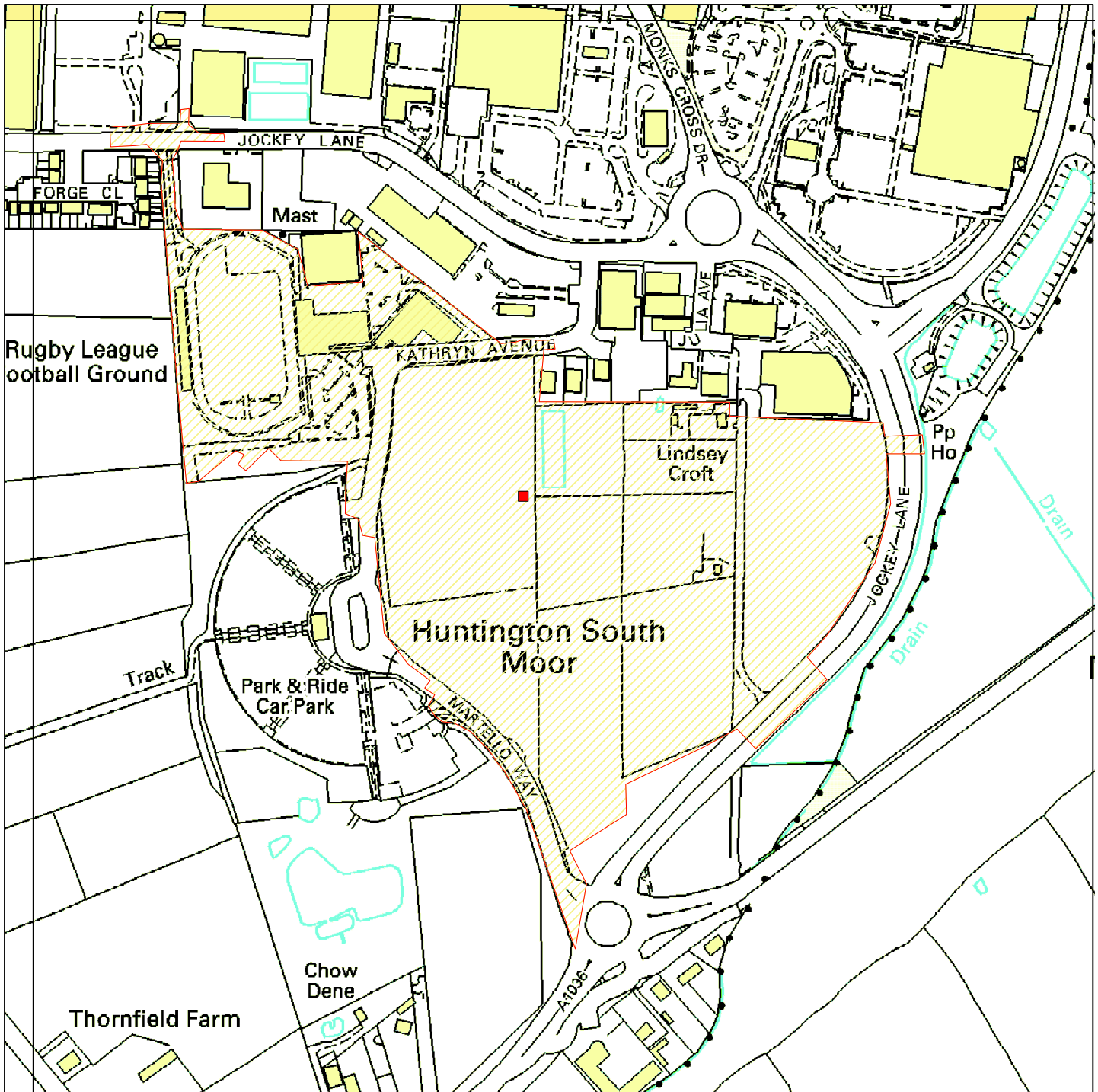
Tel No: 01904 551339

12/02545/REMM

Land inc Huntington Stadium, Jockey Lane



GIS by ESRI (UK)



Scale : 1:5000

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Organisation	City of York Council
Department	City and Environmental Services
Comments	
Date	10 September 2012
SLA Number	Not Set

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COMMITTEE REPORT

Date: 20th September 2012 **Ward:** Haxby And Wigginton
Team: Major and **Parish:** Wigginton Parish Council
Commercial Team

Reference: 12/02459/FUL
Application at: Creepy Crawlies, The Arena, Clifton Gate Business Park,
Wigginton Road, Wigginton.
For: Change of use of part of reception building to childcare facility
including outdoor space
By: Mrs Janice Dunphy
Application Type: Full Application
Target Date: 5 September 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 Use of part (approximately 63sqm) of a single-storey reception building to a pre-school day nursery for up to 24 children aged 3-5 years. The building is currently used as a reception/café/briefing room for the 'High Ropes' adventure course. Part of the grounds of the adventure course would be fenced off to provide a secure outdoor play area (approximately 55sqm) for the children. The nursery would be operated by Creepy Crawlies, an indoor children's play centre adjacent to the application site. High Ropes is also operated by Creepy Crawlies. The nursery would be independent of both Creepy Crawlies and High Ropes although the children would use these facilities as excursions from the nursery. The building would not be extended and no additional car parking spaces would be provided.

1.2 The application has been called in by Cllr Firth due to concerns about traffic, absence of a section 106 contribution and the piecemeal way in which the business park is being developed. The Assistant Director is putting the application before the Planning and Transport Committee (instead of the East Area Planning Sub-Committee) to enable a timely decision to be made.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP1-Design

CYGB3-Reuse of buildings

CYC7-Criteria for children's nurseries

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management - No objections. The traffic that could be associated with a day nursery for 24 children would not be significant or have a material impact on the operation or safety of the adjacent highway. The site has large areas of car parking and circulatory space which would allow parents/cares to drop off/pick up and wait for children clear of the public highway. Based upon the car parking surveys submitted as part of the High Ropes planning application - and giving consideration to the likely peak periods of operation of the nursery - adequate car parking is available for the proposals.

3.2 Childcare Strategy - No objections. The planning application makes reference to the fact that the new childcare provision would meet an unmet demand for childcare, particularly from the Acomb area, as identified in the Childcare Sufficiency Assessment. Whilst the Sufficiency Assessment does state that the Acomb ward has a low number of childcare places per child of population, feedback from parents shows a higher than average percentage do not use childcare as they choose not to and use family and friends. Hence, the Sufficiency Assessment does not highlight that are as somewhere in need of additional under 5 provision. There is no indication to suggest that parents in areas of the city where there may be unmet demand would travel to the North of the city to access childcare. Furthermore, there are already several other childcare providers in the area which may be adversely affected by the opening of a new childcare facility.

3.3 Environmental Protection Unit - No objections. Add contamination and construction informatives [case officer response - These informatives are not necessary because the building works involved in the development would be negligible].

EXTERNAL

3.4 Wigginton Parish Council - Objection. The nursery would increase traffic. Access to the business park is inadequate. The varied activities are not compatible.

There is no s.106 contribution towards increased safety. The site is industrial and unsuitable for child care facilities.

3.5 Public Consultation - The consultation period expired on 9 August 2012. No response.

4.0 APPRAISAL

4.1 KEY ISSUES

Impact on the Green Belt
Highway Safety.

THE APPLICATION SITE

4.2 Part of the High Ropes adventure course located within Clifton Gate Business Park. Access is from Wigginton Road. The building to be used as a nursery measures 23m x 7m x 3.8m to the ridge. The nursery would occupy 63sqm (40%). The remaining 60% would continue to be used as a reception, café and briefing room for the High Ropes adventure course. The business park includes a range of uses that fall into two main groups: commercial (eg car sales, storage, distribution, light industry) and leisure (Creepy Crawlies, High Ropes, York Riding School).

POLICY CONTEXT

4.3 The National Planning Policy Framework (General) - There is a presumption in favour of sustainable development which, for decision-taking, means approving without delay development proposals that accord with the development plan (paragraph 14). Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless: (1) any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or (2) specific policies in the Framework indicate development should be restricted.

4.4 National Planning Policy Framework (Green Belts) - The fundamental aim of green belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of greenbelts are their openness and permanence. The NPPF lists the types of development that are acceptable in the green belt. Other development is deemed inappropriate, which is by definition harmful to the green belt. Inappropriate development should not be approved except in very special circumstances that outweigh any harm to the green belt. The re-use of buildings is not inappropriate provided they are of permanent and substantial construction and their re-use preserves the openness of the green belt and does not conflict with the purposes of including land within it. The alteration of such buildings is not inappropriate provided it does not result in disproportionate additions over and above the size of the original building.

4.5 National Planning Policy Framework (Social, Recreational and Cultural Facilities) - Planning policies and decisions should: plan positively for the provision of community facilities; guard against their unnecessary loss; ensure that established facilities are able to develop and modernise in a way that is sustainable and for the benefit of the community; and ensure that their location is considered in an integrated way. Planning policies for access to open spaces and opportunities for sport and recreation should be based on robust and up-to-date assessments of need.

4.6 The City of York Development Control Local Plan was approved for development control purposes in April 2005. Its policies are material considerations although it is considered that their weight is limited except where in accordance with the NPPF. The following local plan policies are still applicable:

4.7 GP1 - Development proposals should be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and local character; respect or enhance the local environment; provide/protect amenity space; protect residential amenity; accord with sustainable design principles; include refuse facilities; and include, where appropriate, landscaping.

4.8 GB3 - Outside defined settlement limits the reuse of buildings in the green belt will be granted provided: it does not have a materially greater impact than the present use on the openness of the green belt; the buildings are of permanent construction and are capable of conversion without major or complete reconstruction; the reuse will not require extensive alteration, rebuilding or extension; the form, bulk and design are in keeping with their surroundings; the buildings are not close to intensive livestock units or other uses that may result in a poor level of amenity for the occupiers; and there is a clearly defined curtilage.

4.9 C7 - Planning permission will be granted for the development of, or the change of use to, a children's nursery provided: (a) adequate internal and external play space is provided; and (b) where development will not adversely affect the amenity of neighbouring properties or the residential character of the area; and (c) the proposed development is well served by footpaths, cycleways and public transport routes.

APPRAISAL

4.10 The proposal complies with green belt policy in the NPPF and policy GB3 of the local plan. The principle of the re-use is acceptable. The proposal raises no significant issues relating to drainage, contamination, visual appearance, sustainability, landscape or bio-diversity. The parish council appears to be mainly concerned about the adequacy of the access from Wigginton Road. Their secondary concerns relate to parking and traffic generation.

4.11 Clifton Gate Business Park has developed in a piecemeal fashion over a number of years. Consequently, in Autumn 2010, when the High Ropes course was first proposed, the council required the applicant to carry out a traffic survey at the access to the business park during peak periods of operation. The findings of that work provided up-to-date base data for assessing the High Ropes application and any subsequent applications (such as the current proposal) at the business park. The survey results and analysis of the access onto Wigginton Road found that the junction operates with spare capacity and would continue to do so after the High Ropes course was in operation. Nevertheless, in order to help access to and from the site, highways officers recommended that the applicant be required to pay for Keep Clear markings to be painted onto the road at the site access. This has since been carried out. The current proposal is relatively minor and the traffic generated by it would not have a material impact on the operation or safety of the adjacent highway. There is no history of accidents having occurred as a result of traffic entering or leaving the site. Given the limited increase in traffic using the junction as a result of the proposal, highway officers do not object. Adequate car parking and circulation space is available within the business park to accommodate traffic generated by the nursery.

4.12 The adequacy of the nursery facilities is regulated by other legislation and administered by other departments of the council. Whilst officers accept that most trips to the nursery would be by private car the site is served by public transport. The site is not sufficiently remote to justify refusal on grounds of sustainability. Whilst the site is in a business park it has a long history of catering for children. The nursery use would not be incompatible with the character of the surrounding area.

4.13 The applicant argues that the council is supportive of the proposal and that the nursery would help address a shortage of nursery places in York, specifically in Acomb. Whilst the council's Child Care Sufficiency Statement identifies shortfalls in provision across the city Childcare officers do not agree that parents in areas where there may be unmet demand would travel to the north of the city to access childcare. Irrespective of such concerns, the location of private sector childcare facilities is a commercial judgment and is not a factor in determining this planning application.

5.0 CONCLUSION

5.1 The application accords with national and local green belt policy. Traffic generated by the proposal would not materially affect the safety or operation of the junction with Wigginton Road. The application raises no other material planning issues.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact on the green belt, highway safety and provision of nursery facilities. As such the proposal complies with the National Planning Policy Framework and policies GP1, GB3 and C7 of the City of York Draft Local Plan.

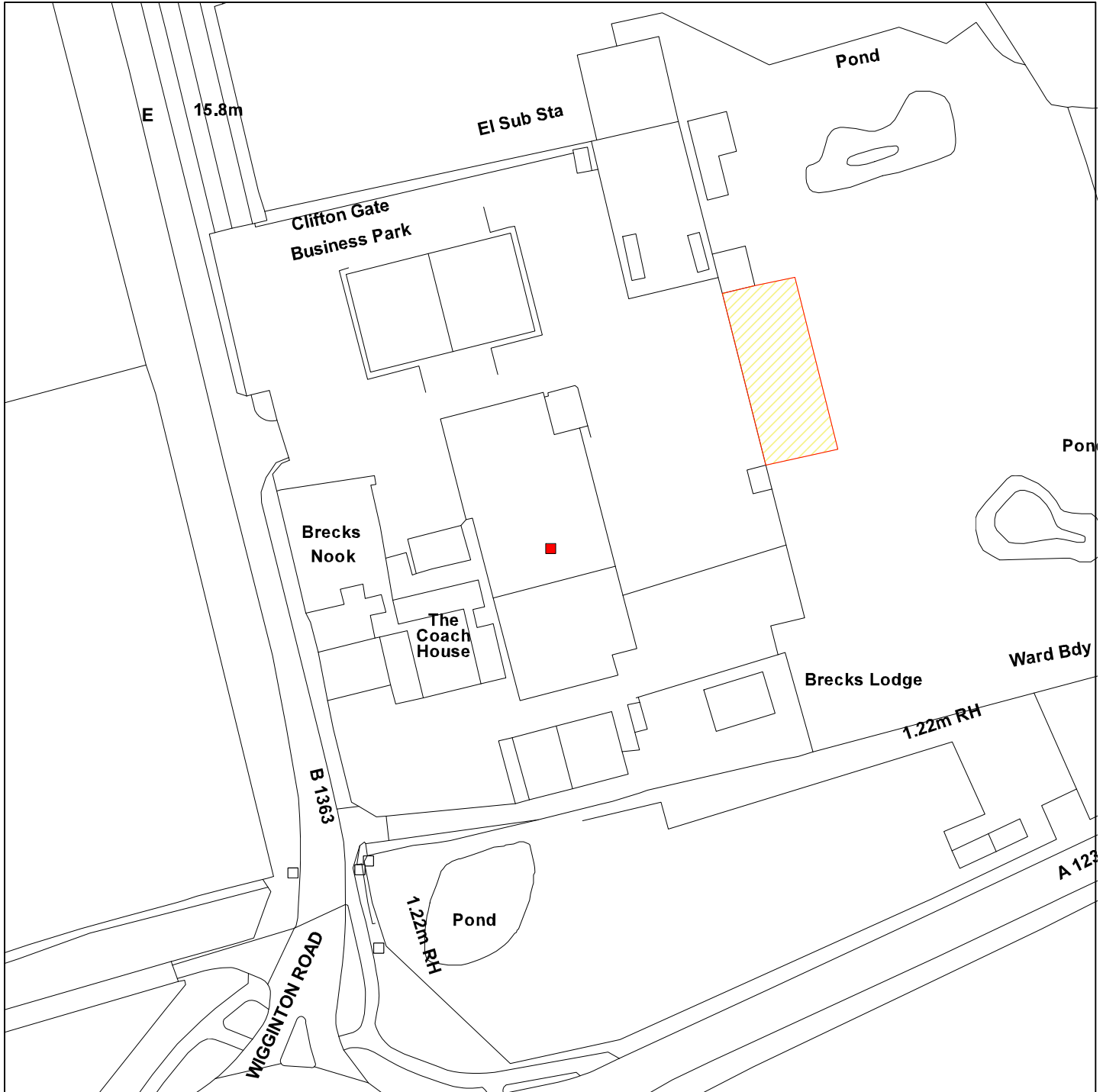
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12/02459/FUL

Creepy Crawlies



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	10 September 2012
SLA Number	Not Set

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12/02306/FULM – University of York, Heslington East
Construction of Athletics Track and Cycle Track

Committee Update
20 September 2012

First, some typos. Paragraph 3.9 should read improving *wildlife*. Paragraph 4.14 says that funding for the cycle track requires it to be complete by March 2012. This should be *2013*.

The masterplan for the site is the main plan for approval. You should all have copies in front of you. It shows the athletics track, cycle track, car park extension and revised right of way (in yellow) in the context of the existing swimming pool, car park and sports pitches.

The applicant has asked that recommended condition 13 (requiring a noise survey) be deleted. Officers have no objection as a noise survey has already been carried out as a condition of the outline consent for the campus and noise levels are unlikely to have changed significantly since then.

The applicant has also asked that various other conditions be revised. These conditions require details to be submitted or works to be carried out *within three months of planning permission being granted*. Whilst this wording is well established for Heslington East planning permissions the applicant argues that the exact timings depend on the funding package for the track and buildings being finalised. A more appropriate wording for the conditions would be *within three months of the commencement of work on any phase of the approved proposals*. Officers have no objection to this revised wording. It applies to conditions 3, 4, 5, 6, 7 and 8.

A question has been asked about the timing of the pavilion and grandstand proposals. Negotiations are continuing between the university and the council about the buildings' design and content. Once settled the terms will be enshrined in a legal agreement between the two parties. Full planning applications for the pavilion and grandstand will then be submitted to the council for approval.

Kevin O'Connell

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12/02306/FULM – Water End
Construction of Flood Alleviation Measures

Committee Update
20 September 2012

Paragraph 4.19 sets out how a resident in the Cinder Lane area is concerned that new ramp in the road to the rear of her property would make it easier for intruders to climb over the boundary wall and railings and thus get into her garden. The increase in height of the road at this point would be approximately 200mm. Whilst the increase in risk is small, the applicant has agreed to raise the heights of the wall and railings alongside the ramp to address the resident's concerns. This could be done by raising the height of this part of the new flood wall, putting in taller railings on top of the wall, or a combination of both. The applicant proposes to discuss options with the householders affected before coming to a final decision.

As described in paragraph 4.12 of the report officers have questioned the need to erect a rail along the top of the flood wall along Water End and that it would further restrict views towards the river. In response the EA have reviewed the need for the railing and concluded that for approximately three quarters of the wall it may indeed not be necessary. For the remaining sections some measures to prevent a trip hazard and to deter people from walking onto the wall would still be needed. This could take the form of retaining the rail as currently proposed for those sections (which the EA believes would be the neatest solution), or providing/reinstating knee rails alongside the wall. The EA will confirm their findings in a Public Safety Risk Assessment before the final design can be confirmed. Officers consider that such reduced measures would be acceptable.

The council's rights of way officer has asked that the proposed steps over the embankment at Lincoln Street be deleted and replaced by a gradual ramp. Such a ramp would require changes to the topography of the embankment in this area. The applicant has agreed to the request.

Officers recommend that submission of details of the wall at Cinder Lane, the wall alongside Water End and the ramp near Lincoln Street be made a condition of approval:

Notwithstanding the approved plans the following proposed works shall not be erected until details have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the submitted details.

- a. The replacement wall and railings between Cinder Lane and the properties in Regents Court;
- b. The rail along the new flood wall on the north-west side of Water End;
- c. The pedestrian access ramp across the raised flood embankment at the northern end of Lincoln Street.

Reason: In the interests of public safety and amenity.

Paragraphs 4.16 and 4.17 state that end-use proposals for the bowling green and BMX track post-construction will be agreed by the council. For the avoidance of doubt, this would be in consultation with local residents and local groups.

Comments have been received from the council's countryside officer. She has no objections. Mitigation for loss of trees can be addressed by the landscape condition.

The list of plans for approval has been revised as follows: 108983-00000/C, 108983-00001/C, 108983-00002/C, 108983-00003/C, 108983-21001/C, 108983-21002/D, 108983-24001/D, 108983-24002/C, 108983-24003/C, 108983-80001/A, 108983-80002/A, 23001/C, 23002/C, 23003/C, 23004/C, River Ouse map1-email.mpd, 108983-22001/C, 108983-22002/C, 108983-22003/C, 108983-22004/C, 108983-81001/A, 108983-81002/A, 108983-81003/A, 4.7.5a, 4.7.5b and 4.7.5c

Kevin O'Connell

**12/02429/FULM Poppleton Bar Park and Ride, Northfield
Lane, Upper Poppleton**

Committee Update:-

**The plan reference referred to in Condition 24 should read
CBHAEL501 Rev J.**

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Officer Update

Reserved Matters Application – Monks Cross South

12/02545/REMM

- The description of development on the top of the Committee report is incorrect. This was copied from the outline application. However, the proposed development does not include the stadium and associated uses. The description has been amended so that when a decision is issued it reflects what has been applied for in this reserved matters application.
- Since the Committee Report was published, further work has taken place with the applicants to make small modifications to the proposed plans. The final set of plans which are under consideration and should be listed under Condition 1 (on page 99 of the Committee Agenda reports Pack) are:
 - Site Layout 2009-216/GEN/100 L, 2009-216/GEN/890A Servicing Site Wide Proposal, 2009-216/GEN/820C Fences and Barriers, 2009-216/GEN/100/Cycles Rev A Cycle Strategy, 2009-216/GEN/810B Proposed levels
 - Landscaping Plans - 9010-019-136E - 9010-019-137E - 9010-019-138G - 9010-019-139F - 9010-019-140F - 9010-019-141F
 - Unit A - 2009-216/ZONE A/201L Ground Floor Plan, 2009-216/ZONE A/202H First Floor Plan, 2009-216/ZONE A/203M Roof Plan, 2009-216/ZONE A/210R Elevations, 2009-216/ZONE A/350E GA Sections, 2009-216/ZONE A/890D Delivery Area and Swept Path
 - Unit B - 2009-216/ZONE B/201G Ground Floor Plan, 2009-216/ZONE B/202C First Floor Plan, 2009-216/ZONE B/203B Roof Plan, 2009-216/ZONE B/210D Elevations, 2009-216/ZONE B/350D GA Sections
 - Unit C - 2009-216/ZONE C/201Q Ground Floor Plan, 2009-216/ZONE C/202M First Floor Plan, 2009-216/ZONE C/203H Roof Plan, 2009-216/ZONE C/210N Elevations, 2009-216/ZONE C/350E GA Sections, 2009-216/ZONE C/890E Delivery Area and Swept Path
 - Kiosk, restaurant and security office - 2009-216/GEN/201E Kiosk and Restaurant GA Plan, 2009-216/GEN/202D Kiosk and Restaurant Roof Plan, 2009-216/GEN/203A Security Office Ground and Roof Plan,, 2009-216/GEN/210F Kiosk and Restaurant Elevations and Ground and Roof Plan, 2009-216/GEN/211A Security Office Elevations, 2009-216/GEN/350B Kiosk and Restaurant 1:50 Sections, 2009-216/GEN/355A Security Office 1:50 Sections.
 - Tree Pit Details – 9010-019-111B, 9010-019-112B, 9010-019-113B, 9010-019-114B, 9010-019-115B.

- There is a proposed amendment to suggested condition 3 regarding materials (page 100). It is proposed to make it explicit within the wording that this condition covers the ground surface materials as well as those used on the buildings. Therefore the revised proposed condition is:

‘Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used, including external building materials, roads, footpaths, shared spaces, car parking areas, and within the Community Plaza, 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 acceptable appearance.’

- Since the report was completed comments have been received from Highway Network Management. A summary of the comments made are presented below:

Internal pedestrian and cycle access

Whilst reasonably content with the amended plans which are a significant improvement on the original set, there are areas that could be further improved to the advantage of pedestrian/cycle movement. However as the area and routes are within a private development it cannot be insisted upon that these are changed.

The main boulevard running east-west along the store frontage will provide a clear, at grade, 5 metre wide space. The only issue is where it interfaces with vehicle access aisles serving the car parking, in that access by car will be at grade throughout, meaning that the strategy to achieve slow vehicle traffic is reliant solely on changes in material colour/contrast.

The absence of either vertical deflection or transition/rumble materials (for cars) will be to the disadvantage of pedestrian priority in Highway Officer’s opinion. Based upon dealing with many retail developments, it is clear that people whilst in their cars are concentrating very much on finding a space to park (usually as close to the entrance as possible) and it is not clear that the approach will instil the right balance in some parts of the layout.

In terms of landscaping perhaps the continuous hedgerow/buffer between the boulevard and coloured car park aisle will mean that pedestrian choice is restricted, being steered to just a handful of locations – this could be seen as inconvenient – although perhaps higher concentrations of pedestrians will mean that they receive greater priority at the crossing points.

In the original plans the space and width provided for the pedestrian/cycle paths leading to/from the boulevard, was unfortunately not in accordance with the previously approved Design Code. Discussions have taken place with the applicant. Officers have been willing to reduce the total number of shared pedestrian and cycle paths such that an appropriate width and alignment can be provided on 2 key north-south paths, connecting the bottom edge of the site to the retail area. The width of these would be 4m. In addition routes/paths for pedestrians/cyclists travelling from the west (via the North Lane/P&R direction) and east (via Jockey Lane) will similarly be provided.

Cycle Parking

The number of cycle parking spaces is in line with the outline consent. Some proposed parking was (in the original plans) located at the periphery of the site, which was unacceptable from a convenience and security perspective. This has been addressed and the cycle parking locations are now considered acceptable. There will be reasonable volume under cover and it is assumed that through the Travel Plan, staff will be encouraged to utilise these. Details of the type of cycle parking, shelters, spacing, stands, lighting and cctv have not been submitted – these details are covered by condition in the outline permission.

Car Parking

The number of car spaces and the internal layout is as indicated through the outline application. Allocations for disabled, parent & child and car sharing parking are provided.

- Council Officers' have been continuing to work with the applicants to devise an acceptable scheme for the community open space plaza. We are now in receipt of a sketch scheme which gives purpose to this important social space and provides some assurance that the quality of finish being sought matches the high standards expected. The space now provides facilities for informal play and relaxation within a naturalistic setting. Suggested condition 3 requires the applicants to agree a detailed design for this space with the Local Planning Authority.

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12/02459/FUL – Creepy Crawlies, Wigginton Road
Use as a Childcare Nursery

Committee Update

20 September 2012

At the committee site visit members asked for clarification about the extent of the nursery's outdoor play space. The applicant has confirmed that whilst a larger area has been considered, the area shown on the submitted site plan is correct. The standard of the facilities provided by the nursery is a matter for OFSTED in its consideration of the nursery's application for a licence.

A condition has been added specifying the approved plans:

2. The development hereby permitted shall be carried out in accordance with the approved plans 005/G and 006/B received by the council on 10 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.

Kevin O'Connell

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