



Notice of a public meeting of Planning Committee

- To:** Councillors Horton, Galvin (Vice-Chair), Ayre, Boyce, Burton, Crisp, D'Agorne, Doughty, Firth, King, Looker, McIlveen, Funnell, Reid (Chair), Simpson-Laing, Watt and Warters
- Date:** Thursday, 22 January 2015
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

Would Members please note that the mini-bus for the Site Visits will depart Memorial Gardens at 10am on Tuesday 20th January 2015.

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 3 - 8)

To approve and sign the minutes of the meeting of the Planning Committee held on 18th December 2014.

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 21st January 2015**. 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.

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The Council’s protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at http://www.york.gov.uk/downloads/download/3130/protocol_for_webcasting_film_and_recording_of_council_meetings

4. Plans List

This item invites Members to determine the following planning applications:

a) B&Q, Osbaldwick Link Road, York, YO10 3JA (14/00924/FULM)
(Pages 9 - 58)

A major full application for the use of a premises as a retail food store with external alterations including the reconfiguration of the shop front, canopy, installation of a new customer cafe and associated toilets, the installation of ATM`s, the removal of an existing garden centre and builders yard and the reconfiguration of site access and customer car park. [Osbaldwick Ward] *[Site Visit]*

b) Former Del Monte, Skelton Park Trading Estate, Shipton Road, Skelton, York (14/01478/OUTM) (Pages 59 - 92)

A major outline application for a residential development of up to 60 dwellings. [Skelton, Rawcliffe & Clifton Without Ward] *[Site Visit]*

c) 1-9 St Leonards Place, York, YO1 7ET (14/02091/FULM) (Pages 93 - 126)

A major full application for a residential development including the conversion of existing buildings, construction and demolition to form 29 apartments, 5 town houses and 6 mews houses including 2-4 Museum Street. [Guildhall Ward] *[Site Visit]*.

d) Listed Building Consent - 1-9 St Leonards Place & 2-4 Museum Street, York (14/02104/LBC) (Pages 127 - 142)

A Listed Building Consent application for Internal and external alterations, including the conversion of existing buildings, construction and demolition to form 29 apartments, 5 town houses and 6 mews houses including 2-4 Museum Street. [Guildhall Ward] *[Site Visit]*

e) Hagg Lane & Common Road, Dunnington, York (14/02284/FUL) (Pages 143 - 156)

A full application for the construction of a gravel surfaced car park and retrospective change of use of the land to 2 playing pitches with siting of a portable changing room buildings. [Derwent Ward] *[Site Visit]*.

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

Democracy Officer:

Name: Laura Bootland

Contact Details:

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

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

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

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

PLANNING COMMITTEE**SITE VISITS****Tuesday 20th January 2015.**

TIME	SITE	ITEM
10:00	Coach leaves Memorial Gardens	
10:15	Former Del Monte Site, Skelton.	4b
10:55	Playing Fields, Hagg Lane & Common Road, Dunnington.	4e
11:20	B & Q Site, Hull Road (meet outside the main entrance).	4a
12:00	1-9 St. Leonards Place, York.	4c&4d

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City of York Council

Committee Minutes

Meeting	Planning Committee
Date	18 December 2014
Present	Councillors Horton, Galvin (Vice-Chair), Ayre, Burton, Crisp, D'Agorne, Doughty, Firth, Gunnell, King, Looker, McIlveen, Reid (Chair), Simpson-Laing, Watt, Warters and Cunningham (Substitute)
Apologies	Councillors Boyce and Williams

30. Site Visits

	Reason for Visit	Members Attended
Former Terry's Site	To enable members to familiarise themselves with the site.	Councillors Reid, Galvin, D'Agorne, Watt, Burton, McIlveen, Horton.
Beechwood, Malton Road.	To enable members to familiarise themselves with the site.	Councillors Reid, Galvin, D'Agorne, Watt, Burton, McIlveen and Orrell (as Ward Member).

31. Declarations of Interest

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

Councillor Gunnell declared a prejudicial interest in agenda item 4a, Former Terry's Factory Site as Micklegate Ward Member. She felt that as she had been involved in various meetings and discussions with the developer she would not be able to participate in the item and would leave the room.

Councillor McIlveen declared a personal interest in agenda item 4a, Former Terrys Factory Site as his role as a Surveyor for the Northern Power Grid.

32. Minutes

Resolved: That the minutes of the last meeting held on 20th November 2014 be approved and signed by the chair as a correct record.

33. Public Participation

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

34. Plans List

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

35. Former Terrys Factory Site, Bishopthorpe Road, York (14/01716/FULM)

Consideration was given to an application by David Wilson Homes for the re-development of the remainder of the northern part of the site for the erection of 240 dwellings comprising of 79 houses and 161 apartments in six blocks with associated infrastructure.

Officers provided updates to the committee report as follows (also attached to the online agenda for this meeting):

- The Local Authorities Landscape Architect has no objections to the scheme providing adequate measures are put in place to secure the root protection area of the trees to be retained.

- Paragraph 5.2 of the committee report should read “statutory duty” instead of “presumption” and Section 72 of the Act “satisfied” rather than “secured”.
- Condition 28 should read “The detailed scheme shall be approved in writing by the Local Planning Authority and fully implemented before each building is first occupied”.
- The content of condition 30 duplicates the requirements of condition 23 in respect of a Construction Environmental Management Plan and therefore condition 30 can be dispensed with.
- Paragraph 5.3 should be amended to read “£36,640 for sustainable transport contributions”.
- Paragraphs 1.1 and 5.1 should be amended to read “229 dwellings with 79 houses and 150 apartments.”
- A briefing note regarding the height of the apartment blocks was also circulated which detailed the work carried out by Officers who were now satisfied that the heights proposed would not harm the immediate setting or views of the clocktower, nor affect the characteristic outline of the factory buildings.

Members questioned Officers on a number of points, in particular the issue of density and heights of the apartment blocks. Officers confirmed that none of the buildings in the scheme would be any higher than what was proposed in the outline application.

Tina Fowler had registered to speak as a Local Resident. She raised concerns about the number of trees being felled at the site despite the developer stating that tree felling would be limited.

Mr Huggins had registered to speak as a Local Resident. He raised concerns about the visual impact and the impact on residential amenity. He referred to the plans submitted by the developer which, in his opinion, lacked detail.

Eamonn Keogh had registered to speak on behalf of David Wilson homes. He advised that the application was a continuation of phase 1 of the scheme. Following concerns being raised about the heights of the apartment blocks steps had been taken to reduce the impact such as a reduction in height and the use of landscaping and bunds.

Members entered debate and commented that although it was acknowledged that the development would affect properties around it, members were satisfied that the developer had gone as far as possible to alleviate concerns.

Resolved: That the application be deferred pending the section 106 agreement and grant delegated authority to approve on completion of the section 106 agreement, subject to the conditions outlined in the Officers report.

Reason: The proposals would lead to the reuse of a significant site of wider townscape importance for the City for housing, partially fulfilling targets for housing provision emphasised in the National Planning Policy Framework. The amended proposals deal with concerns in respect of the relationship of the proposed apartment blocks to the setting of the retained Listed factory buildings in the southern section of the site and the impact of the proposed apartment blocks on the visual amenity of the wider street scene. The setting of the Terry's /Racecourse Conservation Area is safeguarded and the statutory presumption contained within Section 72 of the Act secured. No further material loss of mature landscaping around the site boundaries is envisaged.

The applicant has submitted a draft Section 106 Agreement to cover affordable housing, off-site open space provision (£275,976), provision of additional educational places in the locality (£750,008) and sustainable transport measures (£15,300) based on the adopted formulae used for calculation This is felt to be acceptable although negotiations are on-going in respect of the precise mix of units to be offered in respect of affordable housing. Overall the proposal is felt to be acceptable in planning terms and approval is recommended.

**36. Beechwood, Malton Road, Huntington, York, YO32 9TH
(14/02112/FULM)**

Consideration was given to a full application (resubmission) by Damar Farms Limited for the use of land as a 40 pitch touring caravan site and conversion of farm buildings to form a reception, shop and manager's accommodation. Outline permission for associated shower and toilet block.

Officers reported that there was no further update to the committee report.

Raymond Barnes had registered to speak as the agent on behalf of the applicant. He referred to the increase in tourism in the York area and the subsequent increase in demand for touring caravan sites. Assuming trends were to continue, additional caravan sites would be required within the York area.

In response to questions from Members on what amounted to very special circumstances for the application being in the Green Belt the applicants agent advised that there are a shortage of caravan sites in the area and there are no suitable urban locations.

Officers confirmed that although Visit York do support the creation of caravan sites, they prefer them to be in sustainable locations and the rural nature of the site means that it is not considered to be a sustainable location.

Members entered debate and although some Members did not welcome the application due to its inappropriateness in this Green Belt location, some members felt that there were very special circumstances to outweigh the harm to the Green Belt and the application should be approved.

Following further discussion it was:

Resolved: That the application be deferred to allow officers to consider whether the application should be referred to the Secretary of State and to formulate conditions. The application will then be delegated for approval.

Reason: The proposal although inappropriate in the Green Belt and by definition harmful to it, was considered to involve Very Special Circumstances which cumulatively outweigh the harm to the Green Belt namely:-

- The unmet demand for touring caravan facilities in the York area and lack of available sites within the urban area
- The existing extensive screening of the site and the discreet location
- The proximity to public transport and proposed provision of a shuttle service from the site to the Minks Cross Park and ride site

Cllr Ann Reid, Chair

[The meeting started at 4.30 pm and finished at 6.00 pm].

COMMITTEE REPORT

Date: 22 January 2015 **Ward:** Osbaldwick
Team: Major and **Parish:** Osbaldwick Parish
Commercial Team Council

Reference: 14/00924/FULM
Application at: B & Q, Osbaldwick Link Road, Osbaldwick, York, YO10 3JA
For: Use of premises as retail food store with external alterations including reconfiguration of shop front, canopy, installation of new customer cafe and associated toilets, installation of ATM`s, removal of existing garden centre and builders yard and reconfiguration of site access and customer car park
By: B&Q And Sainsbury's Supermarkets Limited
Application Type: Major Full Application (13 weeks)
Target Date: 16 July 2014
Recommendation: Approve after referral to Sec. of State

1.0 PROPOSAL

1.1 Planning permission is sought for the use of the existing B&Q store at Hull Road as a retail food store (Sainsbury's) with associated works to allow the operation of the use.

1.2 The application site is located along the Hull Road approximately 1km from the A64 junction and 2 miles east of York. The B& Q store is sited on the junction of Hull Road and the Osbaldwick Link Road. To the west and south of the site is the existing residential development of Redbarn Drive and Tranby Avenue. Immediately adjacent to the southern corner of the site is an existing petrol filling station with associated convenience shop. The existing B&Q building is set back from the Hull Road with the car park area to the front of the building adjacent to the road. There is existing landscaping around the perimeter of the site. The building is, in the main, single storey although there are two small internal mezzanines accommodating office and staff spaces. The building is a typical warehouse clad structure which has been faced in accordance with B&Q's corporate identity. There is a main glazed public entrance to the front of the building; to the south of the site there are additions to the building to accommodate a garden centre. There is a separate entrance for trade to the north of the building. Vehicular access to the site is from Osbaldwick Link Road. There are two pedestrian entrances from the Hull Road frontage. Cycle lanes and pedestrian footpaths exist along the Hull Road frontage.

1.3 The proposal in its effect is seeking to allow the B&Q site to operate without complying with the restriction on the sale of goods that currently controls the operation of the site through planning permission 98/01828/REM and to allow the store to open for longer hours than is currently allowed under condition 20 of that

permission. In addition to this the permission seeks alterations to the building and its surroundings to allow the food store use to function in its own corporate way. The alterations include the following:-

- Removal of internal mezzanine floors
- Removal of existing builder's yard and garden centre to provide additional car parking
- New entrance lobby, customer toilets, ATM and shop front
- New unloading docks to delivery area and acoustic fencing
- New canopy to groceries on line area within service yard
- New external plant and machinery area adjacent to the car park
- New biomass boiler within the service yard
- Relocate recycling area with associated fencing
- Reconfiguration of the customer car parking including extension into area currently occupied by the garden centre associated relocation and provision of cycle parking
- Reconfiguration of the site access
- New pedestrian crossing on Hull Road

The alterations will result in a food store with a total floor space of 9,715 sq m, 5,591sq m of which will be net retail floor space with 505 car parking spaces. A cafe facility is to be provided.

1.4 The application is supported by a number of reports including: - Planning Statement, Retail Statement, Transport Assessment, Design and Access Statement, Air Quality Assessment, Flood Risk Assessment, Renewable Energy and Energy Efficiency Strategy and a Statement of Community Involvement.

PLANNING HISTORY

1.5 The following planning history is considered relevant to the development:-

- Permission was granted for the erection of retail Warehouse Park and residential development in June 1998. (Planning reference 7/131/00126/OUT).
- Permission was granted for the erection of 8 retail warehouses with associated access, parking and landscaping in June 1997. (Planning reference 97/01395/REM).
- Erection of A1 retail warehouse granted permission in August 1998. (Planning reference 98/01828/REM)
- Change of use from dwelling to car parking and landscaping associated with adjacent retail use. (Planning reference 98/01834/FUL)
- Erection of single storey extension to the front of B&Q to form coffee shop was refused permission in May 2000. (Planning reference 99/02911/FUL).
- A further application for the erection of single storey extension to the front of B and Q to form coffee shop was refused permission in May 2001. (Planning reference 00/02754/FUL). The coffee shop extension was subsequently allowed on appeal in October 2001.

- Use of land for paving and conservatory display on site frontage was granted permission in April 2007 (Planning Reference 07/00480/FUL)
- Permission for the siting of a mobile catering unit was granted in September 2007. (Planning Reference 07/01921/FUL)

1.6 There have been a number of applications for the display of advertisements related to the B& Q use of the site.

2.0 POLICY CONTEXT

2.1 Policies:

The policy context for this application is set out in section 4 of the report.

3.0 CONSULTATIONS

INTERNAL

3.1 HIGHWAY NETWORK MANAGEMENT - No objections subject to conditions ensuring the detail of the scheme is properly implemented. (Reasoning set out in the main assessment section of this report).

3.2 LANDSCAPE ARCHITECT - Raised a number of concerns about the loss of planting within the car park and the depth of planting at the Hull Road/Osbaldwick Link Road junction. Amendments have been submitted which are considered acceptable.

3.3 RETAIL POLICY ADVICE PROVIDED BY WHITEYOUNG GREEN (WYG) ON BEHALF OF INTEGRATED STRATEGY - WYG consider that the details of the scheme satisfy the sequential test for site selection. WYG consider there will be no significant adverse impacts associated with the retail development and therefore there is no basis to object to the application in relation to retail policy matters. (More detailed elements of WYG's response is incorporated into the assessment section of the report).

3.4 FLOOD RISK MANAGEMENT TEAM - No objections the slight increase in surface water run off is compensated for by the provision of additional storage and separate restricted discharge manholes. Drainage works should be conditioned to be in accordance with those set out in the flood risk assessment (FRA).

3.5 ENVIRONMENTAL PROTECTION - do not object to the planning application but do have concerns about the re-development as a result of noise, odour, lighting, land contamination and air quality. Conditions are proposed to limit the impact of the development on adjacent sites including condition of opening, restrictions on the car park use, noise levels, odour, land contamination, air quality and the submission of

details in relation to lighting. Conditions are also proposed to protect adjacent sites during the construction phase of the development.

3.6 SUSTAINABILITY OFFICER - The Renewable Energy & Energy Efficiency Assessment provides a really good strategy for reducing energy demand on site. BREEAM very good should be sought through a condition.

EXTERNAL

3.7 OSBALDWICK PARISH COUNCIL - The Parish Council forwarded the minutes of their parish meeting following the presentation of the proposal by Sainsbury's to them prior to the application being submitted. The minutes are not summarised here but are available on the web site for members to read or a copy can be provided on request.

3.8 Osbaldwick Parish Council object to the application on the following grounds:-

- Concerned that pre-application meetings with Sainsbury's did not include the Parish Council and Community. Sainsbury's are not locating this store on the fringe of York in competition with the over abundance of the similar facilities without reason as the local plan proposals will provide an ever expanding customer base with grave traffic consequences for the existing residential communities.

- TRAFFIC GENERATION - With reference to the Vectos Transport Assessment page 60 paragraph 6.20.1 the statement 'the development of a food store in this location is unlikely to lead to any additional rat running through Osbaldwick, Murton and surrounding residential areas' is complete and utter nonsense. The Parish Council have no confidence in the traffic survey, figures and assessments, conclusions and proposals when a statement like that is included. Objections are raised to the additional toucan crossing on Hull Road; any further impediment to the free flow of traffic on Hull Road will inevitably lead to more traffic using the Murton-Osbaldwick Millfield Lane route as a surrogate main road. Similar objections are raised to the introduction of traffic lights at the store entrance which will inevitably lead to more industrial traffic avoiding the Link Road and using residential routes to the Outgang Industrial Estate. The very reason the Link Road was constructed was supposedly to take the traffic out of Osbaldwick Village and Tranby Avenue residents will now be back to square one with the introduction of another road block on the Link Road. Objection is raised to any consideration to improved traffic flow on the Grimston interchange as a result of recent changes to the roundabout. That is pure supposition on the part of Sainsbury's transport consultants and not matched by the reality.

- DEVELOPMENT LAYOUT - The Parish Council object to the re-location of the recycling facility near to the entrance road.

This facility was moved to its present location on the B&Q car park from just this very position some years ago due to rubbish being blown directly down the Link Road. The re-cycling facilities should remain in their current more sheltered position and the car park plans amended accordingly. Objection is raised to removal of trees within the car park which should be retained and the car parking layout which is impractical. Opportunity should be taken to utilise a herringbone pattern to make parking easier. Any removal of perimeter landscaping of trees should be resisted as should installation of garish advertising signs.

- NEIGHBOURING AMENITY - Strong objection is raised to allowing the store opening hours to extend to 11.00pm. This application is an opportunity to reduce the opening hours on site from the original B&Q permission. Suggest that hours are restricted to Mon-Sat 7.00am-9.00pm and Sunday 11.00am-5.00pm for trading to customers which are the same hours that Sainsbury's Fossbank trades under. Any additional lighting in the car park areas is objected to and a condition requiring all external lighting to be extinguished by 10.00pm is required, as is the case now with the B&Q car park, in the interests of neighbouring amenity and sustainability. Hours of operation of online delivery service to match trading hours and all deliveries to store to take place within trading hours.

- RENEWABLE ENERGY - Re-use of the existing B&Q store provides an ideal opportunity for use of photo-voltaic panels on the roof, completely out of sight to provide for energy generation by the store. Discounted by Sainsbury's on cost grounds the Parish Council therefore object to use of yet another wood pellet burning system in this area (in addition to University and Derwenthorpe Estate) on air quality grounds and the inherent madness of chopping trees down to burn when energy could be generated from sunlight off the extensive roof.

- Given that this facility will undoubtedly be well used by local people it is disappointing to have to object at all but sadly it looks like opportunities to improve the site significantly and restrict traffic flow through surrounding residential areas are not being taken. It is hoped that Sainsbury's take the maintenance of the site more seriously than they do at their store on Farndale Avenue.

3.9 MURTON PARISH COUNCIL - We ask the Council to:-

- (i) Have a reappraisal of the effects of traffic on the nearby villages, villages which contribute to the historic setting of the City, prior to and later when the development has been well established
- (ii) Monitor the effect of the noise and lighting on nearby housing after the development has been well established
- (iii) Encourage more landscaping, and subdued lighting given that this important site dominates the entrance to the city from the east.

3.10 HESLINGTON PARISH COUNCIL - The Parish Council feel strongly that for reasons of safety, there should be a proper crossing controlled by lights.

3.11 HIGHWAYS AGENCY - No objections

3.12 CRIME PREVENTION OFFICER -. On the whole the crime prevention officer is satisfied with the details of the scheme including the measures put in place to protect users of the ATM machines. A number of suggestions are made in terms of CCTV coverage with regard to cycle parking.

3.13 YORKSHIRE WATER AUTHORITY - No comments to make. It is noted that the existing foul and surface water drainage will remain.

3.14 FOSS INTERNAL DRAINAGE BOARD - The applicant should be asked to clarify the intended discharge rate and, if appropriate, amend the calculations in respect of the attenuation, to ensure the agreed and consented rate is maintained.

3.15 ENVIRONMENT AGENCY - No objections. Foul drainage should be checked for capacity and surface water drainage should be checked with the flood risk management team.

3.16 OBJECTIONS RAISED BY LOCAL RESIDENTS

3.17 93 letters of objection have been received from local residents and businesses as follows:-

- York is well provided for with supermarkets which are readily accessible to all areas.
- Detrimental effect on small retail businesses which serve the area and may result in their closure.
- York is famed for charming and unique independents their entrepreneurship should be retained.
- The highway is already at capacity the supermarket will only add to the level of unsustainable traffic.
- The road can be dangerous for pedestrians it is predicted that, new road crossing, coupled with the subsequent hike in vehicle numbers using this stretch of road, the risk of a collision will raise substantially.
- The city council should have a policy to limit Supermarket expansion.
- When the Hull Road is gridlocked people trying to use the back roads through Osbaldwick as an alternative.
- The site should be developed for housing.
- The Council should be promoting independent shops such as those on Bishopthorpe Road which are a pleasure to use and support the local economy.
- Do not accept Sainsbury's transport assessment that no new traffic would be generated from their store.
- New jobs will not be created.
- Will cause local shops at Dunnington, Heslington and Fulford to close.

- Suspect Sainsbury's will also try to put a service station in the future which will result in Hull road being totally inaccessible
- The objector signed the petition at the garage against supermarkets along with 1700 other people which is more people than voted for many councillors in the local elections.
- Supermarkets are ruining the city.
- There are too many supermarkets in York
- As the Chairman of a local Traders Association very keen to object to this development.
- There should be an increase in the quantity of shrubs and trees in the car park the opportunity is not being taken to create a welcoming environment for customers.
- Increase in the quantity of electric car charging bays
- Sainsbury's should demonstrate how re-purposing a building is not just about maintaining the status quo but demonstrating a fresh approach
- Road entrance should be levelled or gritted regularly

3.18 OBJECTIONS RAISED BY LOCAL BUSINESSES INCLUDING INNER SPACE STATION, COSTCUTTER, WAITROSE, MORRISONS AND CO-OP

3.19 A number of objections have been received from the Inner space station petrol filling station covering the following points:-

- The proposal will lead to a significant intensification of the use of the site in terms of footfall, traffic generation and delivery vehicles.
- Due weight should be attached to emerging local plan policies in the consideration of this planning application in accordance with the NPPF.
- Emerging policies places significant importance on the protection and enhancement of the lower tier local and neighbourhood centres within the local retail hierarchy.
- NPPF promotes town centres first and requires retail development to comply with sequential and impact tests
- The applicant claims there is qualitative need for the proposal due to the lack of a superstore in this part of the city, however, there are superstores and supermarkets within the primary catchment area (PCA) and two very large superstores as well as the city centre just outside.
- The applicant has hardly considered the role of these smaller centres in the immediate vicinity of the proposal or its impact upon them.
- The applicant has not demonstrated sufficient flexibility in main food shopping formats in the sequential test and some of the sites considered and discounted by

them need to be reconsidered. In addition, there may be sequentially superior out of centre sites in the PCA that need to be considered. Therefore the proposal fails to satisfy the NPPF sequential test for site selection and this is sufficient reason to refuse the planning application.

- The applicant considers the proposed superstore will compete predominantly with similar out of centre facilities therefore it is unlikely to lead to a significant adverse impact upon future investment in the city centre or local retail hierarchy. However, the proposal with its extensive area of non-food floor space will compete directly with the city centre and other centres and not just comparable superstores.
- This out of centre proposal with all its real and perceived trading advantages will also make alternative investment in the key, but stalled, Castle Piccadilly regeneration site less likely. It is also likely to impact adversely on investment in lower tier centres within the city.
- NPPF (para 26) advises impact assessments should also consider impact on 'trade in the town centre and wider area'. The applicant's Retail Statement does not demonstrate compliance with the impact test as it has not properly considered impact on trade in the 'wider area' most notably the impact upon local and neighbourhood centres in close proximity to the proposal with which it will compete directly for top-up shopping expenditure.
- The proposal will have a significant adverse impact on the vitality and viability of several of the nearby neighbourhood centres. In addition, the cumulative impact of the proposal on the overall vitality and viability of the city centre is considerably underestimated by the applicant. Therefore the applicant has not demonstrated compliance with the NPPF (para 26) policy tests on impact so there are sufficient policy grounds to refuse this planning application.
- The proposal is not a sustainable development as it will be reliant upon car-borne trade and the positive benefits (regeneration and employment) are limited and greatly outweighed by the adverse impacts. The proposal therefore fails the NPPF (para 14) 'planning balance' as the impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- Refute WYG's claim that out of centre superstores do not compete with small independent retailers and are only competing with other main food shopping trips; this simply is not true
- New superstores cause rapid change in local shopping patterns
- Small format retailers work on fine margins some will close even with small levels of trade diversion.

3.20 Concerned that the original Transport Assessment was inadequate in the following ways:-

- An assumption that it is reasonable to 'net off' traffic from the road network relating to the DIY store as if it were trading at over double the existing B&Q. This is despite the UK's most successful DIY retailer considering the site unviable for such an operation;
- A failure to consider the type of vehicle trips that a DIY store would attract and provide for these appropriately within the traffic flow calculations;
- Providing 20% more car parking spaces within the development proposals than the
- Applicant has assessed impact for on the road network; and
- Not taking account of the Local Plan when considering future year assessments.

3.21 The implications of these assumptions are:-

- Impact on the Osbaldwick Link Road/ Hull Road junction;
- Impact on the A64/ A1079 junction;
- Impact on junctions towards York city centre;
- Impact on rat running through local roads;
- Grimston Bar Park and Ride; and
- Impact on the Local Plan delivery.

3.22 Following the submission of an amended transport assessment the following comments have been made about the traffic impacts of the proposals:-

- The new traffic lights proposed for the Sainsbury's access have errors in the
- Analysis and cannot be relied upon;
- The applicant totally ignores the Toucan crossing that they themselves propose at the Sainsbury's site access. A crossing point which would require all traffic at the junction to stop and wait for pedestrians (increasing queues);
- Traffic flow forecast submitted by the applicant would be exceeded by half of all similar stores (as they only use average traffic rates);
- Queues from the Sainsbury's traffic lights would queue back to Hull Road and block one of the main routes in to York, causing gridlock at peak times;
- The Sainsbury's proposal would almost guarantee gridlock on Hull Road during the Christmas and Easter periods, as well as busier times;
- The traffic modelling undertaken by Sainsbury's shows that the new store would result in journey times by bus in to York (from the Park and Ride) increasing by up to 15% - yet no mention is made of this anywhere in the report;
- By ignoring the actual queuing that occurs on Hull Road the applicant has not provided appropriate consideration of the accident risks associated with the proposals;

- If the Sainsbury's analysis does under-forecast traffic then there is no way for the council to get them to pay to sort it out the taxpayer would need to pick up the bill;
- The queuing and delays caused by the Sainsbury's would lead to additional rat-running, based upon Sainsbury's own criteria; and
- The Sainsbury's proposals risk increasing traffic at the A64/ A1079 and potentially landing the University with a bill of £100,000's.

3.23 An objection on behalf of Waitrose supermarket concludes that the proposal fails the sequential assessment to site selection and some if not all of the NPPF (paragraph 26) impact tests in particular it is considered that impact on trade in the town centre and wider area has not been properly considered. The proposal is contrary to the emerging local plan policy R1, R2 and EMP2 as well as the sustainable transport principles of the plan. Furthermore the objection agrees with the concerns raised about the transport assessment.

3.24 An objection on behalf of Co-op supermarket says Co-op trade from four sites within 3 km of the application site. There are also stores at Stamford Bridge and Pocklington. The objection concludes that the site is on the edge of the urban area and relates poorly to defined centres and nearby residential areas, there is no robust evidence for the sites release. The application is contrary to all local plan policies existing and emerging. Material weight should be attached to these policies. Significant weight should be attached to the NPPF. The application is contradictory to paragraphs 14 and 26 and there are strong grounds for the refusal of the application.

3.25 An objection on behalf of Morrisons supermarket has not demonstrated compliance with the sequential test and the impacts of the proposal are significantly adverse. The application conflicts with the NPPF.

3.26 An objection on behalf of Costcutter believes that the development conflicts with planning policy, the retail statement is flawed, the transport assessment is unrealistic and they are concerned about WYG's role. It is considered that:-

- East York is well provided for by convenience stores and small format supermarkets, retail mix is finely balanced, a large format store would have a devastating impact on local communities.
- The proposal would significantly alter shopping patterns in York.
- Turleys assumptions about overtrading and turnover derived from beyond the study area are not credible. A third Sainsbury's would make it by far the most dominant fascia.
- Do not agree that there is a leakage of main food expenditure from east York

- There will be direct competition for top up trade between existing convenience stores and the new Sainsbury's
- Costcutters give two examples in Market Weighton and Pocklington where Costcutter have had to close because of new large format shops opening (Tesco and Sainsbury's)
- Turleys in not considering local stores have not demonstrated compliance with the impact test.
- Not sufficient flexibility shown in applying the sequential test, no assessment of potential of edge of centre site or local centres sites; no consideration of sites in the strategic allocations in the emerging local plan.
- Similar concerns raised about the transport assessment as those set out above by Inner space station.
- Support the view that WYG can not be impartial.

JULIAN STURDY MP

3.27 A letter of objection has been received from Julian Sturdy MP covering the following points:-

- In suitable locations supermarkets such as Sainsbury's can have a very beneficial effect on the local economy and job creation
- Concerned about the impact on the local road network and the local retailers. If these impacts can not be overcome then the proposal is objected to
- Disappointed that the Council did not ask the applicant and their representatives to survey the traffic on the local road network running along side Hull Road
- A comprehensive and thorough traffic survey should be undertaken before the application is put before Council members.
- Concerned that the submitted transport assessment makes unrealistic assumptions and underestimates to downplay the impact on the local road network.
- Despite the store not be considered viable the traffic survey is based on the full operational capacity of the site
- Account is not taken of Local Plan allocations and does not consider type of trips to a DIY store
- Development planning limited believe that the cumulative impact of the inaccurate assumptions in the transport assessment is that 400 development-generated vehicles in peak hours have not been assessed
- The transport assessment methodology used to support this application has been used for other sites
- Some stores, including local independent retailers, in the primary catchment area have been ignored the assumption is that the proposal will only impact on other supermarkets this is very unlikely to be the case.

- Disappointed that the Council do not already have an up to date retail study
- Concerned that the Council's consultant for the work on a new retail study and for the response on the current retail implications of this application also work for Sainsbury's and boast on their website a 25 year relationship with the supermarket chain - Despite assurances that White Young Green will act in an independent and impartial manner concerns remain about their impartiality and the application can not be supported until further independent investigations are undertaken.

SUPPORT LETTERS

3.28 There have been 71 letters of support received covering the following points:-

- Currently drives 6 miles to Monks Cross to go to the Supermarket, a closer supermarket will be much more convenient.
- The supermarket will be a significant improvement of amenities for the increasing student population on Heslington East. A safe crossing should be provided.
- The store will be good for employment and the local economy.
- Living locally the supporter can walk to the store or do shopping on the commute home, avoiding a journey across town every week.
- Local businesses on the Osbaldwick Link road will have access to a supermarket increasing local value for the area.
- The local BP garage on Hull Road should not be unduly affected. Local residents who frequent the garage are not likely to walk further to make purchases when there is already a Sainsbury's local store nearby.
- Sainsbury's have been transparent, listening and are consulting local residents views.
- It would be an excellent use of the site, which is already used to catering for the heavy to & fro of traffic.
- As an older person who is unable to drive one of the big stores this side of town is welcomed.
- The supermarket would benefit people on the east side of York reducing the need to travel.
- A more convenient store would reduce traffic congestion.
- Sainsbury's has a good standing in the community and is preferable to other less scrupulous stores however ask that restrictions be put on the opening hours to protect people living immediately adjacent to the site, and that the small convenience store within Osbaldwick is not closed as this is ideal for very elderly individuals who cannot travel any distance at all.
- It would help both students and local residents to shop closer to home
- There is no major supermarket chain at this side of York
- Its close to the Park and Ride, so would be great for travel
- Having a huge empty building on that site would be another eye sore for York, so filling it is great
- It would bring more work to local people

- The roads around the land are good for delivery's etc (not taking Lorries through town)
- Its not competition for local shops as we will always choose friendly butcher/baker etc if he is good!
- Possible extra buses, which means extra jobs, people happy with a good, frequent service etc
- Co-op has high prices and little stock particularly when students arrive back from holidays
- Special buses were put on from the university campus to Morrison's
- As a city who are inviting in more students, especially to this side of York, we should try and offer more in the way of making life easy for all.
- There will be little disturbance in the area because of the existing store.
- Well placed to serve the new Derwenthorpe village
- The bus to the university campus from Heslington should be extended to go to the supermarket.
- The additional supermarket will encourage competition between the larger supermarkets
- The average length of journeys to a supermarket is likely to decrease
- It is understood that Sainsbury's do not intend to open a service station so this should relieve concerns from the BP garage.
- Do not consider there will be any effect on city centre shops or local shops. The biggest impact will be on the existing Sainsbury's store in Osbaldwick.
- Hope the committee will consider that 70% of consultation responses to Sainsbury's own consultation were in support of the application.
- The BP garage should see an increase in custom as people tend to fill up when they go to do their main shop
- The proposals would relieve traffic at Monks Cross
- Attracting more families to live in the area
- A wide range of goods that will be available
- The store impression looks more attractive than B&Q
- The shops on Badger Hill are mostly specialist's shops and the bakery and newsagents tend to be used mostly by the pupils at Archbishop Holgate School which would continue to be the case.
- If a service station in the Sainsbury's site would cause gridlock would that not be the case for the existing shop
- Sainsbury's stores shut for the night time period so 24/7 is not a problem
- The car park will be big enough people will not park away from the shop with heavy bags to carry.
- Rat running is not seen as a problem

Statement of Community Involvement

3.29 The application is supported by a Statement of Community Involvement which began on week commencing 13th January 2014 with letters to residents and a press

advert raising awareness of a series of public exhibitions. The summary to the report says that 74% of respondents were in favour of the development.

4.0 APPRAISAL

BACKGROUND

4.1 Outline planning permission 7/131/00126/OUT which was subject to conditions established the principle of the retail use of the site (as well as establishing the principle for the adjacent residential development). Conditional planning permission reference 98/01828/REM is the permission within which B&Q currently operate. A number of the conditions restrict the operation of the site including condition 14 which prevents deliveries along the rear access road to the garden centre between 8pm and 8 am; Condition 15 prevents the subdivision of the unit into units less than 929 sq m, and sets a maximum sales area for the units to 9,300 sq m; Condition 16 restricts the goods that can be sold from the unit. The condition says 'No unit shall be used for the retailing of any of the following goods (except where ancillary to the main range of goods sold): Food and drink, men's, women's and children's clothing and footwear, fashion accessories, watches and jewellery, music and video recordings and video or CD-ROM games, cameras (including cam recorders) and other photographic equipment, domestic TV, video and hi-fi equipment, toys, pharmaceutical goods, books, magazines and stationery and any use failing within Class A2 of Use Classes Order. The reason for this condition is to enable the Local Planning Authority to retain control over the extent and amount of this edge of town retail shopping space in the interests of maintaining the viability and vitality of existing shopping centres. Condition 20 restricts the opening hours for the unit to 7.00am to 10.00pm Monday to Saturday and 10.00am to 6.00pm on Sundays.

4.2 In effect the application is seeking a variation of conditions 16 and 20 to allow the site to operate as a supermarket.

4.3 The key issues in determining the application are considered to be:-

- Retail impact considering sequential test and impact tests
- Highways Access and parking
- Sustainable Development
- Design, layout and landscaping
- Residential amenity
- Flooding and drainage

4.4 The National Planning Policy Framework (NPPF), The National Planning Policy Guidance (NPPG), the Development Control Local Plan April 2005 (DCLP) and the emerging local plan documentation provides the planning policy context for the determination of this application.

OVERARCHING NPPF STATEMENTS

4.5 NPPF confirms that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Where a development plan is not up to date Local Planning Authorities should grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits (Paragraph 14).

4.6 The NPPF says that Local Planning Authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. It also states that Local Planning Authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local Planning Authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area (paragraphs 186 and 187).

4.7 Planning law requires that applications for planning permission must be determined in accordance with the development plan (local plans and neighbourhood plans that have been formally adopted under Planning and Compulsory Purchase Act 2004 legislation) unless material considerations indicate otherwise.

4.8 In relation to emerging local plans the NPPF says that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the Framework policies, the greater the weight that may be given). Weight may also be given to relevant policies in emerging plans according to the stage of preparation (the more advanced, the greater the weight that may be given), the extent to which there are unresolved objections (the less significant, the greater the weight) and the degree of consistency of the relevant emerging plan policies to the Framework policies (the closer they are, the greater the weight) (Paragraph 216).

4.9 The detailed policy considerations are within each section of the report.

RETAIL IMPACT CONSIDERING SEQUENTIAL AND IMPACT TESTS

NPPF and NPPG

4.10 The NPPF states that LPA's should draw up policies which ensure the vitality of town centres. Town centres should be recognised as the heart of their communities and policies which support their viability and vitality should be pursued.

4.11 Paragraph 23 of the NPPF says that it is important that the needs for retail uses are met in full and not compromised by limited site availability.

4.12 The definition of a town centre is set out in Annex 2 of the NPPF. Annex 2 says town centres are an area defined on the local authority's proposal map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area. References to town centres or centres apply to city centres, town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance. Unless they are identified as centres in Local Plans, existing out-of-centre developments, comprising or including main town centre uses, do not constitute town centres.

4.13 The NPPG says a positive vision or strategy for town centres, articulated through the Local Plan, is key to ensuring successful town centres which enable sustainable economic growth and provide a wide range of social and environmental benefits. Once adopted a Local plan, including any town centre policy that it contains, will be the starting point for any decisions on individual developments. Strategy should be based on evidence of the current state of town centres.

Local Plan

4.14 The Development Control Local Plan (DCLP) 2005 contains policies relating to the sequential test and city centre first principles. Whilst the DCLP has not reached Development Plan status it has been adopted by the Council for development control purposes since 2005 and it is considered that its retail policies are a material consideration given that they are broadly consistent with the aims of the NPPF. It is considered that some weight can be attached to the policies within it in accordance with annex 1 of the NPPF.

Emerging Local Plan

4.15 The City of York Local Plan Preferred Options (June 2013) has a number of policies in relation to retailing. EMP2 says that York City Centre will remain the main focus for main town centre uses. Policy R1 sets out a retail hierarchy, starting with the city centre then the district centres of Acomb and Haxby then local centres which are identified on the proposals map. Policy R2 seeks to support district and local centres by ensuring development within or on the edge enhance their function, vitality and viability and that main town centre uses outside defined centres that would result in significant adverse impacts are refused. Policy R3 confirms that the City Centre should be the primary focus for new retail floor space and policy R4 seeks to control the type of retailing and additional floor space in out of town locations. The June 2013 document has undergone a round of consultation.

4.16 The emerging Publication draft Local Plan (2014) has presently been halted for a reconsideration of the housing provision within it and has not progressed to consultation stage. The general thrust of policies R1 to R4 in this document are the

same as the policies in the preferred options document however the wording of the policies has changed.

4.17 In accordance with the NPPF only very limited weight can be attached to the policies in the emerging Local Plan as these have not been consulted upon (or have had limited consultation) or tested through examination.

Background Retail Documentation

4.18 The 2008 Retail Study for the Council by consultants, GVA Grimley, was updated in part in 2010 to reflect revised capacity forecasts which in turn reflect the impact of the recession. (This was the main document available when the applicant compiled their retail statement. As the document is somewhat dated the applicants chose to undertake their own household survey work.)

4.19 The City of York Economic and Retail Growth and Vision Study (2013) included a baseline audit/health check of the city centre.

4.20 In conjunction with the publication of the Publication Draft Local Plan October 2014 a retail study update for the city was published. This document was produced by WYG. The document forms part of the published documents for the emerging Local Plan and assesses current and emerging retail trends, policy context, York household survey results, consideration of district and local centres and parades, population and expenditure, capacity in York City (Baseline), local plan capacity in York City (Growth Strategy) and future retail planning policy recommendations. An addendum to the retail assessment (yet to be published) will seek to recommend a hierarchy of centres for the City of York. The addendum will highlight those centres beyond the City, Haxby and Acomb that will be given policy protection through emerging policies. In relation to convenience retailing the published retail update identifies that there is a need for a food store of between 2,000sq m and 2,500 sq m convenience floor space in zone 1 (the area to the east of the city including the application site) in order to claw back the loss of convenience spend to other parts of the city and to reduce the need to travel.

4.21 Attached plans show the Study Area and Primary Catchment Areas used by the Applicant for the assessment of the application.

4.22 The Study Area is the extent of the area where household surveys to inform shopping patterns have been derived and the Primary Catchment Area is the area where it is determined that the majority of turnover from the shopping development will be derived.

4.23 There are two key considerations when assessing retail impact. These are the sequential test and the impact test.

Sequential test

4.24 A sequential test is a planning principle that seeks to identify, allocate or develop certain types or locations of land before others.

4.25 Paragraph 24 of the NPPF requires a sequential test for main town centre uses that are not proposed to be in an existing centre and are not in accordance with an up-to-date Local Plan. Main town centre uses should be located in town centres - then in edge of centre locations - and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Flexibility should be demonstrated on issues such as format and scale.

4.26 Essentially this means that a proposal for an out-of-centre development that is not in accordance with an up-to-date development plan will fail the sequential test if there are suitable and available alternative sites for retail development either in an 'edge-of centre' location or within existing centres. The NPPF defines edge of centre for retail purposes as 'a location that is well connected and up to 300 metres from the primary shopping area'

4.27 The NPPG says it is for the applicant to demonstrate compliance with the sequential test. The guidance sets out a checklist of considerations to take into account in determining whether a proposal complies with the sequential test i.e.:-

- o Has the suitability of a more central site to accommodate the proposal been considered?
- o Is there scope for flexibility in the format and/or scale of the proposal?
- o If there are no suitable sequentially preferable locations the sequential test is passed.

4.28 Furthermore the NPPG says use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. Robust justification must be provided where this is the case. The NPPG also acknowledges that promoting town centre first can be more expensive and complicated and therefore LPA's should be realistic and flexible in their expectations.

4.29 There are a number of court cases which have clarified application of the sequential test. Key to those decisions is that the test of suitability should consider whether alternative sites are capable of accommodating the development proposed, rather than whether the development proposed could be redressed or altered to be accommodated on sequentially preferable sites.

4.30 The DCLP through policies SP7a and SP7b seek to ensure that development outside the city is highly accessible by non-car modes and that the city centre remains the main focus of retail development. Such an approach is consistent with the NPPF. The DCLP proposal map shows the extent of the primary shopping area for York.

4.31 As discussed above the emerging Local Plan is not sufficiently far advanced to be considered as part of the sequential test assessment.

Applicant's case - sequential test

4.32 The applicant's say that they have taken a flexible approach to applying the sequential test by considering sites of two hectares that are capable of accommodating a store with a net sales floor area of 4,500 sq m (the application site is 3.94ha and is to accommodate net sales floor space of 5,528 sq m of floor space). They have identified, in consultation with the Council, five sequentially preferable sites that could potentially accommodate the development. The five sites are Castle Piccadilly, York Central, Stonebow House, The Telephone Exchange and Hungate. In their view none of these sites are available or capable of taking the proposed development even when being flexible about the format of the site.

4.33 The applicant has also considered the potential to expand and redevelop the existing Sainsbury's store on Foss Bank. The applicant says that they continue to invest in this store but the site constraints mean that investment in redevelopment of the site is not viable and redevelopment or expansion is now no longer possible due to the occupation of the adjacent building by Go Outdoors.

Assessment of Sequential Test

4.34 A sequential test can be approached in two ways. The first is to take the development proposed as a whole and determine whether it could in its entirety be accommodated on a central site. So in this case one would look at whether the entire floor space, car parking on 3.9 Ha could be accommodated on any of the identified sequentially preferable sites. This basic level of assessment can create problems in that a developer could propose a development which is so large that it would be impossible to ever fit it within a city centre or edge or centre site. The second way is where parts of the development are disaggregated from the whole and assessed in terms of site availability, or where flexibility is shown about the size of the development required and smaller sites are considered. To accord with the NPPG requirement to take a more flexible approach Sainsbury's have looked at sites of 2 Ha as this would still provide a level of floor space that would provide for their target market of the east and south east of York. Court judgements and appeal decisions suggest that in accepting that a 2Ha site is being considered, this is showing flexibility in the application of the sequential test.

4.35 The Council's Forward Planning have employed WYG to provide the policy response to this application. WYG consider that the extent of the applicant's sequential search to be acceptable. They have considered each site having regard to suitability, viability and availability. In terms of flexibility of format they have considered objectors' views that Sainsbury's should be considering smaller minimum sized sites with a threshold of one hectare, since competing stores within the primary catchment area are able to operate from a smaller sales area and Sainsbury's have smaller formats which are able to operate from smaller footprints. WYG conclude that Sainsbury's have demonstrated sufficient flexibility in accordance with the NPPG and conclude that none of the sites identified as sequentially preferable are suitable for the development. WYG accept Sainsbury's position that their site at Foss Bank is unavailable because Go Outdoors occupies the adjacent property and are content to dismiss the prospect of an extension to this store on this sequentially preferable site. WYG conclude that there are no sequentially preferable sites for the proposed development.

4.36 Members should note that (although carrying very limited weight), Policy R1 of the emerging local plan proposes a much more detailed application of the sequential test by identifying a hierarchy which includes York city centre, district centres, local centres and neighbourhood centres. The published retail study 2014 carried out by WYG and the associated addendum refers to those centres that have been surveyed to assess their suitability as neighbourhood centres. The document that shows which are to be designated as centres has not yet been published, and therefore in Officers view no weight can be given to the hierarchy set out in policy R1 in the emerging local plan.

4.37 The NPPG says that the sequential test will identify development that cannot be located in town centres, and which would then be subject to the impact test. The impact test determines whether there would be likely significant adverse impacts of locating main town centre development outside of existing town centres (and therefore whether the proposal should be refused in line with policy).

Impact Test

NPPF and NPPG

4.38 Planning applications for retail development located outside defined town centres should include an assessment of impact. The criteria for the assessment are set out at Paragraph 26 of the NPPF. These are as follows:

- o the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- o the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made.

For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

4.39 The NPPG confirms that it is for the applicant to demonstrate compliance with the impact test, and that failure to undertake an impact test could in itself constitute a reason for refusing planning permission. The Guidance also emphasises the like-affects-like principle when assessing impact, and draws on the specific example that it would not be appropriate to compare the impact a large out-of centre DIY store with small-scale town centre stores. The NPPG explains that retail uses tend to compete with their most comparable competitive facilities

4.40 The NPPG sets out a seven step approach to assessing impact. These are:- establish the state of existing centres and the nature of current shopping patterns (Health check); determine the appropriate time frame for assessing impact, focusing on the first five years; examine the no development scenario; assess the proposals turnover and trade draw; consider a range of plausible scenarios in assessing the impact of the proposal on existing centres and facilities; set out the likely impact of that proposal clearly, along with any associated assumptions or reasoning, including in respect of quantitative and qualitative issues; any conclusions should be proportionate. The NPPG says that a judgement as to whether the likely adverse impacts are significant can only be reached in light of local circumstances. Where evidence shows that there would be no likely significant impact on a town centre from an edge of centre or out of centre proposal, the local planning authority must then consider all other material considerations in determining the application, as it would for any other development

4.41 The DCLP identifies on the proposals map the centres against which the impact test should be considered. These are the city centre and Acomb and Haxby. The text to policy SP7a says these centres provide a suitable focus for new commercial activity, particularly retail development.

4.42 As discussed elsewhere in this report the policies in the emerging Publication Draft Local Plan are not sufficiently far advanced to have any material weight attached to them.

Health Check

4.43 In terms of setting the context for impact assessments, The NPPG says that the state of existing centres and the nature of current shopping patterns should be established

4.44 The City of York Local Plan Preferred options 2013 makes reference to a baseline audit/ health check undertaken as part of the city of York Economic and retail growth visioning study (2013).

The preferred option document says with regard to the health of the city centre that 'the diversity of the city centre is strong; the last major development was 25 years ago; the market share of the city centre has declined since 2004 from 31% to circa 21% in 2010 whilst the market share of out of town shopping has increased; there is still demand for space in the city centre; the footfall in the city centre has declined from 2011 to 2012; vacant units are re-occupied quickly and vacancy rates remain below the national average; there are higher shop vacancy rates on secondary streets'. The preferred option document says that the new out of centre retail floor space at Monks Cross will significantly enhance the competition to the city centre.

4.45 The York retail study update 2014 concludes that in terms of comparison goods retailing, York City centre remains the principal shopping destination for such goods and also remains an extremely attractive destination for tourist and external spend. However whilst its comparison goods market share may have stabilised, it is clear that facilities at Monks Cross and York Designer Outlet have both advanced their market share since 2007.

4.46 The applicant's assessment is broadly comparable with the retail study update conclusions, summarising in their health check that the city centre continues to perform well. There is a good mix of convenience / comparison retailers and other occupiers, low vacancy rates and good quality public spaces; there is good pedestrian footfall; access to and across the city centre is considered to be very good; perception of safety is considered to be good. The Applicant considers overall that the city is in good health. The applicant also considers the health of Acomb and Haxby both of which are considered to be vibrant centres and in good health. The health check also considers some smaller neighbourhood areas.

Impact of the Proposal on Existing, Committed and Planned Public and Private Investment in a Centre or Centres in the Catchment Area of the Proposal.

4.47 The applicant says that the main committed or planned investment within the local area is the Castle Piccadilly site. It is concluded that the site has not progressed for comprehensive retail-led development due to planning permission being granted for significant new comparison retail floor space at Monks Cross. When assessed against the criteria in both the NPPF and the NPPG the Sainsbury's proposal would not undermine the delivery of the Castle Piccadilly site and there is no demonstrable evidence that the proposal will undermine future private investment in any defined centre within the study area.

4.48 WYG confirm that the owners of the Piccadilly site consider it is unviable for a retail led scheme following the approval of the Scheme at Monks Cross and they are considering a mixed use scheme. This could include more convenience retailing but not necessarily to the scale proposed. At the moment there are no applications or pre-application discussions on the site and no objections to this scheme from the Piccadilly site owners.

WYG conclude that the impact on investment in the city centre site was clearly made by the approval of the Monks Cross scheme. It would be difficult to argue that the proposed development would hinder a mixed use scheme on the city centre site.

4.49 WYG also confirm that the new local centres proposed in the large housing allocations will not be affected by the scheme because of the amount of new development that will be generated by these allocated sites. In any event the halting of the progress of the Local plan to review the housing provision means that the detail of the allocations can not be relied on as a policy context.

4.50 It is considered that the proposal will not impact on any proposed investment in the city centre. No sites have been identified in Acomb or Haxby.

The Impact of the Proposal on Town Centre Vitality and Viability

4.51 Appendix 3 of the applicant's retail assessment sets out their methodology for assessing the quantitative impact of the development on existing centres. There has also been an update in July 2014 to the assessment to take into account issues raised by objectors. Their assessment has followed a standard and recognised step by step methodology. The methodology makes a number of assumptions about population and expenditure, established patterns of trade and market share, household survey results, sales density. These baseline assumptions are then used to quantify impact. A methodology for quantifying impact is adopted that uses a baseline year of 2014 and looks at impact to 2019 (a five year period as required by the NPPG). To quantify impact the methodology assesses turnover and trade draw and assesses the anticipated effects of the proposal on shopping patterns considering the consequences of impacts on existing centres and facilities. The applicants have updated elements of the assessment in their July update to take into account concerns raised and comments by WYG.

4.52 Sainsbury's shopping format is similar to other large supermarkets. Their proposed floor space is split 60% convenience goods and 40% comparison goods. That is 3,380 sq m of convenience goods and 2,211 sq m of comparison goods. Definitions for convenience and comparison goods are not provided in extant policy documents, however convenience retailing was defined in the former Planning Policy Statement 4 as the provision of everyday essential items, including food, drinks, newspapers/magazines and confectionery. A Comparison was also defined as the provision of items not obtained on a frequent basis. These include clothing, footwear, household and recreational goods.

Convenience Goods Trade Diversion

4.53 When considering the impact of the new foodstore on city centre and defined centres it is relevant to consider where the expenditure to support it is likely to come from.

The evidence suggests and the NPPG confirms that foodstores mainly compete on a like for like basis and so expenditure would to a large degree be drawn from similar stores elsewhere. The applicant says within the defined Study Area the greatest trade diversion is anticipated to be from the Asda at Monks Cross, which is identified to be the most popular food store for residents within the Study Area (and the second most popular destination for residents within the primary catchment). A quarter (or £10.01 million) of the convenience goods turnover of the proposal is identified to be diverted from this out of centre facility. Notable proportions of turnover are anticipated to be derived from the out of centre Morrisons on Foss Islands Road (15.1% or £6.08 million), the out of centre Sainsbury's at Monks Cross (13.8% or £5.55 million), the out of centre Tesco Extra at Askham Bar (7.9% or £3.17 million), the out of centre Waitrose at Foss Islands Road (5.7% or £2.30 million) and the out of centre Tesco Extra at Clifton Moor (5.1% or £2.05 million). A combined 72.6% of the proposal's convenience goods turnover will be diverted from these stores. Such an assumption is appropriate given their role as the principal 'main food' shopping destinations in the area. Critically, these larger stores are not located within defined centres and are afforded no protection in retail planning policy terms. The remaining trade diversion is identified to be derived from a number of facilities both within and outside the Study Area. This includes approximately 3.9% (or £1.56 million) of the proposal's convenience goods turnover being directed from convenience facilities in York city centre. The trade predicted to be diverted from the city centre is proportionate to its relatively limited role as a convenience goods shopping destination. The scale of existing provision and the findings of the household survey identify the city centre to be principally a 'top-up' food shopping destination. This role will continue alongside the application proposal. Elsewhere within the study area it is anticipated that approximately 4.2% (or £1.70 million) will be diverted from the edge of centre Sainsbury's at Foss Bank and 3.8% (£1.53 million) from the out of centre Aldi on Fulford Road. The residual turnover (£6.23 million) will be diverted from a number of facilities elsewhere (both within and outside the study area), with no notable diversion anticipated on any individual retailer or centre.

4.54 The applicant and objectors both accept the principle that the majority of trade diversion will be drawn from comparable, large format supermarket facilities. Objectors question why the proposal will divert more trade from the Asda at Monks Cross than the Sainsbury's and less from Tesco at Askham Bar and Clifton Moor than from comparable stores at Foss Island. They are also concerned that more trade will be diverted from other smaller local stores- specifically Hull Road Co-op and neighbourhood centres allocated in the emerging Local Plan.

4.55 The applicant responds by saying the level of trade diversion reflects shopping patterns identified by the household survey. The greater trade diversion in proportion to turnover from Sainsbury's reflects brand loyalty. The greater trade diversion from the two Tesco's reflect their greater market share than the Foss Islands stores.

The applicant concludes that even if it is assumed that a greater proportion of the proposals turnover will be derived from Morrisons or Waitrose at Foss Islands, any impact on these stores is not a material planning consideration given their locational status. Any loss of trade from these stores will not undermine the long-term vitality and viability of York City Centre.

4.56 Objectors contend that trade diversion underestimates the impact upon the closest convenience offering, the Co-op store at Hull Road. However the applicant says that the store is trading alongside large supermarkets (Morrisons and Waitrose) which are located closer than the proposed development. No analysis or data as evidence is provided by the objectors of their own estimates. WYG do not consider that objectors have provided sufficient data to support claims that smaller convenience stores would be forced to close.

4.57 The retail study update 2014 (section 7) by WYG considers the need for new convenience (and comparison) goods floor space. Paragraph 7.13 says that it is estimated that by 2018 there will be an expenditure surplus of £62.5 m to support additional convenience goods floor space. Paragraph 7.17 says that there is a number of ways in which such identified need could be met but that it is evident that there is an immediate need for convenience goods floorspace. Furthermore the update says, at paragraph 9.05, that there is a need for a further 2,000 to 2,500 sq m (net) of convenience goods retail floor space in the zone of the city which includes the application site. The need for the additional floor space is stated as being to reduce the dominance of existing supermarkets elsewhere in the city (most notably Monks Cross), reduce the need to travel which would help reduce localised congestion as well as encourage the retention of trade in the zone of the city (which includes the application site). The applicant's assessment supports the view in the retail study update; their analysis shows that main food shopping retail expenditure generated in the primary catchment area is at 54% which they say suggests that there is scope to retain a greater proportion of locally generated expenditure by improving the existing retail offer.

Comparison Goods Trade Diversion

4.58 In terms of the comparison goods element of the supermarket the applicant says that this will be secondary to the principal convenience goods function of the store. Importantly, much of this floor space will comprise comparison goods associated with a main food shop. Other comparison goods sold will largely be bought as an 'impulse purchase' linked to a main food shopping trip. The store will not function as a comparison goods destination in its own right.

4.59 The applicant says that the majority of comparison trade diversion (55%) will come from large scale retail stores at Monks Cross and to a lesser extent from Tesco Extra store at Askham Bar (7.5%) and Clifton Moor (6.5%).13% of the proposals comparison goods turnover will be derived from York City Centre.

Furthermore the applicants say that by 2019 other commitments in the city centre may have come forward which could reduce the level of trade diversion to 6%.

4.60 Objectors question the ancillary nature of the proposed comparison floor space, suggesting that the comparison offering would become a comparison retail destination in its own right and as such the proposal would result in a greater trade diversion than the 13% currently estimated from the comparison offering within the city centre. Objectors consider a scenario where 50% of comparison retail trade is diverted from the city centre and as a result the impacts of the development would be greater.

4.61 The retail study update paragraph 7.20 says that there will be a comparison goods expenditure surplus to support additional comparison goods floorspace by 2018. WYG in their assessment of the application do not raise any concerns about the diversion of comparison goods expenditure from existing centres.

Local/Neighbourhood Centres

4.62 One of the main contentions of the objectors is that there will be significant adverse effects on local shops as a result of the development. In particular, but not exclusively, the shopping parade at Badger Hill, the retail offer at Inner Space Station, the Co-op on Hull Road and other small convenience stores that anchor neighbourhood parades along Hull Road.

4.63 There is no statutory development plan for York and therefore the approach in the NPPF and NPPG takes precedent over the policies in the emerging local plan. Weight can be attached to the policies in the existing and emerging local plans according to their degree of consistency with the NPPF as set out in Annex 1. The general 'city centre first' policy in national policy is also a policy principle in the DCLP and the emerging local plan, and due weight may be attached to both documents in this respect. The DCLP as the policy basis upon which decision making has taken place for some time, its definition of primary shopping areas and identification of Haxby and Acomb as district centres, can have some weight attached to them. The emerging plan however proposes a significant number of small centres which are not yet clearly identified because the background documentation that identifies the centres has not been published. The identification of potential sites on the proposals map can not be relied on at this time. Therefore very little weight can be attached to the proposed policies R1 to R4 in the emerging plan where they seek to protect centres. The definition of a centre in the NPPF excludes small parades of shops of purely neighbourhood significance. The applicant's view is that the existing retail offer on Badger Hill and on Hull Road will continue to operate alongside a new Sainsbury's store as the facilities serve a very localised role. The Co-op store on Hull Road already trades alongside Morrisons and Waitrose. The Co-op is a comparable distance from the proposed store.

The applicants also question whether a standalone store such as the Co-op would in fact be sufficient to represent a neighbourhood centre in any case. The NPPG says that generally the principle of 'like effects like' should be applied to retail development (stores of comparable size and target market). The applicant refers to the findings of the household survey, the resulting shopping patterns and the role and function of the neighbouring centres which are considered to have a limited retail offering and primarily serve a more localised role than the proposal. It is concluded that the proposal is likely to have little impact on such centres. The applicant has however carried out health checks in some emerging centres. Each of the centres has vacancy rates below the national average, appearing healthy, vital and vibrant. WYG do not consider that any weight can be given to the emerging Local Plan policies and therefore do not consider the impact of the proposals on local centres at this time. Officers consider for the above reasons there is no basis to resist the proposal based on adverse impact on local/neighbourhood shopping facilities.

Impact on Town Centre Vitality and Viability

4.64 The key issue in NPPF and NPPG policy terms is whether the identified impacts are significantly adverse and thus warrant refusal of planning permission.

4.65 The analysis of the retail appraisal by WYG identifies an impact on existing Sainsbury's Foss bank of 15.5 %, Morrisons Foss Islands Road of 15.3% Waitrose, Foss Islands Road of 24.5% and Monks Cross of 16.9%. The analysis of the retail appraisal also concludes that the identified levels of impact either solus (city centre less than 1.3% by 2019, Acomb 3.3% by 2019, Haxby 0.2% by 2019) or cumulative (city centre 13.5% by 2019) are not at a level that would undermine the current and future role of existing centres or adversely impact on future investment. It should be noted that cumulative impacts include retail commitments includes the Vanguard development.

4.66 WYG confirm that it is their view that the proposed development is unlikely to have a significant adverse impact on York city centre, or Acomb or Haxby district centres. WYG indicate that the majority of the impact will be borne on freestanding food stores that are not protected in planning policy terms. Furthermore they confirm that at this time there is no protection assigned to local or neighbourhood centres as these are not defined or identified in an adopted development plan and therefore there is no policy requirement that the impact on such centres can form a planning reason for refusal.

Conclusions - Retail Impact

4.67 In summary the following is concluded on the retail impact of the scheme:-

- The site occupies an out of centre location and there are no suitable, available and deliverable sites within or on the edge of identified centres (York Haxby, Acomb). The sequential test is passed.
- The Sainsbury's does not pose any risk of harm to the planned investment at the Castle/ Piccadilly site as the comprehensive redevelopment of this site has been halted as a result of the approval at the Vanguard site.
- Most of the trading impact will fall on out of centre superstores and the edge of centre Sainsbury's. Any impact on those stores is not a material planning consideration
- A need for further convenience floor space (2000 to 2500 sq m) in this part of the city to retain spend within the area and reduce the need to travel is identified in the Retail Update 2014 published as part of the emerging Local Plan 2014.
- The allocation of local centres in the emerging Local Plan are not sufficiently far advanced to be a material planning consideration
- The level of trade diversion from York City Centre, Acomb and Haxby would not represent a significant adverse impact on the vitality and viability of the city centre/centres.

4.68 Accordingly, the proposed development would not have a significantly adverse impact on existing centres and is considered acceptable in respect of NPPF retail policy. A condition is proposed which will restrict the use of the site to a supermarket, will restrict the level of comparison goods in line with the submitted details and will prevent the subdivision of the building into smaller retail units.

4.69 It is considered that the application will need to be referred to the Secretary of State under terms of The Town and Country Planning (Consultation) (England) Direction 2009. (Circular 02/2009)

4.70 The NPPG says that where evidence shows that there would be no likely significant impact on a town centre from an edge of centre or out of centre proposal, the local planning authority must then consider all other material considerations in determining the application, as it would for any other development. The following paragraphs address the other material considerations Officers consider relevant to this application.

HIGHWAYS PARKING AND ACCESS ARRANGEMENT

Default/Fall Back Position

4.71 When considering the transport implications of any planning application for a change of use, it is appropriate to net off (subtract) the traffic that could be generated without the need for further planning consents. This approach is consistent with national guidance, recognised procedure and has been taken into account on many occasions by the Planning Committee.

4.72 The site currently has lawful planning consent to operate as a non food/bulky goods retailer. This lawful use could continue with any other retailer without the need for further planning consents. The original Transport Assessment (TA) therefore took a lawful approach in assessing the continued operation of the site with another retailer, potentially generating higher levels of traffic than that currently seen by an underperforming store.

4.73 Notwithstanding this, Officers had some concerns with the likelihood of this occurring and through negotiation asked the applicants' consultants to undertake a sensitivity test based upon the current underperforming trading patterns of B&Q as a worst case scenario. An updated assessment has been provided on this basis and as such the TA is considered to be representative and robust. In highway terms therefore we are considering the difference in traffic volume between non-food bulky goods retail use and food retail uses.

Highway Impact

Access

4.74 Access to the proposed store will utilise the existing B&Q customer car park entrance. This junction is proposed to be signalised and linked to the existing traffic signals at the junction of Osbaldwick Link Road/Hull Road and the proposed Toucan crossing. The linking of these signals will enable the signals to effectively operate as one junction to optimise performance. In order to ensure that the operational efficiency of the junction is maximised the new signal arrangements include the provision of a CCTV camera, as per council specifications, to enable the junction to be monitored and signal times amended as may be necessary. The ability to monitor traffic patterns on Hull Road in this location and take mitigating action is a genuine benefit.

Traffic Generation

4.75 The scoping of the TA supporting the application was discussed and agreed with officers. The applicants' highway consultants worked with the Authority in order to ensure that future year scenario's included committed development which include traffic generated by sites such as the Heslington East University Campus. The future year traffic figures used within the TA are based upon figures taken from the Authorities strategic SATURN model.

4.76 Objectors have made reference that the TA does not include traffic generated by sites contained within the Local Plan. The LP is still an emerging document and at this stage it is neither reasonable nor possible to include the traffic that could be generated by future housing/employment allocations. The approach that has been taken is robust in that the authority has considered and taken into account traffic that will be generated by committed development, particularly those development sites in the vicinity of the proposed Sainsbury's site.

4.77 Trip generation rates have been supplied by Sainsbury's based on the operation of other stores. This is an accepted approach and has previously been used and accepted within applications approved by the planning committee for Sainsbury's stores at Monks Cross and Foss Bank.

4.78 It is important to remember that hardly any traffic, if any at all, is newly generated traffic when considering food retail uses. Nationally recognised studies demonstrate that the erection of food stores does not generate wholly new trips, that is to say that these trips already exist and are currently visiting alternate destinations. However these trips can be considered to be new to the local highway network, having diverted from elsewhere or are pass-by trips.

Junction Impact

4.79 The impact on adjacent junctions has been assessed using nationally recognised junction assessment software. Some of the links and junctions that will be used by development traffic are already operating at or close to their theoretical capacity during periods within the AM and PM peak hours. In many cases it is not possible to improve capacity due to the built environment or land restraints.

4.80 It is acknowledged that in some locations the development proposals will have some localised impact; however the junctions will continue to accommodate the additional demands for the majority of the time. It should be borne in mind that the impact of the development proposals are assessed, for robustness, during the peak periods of operation of the highway network as this is when the network is at its most sensitive (i.e. 08:00-09:00 and 17:00-18:00) and motorists will generally experience the greatest level of queuing and longest journey times. Outside of these AM, PM and Saturday peak periods there is sufficient capacity on the network and traffic will flow much more freely.

4.81 The greatest impact of the development is seen at the following junctions where increases in queue length during the peak periods will be seen as: -
Osbalwick Link Road/Hull Road - 9-10 vehicles increase; Hull Road/Tang Hall Lane -7 vehicles increase on Hull Road (East) Arm. The impact is a modest number of extra vehicles joining the end of an existing queue. The increase in queue length will not be material nor will it impact on adjacent junction operation and, as discussed above, is the maximum queue length that could occur during the peak period of demand. Outside of this period queue lengths will be significantly shorter.

4.82 It is worth noting that some junctions may see a slight improvement in conditions as traffic redistributes on the highway network. This will predominantly arise as traffic associated with food shopping from the east of the city which currently has to travel to Monks Cross will no longer need to do so.

4.83 The impact of development traffic on the A64 Grimston Bar junction has been assessed by the Highways Agency (HA) as this junction is under their jurisdiction.

Following further sensitivity testing the HA have now confirmed that they are satisfied that the development proposals will not have a detrimental impact on the operation of the junction and have not sought any further mitigation works nor financial contributions.

Traffic through Murton

4.84 A number of objections have been raised with regards to the potential for increases in traffic travelling through Osbaldwick and Murton in order to avoid congestion on Hull Road. The authority has an Automatic Traffic Counter (ATC) on Murton Way close to the junction of Osbaldwick Link Road. This counter has been in place since 1997. Officers have studied the data supplied by this counter and it has indicated that traffic volumes along Murton Way have been broadly static in real terms. Small year on year increases have been seen in traffic volumes along Murton Way but the increases are of such a low level they are what is considered as representative of year on year background traffic growth.

4.85 A sudden and sharp increase in traffic flows during the AM/PM peak network periods can be seen from December 2013 into early 2014. This spike in traffic is not representative with the established patterns seen and coincided with major highway works undertaken by the Highways Agency at the A64 Grimston Bar interchange to which numerous complaints were raised regarding delay and queuing.

4.86 Officers are therefore satisfied that these highway works were the reason for such a sharp change in traffic volumes on Murton Way and cannot be considered to be representative of typical operation of the local highway network.

4.87 As stated previously the application utilises data taken from the authority's strategic SATURN model to derive future year traffic flows on links. The SATURN model takes into account congestion and reassigns traffic across the network. As such the future year flows will take into account a proportion of traffic, not all development related, redistributing onto Murton Way.

4.88 The assignment of development traffic onto the highway network is based upon assessment work undertaken for the retail impact and trade draw. Such work has identified that the significant proportion of trade will be drawn from the East of the city in an area roughly bounded by Stockton Lane, Foss Islands Road and Fulford Road. Given the lack of such retail offer in this part of the city residents in this area will currently be travelling out of the area to food stores at Monks Cross, Foss Islands Road, Clifton Moor and Tadcaster Road. The provision of a new food store in this part of the city will cater for local need and as such will reduce the level of traffic travelling out of the area to other facilities.

Parking

4.89 The proposed store would have 505 spaces, this is less than the 531 car spaces which are currently available on site (bearing in mind the potential fall back position). The submitted car parking accumulation exercise demonstrates that the car park reaches a peak capacity of 80% and 79% during the weekday and Saturday peak periods respectively. Such spare capacity is in place to accommodate the limited peak periods of trading that are occasionally seen throughout the year such as Christmas and Easter. A sensitivity test of traffic generation based upon the car park operating to capacity has not been undertaken as it is not representative of normal day to day customer levels/traffic generation.

4.90 The peak accumulation versus level of parking provision is also consistent with that which has been considered and approved by members at the Monks Cross store through recent applications.

Sustainability

4.91 The site is located within a residential area and within close proximity of the Heslington East university campus. The location of the store is therefore highly sustainable and ideal to promote sustainable travel.

4.92 Footways and cycle facilities to the store meet the necessary standards in terms of width and lighting and are proposed to be enhanced further by the provision of a new Toucan crossing on Hull Road with associated extensions to the existing pedestrian /cycle footways to connect into existing routes. This will greatly improve the quality/attractiveness of non car accessibility to the store and improve safety for pedestrians/cyclists using the route.

4.93 Accident records have indicated that there is a potential existing issue surrounding the area where the adjacent Petrol Filling Station egress meets the shared pedestrian/cycle route. As such it is proposed through the development proposals to improve this situation by handing the pedestrian/cycle route and existing grass verge in order to improve intervisibility between pedestrians/cyclists and vehicles existing the PFS.

4.94 The existing pedestrian /cycle access into the site from Hull Road is to be widened and vegetation cut back. The internal layout provides a traffic free route with highlighted crossing points within the site between this access and the main store entrance.

4.95 Bus stops are located to the store frontage on Hull Road and adjacent to the site on Osbaldwick Link Road. These stops have Kassel kerbs and shelters and are served by high frequency services. The adjacent Grimston Bar Park & Ride site is also located within recognised walking distance of the site. It is not unreasonable to assume that a proportion of Park & Ride customers will use the proposed food store on their way home as part of a linked trip.

4.96 Cycle Parking is proposed within the site for both staff and customers. Staff provision is within secure and enclosed lockers. Customer provision includes spaces which can accommodate cycles with trailers. In order to take a pragmatic approach the level of cycle parking proposed is based upon modal split targets. Scope for further expansion of the cycle facilities should demand dictate has been catered for.

4.97 The site includes the provision of on-line shopping deliveries to further minimise car borne travel and the application has been supported by a Travel Plan (TP).

4.98 The application has further been supported by a TP which will be secured through the appropriate mechanism. The applicants have indicated within the TP that they will seek to work with the authority in implementing the TP and that this may include the use of the authority's ionTRAVEL program. This level of collaborative working with the authority is considered to significantly increase the likelihood of the TP being successful and is effective in minimising car borne travel and associated requirements for car parking, whilst promoting sustainable travel.

Objectors critique of submitted Transport Assessment

4.99 Transport Assessments produced to support or object to planning applications should be impartial, independent critiques of the highway implications of development proposals. Highway Consultants are appointed by developers seeking to gain or object to the granting of planning consent. Assessing the impact of new developments is not an exact science and the highway modelling techniques used together with local and national technical guidance has many areas of detail which are open to differing interpretation. To this end it is not unusual for TA's to be potentially overly conservative or overly robust in presenting the potential impact of development depending on the case trying to be made.

4.100 Through negotiation the Local Highway Authority must find a compromise between the position taken by the differing parties and what the Local Highway Authority consider to be a reasonable/robust approach which protects the operation of the highway network and the travelling public. All of this process is carried out within a legislative framework and supported by various technical notes and guidance produced at local and national levels.

4.101 Despite the concerns raised by objectors with the submitted TA, Officers are satisfied that the document takes a reasonable approach and is sufficiently robust that the application can be supported.

SUMMARY

4.102 The impact on the highway network is the net change from non food retail to food retail.

4.103 The main document against which the development is assessed is the National Planning Policy Framework which states that;

- All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- Safe and suitable access to the site can be achieved for all people; and
- Improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development.

4.104 Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

4.105 The development proposals are located sustainably and prioritise access to the proposed store in accordance with the Authorities hierarchy of road users. The scale of improvement/mitigation works as proposed are reasonable, necessary and proportionate to the scale and impact of development. The impact of development proposals cannot be considered nor demonstrated to be classed as severe. As such it is considered that there are no grounds to raise an objection to the application from a highway perspective.

DESIGN, LAYOUT AND LANDSCAPING

4.106 Section 7, paragraph 56 of the NPPF says that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

4.107 The existing B&Q building is predominantly single storey, but has two small internal mezzanine areas, one at the front of the store and one at the rear accommodating office space and employee facilities. The south (shop front), east and west elevations comprise light grey cladding panels with red brick work beneath. The brick work is about 2metres high on the shop front elevation and 1metre on the other two elevations. The entrance to the shop is marked by a large glazed feature. The exit is a smaller glazed lobby. The B&Q garden centre is located on the west of the store and is largely external apart from a small glazed greenhouse area and small free standing canopy. The external builder's yard is located to the east of the main building and sits partly between a large metal pitched roof. The yard is enclosed by walling with fence infill panels.

4.108 The proposal will reduce the gross floor area of the building from just over 13000 square metres to 9715 sq m by removing the internal mezzanine floors and removing the garden centre and builder's yard. The general layout of the site will not be significantly different to the present arrangement; the access and servicing principles remain the same with customer vehicular access from Osbaldwick Link Road and pedestrian and cycle entrances from the Hull Road Frontage. Service access will also remain from Osbaldwick Link Road to the rear of the building via a secure service yard. A new section of timber acoustic fencing is to be incorporated to the service yard perimeter and the existing roof over the builder's yard is removed and replaced by an enlarged service yard. The service access road that currently serves the garden centre is to be downgraded and will only provide access to the new external plant area located to the west of the site. The car park layout is amended to meet Sainsbury's own standards and additional parking is provided to the west in the area where the garden centre is being removed and on part of the area currently occupied by the builder's yard. A new recycling centre is being provided near the entrance to the site between the building and the Link Road; the vehicular access will become a signalised junction. The position of the internal access moves over to accommodate the recycling centre. The southern shop front elevation of the building will be altered to provide elevational treatment that matches the internal layout and shop front requirements of Sainsbury's. The shop front alterations will allow for the inclusion of ATM machines and the internal layout includes a cafe.

4.109 The site contains an existing substantial building and is surrounded by hard surfacing which is softened by a good quality landscaping scheme to the site's perimeter and is somewhat masqued by the change in levels (the site sits below the level of Hull Road). The modifications to the building and changed car parking layout will not significantly alter the visual impact of the site in fact the removal of the garden centre and builder's yard will reduce the mass of the building. The scheme proposes some modest alterations to the landscaping which include some loss of trees within the site. The scheme proposes compensation for the loss of trees through new planting within the car park and additional planting adjacent to the entrance to the site. The Landscape Architect is satisfied with the landscape details proposed. The Parish Council are concerned about the new position for the recycling centre which is proposed to be on the entrance to the site between the car park and the Osbaldwick Link Road. Their concern is that rubbish will blow out of the site because of this more exposed location. With all such recycling facilities it is necessary to ensure that they are maintained by the site operator and there is a balance between making the recycling convenient so that it is adequately used and ensuring that it is not too visually prominent. In this case Officers are satisfied that the design and siting will not be detrimental to visual amenity given the surrounding vegetation and that the enclosure of the area will allow rubbish to be contained. It is accepted that Sainsbury's will still need to ensure that the recycle area is adequately maintained.

4.110 The scheme is considered to be compatible with the design advice within section 7 NPPF.

RESIDENTIAL AMENITY

4.111 One of the core principles at Paragraph 17 of the NPPF says that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 123 says planning policies and decision should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new developments; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise and recognise that development will often create some noise. The NPPG says noise needs to be considered when new developments may create additional noise, when new developments would be sensitive to the prevailing acoustic environment. There may also be opportunities to consider improvements to the acoustic environment.

4.112 The area to the north and west of the site is predominantly residential with two and two and a half storey houses and three storey flats surrounding the site on Redbarn Drive and Tranby Avenue. The existing residential development is between 20 and 30 metres from the site boundary. The existing planning permission under which B _ Q operate was subject to conditions which sought to protect the amenity of surrounding residential properties. Principally the existing permission achieved this by restricting the use of the rear access to the garden centre on the north side of the building between the hours of 8pm and 8 am, ensured that the details of external lighting was agreed before the development was brought into use and restricting trading hours to customers to between 7am to 10pm Monday to Saturday and on a Sunday to between 10am and 6pm.

4.113 The application proposes a number of changes to the site that will create a different environment for the adjacent properties. The proposal is to:-

- extend the opening hours of the site to 11 pm Monday to Saturday.
- remove the garden centre and associated forklift truck movements along the northern boundary access road. The garden centre will be replaced by additional car parking.
- remove external unloading activity

4.114 Measure to be put in place to protect the amenity of adjacent residents include:-

- provide an internal docking station for two HGV vehicles to provide unloading facilities within the building
- provide a 5 metre high acoustic fence around the northern and eastern boundaries of the service yard

- provide an acoustic fence along the western and north western boundaries adjacent to the new car parking area.
- provide acoustic measures around the new plant compound adjacent to the car park in the north western corner of the site
- Removal of the mezzanine on the northern side of the store.

4.115 The application is supported by a noise impact assessment which concludes that there will be no significant adverse effects from the development provided vehicle mounted refrigeration units are not used in the service yard.

4.116 Environmental Protection has considered the submitted noise assessment and has sought clarification on the operation of deliveries and the use of the new car park area on the west side of the site. The Environmental Protection Officer is satisfied that the development can be accommodated without detriment to the adjacent residents provided that there is control over the time of the delivery proposed during the night. A condition is proposed to require the submission of a service yard management plan which will allow the night time delivery to be controlled. Conditions will also be sought which will ensure that the acoustic measures proposed within the scheme are satisfactorily implemented.

4.117 The proposal will require a new lighting scheme for the building and car park. An appropriate condition is proposed to require the submission of a lighting scheme. Environmental Protection is satisfied with this approach.

Drainage

4.118 The site is located within flood zone 1. The application is supported by a flood risk assessment required because the site is greater than 1 Ha. The Flood Risk Management Officer is satisfied that with the drainage works proposed within the Flood Risk Assessment which includes additional storage for surface water run off the proposed development is acceptable. A condition to ensure that the drainage works are implemented is proposed.

SUSTAINABLE DEVELOPMENT

4.119 The site is currently in use as a B&Q and has been operating as an A1 retail destination since 1998 albeit with a restriction to bulky goods sales. Paragraph 17 and 111 of the NPPF encourages the effective use of land by re-using land that has been previously developed. The DCLP does not allocate the site for any purpose although the site is shown as being within the built up limits of the city. The preferred options document to the emerging local plan showed the site as an out of town retail destination. The emerging Local Plan 2014 does not allocate the site although the site is still within the built up area of the city.

4.120 The previous paragraphs have considered the retail impacts of the development and concluded that the proposal does not represent a significant adverse impact on the vitality and viability of the city centre/centres

4.121 Paragraph 18 of the NPPF says that the Government is committed to securing economic growth in order to create jobs and prosperity and to ensuring that the planning system does everything that it can to support sustainable economic growth.

4.122 The application details say that the supermarket will provide about 400 jobs part and full time. The applicant advises that one third of jobs are usually full time posts. The site presently provides about 100 jobs. The details also show that Sainsbury's have employment strategies that seek to ensure diversity and inclusion as well as training and development.

4.123 As discussed in the retail section of the report this area of the city does not have a main food shopping destination and it is anticipated by the applicant, and identified in the updated retail study 2014, that the proposal will reduce travel to other parts of the city by retaining spend for main food shopping in this area of the city.

4.124 The NPPF says at paragraph 7 that there are three dimensions to sustainable development; economic, social and environmental. The planning system has a number of roles to perform. In its economic role it should contribute to building a strong responsive and competitive economy by ensuring land is available to support growth and innovation. The proposed supermarket will provide jobs above those already provided by the B & Q operation and it will secure the continued use of an existing built commercial site within the urban area of York which may otherwise become vacant. In its social role, planning should support strong vibrant and healthy communities by creating high quality built environment with accessible local services that reflects the community needs and support its health, social and cultural well being. There is some concern that the development will result in the loss of local shopping facilities; however the applicant argues that the supermarket given its scale will not compete with these local top up facilities and Government guidance supports this view. There would be benefits to the area from the improvements to the appearance of the building and the reduction in its overall size. The site has good accessibility by various modes of transport so that priority can be given to the pedestrian and cycle movements including the provision of a toucan crossing that will further enhance pedestrian and cycling accessibility to the site. The applicants propose to provide job opportunities that are inclusive and provide training and development. In its environmental role planning should contribute to, protecting and enhancing the natural, built and historic environment helping improve biodiversity, use of natural resources minimising pollution and waste and mitigate and adapt to climate change.

The scheme proposes a biomass boiler, air source heat pumps, electric charging points increased cycle parking provision for customer and employees, new control of the environment around the building by inclusion of acoustic fencing and change in delivery patterns and provision of internal loading bay. Furthermore the intention of B & Q to vacate the site leaves the possibility that the site will become a vacant derelict site. There will be additional traffic movements to the site but many of these traffic movements will be diverted from other large format shopping destinations. There is no indication that the distances travelled by vehicles will be extended by the introduction of the use.

4.125 It is considered that the economic, environmental and social gains proposed within the development represent sustainable development as set out in paragraph 7 of the NPPF.

4.126 Paragraph 14 of the NPPF says that there is a presumption in favour of sustainable development and that where development plans are absent such development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

4.127 It is concluded that there will be no significant adverse impacts to the city centre or centres of Acomb and Haxby as a result of the development. In addressing the other material considerations it is concluded that the site is already developed, is within the built up area of the city, can be accessed by sustainable means, will not create residual cumulative impacts on the highway network that are severe, includes appropriate design and landscaping for the building, will not impact on the residential amenity of adjacent properties and is a sustainable form of development in the context of paragraph 7 of the NPPF. In the absence of any harm being identified that significantly and demonstrably outweighs the benefits the application for a new supermarket at the B &Q site is supported.

5.0 CONCLUSION

5.1 The site is identified as a being within the built up part of York in the DCLP proposals map. The site is a developed site which has a long term retail use and although this is restricted to bulky goods the existing development is a material planning consideration.

5.2 The NPPF requires that a sequential and impact test be applied to town centre uses that are not in a centre. The DCLP is becoming dated in some respects nevertheless the general thrust of policies within it support the NPPF position of town centre first. The emerging plan is not sufficiently far advanced to be a material planning consideration. The retail background documentation which was published in October 2014 does not yet have its addendum available which will identify the extent and number of neighbourhood centres that are to be protected through emerging policies.

Therefore no weight can be attached to the policies in the emerging plan in so far as they relate to the identification of local centres and neighbourhood centres (in accordance with Annex 1 of the NPPF).

5.3 The Council's retail planning consultants WYG on behalf of Integrated Strategy say that the proposal will not have significant adverse impacts on the city centre or the defined centres of Acomb or Haxby.

5.4 Highway Network Management have reviewed the submitted transport assessment and have concluded that the proposal will not create residual cumulative impacts on the highway network that are severe in accordance with relevant paragraphs in the NPPF.

5.5 It is considered that the economic, environmental and social gains proposed within the development represent sustainable development as set out in paragraph 7 of the NPPF.

5.6 Therefore in addressing the other material considerations it is concluded that the site is already developed, is within the built up area of the city, can be accessed by sustainable means, will not create residual cumulative impacts on the highway network that are severe. It is also concluded that the proposal includes appropriate design and landscaping for the building, will not impact on the residential amenity of adjacent properties and is a sustainable form of development in the context of paragraph 7 of the NPPF.

5.7 In the absence of any harm being identified that significantly and demonstrably outweighs the benefits the application for a new supermarket at the B & Q site is supported. The proposal is considered as a whole to accord with the NPPF subject to appropriate conditions.

5.8 The application will need to be referred to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2009. (Circular 02/2009)

6.0 RECOMMENDATION

- (i) Defer pending referral to Secretary of State
- (ii) Delegate to officers to approve if Secretary of State's does not call in the application for his own determination, subject to the following conditions:-

1 TIME2 Development start within three years -

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

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2011-357 A PL- 001 Site Local Plan

2011-357 A PL- 002 Rev A Existing Site Plan

2011-357 A PL- 003 Rev B Proposed Site Plan

2011-357 A PL- 004 Existing Elevations

2011-357 A PL- 005 Rev A Proposed Elevations

2011-357 A PL- 006 Existing Roof

2011-357 A PL- 007 Proposed Roof

2011-357 A PL- 008 Rev A Proposed boundary treatments

2011 -357 A PL- 009 Proposed recycling area

Flood Risk Assessment - March 2014

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

3 The development shall not be begun until details of the junction between the internal access road and the highway have been approved in writing by the Local Planning Authority, and the development shall not come into use until that junction has been constructed in accordance with the approved plans.

Reason: In the interests of road safety.

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

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

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

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

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

6 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with paragraph 17 of the National Planning Policy Framework

7 The opening hours of the retail food store shall be:

Monday to Saturday 07:00 to 23:00

Sundays and Bank Holidays 10:00 to 18:00

Reason: To protect the amenity of local residents in accordance with paragraph 17 of the National Planning Policy Framework

8 Prior to the commencement of the development or within such longer period as may be agreed with the local planning Authority, the following details shall be submitted to and approved in writing by the Local Planning Authority.

- Details of acoustic fencing to the service yard
- A Service Yard Management Plan including details of delivery times
- Air source heat pumps
- New Plant
- Customer electric vehicle recharging points
- A full lighting impact assessment undertaken by an independent assessor

The development shall be carried out in accordance with the approved details prior to the occupation of the building

Reason: To protect the amenity of local residents in accordance with paragraph 17 of the National Planning Policy Framework

9 The cumulative noise emissions from all fixed plant installations shall not exceed a rating level of $L_{Ar,5mins} + 25$ dB outside any noise sensitive property, based on 24 hour operation. Details of all fixed machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible at any noise sensitive location, shall be submitted to the local planning authority for approval. These details shall include maximum sound levels ($L_{Amax}(f)$) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

NOTE: L_{Ar} is the equivalent continuous A-weighted sound pressure level during a specified time interval of 5 minutes plus specified adjustments for tonal character and impulsiveness of the sound in accordance with BS4142.

Reason: To protect the amenity of local residents in accordance with paragraph 17 of the National Planning Policy Framework

10 All demolition and construction works and ancillary operations which are audible beyond the site boundary, including deliveries to and dispatch from the site, shall be confined to the following hours:

- Monday to Friday 07:00 to 20.00
- Saturday 09.00 to 18:00
- Not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents in accordance with paragraph 17 of the National Planning Policy Framework

11 Adequate facilities shall be provided for the treatment and extraction of odours, fumes and gases created by cooking, such that there is no adverse impact on the amenities of local residents by reason of fumes, odour or noise. Details of the extraction plant and/or machinery, any filtration system required and maintenance plan for the equipment shall be submitted to the Local Planning Authority for approval; once approved it shall be installed and fully operational before the proposed use first opens and maintained at all times in accordance with the approved scheme.

Reason: To protect the amenity of local residents in accordance with paragraph 17 of the National Planning Policy Framework

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

Reason: To ensure that risks from land contamination 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.

13 The biomass boiler shall be operated in accordance with the Biomass boiler screening assessment dated unless otherwise agreed in writing by the Local Planning Authority.

Reason: The site falls within City of York Council's smoke control area and thus the biomass boiler must be suitable for use in such areas in the interest of residential amenity and air quality management.

14 All vehicles delivering to and from the site shall turn off their refrigeration plant prior to entering the site and shall not turn back on until the vehicle has left the development site.

Reason: To protect the amenity of local residents in accordance with paragraph 17 of the National Planning Policy Framework

15 The drainage works proposed in the Hadfield Cawkwell Davidson Flood Risk Assessment dated March 2014 shall be implemented to the satisfaction of the Local Planning Authority before the development is first occupied or brought into use and the scheme shall be retained throughout the life of the development.

Reason: To ensure the proper drainage of the area in accordance with the requirements of the National Planning Policy Framework.

16 Off-Site Highway Works

The site shall not be used for the purpose of food retail until the following highway

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works (as shown indicatively on drwg no: A-PL-003 Rev B) have been implemented in accordance with the aforementioned approved plan or arrangements entered into which ensure the same;

- 1) signalisation of the site access including Toucan facilities,
- 2) creation of a Toucan crossing on Hull Road together with associated footway/cycle linkages,
- 3) provision of a CCTV camera in a location to be agreed at the junction of Osbaldwick Link Road/Hull Road
- 4) provision of ducts and fibre links to ensure communication is available between;
 - the proposed signals at the site access,
 - the proposed Toucan on Hull Road,
 - the existing signals at the junction of Osbaldwick Link Road/Hull Road
 - the proposed CCTV camera
- 5) the proposed cycle safety scheme at the egress to the adjacent Petrol Filling Station

Reason: In the interests of providing a safe means of access to the site by all modes of transport and to, minimise disruptions to the free flow of traffic.

17 Prior to the commencement of the use hereby approved, provision shall be made within the site for accommodation of delivery/service vehicles in accordance with the approved plans. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

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

18 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

19 Travel Plan

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The site shall not be occupied for the purposes of food retail until a Full Travel Plan has been submitted and approved in writing by the LPA. The Full Travel Plan should be developed and implemented in line with local and national guidelines and the submitted Travel Plan Framework dated November 2014. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Within 12 months of occupation of the site for the purposes of food retail hereby approved a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure the development complies with local and national highways and planning guidance, and 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.

20 Notwithstanding the provisions of Class A1 to the schedule of Town and Country Planning (Use Classes Order) 1987 (or any subsequent re-enactment), the premises shall only be used for a retail food store (Supermarket) and for no other purposes (including any other purpose in Class A1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 or any other provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that order).

The net sales area of the retail food store hereby approved shall not exceed 5,591 sq m of which not less than 60% shall be used exclusively for the sale and display of convenience goods. The sale and display of comparison goods will be restricted to not more than 40% of the net sales area.

Any comparison retail floor space provided shall not be accessed separately to convenience floor space nor operated by a different retailer and notwithstanding the provisions of Class A1 to the schedule of Town and Country Planning (Use Classes Order) 1987 (or any subsequent re-enactment) there shall be no sub-division of the supermarket retail food store to form separate retail stores.

Reason: In the interest of protecting the vitality and viability of York City Centre and to ensure future retail proposal do not have an adverse effect on the vitality and viability of defined centres to accord with advice within the National Planning Policy Framework and the National Planning Policy Guidance.

21 The development shall be carried out to a BRE Environmental Assessment Method (BREEAM) standard of 'very good'. A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority prior to occupation of the building. Where it can

reasonably be demonstrated that a very good rating not feasible, full justification for the lower rating shall be submitted to and agreed by the LPA prior to occupation. Should the development fail to achieve a BREEAM standard of 'very good' or the agreed alternative rating, a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve the agreed standard. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with paragraphs 2.1 to 2.4 of the Interim Planning Statement 'Sustainable Design and Construction' November 2007.

7.0 INFORMATIVES: Notes to Applicant

1. 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:

Works in the highway - Section 278 - Michael Kitchen (direct dial 551336)

2. INFORMATIVE:

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

3. 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:

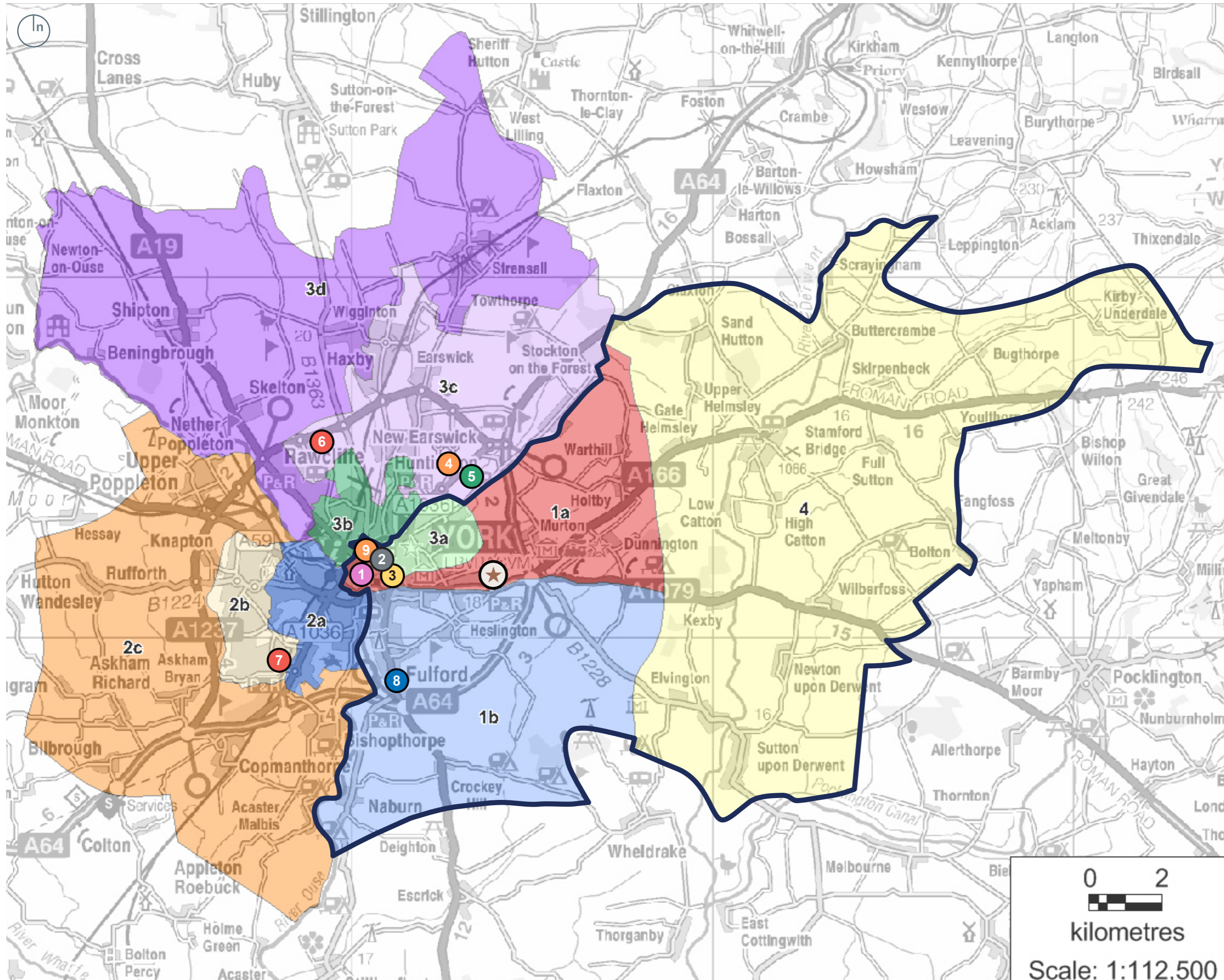
- Negotiated amendments to the site layout
- Discussed highway issues resulting in the receipt of an amended Transport Assessment

- Discussion of retail issues and request for response to concerns raised by objectors

Contact details:

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

Tel No: 01904 551351



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DO NOT SCALE DRAWINGS.

No liability or responsibility is accepted arising from reliance upon the information contained within this drawing.

- Application site
- Primary Catchment area
- 1. York City Centre
- Waitrose
- 2. Foss Islands Road
- Morrisons
- 3. Foss Islands Road
- Sainsbury's
- 4. Monks Cross
- Asda
- 5. Monks Cross
- Tesco
- 6. Tesco Extra, Tadcaster Road
- 7. Tesco Extra, Clifton Moor Centre
- Aldi
- 8. Fulford Road
- Sainsbury's
- 9. Foss Bank



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Client:
Sainsbury's Supermarkets Limited

Project:
B&Q, York

Drawing:
Plan showing the extent of Study Area & Existing Main Food Shopping Facilities

Scale: **NTS (A3)** Status: **Final**

Project Number:
SAIY2137

Drawing Number:
1000

Date: **March 2014** Revision: **1_0**



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COMMITTEE REPORT

Date: 22 January 2015 **Ward:** Skelton, Rawcliffe, Clifton
Without
Team: Major and **Parish:** Skelton Parish Council
Commercial Team

Reference: 14/01478/OUTM
Application at: Del Monte Skelton Park Trading Estate Shipton Road Skelton York
For: Residential development for up to 60 dwellings
By: Del Monte Fresh Produce (UK) Limited
Application Type: Major Outline Application (13 weeks)
Target Date: 25 September 2014
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 The application seeks outline consent for the use of the site for residential development for up to 60 dwellings. All matters are reserved except access. The site has previously been used as a factory, which was demolished last year. The site is within the Skelton settlement envelope as shown in the Proposals Maps for the Development Control Local Plan (2005). It is sited to the west of the A19, with the rest of the village sited to the east of Shipton Road. The site is not allocated for housing in the Development Control Local Plan (2005) or the recently withdrawn draft Local Plan (2013)

1.2 The site in question is within the red line, the applicant has the land to the west in their ownership however this is Green Belt. The land to the north is used as a golf course. The land to the south and east is housing, and land to the south and west are fields. The extension of the proposed site (within the red line) is 2.29 hectares including a pond within the site, adjacent to the A19; which is shown as being retained. The site is within Flood Zone 1, it is not within a conservation area, and there are no listed buildings in close proximity.

1.3 Revised plans and information have been submitted, the number of dwellings have been revised from 65 to 60. In addition revised plans have been submitted showing open space proposed within the site and the boundary altered to take account of the greenbelt.

1.4 The site was subject to a request for a Screening Opinion under Regulation 5 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (14/00330/EIASN). It was concluded that an Environmental Impact Assessment was not required. The proposed development does not comprise 'Schedule 1' development where an Environmental Impact Assessment is always required. The proposed development is however of a type listed at 10 (b) in column

1 of Schedule 2 (Urban Development Projects) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011. It is the view of Officers that the proposed site is not within or adjacent to an environmentally sensitive area (as specified in the Regulations) and taking into account the characteristics of the proposed development, the location of the development, and characteristics of the potential impact and the proposed development would not result in significant environmental effects and therefore an Environmental Impact Assessment was not required.

1.5 It is understood that the agents undertook community involvement once the application was submitted, and that the agent made a presentation to the Parish Council on 28th August 2014. No information was received as to the feedback from the presentation. No statement of community involvement has been submitted or other information regarding details of community engagement.

1.6 Pre-application discussions with Council Planning Officers took place regarding the principle of development on the site.

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

2.2 Policies:

CYSP3 Safeguarding the Historic Character and Setting of York

CYSP6 Location strategy

CYSP8 Reducing dependence on the car

CYGP1 Design

CYGP3 Planning against crime

CYGP4A Sustainability

CYGP6 Contaminated land

CYGP9 Landscaping

CYGP13 Planning Obligations

CGP15A Development and Flood Risk

CYNE2 Rivers and Stream Corridors, Ponds and Wetland Habitats

CYNE3 Water protection

CYNE7 Habitat protection and creation

CYNE8 Green corridors

CYGB1 Development within the Green Belt

CYT2B Proposed Pedestrian/Cycle Networks

CYT4 Cycle parking standards

CYT5 Traffic and pedestrian safety

CYT7B Making Public Transport Effective

CYT7C Access to Public Transport
CYT13A Travel Plans and Contributions
CYT20 Planning agreements
CYH2A Affordable Housing
CYH3C Mix of Dwellings on Housing Site
CYH4A Housing Windfalls
CYH5A Residential Density
CYE3B Existing and Proposed Employment Sites
CYED4 Developer contributions towards Educational facilities
CYL1C Provision of New Open Space in Development
CYNE1 Trees, woodlands, hedgerows

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT

3.1 No objections are raised based upon the revised Technical Note and accompanying revised plan (drwg no. J-B0592.00 001 Rev3). The Travel Assessment assumes a development of 65 residential units. Based upon the nationally recognised TRICS database a residential development of this number of units can be expected to generate in the region of 35 vehicle movements in the AM/PM peak hours respectively. This equates to a little over 1 additional vehicle every 2 minutes and will not be perceivable when considering daily traffic fluctuations and existing traffic flows on the adjacent highway network. The operation of the proposed junction has been analysed using nationally recognised software. This analysis has demonstrated that the junction will continue to operate satisfactorily and can accommodate the level of traffic generated by the development.

3.2 The main vehicular access into the development is to be taken from the A19 by utilising the existing site access. This access will be modified to reduce its width from a commercial standard to that more appropriate for a residential development and provide new kerbing. The access modifications enable the access to be slightly relocated further north thus increasing the distance between the site access and the existing adjacent residential access road.

3.3 Right turning traffic into the site will continue to have the benefit of the right turn ghost island. The slight relocation of the site access also have the benefit of increasing the length and separation of the right turn ghost island serving the existing adjacent residential access road. The proposed junction arrangement is in accordance with national guidance and offers a suitable width together with visibility to the appropriate guidance.

3.4 The accident history for this section of the A19 has been investigated and has not identified any patterns or clusters of accidents that could be anticipated to increase or be exacerbated by the proposed development.

3.5 Whilst the internal layout will be subject to future reserved matters applications it is anticipated that the scheme will be designed and constructed to CYC standards as a shared space varying between 4.5m and 6m wide and subsequently offered for adoption as publicly maintainable highway. In line with other developments the internal layout will be designed to Manual for Streets guidance with design measures to restrain vehicle speeds to 20mph or below.

3.6 Currently the A19 creates severance between the facilities within Skelton and adjacent walking/cycling/public transport infrastructure and the site. The nature of the A19 in terms of traffic volumes and speeds leads to a car dominated environment. The site is approximately 600m, which represents a 7 minute walk, to local facilities within Skelton. Such a walking distance is within recommended national walking distances. Inbound and outbound bus stops are within a short distance of the site entrance onto the A19 and are served by regular services. Rawcliffe Bar P&R is in the region of 1600m which is a 15 minute walk offering high frequency services into the city centre.

3.7 In order to improve the linkages between Skelton and the site officers have negotiated a package of works with the applicant. Such a package of highway works are considered to be appropriate to the scale of development and reduce the severance created by the A19. The highway works will be secured through a S106 Agreement and implemented to CYC specifications through agreement under the Highways Act. Whilst the site can be considered to be challenging in terms of sustainable travel the package of highway measures provided through the scheme will maximise and incentivise non car accessibility in accordance with local and national planning and transportation policies.

3.8 Request: Hwy 1, Hwy 7, Hwy 18(car and cycle), Hwy 19, Hwy 40, Hwy 41, Hwy 39 (Highway works as indicatively shown on drawing J-B0592.00 001 R3), Method of Works, INF 1(S38), INF 1(S278), INF 2

ENVIRONMENTAL MANAGEMENT

LANDSCAPE

3.9 The York Landscape character appraisal places the village of Skelton within character area 8 'Flat diverse arable farmland'. The site sits just within this character boundary tight up against the adjacent character boundary type 9 'River Ouse flood plain', which has a strong influence on this western side of the A19.

3.10 The landscape character and pattern of development is very different on either side of Shipton Road. The A19 is a dividing element that provides a strong definition of the western extent of the village core. The proposed layout is reflective of the most recent extensions to Skelton village; this is less appropriate for the west side of the A19, which has a more commercial aspect to it that relates to the A19 and the parkland/estate setting that stretches down to the river Ouse. The residential element is low density and has a close relationship with the countryside relating to the Ouse corridor.

3.11 Given the lack of linkages, other than in and out of the main entrance, it is important for the open space to be provided on site, which is likely to be of benefit solely for the immediate residents. The open space provision should be provided within the area of previously developed land. Otherwise recreational facilities often result in a change of character with the risk of becoming progressively formalised over time.

3.12 It is important to retain the existing vegetation around the perimeter both within and adjacent to the site. Therefore as much as possible should be contained within open space or road side verges in order to prevent gradual removal were it to be contained in rear gardens. Similarly tall garden fencing should be avoided around the exposed perimeters. The proposed perimeter road at the western end of the site lends itself to this concept. The Poplars within the golf course will pose a restriction on the proximity of properties to this edge due to concerns over safety, and shade, and subsidence due to the characteristics of the species. A number of the proposed dwellings are likely to be far too close to these trees.

3.13 In terms of visual impact on the wider landscape, residential use on the site would be acceptable provided the retention and supplementation of existing vegetation were compatible with reasonable dwelling and garden use, and there would be no threat of incremental degradation of the perimeter landscape.

3.14 It would be preferable to utilise the existing roadway at the entrance to avoid encroaching into the pond environment. In order to create a complete and attractive frontage, the landscape treatment should continue on both sides of the entrance.

3.15 Whilst the site largely consists of hard-standing, the topography potentially lends itself to the incorporation of sustainable urban drainage systems, the detailed manifestation of which could be used to complement the rural context of the site.

3.16 Any detailed application should include a topographical survey and a tree survey of the entire site, including any trees immediately outside the site boundary.

3.17 In order to be of a suitable character for the green wedge, housing density may be lower than expected and there should be greater incorporation of open space and opportunities for large-species tree planting to complement the development

and marry it with its context. The pond and its environs should be retained and enhanced. Street lighting should be kept to a minimum.

ECOLOGY

3.18 The pond on site is shown on the first edition OS Maps (1846 -1901). This, and a further one south west of the site have been assessed and surveyed for the presence of great crested newts in spring 2014. The amphibian survey has been undertaken within the optimum survey period and to best practice methodology. No great crested newts and low numbers of smooth newt, common frog and common toad were recorded.

3.19 A number of trees on site have been identified as having potential to support roosting bats and the main of the site assessed to have low value for foraging bats. The pond, mature trees and land to the west of the site are likely to provide the best habitat for foraging and commuting bats. The current proposals do not impact on any of the trees which have been identified as suitable for bats however if this were to change then further surveys would be required.

3.20 Information in the design and access statement and a review of historic maps suggests that the land to the west of the site has remained as pasture for an extended period of time. This could indicate that it has potential to be of botanical interest. The Phase 1 Habitat Survey undertaken by Brooks Ecological describes it as rough neutral grassland (poor MG9). This survey was undertaken in mid-February, outside of the optimum survey season for habitats (April - September). On our site visit it was not possible to access this piece of land.

3.21 The proposals include the retention of the pond and the land to the west of the site. The retention of the northern boundary would provide some linkage between the pond and the land to the west however it is difficult to tell how wide this area is or how permeable it would be for wildlife. Aside from this there does not appear to be any linkages of semi-natural habitat through the site, which would enhance the wildlife value of the pond and surrounding trees.

3.22 It has been suggested that part of the western land is used as public open space. If this were to involve conversion to amenity grassland, play area, playing pitch etc a more detailed botanical survey, at the optimum time of year should be undertaken to ensure species rich grassland is not being lost. As suggested there is good opportunity to enhance this area for biodiversity through appropriate management.

SUSTAINABILITY

3.23 As the applicant is not the developer, need to ensure that a detailed full sustainability statement is received at the reserved matter stage. In particular will

need to look to condition any domestic homes built to achieve Code level 3. The detail therefore needs to be dealt with at the reserved matter stage once the developers and plans are more known.

ARCHAEOLOGY

3.24 - This site lies outside the Area of Archaeological Importance but in an area where there are undesignated heritage assets relating to human activity in the prehistoric, Roman, and medieval periods. Agree with the conclusions of the Archaeological Report that further on site works will be required, and request that the works are sought via a condition.

FLOOD RISK MANAGEMENT TEAM

3.25 There is insufficient information provided by the applicant, information should be provided to determine the potential impact of the proposals on the existing drainage system and downstream watercourse. Specified the type of information required

ENVIRONMENTAL PROTECTION UNIT

3.26 No objection. A noise impact assessment was submitted with the application and indicates that the Council's specified noise levels within gardens and the proposed dwellings of : 30dB(A) Leq 8 hour 23:00 to 07:00 and Lmax 45dB(A) in bedrooms; 35dB(A) Leq 16 hour (07:00 to 23:00) in habitable rooms; and 50dB(A) Leq 16 hour (07:00 to 23:00) in gardens (if provided) can be achieved through the provision of standard glazing and a circa 2 metre high solid timber fence along the northern eastern part of the application site where gardens 'back-onto' the A19 Shipton Road.

3.27 Former activities at the site could have given rise to land contamination and the contaminants of most concern include heavy metals, petroleum hydrocarbons, polycyclic aromatic hydrocarbons (PAHs), asbestos and ground gas. The report recommends that a site investigation should be undertaken to find out whether land contamination is present and would agree with this recommendation. If contamination is found, please note that appropriate remedial action will be required to ensure that the site is made safe and suitable for its proposed use. Confirm that the report is acceptable and have no objection to the proposed development subject to conditions.

3.28 The applicant has undertaken a DMRB air quality screening assessment to establish the likely impact of the scheme on local air quality. The screening assessment has indicated that there is a negligible impact on air quality (imperceptible change in pollutant concentrations) as a result of the additional traffic movements associated with the operation of the development in future years.

3.29 In line with the Council's adopted Low Emission Strategy and the National Planning Policy Framework (NPPF), developers are required to demonstrate that they are making all reasonable efforts to minimise total emissions from development sites during both construction and operational phases. This will include ensuring the energy choices for heating and powering the buildings are the right ones for both carbon/CO₂ and local air quality emissions (NO_x/Particulate Matter) and requirements to promote and incentivise the use of low emission vehicles on the site to reduce the overall emission impact of development related traffic (e.g. provision of electric vehicle recharge points, provision of low emission delivery vehicles). To meet the developers emission obligations under the NPPF and the York LES it is recommended that where new residential properties include private parking facilities (e.g. garage space, driveways etc) the provision of a 13 amp electrical socket in a suitable location to enable the charging of an electric vehicle using a 3m length cable will be required. This should be secured by means of a planning condition

3.30 Request conditions regarding acoustic noise barrier, CEMP, contamination, and vehicle recharging socket

ECONOMIC DEVELOPMENT UNIT

3.31 No objections. Whilst would rather see the site used, as previously, for employment land, understand that it has been marketed for this purpose and received limited, unworkable interest.

COMMUNITIES AND CULTURE

3.32 Without knowing the type and number of dwelling proposed within the outline application it is not possible to establish how much open space should be required on site.

3.33 The A19 is a significant barrier for children and families; therefore it is important that recreational open space is provided within the development. Accordingly at reserve matters stage the applicant must provide all the necessary onsite play and amenity space as currently required under L1c. Would accept that sports provision will be off site and a payment will need to be made in accordance with the rates published within L1c.

HOUSING STRATEGY AND DEVELOPMENT

3.34 Request that S106 agreement secures the current policy position:

- A minimum of 20% of the total homes on the scheme should be affordable if a reserved matters approval is implemented within 3 years of the date of the outline consent. 70% of these will be social rented and 30% discount sale tenure. This will

be fixed for 3 years, after which the policy current at the time will apply. If a reserved matters approval is implemented more than 3 years after the date of the outline consent, then the affordable housing required shall meet the Council's then current affordable housing target for brownfield sites calculated in accordance with the Council's most up to date dynamic viability model.

- The affordable houses will be 'pepper-potted' evenly throughout the development, with no more than two affordable houses placed next to each other. Different tenures should also be evenly distributed throughout the site.
- Any affordable flats shall be distributed evenly throughout the blocks by the same principle.
- The only exception to this is where agreement is made with the Registered Provider to offer a whole block for the purpose of better housing management. In this case, the block(s) will be not be of excessive size and if there are multiple affordable blocks they will not be located directly next to one another.
- Smaller house types should not be clustered together within the development where doing so would make the above principles unachievable.
- The affordable provision will be pro rata across different house sizes and house types. No more than 50% of any one house or flat type should be affordable.
- Car parking and bicycle storage must be included at no charge with the affordable housing, in a proportionate ratio to their market provision.
- If the development is phased, each phase should comply with the above.

3.35 At Reserved Matters stage, these principles will inform two documents which enact the principles included in the Section 106 agreement:

- An affordable housing plan, detailing the layout of all affordable housing
- A phasing plan (if relevant), including timescales for affordable housing delivery.

3.36 Written agreement on these must be reached before any building on site can commence.

FORWARD PLANNING

3.37 The applicant has marketed the site for 6 months and provided evidence which seeks to demonstrate that the site is no longer required for employment use. Subject to views from EDU on the submitted evidence, an alternative use for the site could therefore be considered acceptable.

3.38 The proposed development area falls entirely within the settlement boundary and therefore green belt policies would not apply.

3.39 The site has been identified as an extension to the green wedge between Poppleton and Skelton in the Green Belt Appraisal (2003) and as such any

proposals would need to demonstrate that development on the site as a whole would not cause harm to purposes of green wedges. These include preventing the lateral coalescence of different parts of the urban area and retaining the distinctive characteristics of earlier periods of individual settlements. Green wedges also bring a feeling of the countryside within a close proximity to the centre of the city. Their open nature allows views of the city to be enjoyed including important vistas towards the Minster.

3.40 The applicant has not submitted evidence addressing the impact on the green wedge, such as views, its relationship to neighbouring developments and details on landscaping. Whilst it is accepted that this is an outline application, whether the site can be developed in a way which would not be harmful to the green wedge is a critical consideration in terms of the principle of development and therefore should be satisfied that this can be achieved.

3.41 As highlighted in Policy H5a and Policy H4 the scale and design of proposed residential developments should be compatible with the character of the surrounding area and must not harm local amenity. In this case it would particularly need to consider impact on the green wedge and surrounding green belt. The applicant is proposing a density of 27dph, which broadly reflects the rural density of 30dph proposed in Policy H4.

3.42 Work is ongoing in demonstrating a framework compliant 5 year housing land supply which will be considered at such a time as the City of York Local Plan is submitted to the Secretary of State and the plan is subject to examination. However, at this time the Council does not currently have a Framework compliant 5 year housing land supply.

EDUCATIONAL PLANNING

3.43 No educational contribution currently required for local primary and secondary schools. However request formula is added to S106 to allow for changes in roll data

EXTERNAL CONSULTATIONS/REPRESENTATIONS

POLICE ARCHITECTURAL LIAISON OFFICER

3.44 No objections. States that crime and anti-social behaviour levels within the vicinity of the proposed development are low. The indicative drawing shows many positive aspects which reflect Crime Prevention through Environmental Design principles

3.45 The indicative site plan drawing does not show any area of play within the actual development itself. If an area of play is a requirement, it is important that it is 'designed in' at the outset and not included as an after thought by being tucked

away in an unsuitable corner of the site. Placing children's play areas to the rear of dwellings, or in the corner of a site where it cannot be overlooked, helps to create the conditions for nuisance and antisocial behaviour

3.46 Provides a list of points of consideration for the a more detailed design (reserved matters), and request the Police Designing out Crime Officer is consulted when drawing up the proposals

YORKSHIRE WATER

3.47 Request a condition stating that the development be in accordance with the FRA and Drawing J-B0592.00 and that no surface water be added to the public sewer network

3.48 No objections to the proposed separate systems of drainage on site and off site/ No objections to the proposed amount of domestic foul water to be discharged to the public foul water sewer, and no objections to the proposed point of discharge of foul water to the respective public sewer submitted on drawing J-B0592.00 (first issue) dated March 2014 prepared by Opus. The submitted drawing shows surface water proposed to be drained to watercourse via storage/restricted discharge. No land drainage may be connected / discharged to public sewer. The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion.

ENVIRONMENT AGENCY

3.49 Provided the proposed development is in accordance with the submitted FRA would have no objections.

3.50 All surface water drainage details must be agreed with City of York Council's drainage engineers. If the proposed development will lead to an input into the IDB drainage system then surface water drainage details must also be agreed with the IDB before development commences.

KYLE AND UPPER OUSE INTERNAL DRAINAGE BOARD

3.51 The site drains towards the Board's maintained watercourse known as Hurns Gutter and the Board request details of the surface water discharge proposal for the site

3.52 The Board would request that any surface water discharge be restricted to existing run off rates and would ideally look for a reduction in respect of redevelopment of the site from commercial to residential

3.53 In order to properly consider the application, the Board would need to instruct consulting engineers and would require the applicant to meet the Board's costs in this matter

FOSS INTERNAL DRAINAGE BOARD

3.54 No objections, states the site of the above development lies outside of the Drainage Board's area. It is not considered that the proposal will have a material impact on the Board's operations.

HIGHWAYS AGENCY

3.55 Raises no objections

SKELTON PARISH COUNCIL

3.56 Support the application. Strongly concerned regarding access to and from the proposed site, needs to be carefully designed to minimise traffic risks. The particular issues are the vehicular access out of the site onto the Southbound A19, and pedestrian access for residents on the site to the shop, school and other village facilities.

3.57 SKELTON VILLAGE TRUST

- Support principle of the site being redeveloped for housing
- Concerned regarding community cohesions and safe access between the proposed development and the village should be considered
- The Transport report understates the issues and the proposed remedies are inadequate
- Traffic safety issues with regards to speed and exiting and accessing the proposed site
- When raining the residents of the development may travel to the school by car rather than walking, exacerbating the problem
- The Opus report assessment of only 16 (morning peak) and 21 (evening peak) net increase in two way vehicle trips from 65 dwellings is not credible. It is partly based on aspirational plans to encourage residents to walk/cycle/take public transport. These may or may not work to an unknown degree but projected vehicle movement should surely be based on a worst case scenario not on aspiration.
- If residents are to be encouraged to feel part of our community, then easy and safe access is mandatory. Improving existing pedestrian islands on the A19 and footways along Fairfields Drive will not meet the need. Whilst supporting the principle of developing this site for housing we do so with the following qualifications: Pedestrian access across the A19 should be a crossing controlled by traffic lights; The same traffic lights should facilitate vehicle movements into and out of the

development, as well as egress from Fairfield Drive; The A19 speed limit should be reduced.

- Take issue with HNM comments, no reference to egress from the site. The vast majority of vehicles leaving the site will be turning right towards York and the ring road. This means crossing the northbound A19 and turning into the southbound. Even with A19 traffic speed reduced to a maximum of 40mph this will be a potentially hazardous undertaking particularly at busy times. One reason for there being few such patterns/clusters is that, to date, there are very few vehicle movements necessitating the crossing of one carriageway and turning into the other. Do not believe that this problem and methods of resolving it have been paid sufficient attention.

REPRESENTATIONS OF OBJECTION

3.58 6 written representations making the following points:

- Concerned regarding the access road to Fairfield Cottages and that it could become a 'rat run', what controls will be put in place to prevent this
- Concerned regarding the traffic safety of vehicles exiting the proposed site
- Road particularly susceptible to weather conditions
- The data submitted indicated that there has been no fatalities is incorrect
- The eastern part of the site is adjacent to existing dwellings request a hedge or fence to ensure privacy is maintained
- Support the use of the site as residential
- The footpaths to the west of A19 are in poor condition and not adequately maintained forcing pedestrians and cyclists onto the A19
- The changes to the junction do not appear to be well-designed; the speed of traffic does not appear to have been considered
- What controls will be put in place to prevent residents of the proposed development from parking in the road to the front of Fairfield Cottages
- The density and the size of the dwellings and plots is not in keeping with surrounding properties, too dense and too small
- Increase of traffic to the site will result in noise and disturbance to the adjacent dwellings
- Road layout and speed limit should be altered, consideration of turning the road in front of Fairfield Cottages into a cul-de-sac
- Concerned that there would be noise and disruption during construction, and the that restrictions are enforced
- Proposed development will impact on existing peaceful community, request additional landscaping to boundaries to limit noise

REPRESENTATIONS OF SUPPORT

3.59 2 written representations making the following points:

- Request that bungalows are sited behind Fairfield Cottages to prevent a loss of privacy
- Support the use of the brownfield location, and the mix of dwellings

REPRESENTATIONS MAKING OTHER COMMENTS

3.60 One representation as summarised below:

- Support the residential development of the site but have concerns regarding the noise and disruption during the construction phase
- Concerns regarding the dwelling density and the implications on traffic exiting the site onto Shipton Road together with the impact to the lay-by used by existing dwellings
- Plans show dwellings on smaller plots than surrounding properties
- Concerned that the density of development is an attempt to increase the value of the land without due concern for the village environment
- Concerned that the large amount of vehicles using the site will result in traffic safety issues, suggest traffic lights and pedestrian crossing be part of the planning permission
- Considered that support from the surrounding community may be more forthcoming if the area by the pond on the eastern side of the site and the western green belt area are turned into landscaped public spaces/parks or perhaps common ground/playing fields

4.0 APPRAISAL

RELEVANT SITE HISTORY

14/00330/EIASN - Request for a Screening Opinion under Regulation 5 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 for a proposed 60 - 65 dwelling residential scheme - NOEIA

KEY ISSUES

1. Policy Background
2. Principle
3. Density, Scale and Landscape considerations
4. Open space
5. Traffic, Highway, Parking and Access Issues
6. Ecology
7. Sustainability
8. Drainage

ASSESSMENT

PLANNING POLICY

4.1 The NPPF sets out the presumption in favour of sustainable development, there are three dimensions/roles to sustainable development: economic, social, and environmental. These roles should not be undertaken in isolation and involves seeking positive improvements in the quality of the built, natural, and historic environment. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. 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 (paragraph 14). Local planning authorities should seek to approve applications for sustainable development where possible and work with applicants to secure developments that improve the economic, social and environmental conditions of the area (paragraph 187). The Framework places strong importance on significantly improving the supply of quality affordable and market housing to meet needs.

4.2 Planning decisions should aim to ensure that developments will:-

- function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- establish a strong sense of place, create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks.
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;
- ensure developments are visually attractive as a result of good architecture and appropriate landscaping. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations.

4.3 Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. 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.

4.4 The York Development Control draft Local Plan was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications although it is considered that their weight is limited except when they are in accordance with the NPPF.

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

4.6 Policy H4a 'Housing Windfalls' of the Local Plan states that permission will be granted for new housing development on land within the urban area providing: it is vacant/derelict/underused or involves infilling, redevelopment or conversion; has good access to jobs, shops and services by non-car modes; and, is of an appropriate scale and density to surrounding development and would not have a detrimental impact on existing landscape features.

4.7 The Skelton Village Design Statement sets out a number of guidelines that are pertinent to the proposed development including: Developers of land to the west of the A19 should consider methods of integration with the existing village (6); Plans for new development need to show awareness of, and not dwarf or submerge, the historical past of the village (1); Future development should not increase flooding risk within the village and should incorporate adequate drainage measures for each development (2); The immediate proximity of the surrounding fields, the rich and varied flora and fauna should not be compromised by future development but supported and enhanced by it (3); All proposed development will be required to satisfy Green Belt restrictions outlined in current planning policy documents (4); Future development should maintain the existing social pattern of mixed housing in mutual proximity wherever possible(5); The scale and density of new buildings should reflect and not swamp that of its own and neighbouring properties. (7b) Whilst the use of vernacular materials of brick, timber and clay pantiles is generally desirable, sympathetic, innovative and high quality new design, especially combined with eco architecture, may also be supported (7d). Design Guidelines 8, 9, and 10 provide guidance on the pattern of development, open space, materials and the streetscene.

PRINCIPLE

4.8 The aim of the National Planning Policy Framework is to provide sustainable development, and as such planning should contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.

4.9 The NPPF is clear in that Planning should operate to encourage and not act as an impediment to sustainable growth. The aim of Local Plan Policy E3b is to retain employment sites in employment uses. The factory was demolished in 2013. The site has been marketed (since December 2013), and the agent states that no viable scheme has come forward; they have submitted details of the marketing and the interest in the site. The NPPF makes clear that the long term protection of sites for employment use when there is no reasonable prospect of a sites being used for that purpose should be avoided (para 22). In addition the agents have made the point that the Authority does not currently have a 5 year housing land supply.

4.10 Policy SP3 'Safeguarding the Historic Character and Setting of York' in the City of York Council Development Control Local Plan (2005) states that high priority will be given to the protection of the historic character and setting of York. The site is within an area classified as an extension to a green wedge (York Green Belt Appraisal 2003 & Historic Character and Setting Technical Paper (2011)) which are considered important to the setting of York. However it should be noted that until recently a large factory building occupied much of the site and the use of the site as residential will result in less visual massing and a generally reduced appearance than the previous factory use. As such the use of the site for residential is not considered to have a further impact on the green wedge and the setting of York than the factory building.

4.11 In principle, the proposed use is compliant with both national and local policy. National policy requires Local Planning Authorities to significantly boost housing supply. The site is in an appropriate location for residential development, and is considered to be previously developed land, where policy steers new development.

4.12 The proposed development is for up to 60 dwellings. For a development of 60 dwellings this would provide a density of development of approx 26 dwellings per hectare. This figure is based on the land within the red line including the pond, soft landscaping, open space. This figure is lower than the 30 dwellings per hectare recommended by Local Plan Policy H5a. Policy L1c of the Local Plan states developments for all housing sites will be required to make provision for the open space needs of future occupiers, this is considered to be consistent with paragraph 73 of the NPPF. As the site is separated from the village by a busy road (A19) the requirement for on-site childrens' equipped playspace is considered to be

reasonable. The indicative plan indicates some open space adjacent to the pond and within the centre of the site. To allow 60 dwellings on this site together with the open space required for such a development may result in a traditional housing development not being achievable and some flatted developments may be required within the development. The on-site open space requirements would be dependent on the number and type of dwellings as such it can be sought via a S106 agreement. The provision of the informal amenity open space and outdoor sports facilities can be provided on-site, off-site, or via an open space payment and can be sought through the S106 legal agreement. A maintenance plan for the open space areas would also be required as part of the S106 legal agreement.

4.13 It is a requirement of Policy GP4a of the Local Plan that a sustainability statement is submitted with applications for development. The proposed development should also meet the requirements of the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction. Residential developments should demonstrate that Code for Sustainable Homes Level 3 can be achieved, are that the development can generate at least 10% of its energy demands from low or zero carbon technology. The applicant has made no reference to the generation of 10% of the energy demands from low or zero carbon for the development, or the Code for Sustainable Homes, it is considered that these standards can be secured through planning conditions.

4.14 Currently the A19 creates severance between the facilities within Skelton and adjacent walking/cycling/public transport infrastructure and the site. The nature of the A19 in terms of traffic volumes and speeds leads to a car dominated environment. The site is approximately 600m, to local facilities within Skelton. Such a walking distance is within recommended national walking distances. Inbound and outbound bus stops are within a short distance of the site entrance onto the A19 and are served by regular services. Rawcliffe Bar P&R is in the region of 1600m which is a 15 minute walk offering high frequency services into the city centre. Whilst the site can be considered to be challenging in terms of sustainable travel the package of highway measures provided through the scheme will maximise and incentivise non car accessibility in accordance with local and national planning and transportation policies.

4.15 The proposed development would be set back from the A19 with the retained pond providing a landscape barrier. The applicant originally submitted layouts showing specific dwellings together with a Design and Access Statement indicating the appearance of the development, this was not considered to give sufficient consideration to the context of the site and were not considered to be acceptable. The most recent layout has removed housing plots, however it does show and indicative road layout and broad indication of where the siting would be proposed, it is unlikely that the indicative road layout would be acceptable on the submission of reserved matters.

4.16 The trees to the north of the northern boundary including Poplars provide an element of screening of the proposal, as well as partially screening the adjacent golf course from the proposed dwellings. These trees would act as a constraint to the specific siting of dwellings close to the northern boundary. The applicant has submitted a noise assessment which has a recommendation for a 2 metre high solid timber acoustic fence along the northern eastern part of the application site where gardens 'back-onto' the A19 Shipton Road to protect the residential amenity in the proposed gardens. By virtue of the retention of the pond, the closest dwelling would be 50 metres from the A59. There are a number of dwellings much closer to the A19. EPU have requested the acoustic fence. However as the site is bounded by the Green Belt the visual impact of a timber fence to this boundary would be very pronounced, negatively impacting on the character of the area. It is unlikely that a timber fence along this boundary would be considered acceptable on the receipt of reserved matters. The impact to residential amenity gardens facing the A19 from road noise can be overcome by an appropriate layout. As such it is not considered that the acoustic fence should be sought via a condition. The appearance, landscaping, layout, and scale are reserved for future approval. The impact on the residential amenity of the occupants of the neighbouring dwellings will be assessed once details of the appearance, landscaping, layout, and scale have been submitted as part of the reserved matters application. As the design of the layout and dwellings are unknown it is not considered that the permitted development rights should be removed at this outline stage, this would be a consideration for the reserved matters application.

4.17 The site by virtue of its previous uses has a number of contamination issues. The applicant has submitted a Phase 1 report of the site and the Environmental Protection Unit is satisfied with these initial details. EPU have requested that additional information regarding the decontamination of the site be sought via conditions.

TRAFFIC, HIGHWAY, PARKING AND ACCESS ISSUES

4.18 The National Planning Policy Framework states that developments should be located and designed where practical to give priority to pedestrian and cycle movements, and have access to high quality public transport. Policy SP8 seeks to reduce dependence on the private car within new developments through, amongst others, accessibility and linking the development with surrounding uses. Policy T7c seeks to ensure all new developments are within 400m of a frequent bus service. Policy T4 seeks to promote cycle parking to encourage sustainable transport choice. These local plan policies are considered to accord with the aims of the NPPF. The Skelton Village Design Statement states that development should have safe access to and exit from the A19 (11).

4.19 Concerns have been raised regarding the traffic generation of the proposed development. The development could be expected to generate in the region of 35

movements during the AM and PM peak periods. This equates to a little over 1 additional vehicle every 2 minutes and will not be perceivable when considering daily traffic fluctuations and existing traffic flows on the adjacent highway network. This analysis of the junction operation has demonstrated that the junction will continue to operate satisfactorily and can accommodate the level of traffic generated by the development. The proposed residential use is not considered to result in a significant increase in traffic numbers than the previous factory use.

4.20 The main vehicular access into the development is to be taken from the A19 by utilising the existing site access. This access will be modified to reduce its width from a commercial standard to that more appropriate for a residential development and provide new kerbing. The access modifications enable the access to be slightly relocated further north thus increasing the distance between the site access and the existing adjacent residential access road.

4.21 Right turning traffic into the site will continue to have the benefit of the right turn ghost island. The slight relocation of the site access also has the benefit of increasing the length and separation of the right turn ghost island serving the existing adjacent residential access road. The accident history for this section of the A19 has been investigated and has not identified any patterns or clusters of accidents that could be anticipated to increase or be exacerbated by the proposed development. The proposed junction arrangement is in accordance with national guidance and offers a suitable width together with visibility to the appropriate guidance.

4.22 Whilst the internal layout will be subject to future reserved matters applications it is anticipated that the scheme will be designed and constructed to CYC standards as a shared space varying between 4.5m and 6m wide and subsequently offered for adoption as publicly maintainable highway. In line with other developments the internal layout will be designed to Manual for Streets guidance with design measures to restrain vehicle speeds to 20mph or below.

4.23 The highway works include;

- a) A financial contribution to be used towards promoting and implementing a traffic order to reduce the speed limit in the vicinity of the site to 40mph
- b) Upgrading of 2 existing pedestrian refuges to the North and South of the site access. The improvements will result in wider refuges creating larger pedestrian holding areas and increased prominence of the refuge.
- c) Provision of pedestrian crossing facilities comprising dropped kerbs, footway works and tactile paving at 4 side road junctions along the main walking route to the facilities in the village of Skelton
- d) A reduction in the length of the A19 Southbound acceleration lane from Fairfields Drive in order to reduce the pedestrian crossing distance over the A19 to a single lane width

- e) Provision of shared pedestrian/cycle facilities to link the site to the existing cycle facilities on the East side of the A19
- f) Relocation and upgrading of the existing Northbound bus stop to include Kassel kerbs, shelter and footway works

4.24 The above highway works can be secured through a S106 Agreement.

4.25 Concern has been expressed that the proposal would result in further competition for parking within the road to the front of Fairfield Cottages, it is considered that the proposed residential development will be able to provide adequate parking provision within the site boundaries.

4.26 Policy NE2 'River and Stream Corridor, Ponds and Wetland Habitats' states that development which is likely to have a detrimental impact on the natural features of river and stream corridors, ponds or wetland habitats will not be permitted. The drawings submitted for the access show conflict between the proposed access road and path and the retained pond. The proposed siting would require a retaining structure for the road which would significantly impact on the health and visual amenity of the pond. Following discussions with the Highways team it is considered that the access road can be sited further to the south than portrayed and therefore removing the conflict and this can be sought via a suitably worded condition. The application is for consideration of the access for the site, not the access road.

AFFORDABLE HOUSING

4.27 The NPPF requires LPAs to identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand, and where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified.

4.28 The City of York's current policy is that on brownfield sites such as this the minimum affordable housing on-site requirement is 20%. It is expected that 70% of these units will be social rented and 30% discount sale tenure and they will be 'pepper-potted' evenly throughout the development. It is considered that this can be secured through a S106 legal agreement.

DRAINAGE

4.29 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. The Strategic Flood Risk Assessment (Revision 2) (2013) and Local Plan Policy GP15a: Development and Flood Risk advise discharge from new development should not exceed the capacity of receptors and water run-off should, in relation to existing run-off rates, be reduced.

4.30 By virtue of the potential to affect neighbouring land and roads it is considered that this information is required to ensure that the proposed drainage method is appropriate and works in this location, it is considered that in this case the information can be sought via condition.

EDUCATION

4.31 Development Control Local Plan Policy ED4 states that the impact of new residential developments on local schools needs to be considered. Supplementary Planning Guidance to this policy sets out criteria for assessing the required financial contribution to be sought from residential developments. Currently the local primary and secondary schools have sufficient space, however this may not be the case once development has started following approval of reserved matters and therefore it is considered prudent that the criteria could be included within the S106 to allow flexibility.

5.0 CONCLUSION

5.1 The proposed development of the brownfield site for residential development is considered to be acceptable in principle, and approval of this outline application is recommended. Approval is recommended subject to the completion and signing of a Section 106 agreement covering education contribution, open space, affordable housing, and highway works.

COMITTEE TO VISIT

6.0 RECOMMENDATION:

- (i) Defer Pending completion of a satisfactory Section 106 Agreement to secure the matters set out in paragraph 5.1 above
- (ii) Grant delegated authority to officers to approve on completion of the Section 106 Agreement, subject to the following conditions:-

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

Details to be submitted: appearance, landscaping, layout and scale of the proposed development to be carried out, including a schedule of all external materials to be used (hereinafter referred to as "reserved matters").

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006.

2 The application for approval of all reserved matters referred to in Condition 1 above shall be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission and the development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

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

Drawing Number J-BO592 Revision R3 received 05 January 2015

Location Plan Drawing Number 13043_PL01 Revision A received 07 January 2015;

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

4 Notwithstanding the approved drawing the access road to the south of the retained pond shall be sited further away from the aforementioned pond than shown in Drawing Number J-BO592 Revision R3 received 05 January 2015. Detailed drawings shall be submitted for the reserved matters application showing the road and pavement set away from the retained pond, and ensuring that the appearance and health of the pond are not affected by the construction or maintenance of the road and walkway

Reason: To ensure there is no conflict between the access road and pavement and the retained pond.

5 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

Reason: In the interests of the visual amenities of the area and the extension to the green wedge as set out in the York Green Belt Appraisal 2003 & Historic Character and Setting Technical Paper (2011).

INFOMRATIVE: Close boarded timber fencing to the north and west boundaries of the site is unlikely to be supported.

6 VISQ8 Samples of exterior materials to be app -

7 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning

Application Reference Number: 14/01478/OUTM

Item No: 4b

Authority, and carried out in accordance with these approved details.

The following information shall be submitted with the reserved matters application:

- (i) Details to include calculations and invert levels to ordnance datum of the existing surface water system should be provided together with details to include calculations and invert levels to ordnance datum of the proposals for the new development.
- (ii) A topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties shall be submitted. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.
- (iii) Existing and proposed surfacing should be shown on plans.
- (iv) Additional surface water shall not be connected to any foul / combined sewer, if a suitable surface watercourse is available. Suitability and capacity of point of discharge should be proven.
- (v) If the proposed method of surface water disposal is via infiltration methods, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself. City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

If SuDs methods are proven to be unsuitable then in accordance with City of York Council's Strategic Flood Risk Assessment, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven connected impermeable areas). Storage volume calculations, using computer modelling, 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.

Existing connected impermeable areas should be proven by way of drainage and CCTV survey. If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site. To ensure compliance with City of York Council's Strategic Flood Risk Assessment (2013) and Policy 15a Of the City of York Development Control Local Plan (2005).

- 8 LAND3 Protection of existing planting -
- 9 LAND1 IN New Landscape details -
- 10 HWAY1 Details roads,footpaths,open spaces req. -
- 11 HWAY7 Const of Roads & Footways prior to occup -
- 12 HWAY19 Car and cycle parking laid out -
- 13 HWAY40 Dilapidation survey -
- 14 HWAY41 Safety Audit -

15 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved method of works statement. Such a statement shall include at least the following information;

- (i) the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- (ii) where contractors will park
- (iii) where materials will be stored within the site
- (iv) 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.

- 16 HWAY34 Completion of the highway -

17 Prior to the development hereby approved coming into use, a three pin 13 amp external electrical socket which is also suitable for outdoor use shall be installed within the curtilage of each dwelling. The socket shall be located in a suitable position to enable the charging of an electric vehicle within the garage or on the driveway using a 3m length cable.

Note: Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations and be suitable for charging electric vehicles. It should also have a weatherproof cover and an internal switch should be also provided in the property to enable the socket to be turned off.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles. To promote the use of low emission vehicles on the site in accordance with paragraph 35 of the National Planning Policy Framework.

18 Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. 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'.

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.

19 Prior to development, 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) shall be submitted to and approved in writing by 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 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Prior to first occupation or use, the above remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority

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

20 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 and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the aforementioned remediation scheme a verification report must be prepared, shall be submitted to and approved in writing by the Local Planning Authority.

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

21 Prior to the occupation of each building details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall detail the locations, heights, design and lux of all external lighting associated with that building. The development shall be carried out in accordance with the approved lighting scheme.

Reason: In the interests of visual amenity, to prevent light disturbance and nuisance

22 Prior to the commencement of the development, the developer shall submit for the written approval of the Local Planning Authority an initial Code for Sustainable Homes (CSH) Design Stage assessment for the development. Unless otherwise agreed in writing with the Local Planning Authority, this shall indicate that at least the minimum code level 3-star rating will be achieved. This shall be followed by the submission of a CSH Post Construction Stage assessment, and a CSH Final Certificate (issued at post construction stage). These documents shall be submitted to the Local Planning Authority after completion and before first occupation of the building. Both documents submitted shall confirm that the code rating agreed in the initial CSH Design Stage assessment has been achieved.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction

23 No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority to demonstrate how the development will provide 10% of its predicted energy requirements from on-site renewable sources. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the local planning authority. The approved scheme shall be implemented before first occupation of the development. The site shall thereafter be maintained to the required level of generation.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction

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

Reason: To protect the amenity of neighbouring residents during the construction phase of this development.

Informative:

For noise details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

For vibration details should be provided on any activities which may results in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations.

All monitoring results should be recorded and include what was found and mitigation measures employed (if any).

For dust details should be provided on measures the developer will use to minimise dust blow off from site, i.e. wheel washes, road sweepers, storage of materials and stock piles, used of barriers, use of water bowsers and spraying, location of stockpiles and position on site. Details would be provided of proactive monitoring to be carried out by the developer to monitor levels of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints. All monitoring results should be measured at least twice a day and result recorded of what was found, weather conditions and mitigation measures employed (if any).

For lighting details should be provided on whether or not artificial lighting will be provided on site during the development of the site and also include hours of operation. Mitigation measures to ensure that there is no loss of amenity to neighbours due to light pollution should also be detailed.

In addition the CEMP shall set out details of the complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (ie investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved.

25 All piling operations shall be carried out using the method likely to produce the least vibration and disturbance. Full details of the dates, times and duration of operations shall be submitted to and approved in writing by the Local Planning Authority before any piling operations are begun and piling operations shall take place in accordance with the approved details.

Reason: To protect the amenity of neighbouring residents during the construction phase of this development

26 Except in case of emergency, no construction operations which are audible beyond the boundary of the site shall take place on site other than between the hours of 08:00-18:00 Monday to Friday and between 09:00-13:00 on Saturdays. There shall be no working on Sundays or Public Holidays. The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason: To protect the amenity of neighbouring residents during the construction phase of this development.

27 During the construction process heavy goods vehicles shall only enter or leave the site between the hours of 08:00-18:00 on weekdays and 09:00-13:00 Saturdays and no such movements shall take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).

Reason: To protect the amenity of neighbouring residents during the construction phase of this development.

28 No development will take place until an archaeological evaluation of the site has been carried out in accordance with a detailed methodology (which will detail a trial trench, analysis, publication and archive deposition) which shall first be submitted to and approved in writing by the Local Planning Authority and a report submitted to and approved in writing by the Local Planning Authority. A report on the results of the evaluation shall be submitted to the Local Planning Authority within six weeks of the completion of the field investigation.

Reason: The site is located within an area identified as being of archaeological interest. The investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ.

29 If following the carrying out of the archaeological evaluation required by Condition 28, the Local Planning Authority so requires, an archaeological excavation of the site will be carried out before any development is commenced. The excavation shall be carried out in accordance with a detailed methodology (to include trenches, community involvement, post-excavation analysis, publication and archive deposition), which shall first be submitted to and approved in writing by the said Authority. Reasonable access shall be afforded to any Local Planning Authority nominated person who shall be allowed to observe the excavations. A report on the excavation results shall be submitted to the Local Planning Authority within twelve months of the completion of the field investigation.

Reason: The site is located within an area identified as being of archaeological interest. The investigation is required to ensure that archaeological features and deposits identified during the evaluation are recorded before development commences, and subsequently analysed, published and deposited in an archaeological archive

7.0 INFORMATIVES: Notes to Applicant

1. 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:

- Request revised plans and further information
- Section 106 Legal agreement
- Use of conditions

2. LEGAL AGREEMENT

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

3. INFORMATIVE

The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0345 120 84 82, Fax 01274 303 047) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

4. INFORMATIVE:

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site

5. 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:

Section 38/278 - Michael Kitchen (01904 551336)

6. INFORMATIVE:

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

Contact details:

Author: Victoria Bell Development Management Officer

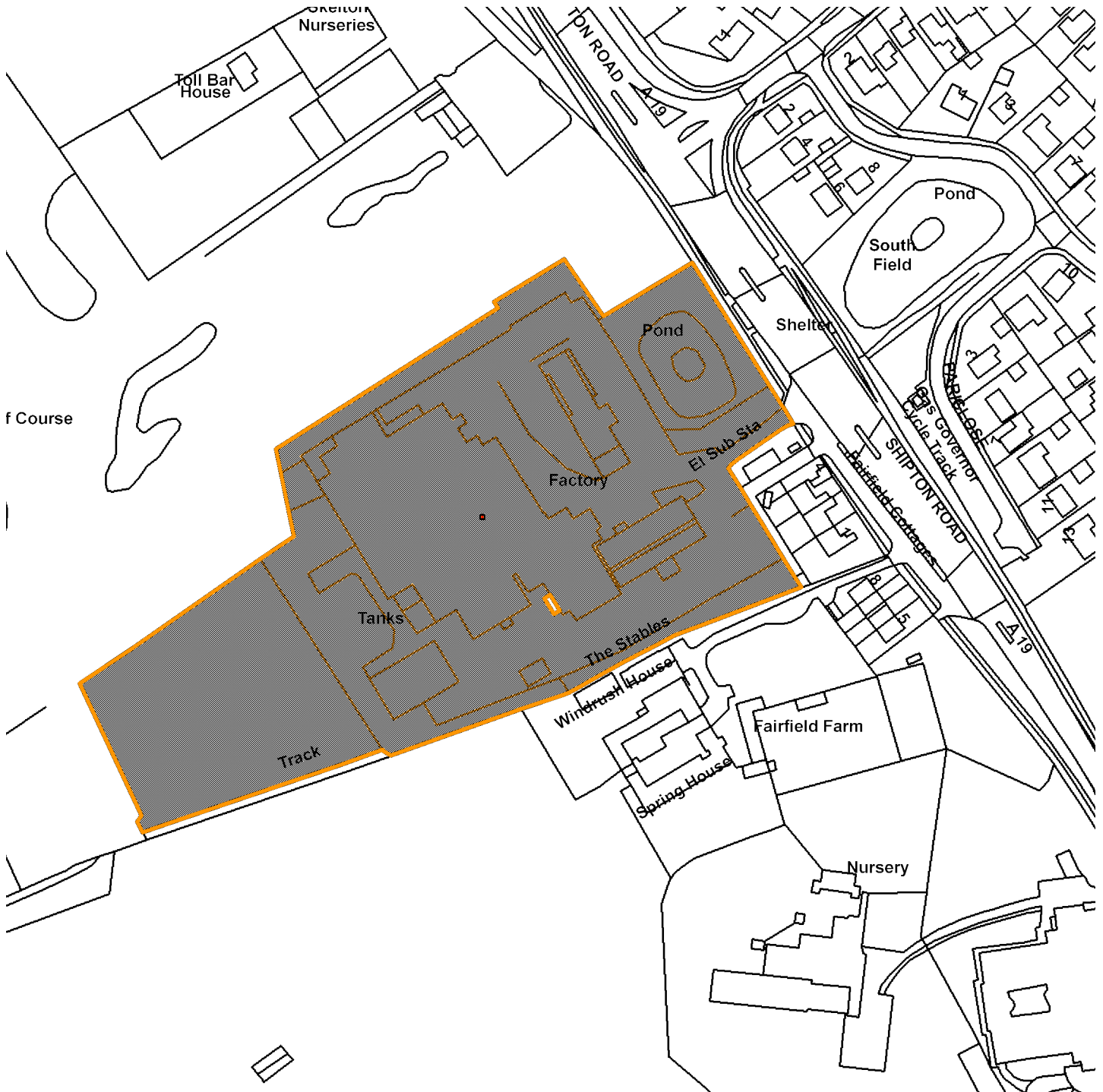
Tel No: 01904 551347

14/01478/OUTM

Del Monte Skelton Park Trading Estate Shipton Road Skelton



GIS by ESRI (UK)



Scale : 1:2119

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Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	13 January 2015
SLA Number	Not Set

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COMMITTEE REPORT

Date: 22 January 2015 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 14/02091/FULM
Application at: 1 - 9 St Leonards Place York YO1 7ET
For: Residential development including conversion of existing buildings, construction and demolition to form 29 no. apartments, 5 no. town houses and 6 no. mews houses including 2-4 Museum Street
By: Mr Mark Finch
Application Type: Major Full Application (13 weeks)
Target Date: 8 December 2014
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 This application seeks planning permission for the change of use of 1-9 St Leonard's and 2- 4 Museum St, and includes the former stable block to the rear. At present these buildings are vacant and were last used as City of York Council offices. The applicants wish to convert the buildings into 5 no. town houses and 29 no. apartments. The former stable block would be converted to 1 no. mews house with a double garage and 5 no. mews houses over 5 no. double garages would be developed along the rear lane. The layout of the existing St Leonard's place car park would be revised to create a private car park with 30 no. parking spaces. Gates and railings would be reinstated around the car park area.

1.2 The site is not allocated within the City of York Development Control Local Plan 2005 and is shown as white land. 1-9 St Leonard's Place is Grade II* listed while 2 and 4 Museum St is Grade II listed. The car park includes a section of Roman wall (listed at Grade I). The stable block to the rear of the site is curtilage listed and built into the City walls, a Scheduled Ancient Monument. The whole of the application site falls within the Central Historic Core Conservation Area. This application is accompanied by a listed building application which is also to be considered at this Committee Meeting (Ref. No. 14/02104 /LBC).

1.3 Externally minor alterations are proposed to the St Leonard's Place or Museum St frontages and they include the removal of a chimney, additional downpipes and balcony treatment. To the rear of St Leonard's Place some demolition of later additions to the building are proposed and roof extensions for the lift overruns.

1.4 Revised plans were submitted during the course of the application and one garage space to the rear lane has been removed and the mews property over has

been reduced in size. Additional surface cycle parking has been provided and refuse storage has been removed from the frontage of the buildings to less prominent location (a store at the rear of Museum Street and a store in the former St Leonard's Place car park, meaning that 29 no. car parking spaces would be provided in this location).

Planning History

1.5 Application reference 12/01975/FULM with associated Listed Building consent 12/01976/LBC for a hotel with associated leisure uses was approved at main Planning Committee in 2012. It is noted that this permission has not been implemented and therefore the hotel use is not the established use of the site in planning terms.

1.6 A screening opinion was issued under the Town and Country Planning (Environmental Assessment) Regulations 2011, as the proposal is described in Schedule 2 and falls within a sensitive area (the former stable block is built into the City walls, a Scheduled Ancient Monument). However it was concluded that an Environmental Impact Assessment was not required.

2.0 POLICY CONTEXT

2.1 Constraints

- Areas of Archaeological Interest GMS Constraints: City Centre Area 0006
- Conservation Area GMS Constraints: Central Historic Core
- City Boundary GMS Constraints: York City Boundary
- Listed Buildings GMS Constraints: Grade 1; Wall 5m North Of Kings Manor 0620
- Listed Buildings GMS Constraints: Grade 1; Wall 2m N Of York 0630
- 2, 4 Museum St (each Grade II)
- 1-9 St Leonard's Place St L Pl (each Grade II*)

Scheduled Ancient Monuments GMS Constraints: SMR 30 City Walls Bootham Bar To Museum Street 0176

2.2 Most relevant Development Control Local Plan Policies:

- Development Plan Allocation: None
- CYHE5 - Demolition of Listed Buildings and Buildings in Conservation Areas
- CYHE10 - Archaeology
- CYHE2 - Development in historic locations
- CYNE1 - Trees, woodlands, hedgerows
- CYNE6 - Species protected by law
- CYGP1 - Design
- CYGP3 - Planning against crime
- CYGP4B - Air Quality
- CYL1C - Provision of New Open Space in Development
- CYGP9 - Landscaping
- CYGP6 - Contaminated land
- CYE3B - Existing and Proposed Employment Sites
- CYHE3 - Conservation Areas
- CYHE4 - Listed Buildings
- CYGP4A - Sustainability
- CYH2A - Affordable Housing
- CYH3C - Mix of Dwellings on Housing Site
- CYH4A - Housing Windfalls
- CYH5A - Residential Density

3.0 CONSULTATIONS

INTERNAL

ENVIRONMENTAL MANAGEMENT

3.1 Ecology; A bat survey undertaken in 2012 was updated in August 2014. Both surveys found the building to have moderate potential for roosting bats, but subsequent emergence surveys did not identify any roosts and concluded that the proposals are unlikely to impact on bats. However, recognising the roost potential of the buildings, if this application is approved, an informative relating to bats should be added.

3.2 Conservation; The application site is within the Central Historic Core Conservation Area. The proposed extensions to be demolished to the rear of the building do not positively contribute to the appearance of the building or character of the conservation area. The proposed mews properties would sit comfortably behind the terrace due to its limited height and scale.

3.3 Landscape; No objections to the proposed tree removals for the reasons given in the tree survey, provided they are suitably replaced. The existing trees within the car park are shown as retained in the development proposals and should be protected. The Beech and Birch to the rear of number 7 are attractive trees, but as they mature they will not be sustainable in this location. Therefore there is no objection to their removal. The best tree is the Lime tree adjacent to the City wall. A tree protection method statement would be required to ensure these trees are protected.

3.4 In respect of the three Sycamores at the entrance of the former Finance Centre off Library Square, these trees are not in good form so objections are not raised to their removal. Nonetheless purely from a visual perspective they do provide a valuable greening of the urban environment and the amenity of Library Square. They also provide a suitable foil for the juxtaposed buildings. To this end a replacement tree is expected to be included in the landscaping scheme at ground level i.e. not in a raised bed. This could be a fastigate tree with height.

3.5 Sustainability ; The scheme will be expected to meet at least BREEAM Very Good standards for the 29 multi-residential flats, BREEAM Eco-Homes Very Good standard for the refurbished houses, and Code 3 for Sustainable Homes for the new build mews properties. Due to the listed nature of the existing buildings, should the applicant be unable to achieve the above standards and has demonstrated this via written evidence, the LPA will evaluate this and discuss options with the applicant. To date no substantial amount of information has been presented to illustrate that the above can not be achieved and a condition is proposed.

3.6 Archaeology ; The site lies within the Area of Archaeological Importance and the Central Historic Core Conservation Area. The site lies in an area where there are both designated and undesignated heritage assets of national importance. The

City wall scheduled ancient monument lies within the red line boundary (SAM no. 30).

3.7 The applicant has submitted a comprehensive archaeological desk-based assessment. This identifies the range, quality, and significance of both the sub-surface and above ground archaeological features. The proposed works, including demolition, extension, pathway, walls, and landscaping may have an impact on sub-surface archaeological deposits. These impacts are acceptable if mitigation measures are in place. This can be achieved through an archaeological recording and publication through an archaeological watching brief. This should be conditioned within any approval. The significant collection of carved medieval stonework that is incorporated into the current landscaping at the rear of 1-9 St Leonard's Place must be retained on site and incorporated into the new landscaping for this development. This should be conditioned. To improve the public interpretation of the area and conservation, a contribution of £7,500 to interpretation boards, repairs and conservation should be sought.

HIGHWAY NETWORK MANAGEMENT

3.8 No objections are raised to the proposal; the site is in a highly sustainable location with extensive public transport links. The proposal has been supported by a Transport Statement. Access to the proposed mews properties would be from Library Square and this is acceptable. The level of car parking proposed meets maximum standards in Annexe E. Following negotiation revised drawings now show surface cycle parking in the scheme and provision will be made through a combination of basement, garage and a dedicated building with 8 Josta storage racks. In order to further promote sustainable transport S106 contributions are sought to the City Car Club to cover promotional measures and the choice of either a free bus pass or cycle/cycle equipment. Standard conditions should be applied to cover cycle parking and highway works.

ENVIRONMENTAL PROTECTION UNIT (EPU)

3.9 Noise -The submission does not include noise monitoring for the Museum Street facade and night time noise levels on St Leonard's Place and this should be provided.

3.10 Following the submission of additional noise monitoring information as requested, the measured levels indicate that noise mitigation measures will be required to achieve satisfactory internal noise levels of 35dB(A) during the day time and 30dB(A) at night time, in accordance with BS8233 and World Health Organisational Guidelines. This level would appear to be achievable through appropriately designed secondary glazing and The EPU raise no objections subject to the locally adopted standards of 30dB(A) night time and 35dB(A) day time being conditioned.

3.11 Air Quality - The proposed use of the building for residential accommodation is of relevance from an air quality perspective as residential use is considered to be a sensitive receptor. The EPU undertake monitoring of nitrogen dioxide at ground floor locations and there have been extensive breaches of the annual average nitrogen dioxide objective in recent years. Whilst levels fell in 2013, monitoring is indicating that breaches may be occurring at the facade of the building. An air quality assessment has been submitted by AECOM.

3.12 To minimise ingress of pollutants into the building and potential exposure of future residents to poor air quality, a ventilation strategy has been developed, which acknowledges that all houses and apartments will be mechanically ventilated, with clean air being drawn from the rear of the building. This should be coupled with non-opening windows to all habitable rooms (living areas/bedrooms) facing onto St Leonard's Place and Museum Street. This would not be required for rear elevations away from the road.

3.13 The EPU has agreed an additional 3 month monitoring period to assess levels of pollutants at different floor levels to inform the requirement for non-opening windows. Pending the submission of this information, it is recommended that a condition be placed on any approval that there shall be non-opening windows on the St Leonard's Place and Museum Street facade unless it can be demonstrated to the satisfaction of the Local Planning Authority that levels next to proposed window openings are not in breach of the health based annual mean objective.

3.14 Other - In line with the Council's adopted Low Emission Strategy, and the National Planning Policy Framework developers should strive to promote the use of low emission vehicles on site via provision of necessary infrastructure. The Environmental Protection Unit would like to see an electric vehicle recharge point installed within the car park and garages and this should be conditioned. Construction hours and a construction management plan should be conditioned to protect the amenity of adjacent residents and businesses and conditions covering contamination should be imposed to protect the amenity of future occupants.

ECONOMIC DEVELOPMENT UNIT (EDU)

3.16 Whilst EDU would have liked to have seen the site being taken up for higher end hotel accommodation, it is recognised that the proposal would provide welcome quality residential development. The layout and quality of internal space do not provide high quality of office accommodation that is required.

FORWARD PLANNING

3.17 No objections are raised. Previous comments relating to loss of employment applies. There is no net loss of employment provision for the City as the Council has

relocated to new office space at West Offices and no objections to the proposed loss of the site for employment purposes. The site performs well as a housing windfall, it has good access to jobs, shops and services and is in a sustainable urban location. The proposed mix at St Leonard's Place provides a mix of accommodation to help address identified housing need.

FLOOD RISK MANAGEMENT TEAM

3.18 No objections. The development is in low risk Flood Zone 1 and should not suffer from river flooding. As there is little room to accommodate any surface water attenuation and that there will be some replacement of existing buildings with landscaped areas and some reduction of surface water run-off. Yorkshire Water should be consulted.

COMMUNITIES CULTURE AND THE PUBLIC REALM

3.19 No objections. As there is no on site open space commuted sums should be paid to the Council for amenity open space which would be used to improve a local site such as Museum Gardens or Clarence Gardens; play space which would be used to improve a local site such as Clarence Gardens (this does not apply to the 4 x one bed dwellings); sports pitches to improve a facility within the South Zone of the Sport and Active Leisure Strategy. The contribution to off site provision is to be based on the latest York formula.

EDUCATIONAL PLANNING

3.20 No contribution is required as catchment schools (Clifton Green Primary and Canon Lee Secondary) have adequate capacity to accommodate the additional places generated.

HOUSING SERVICES

3.21 Following detailed negotiations the Housing Development team now support the application in principle subject to the completion of a Section 106 agreement (s106).

3.22 A full and independent financial appraisal has been carried out by the District Valuer Services. The appraisal has concluded that a sum of £298,169 is viable as a contribution towards affordable housing. On-site affordable housing has not been sought in this instance due to viability, high maintenance and service charges, and heritage considerations. Affordable Housing policy in York encourages the use of an independent financial appraisal where the applicants state that the usual policy level of affordable housing is not viable as in this case.

3.23 The applicants have agreed to pay the full affordable housing financial

contribution in instalments as follows:

- Payment of £99,389 after £5,721,750 of sales value has been achieved
- Payment of £99,390 after £11,443,500 of sales value has been achieved
- Payment of £99,390 after £20,598,300 of sales value has been achieved

3.24 The s106 would include provision to allow the funds to be used for an off-site affordable housing scheme in lieu of paying a commuted sum to the council where the scheme is agreed by the council as meeting our strategic aims and policies and it can be demonstrated that the off-site provision is at least equivalent to the value of the commuted sum which has been deemed viable.

EXTERNAL

GUILDHALL PLANNING PANEL

3.25 - Support the application and welcome the reuse of the buildings.

ENGLISH HERITAGE

3.26 Support the application, subject to full and appropriate resolution of detailed issues concerning the listed buildings, curtilage structures and trees.

YORKSHIRE WATER

3.27 No objections.

POLICE ARCHITECTURAL LIAISON OFFICER

3.28 No objections. Suitable window and door locks are to be provided. The communal car parking area will be securely enclosed and CCTV coverage recommended. There have been issues on site with rough sleepers etc but the proposal will help to address this by providing a more secure and overlooked environment. The proposal will provide residents with a safe, non-threatening environment in which to live. This accords with core principles of the National Planning Policy Framework.

COUNCIL FOR BRITISH ARCHAEOLOGY (CBA)

3.29 Comment that whilst the CBA supports the conversion to residential, we suggest there is an opportunity to improve the interpretation of York's historic City walls. Significant public benefits are there to be gained for York. The coach house could be removed from the scheme and brought into use as an interpretation area, a viewing platform could be created on the City wall to allow further interpretation. Part of the Roman fort wall will be screened off within the car park area and this should be reconsidered.

CONSERVATION ADVISORY PANEL (CAAP)

3.30 The panel had no objection to the scheme in principle but regretted the loss of some of the staircase in 4 Museum Street. It was also felt that detailing was important and hoped that the new railings would be of imperial measurements not metric. The panel, whilst overall supportive of the proposal, considered that the success of the proposal in execution would focus on the treatment of the building features and details. The panel expressed concern over how this would be documented sufficiently through the planning approval process, and how this would be monitored at the construction phase to ensure that it was adhered to, especially given the limited resources available for CYC to spend time on this.

OTHER THIRD PARTIES

3.28 - A letter was received from a local resident regarding the opportunity that the application presents for the opening up of public access to the set of ancient monuments to the rear (including the City wall, Anglian Tower, Roman fortress wall and remains of St Leonard's Hospital between St Leonard's Place and the Multangular Tower). Access could be improved from the rear of the library and from Manor Lane and could make the view from the ramparts more available. A letter of support has been received welcoming the conversion of the listed buildings back into their former use.

4.0 APPRAISAL

4.1 Key Issues:

- Loss of employment use
- Principle of residential use
- Impact on character and appearance of the Conservation Area, heritage assets and their setting.
- Air quality
- Noise
- Neighbouring amenity
- Highways
- Sustainability
- Ecology
- Affordable Housing

LOSS OF EMPLOYMENT USE

4.2 Although the buildings 1-9 St Leonards and 2-4 Museum Street were originally in residential use (including a subscriptions library and club) they were converted to offices and were last used as the main Council office building. The buildings are now vacant. The established use of the buildings in planning terms is B1 office

accommodation. Office use is classified as a main town and city centre use. The NPPF seeks to promote the vitality of town and city centres and requires Local Planning Authorities to set policies which are positive and promote competitive town centre environments. In part it is suggested that this should be done by allocating a range of sites for offices to ensure that office uses are met in full and not compromised by site availability. An assessment of need should be undertaken to ensure sufficient office supply is available.

4.3 Development Control Local Plan Policy E3b seeks to protect existing employment sites within their existing use class unless development proposals meet certain criteria. This criterion is: a) there is a sufficient supply of employment land in quantitative and qualitative terms in the immediate and longer term; and b) unacceptable environmental problems exist; or c) the development of the site for other appropriate uses would lead to significant benefits to the local economy; or d) the use is ancillary to an employment use.

4.4 As Members will be aware St Leonard's Place and Museum Street offices are now vacant as Council services have moved to West Offices. Part of the West Offices development included a substantial expansion of the amount of office floor space. Therefore, seen in overall context, the change of use of St Leonard's and Museum St offices to another use does not result in a significant reduction in employment land

4.5 Demand is for open plan offices and it is recognised that the layout of St Leonard's and Museum Street offices do not meet modern day requirements. Given that the buildings are Grade II* and Grade II, there is no scope for significant internal alterations to create a modern office environment. It is predicted by the applicants that retaining the buildings as offices is likely to result in the building remaining vacant for a very long period and as such the buildings would deteriorate further. The Forward Planning team and Economic Development Unit have assessed the application and raise no objections to the loss of office use at the site. Although not the established use of the buildings in planning terms, the applicants have provided information to demonstrate their endeavours to implement the approved hotel scheme were unsuccessful.

4.6 Given the above, there are no objections to the proposed loss of the office use and the proposal is in accordance with Polciy E3b of the DCLP 2005 and with the aims of the NPPF which states that long term protection of employment sites should be avoided where there is no reasonable prospect of a site being used for that purpose.

PRINCIPLE OF RESIDENTIAL USE

4.7 It is noted that the proposal seeks to convert the main buildings at 1-9 St Leonard's Place and 2-4 Museum Street back to their original residential use, and in

addition, mews houses would be built to the rear and the former stable building would be converted to a two bedroom property. In order to ensure the vitality of town centres the NPPF states that Local Planning Authorities should recognise the role that residential development can play in town centres and states that policies should encourage residential development on appropriate sites. In locational terms the NPPF guides new residential development towards sites within sustainable locations near to public transport and local facilities. As a City centre site, the site falls within a sustainable location being within short walking distance of shops and other facilities and existing bus stops. It is noted that the dwellings would contribute to the housing supply in York and would provide a range of larger two plus bedroom apartments and larger town houses.

IMPACT ON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA, HERITAGE ASSETS AND THEIR SETTING

4.8 In accordance with section 72 of the Planning (Listed Building and Conservation Area) Act 1990, the Local Authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area in exercising its planning duties. Section 66 of the same Act requires the Local planning authority to have regard to preserving the setting of Listed Buildings or any features of special architectural or historic interest it possess. The NPPF states that Local Authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets and that they should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including any development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise para 129. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the to the asset's conservation. The more important the asset the greater the weight should be. Where a proposed development would lead to substantial harm or to total loss of significance consent should be refused, unless this is necessary to achieve substantial public benefits; where a development proposal would lead to less than substantial harm to the significance of the asset, this harm should be weighed against public benefits of the proposal. The NPPF goes on to state that Local Planning Authorities should look for opportunities within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance, para 137.

4.9 The application site falls within the Central Historic Core Conservation Area and within the Area of Archaeological Importance where there are both designated and undesignated heritage assets of national importance. The whole of the application site lies within Character Area Four: 'Museum Gardens and Exhibition Square' which contains a concentration of cultural and civic uses. 1-9 St Leonard's Place, is listed at grade II*, and 2&4 Museum Street is listed at grade II. The stable block is curtilage listed, built into the City walls; Scheduled Ancient Monument (SAM 30). A

section of the Roman wall (listed at grade I) lies within the car park and the site backs on to the City walls. The site contains a number of important amenity trees within the existing car park and to the rear of the site that soften the setting of the heritage assets.

4.10 The crescent form of St Leonard's Place is distinct, and the classical composition, with its first floor decorative balcony and giant twinned pilaster detail, dignifies the street. Nos. 2&4 Museum Street make a positive contribution to the setting of the structures around Library Square and the buildings are seen within views on a main approach to the Minster. The applicants are not proposing major alterations to the front elevations of the buildings (additional rainwater goods would be attached, a chimney would be removed and metal railings would be installed to a balcony). Architectural details would be cleaned and restored and frontage redecorated, enhancing the appearance of the building.

4.11 Major benefits of the proposals on the character the Conservation Area and setting of the listed buildings are: the removal of C20th buildings of low significance to create some openness for gardens/yards, the restoration of party walls between buildings and re-animation of the street by reopening of main entrances to serve individual properties. This would preserve the setting of other heritage assets in the wider Conservation Area.

4.12 Original proposals for the mews properties to the rear of the site were problematic in that the footprint of the mews intruded on to Library Square, which is framed by St Leonard's Hospital (grade I), the Library and no 4 Museum St (both grade II) affecting its character and setting. Revisions to plans have been submitted following negotiations, and the scheme now provides a suitable separation gap showing the mews buildings with their integral garages in a semi-private zone and service street. The additional space created allows for two trees to be planted to soften this view retaining the integrity of the public space and screening views of the secondary/service lane. This would enhance the Conservation Area and access to the site. In terms of scale the proposed mews development would sit behind no 1-9 St Leonard's Place and as it would be below two storeys it would respect the dominance and amenity of the primary buildings.

4.13 Revisions were sought to the proposals for the former stable building set within the City walls (Scheduled Ancient Monument) to ensure that the scheme better reflected its historic character and function and this has been achieved by the removal of large areas of glazing and retention of original features. It is noted that Scheduled Ancient Monument Consent has been granted by English Heritage for the works to the former stable block as part of this scheme.

4.14 The Council for British Archaeology has commented that significant benefits could arise from the scheme by creating an interpretation area in the former stable block, a viewing platform on the walls and by reconsidering the enclosure of the

former Roman wall in the car park area. A letter has also been received from a local resident highlighting the opportunity that the application presents for the opening up public access to the ancient monuments. However, the City Archaeologist has assessed this proposal and states that the area is already covered by the Mint Yard Conservation Management Plan which provides the framework for the future conservation and interpretation of the area. The section of listed Roman wall would still be visible through the railings. He states that the points made by the CBA and resident requiring better access and interpretation of the area are valid. A contribution of £7,500 for interpretation, conservation, repair and new signage for the area to secure positive benefits is therefore agreed with the applicant as part of a Section 106 Agreement.

4.15 A simpler gate/railings detail is now proposed around the private car park which would be more complementary with existing railings at ground floor and large scale details should be conditioned.

4.16 The mature lime tree to the rear of the site would be retained and protected as part of the proposal. The beech and birch to the rear of St Leonard's Place would be removed, and this would be acceptable, subject to relevant approvals. The three sycamores in the raised bed adjacent to the former finance centre would be removed and replaced with two new trees at ground level and this is acceptable subject to detail. Conditions should be imposed to ensure that trees are protected during construction and to ensure that a suitable landscaping/tree replacement scheme is provided.

4.17 The NPPF states that where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, an appropriate desk based assessment or field evaluation should be submitted. The applicant has submitted a comprehensive archaeological desk-based assessment. The proposed works, including demolition, extension, pathway, walls, and landscaping may have an impact on sub-surface archaeological deposits; however, these impacts are acceptable if mitigation measures are in place and this can be achieved through recording and a watching brief. This would be conditioned. The significant collection of carved medieval stonework that is incorporated into the current landscaping at the rear of 1-9 St Leonard's Place and within the raised planting bed, must be retained on site and this would be subject to condition.

4.18 Taking the above into account, and subject to conditions to ensure appropriate resolution of detailed matters, the proposal would preserve and in part enhance the character and appearance of the Conservation Area and the setting of the heritage assets, the proposal would secure positive benefits for public interpretation/ repair and conservation of assets. This would be in accordance with the requirements of the NPPF and with Policies HE3 and HE4 of the DCLP 2005.

AIR QUALITY

Application Reference Number: 14/02091/FULM

Item No: 4c

4.19 Para 123 of the NPPF requires that adverse impacts on health and quality of life are mitigated and reduced and that planning decisions should ensure that any new development in Air Quality Management Areas (AQMAs) is consistent with the local air quality action plan. Policy GP4b requires proposals for development within AQMAs to assess their impact on air quality. Both of St Leonard's Place and Museum Street are an AQMA. The streets are classified as AQMA due to elevated concentrations of nitrogen dioxide which are primarily produced by motor vehicles. The AQMA is given to the area as it is considered that their needs to be an improvement in air quality for the benefit of public health.

4.20 Not adding to the existing air quality problems in the area is of important, and both the Environmental Protection Unit and Highways Network Management are content that the application would not increase vehicle trips over and above the former office use of the site and therefore the proposed residential use would not result in a reduction in air quality.

4.21 The Environmental Protection Unit has concerns regarding the air quality impacts on future occupiers, and concerns primarily focus on habitable rooms (living rooms/bedrooms) which have a windows that directly open onto a the main facades to St Leonard's Place and Museum Street.

4.22 The applicants have devised a strategy for overcoming this concern. A ventilation strategy has been submitted which allows all rooms to be mechanically ventilated by clean air drawn from the rear of the building. In addition to this, EPU also recommend a condition that all windows fronting onto St Leonard's Place and Museum Street which serve habitable rooms are to be non-opening. However, EPU have agreed a further period of air quality monitoring and note that should levels be found to fall within acceptable standards on upper floors of the building, this requirement would be relaxed. A condition is therefore recommended to this effect and this has been accepted by the applicants.

4.23 Subject to the condition proposed, the scheme would comply with Policy GP4b of the DCLP 2005 and with national guidance contained within the NPPF.

NOISE

4.24 The NPPF states that planning decisions should aim to avoid noise giving rise to significant adverse impacts on health and quality of life, para 123 and Policy GP1 of the DCLP 2005 requires that there should be no undue adverse impact from noise disturbance.

4.25 A Noise Assessment was submitted in support of the application and additional monitoring provided to show night time noise levels and levels at the Museum Street facade, which had been omitted from the original submission. It is

deemed that some form of mitigation is required in order to achieve the required level in terms of average ambient noise levels and also individual noise events.

4.26 The proposed mitigation could consist of secondary glazing, or renovation of the existing windows, if this could be achieved to an acceptable standard for noise purposes and in listed building terms. A condition is therefore recommended covering the noise mitigation strategy. Discussions regarding the most appropriate method are continuing. Subject to the proposed condition, the proposal would be in accordance with the local adopted standards for the AQMA and with expectations of the NPPF.

NEIGHBOURING AMENITY

4.27 The National Planning Policy Framework requires that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. Local Plan Policy GP1 requires that development proposals ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

4.28 There are few residential dwellings in close proximity to the application site and it is not considered that adverse impacts would arise in this respect. The mews properties introduced to the rear of St Leonard's would not have windows in the rear elevations facing the St Leonard's Place properties, although there would be smaller conservation style roof lights in the rear roof plane and they would be to non-habitable rooms which is acceptable.

4.29 In terms of the amenity of future occupants, the surrounding area experiences elevated sound levels given the level of traffic and general activity associated with the city centre. However, EPU agree that this could be dealt with by appropriate mitigation and a condition is recommended. It is proposed that air quality issues are dealt with by means of mechanical ventilation and that a suitable condition in respect of ventilation methods and window openings is applied. EPU recommend a condition requiring an Environmental Management Scheme for minimising the creation of noise, vibration and dust during the demolition. The properties would have limited private amenity space, but this is a city centre location close to parks and public open space where private space to suburban standards could not reasonably be expected.

4.30 Taking the above into account the proposal complies with the requirements of the NPPF and with Policy GP1 of the DCLP 2005.

HIGHWAYS

4.31 The site is within a sustainable urban location with good access to public transport and is within short walking distance of City centre shops and facilities. The application is supported by a Transport Statement. The site currently has 25 car spaces accessed from St Leonard's with some access via the rear lane served from Library Square. The proposed scheme would use both these access points and therefore provision would not markedly differ from that of the former office use.

4.32 The 25 space car park at St Leonard's Place has already been closed to the public following the closure of the former Council offices, and its loss is therefore accepted. The layout of the car park would be revised to create a private gated car park for residents with 29 spaces. In addition there would be 13 spaces provided in garages accessed via the rear access served from Library Square. The level of car parking proposed meets CYC Annex E maximum standards and when considering the location and sustainable nature of the site is considered to be appropriate.

4.33 In terms of cycle parking in line with both transport policy and the importance of encouraging and facilitating cycling as a genuine option, it is felt that secure, covered and easily accessible/convenient cycle parking should be provided within the site. Originally cycle parking was proposed only within the basement of the building, but further to negotiations, revised plans have been received providing surface cycle storage in a dedicated building 8 Josta racks (double height) for 16 cycle and also storage within garages and a rear garden. 40 spaces would be provided (20 in the basement) and this would be subject to a condition.

4.34 Refuse storage and collection was originally planned from the front of the buildings; however, drawings have now been revised to show an enlarged refuse storage area to the rear of the buildings and an area within the car park. This would protect the visual amenity of the area and setting of the historic buildings. Servicing would be off the rear lane via Library Square which was the servicing route for the Council offices and from St Leonard's Place near to the private car park.

4.35 The proposal conforms to the expectations of the NNPF and meets local standards in terms of cycle and car parking standards.

SUSTAINABILITY

4.36 Policy GP4a of the Development Control Local Plan requires a sustainability statement to be submitted with a planning application. In addition, the updated Interim Planning Statement (IPS) on Sustainable Design and Construction provides additional guidance to developers in respect of complying with the sustainability requirements of Policy GP4a.

4.37 In accordance with the IPS, the scheme will be expected to meet at least BREEAM Very Good standards for the 29 multi-residential flats, BREEAM Eco-Homes Very Good standard for the refurbished houses and Code 3 for Sustainable

Homes for the new build mews properties. It is recognised that due to the listed status of the existing buildings, that the applicant may be unable to achieve the above standards and if this can be demonstrated via written evidence, other suitable measures could be put in place which would satisfy local policy. A condition to the effect should therefore be imposed if Members are minded to approve the application to ensure the requirements of GP4a are met.

ECOLOGY

4.38 DCLP Policy NE6 states that where a proposal may have a significant effect on protected species or habitats, applicants will be expected to undertake an appropriate assessment demonstrating the proposed mitigation measures. Planning permission will only be granted for development that would not cause demonstrable harm to species protected by law or their habitats

4.39 The area around the application site is of value to bats with good quality foraging, commuting and roosting habitat. A survey was carried out by the applicants in March 2012 and this was updated in 2014. The survey noted that the application site has moderate potential for roosting bats, but subsequent emergence surveys did not identify any roosts, concluding that the proposals are unlikely to impact on bats. However, recognising the roost potential of the buildings, the City Ecologist recommends that a protected species informative be added, if this application is approved.

AFFORDABLE HOUSING

4.40 The National Planning Policy Guidance (NPPG): Planning Obligations at paragraphs 12 – 23 was revised on 28 November 2014, with immediate effect .

4.41 In summary the main points to consider in respect of this application are:-

- Where a vacant building is brought back into any lawful use, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions would be required for any increase in floorspace.
- Where there is an overall increase in floorspace in the proposed development, the local planning authority should calculate the amount of affordable housing contributions required from the development as set out in their Local Plan. A 'credit' should then be applied which is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation.

- The vacant building credit applies where the building has not been abandoned.

4.42 The application involves only 3 new build mews cottages, but conversion of existing listed dwellings previously used as offices (now vacant) into 29 apartments and 5 town houses and 3 mews cottages. If the guidance is applied, the St Leonards development falls below the threshold for tariff style contributions and affordable housing. It constitutes a conversion of a redundant building, which will not increase floorspace, and therefore the vacant building credit would apply. Affordable housing contribution would only be required in respect of any increase in floorspace.

4.43 However, as set out in the Housing Development team's consultation response, the development has already been independently evidenced as viable and does not need special provision in place to help bring it forward. Viability is a material consideration as well as the NPPG, and viability evidence, where already available could be considered to outweigh the new guidance. A published Parliamentary note from the Minister of State, Department for Communities and Local Government also published 28th November 2014 clearly highlights that the amendments to the guidance seek to bring forward development that is otherwise being stalled because of disproportionate burdens such as affordable housing and other commuted sum payments. In these circumstances and given the advanced nature of the assessment of viability which has shown that an affordable housing contribution could be made, officers consider it is reasonable to pursue a payment in this particular case.

4.44 The Valuer's appraisal has concluded that a sum of £298,169 is viable as an off site contribution towards affordable housing. On-site affordable housing has not been sought in this instance due to viability, high maintenance and service charges, and heritage considerations. The staged payments based on sales value as set out in the consultation response recognise the fact that the works will effectively need to be undertaken at one time, and so the possibility of recouping some value (as in for example a traditional housing estate build out) to then put back into fund the rest of the development and other contributions is limited. Any agreement would also allow for an appropriate off-site affordable housing scheme to be developed as may be agreed in lieu of paying a commuted sum to the Council, but to at least an equivalent value.

4.45 The developer has accepted this approach to the affordable housing contribution which would be set out in a section 106 agreement.

5.0 CONCLUSION

5.1 The site contains a number of designated and non designated heritage assets. St Leonard's Place and Museum Street are vacant, as is the former stable block. The buildings are important individually as Grade II and II* listed structures as well

as significantly contributing to the character of this part of the City Centre within the Central Historic Core Conservation Area, the stable block forms part of the City walls Schedule Ancient Monument. Maintaining an active use for these buildings is considered of upmost importance. The scheme preserves the character and appearance of the Conservation Area and the setting of the heritage assets on and around the site.

5.2 Due to the relocation of Council Services to West Offices there is to be no loss of office accommodation in real terms as a result of the proposed change of use. The buildings were originally built as individual houses (with a lending library and a club) and do not offer the type of office accommodation which is now considered desirable, buildings cannot easily be adapted to meet modern office standards or requirements. The proposed development would retain the important character of the buildings whilst providing a new active and sustainable use, and safeguarding their long term future.

5.3 For the reasons outlined in this report, the application is recommended for approval subject to a S106 Agreement securing contributions in respect of open space, sustainable transport way-finding/archaeology and affordable housing and the following conditions.

Heads of Terms S106:

- Open Space - £64,500 for open space, play and sport;
- Sustainable Transport - £12,800 (£160 per unit contribution towards the city car club and £160 per unit for cycle/cycle equipment).
- Archaeological Repair/Interpretation - Up to £7,500 to undertake repairs and highlight archaeology in area as public access is limited.
- Affordable housing financial contribution of £298,169 in 3 equal payments dependant on achievement of specified sales value thresholds, or provision of off site affordable housing to an equivalent value.

COMMITTEE TO VISIT

6.0 RECOMMENDATION

- Defer Pending completion of a satisfactory Section 106 Agreement to secure the matters set out in paragraph 5.1 above
- Grant delegated authority to officers to approve on completion of the Section 106 Agreement, subject to the following conditions:-

1 TIME2 Development start within three years -

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

Proposed site plan 106/14 (02) 091 Rev J

Proposed basement floor plan 106/14 (02) 020 Rev J

Proposed ground floor plan 106/14 (02) 021 Rev K

Proposed first floor plan 106/14(02) 022 Rev G

Proposed second floor plan 106/14 (02) 023 Rev H

Proposed third floor plan 106/14 (02) 024 Rev H

Proposed roof Plan 106/14 (02) 026 Rev J

Mew properties:

Plans and elevation mews properties 106/14 (02) 085 Rev G

Plans and elevation mews properties 106/14(02)0083 Rev E

Plans and elevation mews properties 106/14 (02)082 Rev F

Proposed street elevations 106/14(02)034 Rev F

Proposed Street Elevations 106/14 (02)033 Rev H

Proposed street elevations 106/14 (02) 032 J

Proposed 6 St Leonards Mews (coach house) plans and elevations 106/14 (02) 086 Rev F

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

3 Investigation of Land Contamination

Prior to commencement of development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a

written report of the findings must be produced. The written report shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details prior to first occupation of the dwellings hereby approved.

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:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o 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'.

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.

4 Submission of Remediation Scheme

Prior to the commencement of the development, 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 to submitted to and approved in writing by 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 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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.

NOTE: The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

5 Verification of Remedial Works

Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with approved details and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

6 Prior to first occupation of the dwellings hereby approved, one electric vehicle recharge point shall be installed within the private car park to promote the use of low emission vehicles on site. The location and specification of the recharge point shall first be agreed in writing with the Local Planning Authority and shall be carried out in accordance with the approved details prior to first occupation of the dwellings.

Note: Any socket provided must comply with BS1363 or an equivalent standard, Building Regulations and be suitable for charging electric vehicles.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles thereby contributing to the aims of improving air quality within this Air Quality Management Area, in line with the Council's adopted Low Emission Strategy and the National Planning Policy Framework (NPPF).

7 Prior to first occupation of the dwellings hereby approved, a three pin 13 amp electrical socket shall be installed within each garage space in a suitable position to enable the charging of an electric vehicle using a 3m length cable.

Note: Any socket provided must comply with BS1363 or an equivalent standard, Building Regulations and be suitable for charging electric vehicles.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles thereby contributing to the aims of improving air quality within this Air Quality Management Area, in line with the Council's adopted Low Emission Strategy and the National Planning Policy Framework (NPPF).

8 Prior to commencement of the development, an Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

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

9 The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels of 30 dB LAeq (8 hour) and 45dB LAmax inside bedrooms at night (23:00 - 07:00 hrs) and 35 dB LAeq (16hour) in all other habitable rooms during the day (07:00 - 23:00 hrs). These noise levels shall be observed with all windows shut in the particular and other means of acoustic ventilation provided. The detailed scheme shall be submitted to and approved in writing by the Local Planning Authority and fully implemented before the use approved in each respective phase of dwellings is occupied. Thereafter no alterations to the external walls, facades, windows, doors, roof or any openings in the building(s) shall be undertaken (including the closing up or removal of openings) without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of residents.

10 Unless otherwise agreed in writing by the Local Planning Authority all demolition and construction works and ancillary operations which are audible at the site boundary, including deliveries to and dispatch from the site, shall be confined to the following hours:

- Monday to Friday - 08:00 to 18:00
- Saturday - 09:00 to 17:00
- Not at all on Sundays and Bank Holidays.

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

11 All windows to habitable rooms (bedrooms and living areas) to the St Leonard's Place and Museum Street facades shall be non-opening, with ventilation

provided through continuous mechanical supply and extract (with heat recovery), unless otherwise agreed in writing by the Local Planning Authority. The windows shall remain non-opening unless it is demonstrated, to the satisfaction of the Local Planning Authority, that air quality would be acceptable for residents. Details of the mechanical ventilation scheme shall be submitted to and approved in writing by the Local Planning Authority, prior to first occupation of the building and the scheme shall be carried out in accordance with the approved details, prior to first occupation.

Note: In line with the above concerns regarding poor air quality, balconies of any description to the St Leonards Place / Museum St facade would not currently be desirable in this particular location as they may encourage residents to spend extended periods outdoors in an area of potential poor air quality. The additional monitoring being undertaken by the applicant will help to clarify this position.

Reason: In the interests of the health and amenity of residents.

12 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscape scheme which shall include the species, density (spacing), and position of trees, shrubs and other plants. The scheme shall include two suitable replacement trees at ground level, in place of the three Sycamores off Library Square. The planting scheme shall be implemented within a period of six months of the first use of the dwellings hereby approved. Any trees or plants which within a period of five years from the substantial completion of the planting and development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing. Any works to existing trees that are protected by a tree preservation order (TPO) or are in a conservation area are subject to local authority approval and notification respectively within and beyond this five year period.

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

13 Prior to the commencement of development or associated operations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details of protective fencing, site access during demolition/construction, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles and storage of materials, location of marketing cabin where applicable. It is particularly important that the statement also includes construction details and methodology for the surfacing and kerbing of the car park. The approved protection measures shall

then be implemented in accordance with written approval prior to the commencement of development on the site.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are within a Conservation Area and are considered to make a significant contribution to the amenity of the development and public amenity.

14 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the LPA. Such a statement 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;
- 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.

15 Prior to the commencement of any works on site, a detailed specification identifying the surfacing and improvement works to the rear access lane serving the mews properties from Library Square, shall be submitted to and approved in writing by the Local Planning Authority. Such a specification shall include at least the following information:

- Typical cross sections;
- Surface materials;
- Drainage proposals with levels.

The surfacing and improvement works shall then be implemented in accordance with the approved specification prior to the first occupation of the dwellings hereby approved.

Reason: To ensure that the improvement works are carried out to the necessary specifications and in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

- 16 HWAY40 Dilapidation survey -
- 17 HWAY29 IN No gate etc to open in highway - garage doors
- 18 HWAY18 Cycle parking details to be agreed -
- 19 HWAY19 Car and cycle parking laid out -

20 The existing rear garden area of St Leonards Place and raised bed adjacent to the former Finance Centre contain carved stonework. This stonework shall be retained on site unless otherwise specified through archaeological conditions and/or agreed in writing by the Local Planning Authority. These evidential remains should be protected whilst work is being carried out on site and the protective measures should be agreed in writing by the Local Planning Authority, prior to commencement of development and the works shall then be implemented in accordance with the agreement.

Reason: To create a visually acceptable appearance and to retain stones on site which are of archaeological value.

21 Prior to the commencement of the development, and unless otherwise agreed in writing by the Local Planning Authority, the developer shall submit for the written approval of the Local Planning Authority an initial assessments to show that:

Refurbished homes: shall be constructed to the appropriate BRE Environmental Assessment Method (BREEAM) Eco-Homes standard of 'very good'.

Apartments: shall be constructed to the appropriate BRE Environmental Assessment Method

(BREEAM) standard of 'very good'.

New build mews properties: shall be constructed to Code 3 Sustainable Homes.

A post construction stage assessment shall be carried out and a final post construction stage certificate shall be submitted to the Local Planning Authority within 6 months of first occupation of the development. Should any of the buildings fail to achieve the specified standards a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve that standard. The approved remedial measures shall then be implemented within a timescale approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with

the requirements of GP4a of the City of York Development Control Local Plan and the City of York Council Interim Planning Statement 'Sustainable Design and Construction'.

22 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details. Large scale details to be at 1:50, 1:20 or 1:5 as appropriate and supplemented with manufacturer's literature where appropriate.

1 - 9 St Leonards Place and 2-4 Museum Street, including car park area

- External railings, gates, changes to boundary walls, new enclosures/compounds, new bridge access, new external basement
- steps, external lighting
- restoration details of existing house walls to repair scars where previous extensions are proposed for removal
- new extensions to rear
- amendments to rear boundary wall of billiard rooms
- extensions at roof level to house lift enclosures, including raised parapets
- alterations to chimneys (disused chimneys must be vented)
- alterations to existing windows (their renewal in double glazing will not be supported)
- new rooflights (to be conservation type, recessed with glazing bars) and lanterns. Original rooflights shall be repaired not replaced.
- new external doors and openings. Doors proposed in previous window openings shall be designed to fit the existing opening
- new attached raised platform to rear of no. 9 St Leonard's Place
- additional balustrade guarding at no. 4 Museum Street
- new balustrade at high level no. 2 Museum Street
- new rainwater goods and consequent alterations for installation on front

elevations

- changes to front entrance doors, including entry-phone systems
- protective measures for basement light-wells at no. 9 St Leonard's Place where overlaid for safety
- a schedule of repairs (including any proposals for cleaning together with justification)
- a schedule of external decoration
- details of any equipment located external to the buildings and details of external extracts and ventilation grills (locations and types)

Mews style properties

- 1:20 sections through the external walls at window positions showing the relationship between the eaves, wall and window openings, soffit overhangs and garage doors, structural posts
- Details of windows, external doors and door openings; and garage doors shall be provided. Details should include proposals for guarding of full height windows
- Verge details shall be confirmed
- Drawings shall be annotated with materials

Coach House/stables

Large scale details (1:20 & 1:5) should be provided of the following elements:

- Windows (shown in timber and recessed within existing openings)
- External doors. Existing openings should be reused. Doors should retain characteristic robustness
- External door guarding to rear (this should be fixed within and not across the opening)
- Garage doors
- Rooflights should be recessed and of the conservation type with glazing bars

- External balustrade

Reason: So that the Local Planning Authority may be satisfied with these details in order to protect and preserve the historic significance of the listed buildings.

24 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used including areas of making good (supplemented by manufacturer's literature where appropriate) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually acceptable appearance.

25 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, details of the external hard landscaping materials to be used, including paths, paving, ramps, railings, gates and other fixed structures introduced into the ground, shall be submitted to and approved in writing by the Local planning authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually acceptable appearance.

26 Prior to the commencement of development, details of all external lighting, including locations wiring runs, and details of luminaires shall be submitted to and approved in writing by the Local Planning Authority. Ambient light levels shall be low particularly around trees. The development shall be carried out in accordance with the approved details.

Reason: To ensure a visually acceptable scheme.

27 ARCH2 Watching brief required -

7.0 INFORMATIVES:

Notes to Applicant

1. POSITIVE AND PROACTIVE STATEMENT

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: Pre-application meetings and advice; negotiated on the submitted scheme to ensure the scheme could be recommend for approval; and

used planning conditions and Section 106 agreement to mitigate against any unacceptable impacts that would otherwise arise.

2. INFORMATIVE - PROTECTED SPECIES

In the UK, due to the decline in bat numbers in the last century, all species of bat are protected by the Wildlife & Countryside Act (1981) as amended, Countryside and Rights of Way Act (2000) and the Conservation of Habitats and Species Regulations (2010). Because of their protected status, it should be noted that if bats are discovered during the course of the work, all works must cease and Natural England must be informed immediately. It is an offence for anyone to disturb or handle a bat without the appropriate licences. This may cause some delay but should not prevent the work continuing, provided that due account is taken of their presence.

There are opportunities for the development to enhance the building for bats. This can be done without detriment to the building through bat friendly features which can be designed at the outset and include features such as bat bricks, bat tiles or an adapted fascia (see http://www.bats.org.uk/pages/accommodating_bats_in_buildings.html for more information).

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:

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

4. INFORMATIVE:

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

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Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site

Contact details:

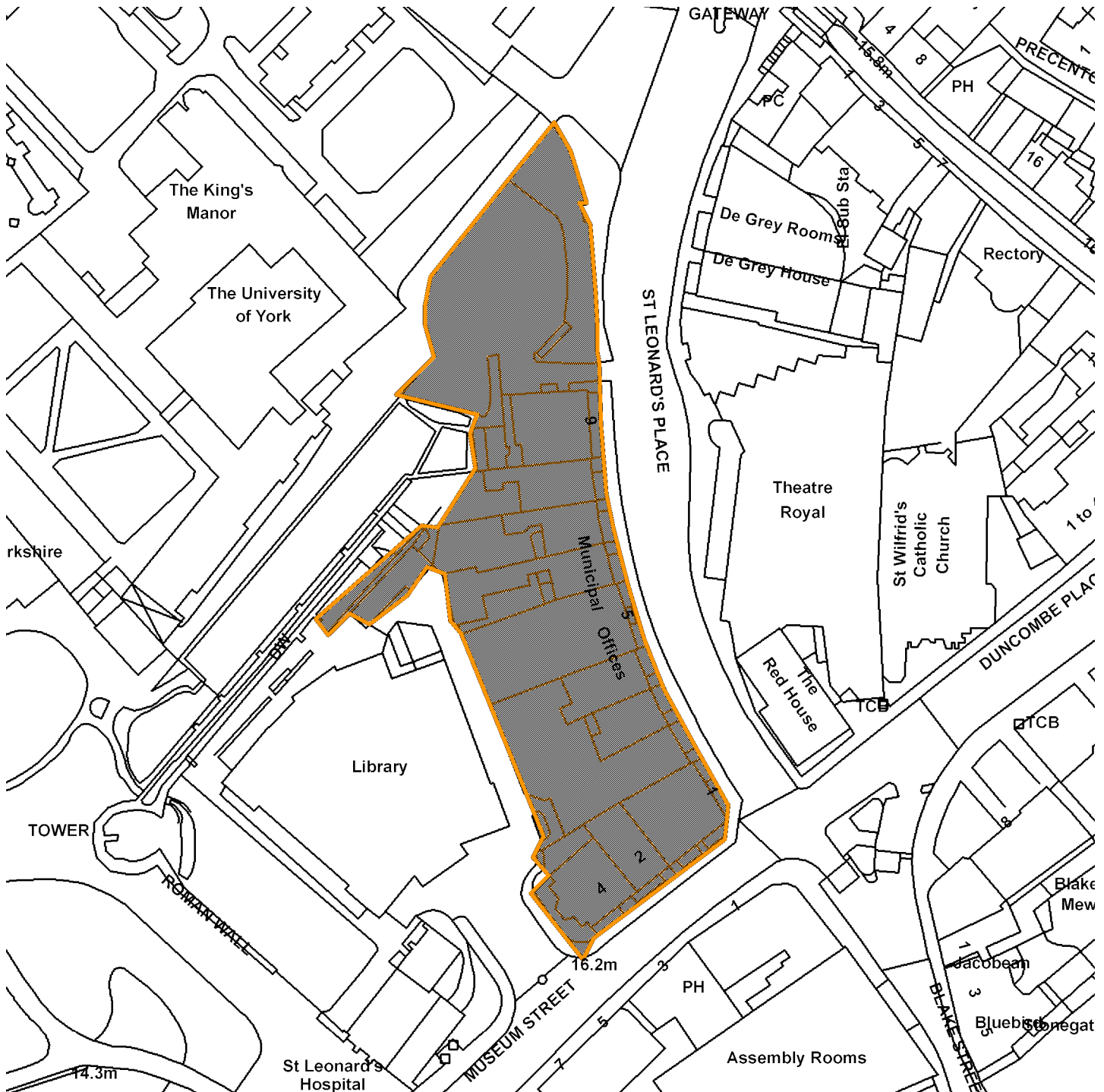
Author: Jonathan Carr Head of Development Services and Regeneration

Tel No: 01904 551303

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14/02091/FULM

1 - 9 St Leonards Place



Scale : 1:1059

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Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	13 January 2015
SLA Number	Not Set

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COMMITTEE REPORT

Date: 22 January 2015 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 14/02104/LBC
Application at: 1 - 9 St Leonards Place York YO1 7ET
For: Internal and external alterations, including conversion of existing buildings, construction and demolition to form 29 no. apartments, 5 no. town houses and 6 no. mews houses including 2-4 Museum Street
By: Mr Mark Finch
Application Type: Listed Building Consent
Target Date: 4 November 2014
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks listed building consent for internal and external alterations to 1-9 St Leonards Place, 2 - 4 Museum Street and the former stable block to the rear of these buildings. This application is considered alongside a full application (Ref. No. 14/02091/FULM) to convert the existing buildings and former stable block to residential dwellings including 5 no. town houses, 29 no. apartments, a mews property in the former stable block and the creation of 5 no. mews houses along the rear lane following the demolition of later C20th additions.

1.2 1-9 St Leonard's is grade II* listed, this listing includes the railings to the front. The buildings date from 1834, with the terrace designed by John Harper with various architects creating individual interiors within the nine units. The buildings are three storeys in height with accommodation also in the basements and attics. 2 - 4 Museum Street buildings are grade II listed; this listing includes the railings to the front and side. The buildings were designed by JB and W Atkinson and were constructed as two houses in 1851. The buildings are four storeys in height with a basement. Both sets of buildings are of high aesthetic value both inside and out. Their relatively unaltered state also provides evidence of how they were originally used.

1.3 Both the St Leonard's Place and Museum Street buildings were designed to appear as separate unified building compositions. 1-9 St Leonard's Place was developed in response to a speculative venture by the York Corporation and the City Commissioners to increase rental value whilst creating a new street to by-pass the bottleneck of Bootham Bar. The terrace's unity and formality is emphasised by its symmetrical composition, stuccoed finish and by the use of the Greek Revival style. The crescent formation gives it high townscape value and it is unique in York as an

urban set piece. The Museum Street buildings occupy a prominent corner and they appear in strategic views of the Minster on the main approach from the station. These large scale buildings also help to define the setting of heritage assets around Library Square. The trees within the site soften the immediate setting of the buildings and provide links with the gardens of the St Mary's Abbey precinct.

1.4 The former stable block to the rear lane is curtilage listed, its rear wall takes support from the former precinct wall of St Leonard's Hospital, and it forms part of the City wall Scheduled Ancient Monument. A section of the Roman wall (listed at grade I) lies within the car park and the site backs on to the City walls.

1.5 The site is within the Central Historic Core Conservation Area and it is surrounded by cultural uses and heritage assets of the highest order (as outlined in the Mint Yard Conservation Management Plan, July 2013).

2.0 POLICY CONTEXT

2.1 Development Plan Allocation: None

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core

City Boundary GMS Constraints: York City Boundary

Listed Buildings GMS Constraints: Grade 1; Wall 5m North Of Kings Manor 0620

Listed Buildings GMS Constraints: Grade 1; Wall 2m N Of York 0630

2, 4 Museum St (each Grade II)

1-9 St Leonard's Place St L Pl (each Grade II*)

Scheduled Ancient Monuments GMS Constraints: SMR 30 City Walls Bootham Bar To Museum Street 0176

2.2 Policies:

CYHE4 - Listed Buildings

CYHE5 - Demolition of Listed Buildings and Buildings in Conservation Areas

3.0 CONSULTATIONS

ENVIRONMENTAL MANAGEMENT

Application Reference Number: 14/02104/LBC

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3.1 Conservation - States the mews scheme would replace existing uncharacteristic buildings and although the units at the entrance to the lane would be taller than the existing C20th extension, new development would preserve views of the rear elevations and enhance the immediate setting of the buildings. Alterations to the coach house/former stable block would not alter its character or scale as a former service building and therefore its special architectural and historic interest would be preserved. The conversion of the above properties into houses with modern facilities would sustain the evidential and aesthetic significance of these historic houses. The apartment scheme would provide a range of dwelling types and sizes. The majority of alterations required for the conversion to apartments would not harm the special interest of the buildings. However there are some areas where the balance between maximising the accommodation for use and current expectations has profited over the special interest of the building. In these areas new interventions would be introduced so that they are capable of being reversed and details of inserted elements would be designed to compensate for some loss of legibility. The scheme would not harm the special architectural and townscape interest of the building. It would enhance the street-scene by returning the main entrances to use and by replacing unsightly rainwater goods on the otherwise formal and unified front elevation. All trees within the car park would be retained and the setting of buildings would be preserved.

CONSERVATION AREA ADVISORY PANEL (CAAP)

3.2 The panel had no objection to the scheme in principle but regretted the loss of some of the staircase in 4 Museum Street. It was also felt that detailing was important and hoped that the new railings would be of imperial measurements not metric. The panel, whilst overall supportive of the proposal, considered that the success of the proposal in execution would focus on the treatment of the building features and details. The panel expressed concern over how this would be documented sufficiently through the planning approval process, and how this would be monitored at the construction phase to ensure that it was adhered to, especially given the limited resources available for CYC to spend time on this.

GUILDHALL PLANNING PANEL

3.3 Support the application and welcome the reuse of the buildings.

ENGLISH HERITAGE

3.4 Support the application, subject to full and appropriate resolution of detailed issues concerning the listed buildings, curtilage structures and trees.

COUNCIL FOR BRITISH ARCHAEOLOGY (CBA)

3.5 Comment that whilst the CBA supports the conversion to residential, we suggest there is an opportunity to improve the interpretation of York's historic City walls. Significant public benefits are there to be gained for York. The coach house could be removed from the scheme and brought into use as an interpretation area, a viewing platform could be created on the City wall to allow further interpretation. Part of the Roman fort wall will be screened off within the car park area and this should be reconsidered.

20TH CENTURY SOCIETY

3.6 No comments received

THE GEORGIAN GROUP -No comments received

3.7 No comments received

ANCIENT MONUMENTS SOCIETY

3.8 No comments received

THE VICTORIAN SOCIETY

3.9 No comments received

SOCIETY FOR PROTECTION OF ANCIENT BUILDINGS

3.10 No comments received

OTHER THIRD PARTIES

3.11 A letter was received from a local resident regarding the opportunity that the application presents for the opening up of public access to the set of ancient monuments to the rear (including the City wall, Anglian Tower, Roman fortress wall and remains of St Leonard's Hospital between St Leonard's Place and the Multangular Tower). Access could be improved from the rear of the library and from Manor Lane and could make the view from the ramparts more available. A letter of support has been received welcoming the conversion of the listed buildings back into their former use.

4.0 APPRAISAL

4.1 The key issues are the impact on the listed buildings' character and features of special architectural and historic interest.

4.2 Sections 61 and 66 of the Planning (Listed Building and Conservation Area) Act 1990, require the Local Planning Authority to have regard to preserving the setting of Listed Buildings or any features of special architectural or historic interest they possess.

4.3 The NPPF seeks to conserve and enhance the historic environment. Paragraph 126 states that Local Planning Authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

4.4 Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional. Paragraph 134 goes on to state that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

4.5 Policy HE4 of the Development Control Local Plan (DCLP) states that consent will only be granted for demolition, internal and external alterations, and change of use of a listed building where there is no adverse effect on the character, appearance or setting of the building.

4.6 The buildings were originally conceived of as houses but even in the C19th the larger plots were found to be difficult to develop as houses; so no.1 St Leonard's Place became the new home of York Subscription Library and the large centre plot no. 5 became the home of the Yorkshire Club. In the C20th the City Corporation gradually took over the terrace as civic offices and that use endured for over 50 years. The buildings were vacated about 18 months ago and it was hoped that a change of use to a hotel would enable the development to capitalize on its location at the heart of the city's "cultural quarter". However, despite of the developer's efforts this initiative has not succeeded. It is recognised that the proposal would return the existing buildings to their original residential use. The existing St Leonard's car park (former garden of no. 9) would continue in use as a private car park for the development.

4.7 The new use would be compatible with the character of the existing buildings and it would bring significant benefits to the site. Major benefits of the residential scheme, above and beyond securing an economically viable use, are:

- Reanimation of the street by reopening and reusing the main entrance doors to serve individual properties;
- Removal of C20th buildings of low architectural and historic significance located to the rear of the buildings to allow greater openness and use of small gardens/terraces;
- Twenty-four hour occupation of the buildings for residential use;
- Natural surveillance along the rear lane where above-ground archaeology currently suffers from vandalism;
- No requirement for large scale signage associated with hotel use.

4.8 The submitted scheme has been amended to address perceived harm to the setting of existing buildings within the Conservation Area. The main areas of change are discussed below:

MEWS BUILDINGS

4.9 The new buildings and the billiard room form the curtilage to the site along library lane. The mews has been set further away from no 4 Museum St to allow two trees to be planted to replace existing mature trees. The space will be used to supplement cycle and waste storage. It has the benefit of opening up the prospect of rear rooms at no 4 and of improving the setting of the library by retaining the subsidiary nature of the semi-private lane. The elevations have been simplified using a smaller palette of materials and the individual grain of the plots would be suggested by the intermediate walls being expressed.

4.10 The mews scheme would replace existing uncharacteristic buildings and although the units at the entrance to the lane would be taller than the existing C20th extension, new development would preserve views of the rear elevations and enhance the immediate setting of the buildings.

FORMER STABLES

4.11 The scheme has been revised to preserve the historic character of the building by reducing the transparency of the large ground floor openings, by using timber windows and doors in existing unaltered first floor openings, by relocating the dovecote door to the gable end and by removing the additional C20th garage doors from the gable. The terrace balcony would be renewed to allow its use and the first floor door above the former 'hospital' wall would be glazed.

4.12 Alterations to the coach house/former stable block would not alter its character or scale as a former service building and therefore the character and appearance of the conservation area would be preserved and the setting of adjacent monuments would not be harmed. Scheduled Ancient Monument Consent has been granted by English Heritage which would control treatment of the embodied wall.

NOS 1-9 ST LEONARD'S PLACE AND 2-4 MUSEUM STREET

4.13 Nos 2,3,4,6 & 7 would be converted back into houses. This would return the buildings to their original use, reanimate the street and preserve their appearance within the street-scene. Space would be released for small gardens/yards to the rear of the houses where uncharacteristic C20th extension would be demolished. So their immediate setting to the rear would be enhanced. The external appearance of the buildings would remain similar to existing, with scars repaired where modern extensions have been removed from the rear of the buildings and this detail should be conditioned.

4.14 Nos 2 & 4 Museum Street and Nos 1,5,8 &9 St Leonard's Place would be converted into apartments. The principle of converting the larger properties into apartments is supportable due to the size of accommodation and the lack of associated external space. These factors make the proposition of houses unviable (see earlier comments under "Proposals"). In addition no1 SLP has no access or views on two sides, no5 has restricted views to the rear and no9 has forfeited the garden to car parking. Nos 2 & 4 Museum Street have previously been combined and similarly they have no useable external space.

4.15 No 8 SLP has fewer restrictions, though there is currently no access to the attic floor and it is slightly larger than other proposed houses. Its proximity to no 9 means that conversion to apartments could take advantage of the lift proposed for no 9.

4.16 The two billiard/function rooms were added to the back of the Yorkshire Club at no 5no SLP during the 1840s. Each one would be converted for use as an individual apartment and natural light is limited. Poor quality C20th rooflights would be renewed.

4.17 The opportunity has been taken to introduce lifts into no4 Museum St and no9 St Leonards Place. These would cause minor alteration of the roofs which would be screened by raising the height of the parapet walls in two places to the rear of the properties.

4.18 Air quality is such that natural ventilation cannot be taken from the front of the buildings; so a whole house ventilation strategy has been developed. The method statement demonstrates that natural ventilation can be achieved with no effect on the principal elevations onto the street. Small ventilation grills (one brick size) would be required at floor levels through the rear wall of the buildings. Kitchen extract

details have also been resolved. The introduction of services has been covered by a method statement and this should be supplemented with details as a condition.

4.19 Two options have been proposed for upgrading thermal and acoustic insulation of windows: secondary glazing of existing windows, or replacing the glass with thicker acoustic glass. Approximately 90% of individual glass panes have been replaced with modern float glass; so there would be scope for renewal of glass if the glazing beads can accommodate the extra thickness of glass whilst retaining puttied joints, and also if the sashes can cope with the extra weight. With each of the alternative proposals the window joinery and sash cords would be repaired and the shutters would be eased for use. A sample sash has been fitted which on first inspection appears to show that the single thicker acoustic glass could satisfactorily be incorporated. Any adaptations to existing windows should be covered through a condition.

4.20 The outfall from parapet gutters at the front of the building is inadequate and additional downpipes have already been added. These are of poor quality and they would be removed and replaced with individual downpipes serving each unit. It is important that conditions cover the appearance of new outlets and downpipes as their appearance should be disguised against the unified stucco finish.

4.21 New gates and railings would be introduced around the car parking area as it would be dedicated to the apartments. Unfortunately the gates cannot be set back behind the porch of no9 without harming the foundations of the Roman wall. Railings must be designed to be compatible with the existing front boundary railings whilst preserving views of the section of Roman wall and this should be conditioned.

4.22 Subject to conditions to secure detailed matters the proposals would safeguard the exceptional architectural and townscape interest of the buildings within the conservation area whilst providing a range of dwelling types and sizes within the unofficial "cultural quarter" of the city. The scheme would enhance the street-scene by returning the main entrances to use and by replacing unsightly rainwater goods on the otherwise formal and unified front elevation. All trees within the car park would be retained and the setting of buildings would be preserved. The new use and the majority of external alterations would enhance the character and appearance of the buildings within the conservation area and preserve the setting of adjacent heritage assets. The proposal would meet the expectations of the NPPF and Local Policies HE4 and HE5.

4.23 Issues raised by the Council for British Archaeology and a resident in respect of the archaeological interpretation and access to the area and have been addressed as part of the full application.

5.0 CONCLUSION

5.1 The 11no. principal buildings are of high aesthetic and historic value and, in spite of their previous adaptation for use as offices, the original layouts and details can be enjoyed and understood. The former coach house/stables is mainly of evidential value. The buildings have been empty for over 18months and they appear neglected and "at risk". Current proposals would secure a viable future and offer a range of dwelling types with potentially 24hr occupation at the heart of the "cultural quarter" which is otherwise quiet at night.

5.2 The majority of internal alterations would conserve the special architectural and historic interest of the interiors, though the challenges of converting and upgrading the larger buildings into flats have resulted in loss of some spatial quality in a few instances (as identified above). In these cases the new interventions have been introduced so that they are capable of being reversed and details of inserted elements have been designed to compensate for some loss of historic legibility.

5.3 Removing the large scale uncharacteristic C20th extensions would enhance the rear elevations and enable small gardens/yards to be recreated. The new boundary onto Library Lane would be infilled with mews style apartments above garages. The new buildings would preserve the dominance of the terrace in views and enhance their immediate setting to the rear.

5.4 Proposals would also safeguard the exceptional architectural and townscape interest of the buildings within the Conservation Area. As such the application is recommended for approval, subject to conditions detailed above.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Listed Building Consent be Granted

1 TIMEL2 Development start within 3 yrs (LBC)

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

Proposed site plan 106/14 (02) 091 Rev J

Proposed basement floor plan 106/14 (02) 020 Rev J

Proposed ground floor plan 106/14 (02) 021 Rev K

Proposed first floor plan 106/14(02) 022 Rev G

Proposed second floor plan 106/14 (02) 023 Rev H

Proposed third floor plan 106/14 (02) 024 Rev H

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Proposed roof Plan 106/14 (02) 026 Rev J

Mews properties:

Plans and elevation mews properties 106/14 (02) 085 Rev G

Plans and elevation mews properties 106/14(02)083 Rev E

Plans and elevation mews properties 106/14 (02)082 Rev F

Proposed street elevations 106/14(02)034 Rev F

Proposed Street Elevations 106/14 (02)033 Rev H

proposed street elevations 106/14 (02) 032 J

Proposed 6 SLM (coach house) plans and elevations 106/14 (02) 086 F

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

3 Notwithstanding any proposed materials specified on the approved drawings, or in the application form submitted with the application, samples of all the external materials to be used including areas of making good (supplemented by manufacturer's literature where appropriate) shall be submitted to (sample panels of brickwork and render shall be provided on site) and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually acceptable appearance.

4 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details. Large scale details shall be drawn to 1:50, 1:20 or 1:5 scale as appropriate and supplemented with manufacturer's literature where appropriate.

- i) 1 - 9 St Leonards Place and 2-4 Museum Street, including car park area, External Alterations:
- external railings, gates, changes to boundary walls, new enclosures/compounds, new bridge access, new external basement stair case steps, external lighting

- restoration details of existing house walls to repair scars where previous extensions are proposed for removal
 - new extensions to rear
 - amendments to rear boundary wall of billiard rooms
 - extensions at roof level to house lift enclosures
 - alterations to chimneys (disused chimneys must be vented)
 - alterations to existing windows (their renewal in double glazing will not be supported)
 - new rooflights (to be conservation type, recessed with glazing bars) and lanterns. Original rooflights shall be repaired not replaced.
 - new external doors and openings. Doors proposed in previous window openings shall be designed to fit the existing openings
 - new attached raised platform to rear of no. 9 St Leonard's Place
 - additional balustrade guarding at no. 4 Museum Street
 - new balustrade at high level no. 2 Museum Street
 - new rainwater goods and consequent alterations for installation on front elevations
 - changes to front entrance doors, including entry-phone systems and ironmongery
 - protective measures for basement light-wells at no. 9 St Leonard's Place where overlaid for safety
 - a schedule of repairs (including any proposals for cleaning together with justification)
 - details of any equipment located external to the buildings and details of external extracts and ventilation grills (locations and types)
- ii) 1 - 9 St Leonards Place and 2-4 Museum Street, Internal Alterations
- Alterations affecting entrance areas, staircases and stairwells, including new

lobbies (e.g. no1 SLP ground and top fl), new flights of stairs (eg secondary staircases no5 & no9); details of the relationship between the new staircase rear of no4 M St and the windows; new bathroom insertions (no 4 Museum St); alterations to top floor privacy screen (1.35m min. acceptable height). Repair of scars where lift removed from entrance hall of no4 Museum Street. Details of these elements shall also be shown in context and include floor plans and reflected in ceiling plans.

- Alterations within former library & buffet recess of no 9 SLP ground floor
- A section through the kitchen fittings/extract hood in first floor at no5 to demonstrate the relationship with the ceiling
- Elevations and sections through the new basement staircase at no 8 SLP showing it in context of buffet recess
- Details of inserted mezzanine floors and staircases within billiard rooms explaining how existing features and decorative elements would be preserved
- Details of new floors and any inserted ceilings in the basement
- New partitions shall be scribed around existing details. Where cornices are implied on new partitions, rather than copied, details of the implied cornice shall be provided

iii) Mews Style properties

- 1:20 sections through the external walls at window positions showing the relationship between the eaves, wall and window openings, soffit overhangs and garage doors, structural posts
- Details of windows, external doors and door openings; and garage doors shall be provided. Details shall include proposals for guarding of full height windows
- Verge details shall be confirmed
- Drawings shall be annotated with materials

iv) Former stables/coach house

- A typical section through the building showing how thermal linings will be integrated whilst exposing the roof structure over the main rooms and also

showing the protective lining to the "hospital" wall

- Windows (shown in timber and recessed within existing openings)
- Doors (internal and external). Existing openings shall be reused. Doors must retain characteristic robustness
- External door guarding to rear (this shall be fixed within and not across the opening)
- Garage doors
- Rooflights shall be recessed and of the conservation type with glazing bars
- External balustrade

Reason: So that the Local Planning Authority may be satisfied with these details in order to protect and preserve the historic significance and appearance of the listed buildings.

5 There shall be no alteration to the front boundary railings.

Reason: To preserve the character and appearance of the listed buildings.

6 The 'making good' of all parts of the buildings shall be carried out to a high standard to match existing materials, details and finishes.

Reason: To protect and preserve the appearance and character of the listed buildings

7 Prior to first occupation of the dwellings hereby approved a schedule of external decoration shall be submitted to and agreed in writing by the Local Planning Authority. All external decoration shall then be carried out in accordance with the schedule.

Note: The schedule of external decoration shall be preceded by a paint scrape of the rendered exterior to assess the historic paint schemes. This will provide the opportunity for the original scheme to inform new decorations on the frontage. An area for taking scrapes shall be identified and agreed in with the Local Planning Authority. The paint scrapes shall then form part of the schedule of external decoration.

A restrictive covenant shall be placed on the buildings to ensure that decoration and repair of the rendered principal frontages remains unified.

Reason: To protect and preserve the appearance and character of the listed buildings.

8 Prior to the commencement of development, a level 2 photographic record shall be undertaken. This shall record the existing house interiors on a systematic basis in accordance with a level 2 photographic record as specified by English Heritage (ref "Understanding historic buildings: a guide to good recording practice" February 2006 EH The record shall then be deposited with the Local Authority's Historic Environment Record (HER).

Reason: To record and preserve a record of the historic features of the listed buildings.

9 Notwithstanding the submitted documents finalised method statements shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work. Works shall then be carried out in accordance with the approved details. The method statements shall include the following:

- Service installations including whole house ventilation system
- Strategy for amendments to doors as required by changes to the circulation and to satisfy fire measures
- Details of preservation, or alteration of existing fire-places and of new fire-places where currently they are missing.

Reason: To preserve the special historic interest of the listed buildings.

7.0 INFORMATIVES:

Contact details:

Author: Jonathan Carr Head of Development Services and Regeneration

Tel No: 01904 551303

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COMMITTEE REPORT

Date: 22 January 2015 **Ward:** Derwent
Team: Major and **Parish:** Dunnington Parish
Commercial Team Council

Reference: 14/02284/FUL
Application at: Land at The Junction of Hagg Lane And Common Road, Dunnington, York.
For: Construction of gravel surfaced car park and retrospective change of use of the land to 2no. playing pitches with siting of portable changing room buildings
By: Dunnington Football Club
Application Type: Full Application
Target Date: 30 December 2014
Recommendation: Approve

1.0 PROPOSAL

1.1 The application site is a playing field to the east of Common Road in Dunnington. The site is marked out with two full size football pitches. Associated car parking and changing accommodation is in the south west corner of the fields.

1.2 Permission to use the land for sports pitches was granted in June 2003 (02/03925/FUL). It was previously agricultural land. The 2003 permission was subject to the use as playing fields ceasing in June 2006 unless permission to extend the consent had been granted. The decision notice also stated that the car park shall be for the exclusive use of Dunnington Football Club.

1.3 Despite its continued use, no planning permission or other planning consent has been given to extend the use of the site for sports pitches beyond June 2006. In addition, in recent years the car park has been used as an overflow car park for staff working at the nearby Costcutter offices.

1.4 This planning application is to use the land as sport pitches on a permanent basis. It is also intended to increase the size of the playing field car park so that it can accommodate around 40 cars. The current car park has space for around 20 vehicles. The applicant has stated that the car park is to be used by the football club when matches are played, however, during the week it is intended to be unsecured and made available for Costcutter to use.

1.5 The application is brought to Committee as the use of the car park by staff employed at Costcutter would constitute inappropriate development in the Green Belt.

Site History

1.6 The only recent planning history relating to the application site is the 2003 consent for the sports fields.

1.7 Costcutter's head office has been located on the Common Road site for around 25 years. There were several consents to erect and extend offices on the site in the late 1980's and 1990's.

1.8 The most recent significant planning consent was granted in 2006. This permission was for a two-storey extension to the existing offices. It involved the demolition of an existing bungalow immediately to the north of the site and the creation of additional car and cycle parking.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation: None

2.2 Policies:

CYGB1 - Development within the Green Belt

CYGB13 - Sports facilities outside settlements

CYGP15 - Protection from flooding

CYGB11 - Employment development outside settlement limits

3.0 CONSULTATIONS

INTERNAL

NETWORK MANAGEMENT

3.1 There are no objections to the scheme from a highways perspective. The Travel Plan indicates the need for additional car parking with a limited potential to further increase travel to the office by non-car means. It is recommended that the application is approved subject to conditions including the implementation and monitoring of initiatives proposed in the Travel Plan. The Travel Plan meets Department for Transport Travel Plan guidelines and has been accepted by the Council's Travel Plan Coordinator.

FLOOD RISK MANAGEMENT

3.2 No objections subject to the surface of the car park being permeable.

ENVIRONMENTAL PROTECTION UNIT

3.3 No objections. It is recommended informatives are included regarding contamination, car charging and construction times.

ECONOMIC DEVELOPMENT UNIT

3.4 Support the proposal as it will enable further growth of the company and benefit the local job market. The Council's Economic Development Unit are continuing to work with and support Costcutter in identifying suitable alternative premises to grow and expand the business.

EXTERNAL

3.5 Parish Council - No objections. The proposal benefits sport in the village and reduces on street car parking. The car park should be easy to remove and should be 'grasscrete'. Do not support the construction of permanent structures on the site.

SPORT ENGLAND

3.6 Supports the proposal.

INTERNAL DRAINAGE BOARD

3.7 No objections

NEIGHBOURS

3.8 No comments received.

4.0 APPRAISAL

4.1 The key issues in assessing the proposal are:

- The acceptability of the use and development in the Green Belt
- Drainage
- Highway safety

4.2 The National Planning Policy Framework 2012 (NPPF) sets out the Government's overarching planning policies. At its heart is a presumption in favour

of sustainable development. Paragraph 187 states that Local Planning Authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible. The NPPF states that there are three dimensions to sustainable development - an economic role, a social role and an environmental role.

4.3 In respect to development in the Green Belt, the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF states that facilities for outdoor sport, as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it, are not inappropriate development.

4.4 It is considered that a car park and modular buildings associated with the outdoor sport use can be considered appropriate, as they do not materially affect the openness of the Green Belt. However, it is considered that the use of the car park by staff working at the local Costcutter office is inappropriate development as such a use is not specified as being appropriate in the Green Belt in the NPPF. For inappropriate development to be acceptable, very special circumstances must exist. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

4.5 In terms of transport policy the NPPF states that transport systems should be balanced in favour of sustainable transport modes and encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. In respect to parking standards local planning authorities should take into account:

- the accessibility of the development;
- the type, mix and use of development;
- the availability of and opportunities for public transport;
- local car ownership levels; and
- an overall need to reduce the use of high-emission vehicles.

4.6 In respect to the economy, the NPPF states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. The NPPF has policies relating to supporting the rural economy. Although Dunnington is a village it is considered the proximity to York is such that the economy as a whole could not be described as being rural in character.

4.7 The NPPF states that local planning authorities should plan positively to enhance the beneficial use of the Green Belt; such beneficial uses include outdoor sport. New buildings relating to sport are appropriate as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it

4.8 The 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 content of the NPPF.

4.9 The application site is in the Green Belt. The employment uses (including Costcutter) on the opposite side of Common Road from the playing field are not in the Green Belt.

4.10 Local Plan Policy GB1 'Development in the Green Belt' is consistent with the NPPF in that it states that development in the Green Belt will only be acceptable where it does not detract from the open character and setting of York and is for one of several uses. One of these uses is essential facilities for sport. It states that very special circumstances will be required to justify proposals not within the list (i.e. use of land for staff car parking).

4.11 Local Plan Policy GP11 'Employment Development Outside Settlement Limits' relates to the extension of an existing employment building rather than a proposal, such as a shared use of a car park, however, it does seem to have some relevance to the proposal. The supporting text to Policy GP11 states that where companies proposes the small scale expansion of curtilages rather than re-locating, the circumstances of the company concerned and the benefits to the local economy will be assessed against any relevant impact on the local environment or amenity.

4.12 Local Plan Policy GB13 relates to 'sports facilities outside settlement limits'. The use of land for sport is appropriate in the Green Belt. In respect to ancillary facilities (such as car parking and changing rooms) it states that they should be essential, kept to a scale consistent with the use and not detract from openness.

THE ACCEPTABILITY OF THE USE AND DEVELOPMENT IN THE GREEN BELT

4.13 The continued use of the playing fields indicates the demand for such a use in the Green Belt. The creation of the pitches required minimal alteration to the shape of the land and clearly if no longer required can easily be returned to agricultural use. The site is surrounded by hedgerows along Common Road and Hagg Lane to the south and also along the northern boundary of the site. The western boundary of the fields has limited hedging.

4.14 Two modular buildings used for changing are intended to be retained at the southern end of the eastern boundary. They are currently screened from Hagg Lane and Common Road by high hedging. Condition 5 of the 2003 temporary consent required the hedge along these roads to be maintained at 3.5 metres. There are long views of the modular buildings from the fields to the east; however, the functional 3m high green structures are viewed against the hedgerows behind and it is the case that Costcutter's offices are only located around 30 metres from the structures and create a 'developed' backdrop when seen from the east.

4.15 The extended gravel car park will in itself have little impact on visual amenity. The use by cars associated with the sports use will have a visual impact; however, the vehicles will from most directions be largely screened by hedgerows that surround the site. Officers from the Council's Network Management team are satisfied that the provision of 40 spaces associated with the sporting use of the field does not exceed the maximum parking standards set out in Annex E of the Local Plan. It would be expected that if both pitches were used at the same time around 56 players would be present along with management, organisers, match officials and spectators/family.

4.16 As outlined earlier, the use of a car park that is ancillary to a sports pitch by staff of a local company is a use that needs planning permission. Such a use is inappropriate and is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

4.17 The car park is intended to be used by Costcutter during the week. The applicant has stated that they agree to a condition that a post and rail fence is erected around the car park and a deciduous hedgerow planted adjacent to the fence to provide screening. It is considered that the fence and hedge will help to reduce the visual impact of parked cars. In addition it will stop cars parking on the adjacent grass should the car park be full. It is not considered that the use of the car park by cars associated with Costcutter would significantly prejudice the setting and special character of York.

4.18 The above view that the use of the car park by Costcutter will have a modest impact on the openness of the Green Belt is not a reason for approving the application. The proposed use by Costcutter is inappropriate development and is by definition harmful to the Green Belt. Substantial weight should be given to any harm to the Green Belt. It is necessary to show that the potential harm to the Green Belt and any other harm are outweighed by the benefits and that the benefits are such to amount to very special circumstances in accordance with paragraphs 87 and 88 of the NPPF.

4.19 It is understood that Costcutter have doubled their staff numbers at their head office in the last 10 years. Costcutter currently have 170 staff based at the office with a further 100 staff employed in food sales working from home. Around two-thirds of staff live outside the York area. It is understood that around 35 staff based at the office need immediate access to a car for site visits. There are currently 85 spaces at the site (a ratio of 0.5 spaces per resident staff). The use of the playing field car park will increase the ratio to 0.73 spaces per resident staff member. There is no further space on Costcutter's site or on available adjacent land to provide an enlarged car park for the company.

4.20 The ratio of proposed parking to floor space proposed by Costcutter exceeds the standards set out in Annex E of the Local Plan. Because of this apparent over-supply, a comprehensive travel plan has been requested and submitted. The travel plan sets out initiatives that have previously been undertaken by Costcutter to reduce car use and also initiatives that could further reduce car use. The travel plan indicates that measures could be used to reduce single occupancy car travel to work from around 90% to 80%. Even if this reduction were reached there would be a need for the additional off-site car parking proposed in this application. The location away from a city centre and main public transport nodes makes commuting by non-car means difficult for many staff.

4.21 Further, because of the broad geographical spread of their stores, Costcutter consider staff travelling between the head office and shops and suppliers are largely reliant on travel by car and as such a head office location relatively convenient to the motorway network is beneficial. The site is not particularly well served by public transport from the wider area, though buses do travel from York to Dunnington.

4.22 It is considered that approving use of the car park by Costcutter will have road safety benefits in the sense that it will reduce pressure on on-street car parking that currently occurs. The case officer has visited the site on several occasions in the past year. At each time the car park on the Costcutter site has been full and overspill car parking has occurred in the nearby lay-by on Common Road, on Hagg Lane and on the existing playing field car park. The increase in size of the car park will reduce the pressure on on-street car parking which will assist highway safety.

4.23 If the application is refused it is likely that the current car parking situation will remain. It is considered that the specific requirements of Costcutter are such that their use of the playing field car park equates to very special circumstances. The NPPF puts a strong emphasis on supporting sustainable economic growth. It is considered that the applicant has indicated through their travel plan that there is a demand for additional car parking that can not reasonably met by other means. The travel plan indicates that through their own initiatives the maximum Costcutter can reduce staff car travel by is around 10%. This reduction would still result in the need for the use of the additional car parking.

4.24 It is considered that if Costcutter are granted permission to use the enlarged car park the consent should be restricted to their use and that of the football club. Should a new company locate in the existing offices they would need to indicate why their use of the playing field car park is justified in planning terms.

4.25 In light of the above assessment it is considered that there are cumulatively Very Special Circumstances that can be summarised as follows:-

- Road safety benefits of providing the alternative to existing vehicle parking along the adjacent highway
- Existence of the current (albeit smaller) car park,
- The securing of sufficient parking for the existing employer across Common Lane to continue to operate efficiently from their site.
- Lack of any proposed built form and so lack of impact on openness off the Green Belt
- Opportunity to prevent car parking on adjacent grassed areas through boundary treatment to the new car park.
- Opportunity to screen currently open views of parked vehicles at the site through requirement for hedge planting around new car park

DRAINAGE

4.25 The gravel car park will be permeable and otherwise drain onto the playing fields. The first five metres of the entrance to the car park will be hard surfaced to reduce the likelihood of gravel getting on to the adjacent lane. It is not considered that this will have a significant impact on local drainage conditions.

HIGHWAY SAFETY

4.26 Hagg Lane is lightly used. The junction of Hagg Lane with Common Road is of an acceptable standard. It is not considered that the increase in size and use of the car park creates highway safety concerns. The proposal will reduce pressure on existing parking on Hagg Lane and Common Road.

5.0 CONCLUSION

5.1 The application is to continue use of the land off Common Road for sports pitches including the retention of two modular buildings for changing accommodation and the increase in size of the playing field car park from 20 to 40 spaces. It is considered that the proposed sporting use of the land is in line with local and national policy relating to development in the Green Belt.

5.2 The use of the car park by Costcutter is inappropriate development in the Green Belt. In assessing the acceptability of the application, the key issue is considered to

be whether there are very special circumstances to justify its use by the company. As summarised at 4.25, it is considered that the specific economic and road safety benefits and minimal harm to the Green Belt from allowing Costcutter the use of the extended car park are very special circumstances that outweigh harm to the Green Belt, and any other harm in accordance with paragraphs 87 and 88 of the NPPF.

5.3 It is therefore recommended that the application is approved.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 The extension to the car park shall be begun not later than the expiration of three years from the date of this permission.

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

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

Location Plan received by the Local Planning Authority on 30/10/2014 showing the site boundary and the proposed site layout plan v4 dated 04/12/2014 received by the Local Planning Authority on 05/12/2014.

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 extended car park coming into use, the initial 5m of the vehicular access, measured from the back of the public highway, shall be surfaced, sealed and positively drained within the site. Elsewhere within the site all areas used by vehicles shall be surfaced and drained, in accordance with the approved plans.

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

4 Prior to the use of the extended car park, details of secure cycle parking within the playing field site, shall be submitted to and approved in writing by the Local Planning Authority. The extended car park shall not be used until the cycle parking areas have been provided in accordance with such approved details, and these areas shall be retained and not used for any purpose other than the parking of cycles.

Reason: To promote the use of cycles by visitors to the playing fields.

5 The site shall be occupied in accordance with the aims, measures and outcomes of the Travel Plan and associated Action Plan submitted on 19 December 2014. Within 12 months of the extension of the car park a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of yearly travel surveys shall then be submitted annually to the Authority's travel plan officer for approval.

Reason: To ensure the development complies with advice contained in local and national planning and transportation policy, and 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.

6 Prior to the extension of the car park, details of the proposed design of the post and rail fencing and native hedgerow planting (along with timescales for provision and maintenance) around the proposed car park shall be submitted to and agreed in writing with the Local Planning Authority. The works shall be completed and maintained in accordance with the agreed details.

Reason: To minimise the visual impact of the car parking.

7 The height of the hedge along the Common Road and Hagg Lane frontage shall be retained at no less than 3.5 metres and the standard trees within the hedge shall be left as trees.

Reason: The hedge is considered to make a significant contribution to the amenities of the area.

8 The areas shown on the approved plans for the parking and manoeuvring of vehicles shall be constructed in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

9 The car park shall always be made available for use when the playing fields are operational and shall be for the exclusive use of Dunnington Football Club and staff or visitors to Costcutter head office (Harvest Mills, Common Road, Dunnington).

Reason: To maintain highway safety and ensure that the car park is used only in association with outdoor sports uses that are considered appropriate in the Green Belt, and by the staff and visitors to Costcutter which is justified by Very Special Circumstances to outweigh the harm arising from the inappropriate use in the Green Belt

10 If Costcutter Supermarkets Group vacates its existing head office (Harvest Mills, Common Road, Dunnington), within 28 days of the vacation the playing field car park shall be secured with a lockable gate; details of which shall be agreed in writing by the Local Planning Authority prior to its installation and thereafter the car park shall be only be made available for the parking of cars associated with the use of the associated playing field.

Reason: To ensure that in the absence of Very Special Circumstances to justify the use of the car park by visitors to Costcutter , the car park is only available in association with outdoor sports uses that are considered appropriate in the Green Belt, in accordance with local and national Green Belt policy.

7.0 INFORMATIVES:

Notes to Applicant

1. 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:

Permeable surface agreed, screening and boundary to car park proposed and travel plan submitted.

2. for Information - Re-charging

If the applicant would like advice on the installation of an electric vehicle recharging point, they should contact the Council's Low Emission Officer, Derek McCreadie

3. For Information - Contaminated land

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

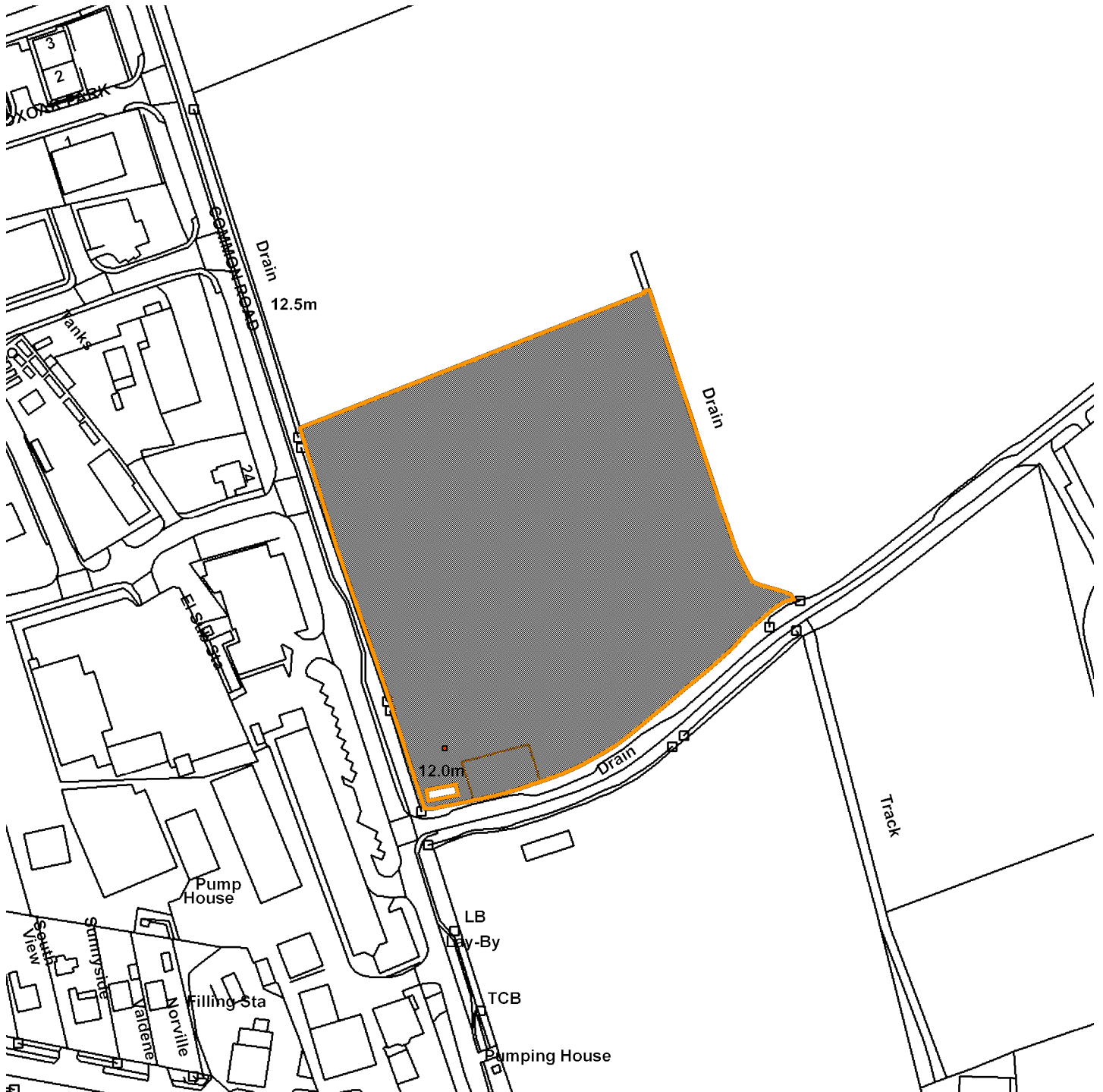
Contact details:

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

Tel No: 01904 551352

14/02284/FUL

Land at The Junction Of Hagg Lane and Common Road



Scale : 1:2119

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Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	13 January 2015
SLA Number	Not Set

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**Update for planning committee agenda item no 4a - 14/00924/FULM
– use of existing B&Q store as a retail food store at Hull Road York**

681 individual cards have been received raising objection to the proposals on the ground that the scheme will threaten independent local retailers and would cause traffic gridlock.

A further letter of objection has been received which raises concerns about the loss of the B&Q. The impact of the development on the adjacent roads and the impact on jobs in local retail stores.

An Additional letter of objections has been received from Morrison's supermarket. Firstly they are concerned about the way in which their comments have been précised in the report. The précising is not detailed enough. On this basis I set out a summary of their original objection and the further comments they make. Members will have received a full copy of their letter by email:-

In the initial letter the concerns were that:-

Whilst they acknowledge that need for a retail proposal no longer has to be demonstrated the applicant say there is a need and Morrison's agents do not agree because:-

- it does not seem credible that the inflow to stores from beyond the study area can be so high, the applicant offers no evidence of actual overtrading at any of the existing stores, the Sainsbury's store at Foss Bank is under-trading, the level of existing food provision in east York is considered to be good and generates linked trips to the other retail warehouses and is accessible by a choice of transport modes.
- Morrison's trades in line with expectations but is not overtrading
- It is recognised in the preferred options to the Local Plan 2013 that the Sainsbury's at Foss bank has some edge of centre characteristics by contrast the proposed store would be a large standalone facility at an out-of-centre location with no potential for linked trips and very little potential for access by non-car modes
- The area is only losing trade from the primary catchment area (PCA) because the PCA excludes Monks Cross.

-In relation to the sequential test sufficient flexibility has not been demonstrated and no account as been taken of the emerging local plan.

- No thought has been given to whether the existing Foss Bank Store can be extended.

-Development of the site could make it less likely that the Castle/Piccadilly site welcome forward. It is also considered that the large store will impact negatively on the chances of the Castle/Piccadilly site coming forward.

-The emerging site has four hubs on the housing allocations that could include new retail floor space.

- Question whether it is appropriate to draw trade from shops on the west side of York as this is not sustainable.

- The turnover of existing stores is significantly lower than suggested by the applicant.

- The level of cumulative impact would be significantly adverse

- Concern about the conclusions reached by WYG that the cumulative impacts of the development are not significantly adverse. Retail reports in 2008 and 2010 both identify that the city share of the comparisons goods market is declining.
- Due weight should be given to the preferred options document of the emerging local plan. The policies in it are largely consistent with the NPPF and due weight should be given to them
- New retail provision in proposed allocations will be jeopardised
- the preferred options document says that because of the vanguard scheme great care should be taken with future expansion of out of centre retail destinations
- It is crucial that the city centre is protected particularly as city centre has disadvantages in terms of accessibility, parking costs and constrained floorplates.

An Additional plan is to be added to condition 2 as follows:-

1147-03 Soft Landscape Proposals

Condition 8 is to be removed and replaced with individual conditions that will cover each of the matters set out in the condition. This is considered to more clearly set out the environmental protection requirements for the site:-

Acoustic Barrier

Details of any acoustic noise barrier to protect the amenity of existing residential dwellings as specified in drawings submitted with the application shall be submitted to and approved in writing by the local planning authority. These details shall include the construction method, height, thickness, acoustic properties and the exact position of the barrier. The barrier shall be erected in accordance with the approval before the use hereby permitted first comes into use and maintained thereafter.

Reason: To protect the amenity of local residents in accordance with paragraph 17 of the National Planning Policy Framework

Lighting Impact

No development shall take place until a full Lighting Impact Assessment undertaken by an independent assessor has been submitted to and been approved in writing by the Local Planning Authority. The report shall detail predicted light levels at neighbouring residential properties and contain the following as a minimum

- Description of the proposed lighting: number of lighting columns and their height, and proposed lighting units including the access road
- _ Plan showing vertical illuminance levels (Ev), showing all buildings within 100 metres of the edge of the site boundary.

Note: Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone – E2 contained within Table 1 of the Institute of Light Professionals Guidance Notes for the Reduction of Obtrusive Lighting

Reason: To protect the amenity of local residents in accordance with paragraph 17 of the National Planning Policy Framework

Delivery times

- Upon completion of the development, delivery vehicles to the development shall be confined to the following hours:

Monday to Sunday 05:00 to 24::00

Service Yard

Prior to the commencement of the development or within such longer period as may be agreed with the local planning Authority, a detailed specification for the service yard delivery area as shown on drawing no. 2011-357 A PL- 003 Rev B - Proposed Site Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the occupation of the building and subsequently maintained in accordance with the details set out within the specification.

Reason: To protect the amenity of local residents in accordance with paragraph 17 of the National Planning Policy Framework

Electric recharging points

Before the retail food store is open to customers the six (6) Electric Vehicle Recharging Point shown on drawing no. 2011-357 A PL- 003 Rev B shall be provided. Within 3 months of the first occupation of the accommodation, the Owner will submit to the Council for approval in writing (such approval not be unreasonably withheld or delayed) an Electric Vehicle Recharging Point Maintenance Plan that will detail the maintenance, servicing and networking arrangements for each Electric Vehicle Recharging Point for a period of 25 years

REASON: To promote and facilitate the uptake of electric vehicles on the site in line with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework (NPPF).

Condition 13 amended as follows:-

The biomass boiler shall be operated in accordance with the submitted Biomass boiler screening assessment and in line with the following parameters unless otherwise agreed in writing by the Local Planning Authority:-

- The biomass boiler to be installed is limited to an Uniconfort EOS-60 690kW o The height of the boiler exhaust stack shall be no lower than 11,662 mm above biomass unit finished floor level
- The biomass boiler shall be serviced in accordance with the manufacturer's specification. All servicing shall be carried out by a suitably trained and authorised engineer. Appropriate records of servicing and maintenance must be kept

- In line with the Clean Air Act exemption, only the following types of fuel should be used: 6mm diameter wood pellets free of halogenated organic compounds or heavy metals as a result of treatment with wood-preservatives or coatings. Wood pellets used should comply with CEN / TS 14961 and ENPlus standards.

Reason: The site falls within City of York Council's smoke control area and thus the biomass boiler must be suitable for use in such areas in the interest of residential amenity and air quality management.

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Item 4c - 14/02091/FULM St Leonard's Place

Amendments to suggested conditions (p 115-121)

9 The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels of 30 dB LAeq (8 hour) and 45dB L_{Amax} inside bedrooms at night (23:00 - 07:00 hrs) and 35 dB LAeq (16hour) in all other habitable rooms during the day (07:00 - 23:00 hrs) unless otherwise agreed in writing by the Local Planning Authority. These noise levels shall be observed with all windows shut in the particular and other means of acoustic ventilation provided. The detailed scheme shall be submitted to and approved in writing by the Local Planning Authority and fully implemented before the use approved in each respective phase of dwellings is occupied. Thereafter no alterations to the external walls, facades, windows, doors, roof or any openings in the building(s) shall be undertaken (including the closing up or removal of openings) without the prior written approval of the Local Planning Authority.

17 With the exception of the converted stable block, no garage door shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

19 Prior to the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure dedicated to those parts of the building 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.

22 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority in accordance with a programme of submission and works to be agreed in writing by the Local planning Authority prior to commencement of the development. The works shall be carried out in accordance with the approved details. The details shall be submitted at 1:50. 1:20 or 1:5 scale as appropriate and supplemented with manufacturer's literature where appropriate.

24 Notwithstanding any proposed materials specified on the approved drawings, or in the application form submitted with the application, samples of all the external materials to be used including areas of making good (supplemented by manufacturer's literature where appropriate) shall be submitted to (sample panels of brickwork and render shall be provided on site) and approved in writing *in accordance with a programme of submission and works to be agreed in writing by the Local Planning Authority prior to commencement of the development.* The development shall be carried out using the approved materials.

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Item 4d - 14/02104/LBC St Leonard's Place

Amendments to suggested conditions (p 136-139)

3 Notwithstanding any proposed materials specified on the approved drawings, or in the application form submitted with the application, samples of all the external materials to be used including areas of making good (supplemented by manufacturer's literature where appropriate) shall be submitted to (sample panels of brickwork and render shall be provided on site) and approved in writing in accordance with a programme of submission and works to be agreed in writing by the Local Planning Authority prior to commencement of the development. The development shall be carried out using the approved materials.

4 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority in accordance with a programme of submission and works to be agreed in writing by the Local planning Authority prior to commencement of the development. The works shall be carried out in accordance with the approved details. The details shall be submitted at 1:50, 1:20 or 1:5 scale as appropriate and supplemented with manufacturer's literature where appropriate.

5 Other than shown on the approved drawings, there shall be no alteration to the front boundary railings.

6 The 'making good' of all parts of the buildings shall be carried out to a high standard to match existing materials, details and finishes.

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Item 4e 14/02284/FUL Hagg Lane and Common Road Dunnington

Suggested amended wording for condition 3 (p151):-

3 Notwithstanding any details submitted with the application, details of the surfacing of the car park, including materials, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. Those details shall provide for the initial 5m of the vehicular access, measured from the back of the public highway, to be surfaced, sealed and positively drained within the site. The car park shall thereafter be surfaced in accordance with the approved details prior to first use.

Reason: To prevent the egress of water and loose material onto the public highway and in the interests of the visual appearance of the car park within the locality.

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