

# AGENDA ITEM 5C) CIRCULATED AT MEETING

7<sup>th</sup> June 2011

Mr M Jones  
Planning Officer  
City of York Council  
9 St Leonard's Place  
YORK  
YO1 7ET

Dear Mr Jones,

**York Designer Outlet, St Nicholas Ave. Temporary siting of public ice rink (five years) on coach park. 11/00868/FUL**

Fulford Parish Council objects to the application.

## **Grounds of objection:**

### **1. Inappropriate development within the green belt.**

The site lies within the green belt as confirmed by the City of York Draft Local Plan (incorporating the fourth set of changes) of April 2005.

Under Policy GB10, the main Designer Outlet building (together with a small area of curtilage at the rear) is designated as a "Major Developed Site in the green belt" but importantly, the whole of the coach park lies outside this defined area. Furthermore, as the Local Plan is not adopted, any retail or leisure development associated with the Designer Outlet cannot be appropriate development in Green Belt policy terms because the provisions of PPG2 relating to major developed sites only apply when such sites are designated in adopted local plans.

The proposed development of the site as an ice rink is clearly a new use and is entirely unrelated to the current use as coach park for an existing retail development. In these circumstances, the development is considered inappropriate by definition and that if approved, very special circumstances must exist that would outweigh any harm caused.

PPG2 states that the construction of new buildings inside a Green Belt is inappropriate unless it is for specific purposes, including for *"essential facilities for outdoor sport and outdoor recreation, for cemeteries and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it"*. (3.4)

PPG 2 also describes the kind of essential sporting facilities that might be appropriate: *"Possible examples of such facilities include small changing rooms or unobtrusive spectator accommodation for outdoor sport, or small stables for outdoor sport and recreation"*. (3.6)

The Parish Council considers that the facilities proposed for the ice-rink are not 'essential' as defined in PPG2 and neither are they small or unobtrusive.

It also considers that the size of the new structures in the green belt must not be compared to the unrelated buildings of the Designer Outlet in order to assess their impact.

The footprint, height and mass of the various structures are considerable and would impact on the openness and visual amenities of the green belt. The proposed white plastic walls and roofs of the 'marquees' would present a conspicuous and visually unattractive appearance. Any screening benefit arising from the presence of surrounding trees would be severely reduced during the winter months and the structures will be noticeable from various

viewpoints, including from Naburn Lane. The proposed fencing, necessary signage and the tall lighting gantries also need to be taken into account in assessing any detrimental impact on the green belt.

The Parish Council acknowledges that the use and buildings would be temporary. However PPG2 makes no exception to its policies for temporary buildings and uses. Where such buildings are not appropriate development in terms of PPG2, very special circumstances need to be shown by the Applicant. The Parish Council does not believe that such very special circumstances exist in this case.

The Parish Council therefore requests that Officers undertake a full assessment of the impact on the green belt and that the applicants are required to cite very special circumstances prior to determination. If no very special circumstances exist, then the application must be refused otherwise the decision would set a precedent for any future applications within the curtilage of the Outlet. Such a decision could also be open to a legal challenge.

## **2. Wildlife – harm to protected species.**

The site abuts a large wooded area with mature trees important for wildlife and the landscape setting of the Designer Outlet

Bats use the area extensively during the summer for roosting and foraging and could be in hibernation close to the site during the winter months.

The additional lighting and the significant level of noise generated, plus the increase in human disturbance would have a severe detrimental impact on bats or other animals in hibernation.

The Parish Council requests that English Nature be consulted on the proposals in relation to the impact on bats and that nearby trees be assessed for their potential to provide suitable places for roosting and hibernation.

## **3. Noise:**

The sound report submitted by Heworth Acoustics demonstrates that the nuisance from the noise generated by last year's event is of a sufficient level to cause complaints from nearby residents. In order to protect residential amenity it is considered desirable to utilise a mains supply (if this can be negotiated) otherwise, further noise mitigation must be provided. In the event of permission being granted, suitable conditions to control noise levels must be applied that can be strictly monitored and enforced throughout the event.

## **4. Parking and highway issues:**

Last year's event resulted in significant parking and road safety issues with overspill parking observed on grassed and other unallocated areas. In addition, the coaches were not directed to the Blue Zone (as conditioned) but were signed to park along a two-way access road resulting in dangerous obstruction of crossing points. (Photos are supplied).

The parking provision at the Designer Outlet is already inadequate during peak trading times, having a total capacity of only 2800 vehicles. Last winter, the highest number of recorded vehicles peaked at 8160 compared to 7638 the previous year, an increase of more than 500 vehicles. Furthermore, if visitors to the ice rink also shop at the Outlet and vice versa, their stay will of necessity be of longer duration, thus further aggravating the parking problems.

Full detailed analysis of car and visitor numbers must be provided that pays particular attention to the weekends and the period around Christmas and the New Year. The exceptional weather of last winter should be also be factored in when analysing average footfall and car-counts from last year especially if they are used as a basis for projections of future visitor numbers. The figures presented in the Event Report by Lunchbox theatrical productions do not include any details of pre-booked visitors, (almost a third of all customers with presumably very different statistical data regarding linked journeys and mode of transport) so these figures do not represent the customers of the Ice rink as a whole.

If it cannot be demonstrated that the site is capable of safely absorbing the increase in parking demand at the busiest time of year (coinciding with the loss of the coach park), then the application should be refused.

**5. Lack of information.**

- a) A design and Access statement is a requirement for an application of this type and it is considered that in this case such a statement would be beneficial especially in terms of providing information on sustainable travel arrangements and the impact on surrounding roads and the local landscape.
- b) Evidence of recent sequential testing for alternative sites should be provided.

We trust that our objections will be taken into account and we thank you for consulting us.

Yours sincerely

J M Fletcher

Jeanne Fletcher  
Clerk to Fulford Parish Council