

## COMMITTEE REPORT

**Committee:** East Area  
**Date:** 23 July 2009

**Ward:** Huntington/New Earswick  
**Parish:** Huntington Parish Council

**Reference:** 09/00716/FULM  
**Application at:** Sainsbury Plc Monks Cross Drive Huntington York YO32 9GX  
**For:** Extension to existing store with associated alterations to car park layout and landscaping works  
**By:** Sainsbury's Supermarkets Ltd  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 27 July 2009

### 1.0 PROPOSAL

1.1 This is a full planning application for the erection of an extension to the existing Sainsbury's store together with the reconfiguration of the existing car park and internal alterations.

1.2 The site is located to the north-east of York city centre inside the outer ring road and adjacent to the Monks Cross Shopping Park. The site, incorporating the existing store, car park, service yard and petrol filling station, measures 3.6 hectares. The existing store has a gross external area of 8,023 square metres and a car park accommodating 544 spaces. The petrol filling station is located to the east of the site and is separated from the car park by the access road.

1.3 The proposal includes the following :-

- An extension to the south of the store to increase the sales and bulkstock areas and to provide a new customer entrance lobby, customer restaurant, wc's, unloading bay and online groceries delivery service. The customer restaurant will be provided on the first floor in a mezzanine area.

- An extension to the north-east of the store to increase the sales area and create a straight shopfront line.

- Reconfiguration of the car park layout. The reconfiguration was initially to increase the number of car parking spaces from 544 to 583 and increase trolley bays from 14 to 17, however, an amended plan has been submitted which increases the car parking from 544 to 563 and the trolley bays from 14 to 16. The amendment has been made in an attempt to overcome concerns regarding loss of tree cover. The scheme provides 60 cycle parking spaces.

1.4 The application is supported by a design and access statement, flood risk assessment, a contaminated land desk top study, a transport statement, a statement of community involvement, a flood risk assessment, a drainage strategy statement, a landscape appraisal, a sustainability statement and a planning and retail statement.

## History

1.5 Planning permission was originally granted for the erection of the Sainsbury's store in 1991. There have been a number of minor proposals for works at the site since then. The most notable of these, in the context of the current application, is an application to extend the food sales within the store submitted in 1998. This proposal, which was granted in June 1998, increased the food sales area by 900 square metres.

1.6 The most recent significant application was for the refurbishment of the petrol filling station. This was approved in March 2008. There is a current application on an area of the car park for the siting of a temporary filling station for a period of 10 to 16 weeks during the refurbishment of the existing site.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYSP7A

The sequential approach to development

CYGP1

Design

CYGP4A

Sustainability

CYGP9

Landscaping

CYNE1

Trees, woodlands, hedgerows

## **3.0 CONSULTATIONS**

INTERNAL

3.1 Highways Network Management - Given the content of the Transport Assessment and the details of the scheme, there are no objections to the principle of

the proposal subject to conditions ensuring the proper implementation of the scheme and subject to the applicant being prepared to provide a contribution of £12,300 towards the approved Monks Cross Master Plan. Further comments are awaited from Highway Network Management regarding the reduced number of parking spaces shown on the amended plan. Comments will be reported direct to Committee.

3.2 City Development - Following consideration of York's Retail Study (2008) it can be seen that there are no capacity issues for comparison or convenience goods proposed as part of this application. It is noted that the level of comparison goods proposed is high for an out of centre location. It is essential that the applicant demonstrates that there will not be an adverse impact on the City or District Centres and that there are no sequentially better sites. City development were originally concerned that the retail assessment did not cover Acomb centre however they have now concluded that as the impact on Haxby centre is in their judgement minimal the impact on Acomb is also likely to be minimal. No policy objections are therefore raised on the grounds of adverse impact on the city centre.

3.3 City Development requested that the applicant examine the combined impact of the proposed Monks Cross extension and the existing Foss Bank store. This was in order to understand the combined impact on York City Centre and to understand whether if both stores were developed would this have an adverse effect on the City Centre's vitality and viability. The applicant has provided a combined impact study for both the Foss Bank store and proposed Monks Cross extension which gave an impact figure of 0.73%. This is not regarded as significant enough to adversely affect the viability and vitality of York City Centre and York's District Centres. No policy objections are raised to the proposals.

3.4 Landscape Architect - Concerned about the extent of the loss of trees both within and to the perimeter of the site. The starting point is that existing tree cover should be retained, replacement planting even of the same quantity would not be deemed sufficient mitigation for the loss of the majority of the well-established trees which serve a very useful purpose and also have excellent long term potential. Furthermore, the proposed tree planting would be within a much thinner margin, thereby reducing availability of space for flexible and more effective long term tree management; plus there would be a reduced quality of growing conditions. The proposed loss of trees within the car park would be unfortunate especially as there would be no replacement planting. The shrub planting contributes to the overall amenity of the street and site, but it is the trees that make the greatest visual impact and have the greatest influence on the character of the area. Trees are long-lived and continue to increase in beneficial impact over many decades as they grow and mature; whereas shrubs are relatively short-lived and more easily replaced. (The proposed shrub planting is nothing extraordinary). The reduction in planting would reduce the aesthetic depth and value of the landscape.

3.5 The Landscape Architect is also concerned about the impact on the large Oak (T1) due to the replacement of trees T2-T5 with hard standing within the root protection area. This is a large mature specimen Oak. The existing service yard covers approximately one quarter of the likely rooting zone of the tree. The development would further compromise the growing conditions such that almost half

the root protection area would be under hard-standing, thus placing the tree at risk of early decline due to compaction and reduced quantities of water to the soil, and reduced gaseous exchange between air and soil (even if the surface were of a porous construction - though it is likely to be concrete as existing). Given the age and stature of the tree it should not be put under further stress and high risk of damage and decline.

3.6 In conclusion the Landscape Architect objects to the application because of the loss of tree cover and considers that the proposal conflicts with Draft Local Plan policies NE1 and GP1

N.B. Following the concerns raised by the Landscape Architect regarding the loss of tree cover an amended scheme has been submitted which reorganises the car park losing 20 of the new car parking spaces (reducing the total to 563). This amendment allows for the retention of the majority of the perimeter trees and removes the hard surface within the canopy of the oak tree covered by the Tree Preservation Order. However the trees within the site would still be lost. The Landscape Architects comments are awaited on the amended proposals. Comments will be reported direct to committee.

Sustainability Officer - Considers that the proposal should be considered against section 2 of the Interim Planning Statement: Sustainable Design and Construction 2007. This requires the development to achieve an overall BREEAM standard rating of "Very Good", and at least 10% of the expected energy demand for the development to be provided for through on site renewable generation for heat and/or electricity.

## EXTERNAL

3.7 Huntington Parish Council - No objections

3.8 Foss Internal Drainage Board - requires conditions to ensure a scheme for the provision of surface water drainage works

3.9 Environment Agency - No objections to the principle of the development however the proposal will only be acceptable if the measures identified within the flood risk assessment and drainage strategy submitted with the application are properly implemented. Conditions are proposed to ensure the drainage details are implemented appropriately.

3.10 Two letters of support have been received covering the following points:-

- One of the good things to come out of the development is the provision of cycle spaces for customers and secure cycle facilities for staff
- In the current financial climate it is encouraging that Sainsbury's are looking to invest in York
- The proposals will make shopping at the store a great pleasure

## PUBLICITY

3.11 The application has been advertised by means of a site notice published in the York Evening Press on 13th May 2009 and by means of a site notice posted on 12th May 2009. The businesses adjacent to the site have also been consulted.

### **4.0 APPRAISAL**

#### 4.1 Key Issues:-

- Policy background
- The principle of the development
- Design and Landscape considerations
- Traffic, highways and access issues
- Drainage
- Sustainability

#### Policy Background

4.2 The proposal is for an extension to an out-of-town superstore

4.3 Planning Policy Statement 6 'Planning for Town Centres' (PPS6) sets out the Government's key objectives with regard to retail development. These are to promote the vitality and viability of existing centres by:

- Planning for the growth and development of existing centres; and
- Promoting and enhancing existing centres, by focusing development in such centres and
- Encouraging a wide range of services in a good environment, accessible to all (Paragraph 1.3)

4.4 In addition the PPS advises that there are other Government objectives which need to be taken account of in the context of the key objective in Paragraph 1.3 above. These include:

- Enhancing consumer choice by making provision for a range of shopping, leisure and local services, which allow genuine choice to meet the needs of the entire community, and particularly socially-excluded groups;
- Supporting efficient, competitive and innovative retail, leisure, tourism and other sectors, with improving productivity; and
- Improving accessibility, ensuring that existing or new development is, or will be, accessible and well-served by a choice of means of transport (Paragraph 1.4)

4.5 Advice in paragraph 1.7 of PPS6 states that it is not the role of the planning system to restrict competition, preserve existing commercial interests or to prevent innovation.

4.6 PPS6 places a clear and firm emphasis on securing new retail development within existing centres and to this end it advises local planning authorities to identify suitable sites for redevelopment. While out-of-centre development is not

prohibited, the advice makes clear that various retail policy requirements have to be met. Chapter 3 of the PPS provides detailed guidance on development control which is to be applied to all forms of retail development. Paragraph 3.4 states that Local Planning Authorities should require applicants to demonstrate:

- a) the need for development;
- b) that the development is of an appropriate scale;
- c) that there are no more central sites for the development;
- d) that there are no unacceptable impacts on existing centres; and
- e) that locations are accessible.

4.7 The PPS advises that these matters should be assessed for all retail developments in excess of 2,500 square metres (net) and may occasionally be necessary for smaller developments. The types of development to which this criteria applies includes extensions to superstores.

4.8 Table 3 of PPS6 defines superstores as self-service stores selling mainly food, or food and non-food goods, usually with more than 2,500 square metres trading floorspace, with supporting car parking.

4.9 Planning Policy Guidance Note 13 'Transport' (PPG13) states at para. 35 that policies for retail and leisure should seek to promote the vitality and viability of existing town centres, which should be the preferred locations for new retail and leisure developments. At the regional and strategic level, local authorities should establish a hierarchy of town centres, taking account of accessibility by public transport, to identify preferred locations for major retail and leisure investment. At the local level, preference should be given to town centre sites, followed by edge of centre and, only then, out of centre sites in locations which are (or will be) well served by public transport. Where there is a clearly established need for such development and it cannot be accommodated in or on the edge of existing centres, it may be appropriate to combine the proposal with existing out of centre developments, provided that improvements to public transport can be negotiated.

4.10 The Yorkshire and Humber Regional Spatial Strategy (RSS) adopted in May 2008 sets out the broad development strategy for the region. York is identified as a sub-regional city. Policy E2 of the RSS states that there will be no further large scale expansion of out of centre regional or sub-regional shopping centres and that smaller scale expansion should be judged against PPS6. Policy Y1 states that plans and strategies should:

- Develop and grow York as a key driver in the Leeds City Region Economy;
- Develop the role of York as a sub-regional city;
- Spread the benefits of York's economic success to other parts of the sub area;
- Focus most development on the sub-regional city of York whilst safeguarding the historic centre

4.11 Policy E2 states that the centres of regional cities and Sub-regional Cities and Towns should be the focus for offices, leisure, entertainment, arts, culture, tourism and more intensive sport and recreation across the region. Policy YH4 seeks the transformation of Sub-Regional Cities to create attractive and safe places where people want to live, work and invest. Measures will seek to strengthen the identity and roles of city/town centres as accessible and vibrant focal points for high trip generating uses and develop a strong sense of place with well designed buildings.

4.12 Policy ENV5 requires that developments maximise energy capacity. Developments over 1000 square metres should secure at least 10% of their energy from decentralised and renewable or low-carbon sources unless, having regard to the type of development involved and its design, this is not feasible or viable.

4.13 The City of York Draft Local Plan (CYDLP), Policy SP7a, sets out the sequential approach to development it says that to ensure development outside York city centre is highly accessible by non-car modes of transport, a sequential approach will be taken in assessing planning applications for new retail, commercial, leisure and office development. SP7a says that planning permission will be granted for new retail development over 400 square metres in accordance with a hierarchy starting with the defined central shopping area for retails and York City Centre, then Edge of City Centre sites where it can be demonstrated that all potential city centre locations have been assessed and are incapable of meeting the development requirements and finally other out of centre locations genuinely accessible by a wide choice of means of transport where it can be demonstrated that the city centre and edge of centre sites have been assessed and are incapable of meeting the development requirements.

4.14 Other relevant Local plan policies include:-

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

- Policy GP4a 'Sustainability' states that proposals for all development should have regard to the principles of sustainable development. Development should: provide details setting out the accessibility of the site by means other than the car and, where the type and size of development requires, be within 400 metres walk of a frequent public transport route and easily accessible for pedestrians and cyclists; contribute towards meeting the social needs of communities within the City of York and to safe and socially inclusive environments; maintain and increase the economic prosperity and diversity of the City of York and maximize employment opportunities; be of a high quality design, with the aim of conserving and enhancing the local character and distinctiveness of the City; minimize the use of non-renewable resources, re-use materials already on the development site, and seek to make use

of grey water systems both during construction and throughout the use of development. Any waste generated through the development should be managed safely, recycled and/or reused. The 'whole life' costs of the materials should be considered; minimize pollution, including that relating to air, water, land, light and noise; conserve and enhance natural areas and landscape features, provide both formal and informal open space, wildlife area and room for trees to reach full growth; maximize the use of renewable resources on development sites and seek to make use of renewable energy sources; and make adequate provision for the storage and collection of refuse and recycling. The Interim Planning Statement: Sustainable Design and Construction 2007 further expands on the sustainability requirements for new development.

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

- Policy NE1 'Trees, Woodlands and Hedgerows' says trees, woodlands and hedgerows, which are of landscape, amenity, nature conservation or historical value, will be protected by, among other things, refusing development proposals which will result in their loss or damage

4.15 A Retail Study for the City of York has been on behalf of the Council by GVA Grimley. The document was approved by the LDF Working group in June 2008. The study recommends against allocating Monks Cross as a centre in the retail hierarchy and recommends against further out-of-centre foodstore development. The study further recommends the Council should seek to resist further out-of-centre retail development and should not designate existing shopping facilities within the retail hierarchy. Proposals in respect of existing out-of-centre shopping destinations should be assessed against national policy guidance (PPS6).

#### The Principle of the Development

4.16 The proposal will increase the overall gross external floorspace of the Sainsbury's store from 8023 square metres to 10927 square metres, the net sales area will increase from 4613 square metres to 6534 square metres. The car park through reorganisation will provide an additional 19 spaces (originally 39). The applicant states within the Planning and Retail Statement that the principle reason for the extension proposal is to improve the range of goods and retail offer for customers and ease congestion within the store. Furthermore the report states that 302 square metres of the net sales area will be to provide convenience goods and 1619 square metres will be for comparison goods.

4.17 The Planning and Retail Statement considers the proposal against the criteria set out in PPS6 ( paragraph 4.6 above). These are; the need for development; that the development is of an appropriate scale; that there are no more central sites for the development; that there are no unacceptable impacts on existing centres; and that locations are accessible.

4.18 In terms of need the report examines both quantitative and qualitative need. In terms of quantitative need the report concludes that the comparison turnover of the extended store can be accommodated when considered against the projected



turnover capacity forecast for 2012 and 2017 within the GVA Grimley retail study. The modest amount of increase in convenience floorspace is not considered significant and growth in expenditure alone is sufficient to support the increase. In qualitative terms the report concludes the development will not have a significant impact on existing centres and stores within the catchment ( The catchment is defined as a 10 minute drive) .

4.19 The scale of the store is considered to relate well to the scale and function of the existing retail development. In terms of accessibility the site is accessible to a range of transport modes other than the private car and is considered to satisfy the accessibility test. The report provides a sequential assessment which examines a range of sites within the town centre which would be considered to be sequentially preferable to the application site, the report considers central sites as well as Clifton Moor, and Haxby District Centre. The overall conclusion is that none of the sites considered have been assessed as suitable, available or viable.

4.20 Fundamentally the need for the store is based on an assessment of future trading which in turn is based on estimates of increased turnover and of identified overtrading. It can be difficult to contradict the evidence of need without a detailed knowledge of the particular business. However the needs assessment does include the floorspace of the Foss Bank Store (as approved for redevelopment) within its figures and is based on advice from our own City Development team on how need should be calculated. The City Development team do not object to the submitted needs assessment and therefore officers have no basis to reject the figures supplied in relation to the need for the development. Clearly the need is assessed on a particular split between comparison and convenience goods shopping and this split will need to be conditioned in order for the scheme to be acceptable.

4.21 In terms of scale and accessibility officers are in agreement with the conclusions of the report.

4.22 The sequential test in the report is very thorough in its assessment of all sequentially preferable sites apart from its own store at Foss Bank for which it only says that the site is unavailable due to ongoing redevelopment plans. Officers considered this to be an inadequate assessment for the site and have sought clarification of this statement. City Development indicated to the applicant early on in the processing of the application that if the combined impact of the of the Foss Bank Store and the Monks Cross store had a negative impact on the vitality and viability of the City Centre then the Foss Bank Site should be brought forward first. The agent has, to the satisfaction of City Development, provided evidence that the vitality and viability of the City Centre will not be adversely affected and for this reason City Development do not raise any policy objections to the scheme.

4.23 Officers however were still concerned that the sequential test needed to address why the Foss Bank Site could not accommodate the additional space proposed at Monks Cross. The agent has submitted further information in the form of a letter which states "it is important to consider the advice in PPS6 regarding scale, format and scope for disaggregation. In particular paragraph 3.17 advises that a single retailer or leisure operator should not be expected to split their proposed development into separate sites. Sainsbury's is a food retailer first and foremost and

the comparison offer proposed at Monk Cross is complementary to the main convenience offer, therefore, it is not possible to provide the comparison goods as a freestanding retail offer". The letter goes on to say that providing the floorspace at Foss Bank would not meet the requirements for additional floor space or improvements to the retail offer at Monks Cross. The Agent also states that the vacant Homebase store is being marketed for lease in order to reduce the empty building rate liability , and this will not compromise the redevelopment of the site. In light of this further explanation from the applicant and considering the support for the proposal from City Development, the principle of the development is considered to meet the tests set out in PPS6 paragraph 4.6.

## Design and Landscaping

4.24 The extension proposals are in two areas of the store and together with other internal rearrangements, the extensions will increase the sales area, provide a straight shopfront line and relocate the ATM's. The main part of the extension is to be on the south side of the building. Part of the car park and part of the service yard will be replaced by an extension to provide increased sales and bulkstock areas and a new customer entrance lobby, customer restaurant, WC's, unloading bay and online groceries delivery service. The customer restaurant will be located at first floor level, in the south-east corner of the store. A stair and lift provide access to the first floor. The extension is approximately 23 metres wide and 78 metres deep, including the canopy to the front. The structure will stand 10 metres high. This two-storey element of the proposals comprises a lightweight steel-framed structure with flat roof over. The external walls of the rear part of the extension are finished with white metal cladding panels whilst the section adjacent to the store entrance has been designed to reflect the materials of the existing store.

4.25 The extension to the north-east of the building consists of pushing the exit lobby and shopfront outwards providing a straight shop frontage, with a projecting secure cash office and ATM room. This extension has been designed to reflect the detailing of the existing store with traditional build brickwork and glass envelope and pitched tiled roof to match the existing elements of the facade.

4.26 The site is surrounded by a mix of land uses and building types. Adjacent buildings vary in height and design. The proposed extension, incorporating a first floor element, is considered to be satisfactorily related to the design of the existing building and in Officers view can be accommodated without being visually detrimental to the character of the area. The design is considered to accord with the requirements of GP1 of the CYDLP.

4.27 The planting around the Sainsbury site is more meaningful and of a much higher quality than many other properties along Jockey Lane, rendering it one of the more pleasant parts of the retail quarter. The planting along the southern and southeast periphery of Sainsbury is an extremely important element of the setting of the single carriageway stretch of Jockey Lane, and the approach to it from the east, along with the tree planting associated with the Portakabin site. These swathes of trees form part of the local green infrastructure, which then connects with trees east of Jockey Lane around the balancing ponds, and thence to Heworth Stray and the Green Belt. In this car dominated environment the parcels of land/plots are viewed in

quick succession, therefore do relate to one another despite the distances between them.

4.28 The internal car park trees are important to the amenity of the store and contribute to the general tree cover in the area, and the removal of these trees would be detrimental to the quality of the environment.

4.29 The shifting of the parking area to accommodate the built extension would result in the removal of the bulk of maturing trees around the periphery of the Sainsbury site, especially along Jockey Lane and at the roundabout with Monks Cross Drive. These trees provide a strong visual setting for the store and also for the street. The existing trees constitute a substantial, identifiable, landscape feature. They have high public amenity value by way of their quantity, size, and proximity to the public highway. Most of the trees are of high retention category, with no purely arboricultural reasons to remove them. Therefore the overall tree cover is considered to be worthy of protection.

4.30 There is an oak tree on the western boundary of the site that is covered by a tree preservation order. This tree is located adjacent to the service yard.

4.31 Following the concerns raised by the Landscape Architect regarding the loss of tree cover an amended scheme has been submitted which reorganises the car park losing 20 of the new car parking spaces ( reducing the total to 563). This amendment allows for the retention of the majority of the perimeter trees and removes the hard surface within the canopy of the oak tree covered by the Tree Preservation Order. However the trees within the site are still to be lost. The Landscape Architects comments are awaited on the amended proposals. Comments will be reported direct to committee.

#### Traffic, Highways and Access

4.32 The application is supported by a Transport Assessment (TA) the scope of which has been agreed with Highway Network Management. The TA has assessed the implications of the additional traffic that should potentially be generated by the extended food store over the traffic that is being generated by the existing store. Access to the store is to remain as existing with improvements to the internal layout. The main pedestrian/cycle route from Jockey lane is to be improved in terms of width and alignment to provide a more attractive route. The additional traffic arising as a result of the development has been assessed and is not considered to have a material impact on the operation of surrounding junctions or the adjacent highway. The proposal will result in an expected increase in traffic of 63 movements during the network peak periods, which represents in the region of 1 extra vehicle per minute. In reality, Highways Network Management advise, this level of additional traffic will be unperceivable when taking into account daily fluctuations in traffic flows. Furthermore the TA represents a worse case scenario and in reality the traffic levels may be lower than anticipated.

4.33 As there is to be an increase in the stores retail floor area a parking accumulation survey was requested. This has identified that the proposed car park, which is to be increased by 39 spaces will have sufficient capacity for the store

proposed ( the amended proposal to increase the number of spaces by 19 instead of 39 may affect this conclusion). The proposed level of car parking is also in accordance with CYDLP Annex E maximum parking standards.

4.34 The proposals for the store also include an increase in the level of cycle parking provided. 26 staff and 60 customer cycle spaces are proposed. Staff cycle parking is covered and secure and adjacent to the servicing area. The customer cycle stands are to be Sheffield style stands positioned under the stores canopy to provide protection from the elements. Allowance has been made in the positioning of the stands for cycles with trailers.

4.35 The site is located within the recommended walking distances of public transport points, these being adjacent bus stops on Jockey lane and the park and ride site to the south west. Facilities in the locality of the site for pedestrians and cyclists are good with dedicated crossing points and signalised junctions. The site is therefore considered to be in a sustainable location and offers suitable transport alternatives to reduce dependence on the private car. In order to further promote sustainable travel the application includes the provision of on-line shopping deliveries and a travel plan.

4.36 In line with the approved Monks Cross Masterplan Highways Network Management seek to secure funding of £12,300 towards highway works identified within the Masterplan. The sum has been agreed with Sainsbury's highways consultants and will be sought through condition unless a unilateral undertaking is forthcoming prior to Planning Committee.

4.37 Overall given the contents of the Transport Assessment Highways Network Management supports the proposal subject to appropriate conditions ensuring the proper implementation of the scheme including method of works for managing traffic during the construction period and the applicant providing the sum of £12,300 towards highways work identified within the Monks Cross Masterplan.

4.38 The amendments to the scheme, to overcome concerns with regard to loss of trees, results in the loss of 20 of the new parking spaces. This will have an impact on the capacity of the car park at peak times. Further comments of Highways Network Management have been sought to ensure that the reduced car park numbers does not change their view on the acceptability of the scheme. Further comments will be reported direct to committee.

#### Drainage

4.39 The application is supported by a drainage strategy. The strategy assesses both existing foul and surface water drainage and sets out a strategy for dealing with storm water run-off and foul water. The application is also supported by a flood risk assessment. which identifies that the site is in flood zone 1 (low risk). The assessment considers the probability of flooding at the site and sets out flood risk management measures. The Environment Agency raise no objections to the application provided that the measures set out in the two documents are conditioned. The Environment Agency suggest a condition which has been incorporated in to the proposed conditions. The Foss Internal Drainage Board suggest conditions related to

the discharge of surface water. These conditions reflect those required by the Environment Agency.

## Sustainability Statement

4.40 The application is supported by a Sustainability Statement which addresses the criteria set out in Policy GP4a of the Draft Local Plan. The document also states that as a general policy Sainsbury's do, and will in relation to this proposal, maximises the use of renewable resources on their site by sourcing energy responsibly, minimising energy demand and promoting efficient consumption.

4.40 The applicant has confirmed that an initial desktop assessment of the scheme against the BREEAM scoring regime has been undertaken, and the scheme as it is currently proposed is close to achieving a BREEAM rating of "Very Good". However, further work is required to determine whether the additional credits needed can be achieved. It is considered that the further feasibility work relating to renewable/low carbon energy may be sufficient to give the scheme a "Very Good" rating. The applicant has indicated that they are not opposed in principle of a condition requiring the development to achieve the necessary BREEAM rating.

4.41 In terms of renewable energy the Regional Spatial Strategy states that developments over 1000 square metres in floor area should secure at least 10% of their energy from decentralised and renewable or low-carbon sources unless, having regard to the type of development involved and its design, this is not feasible or viable (Policy ENV5). The applicants assertion that sourcing energy responsibly is sufficient to comply with the on-site renewable criteria is not sufficient to meet the policy criteria. The applicant has now confirmed that they would be willing to accept a condition which requires on site renewables provided the condition is worded to reflect the wording within ENV5. Officers are satisfied that the renewables requirement, to accord with the policy in the spatial strategy, can be sought through a condition.

## 5.0 CONCLUSION

5.1 The information submitted in support of the application in the planning and retail statement and subsequent letters is considered to be sufficient to meet the tests of need, impact, scale, accessibility and sequential preference set out in paragraph 4.6 of PPS6. On this basis the principle of the development is considered to be acceptable. City Development do not object to the principle of the proposal.

5.2 Highways Network Management have assessed the development and consider that the proposal can be supported subject to a payment of £12500 being made towards the Council Approved Monks Cross Masterplan and to conditions being attached to ensure the development is carried out in an appropriate manner. However their further comments are sought on the reduction in the number of new car parking spaces by 20 to accommodate the retention of trees. Further comments will be reported direct to committee.

5.3 The payment of the £12500 is considered reasonable in the context of the approved Masterplan document and will be sought by condition unless a unilateral undertaking is forthcoming prior to Planning Committee.

5.4 An amended plan has been submitted in an attempt to overcome the Landscape Architects concerns. This plan shows the retention of trees to the perimeter of the site to the south and east of the supermarket building. The further comments of the Landscape Architect will be reported to committee.

5.5 In terms of sustainability Officers are satisfied that conditions can be attached that will achieve the aims set out in GP4a of the CYDLP and ENV5 of the Regional Spatial Strategy. The applicant has confirmed that the imposition of such conditions is acceptable in principle.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

Existing Site Plan (2008-228 P01)

Proposed Ground Floor Site Plan (2008-228 P02 B)

Proposed Store Ground Floor Plan (2008-228 P05 A)

Proposed Store First Floor Plan (2008-228 P06)

Proposed Store Roof Plan (2008-228 P08 A)

Proposed Store External Elevations (2008-228 P10 A)

Site Location Plan (2008-228 P11 A)

Proposed Store General Sections (2008-228 P12 A)

Concept Masterplan (MP001 Rev PO2)

Tree Root Protection Details (004 00)

Existing Tree Locations (SL201 P01)

Tree Constraints Plan (SL202 P01)

Planning and Retail Statement;  
Design and Access Statement;  
Sustainability Statement;  
Transport Statement;  
Phase 1 Desk Study;  
Statement of Community Involvement;  
Flood Risk Assessment;  
Drainage Strategy Statement;  
Landscape Appraisal.

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

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

3 HWAY18 Cycle parking details to be agreed

4 HWAY19 Car and cycle parking laid out

5 No gates shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

6 HWAY35 Servicing within the site

7 Method of Works: 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
- details of how the car parking area will be managed during the construction period to ensure adequate car parking remains
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

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

highway users.

8 VISQ8 Samples of exterior materials to be app

9 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy by Hadfield Cawkwell Davidson and the following mitigation methods detailed within:

1. Surface water run off from the site should be no greater than existing
2. The design of the drainage system should ensure that storm water resulting from a 1 in 100 year event although surcharging the drainage system can be stored on the site without risk to people or property and without overflowing into the watercourse.
3. The design should factor in the effects of climate change.
4. Works should not be commenced until the above details have been submitted to and approved by the Local Planning Authority. Thereafter the details shall be implemented to the satisfaction of the Local Planning Authority in accordance with a time scale to be agreed as part of the scheme.

Reason: To prevent flooding by ensuring the satisfactory drainage and storage of surface water

10 Unless otherwise agreed in writing by the Local Planning Authority, a minimum of 10% of the expected energy demand for the development hereby approved shall be provided through decentralised and renewable or low-carbon sources. Prior to the commencement of development a statement outlining how this is achieved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved statement unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is sustainable and accords with Policy GP4a of the Draft City of York Local Plan and the City of York Interim Planning Statement on Sustainable Design and Construction and Policy ENV5 of the Regional Spatial Strategy May 2008.

11 Prior to the commencement of the development, the developer shall submit for the written approval of the Local Planning Authority a preliminary BREEAM Design and Procurement stage assessment for the development. Unless otherwise agreed in writing with the Local Planning Authority, this shall indicate that a minimum "Very Good" rating will be achieved. This shall be followed by the submission of a BREEAM Post Construction Review, and a BREEAM Certificate for this review shall then be submitted to the Local Planning Authority after completion and before first occupation of the building. Both assessments shall confirm the minimum "Very Good" rating indicated in the preliminary BREEAM Design and Procurement assessment submitted with the application.

Should the development fail to achieve a "Very Good" rating a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a "Very Good" rating. The remedial measures shall then be undertaken within a timescale to be approved in



writing by the Local Planning Authority.

Reason: To ensure that the development is sustainable and accords with Policy GP4a of the Draft City of York Local Plan and the City of York Council Interim Planning Statement on Sustainable Design and Construction.

12 Prior to the occupation of the development hereby approved details of the internal layout for the store shall be provided to show the comparison/convenience goods ratio in accordance with the Planning and Retail Assessment dated April 2009. Thereafter the layout approved shall be implemented and maintained in accordance with the approved scheme unless otherwise agreed in writing with the Local Planning Authority.

Reason: In accordance with the requirements of Planning Policy Statement 6 the justification for the development is based on an assessment of need for comparison good shopping to compliment the existing store offer.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. REASON FOR APPROVAL

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

- Policy background
- The principle of the development
- Design and Landscape considerations
- Traffic, highways and access issues
- Drainage
- Sustainability

As such the proposal complies with Policies SP7a, GP1, GP4a, GP9 and NE1 of the City of York Development Control Local Plan and policies E2, Y1, H4 and ENV5 of the Yorkshire and Humber Regional Spatial Strategy adopted in May 2008.

#### 2. ENVIRONMENT AGENCY INFORMATIVE

The Water Resources Act 1991, s85 makes it an offence to cause or knowingly permit poisonous, noxious or polluting matter to enter controlled waters unless you are in possession of a discharge consent or other relevant permit. Controlled waters include all waters below the surface of the ground. This legislation is not restricted to any listed substances.

Discharge consents issued under the Water Resources Act 1991 constitutes authorisations for the purposes of the Groundwater Regulations provided the relevant conditions have been applied.

### **Contact details:**

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