

## COMMITTEE REPORT

**Committee:** West/Centre Area                      **Ward:** Westfield  
**Date:** 18 March 2010                              **Parish:** No Parish

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**Reference:** 09/02284/FULM  
**Application at:** Edmund Wilson Baths Thanet Road York YO24 2PE  
**For:** Erection of foodstore with associated parking and landscaping after demolition of existing swimming pool  
**By:** Lidl UK GMBH  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 19 March 2010  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 This application seeks planning permission for a new foodstore on the site of the Edmund Wilson Swimming Baths on Thanet Road. The proposed foodstore would have 1353 sq m floorspace of which 1063 sq m would be dedicated to retail floor area.

1.2 The proposal is for the foodstore to be located on the north eastern part of the site with the car park to the south west. Vehicle access would be form a new access point on St James Place.

1.3 The site currently contains two buildings both of which would be removed to make way for the retail unit and car park. The existing main building is significantly set back from the Thanet Road with parking spaces to the side and front of the building. There is an existing telephone mast to the northern corner of the site that is retained in the proposed plans.

1.4 On two sides of the site is Hob Moor which is designated green belt and a non-statutory nature conservation site. To the south east of the site are dwellings and to the south west of the site is a Bowling Club and Acorn ARL Sports and Social Club.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

2.2 Policies:

CYSP3  
Safeguarding the Historic Character and Setting of York

CYSP7A  
The sequential approach to development

CYSP8  
Reducing dependence on the car

CYGP1  
Design

CYGP3  
Planning against crime

CYGP4A  
Sustainability

CYGP9  
Landscaping

CYL1B  
Loss of local leisure facilities

CYT4  
Cycle parking standards

### **3.0 CONSULTATIONS**

#### **INTERNAL CONSULTATIONS**

HIGHWAY NETWORK MANAGEMENT – Have concerns

3.1 The modification of the priority of the junction of the site entrance with St James' Place is considered to be acceptable

3.2 The submitted Transport Assessment has considered the net increase in traffic over the existing use and has demonstrated that the adjacent highway network will not be detrimentally impacted by the proposed development and adjacent junctions will continue to operate within their theoretical capacity.

3.3 Parking and turning within the site curtilage for both customers and delivery/servicing traffic has been provided.

3.4 Officers are not satisfied with the location of the proposed customer cycle parking facilities and have been in protracted negotiations with the applicants. It is considered that the proposed location does not encourage cycling as a form of travel as they have been placed behind the trolley collection point, away from the store entrance. Furthermore they are remote from the pedestrian access onto Thanet Road, which is the likely route that cyclists will use in accessing the store.

3.5 It has been confirmed that staff are to be permitted to store their cycles within the storage area of the building.

3.6 A Travel Plan is not proposed to be secured as experience demonstrates that the type of user proposed has low levels of staffing (particularly the amount on site at any one time) and as such is unlikely to prove conducive to producing a meaningful Travel Plan that could be successfully implemented.

3.7 Ambiguity of the gross floor area. If the store is 1520 m<sup>2</sup> GFA the store may have a maximum permitted provision of 66 spaces. If the store is 1353 m<sup>2</sup> GFA the store may have a maximum permitted provision of 59 spaces. The maximum standards are a maximum provision not a target and given the sites sustainable location and information provided on

likely parking accumulation we should see levels of parking below this maximum. The submitted traffic assessment included a car parking assessment which identified that during a weekday the total cars parked on site peaked at 36, this figure rises to 58 for a weekend. 8 spaces could be lost to bring down the level of provision down in line with the parking accumulation assessment. Not considered there would be displacement of car parking onto the adjacent highway if this did occur it could be dealt with through the creation of waiting restrictions. Sites that are in a sustainable location should actively promote sustainable travel in line with local and national planning and transportation policy. Recommend condition stating that the number of parking spaces should not exceed 59.

## STRUCTURES AND DRAINAGE

3.8 No comments received regarding additional drainage details. Details will be reported at the committee meeting

## ENVIRONMENTAL PROTECTION UNIT - No objections

3.9 Lighting - Within the application details of the proposed external lighting for the car park are provided and seem to indicate that the lighting levels will seamlessly integrate into the background lighting levels in the area. Furthermore the lighting is only proposed to operate during the hours of operation of the foodstore, turning off when the store is not operational. However, whilst this may be the case no details have been provided about the levels of light spill beyond the site boundary as a result of the proposed lighting. Therefore request conditioning further details

3.10 Land Contamination -The desk study report (dated Nov 2009) identifies the closed landfill site, but fails to fully assess the associated risks. The report states that there is a moderate likelihood of landfill gas due to the 'impermeable nature of the underlying and adjacent strata which will prevent migration below the building'.

3.11 Air Quality - The development site is not within City of York Council's Air Quality Management Area (AQMA), nor is it likely to have a significant impact on traffic flows within the AQMA. The impact of a new supermarket in this location, over and above the existing use as a swimming pool/leisure facility, is unlikely to have any air quality implications.

## STREET LIGHTING - Light spill calculations are required

## CITY DEVELOPMENT - No objections

3.12 There would be a small trade draw from Acomb District Centre, appraisal of the application against our retail study and PPS4 tests has shown that this would not be significant, and could be outweighed by other qualitative benefits such as local employment opportunities and low cost food retailing in a relatively deprived area of the city. would suggest that conditions are imposed to control: Overall maximum gross/net floorspace; and Future sub-division of the unit

## LANDSCAPE ARCHITECT – Object

3.13 Concerned regarding the amenity of the public realm along Thanet Road. The proposed building comes a lot further forward resulting in a loss of trees within the margin between the building and the pavement.

3.14 Given that the Council still own the property it is important that there are some improvements to the public realm

3.15 If the footprint of the building cannot be altered then it may still be possible to achieve a wider planting strip by incorporating the existing concrete hardstanding along the tarmac footpath and possibly incorporate some fastigate trees (narrow, multi-trunk). The pavement should be incorporated /improved into the scheme

3.16 Seek highways opinion on the level of parking can be reduced to provide scope for some tree planting at least at each corner of the car park to frame the building and soften the development edge

3.17 The six new trees along the boundary are welcome but do not compensate for the loss of trees along the road front

3.18 No reasoning for removing the tree at the corner of St James Place

3.19 The application form has been incorrectly completed it has stated that no trees on site, rather there are 6 significant trees proposed for removal

3.20 This is council property and therefore we should be encouraged the implementation of the Council's aspirations where opportunities exist

3.21 The mono-pitch roof gently sloping towards Hob Moor lends itself to the creation of a living/green roof in the interest of increasing bio-diversity and decreasing surface water run off and the urban heat island effect. Given the commitment to this at the Park and Ride sites. This should be encourage if not imposed by the council

#### SUSTAINAIBILITY OFFICER

3.22 The requirement for a site waste management plan has been addressed

3.23 At present details have not been provided as to how the development will achieve the IPS requirement for a 'very good' rating under the BREEAM standard. Can be dealt with by way of a planning condition.

3.24 Details have not been provided as to how the development will achieve the IPS requirement for 10 per cent of the developments energy demand to come from on-site renewable energy sources. Can be dealt with by way of a planning condition

#### COUNTRYSIDE OFFICER - Have concerns

3.25 A large flat roofed structure such as this is ideally suited either to rainwater harvesting, solar energy or establishing a green/brown roof. Such structures can provide substantial benefits in energy saving and offsetting drainage as part of a Suds, as well as providing extremely valuable habitat for wildlife. As their does not seem to be any inclusion of rainwater harvesting or solar power in the proposal, then the roof space is effectively a dead space which does nothing but push water into the surface water drainage system. There is a prime opportunity therefore to establish a green roof for biodiversity and thermal control. Sustainable drainage, energy conservation and biodiversity issues should be brought into this development.

3.26 With regard to biodiversity, comfortable with the findings of the bat report and do not consider that anything other than a working strategy for the demolition of the building is required.

3.27 No record of a bat roost close to the Edmund Wilson site but there is good foraging habitat on Hob Moor and there may indeed be a roost in one of the mature trees close by.

Even if this was the case it is not considered that the roost would be significantly affected by the Lidl redevelopment, although lighting may be an issue and any proposed security or other lighting will need to be taken into account. The use of artificial lighting can be an issue particularly close to areas where bats are known to forage and roost - it can have an effect on foraging although this can be dependent on light intensities and the times in which the lighting is on.

3.28 With regard to the hedge on the NW boundary, accept that this would restrict the access road.

3.29 With regard to the fencing, it is noted that the Hob Moor boundary is proposed as a 2m palisade. Is such a substantial boundary particularly necessary bearing in mind that there does not appear to be any boundary fence to the front and southeast sides of the development. A lower fence, would make an equally acceptable boundary without being quite so intrusive. It is noted that a timber knee rail at the SE end and there are no details of what fencing is proposed by the new gated access. Presume this will be a post and rail fence to ensure stock control but would be grateful for confirmation of this.

3.30 With regard to the new gate, would like a combined field gate and kissing gate to permit both vehicular and pedestrian access.

PUBLIC RIGHTS OF WAY - No comments received

### **EXTERNAL CONSULTATIONS/REPRESENTATIONS**

NORTH YORKSHIRE POLICE ARCHITETURAL LIAISON OFFICER – No objections

3.30 No objections providing the development is carried out in accordance with the letter dated 19 January 2010 from Adrienne Forrest, Lidl Acquisitions Manager to Jim Shanks the Police Architectural Liaison Officer.

YORK NATURAL ENVIRONMENT PANEL - Object

3.31 The land use has changed from green public amenity to built public amenity, with the proposals now for a change to commercial enterprise. This site, amongst others appears to be part of a rolling program converting council owned land to commercially developable land. As it is recognised there is no longer a requirement for a built public facility the land should be reinstated to a green public open space. The ultimate aim, in line with council policy, should be to reinforce the green link through to Acomb and the countryside beyond.

3.32 Was exchanged land provided for the loss of stray as part of the planning consent for the development of the swimming pool?

3.33 If the application is granted consent would like the following: provide a suitable public access point to the stray; provide good agricultural access to the stray, particularly for the purpose of livestock management; provision of public toilets; that the building footprint be reduced back from the roadside to enable the planting of a line of trees at the front to soften hard lines of the development (alternatively a commuted sum should be provided to fund the planting of large trees in the public.

3.34 Footway, including castings for the diversion of existing services should it be necessary); plant a continuous native hedge around periphery of the site to include standard trees (achieved by reducing car parking space); building should be an exemplar for sustainable practice having a green roof and green walls (e.g. ivy) to soften its aspect; low intensity lighting to minimise light pollution particularly onto Hob Moor.

## YORKSHIRE WATER

3.35 No objections regarding the siting of the water pipe and the sewer shown in Drawing Numbers 7 and 8.

3.36 The drainage details submitted are not acceptable. Curtilage surface water may continue to discharge as before if this is a public sewer. However to prevent overloading of the public sewer network, surface water discharges to the network should be restricted to the level of run-off from the previous use of the site. The developer will have to demonstrate this to the satisfaction of YWS/the LPA by means of investigation and calculation. No evidence of positive drainage to the public sewer has been provided

## FRIENDS OF HOB MOOR - Have concerns

3.37 Have concerns regarding the amount of litter that would result, Will there be litter bins on the site? Would like Lidl to provide litter bins at the access of Hob Moor

3.38 Will there be a deposit required for trolleys? Who will be responsible for the collection of trolleys from Hob Moor

3.39 Would like existing information board and dog bin to be re-sited to new access path

3.40 There are number of trees on Hob Moor within a few metres of the boundary, the developers have completed section 16 of the application form incorrectly, a tree survey should be undertaken

3.41 The lighting design report does not mention the spillage of light outside of the site

3.42 Will the car park be open for use outside of the shop opening hours

3.43 Section 21 of the application states opening hours of 08.00 to 22.00 Monday to Saturday (six hours between) 10.00 - 17.00 Sunday. The lighting report states 08.00 - 20.00 Monday to Saturday, 10.00 - 16.00 Sunday

## YORK NATURAL ENVIRONMENT TRUST – Object

3.44 The Edmund Wilson Baths were built originally on the Stray Land of Hob Moor. Although land adjacent to Hob Moor Terrace became part of Hob Moor Stray in 1964, it has not been demonstrated that this area of land was added specifically to facilitate the building of the baths, nor has it been demonstrated that it would have been and is still, an appropriate strategic substitute for the land on which the baths now stand.

3.45 It is probable that the original justification for building the baths on stray land was the provision of what would have been seen as a valuable public amenity.

3.46 Though much of the local housing existed at that time, there was no suggestion that the area required a major food store and it seems unlikely that commercial development on stray land for this purpose would have been deemed acceptable. This remains the case.

3.47 Local shops do exist and they perform an important local function. Their viability would be damaged by the proposed development. Other shops are available in all directions only a short distance away and the larger supermarkets also operate a remote shopping and home delivery service.

3.48 There is no reason to believe that further expansion of supermarkets is needed to meet the needs of the surrounding community and no justification for the implication that every house in the city needs to be within a five minute walk of a large retail food store.

3.49 Only the coincidence of Council ownership suggests this site as 'preferable' for the suggested purpose. The ongoing process of converting public green spaces into commercial development land, via a few decades of use for some 'worthy,' built civic amenity, is becoming apparent, cannot be justified and is not acceptable.

3.50 It is now widely recognised that, both for people and wildlife, green corridors are of particular importance in linking areas of open space, making the value of the whole very much greater than the sum of its component parts.

3.51 This concept has been accepted in York and is in process of becoming an important part of land use planning within the emerging LDF.

3.52 The baths constitute a major physical, visual and aesthetic discontinuity within the Hob Moor/Acomb Moor green corridor, the only significant green corridor in this sector of York. The proposed development would perpetuate this.

3.53 The Hob Moor/Acomb Moor green corridor cries out for restoration and enhancement of its strategic landscape function. The CYC case for selling this land is that the baths are no longer required to perform their function as a public amenity. That being so, their removal and restoration of the site to meadowland, would be a first step in this essential process of corridor restoration. The removal of other impediments to the corridor can be achieved long term, as part of the planning process, whenever opportunities arise.

3.54 To do this would be consistent with policy and the LDF and confirm that what is emerging from the LDF is genuine and meaningful. It would mark the start of a renaissance of green corridors, demonstrating that CYC has the ability to think beyond the box and recognises opportunities to reverse the relentless process of urbanisation of York's green places, to the great benefit of its green infrastructure.

3.55 Because of its commercial interest in the sale of land for the proposed development, the City of York Council is not in a position impartially to decide the outcome of this application, YNET asks that this application be referred to the Secretary of State and made subject of a Public Inquiry.

#### ONE LETTER OF SUPPORT

3.56 Welcome addition to the area and assist with easing the current large supermarket monopoly in this area

3.57 Would like local produce to be sold in the store, and would like it as a condition of the store going ahead

3.58 Concerned regarding litter and rubbish. Are there plans in place to handle in-store generated rubbish and more so rubbish deposited by customers that could affect wildlife and cattle on Hob Moor

#### FIVE LETTERS OF OBJECTION

3.59 Concerned regarding the ownership of the site. The site was originally part of Hob Moor which historically is under the management and control of the freeman of York and

which are protected for the leisure and well being of the citizens of York. Is it legal for a recently new authority to sell of land that is protected by law

3.60 In one of the supporting documents supplied by Lidl they state that they have taken steps to engage the local community including a 10,000 leaflet drop. The nearest residential street to the proposed development was not included

3.61 The application states that they are going to provide 66 parking spaces and that they intend to employ 25 people. Would the employees use the parking spaces. St James Place suffered parking issues from the previous use of the site. What assurance can Lidl provide that this will not occur.

3.62 Concerns regarding the right of way

3.63 Concerned is site environmental aspects during demolition of the existing building and the construction of the new building

3.64 Concerned regarding the state of the site during construction

3.65 Potential noise issues during construction- would like access area routes and exit routes and details of where the debris from the existing building will be deposited

3.66 What constraint on working hours during demolition and construction

3.67 The amount of licensed premises within the area

3.68 There is a bat colony in the adjacent trees and the existing swimming pool buildings

3.69 There are already two large supermarkets and several smaller ones within mile of the site and to open new one would accelerate the decline of small independent shops in Acomb, Foxwood, and Woodthorpe

3.70 Increase in traffic on Thanet Road and Gale Lane

3.71 Another supermarket is not needed in York

3.72 Need access to facilities such as swimming pools, why is the swimming pool not being kept?

3.73 Possible job losses in the area and/or store closures as a result

## **4.0 APPRAISAL**

### RELEVANT SITE HISTORY

4953A - The erection of swimming baths - Approved (1964)

97/00275/PRA - Installation of antennae on 15m high tower and mast on roof - No objections

### ADDITIONAL PLANNING POLICY

CYC Interim Planning Statement on Sustainable Design and Construction, 2007

Planning Policy Statement 1 - Delivering Sustainable Development

Planning Policy Statement 4 - Planning for Sustainable Economic Growth

## Planning Policy Guidance 13 - Transport

### KEY ISSUES

1. Land Use
2. Retail Assessment
3. Design
4. Sustainability
5. Highways
6. Drainage

### ASSESSMENT

#### PLANNING POLICY

4.1 National planning policy contained within PPS1 'Delivering Sustainable Development', states that good design is indivisible from planning. Design which is inappropriate within its context, or which fails to take opportunities for improving the character and quality of an area or the way it functions should not be accepted. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

4.2 PPS4 states new retail development all planning applications for economic development should be assessed against the following impact considerations: whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change; the accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured. Whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions; the impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives; the impact on local employment.

4.3 The objectives of Planning Policy Guidance 13 'Transport' is to: promote more sustainable transport choices for both people and for moving freight; promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling; and reduce the need to travel, especially by car.

4.4 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 following principles appropriate to this site are: The protection of key historic townscape features such as Hob Moor that contribute to the unique historic character and setting of the City; the protection of the environmental assets and landscape features which enhance the historic character and setting of the City. These comprise the river corridors and the green wedges, both existing and extended.

4.5 Policy SP7a 'The Sequential Approach to Development' in the City of York Council Development Control Local Plan (2005) states 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. Planning permission will be granted for new retail, leisure and office development over 400 m<sup>2</sup> floor space (net) in accordance with the following hierarchy:

(a) The defined Central Shopping Area for retail and York City Centre for leisure and office; then in

- (b) Edge of City Centre sites or Acomb or Haxby District Centre, where it can be demonstrated that all potential City Centre locations have been assessed and are incapable of meeting the development requirements of the proposal; then in
- (c) Other out of centre locations genuinely accessible by a wide choice of means of transport, where it can be demonstrated that criterion (a) and (b) locations have been assessed and are incapable of meeting the development requirements of the proposal.

4.6 Proposals for individual retail units within criterion (c) will not be permitted to have a net sales floor space of less than 1000 square metres. In the case of applications for major shopping developments (including retail warehousing), outside the Central Shopping Area, evidence of retail impact will be required to show that the proposal would not, together with other recent or proposed developments, undermine the vitality and viability of York City Centre's predominant role as a sub-regional shopping centre, defined central shopping area, or the Acomb and Haxby District Centres.

4.7 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.

4.8 Policy GP3 'Planning Against Crime' in the City of York Council Development Control Local Plan (2005) states that new development will be required, where deemed appropriate, to incorporate crime prevention measures to achieve: natural surveillance of public spaces and paths from existing or proposed development; and secure locations for any associated car and cycle parking; satisfactory lighting; provision of CCTV, where the proposal would include the consumption of alcohol or the congregation of large crowds or would contribute to a significant increase in traffic, pedestrian activity, or the parking of significant numbers of vehicles.

4.9 Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development.

4.10 Policy GP9 'Landscaping' in the City of York Council Development Control Local Plan (2005) states that where appropriate development proposals will be required to incorporate a suitable landscaping scheme, and this must: be planned as an integral part of the proposals; and include an appropriate range of indigenous species; and reflect the character of the locality and surrounding development; and form a long term edge to developments adjoining or in open countryside. Where landscaping is adjacent to a key transport corridor providing access to the city, or other visually sensitive location, it must be ensured that it enhances the attractiveness of the route with substantial planting provided in the initial phase of any development.

4.11 Policy NE5a 'Local Nature Conservation Sites' of the City of York Council Development Control Local Plan states that Development likely to have an adverse effect on a Local Nature Reserve or a non statutory nature conservation site will only be permitted where the reasons for the development clearly outweigh the substantive nature conservation value of the site.

4.12 Policy L1b ' Loss of Leisure Facilities' states that planning permission will only be granted for a change of use that would result in the loss of a leisure facility where it can be demonstrated that: a need for the leisure facility no longer exists; or appropriate alternative facilities exist within the catchment area.

## LAND USE

4.13 The site is set between two major housing estates, and is surrounded on two sides by a non-statutory nature conservation site - Hob Moor. The building is currently unused but up until recently the site was used as a public swimming pool and gym. These facilities have been relocated to Energise on Cornlands Road, this is considered to comply with the requirements of policy L1b of the local plan. A swimming pool is not designated as a community facility in the Local Plan and therefore the community facilities policies of the local plan are not relevant.

4.14 Property Services have confirmed that in 1957, the then city council wanted to use part of Hob Moor for some other purpose, so the Edmund Wilson Pool site and other land behind Newby Avenue and Windsor Garth was appropriated (transferred with government consent) to become part of Micklegate Stray. In 1964, the decision was made to build the Edmund Wilson Pool, the site was appropriated out of Micklegate Stray and replaced with an equivalent area of land at Hob Moor Terrace. The site was part of Micklegate Stray for 7 years and not since 1964. Objectors have suggested that the site should revert to being part of Hob Moor following the demolition of the swimming pool. However the original planning permission for the swimming pool contained no condition requiring this and such this is a land ownership issue and not a planning issue.

## RETAIL ASSESSMENT

4.15 This application seeks permission to demolish the two existing buildings on the site and to erect a new foodstore. The foodstore would have an external area of 1353 sq. m of which 1063 sq. m would be dedicated to retail floorspace. The Lidl store building would be situated in the northwestern portion of the site. The front of the building (with glazed customer entrance and canopy) would front onto the car park. The side elevations would face Thanet Road and Hob Moor. To the south east of the site would be the car park which would accommodate 66 cars. There would also be spaces for ten cycles. Vehicular access to the car park and service/delivery access would be via St James Place using a new access. The loading bay is situated to the north east/side elevation of the store building.

4.16 In assessing applications for retail development, PPS4 replaces the previous tests set out in PPS6, removing the requirement to evidence need for the proposed development. PPS4 was published on 29 December 2010, after this application was submitted. PPS 4 advises that planning permission for out-of-centre retailing which are not in accordance with a development plan should be refused where: The applicant has not demonstrated compliance with the sequential test, and; There is clear evidence that the proposal is likely to lead to significant adverse impacts, for example on emissions, local employment, the character and quality of the area or the vitality of local centres (taking into account local evidence base such as the current retail study).

4.17 PPS4 advises that a sequential assessment is required for planning applications of this type, which are not in an existing centre and are not in accordance with an up to date development plan. The applicant has considered other potential sites available, suitable and viable sites within the catchment, including Acomb District Centre and the local centres at Bishopthorpe, Copmanthorpe and Upper and Nether Poppleton. In line with local plan policy SP7a, they have also considered allocated sites within the City Centre, Haxby District Centre and the York Northwest area. No sequentially preferable sites were found.

4.18 In advance of development plans being revised to reflect PPS4, an assessment of impacts is necessary for planning applications for retail and leisure developments below 2,500 square metres which are not in an existing centre and not in accordance with an up to date development plan, that would be likely to have a significant impact on other centres. It is important to note that PPS4 puts more emphasis on consideration of the qualitative impacts (both positive and negative) of a scheme.

4.19 In quantitative impact terms, the turnover of the proposed store is likely to result in trade draw from other foodstores within the catchment area, namely the Tesco store at Askham Bar and Acomb District Centre (including Morrisons). It is anticipated that allowing this proposal would result in a loss of 2.1% of Acomb's trade, 1.7% from Tesco and 2.3% from other local shops. However, this is consistent with the forecast annual rate of growth in expenditure and therefore would have a negligible impact on the vitality and viability of Acomb District Centre, which the current retail study tells us is a healthy centre, with an anchor food store which is trading exceptionally well and above its company average level. Any impact from new floorspace is therefore likely to be absorbed by the surplus expenditure available in the catchment area. The impact and competition to other out-of-centre foodstores (such as Tesco at Askham Bar) is not a planning consideration.

4.20 In terms of the potential qualitative impact on economic and physical regeneration in the area, it is acknowledged that Westfield Ward has the most significant levels of socio-economic deprivation in this part of York, with higher than average scores in most indicators, including non-car ownership and unemployment. The Kingsway West area to the north of the site is one of the most deprived areas in York. Surrounding wards have high concentrations of older people, together with high proportions of households with no car compared to the York average. The proposed store would provide around 25 full-time and part-time staff, which the applicant states would be predominately from the surrounding local area. The site is very accessible by a choice of car and non-car modes, with the no. 4 bus route providing frequent bus access through Acomb to the University - sheltered bus stops are less than 100m from the site. There are good cycle links along Thanet Road. The proposed store would bring a range of discount food retailing to support that which current exists in Acomb. This development therefore offers benefits to the local area in terms of employment and accessible low-cost retailing.

4.21 Planning conditions can be placed restricting the range of goods to be sold to make certain that the development does not subsequently change its trading character which could adversely impact upon the vitality and viability of existing centres.

4.22 Consultations received from local residential have requested that local produce should be sold within the shop. This is considered to be outside the planning remit.

## DESIGN

4.23 The proposed building would set back from the boundary on Thanet Road by 3.4 metres. The existing building is set back 10.5 metres from the boundary onto Thanet Road. The area and the streetscene is open in character and the setting the building closer to Thanet Road would cause the proposed building to be more prominent within the streetscene. The highest part of the building is closest to Thanet Road, at 7.7 metres in height. The elevation facing Thanet Road would be 43.5 metres in length excluding the canopy. It is made up of 8 white rendered bays of 3.1 metres in height with high level glazing separated by brick piers. Above this, up to the full height of the building would be grey cladding. Only one of the bays has full bay height glazing. It was requested from the agent to have at least another bay, preferable two, to have full bay height glazing to add visual

interest to this elevation. However the agent decided not to comply with this advice. It is considered that this elevation is nondescript. By virtue of the elevation's height and prominence within the streetscene it is considered that additional full length glazing would be a positive visual addition and could be conditioned along this elevation if the permission was granted.

4.24 The proposed design of the building is considered to have a utilitarian and functional appearance and given the proximity to the nature reserve and the residential properties the design is considered to be disappointing. Despite pre-application advice the applicant has refused to amend the design. The agent has stated that the design is a standard design they use in other parts of the country. This argument is considered to carry very little weight as each application is dealt with on a case by case basis and each site has different qualities.

4.25 There is a duo post structure supporting a high level illuminated advertisement within the canopy fronting the car park. The agent has been requested to remove this aspect because it is considered to be unduly prominent and incongruous given the adjacent residential streets. It is therefore it is recommended that this structure is removed by condition if planning permission is granted.

4.26 The applicants have proposed 2 metre high paladin fencing to the boundaries fronting Hob Moor. The security argument of the paladin fencing is considered to have little weight, as the boundaries to St James Place and Thanet Road would be separated by a timber knee rail and soft landscaping. At present there is a 2 metre high bow top fence which is considered to have a more attractive appearance than a paladin fence. However a paladin fence still affords views through the site and has been previously allowed at Hob Moor School. No details of the colour of the paladin fence have been submitted and therefore it is considered prudent to condition these details if planning permission is granted.

4.27 The Landscape Officer and the York Natural Environment Panel have both objected by virtue of the increase in prominence of the building together with the removal of existing trees. Both parties have requested that trees be planted along the Thanet Road boundary to provide an element of screening of the proposed building. However there is a water main running close to this boundary and as such Yorkshire Water will not allow trees to be planted along this boundary as the root system may cause damage to the water infrastructure and prevent access to the pipe. There is an over provision of car parking so if required some parking spaces could be used for landscaping this is also discussed in paragraph 4.36.

4.28 Limited landscaping has been provided along this elevation and much of the species proposed do not grow in excess of 1 metre in height. The Police Architectural Liaison Officer was concerned that the white render bays would encourage graffiti; the agent has proposed to overcome this problem by defensive planting to the elevation fronting Thanet Road. In addition as previously discussed more full length glazing along this elevation may also prevent anti-social behaviour.

4.29 The design is considered to have a neutral impact, in comparison to the existing. PPS1 states that design which fails to take opportunities for improving the character and quality of an area or the way it functions should not be accepted. It would have been preferable if the scheme could have responded more sympathetically to its environment and position adjacent to Hob Moor. The size and openness of Hob Moor causes the existing and proposed building to be visible from a considerable distance. However on balance the surrounding dwellings and buildings are relatively modest in design and the simplicity of the proposed design is not considered to be unduly intrusive despite the lack of screening and the small set back from the Thanet Road boundary.

## SUSTAINABILITY

4.30 The Interim Planning Statement on Sustainable Design and Construction and Policy GP4a of the Local Plan require a sustainability statement which addresses all the criteria set out in Policy GP4a. The sustainability statement should state that a BREEAM assessor has been appointed and give an indication of timescales. The statement should also explain how the minimum standards (recycled materials, waste and landfill, pollution, site management and renewable energy) will be met.

4.31 No details have been provided as to how the development will achieve the IPS requirement for a 'very good' rating under the BREEAM standard. No details have been provided as to how the development will achieve the IPS requirement for 10 per cent of the developments energy demand to come from on-site renewable energy sources. Both these issues could be dealt with by relevant conditions

4.32 Options such as green/brown roofs, use of natural materials, photovoltaic panels, rainwater harvesting, solar gain etc appear not to have been considered at the design stage of this application and it is considered to be a missed opportunity. Especially as the site is large enough to accommodate these features.

## HIGHWAYS

4.33 Access to the new foodstore is to be via the existing junction of Thanet Road and St James' Place. It is proposed to modify the priority of the junction of the site entrance with St James' Place in order to reflect the route of the main flow of traffic, which will be to the store. The change in priority will also assist in the manoeuvring of HGV delivery traffic to the store. The works will consist of some kerb realignment works as part of the formation of the site entrance and white lining. The alterations to the site access with St James Place is not considered to impact further on the residential amenity of the residents of St James Place and Thanet Road in terms of disturbance to residential amenity.

4.34 The submitted Transport Assessment has considered the net increase in traffic over the existing use and has demonstrated that the adjacent highway network will not be detrimentally impacted by the proposed development and adjacent junctions will continue to operate within their theoretical capacity. Parking and turning within the site curtilage for both customers and delivery/servicing traffic has been provided.

4.35 The site is located immediately adjacent to bus stops served by high frequency services including the FtR route. The adjacent highway has a number of crossing facilities, both controlled and uncontrolled, with street lighting and adequate footways. The site is therefore considered to be in a highly sustainable location and will enable customers and staff to arrive by non car modes.

4.36 It should be noted that the retail assessment and application forms submitted by the applicants is for a foodstore with a gross floor area of 1,353 sq m, (the agent has stated in a letter dated 2 February 2010 that the gross floor area is 1520 sq m, this is also specified in the Transport Assessment) but with the same net sales area - 1,063sq m. However the agent has included the canopy in the calculations of the gross floor area, as the canopy is open it is not considered that this can be used as part of the gross floor area and therefore the figure of 1,353sq metres as specified in the application forms is considered to be the gross floor area of the store. As such the applicant have proposed an over provision of parking spaces against the Council's maximum standards. The maximum level for the gross floor area of the proposal is 59 spaces. The application proposes 66 spaces. A reduction in car parking would promote the sustainability of the site but the agent is unwilling to amend the scheme. The submitted Transport Assessment included a car parking accumulation

assessment identified that during a weekday the total cars parked on site peaked at 36, this figure rises to 58 for a weekend. As such parking provision can be reduced by at least 8 spaces to bring the level of provision down in line with the parking accumulation assessment. Highways have suggested conditioning the number of parking spaces, to the maximum recommended for the gross floor areas – 59 spaces, this is considered to be reasonable. As such additional cycle parking and landscaping could be provided in the over supplied parking spaces. This could be covered by a condition and would bring the proposal within the maximum parking standards set out in the Local Plan. Highways have confirmed that it is not considered to lead to a displacement of car parking onto the adjacent highway, if this did occur it could be dealt with through the creation of waiting restrictions.

4.37 The number of cycle parking spaces (10) has been agreed with Highways officers based on the maximum number of cyclists expected on site at any one time. The cycle standards in the Local Plan would indicate that the site should have 38 cycle spaces. Whilst it is considered that this may be an over supply should Members consider that additional spaces should be provided it is considered reasonable that excess parking spaces could be used for additional cycle parking. The surrounding area has a below average car ownership level, and as the site is a sustainable location within the city and as such it is considered reasonable to have more cycle parking available and in addition to encourage cycle use.

4.38 Highway Officers are not satisfied with the location of the proposed customer cycle parking facilities and have been in protracted negotiations with the applicants. It is considered that the proposed location does not encourage cycling as a form of travel as they have been placed behind the trolley collection point, away from the store entrance. Furthermore they are remote from the pedestrian access onto Thanet Road, which is the likely route that cyclists will use in accessing the store. The applicant has indicated that cyclists are expected to have to cycle through the car park. This is considered to represent very poor design. The applicants are unwilling to amend the design. It is considered the siting of the cycle parking and trolley bay under the canopy could be overcome by condition. It has been confirmed that staff are to be permitted to store their cycles within the storage area of the building.

4.39 Hob Moor lies to the East of the site and currently there is a kissing gate in the sites Eastern boundary fence line which enables pedestrians to access Hob Moor from Thanet Road/St James` Place. There is some doubt over whether the route is a Public Right of Way as it has been indicated that the site is secured on an evening. The route will have undoubtedly been used for many years, potentially prior to the swimming pool. As such it is considered that the most appropriate course of action is to treat the route as a PROW and have the route diverted under the 1980 Highways Act. This process is separate to the planning process. The diverted route will involve the creation of a new section of footway to the Northern side of St James` Place, which will be constructed and offered for adoption under a Section 38 Agreement of the 1980 Highways Act. The PROW will then exit onto St James` Place via a new kissing gate. These works are to be funded and provided by the developer. The countryside officer has requested that the access be upgraded to a vehicle access, however as the diversion of the route would be dealt with under non-planning legislation is not considered reasonable to request a vehicle gate.

## DRAINAGE

4.40 Yorkshire Water have concerns reading the drainage details submitted. It is considered that further details and attenuation measures can be dealt with by condition. No condition has been proposed in this report, as the wording would depend on the feedback from our Structures and Drainage team, a condition will be put forward at the committee meeting.

4.41 At the time of writing the report no comments had been received from the Structures and Drainage team regarding the additional surface water drainage information submitted by the agent. They had originally objected to the scheme on the grounds of insufficient information.

4.42 Feedback from Yorkshire Water and the CYC Structures and Drainage team will be reported at the committee meeting.

#### OTHER ISSUES

4.43 There have been some objections to the development of the site. The ownership of the site by the City of York Council has been questioned. The ownership of the site is a civil matter and is not a planning consideration.

4.44 There is some ambiguity as to the opening hours proposed the lighting report states that Monday to Saturday opening hours are 08.00 to 20.00 hours and Sunday the store would be opened 10.00 to 16.00 hours. The application form specifies an opening time of Monday to Saturday 08.00 to 22.00 and on a Sunday 6 hours between 10.00 and 17.00. It is considered reasonable that the proposed opening hours are those specified in the application form.

4.45 The site given its sensitive location adjacent to Hob Moor, and the proximity to nearby dwellings, it is considered further details of the external lighting including light spillage are reasonable to condition.

4.46 The proposed use and appearance of the site is not considered to impact further on the amenity of Hob Moor than the existing building. The Friends of Hob Moor have requested that the applicants contribute towards refuse bins on Hob Moor.

4.47 Objections have been raised in regards of the local authority making a decision on an application that would be of financial benefit to the local authority. The Town and Country Planning General Regulations allows the local authority to be the decision making body in such cases subject to reference of applications to the Secretary of State by directions made under section 77 of the Town and Country Planning Act 1990. Circular 02/09 give directions of when applications are required to be referred. The application is for an out of centre retail unit however it is under the 5000sq metres threshold specified in the circular and as such is not required to be referred to the Secretary of State.

#### **5.0 CONCLUSION**

5.1 The proposal is considered to be in accordance with local and national planning policies. The principle of the development is considered to be acceptable, the design is simple and whilst more prominent than the existing buildings would not be unduly intrusive or harmful to the streetscene. The change in use of the site is not considered to cause harm to the residential amenity of the occupants of the nearby dwellings.

5.2 It is considered that the design issues and the additional information relating to sustainability, cycle parking, landscaping, parking provision can be dealt with by condition. Approval subject to the following conditions is recommended.

**6.0 RECOMMENDATION:** Approve

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

Drawing Number 01 Revision F received 3 February 2010  
Drawing Number 02 Revision H received 3 February 2010  
Drawing Number 03 Revision E received 2 March 2010

Except where conditions have been imposed which require amendments to the above drawings.

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

2 TIME2 Development start within three years

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

Reason: So as to achieve a visually cohesive appearance.

4 The following range of goods shall not be sold unless ancillary to the main range of goods:

- Clothing and Footwear
- Accessories
- Watches and Jewellery
- Music and Video recordings and Video and CD Rom
- Camera and Photographic equipment
- TV/Video/DVD and Hi-Fi equipment
- Toys
- Pharmaceutical goods
- Books/Magazines
- Leisure and Luxury goods (e.g. handbags, luggage, china, glass goods and cutlery)

Reason: To minimise the impact of comparison goods sold at these stores competing with York City Centre and the Acomb Centre retail outlets selling the same goods, and in compliance with Policy SP7a of the City of York Council Development Control Local Plan.

5 The amount of comparison goods sales floorspace shall be limited to no more than 15% of the net floorspace granted permission. The remainder shall be retained for the sale of convenience goods.

Reason: To minimise the impact of comparison goods sold at the store competing with York City Centre retail outlets selling the same goods.

6 The unit shall not be subdivided.

Reason: In the interests of the amenities of occupants of nearby residential properties and in compliance with Policy SP7a of the City of York Council Development Control Local Plan.

7 No mezzanine floor shall be installed into any part of the unit.

Reason - To ensure a sequential approach to the provision of retail development in accordance with PPS4 is achieved and to safeguard York City Centre and District Centres identified in the Local Plan.

8 The retail sales area shall not exceed 1,063 sq m.

Reason - To ensure a sequential approach to the provision of retail development in accordance with PPS4 is achieved and in compliance with Policy SP7a of the City of York Council Development Control Local Plan to safeguard York City Centre and District Centres identified in the Local Plan.

9 Before the commencement of development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle access to the site. It shall include details of measures to be employed to prevent the egress of mud, water and other detritus onto the public highway. It shall include for the provision of a dilapidation survey of the highways adjoining the site. Once approved, the Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

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

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

Reason: To safeguard the amenity of occupants of neighbouring premises in accordance with the aims of PPG24.

11 Notwithstanding the submitted plans and prior to the commencement of the development hereby permitted full details of the method and design of external illumination for the site including light spillage calculations shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details. In addition no development shall take place until details have been submitted to and approved by the council of how species known to use the surrounding area such as bats are to be taken into account with the proposed lighting scheme of the new development, and how any potential impacts will be minimised. The scheme should show how light spillage will be minimized, and ensure that any bat roost sites, bat foraging or commuting areas are not directly illuminated.

A lighting impact assessment for all proposals involving floodlighting, undertaken by an independent assessor (not the applicant or the lighting provider), shall be submitted to and approved in writing by the Local Planning Authority. The Lighting Impact Assessment shall

include the following:

- A description of the proposed lighting: number of lighting columns and their height, and proposed lighting units.
- Drawings showing the illuminance levels (separate drawings for each item listed):
- A plan showing horizontal illuminance levels (E<sub>h</sub>), showing all buildings within 100 metres of the site boundary
- A plan showing vertical illuminance levels (E<sub>v</sub>), showing all buildings within 100 metres of the site boundary.
- A specification of the Environmental Zone of the application site, as defined in The Institution of Lighting Engineers' Guidance Notes for the Reduction of Light Pollution.

Reason: In order to protect the amenities of neighbours and the character and appearance of the area from excessive illumination. To take account of protected species which are known to use the surrounding area and which can be affected by artificial lighting.

12 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to c of this condition have been complied with:

a. Site Characterisation

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

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

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

b. Submission of Remediation Scheme

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

c. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to

the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

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

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

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

14 The development hereby approved shall be constructed to a BREEAM standard of 'very good'. No building work shall take place until a BREEAM Pre-Assessment Estimator (Design and Procurement Stage) is submitted to the Local Planning Authority documenting a 'very good' rating. A formal Post Construction assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate shall be submitted to the Local Planning Authority prior to occupation of the building. Should the building fail to achieve a "very good" BREEAM 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 proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction

15 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 from on-site renewable energy sources, 10 per cent of the developments predicted energy requirements. 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 thereafter must 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

16 The development shall not come into use until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerb and footway to match adjacent levels.

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

17 Notwithstanding the submitted plans, and prior to the commencement on site, details shall be submitted to and approved in writing by the Local Planning Authority indicating the siting of cycle parking adjacent to the entrance of the retail unit, underneath the canopy.

Notwithstanding the above cycle parking area, prior to the commencement of development on site, details of additional cycle parking areas within the car park shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas have been provided within the site in accordance with such approved details.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads

18 HWAY35 Servicing within the site

19 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with the approved plans, or arrangements entered into which ensure the same.

Works as indicatively shown on Site Plan 01 Rev F received 3 February 2010;

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

20 HWAY40 Dilapidation survey

21 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme, (including areas within the car park) which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

22 No raw materials, finished or unfinished products or parts, crates, materials, waste, refuse, or overnight/weekend storage of vehicles or any other item shall be stacked or stored outside any building on the site without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of visual amenity.

23 HT1 IN Height - 7.7

24 The hours of operation of this approved use shall be confined to:

Mondays to Fridays 08.00 to 22.00  
Saturdays 08.00 to 22.00  
Sundays and Bank Holidays 10.00 to 17.00

Reason: To safeguard the amenities of occupants of the nearby dwellings.

25 Prior to the commencement of development on site details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority. Paladin and Palisade fencing will not be acceptable. The development shall be carried out in accordance with the approved details.

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

26 Notwithstanding the submitted plans and prior to commencement of development on site details shall be submitted to and approved in writing by the Local Planning Authority showing at least one further bay on the Thanet Road/south west elevation with full length glazing. The development shall be carried out in accordance with the approved details.

Reason: in the interests of the amenity of the area

27 Notwithstanding the submitted plans, the duo post structure above the canopy indicated as 16 in Drawing Number 02 Revision H, received 3 February 2010 shall not be constructed.

Reason: To protect the visual amenity of the surrounding area and streetscene.

28 Notwithstanding the detail indicated on the proposed site plan Drawing Number 01 Rev F, the maximum number of car spaces provided on the site, including disabled spaces shall not exceed 59 spaces. The layout and design of the car parking areas shall be agreed in writing with the LPA prior to commencement of works on site.

Reason; Car parking standards are represented as a maximum provision in line with the City of York Council Draft Local Plan. These standards are expressed as a ratio of spaces against Gross Floor Area and are as follows; staff provision at a ratio of 1 space per 100m<sup>2</sup> GFA and customer provision at 1 space per 30 m<sup>2</sup> GFA .The use of maximum parking standards is in line with local and national planning and transportation policy which seeks to encourage sustainable transport whilst reducing the dependence on the private car.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### **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 the residential amenity of the neighbours, the visual amenity of the building and the locality, and highway safety. As such, the proposal complies with Policies SP7a, GP1, S2, L1b, GP4a of the City of York Council Development Control Local Plan (2005); and national planning guidance contained in Planning Policy Statement 1 "Delivering Sustainable Development", Planning Policy Statement 4 "Planning for Sustainable Economic Growth", and Planning Policy Guidance 13 "Transport".

## 2. 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 Agreement - Michael Kitchen (01904) 551336

## 3. 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.

4. All demolition and construction works and ancillary operations which are audible beyond site boundary or at the nearest noise sensitive dwelling, 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.

Reason: To protect the amenities of adjacent residents

## 5. Yorkshire Water Informative

If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he should contact our Developer Services Team (telephone 0845 120 84 82, Fax 01274 303 047) at the earliest opportunity. Sewers intended for adoption 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.

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 0845 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.

The public sewer network is for domestic sewage purposes. This generally means foul water for domestic purposes and, where a suitable surface water or combined sewer is available, surface water from the roofs of buildings together with surface water from paved areas of land appurtenant to those buildings. Land and highway drainage have no right of connection to the public sewer network. Highway drainage, however, may be accepted under certain circumstances; for instance, if SUDS are not a viable option, there is no highway drain available, if there is available capacity, and if it is not detrimental to the public sewer network and the aquatic environment. In this event, the developer will be required to enter into a formal agreement with Yorkshire Water Services under Section 115 Water Industry Act 1991 to discharge non-domestic flows into the public sewer network. No land drainage to be connected/discharged to public sewer.

**Contact details:**

**Author:** Victoria Bell Development Control Officer  
**Tel No:** 01904 551347