



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, 21 February 2013

Time: 4.30 pm

Venue: The Guildhall, York

AGENDA

Would Members please note that Site Visits for this meeting will commence at 12:30 on Tuesday 19th February 2013 from Memorial Gardens.

1. **Declarations of Interest**

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. **Minutes** (Pages 5 - 8)

To approve and sign the minutes of the meeting of the Planning Committee held on 20th December 2012.

3. Public Participation

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by **5pm on Wednesday 20th February 2013**. 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) 1 Matmer House, Hull Road, York (12/03551/FULM). (Pages 9 - 28)

A major full application for a front and rear extension to ground floor shops, change of use of first floor to create 16no. 1 bedroom student flats, create two new floors to accommodate a further 31no. 1 bedroom student flats. Free standing unit containing a lettings / management office with managers accommodation over, incorporating cycle, bin and furniture stores (resubmission) [Hull Road Ward] *[Site Visit]*.

b) Millie Crux Sports Ground, Haxby Road, York (12/03606/FULM). (Pages 29 - 56)

A major full application for outdoor sports facilities with floodlighting and associated access, parking and landscaping. [Huntington and New Earswick Ward] *[Site Visit]*

c) Proposed University Campus, Lying Between Field Lane and Low Lane A64 Trunk Road And Hull Road, York. (12/03617/REMM) (Pages 57 - 68)

A major reserved matters application for details of student residences in 8no.buildings (620 bedrooms and Dean's flat) with social hub building, cycle parking and landscaping granted under outline permissions 04/01700/OUT and 08/00005/OUT. [Heslington Ward] *[Site Visit]*.

d) Royal York Hotel (Wheel), Station Road, York, YO24 1AY (13/00047/FUL). (Pages 69 - 78)

A full application for the variation of conditions 1, 7 and 8 of permitted application 11/02650/FUL to allow observation wheel to operate until 30 September 2013 and the site to be restored by 30 November 2013. [Micklegate Ward].

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

Democracy Officer:

Name: Laura Bootland

Contact Details:

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

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

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- Business of the meeting
- Any special arrangements
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- Monitor best value continuous service improvement plans

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PLANNING COMMITTEE

SITE VISITS

Tuesday 19th February.

TIME	SITE	ITEM
12:30	Coach leaves Memorial Gardens.	
12:45	Millie Crux Sports Ground	4b
13:35	University of York Heslington East Campus	4c
14:00	Matmer House, Hull Road	4a

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City of York Council

Committee Minutes

MEETING	PLANNING COMMITTEE
DATE	20 DECEMBER 2012
PRESENT	COUNCILLORS HORTON (CHAIR), CUNNINGHAM-CROSS, GALVIN (VICE-CHAIR), AYRE, BOYCE, BURTON, D'AGORNE, DOUGHTY, FIRTH, HEALEY (SUBSTITUTE), KING, MCILVEEN, REID, RICHES, SIMPSON-LAING AND WILLIAMS
APOLOGIES	COUNCILLORS WISEMAN

29. DECLARATIONS OF INTEREST

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

Councillor Williams declared a personal interest as his employer Yorkshire Water had requested a condition.

30. MINUTES

RESOLVED: That the minutes of the meeting held on 22 November 2012 be approved and signed by the Chair as a correct record, subject to the addition of an informative regarding affordable housing to minute item 28b.

31. PUBLIC PARTICIPATION

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

32. PLANS LIST

Members considered a report of the Assistant Director (City Development and Sustainability) relating to the following planning application, which outlined the proposal and relevant planning considerations and set out the views of the consultees and officers

32a Land Adjacent to and to the rear of Windy Ridge and Brecks Lane, Huntington, York. (12/02979/FULM).

Members considered a major full application submitted by Mr. Paul Butler, for a residential development of 87 dwellings with associated access and infrastructure.

Officers circulated a Committee update, the main points of which were:

- Two additional letters of objection had been received from local residents. The letters made similar points to those summarised in paragraph 3.14 of the committee report, with the addition of reference to the poor design of the proposed houses, the lack of the 'Cambridge' design which is an affordable housing type and that the small existing trees to the north of the site should be retained.
- Suggested condition 2 in the committee report did not contain a list of suggested approved plans as they were still being finalised, these were now available.
- An additional condition is proposed to cover the location and design of a sub-station and pump station which are required to be located on the site.

Members then went on to question the officers on a number of points, including:

- The provision of a crossing on New Lane and where it is proposed to be located. Officers advised that this matter will be subject to further discussion with the applicant and highways officers and a consultation.
- The retention of the hedgerow along the boundary of New lane and whether there will be a condition to stipulate how the hedge will be maintained. Officers advised the Section 106 would include a management plan to cover this.

Jay Everett spoke on behalf of Portakabin. He advised that they had concerns about how the scheme could impact on their operations both now and in the future. He felt that noise generated by Portakabin may impact upon residents at the site and the concern was based on issues that had arisen with residents that already live nearby. He welcomed the work that Barratts had undertaken to mitigate against noise but suggested that the building of a bund along the boundary with Portakabin would be useful.

Paul Butler spoke on behalf of Barratt Homes. He advised that the development will provide homes and jobs for York and will protect the ecological value of the site. Barratts are working to find a solution with Portakabin regarding noise, however the Council's Environmental protection Unit are satisfied with the suggestion of a 3 metre high acoustic barrier and green planting.

Members went on to question a number of points including:

- The advantages and disadvantages of a fence over a bund. Officers explained that a bund would affect the value of the grassland due to its width, therefore a fence is preferable.
- The significance of the grassland. The Council's Countryside Officer responded to advise that there is less than 100 hectares of that type of grassland left in York and that the applicant has been working with officers to ensure that as much as possible is retained.
- The Environmental Protections Officers opinion on the potential for noise nuisance. It was confirmed that EPU are satisfied with a fence and can not foresee a problem with noise. Any future noise issues would be dealt with appropriately.

Following further discussion it was:

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

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the report.

CLLR Horton, Chair

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

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COMMITTEE REPORT

Date: 21 February 2013 **Ward:** Hull Road
Team: Major and **Parish:** Hull Road Planning
Commercial Team Panel

Reference: 12/03551/FULM
Application at: 1 Matmer House Hull Road York YO10 3JW
For: Front and rear extension to ground floor shops, change of use of first floor to create 16no. 1 bedroom student flats, create two new floors to accommodate a further 31no. 1 bedroom student flats. Free standing unit containing a lettings / management office with managers accommodation over, incorporating cycle, bin and furniture stores (resubmission)
By: Mr Asghar Choudhury
Application Type: Major Full Application (13 weeks)
Target Date: 26 February 2013
Recommendation: Refuse

1.0 PROPOSAL

1.1 This application seeks planning permission for an extension to Matmer House in order to create larger retail units on the ground floor with student residential accommodation over the three floors above. It is proposed to retain the existing building and to extend to the front and rear and two storeys above to create a substantially larger building in terms of both footprint and height. Seven shop units would be retained and extended with a total of 47 one bedroom student flats created on the upper levels. The student flats proposed are self contained with no shared facilities other than bin and cycle stores.

1.2 Matmer house is a two storey flat roof building located along Hull Road close to the junction with Melrosegate. The building primarily contains a mix of retail and hot food takeaway units on the ground floor with offices above. Matmer House sits within a small parade of retail type uses which primarily serve the surrounding residential area. The site sits on a main arterial route into the City and lies approximately 800m east of Walmgate Bar. The University of York Campus is approximately 500m to the south. To the rear is a car park which is used to service shops at Matmer House as well as those on Melrosegate and provides parking for approximately 35 cars. Following the development approximately 28 car parking spaces would be retained. The application proposes the erection of a two storey management building within the car park; this would contain residential accommodation for a site manager, an office and well as bin and furniture storage space. Within the car park area would remain an existing an electricity substation.

Application Reference Number: 12/03551/FULM

Item No: 4a

1.3 Matmer House has a frontage of approximately 37m in length, the buildings depth is approximately 12.5m. The building is of flat roof design and measures 7.8m in height. The building is mid-twentieth century and is of little architectural merit. The proposed extension retains the length of the frontage but increases the building's depth to 22m; this is achieved through a significant extension to the front and rear. Attached to the front extension is proposed a glazed walkway canopy across the whole frontage which is approximately 3m in depth. This canopy would cover part of the public highway footpath. The proposed development would reach a maximum height of 14.3m with the main ridge being 13.1m above ground level. The eaves height is 11.5m. The proposed building is primarily finished in render with a number of tiled pitched roof elements proposed, the building steps back from the front and in from the side at each storey. The management office is two storeys in height with a pitched roof. The building would have a footprint of 10.5m by 7m with an eaves and ridge height of 4.6m and 6.7m respectively.

1.4 The application site is unallocated 'white land' on the Local Plan Proposals Map. The whole of the site is within Flood Zone 1 and therefore is at low risk of flooding from rivers. The site is not within a Conservation Area and there are no listed buildings within the immediate vicinity.

1.5 This application is a re-submission of application 12/01338/FULM which was withdrawn following concerns being expressed by Officers. The most significant change in the proposal from that previously considered is a change in design which has been revised in an attempt to overcome concerns with regard to visual impact and the impact on neighbouring amenity.

1.6 A site visit is recommended to enable Members to understand the visual impact of the proposed development, the potential impact on local residents, the car parking and access arrangements, as well as any other concerns expressed by local residents within the context of the site.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYSP6 Location strategy

CYSP7A The sequential approach to development

CYS9 No loss of local or village shops

CYE3B Existing and Proposed Employment Sites

CYED10 Student Housing

CYGP1 Design

CYS10 New local and village shops

3.0 CONSULTATIONS

INTERNAL

SPORT AND LEISURE

3.1 As there is no on-site open space commuted sums should be paid to the Council for

a) amenity open space - which would be used to improve a local site such as Hull Rd Park

b) play space - which would be used to improve a local site such as Hull Rd Park, Managers accommodation only as student units are only 1 bed.

c) sports pitches - would be used to improve a facility within the East Zone of the Sport and Active Leisure Strategy.

The contribution to off site provision is to be based on the latest York formula through a Section 106 Agreement.

ENVIRONMENTAL PROTECTION UNIT

3.2 Concerns around the level of amenity of the proposed occupants due to noise and odour. The proposed development is situated above existing retail units, these units include a number of take away businesses and a laundrette, there is also a main arterial route into York, Hull Road. Noise and odour from the day to day activities could affect the amenity of the residents of the proposed dwellings, these could include. To ensure that the amenity of the occupants of the proposed development is protected EPU recommend a noise assessment survey be completed looking at the noise associated with the local area and what improvement should be made to ensure sufficient protection is achieved for the proposed residents.

3.3 From the application it is unclear whether the existing businesses will be retained in the development or whether new businesses would be accommodated. If existing businesses are to remain they may have inadequate ventilation/extraction

systems which would not protect the proposed residents from noise or odour as they have to date not had to factor residents in close proximity to their business practices, this must be considered by the applicant.

3.4 EPU would also like to ensure that existing local residents are not adversely affected by noise from the development of the site. We would recommend that the developers are restricted by condition to reasonable hours of site development and ask that the developers also submit a noise management plan to ensure that site development uses best practical means that will help to control site noise.

3.5 The proposed development is not contained within City of York Council's Air Quality Management Area (AQMA), as levels of nitrogen dioxide (NO₂) at property facades in this area are not considered to be in breach of the health based air quality objective values.

HIGHWAY NETWORK MANAGEMENT

3.6 Insufficient information has been provided in order to enable the impact of the application to be properly assessed.

1) It is not clear from the submitted information who the car parking is intended to serve (existing shops, new retail units, flats) or whether adequate parking remains following the redevelopment. A plan clearly allocating and annotating the car parking for the different units/uses should be supplied.

2) Details of measures/a management plan detailing the initiatives which will be implemented in order to prevent students bringing vehicles to site must be supplied. This should clearly set out that a low/no car ownership policy will be used and secured through the tenancy agreements with penalties should the policy be disregarded. Consideration must also be given and detail provided for how the site will be managed during the term end/start dates when students will be bringing belongings to site/taking them away from site. This will inevitably be by car and has the potential to cause serious disruption if not managed effectively.

3) The development footprint appears to stand on land which is publicly maintainable highway, this is not acceptable.

4) Swept path analysis of servicing traffic together with details of how this will take place needs to be supplied.

5) It is stated that 46 cycle spaces are to be provided, yet it is not clear from the plans where this number are to be provided. Separate cycle parking for both staff of the retail units (covered and secure within each unit) and for the public visiting the site (to the site frontage) also needs to be provided. Staff and public cycle parking shall be in the form of Sheffield stands at 1m centres. A cycle space measures 0.5m x 1.8m.

6) A number of the car spaces within the rear car parking area are not practical and it doubtful whether vehicles could realistically use these spaces.

7) The application should be supported by a Travel Plan, particularly for the student accommodation which details measures and initiatives which seek to minimise private car use.

EXTERNAL

HULL ROAD PLANNING PANEL

3.7 Welcome the redevelopment of Matmer House, however strong objections are raised to the current application due to:

- Gross overdevelopment of the site with little regard for neighbouring properties, the building should be two storeys in height only;
- There is a lack of a sun path diagram with the submission and there are concerns about overshadowing neighbouring properties;
- The proposed development appears incongruous in appearance and results in development over the highway;
- There would be a loss of amenity for neighbours through noise, nuisance and overlooking;
- The plans show a distinct lack of waste storage for both the retail units and student accommodation;
- There is an insufficient quantity of cycle parking for the number of student flats;
- The application proposal results in a decrease in the number of car parking spaces available but a significant increase in retail and residential floor space resulting in insufficient car parking provision;
- The development requires the removal of 2 large planters containing a mature tree from the front of the property and several trees to the rear car park. Although currently the planters are overgrown and not maintained the soft landscaping is beneficial to soften the appearance of the hard landscaped frontage.

CLLR NEIL BARNES

3.8 Objects to the application on the same grounds as Hull Road Planning Panel. A sensitive and measured redevelopment of Matmer House would be supported, but the current application is so far removed from reality and logic that it cannot be supported. There have been recent planning permissions for large scale student accommodation in the area, the impact on the local infrastructure has not yet been realised. The City needs affordable housing for young professionals and families. The application makes no attempt to be sensitive to its surroundings not does it provide adequate waste disposal or parking provisions. The proposal would create sub-standard housing which would not meet resident's needs whilst having a big impact on the local area and existing residents. The application perpetuates a myth that demand for student housing continues to grow strongly in the east of the city.

Cllr Barnes wishes for the application to be heard at Planning Committee so that he can make full representation on behalf of local residents.

POLICE ARCHITECTURAL LIAISON OFFICER

3.9 The application site is in an area of risk in respect of crime and disorder. The National Planning Policy Framework (England) paragraph 58 and 69, states that planning policies and decisions should aim to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. Design and Access Statements should show how crime prevention has been considered within an application. The applicant has not demonstrated in any of the documentation submitted how crime prevention has been considered in respect of this proposal (see 2. above). The area around the application site has a high concentration of student accommodation. This can create high levels of residential turnover resulting in little long term commitment to the area, a decline in community spirit and very little opportunity for community interaction. I have visited the application premises on a number of occasions in the past, as a result of certain shops and business premises suffering from crime. Recessed areas to the rear of the shops are proposed which can attract crime. Too many cycles parked in a store could jeopardize security by placing a reliance on so many individuals to remember to secure the stores after use. Residents could soon become reluctant to park cycles in these areas. There is insufficient car parking which could lead to indiscriminate car parking which can cause conflict and the potential for crime. There is no lighting within the rear car park at the moment, lighting should be added and the car parking area should be approved to provide a sense of the place being cared for. The alleyway to the side of Matmer House should either be designed out or lit and covered by CCTV. The security of the communal bin store, within the manager's accommodation building, needs very careful consideration. It is located where users will be totally out of sight and it will not be directly overlooked, particularly from the student flats. This raises issues about 'fear of crime', arson and the creation of a possible entrapment site. With a student development of this size, it is important that it is properly managed with a member of staff available 24hrs per day. Good management minimises potential negative impacts from occupants or the development on surrounding properties and neighbourhoods, and creates a positive and safe living environment for students. A robust management plan should therefore be a requirement of this application.

YORKSHIRE WATER

3.10 No comments to make.

LOCAL RESIDENTS

3.11 Ten letters of objection received from the following addresses; owner of 1 and 3 Millfield Avenue, 204 and 204a Melrosegate 277 a, b, and c Melrosegate, residents of 5, 7, 13, 14 Millfield Avenue, 277c Melrosegate, 41 Hull Road, 39 Hull Road. The following objections were made:

- The proposed construction would reduce the amount of natural light entering the back gardens of Millfield Avenue and result in a loss of privacy through overlooking both into gardens and windows ;
- The noise of the construction would be a disturbance to local residents;
- An increase in the student population in the area may create a further source of disturbance in the evenings;
- The proposal states that there will be no additional parking for the properties, parking in neighbouring roads is already difficult for existing residents, more residents would add extra demand for car parking in the surrounding area further adding to the indiscriminate parking issue in the area;
- The application proposal does not provide anywhere for students to park;
- The application has not changed significantly from the previous submission, the current proposal raises the same concerns;
- The proposal is very overpowering and substantially invades the current frontage and car park to the rear;
- The application is a gross overdevelopment of the site;
- The proposal is oppressive and overbearing for adjoining occupants;
- The building is incapable of taking additional loads, the existing structure would need to be replaced,
- No gutters are shown which could result in rainwater gushing down into neighbouring gardens, if gutters are proposed this would overhand neighbouring gardens which would make the application submission invalid;
- The proposed development is a monstrosity, has no benefits for local residents and would de-value house prices in the area;
- Matmer House is in need of restoration and the community would support this because currently it is very neglected, however this need not overcome the concerns raised;
- Concerns over the loss of trees within the back garden which currently help to maintain some privacy;
- There have been recent large scale developments of student accommodation in the area and the proposal would further add to this resulting in a loss of balance between student and longer term residents;
- No new open space is proposed to cater for the additional number of residents;
- The proposal could add to existing sewage problems in the area;
- The proposal could create more anti-social behaviour problems;
- The proposal is too high and out of character with surrounding two storey buildings, as the development in Lawrence Street demonstrates;

- The University should provide sufficient accommodation on their campus;
- The proposal would significantly block the amount of natural lighting entering the rear of 227 a, b, and c Melrosegate;
- Insufficient space is provided for waste storage, at the moment shop and takeaway bins are simply left in the car park;
- The proposal reduces the number of car parking spaces but increase the number of spaces required to meet demand;
- There has been a large number of new student accommodation recently built in the area, however the current application has not been accompanied by a needs assessment, the City of York Council's current policy on student accommodation states that there should be an identified need on windfall sites;
- An application of this size should have been subject to detailed pre-application discussions and public consultation, this application has not;
- The proposed development would put existing businesses in Matmer House out of business.

LOCAL BUSINESSES

3.12 Two letters of objection received from someone representing 267 and 273 Melrosegate and the unit operator at 271 and 273 Melrosegate. The following comments were made:

- Existing businesses have the right to park vehicles in the car park, a right of way over part of the car parking area and a right to place bins to the rear of their units. 267 and 273 Melrosegate have the right to park 6 vehicles within the existing car park. The proposed development would restrict the ability of remaining shops to leave bins to their rear as car parking is proposed in this area and would also restrict access to car parking spaces. The proposed car parking arrangement does not show sufficient space for vehicles to manoeuvre in and out of the majority of bays. There is insufficient space for waste trucks to enter the site, turn around and exit in a forward gear.
- Charity shop at 271 and 273 Melrosegate relies on a regular supply of donations and this requires easy access for those donating. Donations are taken into the back room to be sorted, access to the rear is also needed for the collection of waste and recycling. Shops in the area provide a vital, varied and vibrant community shopping facility which would be undermined by the proposed development because of the loss of access and car parking spaces. The proposed development is too tall and would result in the loss of an important forecourt area along Hull Road. Insufficient waste and recycling storage capacity is proposed.

4.0 APPRAISAL

4.1 The key issues are:

- Principle of Development
- Visual Impact
- Impact on Neighbouring Residential Amenity
- Access, Car and Cycle Parking
- Refuse and Recycling Storage

PRINCIPLE OF DEVELOPMENT

4.2 The principle in favour of sustainable development is the basis for every planning decision as set out in the NPPF. Sustainable development is considered to have a social, economic and environmental perspective. The planning system is about making this happen and it is stated that sustainable development should go ahead without delay.

4.3 The Development Control Local Plan (DCLP) is considered to be a material consideration in the determining of planning applications where the guidance is consistent with that in the National Planning Policy Framework (NPPF). Policies SP6 'Location Strategy' and SP7a 'The Sequential Approach to Development' seek to make effective use of brownfield land and locate development in sustainable locations which are not reliant on the car. Policy S9 'Loss of Local of Village Shops' seeks to protect shops where they provide a service and facility to the local community. Policy E3b 'Existing and Proposed Employment Sites' seeks to protect existing employment uses from changing use unless there is a sufficient supply of employment need and other benefits derive from the development. Policy ED10 'Student Housing' sets criteria for assessing planning applications for off campus student residential accommodation, this includes identifying a need, being accessible by sustainable transport choice, the location and scale are appropriate to the surroundings, the development would not be detrimental to the amenity of nearby residents, and car parking will be satisfactorily managed.

4.4 The application site is in a highly sustainable location, close to local services and facilities including shops, the University, open space, and the City Centre which can all be accessed by sustainable transport choice. It is considered that the redevelopment of this site to create a more efficient use of the land is sustainable. Whilst the vast majority of shop units within Matmer House have been regularly occupied in recent years, the applicant states that their proposed expansion improves their viability and therefore it would better serve the community. Whilst significant details have not been provided with regards to the need for new student accommodation, it is stated within the applicant's supporting information that they believe there is a need for new student accommodation. It is stated that new purpose built student accommodation can reduce the pressure on the family

housing sector to provide student accommodation. Given the strong presumption in favour of sustainable development, the sustainable site location, the lack of an adopted Local Plan, and the lack of local guidance on student housing need as well as the identified problem of the loss of a number of family type housing to house in multiple occupation (HMO) use in some areas of the city, it is not considered that objections could be raised to the proposed development of just 47 student accommodation rooms on the basis of a lack of demonstrated demand.

4.5 The proposed development would provide construction jobs as well as longer term jobs within the enlarged retail units and in terms of managing the student accommodation. However, the Development Control Local Plan seeks to protect the loss of employment uses, such as the offices which are currently on the first floor of Matmer House. However, the loss of employment land needs to be considered in light of the quality and quantity of the provision. Whilst the site is accessible and sustainable, Matmer House is not a prime location for office type uses. It is isolated from other office uses and does not provide the type of high quality and flexible space which is currently needed. There is no evidence to suggest that the loss of the current site for employment uses would have any significant impact on the ability of businesses to find suitable accommodation. There is a supply of better quality and more flexible office accommodation elsewhere in the city. Given the other economic benefits which may derive from the proposed development, it is not considered that objections could be raised to the loss of employment land.

4.6 Overall it is considered that the principle of development is acceptable. A suitable redevelopment of Matmer House could have a positive impact on the social and economic needs of the City.

VISUAL IMPACT

4.7 Paragraph 8 of the NPPF states that well-designed buildings and places can improve the lives of people and communities. Paragraph 9 states that planning sustainable development involves seeking positive improvements to the quality of the environment and people's quality of life, one of the key ways of achieving this is replacing poor design with better design. One of the core planning principles set out in the document is seeking high quality design. The emphasis which the NPPF places on good design is further emphasised in Chapter 7 'Requiring Good Design' which states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.' Paragraph 64 states that 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'

4.8 Matmer House has no particular architectural merit and is not considered to make a positive contribution to the character and appearance of the area. The building and its surroundings, including the car park, are not in the best state of repair. The redevelopment of the site provides a good opportunity to replace the existing building with something of higher quality which can positively contribute to the way the site appears and functions within its surroundings. The majority of other buildings in the area are two-storey in height; this includes a large number of houses and more locally the two storey convenience store on the corner of Hull Road and Melrosegate. This building is considered to set the visual context of the site as viewed from the west. Immediately to the east of Matmer House is a single storey building used as a betting office. There are some two and a half storey residential dwellings further to the east. Whilst there are a variety of building heights along Lawrence Street, the application site sits on a visually prominent corner location within the context of two storey buildings.

4.9 The proposed development is significantly greater in height than those surrounding it. The 37m frontage length combined with the four storey building height would create a visually dominant building. The sense of the building not respecting but instead being imposed onto the area is further emphasised by the significantly increased depth of the building. The 22m building depth would be seen above surrounding buildings from all public vantage points. It is not considered that the scale and mass of the building respects the character of the area and it would dominate the street scene.

4.10 Whilst developing buildings in accordance with existing building lines is not always necessary or appropriate for a site, it is considered that the proposed extension significantly in front of the current build line further adds to the sense of the proposed building visually dominating the area. The proposal significantly steps forward of the existing front elevation of Matmer House at ground floor level and encroaches onto the public highway through the glazed canopy. The sense of space between Matmer House and Hull Road would be significantly eroded to the detriment of the character of the area.

4.11 It is not uncommon for streets to contain buildings which have a variety of heights. This can add interest to a street scene. However, when a building is significantly greater in height than those in the area and additionally steps forward significantly of its neighbouring buildings, it can dominate the street. Matmer House has no space around it and therefore is not viewed as a stand alone building but as one within a group. The applicant in trying to address previously expressed concerns about height, dominance, and the impact on neighbours, has amended the design from the previously withdrawn application. The building height has been reduced, the building has been designed to step up from the sides, and the amount of accommodation at upper floors has been reduced. This all reduces the visual bulk of the building a little. However, it is not considered that the revised plans have gone far enough and the amount of development proposed on site is significantly

more than it is able to accommodate visually. In addition, the amended design has created a building which appears contrived and overcomplicated, particularly in terms of the roof structure.

4.12 At present there are two large tree pits in front of Matmer House on the public highway. It is understood that the tree from one of these pits has recently been removed due to poor health. However, a substantial mature tree remains in the other planting pit. This tree is shown as being removed and could not be retained at this close relationship to the front of the proposed building.

4.13 The proposed manager's office and accommodation with stores has been designed to appear residential in character. The building has a pitched roof and has similar proportions to a typical two storey house. Given the location of this building set well back from Melrosegate it is not considered that it would have any significant impact on the visual amenity of the area.

IMPACT ON NEIGHBOURING RESIDENTIAL AMENITY

4.14 Policy GP1 of the DCLP seeks to protect neighbouring residential amenity in terms of noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. One of the core planning principles within the NPPF is seeking a good standard of amenity for existing occupants.

4.15 It not considered that the creation of additional shop floor space would have a significant impact on residential amenity. Whilst an increase in footprint could result in a small increase in the number of deliveries and amount of custom, it is not considered that this would significantly harm the level of amenity which neighbouring residents could reasonably expect to enjoy given the existing uses at Matmer House which includes retail and late night takeaways. Matmer House is within a small parade of local shops close to busy roads.

4.16 The creation of student accommodation use on the site, if suitably planned and managed, would not have a significant impact on residential amenity. The surrounding area is predominantly residential and the creation of a certain level of student accommodation in this vicinity could be designed such that residential amenity is not significantly harmed. Students are often associated with later night activities; however the site is close to a busy crossroad with other surrounding late night uses. There is already a level of later night activity in the area which the proposed development would not significantly increase.

4.17 However, as previously stated it is considered that the applicants have tried to accommodate more on the site than it can reasonably accommodate. This overdevelopment, as well as having a visual impact, would have an impact on residential amenity. A number of objections have been received from local residents along Millfield Avenue to the east and dwellings along Melrosegate to the west. The

proposed development increases the height of Matmer House and its depth significantly without bringing it in from the side boundaries. Matmer House is built up to both the east and west boundary. The rear of some houses on Millfield Avenue back onto the application site. Nos. 1-5 Millfield Avenue have rear gardens of between approximately only 5 and 10m in length. The existing relationship between Matmer House and 1 and 3 Millfield Avenue is tight such that the outlook from the back of these dwellings is already dominated by Matmer House. Whilst the proposed plans include a significant step-in of the proposed building from the east side so that there is no additional development on the boundary with these houses, it is considered that the extra depth of the building and the total height will add to the sense of being enclosed by development. At present there is some relief and outlook from upstairs windows of these houses, the proposed development would remove this.

4.18 The proposed development represents a significant increase in the footprint and height of Matmer House. It is considered that this would have a harmful impact on the amount of natural light entering neighbouring gardens and houses. Matmer House is south west and west of houses on Millfield Avenue and south east and east of dwellings to the rear of Melrosegate. It is considered that the closeness of the proposed extensions to neighbouring curtilages combined with the significant height would result in a loss of light into these dwellings and gardens. These dwellings tend to have small or no garden areas and a limited outlook, it is considered for this reason that a loss of light would have a greater impact on residential amenity than would be the case in some other locations. In addition it is considered that the current design creates a loss of privacy within the rear gardens of some dwellings on Millfield Avenue through overlooking from rear windows towards the eastern end of the proposed extension.

4.19 To the west are buildings along Melrosegate which whilst primarily being retail units on the ground floor, contain bedrooms on upper floors and sometimes on the ground floor to the rear. The dwelling most affected by the proposed development within this row are flats within 277 Melrosegate. This unit contains three flats over three floors at the rear. Rear windows within these flats currently have a fairly open outlook over the car park. The proposed increase in the depth of Matmer House significantly impacts upon this. The applicant has attempted to address this concern by stepping the building in at this point at first storey level and above. However, the development still includes a 4.5m high wall just over 3m from the rear windows of 277 Melrosegate. It is understood that the ground floor flat of 277 Melrosegate has an outlook only to the rear, it is considered that the proposed development would significantly harm the living conditions of the occupier of this flat through a loss of this outlook. The building is set in a further 8.9m from the western boundary at first storey level and above, however this does not overcome the concerns about the proposed development appearing oppressive and overbearing when viewed from flats within 277 Melrosegate.

4.20 The proposed manager's office and accommodation with stores is approximately 7m to the north of dwellings at Matmer Court. Dwellings at Matmer Court are on ground set significantly below the car park of Matmer House. It is the side elevation of dwellings on Matmer Court which would face the proposed building. There are no proposed windows other than roof lights within the north elevation of the proposed manager's office and accommodation and it is not considered that there would be an unacceptable impact on residential amenity at Matmer Court.

ACCESS, CAR AND CYCLE PARKING

4.21 Access to Matmer House is not proposed to change. Vehicle access is provided via Melrosegate. It is not considered that the level of traffic likely to be associated with the proposed extensions is likely to have any significant impact on the local highway network in terms of traffic numbers. It is considered that the existing access is sufficient to serve the proposed uses.

4.22 Some of the existing car park would be built upon through the extensions to Matmer House as well as the proposed management office/accommodation with storage. At present car parking spaces are not marked out within the parking area, however the applicant has stated that there are currently 35 car parking spaces available. From Officer site visits and information provided by consultees it is understood that the existing car park is well used although no survey has been carried out by the applicant regarding the frequency that the car park reaches capacity. The car park serves shops at Matmer House as well as those on Melrosegate. The applicant's state that post development there would remain 28 car parking spaces. Little information is provided as to how these spaces would be allocated and used. No information has been submitted which would demonstrate that the proposed number of spaces is suitable and would meet need. Given that the car park would be required to serve larger retail units and staff at the student accommodation as well as existing need from the Melrosegate businesses, it is considered important that the proposed car parking arrangements can be understood and analysed. There are concerns that without a robust plan for the allocation and management of the car parking spaces that there would be indiscriminate parking in the area including on neighbouring residential streets. This could harm residential amenity and the free flow of traffic.

4.23 The submitted plans do not show swept paths for vehicles. There is concern that a number of the car parking spaces shown on the proposed plans could not practically work as parking locations. This is because there does not appear to be sufficient manoeuvring space and some of the drawn spaces are partially blocking rear entrances and existing bin storage areas for retail units on Melrosegate. This has the potential to reduce the amount of available parking to below the 28 spaces specified as being retained. This further adds to the concern that this could cause

indiscriminate parking in the area harming residential amenity and affecting the free flow of traffic.

4.24 No information has been submitted by the applicants to show whether any of the students who would be renting a flat would have a car parking space or the ability to drop off items. No plan is in place for how vehicle parking demand would be managed when students are moving into and out of the flats, which is considered likely to be by car. Without information about how this arrangement would work the Local Planning Authority cannot be confident that there would be no detrimental impact on neighbouring amenity and highway safety.

4.25 Swept path diagrams have not been submitted showing how a refuse vehicle would enter the site, stop close to the bin storage area and turn around and exit the site in a forward gear. Without such evidence there are concerns that there would be a harmful impact on highway safety.

4.26 Pedestrian access to Matmer House would be unaffected. The primary customer/resident entrance would be via the front from Hull Road. The existing well used passageway between Hull Road and the car park would be retained for use. Cycle parking for the proposed building is within a purpose built management building. However, information has not been submitted confirming that the size of the cycle store is sufficient to meet local standards and therefore promote sustainable travel choice. From the plans submitted it appears that the amount of cycle parking proposed is significantly below local standards as set out in Policy T4 of the DCLP. All cycle parking appears to be grouped together into one building and not segregated. There does not appear to be separate cycle parking for staff of the student accommodation or retail units. Cycle parking en masse in this sort of environment is not likely to encourage use as there is generally a perception that it is less secure than smaller more individual storage areas.

4.27 Overall it is considered that insufficient information has been submitted in respect of car and cycle parking and whether access arrangements are workable in terms of vehicles entering the site and being able to turn around and leave in a forward gear. The development is considered to be contrary to DCLP Policy ED10 part 5) which states that car parking has to be satisfactorily managed within new student housing.

REFUSE AND RECYCLING STORAGE

4.28 Policy GP1 part h) of the DCLP states that developments must provide individual or communal storage space for waste recycling and litter collection. At present refuse and recycling bins for businesses at Matmer House and on Melrosegate appear to generally be stored in the open at the rear of the units. This is an existing arrangement which creates an untidy and uncared for appearance to the rear of Matmer House. It is considered that such an arrangement should have

been designed out within an application to redevelop Matmer House in order to create a better environment. Larger retail units are likely to increase the amount of refuse and recycling generated thereby adding to the existing problem. No dedicated refuse and recycling storage areas appear to have been proposed for the enlarged shops.

4.29 A 5.7m by 1.4m refuse and recycling area is provided on the ground floor of the proposed manager's office and accommodation. No information has been submitted to provide confidence that this level of storage would be sufficient for the number of residents within the proposed student accommodation. The refuse and recycling area is detached from Matmer House across an unlit car park. It is considered that this arrangement, combined with the lack of bin storage provision for the shops, is likely to result in rubbish being left around entrances in the car parking area. It is considered that the proposed development has the potential to create an unpleasant environment to the rear within the car parking area. A failure to design adequate refuse and recycling storage facilities is contrary to Policy GP1 part h) and the aims of Policy S10 'New Local or Village Shops' part iii) by having an adverse impact on the character of the area.

5.0 CONCLUSION

5.1 The principle of the redevelopment of Matmer House is considered acceptable. The loss of a small amount of office use in this location is not considered to have a significant impact on the economic aims of the city. The creation of larger retail units could enhance the viability of this local shopping parade and new student accommodation could reduce the pressure on family type housing to be converted into Houses in Multiple Occupation. The application site is in a highly sustainable location and the application seeks to make more efficient use of previously developed land.

5.2 However it is considered that the proposed building does not respect the character and appearance of the area. The size and bulk of the proposed building within such a prominent location seen within the context of much smaller buildings would harm the visual amenity of the area. Furthermore the proposed development would harm neighbouring residential amenity through a loss of outlook, natural light and privacy. Insufficient information has been provided in regards to car and cycle parking as well as refuse and recycling storage. It is considered that the application has the potential to harm residential amenity, the character and appearance of the area, and highway safety.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 It is considered that the proposed development, by virtue of its design, footprint, and height, would harm the character and appearance of the area. The application site is seen within the context of two storey buildings located in a prominent location close to the corner of Melrosegate and Hull Road. The proposed extensions protrude significantly forward of the building line to the front as well as extending to the rear; this combined with a significant increase in height creates a building of significant bulk which would dominate views of the street scene. The loss of space between the front of the building and Hull Road, including extending over the public highway, combined with the loss of a mature tree to the front further add to the sense of encroachment and overdevelopment of the site. The building design appears contrived and overly complicated and does not make a positive contribution to the street scene. The application proposal is not considered well-designed and fails to take opportunities available to improve the character and quality of the area. Therefore, the application is considered contrary to guidance regarding design within the National Planning Policy Framework, in particular Chapter 7 'Requiring good design' with paragraph 64 stating 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. The development is contrary to Development Control Local Plan Policy GP1 'Design' parts a) and b).

2 It is considered that the proposed development, by virtue of its design, height and enlarged footprint would significantly harm the living conditions of local residents. It is considered that the proposed development would appear oppressive and over dominant from the rear of 1 and 3 Millfield Lane and would result in a significant loss of outlook for residents of 277 Melrosegate. In addition it is considered that the development would result in a loss of the amount of natural light entering into residential dwellings along Melrosegate and Millfield Avenue to the detriment of amenity. The development would result in a loss of privacy to the rear of houses on Millfield Avenue further harming local residential amenity. Therefore the application is considered contrary to the Development Control Local Plan Policies GP1 'Design' part i) and ED10 'Student Housing' part 4) which is supported by the 'core planning principles' set out in the National Planning Policy Framework.

3 It is considered that insufficient information has been submitted to enable the Local Planning Authority to assess whether the proposed car and cycle parking and vehicular access arrangements are suitable and in accordance with required standards. It is unclear how car parking would be allocated and managed raising concerns that it could lead to indiscriminate parking elsewhere and pressure on surrounding streets to meet overflow parking demand. This has the potential to

harm residential amenity and the free flow of traffic. No evidence has been submitted that the proposed cycle parking meets local standards and its design is not considered conducive to promoting sustainable travel choice. Information to confirm that a refuse vehicle can enter the site and leave in a forward gear has not been submitted, raising concerns about a detrimental impact on highway safety. Therefore the application is considered contrary to the National Planning Policy Framework which seeks to promote sustainable transport choice and Development Control Local Plan Policy T4 'Cycle Parking Standards' and ED10 'Student Housing'.

4 It is considered that insufficient information has been submitted with regards to the storage of refuse and recycling bins for both the proposed enlarged shops and the student accommodation. It is considered that a lack of well designed, convenient, and enclosed refuse and recycling storage facilities would result in an untidy and unpleasant environment to the rear of Matmer House causing harm to general residential amenity and the character and appearance of the area. Therefore the application is considered to be contrary to the aims of the National Planning Policy Framework in terms of seeking positive improvements to the quality of the environment and making places better for people. The development is contrary to Development Control Local Plan Policy GP1 'Design' part h) and aims of Policy S10 'New Local or Village Shops'.

7.0 INFORMATIVES:

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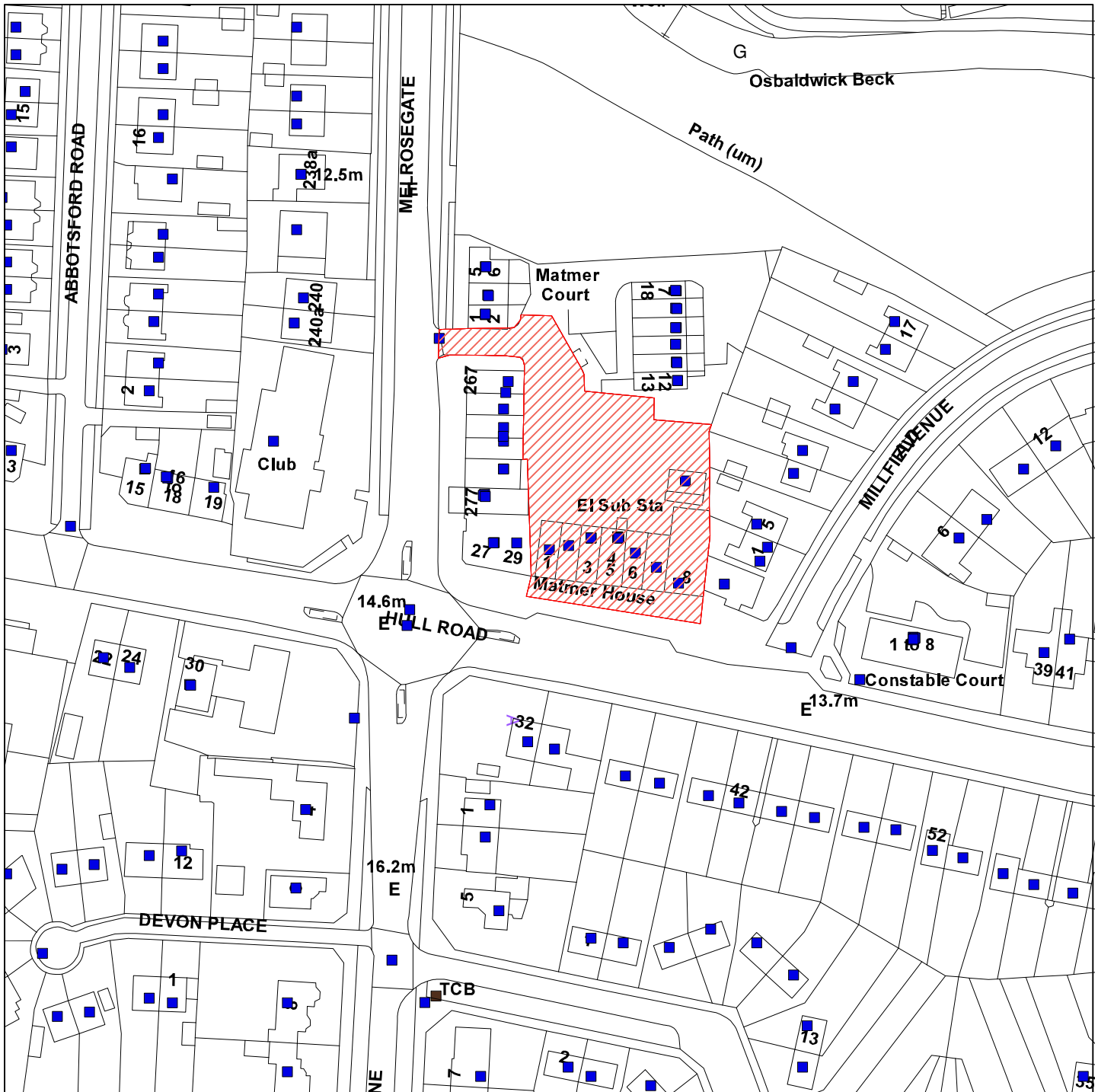
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12/03551/FULM

1 Matmer House



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	11 February 2013
SLA Number	Not Set

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COMMITTEE REPORT

Date: 21 February 2013 **Ward:** Huntington/New Earswick
Team: Major and Commercial Team **Parish:** New Earswick Parish Council

Reference: 12/03606/FULM
Application at: Mille Crux Sports Ground Haxby Road York
For: Outdoor sports facilities with floodlighting and associated access, parking and landscaping
By: York St John University
Application Type: Major Full Application (13 weeks)
Target Date: 22 February 2013
Recommendation: Approve

1.0 PROPOSAL

1.1 The application site is 5.9 hectares of land to the east of Haxby Road. The site is bounded primarily by the Bio-Rad industrial site to the north, the River Foss to the east, a grassed pitch to the south, and Haxby Road to the west. The site is owned by York St John University who recently acquired the site from Nestle. The site sits within a larger area of land on both sides of Haxby Road which is used for outdoor sport. The majority of the application site contains allotments, the vast majority of these have not been used in recent years and the site has become a little overgrown. A section of the application site, to the north east of the allotments, is used as informal open space. At present the site contains a sports pavilion, a small car park, Mille Crux Bungalow, a new temporary building which houses changing and teaching facilities, and a number of small buildings which the applicants and site owners have previously notified the Local Planning Authority will be demolished.

1.2 The proposed development would involve the creation of two full-size artificial playing pitches suitable for football and rugby, three netball courts, and three tennis courts, each with floodlighting with the exception of one tennis court. The two full size artificial pitches would take up a footprint of approximately 105m by 65m, the tennis courts an area of 65m by 35m and the netball courts 70m by 35m. A 3m high fence is proposed to be installed around the perimeter of all pitches and courts with the exception of behind the goals of the pitches where the fence would be 4.5m in height. The pitches would be illuminated by twelve no 15m high lighting columns. Some of these columns would also provide lighting for the tennis courts where an additional six no 10m high lighting columns are proposed. Eight no 10m high lighting columns are proposed to illuminate the netball courts.

1.3 A new access onto Haxby Road would be created to provide an entrance into the proposed car and coach parking area. The existing access adjacent to the pavilion would be retained as an exit only thereby creating a one way entrance-exit system. The existing junction would be widened to allow coach movements. The proposed car park would accommodate 106 standard car parking spaces, 8 accessible car spaces and 8 coach parking spaces. A cycle shelter which could accommodate 40 cycles is proposed to the east of the car park. A pedestrian crossing across Haxby Road is proposed to allow safer access by people visiting the site by bus and also to allow safer connectivity between the changing facilities on the east side of Haxby Road and the grass rugby and football pitches to the west.

1.4 The proposed development would result in the loss of a number of trees and some sections of hawthorn hedge adjacent to Haxby Road to create suitable vehicular entrances. The majority of the row of trees to the north of the site, adjacent to the Bio-Rad site, would be removed. There would be a loss of trees towards the central area of the site as well as some to the south and within the car parking/access areas. New compensatory tree planting is proposed.

1.5 The whole of the application site is allocated as 'open space' within the Development Control Local Plan. The site is approximately 1.6km north of the University campus within the Parish of New Earswick.

1.6 A site visit is recommended so that Members can assess the visual impact of what is proposed and the new vehicular access arrangements.

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

Floodzone 2 GMS Constraints: Flood zone 2

Floodzone 3 Gms Constraints: Flood zone 3

2.2 Policies:

CYGP1
Design

CYGP4A -Sustainability

CYGP9 -Landscaping

CGP15A -Development and Flood Risk

CYL1A -Sites for Leisure development

CYL2 -Protection of allotments

CYGP7 -Open Space

CYT4 -Cycle parking standards

CYT13A
Travel Plans and Contributions

CYHE10 -Archaeology

CYNE1 -Trees,woodlands,hedgerows

CYNE6 -Species protected by law

CYNE7 -Habitat protection and creation

3.0 CONSULTATIONS

INTERNAL

SPORT AND ACTIVE LEISURE

3.1 - States that his application provides a number of new sports facilities for the North of the City many of which would be accessible to the local community. Strongly welcome the principle of enhancing and modernising the sports facilities on this site and welcome the approach that also retains and refurbishes the existing valued sports facilities. It is unfortunate that to develop the sports facilities, the allotments on the East of Haxby Road would be lost particularly when there are waiting lists for allotments in the City.

3.2 The application makes reference to community access to the facilities but it is not clear how much access is being offered, at what times and what the conditions of this access would be. A formal community use agreement should be secured which can be made public to ensure that community groups are aware of the opportunities available to them.

3.3 City of York Council Sport & Active Leisure team are currently working with Active York to rewrite their playing pitch and built facility strategies. Within the playing pitch document the need for a new size of junior pitch to accommodate 9x9 matches is identified which will become a FA requirement next year. This development is proposing 3 of these pitches which would be among the first in the city. The inclusion of these pitches and the benefits they will bring to local junior clubs is welcome.

3.4 The provision of floodlit, well surfaced netball courts is also very welcome. Many of the city's teams are playing on inadequate surfaces and few have high quality floodlighting.

3.5 The Built Sports facility strategy as mentioned above would identify an unmet demand for slightly less than 1 artificial grass pitch in the City. The FA has also identified in their facility planning models an ambition for 2 additional football specific surfaces (1 in the North and 1 in the East of the city). The synthetic pitches proposed in this application would satisfy the unmet demand for synthetic pitches and would provide the football surface in the North of the City that the FA are in support of. In terms of community provision the Sport and Leisure team have no evidence to indicate that there is a need for 2 pitches, however the nature of the courses offered by St John's ensures that both pitches would be used for teaching space, training and competition.

3.6 It is recognised that this application represents a phased approach to the development of facilities on this site. However it should be highlighted that there is a longer term need for improved and additional changing, spectator, official and ancillary facilities to serve these modern facilities and look forward to seeing plans for how this will be addressed in the near future.

FLOOD RISK MANAGEMENT

3.7 The development is predominantly in Flood Zone 1 and greater than a hectare. However, a narrow corridor of land alongside the River Foss is classified as Flood Zone 2 and Flood Zone 3. Thus an FRA is required because the site exceeds 1 hectare within Flood Zone 1, and because Flood Zones 2 and 3 encroach into the site.

3.8 The Flood Risk Management Team has no objections to the development in principle. A condition requiring full details of surface water drainage details is suggested to be added to any approval. The condition requires peak surface water run-off to be restricted to that of a greenfield site and shall not exceed 6.02 lit/sec. The drainage must be able to accommodate a one in thirty year storm event with no surface flooding or surface water run-off from the site in a 1:100 year storm event. These are to take account of climate change.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (LANDSCAPE ARCHITECT)

3.9 -States it is recognised that the 'green lane' to the south of the Bio-Rad site is not an historic green lane, nor is it an official right of way. Nonetheless the introduction of the all-weather pitches does result in the loss of virtually the length of historic hedge line, thus removing a landscape feature and part of a good feeding corridor supplemented by the trees planted on the Bio-Rad site. To avoid this and other losses would require a reduction in numbers and a reorientation of some of the courts would be needed to avoid this and other impacts. Therefore significance of losses to the natural environment and reduction in landscape quality and visual amenity as a result of the introduction of hard surfacing, fencing and floodlighting is to be weighed up against the benefits of the sports provision. A recently submitted 'Landscape Mitigation Concept' suggests locations for new tree planting, which provides some mitigation.

3.10 The removal of trees adjacent to the club house reduces the amenity and internal qualities of the site. The submitted 'Landscape mitigation concept' shows that a line of trees would be reinstated to the west of a new sports hub building and a hedge planted between the netball courts and the grassed pitches in the south to provide some mitigation for this loss and reinstatement of a division between the courts and the southern space.

3.11 The landscape mitigation concept should also include some tree planting to the north of the tennis courts to reduce their visual impact on the remaining open space that is currently available to the public, and forms a buffer and setting to the New Earswick conservation area, however the University have resisted this. A landscaping scheme and protection of existing planting conditions should be attached to any permission.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (COUNTRYSIDE ASSISTANT)

3.12) Discussions on-going with the applicant's agent. An update will be provided at Planning Committee. A solution of removing floodlighting from the southern most tennis court has been suggested which would overcome some of the concerns about the closeness of the lighting to the river corridor which supports a significant number of species and whom rely on darkness in this area.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ARCHAEOLOGY)

3.13 States that the site lies within an area which has produced Roman settlement activity. There are two known archaeological events as well as two archaeological monuments recorded within 500m of the proposed development in the City of York HER. However, the HER does not provide a complete record of the area, and further archaeological remains are expected to be found on the site. This site is likely to demonstrate the existence of a late prehistoric and Romano-British landscape in the area.

3.14 In addition the site lies on the edge of the River Foss flood plain. Recent survey work in the Huntington area has suggested that there is the potential for Mesolithic activity along the Foss. It is possible therefore that there may be finds which can contribute to understanding the Mesolithic exploitation of the Foss corridor.

3.15 The applicant has submitted an archaeological desk-based assessment prepared by York Archaeological Trust to support the application. This report has highlighted the site of a possible Roman Villa, or at least a Roman structure lying in the field immediately north of the western part of the application area and the possibility that associated remains may exist within the application area.

3.16 The nature and probable impact of the development on these deposits is such that an archaeological watching brief on all ground works is necessary.

ENVIRONMENTAL PROTECTION UNIT

3.17 The applicant has confirmed that they will be able to comply with the requirements of the Institute of Lighting professional's guidance on the reduction of obtrusive lighting for the site. As a result there is satisfaction that the development would not affect amenity due to lighting or cause a statutory nuisance.

3.18 The Phase 1 Report submitted with this application identifies potential land contamination issues at the site. The report recommends that an intrusive ground investigation is undertaken in the areas of the former buildings, existing derelict buildings and where fly tipping has been identified. Ground gas monitoring is also required in the vicinity of the proposed buildings.

HIGHWAY NETWORK MANAGEMENT

3.19 The proposals seek to create new sports pitches and a car park, known as Phase 2, as part of a longer term masterplan to create and improve sports facilities at Mille Crux.

3.20 116 car spaces, together with 8 coach spaces, are proposed which will serve both the existing grass pitches to the West side of Haxby Road and the facilities for which consent is being sought for. The university has submitted a Travel Plan outlining measures which will be implemented to promote sustainable travel and reduce single occupancy vehicles. The site is located sustainably and is served by frequent public transport with bus stops within recommended walking distances.

3.21 The application has been supported by a Transport Statement which acknowledges that the development will give rise to an increase in pedestrians crossing Haxby Road between the proposed sports facilities, associated car park and existing grass pitches. It has been proposed that pedestrian crossing facilities should be enhanced. In the absence of any detailed scheme being supplied it is recommended that a suitably worded condition is applied to any consent to secure the works, the detailed form of which would be determined following detailed discussions with council officers and consultation with interested parties.

3.22 The peak use of the pitches/facilities will occur outside of the network peak periods during which the highway network is at it's most sensitive. It is not therefore considered that the level of traffic that will be generated by the proposals will have a material impact.

3.23 Access to the new car park and Phase 2 facilities is to be via two new vehicular accesses onto Haxby Road. The access points are located such that visibility can be achieved in accordance with the relevant standards and have been designed to accommodate the likely traffic flows without giving rise to safety issues or delay to through traffic on Haxby Road. The internal system has been designed to operate as a one-way system with the northernmost access being the entrance to the site and the southernmost access being the egress. Access to the car park is proposed to be controlled with a barrier which will also act as a form of control/measure of influence to promote sustainable travel.

EXTERNAL

NEW EARSWICK PARISH COUNCIL

3.24 Support the application.

FOSS INTERNAL DRAINAGE BOARD

3.25 The River Foss is adjacent to the site and is at capacity. The Board feels that given the nature of the site, any discharge of surface water must be restricted to that of a Greenfield Site i.e. 1.4 l/s per hectare. Prior to the consenting of any application the applicant must produce appropriate calculations and specifications to demonstrate how that the site would be drained at the required

ENVIRONMENT AGENCY

3.26 The proposed development is acceptable subject to conditions being added to any approval which ensure that the surface water drainage system is approved taking account of storm events.

YORK NATURAL ENVIRONMENT PANEL

3.27 - The Panel deprecate the net loss of allotments stating there should be a like for like provision elsewhere on the site. Whilst it is recognised the former allotments were not fully used because of the restrictive nature (available to factory workers only), there is a shortfall of allotments available to the public, and so would advocate an allotment provision available to all.

NORTH YORKSHIRE POLICE

3.28 Fully support the application, the supporting information clearly demonstrates how crime prevention concerns are going to be addressed.

OTHER THIRD PARTIES

3.29 - No correspondence received from local residents.

4.0 APPRAISAL

4.1 The key issues are:

- Principle of development
- Visual impact of development including lighting and loss of trees
- Access, car and cycle parking
- Neighbouring residential amenity
- Ecology

PRINCIPLE OF DEVELOPMENT

4.2 The application site is allocated as Open Space in the Development Control Local Plan. Policy GP7 'Open Space' seeks to retain land designated as open space and only allows development on such sites where:-

- a. there will be no detrimental effect on local amenity or nature conservation; and

b. compensatory provision of an equivalent size and standard is provided in the immediate vicinity.

4.3 The NPPF promotes the development of social, sport and recreational facilities to meet community needs. Paragraph 70 of chapter 8 'Promoting healthy communities' in the NPPF states that planning decisions should plan positively for the provision and use of shared space, community facilities (such as sports venues) and other local services to enhance the sustainability of communities and residential environments. Paragraph 73 states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Paragraph 74 explains that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: including others, the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

4.4 The NPPF is silent on allotments and there potential loss other than stating that they should not be considered to be previously developed land. Development Control Local Plan Policy L2 'Allotments' states that planning permission which would result in the loss of allotments will only be granted where a replacement area is provided of an equivalent size and standard in the immediate vicinity.

4.5 Policy L1a of the DCLP states that new leisure developments should be considered against a needs assessment. In terms of proposals for out of centre leisure facilities it has to be demonstrated that there are no more central sites suitable to accommodate such a proposal or if it is to serve a local need it is of an appropriate scale.

4.6 There are two elements to assessing the principle of the proposed development. One is the principle of the loss of the allotment use of the site; the second is the principle of creating an intensive sporting use of the site.

4.7 The size of the existing allotment site is significant. It is a similar footprint to the proposed all weather pitches. However, the allotments are private and have been used exclusively by employees of the Rowntree and latterly the Nestle factory site. Demand for allotment space has reduced and only five allotments are thought to be currently in use. Much of the site is overgrown and it would take significant work to bring many of the allotments back into productive use. An application was approved late last year for the creation of 12 new allotments on the opposite side of Haxby Road. This is an extension of the existing allotment site which has a high occupancy level. It is understood that the occupants of the five existing allotments on the application site have been consulted on the proposal and are happy move to the newly approved site.

4.8 Whilst the proposed new allotment site is significantly smaller in area than the existing allotment area on the application site, it is considered that the new site would provide a higher quality environment for the existing users whilst also creating new ready-to-use capacity to meet some additional demand which may be created by this facility. On balance, it is considered that the compensatory provision of allotments on the west side of Haxby Road, outweighs the loss of the larger allotment area within the application site. Therefore, the proposal is considered to comply with Development Control Local Plan Policy L2.

4.9 As mentioned above the second key issue in assessing the principle of development is whether the new use of the land and the built development alongside this is acceptable within this location. The application site is within a reasonably sustainable location where there is a choice of transport choice for users. The primary users of the site would be students at the University; the proposed site is reasonably well related to the main campus. The proposed sports facilities are within walking or cycling distance from the main campus for many students. The site is close to a number of residential areas with a bus service running along Haxby Road, thereby providing sustainable transport choice for many community users.

4.10 The application site is allocated as 'open space' in the Development Control Local Plan. The application site is not within the Green Belt; an open space allocation offers a lower level of protection and importance as open land than a Green Belt designation. The text supporting Development Control Local Plan Policy GP7 'Open Space' states that such land can contribute significantly to the form and character of the City. Open spaces are considered to serve several functions all at once, often combining opportunities for recreation with general amenity or nature conservation value.

4.11 The proposed change in land use from allotments to sport is considered to remain within the general definition of 'open space'. The proposed development would allow opportunities for outdoor recreation. There are no objections to the proposed sporting use of the site. The visual impacts of the proposed development and the implications on general amenity and nature conservation value are discussed within the following sections of the report. However, there are no objections to the principle of the loss of the allotment use and the creation of an outdoor sport use.

4.12 Policy L1a of the DCLP requires new leisure and recreation developments to be considered alongside an assessment of need. The proposed development is primarily a private one serving the requirements of the students of York St John University. Whilst some community use of the site will continue, and potentially grow, it is considered that a city wide needs assessment is not necessary given the intended use. The University currently have sporting facilities in different locations in the city. However these are not of the size and standard which the University

aspires to. The proposals would provide modern all weather pitches with floodlights and associated car, cycle and coach parking. This would allow significantly more participation in sport at one purpose-built location which is accessible from the University campus as well as surrounding residential areas. At present the University has insufficient facilities to host home matches and larger team events. There are existing community users of the general sports site such as Rowntree/Nestle football, rugby, cricket and bowling clubs, in addition to York City Knights rugby league club who use the site for training. It is understood that community uses will be retained on the site with further use by local community teams, schools and local clubs to be encouraged. It is clear that there is a significant benefit for the University and some community groups in the proposed sporting facilities, the development will meet a clear need and the continuing aspirations of the University to expand its offer.

VISUAL IMPACT OF THE DEVELOPMENT INCLUDING LIGHTING AND THE LOSS OF TREES

4.13 DCLP Policy NE1 states that tree and hedgerows which are of landscape, amenity, and nature conservation value will be protected by refusing applications which result in their loss and protecting retained trees and hedgerows during construction. Where the removal of some trees or hedgerows is considered acceptable replacement planting would be required to replace the loss. Policy NE7 seeks to protect natural habitats and enhance or supplement them to promote public awareness and enjoyment. DCLP Policy GP9 requires an appropriate landscaping scheme to be incorporated into developments. The landscaping must be integral to the development, include an appropriate range of indigenous species and reflect the character of the area. Policy GP1 requires outdoor lighting schemes to take account of the character of the area.

4.14 The site comprises a sequence of open spaces lying between two conservation areas, the Nestle/Rowntree factory conservation area and New Earswick conservation area. The open spaces either side of Haxby Road represent a significant break between industry and the outlying village. The sense of green space in and around the site is experienced from all directions. The proposal would result in the loss of 60 trees or groups of trees. The loss of green landscaping combined with the proposed hard surfacing, fencing, and lighting would have a significant impact on the visual character of the area.

4.15 The site is most commonly experienced from Haxby Road and the public right of way alongside the western bank of the River Foss. As there are currently no conspicuous built elements close to any of these routes in this location, other than the existing club house, the general impression is of an attractive verdant relief from the more built up areas to the north, south and east. One of the most significant proposed losses of trees and hedgerow is along the northern boundary, immediately to the south of the Bio-Rad site. At present the combination of trees within the

application site and those within the Bio-Rad site create a green corridor between the Foss walkway and Haxby Road, which would clearly be affected by the proposals, particularly when viewed from public areas.

4.16 The application includes a car park to the east of Haxby Road adjacent to the existing access to the site. Trees and the majority of the hedgerow along Haxby Road would be retained maintaining the existing mature avenue appearance. Key trees within the site are retained in and around the car park and supplementary planting in this area would help to soften the appearance of the car park from the public domain. A recently submitted 'Landscape Mitigation Concept' suggests locations for new tree planting, which provides some mitigation.

4.17 The proposed pitches and courts would be surfaced. The majority of the pitches and courts would be bounded by a 3m high metal fence with some fencing being 4.5m high where required behind goal posts. Full details of the surface material and fencing have not been submitted, although indicative details are provided. It is considered that a condition should be added to any approval requiring details of the fencing and surface material as well as the colour of the lighting columns to be approved to help minimise the visual impact of these developments.

ACCESS, CAR AND CYCLE PARKING

4.18 DCLP Policy T4 seeks to ensure adequate cycle parking. Policy T13a requires a Travel Plan to be submitted to create sustainable travel choice.

4.19 At present there is a relatively small hard standing area which is used for car parking adjacent to the pavilion and temporary teaching and changing facility. The University is seeking to significantly increase the usage of the site for sporting activity. The existing car parking arrangement is not suitable for the additional demand. It is understood that the existing hard standing area containing the temporary building will be the subject of a later application for its redevelopment for more permanent and substantial supporting facilities.

4.20 The application under consideration includes a new car park and access point. The existing vehicular access point would be retained but upgraded for vehicles exiting the site. The proposed car park contains 106 standard car parking spaces, 8 accessible car spaces and 8 coach parking spaces. This is proposed for car parking associated with the whole University sporting facility, including the all-weather pitches applied for but also the pitches and athletics facilities to the south of the site and the football and rugby pitches on the opposite side of Haxby Road. A Transport Statement is submitted to provide evidence of the need for a car park of this size. Highway Network Management advises that the level of car parking proposed is reasonable in relation to the proposed level of use.

4.21 The peak use of the pitches/facilities is likely to occur outside of the peak periods on the highway network. It is not considered that the level of traffic associated with the proposed development would have a material impact on the local highway network. The access points are located such that visibility can be achieved in accordance with the relevant standards. The junctions have been designed to accommodate the likely traffic flows without giving rise to safety issues or delay to through traffic on Haxby Road.

4.22 The submitted Travel Plan highlights measures which can be put in place to promote sustainable travel and reduce single occupancy vehicle journeys. A number of measures are proposed to encourage and promote sustainable travel choice; this would be co-ordinated through an employed Travel Planning Officer. Annual monitoring of the success of the measures would be undertaken with new measures introduced to continue to promote sustainable transport choice. Secure and covered cycle parking is proposed which could accommodate 40 cycles. This can be secured via condition. It is considered that the proposed development is also accessible on foot for a number of potential visitors and the applicants are proposing to fund a crossing point on Haxby Road. This would be a useful facility for users of the sports pitches on the west side of Haxby Road who have used the changing or parking facilities on the east side of Haxby Road as well as those visiting the site by bus. Significant details regarding the nature of the crossing facility are not provided. It is therefore recommended that a condition be added to any approval requiring a detailed scheme to be agreed and installed. There is an existing bus service which runs along Haxby Road. The number 1 service links the west side of the city with residential areas in the north via the city centre and York St John University. It is considered that this provides a regular and convenient sustainable alternative to private car use for a large proportion of likely users of the all-weather pitches and courts. The facilities are designed in accordance with Sport England guidance regarding accessibility and inclusivity, including entering the site

4.23 It is considered that the proposed development would promote sustainable transport choice and could achieve a positive modal split for local visitors and staff. Teams will be able to visit the site on coaches to discourage single occupancy travel. The site provides for a reasonable and realistic level of car usage whilst retaining the aim of promoting sustainable transport choice. It is considered that the proposed access arrangements are in accordance with requirements and the development would not have a significant impact on the local highway network.

NEIGHBOURING RESIDENTIAL AMENITY

4.24 DCLP Policy GP1 seeks to protect residential amenity from such things as noise and requires outdoor lighting schemes to take into account residential amenity. The nearest residential dwellings to the proposed all-weather pitches are located at Foss Court and Huntington Road on the opposite side of the River Foss. These houses are between approximately 50m and 100m at the nearest point to the

pitches. There are no local houses to the north or west of the site with the nearest houses to the south being in excess of 200m away.

4.25 The potential neighbouring amenity issues associated with all-weather pitches such as those proposed here are in relation to light and noise. The proposed pitches would be illuminated by lights mounted on 20 lighting columns. The lights and illumination of the pitches would clearly be visible from the surrounding area. This would appear as a significant contrast to the existing situation as there is very little illumination of this area. However, the lights have been designed using best practice to illuminate the pitches adequately whilst minimising light pollution on surrounding land. The lighting columns are sufficient height to allow the lights to be angled downwards reducing light spillage and the potential for glare. In addition a number of lights towards the eastern end of the site would be capped to further limit the level of illumination of land surrounding the pitches. The tennis court closest to the residential dwellings to the east would not be illuminated. A plan has been submitted with the application showing the level of illumination in and around the site. This has been considered by the Environmental Protection Unit and no objections are raised in terms of an impact on local residents. It is not considered that the proposed lighting would have a significant impact on neighbouring amenity.

4.26 The potential noise levels from the use of the site are less quantifiable. The proposed development does not include the regular use of any equipment or machinery which would harm neighbouring amenity. The only potential for noise disturbance is through the activities of people using the site. The development includes two full size football or rugby pitches, three netball courts and three tennis courts. Therefore, there is the potential for a significant number of users to be on site at any one time. The pitches and courts are a minimum of 50m away from the nearest house with parts of the development being significantly further away than this from noise sensitive areas. Any noise generated will have significantly dissipated before it reaches the nearest house. The noise generated by people cannot be controlled other than through conditions which restrict usage to times which is less likely to cause any significant neighbouring amenity issue. It is therefore proposed that a condition is added to any approval which limits use of the floodlighting and therefore sporting activity to between 08:00 hours and 22:00 hours. Given the relationship between the proposed development and residential dwellings, this is considered reasonable.

ECOLOGY

4.27 DCLP Policy GP1 requires outdoor lighting schemes to take account of ecological systems. Policy NE6 requires developments to not cause demonstrable harm to species protected by law. Policy NE7 seeks to protect natural habitats and where possible include measures to enhance or supplement these.

4.28 The river corridor to the east of the site is an important piece of York's green infrastructure and of regional importance. It provides vital habitat for a wide range of species, including in this particular area otter, water voles and bats, all of which are European Protected Species. The site itself currently consists of a large area of semi improved grassland open space and old disused and overgrown allotments. A bat survey has recently been carried out across the whole of the site which looked at the overall activity levels and foraging and commuting behaviour within the site.

4.29 The bat activity surveys recorded use of the site and surrounding area by Noctules, Pipistrelles, Daubentons and Myotis species. No emergence from any of the buildings was seen, although the overall level of activity was good, and there was clear use of the river corridor and also the hedgerow running perpendicular, linking the river across to the west towards the Stray. This hedge which forms the northern boundary of the existing allotments is part of the original field pattern, and forms a continuous foraging and commuting link from the river to the wider surrounding area and Bootham Stray to the west. In order to accommodate the amount and size of all-weather pitches proposed by the University, the hedgerow is proposed to be removed as part of the scheme ,

4.30 Concerns have been expressed by the Countryside Assistant regarding the level of flood lighting proposed close to the river corridor. It is important that this corridor is kept dark as many wildlife species rely on this. Discussions are on-going between the applicant's agent and the Countryside Assistant regarding the impacts of the floodlighting on river corridor and measures which can be put in place to minimise any potential impact on wildlife. Floodlighting has been removed from the tennis court closest to the river corridor which is of benefit. An update on this issue will be provided at Planning Committee.

OTHER CONSIDERATIONS

Community Use

4.31 The consultation response to the application from the Sport & Active Leisure team requested a condition be added to any approval requiring a community use agreement. The purpose of such an agreement would be to allow the Local Planning Authority to have some control of the amount of time when community groups have access to the facilities and the pricing arrangement. However, the University do not wish to have such a condition as it wishes to retain full control of the use of the facilities. The University has explained that it is proposed to maintain current community use and explore opportunities to expand this in the future. Whilst a community use agreement would provide some assurance to the Local Planning Authority that community use of the site would be retained and improved, it is considered that it is difficult to justify its inclusion from a planning policy context. The DCLP does not contain any specific policies which require community use agreements to be included within applications for new private sporting

developments. There are many examples of privately run sports facilities on the city. Whilst community use agreements have been secured for a number of sites in the city, these have relied on the will and co-operation of the applicant. It is not considered that the lack of a community use agreement would warrant refusal of this application.

Drainage

4.32 DCLP Policy GP15a requires developments to take account of flood risk and to reduce surface water run-off through sustainable drainage systems. The proposed development would result in a significant increase in the amount of impermeable land within the application site. The majority of the application site is within Flood Zone 1 which is the lowest category of flood risk from rivers. An area of land to the east of the site close to the River Foss is classified as being within Flood Zone 2 and 3. The applicant proposes a surface water storage system which would restrict run-off from the site onto adjoining land and into the Foss. The Council's Flood Risk Engineer is satisfied with the proposed treatment of surface water and full details would be secured by condition. This would ensure that the level of water run-off does not increase flood risk downstream.

Sustainability

4.33 DCLP Policy GP4a requires all issues of sustainability to be considered within a sustainability statement to be submitted with an application. This is broadly in line with the NPPF which places a strong presumption in favour of sustainable development, with sustainability considered to have a social, economic, and environmental role.

4.34 The submitted sustainability statement emphasises the sustainability of the site in terms of accessibility and transport choice. Lighting has been designed to reduce the potential impact on natural habitats and landscape features with materials to be used from non-renewable sources being minimised. Renewable energy is not proposed, the applicant states that it was difficult to produce a business case which supported the use for renewable energy. However, when an application is submitted for a new Sports Hub building, consideration will be given to the use of renewable energy generation on this building. From a social context it is stated that the proposed facility would allow greater access to sport and social needs for the University and the local community.

Archaeology

4.35 A desk-based archaeology study has been submitted in support of the application. The site lies within an area which has produced Roman settlement activity. There are two known archaeological events as well as two archaeological monuments recorded within 500m of the proposed development in the City of York.

Further archaeological remains are expected to be found on the site. This site is likely to demonstrate the existence of a late prehistoric and Romano-British landscape in the area. The site lies on the edge of the River Foss flood plain. Recent survey work in the Huntington area has suggested that there is the potential for Mesolithic activity along the Foss. It is possible therefore that there may be finds which can contribute to understanding the Mesolithic exploitation of the Foss corridor. For these reasons an archaeological watching brief condition is proposed to be added to any approval.

5.0 CONCLUSION

5.1 There are no objections to the loss of the privately run allotments as suitable replacement provision is to be provided in the area. The use of the open space land for the purposes of sport is considered acceptable. The proposed development would result in the loss of a number of trees and hedgerow and a change in the natural character and appearance of the area. The site would appear significantly more developed. This would be particularly evident during hours of darkness when the pitches and courts are floodlit. The benefits of additional sporting provision should be balanced against the loss of trees and hedgerow and the more developed appearance that would result from the proposal.

5.2 The proposed all-weather pitches and courts are in a reasonably sustainable location. The site can be accessed on foot, by bike, or on the bus from the surrounding area. It is not considered that the level of traffic associated with the proposed development would have any material impact on the highway network. Car and cycle parking is provided in accordance with the requirements of Highway Network Management.

5.3 A development such as this has the potential to have some impact on neighbouring residential amenity given the size and number of pitches proposed and the floodlighting. However, the lighting has been designed in accordance with best standards in minimising light spillage off the site and additional planting is proposed to the east of the development to soften the appearance of the development. It is not considered that there would be any substantial harm to neighbouring residential amenity subject to a condition controlling the hours when the floodlighting is in use. There have been no objections from local residents.

5.4 On balance the application is recommended for approval subject to the following conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

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

Full plans list to be provided 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.

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

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

4 Within three months of the commencement of development details of the junction between the internal access road and the highway shall have been submitted to and approved in writing by the Local Planning Authority. The development shall not come into use until that junction has been constructed in complete accordance with the approved plans.

Reason: In the interests of road safety.

5 Within three months of the commencement of development details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first use of the sports pitches and courts hereby approved, the cycle parking areas and means of enclosure shall have been provided within the site in complete accordance with the approved details, and these areas shall not be used for any purpose other than the parking of cycles.

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

6 Prior to the first use of the sports pitches or courts hereby approved the areas shown on the approved plans for the parking and manoeuvring of cars and coaches have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

7 No barrier or gate to any vehicular access shall be erected within 15m of the rear of the footway/verge abutting the site, without the prior written approval of the Local Planning Authority, and shall at no time open towards the public highway.

Reason: To prevent obstruction to other highway users.

8 The development hereby approved shall not be brought into use until the following highway works have been completed in accordance with drawing(s) which have been submitted to and approved in writing by the Local Planning Authority:

- provision of pedestrian crossing facilities on Haxby Road in order to provide safe crossing point(s) between the existing sports pitches to the west of Haxby Road and the proposed car park and pitches to the east of Haxby Road together with any footway extensions to connect to the new facilities as may be necessary.

Reason: In the interests of providing a safe means of access to the site by all modes of transport and to promote sustainable travel.

9 The site shall hereafter be occupied in accordance with the aims, measures and outcomes of the Travel Plan that has been submitted to and approved in writing by the LPA.

Reason: To ensure the development complies with local and national policies and advice which seeks to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users.

10 Prior to the commencement of building operations on the site, a detailed method of works statements identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the LPA. Such statements shall include at least the following information;

- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours

- where contractors will park

- where materials will be stored within the site

- details of how the car parking area will be managed during the construction period to ensure adequate car parking remains

- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

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.

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

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

12 With the exception of tree removal works, development shall not commence until details of surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Details to include:

1. Peak surface water run-off from the proposed development must be restricted to that of a Greenfield and not exceed 6.02 lit/sec.
2. Site specific details of the flow control device manhole limiting the surface water to the 6.02 lit/sec.
3. Storage volume calculations, using computer modelling must be provided, and must 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 must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. The full range of modelling should be provided.
4. 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.

5. Proposed ground and finished floor levels to Ordnance Datum shall be shown on plans. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

6. Details should be provided of the future management / maintenance of the proposed drainage scheme.

7. The Internal Drainage Board's (IDB) prior consent is required for any development including fences or planting within 9m of the bank top of any watercourse within or forming the boundary of the site. Any proposals to culvert, bridge, fill in or make a discharge to the watercourse will also require the IDB's prior consent.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and that provision has been made to maintain it.

13 Within three months of the commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority illustrating the number, species, height and position of trees and shrubs to be planted. The planting scheme shall be implemented within a period of six months of the first use of the sports pitches and courts hereby approved. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

14 Before the commencement of and during building operations, adequate measures shall be taken to protect the existing planting on this site which is shown as being retained on the approved plans. This means of protection shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials, the erection of site huts or the commencement of building works.

Reason: The existing planting is considered to make a significant contribution to the amenities of this area.

15 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.

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.

17 The floodlighting hereby approved to illuminate the sports pitches and courts shall not be in operation between the hours of 22:00 and 08:00 hours on any day.

Reason. To safeguard neighbouring amenity and in the interests of nature conservation.

18 The floodlighting hereby approved shall be installed, operated and maintained in complete accordance with the details shown on drawing UKS8363 4 Revision A vertical overspill.

Reason: To safeguard the amenities of the area and occupiers of neighbouring properties

19 Within 2 months of the commencement of development, the previously approved replacement allotment land to the west of Haxby Road (Ref. No. 12/03283/FUL) shall have been laid out in accordance with the approved plans and shall be fully operational for its intended purpose.

Reason: In the interests of the protection of allotment capacity in accordance with Policy L2 of the Development Control Local Plan.

20 Prior to the commencement of development, a habitat mitigation and enhancement scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include a method statement for the protection of habitat during construction and the post development management of the area. The development shall be carried out and managed in complete accordance with the approved details.

Reason: In the interests of nature conservation.

21 Prior to the installation of the all-weather pitch and courts, the surface material and colour shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details and thereafter retained unless otherwise agreed in writing by the Local Planning Authority.

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

22 Prior to the installation of the ball protection fences to be installed around the perimeter of all pitches and courts, details including height, design, material, and colour, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details and thereafter retained unless otherwise agreed in writing by the Local Planning Authority.

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

23 Prior to the installation of the floodlight columns hereby approved, details of their coloured finish shall be submitted to and approved in writing by the Local Planning Authority. The columns shall be finished in accordance with the approved details and shall be thereafter maintained.

Reason: In the interests of visual amenity.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

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

- Principle of development
- Visual impact of development including lighting and loss of trees
- Access, car and cycle parking
- Neighbouring residential amenity
- Ecology

As such the proposal complies with Policies GP1, GP4a, GP7, GP9, GP15a, T4, T13a, HE10, NE1, NE6, NE7, L1a and L2 of the City of York Development Control Local Plan.

2. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Increase in replacement planting locations
- Removal of floodlights from the tennis court closest to the River Foss
- Proposed conditions which would minimise the visual impact of development and potential impact on neighbouring amenity

3. INFORMATIVE:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named: Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

Contact details:

Author: Michael Jones Development Management Officer

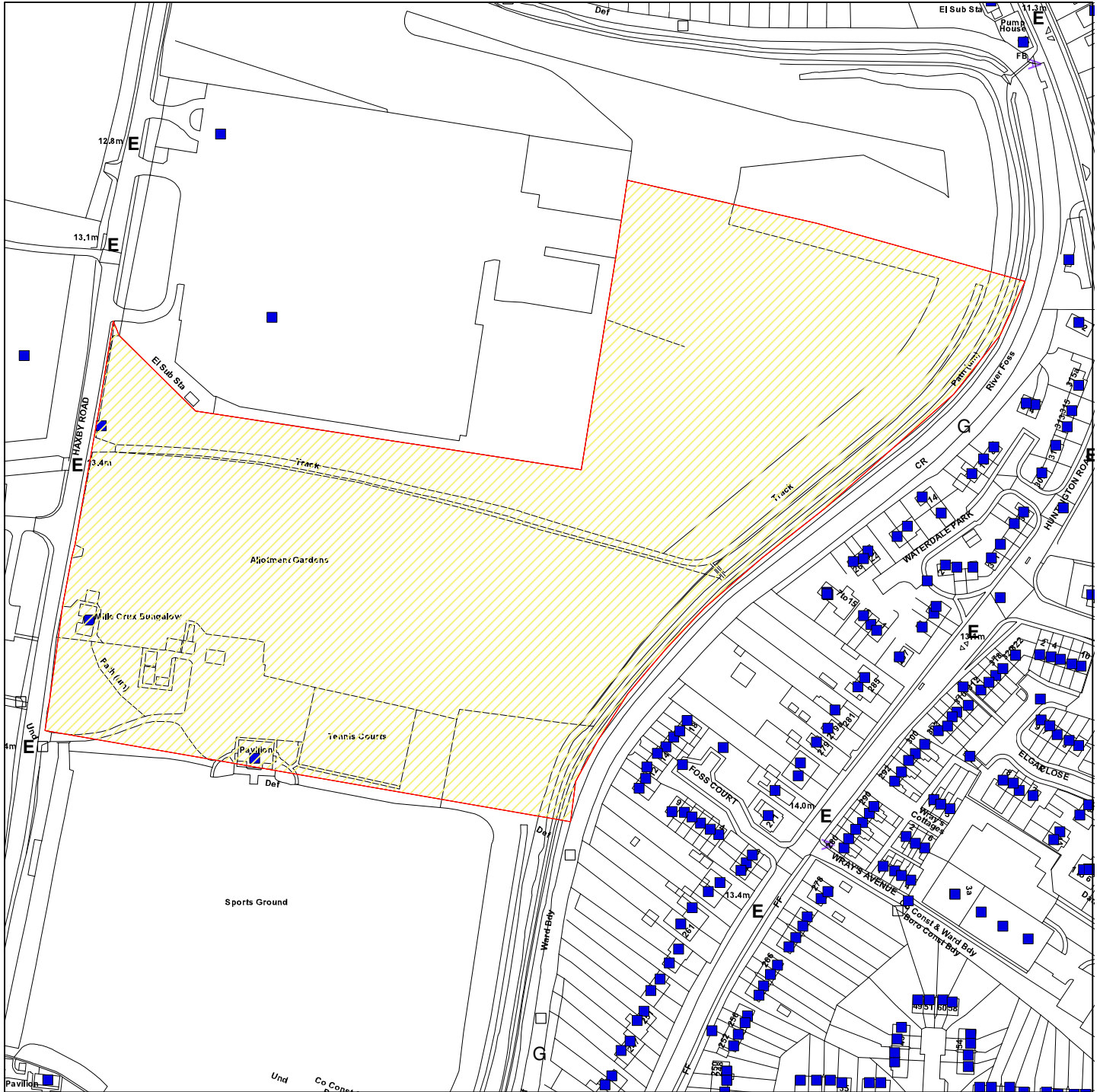
Tel No: 01904 551339

12/03606/FULM

Mille Crux Sports Ground



GIS by ESRI (UK)



Scale : 1:2500

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	11 February 2013
SLA Number	Not Set

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COMMITTEE REPORT

Date: 17 January 2013 **Ward:** Heslington
Team: Major and **Parish:** Heslington Parish
Commercial Team Council

Reference: 12/03617/REMM

Application at: Proposed University Campus Lying Between Field Lane And Low Lane A64 Trunk Road And Hull Road York

For: Reserved matters details of student residences in 8no.buildings (620 bedrooms and Dean's flat) with social hub building, cycle parking and landscaping granted under outline permissions 04/01700/OUT and 08/00005/OUT

By: University Of York And Evans Advisory Ltd

Application Type: Major Reserved Matters Application (13w)

Target Date: 27 February 2013

Recommendation: Approve

1.0 PROPOSAL

1.1 Reserved matters application for the erection of a new college (provisionally known as College 9) at Heslington East campus. The proposals would provide living accommodation for the college dean, five tutors and 615 students. The proposal is part of Cluster 2 of the Heslington East campus for the University of York. The campus was granted outline planning permission by the Secretary of State in June 2007 (04/01700/OUT) and varied in 2008 (08/00005/OUT).

1.2 The application would provide approximately 15,800sqm of floorspace on a site of 4.34ha. The works mainly comprise (a) five 4 and 5-storey residential blocks (buildings A to E) comprising 44 12-bed flats and one 8-bed flat (b) four 3-storey residential terrace blocks (buildings F, G and H) comprising seven 12-bed houses (c) a 2-storey nucleus building comprising college reception, provost office, common rooms, launderette, meeting room and storage space (d) cycle parking for 310 residents' cycles and 20 visitors' cycles (e) an electricity sub-station (f) six accessible parking spaces (g) refuse/recycling facilities and (h) landscaping. Main materials would be red brickwork, timber cladding and large areas of glazing. Roofs would have either a profiled metal or single ply membrane finish.

1.3 This would be the third residential college at the campus (following Goodricke and Langwith) and the ninth at the University of York.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation
City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGP1 -Design

CYGP4A -Sustainability

CYGP9 -Landscaping

CGP15A -Development and Flood Risk

CYED9 - University of York New Campus

CYED10 - Student Housing

CYT- Cycle parking standards

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management - The total number of residents' cycle parking spaces is in accordance with the agreed level of provision (1 space per 2 bedrooms) but they are unevenly distributed across the college: too many in the north, too few in the south. Whilst this represents poor design it is not sufficient to warrant a formal objection.

3.2 Environment, Conservation and Sustainable Development (Landscape) - Whilst the college would be further to the east than shown on the approved masterplan - and would thereby interfere with the proposed green wedge - the width of the green wedge would be maintained. No objections.

3.3 Major Projects (Renaissance) - No objections. Include suitable conditions.

3.4 Flood Risk Management - No objections. Add standard drainage condition.

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

EXTERNAL

3.6 Heslington Forum including Heslington Parish Council - The application does not include a statement of community involvement. However, in accordance with the established protocol, the proposals were presented to the community forum on 3 December 2013. No formal representations have been made by forum organisations.

3.7 Police Architectural Liaison - No concerns. The proposal will provide a safe and accessible environment where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

3.8 York Natural Environment Panel - No objections. The raised bed growing areas and the planting of fruit trees to produce food for human consumption are to be commended. The flat roofs should be considered for green living roofs. The previously-determined (eastern) vista has been restricted by the positioning of blocks D and E.

3.9 Public Consultation - The consultation period expired on 2 January 2013. No representations have been received.

4.0 APPRAISAL

4.1 KEY ISSUES:-

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

THE APPLICATION SITE

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

4.3 The site of the current proposal lies east of Langwith College and west of the proposed eastern vista. To the north is the Kimberlow Lane car park and the temporary biomass boiler. To the south is the lake. The area to the east is so far undeveloped but will be the site of future phases of the campus.

POLICY CONTEXT

4.4 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.

4.5 National Planning Policy Framework (Design) - Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people (paragraph 56). Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles (paragraph 60). Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (paragraph 64). Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community (paragraph 66).

4.6 National Planning Policy Framework (Housing) - Local planning authorities should deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities (paragraphs 50-55).

4.7 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:

4.8 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.

4.9 GP4a - All proposals should have regard to the principles of sustainable development.

4.10 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.

4.11 GP15a - Discharges from new development should not exceed the capacity of existing and proposed receiving sewers and watercourses and long-term run-off from development sites should always be less than the level of pre-development rainfall run-off.

4.12 T4 - Seeks to promote cycling and states that all new development should provide storage for cycles in accordance with the standards in appendix E of the Local Plan.

4.13 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.

4.14 ED10 - The University and York St John College will be expected to accommodate any extra demand created by an increase in student numbers on their campuses or on land in their ownership, or control.

PRINCIPLE OF THE USE

4.15 The principle of the use of the site as part of a new campus was accepted when the Secretary of State granted outline consent in 2007. The college proposal accords with the land use plan C(i) approved as part of the outline consent and the approved masterplan for the campus. It also complies with the university's section 106 obligations to provide student housing.

SCALE AND APPEARANCE

4.16 The design concept broadly follows the adjacent Langwith College, i.e. apartment blocks around the perimeter with smaller-scale houses and nucleus building in the centre. Heights would be lower than the maximum heights specified in the outline consent and the buildings would not appear unduly large or out of keeping with the rest of the campus. The design and materials comply with the approved masterplan for the campus and the addendum for Cluster 2. Samples of all external materials should be submitted as a condition of approval.

LANDSCAPE

4.17 Most of the landscape setting for the college is at the perimeter of the campus, i.e. outside the allocated area for built development. This landscape is supplemented by three green wedges located at intervals through the campus. One of these wedges (the Eastern Vista, which is yet to be created) forms the eastern edge of the proposed college. This strategic landscape setting is enshrined in the approved landscape masterplan for the campus. Elements of College 9 would intrude into the Eastern Vista due to constraints imposed by a recently-built Yorkshire Water pumping station at the southern end of the site. To compensate for this intrusion the proposed Eastern Vista would be extended eastwards. The size and character of the vista would be largely unchanged. Views of the lake from Kimberlow Hill would remain, albeit from a slightly different viewpoint. The changes to the Eastern Vista have been enshrined in a new landscape masterplan, which supersedes the previous version.

4.18 The landscape setting to the college will be supplemented by more-detailed landscaping proposals forming part of the college application. These proposals include: garden courtyards; tree (including orchard trees); ornamental shrubs; grow-your-own areas; the pedestrian/cycle ribbon where it passes through the college; pedestrian routes; and surface drainage swales. The proposals are acceptable.

4.19 YNEP has asked that green (planted) roofs are considered for the flat-roofed buildings (i.e. apartment blocks A to E). The applicant has not proposed green roofs for these buildings, preferring the use of a flat single ply membrane. Green roofs are expensive to construct and have high maintenance costs. The council cannot insist on such roofs being provided through the conditions of approval or legal agreement. Furthermore they are unlikely to be in keeping with the character of the buildings as proposed.

MOVEMENT AND ACCESS

4.20 Vehicular access to the site would be restricted to servicing traffic, emergency vehicles and students with a disabled parking permit. A total of six disabled spaces would be provided next to Block B at the western edge of the college.

4.21 330 secure, covered cycle parking spaces would be provided, which accords with the outline consent and the level of provision agreed with officers. 180 cycle spaces would be provided to the north of the pedestrian/cycle ribbon and 223 cycle spaces to the south of it, but both areas would be located within the grouping of the accommodation blocks, and therefore subject to natural surveillance. Overall, the distances to the accommodation blocks are acceptable. The applicant has confirmed that the site would be covered by CCTV and lighting to further ensure security.

4.22 Additional pedestrian and cycle routes would link to other routes already constructed on the campus. Public transport is available at the transport interchange north-west of the site and along the movement spine to the south.

SUSTAINABILITY

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

DRAINAGE

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

CUMULATIVE DEVELOPMENT

4.25 Condition 4 of the outline consent restricts the developed footprint (including buildings car parks and access roads) to 23% of the allocated area. The cumulative total to date, including College 9 and previously-approved applications, is 10.75% of the allocated area.

5.0 CONCLUSION

5.1 The application is for the third residential college of the Heslington East campus. It would provide living accommodation for the college dean, five tutors and 615 students. The proposal complies with policies of the National Planning Policy Framework and policies of the local plan, particularly ED9 (New campus at Heslington East) and ED10 (provision of student housing). The proposal also: complies with the university's Section 106 obligations to provide student housing; benefits the local community by reducing the competition for rental accommodation; and supports the local economy.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 The development hereby permitted shall be carried out only in accordance with the approved plans numbered (00)001 Rev. P5, (00)002 Rev. P5, (00)003 Rev. P6, (00)004 Rev. P5, (00)005 Rev. P, (00)006 Rev. P1, (20)101 Rev. P1, (20)102 Rev. P1, (20)103 Rev. P1, (20)201 Rev. P1, (20)202 Rev. P1, (20)203 Rev. P1, (20)301 Rev. P1, (20)302 Rev. P1, (20)303 Rev. P1, (20)401 Rev. P1, (20)402 Rev. P1, (20)403 Rev. P1, (20)501 Rev. P1, (20)502 Rev. P1, (20)503 Rev. P1, (20)601 Rev. P1, (20)701 Rev. P1, (20)801 Rev. P1, (20)901 Rev. P1, (20)902 Rev. P1, (20)1001 Rev. P1, RPS-2570-(20)-1-1001 and D074.P.004/A [Final plans list to be advised].

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

2 Notwithstanding the approved plans details and samples of external materials to be used shall be submitted to and approved in writing by the Local Planning Authority within three months of commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

3 The detailed planting proposals shown on drawing D074.P.004/A hereby approved shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

4 Within three months of commencement of the development 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.

5 Within three months of commencement of the development details of foul and surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with these approved details.

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

6 The developer shall submit a BREEAM assessment after construction, at a time to be agreed in writing by the Local Planning Authority, and a completion assessment when issued by the BRE. The assessments shall confirm a minimum rating of 'Very Good'.

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

7 10% of the energy requirements of the development hereby approved shall be provided from renewable energy resources on land under the control of the applicant, in accordance with the Progress Report on the Renewables Strategy submitted with the application. The development shall not be occupied until works have been carried out in accordance with the submitted report, unless otherwise agreed in writing by the Local Planning Authority. Not later than 12 months after the building has first been brought into use the applicant shall submit an Energy Statement to the Local Planning Authority, which details the percentage of the building's energy consumption that has been derived from renewable sources. Thereafter the Energy Statement shall be submitted on an annual basis unless otherwise agreed in writing with the Local Planning Authority

Reason: In the interests of sustainable development

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

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

2. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve an acceptable outcome: Advised the applicant on the proposal prior to the application being submitted; and negotiated with the applicant to improve cycle

parking and the landscape setting.

Contact details:

Author: Kevin O'Connell Development Management Officer

Tel No: 01904 552830



By	Date	Ch.
MS	11.12.12	PWE
PWE	19.11.12	NGF
PWE	16.11.12	NGF

Contractor must verify all dimensions on site before commencing any work or shop drawing. If this drawing exceeds the limitations taken in any way, the Architects are to be notified before the work is initiated. Only figured dimensions to be taken from this drawing. Do not scale off this drawing. Drawing based on Ordnance Survey and other data being not held subject to Site Survey, Structural Survey, Site Investigation, Planning and Statutory Requirements and Approvals. Authorised reproduction from Ordnance Survey. Map with permission of the Controller of Her Majesty's Stationary Office. Crown Copyright reserved. GSI's Copyright.

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COMMITTEE REPORT

Date: 21 February 2013 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
Commercial Team Panel

Reference: 13/00047/FUL
Application at: Royal York Hotel Station Road York YO24 1AY
For: Variation of conditions 1, 7 and 8 of permitted application
11/02650/FUL to allow observation wheel to operate until 30
September 2013 and the site to be restored by 30 November 2013
By: Wheels Entertainments Ltd
Application Type: Full Application
Target Date: 12 March 2013
Recommendation: Approve

1.0 PROPOSAL

1.1 The application relates to the wheel currently in situ in the grounds of the Royal York Hotel. Temporary permission was granted for the wheel in November 2011, which required the wheel to be removed from site by 1 March 2013.

1.2 This application is to extend the life of the wheel until 30 September 2013. The attraction is presently open until 20.00 through the week, 21.00 on Friday and Saturday nights. A condition of the planning permission requires the wheel to close at 21.00.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006
Conservation Area GMS Constraints: Central Historic Core CONF
City Boundary GMS Constraints: York City Boundary 0001
DC Area Teams GMS Constraints: Central Area 0002
York North West Boundary GMS Constraints: York North West Boundary CONF

2.2 Policies:

CYSP3 Safeguarding the Historic Character and Setting of York
CYGP1 Design
CYHE2 Development in historic locations
CYHE3 Conservation Areas
CYHE4 Listed Buildings
CYV1 Criteria for visitor related development

Application Reference Number: 13/00047/FUL

Item No: 4d

3.0 CONSULTATIONS

The overall expiry for comments is 13.2.2013.

INTERNAL

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

3.1 The temporary siting of 53m observation wheel to in the grounds of the Royal York (Station) hotel is harmful to the following heritage assets –

- the setting of the hotel and its associated garden curtilage and the setting of the railway station train shed.
- the setting of York Minster and the City Centre Conservation area, by virtue of the scale of the wheel in context. However, the location ensures some separation from the Minster silhouette in the majority of the key views as defined in the views analysis, and any harm is for a temporary period.

3.2 The proposed wheel does offer an opportunity for a temporary and dynamic vantage point from which the city's special characteristics of dense urban form and medieval street pattern can be appreciated by a wide audience.

3.3 On balance the temporary period as a mitigating factor reduces the level of harm, although there are no long term benefits secured by this application.

ENVIRONMENTAL PROTECTION UNIT

3.4 No objection. Since then the wheel has been in operation EPU have received 3 or 4 complaints (in Jan & July last year) about noise and light.

- Noise - related to the noise associated with wind blowing through the structure and from a banging which occurred periodically. The latter was resolved after servicing the wheel. EPU consider that noise as a result of wind blowing through the structure does not cause an unacceptable disturbance and do not object to the operation of the wheel on such grounds.
- Lighting - complaints related to lights on the wheel being left on and sunlight shining through the wheel itself. Once again EPU did not establish any nuisance or loss of amenity.

EXTERNAL

CONSERVATION AREAS ADVISORY PANEL

3.5 The panel were ambivalent regarding the proposed extension of time until the end of the summer, but under no circumstances should there be a further extension. The panel also suggested that funds for the re-instatement of the gardens should be lodged in a ring fenced account in case there is no available funding in September.

ENGLISH HERITAGE

3.6 No comment.

VISIT YORK

3.7 No response to date.

MICKLEGATE PLANNING PANEL

3.8 No response to date.

PUBLICITY

3.9 At the time of writing there are 15 objections to the wheel. The objections are made on the following grounds:-

- Overlooking into all rooms in apartments on Westgate & loss of privacy - residents have to keep their blinds shut during the day.
- Over-bearing & adverse effect on views from apartments.
- Noise from the wheel, in particular when it is windy. It has been stated that EPU have refused to record the noise from the wheel when it is windy.
- Reflections from the wheel in motion within the apartments (when the sun is behind it) which is very disruptive.
- TV reception – the TV signal in Westgate apartments was interrupted by the wheel to the extent that the aerial had to be replaced.
- The wheel is not a popular attraction so why does it need to stay?
- Demonstrable benefit to the local economy? Few jobs created & money spent by visitors (who would be in York already) on the wheel is money that would otherwise go on other attractions/amenities in the city. The company who previously operated the wheel went into administration, it has been asked whether business rates have been fully paid to the Council, or if taxpayers are funding the operation? Also whether the operators are able to afford removal of the wheel?
- Visual impact – the structure is an eyesore on the city skyline and damages the visual dominance of the Minster and the cities historic setting. It is noted that

conservation bodies - English Heritage, the Conservation Advisory Panel and officers at the Council deemed the wheel was harmful and only initially allowed it on the basis it was for a temporary period. Some Councillors also assured residents that they considered the wheel could only be allowed for the period originally approved.

- There is inadequate parking for visitors which has led to illegal parking on Leeman Road.
- In wet weather people waiting to use the wheel congregate under the canopy of Westgate apartments, causing obstruction and dropping litter.

One letter in support

- Benefits for the economy as the wheel is a different type of attraction which helps encourage visitors.
- The city centre location helps the city centre economy, this is increasingly important as the centre becomes under threat from out of town retail led developments.
- The modern appearance of the wheel does not detract from the city skyline and it sits comfortably next to Westgate apartments; also a modern building.
- The person in support of the proposal has not witnessed any adverse annoyances associated with the wheel.

4.0 APPRAISAL

4.1 KEY ISSUES

- Impact on the setting
- Impact on the amenity of surrounding occupants

IMPACT ON THE SETTING

4.2 When commenting on the 2011 application for the wheel English Heritage considered that the wheel would be a dominant structure on the city skyline, alongside the Minster. The degree of harm that would be generated would be 'less than substantial' as the wheel would only be a temporary structure. According to the National Planning Policy Framework where a proposal will have less than substantial harm, this harm should be weighed against the public benefits of the proposal to ascertain whether the development is acceptable.

4.3 The public benefits of the wheel (considering English Heritage guidance on this matter) is that the development makes a positive contribution to the city's economy, adding to the tourist amenities York offers. Also it provides the public with a different experience of the historic setting i.e. the views of the listed buildings within the Central Historic Core Conservation Area and the wider area.

4.4 The wheel has been in situ since December 2011. To allow the extension of time proposed would still equate to a lifetime of less than 2 years. The proposals remain for a temporary structure that would not in the long-term damage the historic setting and the gardens to the hotel could be fully restored.

IMPACT ON THE AMENITY OF SURROUNDING OCCUPANTS

4.5 The National Planning Policy Framework asks that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In assessing amenity, Local Plan policy GP1: Design requires that schemes have no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

4.6 Officers' original assessment of the wheel, as established in the 2011 Committee report, was that the wheel would not have an undue impact on residential amenity.

4.7 The apartments at Westgate which face the grounds of the Royal York Hotel are single aspect, with living and bedroom windows looking towards the wheel. Windows to living rooms are full height and wide, designed to maximise outlook. Residents report that they constantly feel overlooked by the wheel and it is an over-dominant and over-bearing structure. Perceived overlooking can be a material planning consideration, although the weight to be attached depends on the particular circumstances of the case.

4.8 From within the pods, there are angled views looking toward the windows on Westgate apartments. The wheel is around 41m away from the apartments. Due to the separation distance and type of glazing used for the apartment's windows, there are not views into the apartments from the wheel during daylight hours. However the balconies are overlooked and activity within the apartments is apparent in the dark, if lights in the apartments are on and the blinds are not closed. Officers maintain that the level of overlooking that actually results from the development does not present grounds to refuse the application. The balconies are not designed to be private and the level of overlooking is no worse than would be expected between conventional buildings. In addition the wheel only revolves 3 times per ride, and customers would be more focused on more distant and varied views of the city, rather than looking immediately down onto the apartments. The operators advise that peak times are between 12.00 and 15.00. There are far fewer customers outside these hours.

4.9 Since the wheel was introduced complaints have been received from residents over noise from the wheel when in operation, that TV reception in Westgate Apartments was detrimentally affected by the wheel and reports have been made of anti-social behaviour on Leeman Road.

NOISE & LIGHT POLLUTION

4.10 Several reports have been received about nuisance from noise and light. The National Planning Policy Framework advises that planning decisions should aim to avoid noise from giving rise to significant adverse impacts (considering World Health Organisation Guidelines) on health and quality of life, and use planning conditions where necessary to mitigate impact. Planning decisions should limit the impact of light pollution from artificial light on local amenity.

4.11 On one occasion in June it was reported that the wheel was causing noise disturbance. This matter was resolved by works to the wheel, and no further complaints were made. With regards noise when it is windy; this cannot be considered as a 'significant adverse impact', such noise would occur during 'daytime' hours only and irregularly.

4.12 Lighting was initially left on within the grounds of the hotel after closing time on an evening. The lighting is now controlled by a timer which turns the lighting off outside operating hours. It has been reported that moving reflections/shadows of the wheel are evident in the apartments. Due to the orientation of the wheel this could occur in afternoons in the winter months when the sun is lower. Officers accept this may be an annoyance for residents, but consider the impact is not unacceptable as the harm would be limited and only occur occasionally.

TV RECEPTION

4.13 It is understood that TV reception in the apartments was adversely affected by the wheel. This has now been resolved. It is not clear if the remediation works were financed by the wheel operators or residents; we have had conflicting reports on this matter.

ANTI-SOCIAL BEHAVIOUR

4.14 There is no evidence that anti-social behaviour in the area is related to the presence of the wheel. More likely it would be linked to alcohol consumption and persons travelling between the railway station and drinking establishments in the city centre.

5.0 CONCLUSION

5.1 If the application were allowed the wheel would still be situ for under 2 years. Whilst officers maintain that a permanent permission should not be granted for the wheel due to the resultant long-term impact on the historic setting, the proposed time-frame is still short term. The impact on the historic environment would be low, to the extent that the public benefit of the scheme out-weighs the harm caused to the historic environment.

6.0 RECOMMENDATION: Approve

1 The wheel shall not operate after 30.9.2013.

The wheel and all its associated fittings and fixtures, including signage and the access arrangements shall be removed from site and areas made good by 30.11.2013.

Reason: As the proposed development would have an inappropriate impact on heritage assets and amenity on a permanent basis.

2 The wheel shall only operate between the hours of 09:00 and 21:00 hours each day of the week.

Reason: In the interests of visual amenity, and the amenity of surrounding occupants.

3 Apart from emergency lighting, the lighting to the wheel and any ancillary lighting shall only be turned on between dusk and 21:00 each day of the week.

Reason: To control the impact on heritage assets and wildlife.

4 A scheme of site restoration (hard and soft landscaping) shall be approved in writing by the Local Planning Authority and fully implemented before 30.11.2013.

Reason: To preserve the appearance of the conservation area and setting of the listed building.

5 Prior to the commencement of works details of the dates and times of the removal of the wheel shall be agreed in writing with the Local Planning Authority. Apart from the removal of the component parts of the wheel, there shall be no other vehicular or pedestrian movements taking place via the Leeman Road access to the Royal Station Hotel, in connection with this visitor attraction.

Reason: in the interests of highway safety.

7.0 INFORMATIVES:

REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on heritage assets, amenity and highway safety. As such the proposal complies with Policies SP3, GP1, GP3, NE6, HE2, HE3, HE4 & V1 of the City of York Development Control Local Plan.

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STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH
In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: the use of planning conditions to manage the impact on heritage assets, residential amenity and highway safety.

Contact details:

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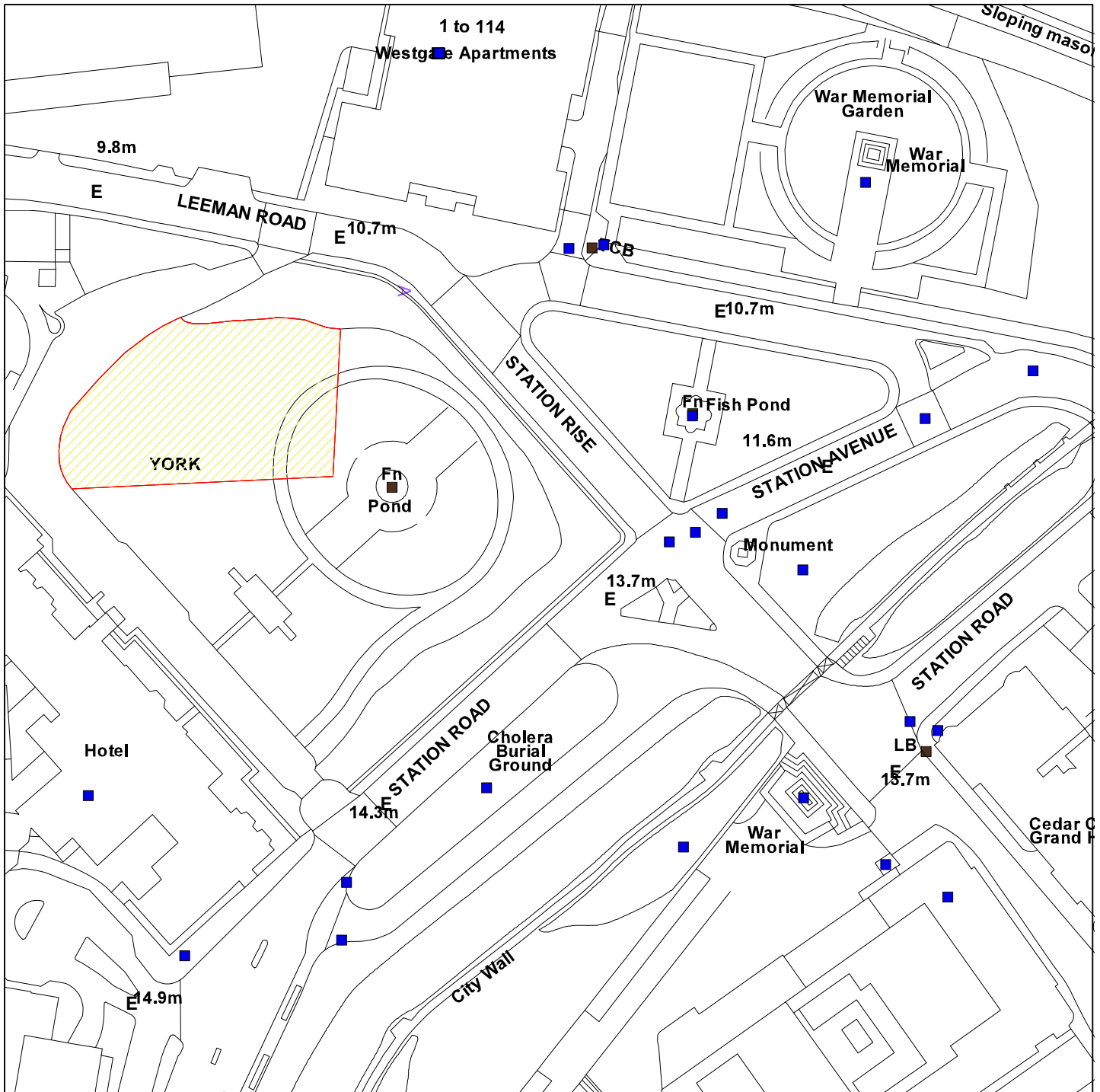
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Royal York Hotel



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	11 February 2013
SLA Number	Not Set

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