

COMMITTEE REPORT

Date: 5 September 2013 **Ward:** Rural West York
Team: Major and Commercial Team **Parish:** Upper Poppleton Parish Council

Reference: 13/02439/OUT
Application at: Wills And Ellis Garage Boroughbridge Road York YO26 6QD
For: Outline application for demolition of existing buildings and erection of replacement petrol station with shop and drive-thru restaurant with associated parking and access
By: Skelwith Group
Application Type: Outline Application
Target Date: 13 September 2013
Recommendation: Approve

1.0 PROPOSAL

1.1 The Wills and Ellis Garage comprises a petrol filling station with associated convenience shop, car dealership and car servicing operation adjacent to the junction of the A59 Boroughbridge Road and the A1237 York Outer Ring Road. The site lies within the York Green Belt and in close proximity to the construction and associated highway works being undertaken in connection with the Poppleton Bar Park and Ride site to the west. Outline Planning Permission is sought for the redevelopment of the garage with details of access only to be determined at this stage, to incorporate an enhanced convenience store and a drive through fast food restaurant. Access for the proposal would be taken from the A1237 to the west. An additional 15 full and part time jobs would be created as a result of the proposal.

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

York North West Boundary GMS Constraints: York North West Boundary CONF

2.2 Policies:

CYGB1

Development within the Green Belt

CYGP1

Design

CYS6

Control of food and drink (A3) uses

3.0 CONSULTATIONS

INTERNAL:-

3.1 Environmental Protection Unit raise no objection in principle to the proposal but express concern with regard to the level of information on noise impact accompanying the application. A further update will be provided at the meeting.

3.2 City Development Unit were consulted with regard to the proposal on 24th July 2013. A verbal update will be provided at the meeting.

3.3 Strategic Flood Risk Assessment were consulted with regard to the proposal on 24th July 2013. A verbal update will be provided at the meeting.

3.4 Highway Network Management

The application has been supported by a Transport Assessment (TA), the scoping of which has been agreed with officers.

Traffic Generation

The traffic flows used within the TA have been derived from traffic data supplied by CYC, which have been approved by the Department for Transport during the Access York bid work. The flows consider the existing (base) situation together with future year scenarios (2018) which allow and take into account traffic growth.

This work has been supplemented by surveys undertaken by the applicant which identified traffic volumes currently associated with the site. The level of traffic which could be generated by the drive through restaurant has been estimated using the nationally recognised TRICS database. These sources provided the basis for the distribution of development traffic onto the adjacent highway network.

The development proposals comprise uses which will serve the travelling public, as such vehicular trips which may be considered to be wholly new to this part of the network, will be negligible. The majority of traffic calling in to the development will already be travelling on the adjacent highway network;

- a) A proportion of traffic visiting the redeveloped site would also visit the PFS
- b) A significant proportion of development traffic will be pass-by traffic i.e. traffic passing the site as part of another journey to/from another destination which then calls into the site.

As is nationally recognised standard practice the existing (default) use of the site which could continue without the need for further planning consents must be taken into account. The site is currently used as a PFS and car sales/servicing facility.

The submitted TA can be considered to be robust and represent a worst case scenario as it has not discounted traffic lawfully generated by the car sales/servicing element of the site which will not continue under the redevelopment proposals.

The TA has considered the impact on the adjacent highway network during the AM (08:00 - 09:00) and PM (16:15 - 17:15) peak periods as this is when traffic flows are at their greatest and the network at its most sensitive.

Analysis of the operation of the A59/A1237 junction has been undertaken using nationally recognised software during the AM/PM peak periods in both a base year and future year scenario. The modelling has demonstrated that the proposed redevelopment will increase the maximum queue at the roundabout by no more than 3 cars. It should be borne in mind that;

- a) This is the maximum peak in queuing which will only occur during the peak 15minutes within the peak AM/PM hours. Outside of this period the development has a barely perceivable impact on the operation of the improved roundabout
- b) This increase is only seen on two arms of the roundabout - A59 East and A59 West
- c) The TA is considered to represent a worst case scenario and as such in reality the impact on the roundabouts operation and the surrounding highway network will be smaller than that modelled.

Officers are therefore satisfied that the proposed development will not have a detrimental impact on the performance of the improved roundabout provided through the Access York scheme.

Access

The garage site is currently accessed from the A59 Boroughbridge Road, with all movements permitted. The authorities Access York A59 improvement scheme includes the enlargement of the A59/A1237 roundabout including capacity improvements and pedestrian and cycle enhancements together with the construction of a new Park & Ride site just North of the roundabout.

In order to continue to provide a safe, practical access into/out of the redeveloped garage site it is proposed to restrict access to the garage site.

The access arrangements which form part of the planning application comprise;

- a) A new left turn taper from the A1237, from which all traffic will enter the development site
- b) Kerb works including a kerbed central island to only permit the left turn out of the development site onto the A59. The right turn out and all movement into the site from the A59 will be prevented.
- c) A retained dropped vehicular crossing serving the adjacent private residential dwelling which permits all movements in and out from the A59

The access arrangements have been designed in consultation with officers, comply with local and national design guidance and will be subject to a Road Safety Audit. The proposed access arrangements are considered to represent an improvement over what could be achieved without redevelopment of the site.

Layout

The internal layout has been designed to reinforce the access and egress arrangements. AutoTRACK swept paths for articulated vehicles (including fuel delivery vehicles) and traffic associated with the site have demonstrated that vehicles can turn within the site and leave in a forward gear.

Parking has been provided in accordance with CYC Annex E maximum standards.

Sustainability

The site uses are predominantly for the convenience of passing motorists and thus car borne development. The enlarged retail facility on the site will provide a local facility for adjacent residential areas. The Access York Scheme provides a number of new footways, cycleways and crossing facilities including an underpass under the A1237. Residential areas are within nationally recognised walking and cycling distances and as such it is not unreasonable that a proportion of both staff and customer trips could be by non-car modes of travel. The design of the site has sought to maximise this potential as much as possible through the design of access points and internal footway provision.

No objections are therefore raised subject to standard conditions covering:

- details of surfacing
- removal of redundant crossings
- cycle parking details to be agreed
- car and cycle parking to be laid out
- provision to be made for delivery/service vehicles within the site

- details of off-site highway works to be agreed (left turn taper, kerb works and associated signing/lining)
- additional directional signage to be agreed and provided
- method of works statement to cover routing of contractors vehicles, parking of contractors vehicles, storage of materials, prevention of mud/detritus on the highway

3.5 Design, Conservation and Sustainable Development were consulted with regard to the proposal on 24th July 2013. A verbal update will be provided at the meeting.

EXTERNAL:-

3.6 The Ainsty Internal Drainage Board raise no objection to the proposal.

3.7 Upper Poppleton Parish Council object to the proposal on the grounds that the proposal represents inappropriate development in the Green Belt, it would lead to conditions on the adjacent highway prejudicial to the safe and free flow of traffic and would have a serious adverse impact upon the residential amenity of neighbouring properties.

3.8 20 letters of objection have been received in respect of the proposal. The following is a summary of the concerns raised:

- antisocial behaviour, noise, litter pollution
- light pollution
- impact on security in the area
- loss of residential dwelling
- no evidence of demand for the facility
- will not benefit local people
- out of character with the area
- insufficient parking for staff and customers
- the fast food restaurant will draw schoolchildren who will be put in danger by the volume of traffic
- loss of privacy
- devaluation of property
- fumes from increase in vehicles
- no confirmation that council owned land will be offered to facilitate the plans
- would spoil the entrance to the village/city
- inappropriate development in the green belt,
- reduction in water pressure
- inadequate drainage
- concerns over the proximity of the site to Manor School;
- concerns over the health impacts of an additional fast food retail outlet;
- the proposal would result in an over-concentration of fast food outlets in the area;
- the impact of the proposal upon the open character and purposes of designation of the York Green Belt;
- the impact of the proposal on the safe and free flow of traffic in the locality

- it would make more sense to see how the roundabout operates once it is completed

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- * Impact upon the open character and purposes of designation of the York Green Belt;
- * Impact upon the residential amenity of neighbouring properties;
- * Impact upon the safe and free flow of traffic in the locality.

STATUS OF THE DRAFT LOCAL PLAN:-

4.2 The York Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations in arriving at Development Management decisions although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework.

IMPACT UPON THE OPEN CHARACTER AND PURPOSES OF DESIGNATION OF THE YORK GREEN BELT:-

4.3 Policy GB1 of the York Development Control Local Plan states that planning permission for new built development within the Green Belt will only be forthcoming where the scale, location and design of such development would not detract from the open character of the Green Belt, it would not conflict with the purposes of including land within the Green Belt and is for one of a number of purposes felt to be appropriate in the Green Belt. Central Government Planning Policy in respect of Green Belts outlined in paragraph 89 of the NPPF indicates that any new built development within the Green Belt other than within a number of excepted categories should be automatically considered inappropriate and therefore harmful to the openness of the Green Belt. One category of development considered appropriate is the partial or complete redevelopment of existing developed sites in continuing use which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. In the event that a development is considered inappropriate then a case for "very special circumstances" should be put forward to overcome the usual presumption against such development.

4.4 The proposal envisages the demolition of the existing shop, a disused bungalow associated with the premises, a service bay and motor dealership together with the erection of a new shop and a drive through fast food restaurant with the parking area and wider built footprint reconfigured to accommodate the new buildings at the

main Boroughbridge Road elevation of the site. Access would be taken from the A1237 Outer Ring Road and traffic would egress on to the A59 Boroughbridge Road via the existing access point. Taking account of the removal of the existing motor dealership and car servicing function and the reconfiguration of the car parking area to the southern section of the site there would not be a materially significant increase in the built footprint of the development. At the same time the scale and massing of the development would not be materially different from that of the existing complex. It is therefore considered that the development is not inappropriate within the Green Belt as defined within the terms of paragraph 89 of the NPPF. Extensive landscaping is also envisaged for the south and western margins of the site which would reduce any visual impact upon the open character of the Green Belt. This issue notwithstanding, a case for "very special circumstances" has been advanced on behalf of the applicant based on the need to retain an existing facility for road users accessing the City from the west through the change in circumstances brought about by the Poppleton Bar Park and Ride works.

IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES:-

4.5 Policy GP1 of the York Development Control Local Plan expects new development to respect or enhance the local environment, be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, and ensure that residents living nearby are not unduly disturbed by noise or disturbance. The proposal envisages the re-development of an existing garage site incorporating a car dealership and service function both of which generate a significant amount of noise and disturbance, with an expanded convenience store and a drive through fast food restaurant.

4.6 There are a number of residential properties in the vicinity dating from the late 19th/early 20th Centuries principally to the east, north east and north west. The property directly to the east comprising a bungalow some 15 metres from the site boundary and some 30 metres from the proposed drive through restaurant. It is envisaged that the existing fencing and landscape boundary treatment would be reinforced with additional hedge planting and a close boarded timber fence as part of the proposal. The existing access point to the property onto Boroughbridge Road would also be retained as part of the overall works. The proposed boundary works would provide a significant degree of mitigation against noise and light pollution affecting residential amenity. However, in view of the close proximity of the site to the adjacent property it would be reasonable to seek to control the operating hours of the premises along with requiring a scheme of noise mitigation to be submitted and approved prior to work commencing on site. The residential areas to the north are at a significantly greater distance from the site, approximately 75 metres from the site at its closest point. In view of the revised access configuration with the petrol station element remaining at the Boroughbridge Road frontage of the site and vehicles entering the site from the A1237 to the south west, then it is considered that

the re-developed site would have no greater impact on their residential amenity than the existing situation.

IMPACT UPON THE SAFE AND FREE FLOW OF TRAFFIC IN THE LOCALITY:-

4.7 Concern has been expressed in respect of the impact of the proposal upon the safe and free flow of traffic in the locality. The proposal for redevelopment of the garage site is being undertaken parallel with the construction of the Poppleton Bar Park and Ride site to the west and a series of associated highway works along the A59 Boroughbridge Road and at the junction of the A59 and the A1237 Outer Ring Road. At present a potentially hazardous vehicle manoeuvre exists with eastbound traffic coming from the A59 towards the City Centre crossing the path of westbound traffic leaving the City Centre in order to access the garage. The alteration of priorities associated with the extension of the roundabout at the junction of the A59/A1237 would potentially render such a manoeuvre even more hazardous. The proposed scheme would in fact improve highway safety by securing all access to the site via the A1237 Outer Ring Road. A detailed Transport Assessment has been submitted with the proposal which clearly demonstrates that the flows generated by the scheme can be safely accommodated within the site and the surrounding highway network without a harmful impact upon the safe and free flow of traffic in the locality. Indeed it is considered that the proposed access arrangements are a significant improvement on the existing situation and as such should be supported.

OTHER ISSUES-

4.8 Concern has been expressed in respect of the proximity of Manor School to the site. Manor School lies over 200 metres to the north east and is largely inaccessible from the site. The proximity of the School or otherwise is therefore not a material consideration in determination of the application.

4.9 At the same time concern has been raised about a potential for over-concentration of fast food outlets in the locality and the potential health implications. The proposal would in fact create the only fast food outlet in the locality and the existence or otherwise of similar facilities is a commercial issue and not a material consideration in the determination of the application.

5.0 CONCLUSION

5.1 As a re-development and consolidation of the existing site it is considered that the proposal would be not be inappropriate development in the York Green Belt within the terms outlined in paragraph 89 of the NPPF. It would give rise to no greater impact than the current operation in terms of the residential development to the north. A bungalow does however remain to the south east in close proximity. Providing any permission is conditioned to restrict the operating hours of the facility and to require the reinforcement of the existing boundary treatment then any impact

upon the residential amenity of that property can be effectively mitigated. At the same time the reconfiguration of the site access to gain entry from the A1237 Outer Ring Road and exit on to the A59 Boroughbridge Road would significantly improve conditions for local highway users when compared with the existing situation. The proposal is therefore considered to be acceptable in planning terms and approval is therefore recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 Application for approval of all reserved matters shall be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission and the development hereby permitted shall be begun before:

the expiration of two years for the date of approval of the last of the reserved matters to be approved.

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

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

Details to be submitted: appearance, landscaping, layout and scale of the proposed development to be carried out, including a schedule of all external materials to be used.

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

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

LL01 Rev D and 0005 Rev D. Date Stamped 18th July 2013

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

4 VISQ4 Boundary details to be supplied -

5 The drive through fast food restaurant hereby authorised shall only operate between the hours of 0700 and 2300 on Mondays to Saturdays and 0900 to 2200 on Sundays and Bank Holidays.

Reason: To safeguard the amenities of local residents and to secure compliance with Policy GP1 of the York Development Control Local Plan.

6 Prior to the commencement of the development hereby authorised full details of a scheme of noise mitigation to the eastern and southern boundaries of the site including a programme of works and details of the types, materials and heights of fencing involved shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason:- To safeguard the residential amenity of the adjacent property and to secure compliance with Policy GP1 of the York Development Control Local Plan.

7 Prior to the commencement of the development hereby authorised full details including number, heights, design and location of fittings of site lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason:- To safeguard the residential amenity of adjoining properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

8 ENVA2 Prevention of pollution - tanks etc -

9 ENVA1 Surface water drainage through oil inter -

10 HWAY31 No mud on highway during construction -

11 HWAY19 Car and cycle parking laid out -

12 The development shall not be first occupied until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the verge and pavement to match adjacent levels.

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

13 HWAY10 Vehicular areas surfaced, details reqd -

14 HWAY18 Cycle parking details to be agreed -

15 HWAY36 Servicing within site, details reqd -

16 HWAY41 Safety Audit -

17 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 details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same:

a) the provision of a left turn taper into the site from the A1237 and associated works;

b) kerb works and associated signing/lining to restrict traffic associated with the development to left only onto the A59 Boroughbridge Road with no access in to the site permitted from the A59 Boroughbridge Road as shown indicatively on Drawing 3877 PL_0005 Rev D dated May 2013 and 3025/SK901/002.

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

18 Prior to the commencement of development a strategy for the placing of directional signage on the highway network shall be submitted to and approved in writing by the Local Planning Authority. The signage strategy shall reinforce the access arrangements and permitted movements at the site access points. The approved signage shall be in place prior to the revised access arrangements being first brought into use.

Reason:- In order to manage traffic flows to minimise the likelihood of development traffic using inappropriate routes to the detriment of highway safety.

19 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programme and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include the following:-

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

* where contractors will park;

* hours during which construction work and associated deliveries will take place;

* where materials will be stored within the site.

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

7.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

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

Details were submitted in relation to the noise impact of the proposed development.

2. CONTROL OF POLLUTION ACT 1974:-

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

3. STATUTORY UNDERTAKERS SERVICES:-

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. HIGHWAY WORKS:-

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

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

5. SECTION 278 AGREEMENT:-

The applicant's attention is drawn to the need to enter into a Section 278 Agreement with the Local Highway Authority in respect of the proposed Highway Works.

Contact details:

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