
MEETING	PLANNING COMMITTEE
DATE	27 JULY 2006
PRESENT	COUNCILLORS R WATSON (CHAIR), BLANCHARD, CUTHBERTSON, HILL, HYMAN, JAMIESON-BALL, MACDONALD, MERRETT (AS SUBSTITUTE FOR HORTON), MOORE, REID, SIMPSON-LAING, B WATSON (AS SUBSTITUTE FOR SMALLWOOD), I WAUDBY AND WILDE
APOLOGIES	COUNCILLORS BARTLETT, HORTON AND SMALLWOOD

10. DECLARATIONS OF INTEREST

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

Councillor Merrett declared personal non-prejudicial interests in agenda items 4a & 4b (Council Depot, Foss Islands Road, York), in relation to any cycling issues, as an honorary member of the Cyclists' Touring Club and a member of Cycling England.

Councillor Moore declared personal non-prejudicial interests personal non-prejudicial interests in agenda items 4a & 4b (Council Depot, Foss Islands Road, York) as a member of the York Natural Environment Trust.

Councillor Reid declared personal prejudicial interests in agenda items 4a & 4b (Council Depot, Foss Islands Road, York) as her sons were employed by Homebase. She left the room and took no part in the discussions and decisions on these items.

Councillor I Waudby declared a personal non-prejudicial interest in agenda item 5 (The Racecourse and Terry's Factory Conservation Area Character Appraisal – Consultation Draft) as her sister in law lived in the consultation area.

11. MINUTES

Members requested that in the future long bullet-pointed lists be referenced with numbering.

RESOLVED: That the minutes of the meetings of the Planning Committee held on 27 June 2006 and 6 July 2006 be approved and signed as a correct record.

12. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak, under the Council's Public Participation Scheme, on general issues within the remit of the Committee.

13. PLANS LIST

Members considered a schedule of reports of the Assistant Director (Planning and Sustainable Development), relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views and the advice of consultees and officers.

13a. Council Depot, Foss Islands Road, York, YO31 7UL (06/00338/GRG3)

Members considered a general regulations application, submitted by City of York Council, for the variation of conditions attached to the outline planning permission relating to the redevelopment of the Council Depot and adjoining land at Foss Islands Road for a retail scheme (Ref: 06/00338/GRG3).

The case officer gave an update on the application, which clarified the site history, described the differences between the approved scheme for the site and this application, and proposed the following amendments and additions to conditions:

- To condition 14, to the third sentence to read, "This scheme shall be implemented within a period of six months of the completion of phase one of the development, apart from where such implementation would prevent the reasonable access to operating businesses on phase 2 of the development, and for which a variation of the requirement for implementation has been agreed in writing by the Local Planning Authority";
- To conditions 15, 16, 18, 19, 24, 25, 26, 27, 28, 29, 31, 32, 33, 42, 43, 44, 45, 46, 47, 48, 49, 50, 52, 53, 54, 55, 56, 59 and 60, to make reference to the phased implementation of the development;
- To add a condition requiring the landscaping scheme for the green corridor to be implemented and all cycle and pedestrian routes to be available for use prior to the first use of phase 1 of the development;
- To add a condition requiring, prior to the commencement of phase 1 of the development, the submission and approval of details of any temporary arrangements which may be required for the provision of the cycle and pedestrian route across the access to the operating premises in phase 2 of the development.

Representations were received from York Natural Environment Trust in objection to the application and from the applicant's agent in support of the application.

Some Members reiterated their concerns regarding the extent of the green corridor proposed for the site. Officers advised that no changes to the green corridor were sought in this application. Members noted that, since the consideration of the earlier applications for this site, policies relating to

green corridors had been strengthened in the Development Control Local Plan and queried whether these could now be applied to this application. Councillor Merrett proposed and Councillor Simpson-Laing seconded a motion to defer the application for provision of advice as to whether it could be assessed against these strengthened policies and also for the provision of the full wording for the amended conditions. On being put to the vote, this motion was lost.

Members proposed the addition of a condition requiring a management plan for landscaping and ecology, in perpetuity, and an informative requesting the developer to liaise with the York Natural Environment Trust (YNET) regarding the detailed landscaping plans, with the Council's Landscaping Officer co-ordinating the discussions. It was also noted that informative 2 in the report related to the previously approved outline application and was therefore no longer relevant and could be deleted.

Members requested that condition 23, relating to the treatment and extraction of fumes, be amended to refer to all restaurant uses on the site.

RESOLVED: That the application be approved, subject to:

- (a) The Secretary of State allowing the Local Planning Authority to determine the application;
- (b) The amendment of the Section 106 Agreement to refer to this variation application;
- (c) The conditions and informatives listed in the report, with the deletion of informative 2 and the following amended conditions:
 - (i) Condition 14 – No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which takes account of the loss of existing habitats, which mitigates against the losses incurred and which ensures the provision of a green corridor through the site. The landscaping scheme shall illustrate the number, species, height and position of trees and shrubs to be removed and to be planted. This scheme shall be implemented within a period of six months of the completion of the development unless otherwise agreed in writing by the local planning authority, and apart from where such implementation would prevent the reasonable access to operating businesses on any subsequent phase of the development, and for which a variation of the requirement for implementation has been agreed in writing by the Local Planning Authority. 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.

- (ii) Condition 15 – No work shall commence on each phase of the site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be recorded during the construction programme.

- (iii) Condition 16 – Details of all means of enclosure to each phase of development within the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

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

- (iv) Condition 18 – A detailed method of works statement relating to each phase of development shall be submitted to and agreed in writing by the Local Planning Authority and no work on that phase shall commence until approval has been given to the works statement for that phase. This statement shall include the precautions to be taken to ensure that noise does not cause a loss of amenity for neighbouring residents. In particular the statement shall include the hours during which demolition, construction and deliveries to and from the site will be permitted. The approved method of works statement shall thereafter be complied with at all times, unless a variation of the statement is first agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of local residents.

- (v) Condition 19 – The method for carrying out any piling operations on each phase of the development shall be agreed in writing by the local planning authority prior to the commencement of that phase. All piling operations shall be done in accordance with this agreement.

Reason: To safeguard the amenities of local residents.

- (vi) Condition 23 – In relation to all the uses hereby permitted there shall be adequate facilities for the treatment and extraction of fumes so that there is no adverse impact on the amenities of local residents by reason of fumes, odour or noise. Details of

the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for approval. Once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To safeguard the amenities of local residents.

- (vii) Condition 24 – A site investigation for each phase shall be undertaken based upon the findings of the desk study. The investigation shall be carried out in accordance with BS10175: Investigation of potentially contaminated land: code of practice. The results of the investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on the site.

Reason: In the interests of the safe and proper development of the site.

- (viii) Condition 25 – A risk-based remedial strategy for each phase shall be developed based on the findings of the site investigation. The remedial strategy shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing on site.

Reason: In the interests of the safe and proper development of the site.

- (ix) Condition 26 – A validation report for each phase shall be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development of that particular phase commencing on site.

Reason: In the interests of the safe and proper development of the site.

- (x) Condition 27 – Any contamination detected during site works on each phase of the development that has not been considered within the remedial strategy shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development of that particular phase.

Reason: In the interests of the safe and proper development of the site.

- (xi) Condition 28 – A timetable of proposed remedial works for each phase of development shall be submitted to the local planning authority prior to any works on that particular phase being undertaken on the site.

Reason: In the interests of the safe and proper development of the site.

- (xii) Condition 29 – A method of sampling and validation shall be produced for each phase of the development to ensure imported and excavated materials used on site are not contaminated. This should include, where possible, details of the origin of such materials. The methodology shall be submitted in writing and approved by the local planning authority prior to commencement of the development. The approved methodology shall be fully implemented during the construction of each phase of the development hereby approved.

Reason: In the interests of the safe and proper development of the site.

- (xiii) Condition 31 – No phase of the development approved by this permission shall be commenced until:

a) A site investigation has been designed for the site using the information obtained from the desk top study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken relating to ground and surface waters associated on and off the site that may be affected, and

- refinement of the Conceptual Model, and

- the development of a Method Statement detailing the remediation requirements

b) The site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment has been undertaken.

c) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation has been submitted to the Local Planning Authority. This should be approved in writing by the Local Planning Authority prior to that remediation being carried out on the site.

Reason: To ensure that the proposed site investigations and remediation will not cause pollution of Controlled Waters.

- (xiv) Condition 32 – No phase of the development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation to Greenfield run-off rates for each phase of the development has been submitted to and approved in writing by of the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

Reason: To prevent the increased risk of flooding.

- (xv) Condition 33 – No phase of the development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works for each phase of the development including details of any balancing works and off-site works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

- (xvi) Condition 42 – For all manholes on the culverts, provision shall be made for machine access and the surrounding areas shall be constructed to adequately support plant and machinery, which may be required to deal with blockages and other maintenance requirements.

Reason: To enable the culverts to be maintained to minimise the risk of blockages occurring.

- (xvii) Condition 43 – Prior to the commencement of each phase of the development hereby approved, details shall be submitted showing the routes of all culverts shall be confirmed and located on the topographic survey.

Reason: To ensure that easement strips are correctly located.

- (xviii) Condition 44 – During the construction phase of each phase of the proposed development, 24 hour access to the inlet screens on the culverts within that phase shall be maintained.

Reason: In the interests of maintenance and flood prevention.

- (xix) Condition 45 – Prior to commencement of the use of each phase of the development, details shall be submitted and agreed in writing by the Local Planning Authority, of the car park signing necessary as a consequence of that phase of the development. Such signing shall be provided to coincide with the opening of the car parking of each phase.

Reason: In the interests of highway safety.

- (xx) Condition 46 – Prior to the commencement of the use of each phase of the development, details of signing of pedestrian and cycle routes both to and from the site shall be submitted and agreed in writing by the Local Planning Authority, such signing shall match the existing signs within the City Centre, and shall be provided for that phase of the development before that phase comes into use.

Reason: In the interests of highway safety.

(xxi) Condition 47 – Before development of each phase of development commences the following details shall be submitted to and agreed in writing by the Local Planning Authority:

- Segregated pedestrian/cycle route through the site
- Security and landscaping adjacent to the cycle route
- Other cycle and pedestrian access to (and potentially through) the site
- Car parking layout, including disabled, parent & child, internal visibility lines.
- Measures to provide safe crossing points within the site, affording priority to pedestrians and cyclists
- Pedestrian guard railing or similar measures
- Bus link through the site, including stop provision.
- Green Corridor

All the above such facilities for each phase shall be completed prior to any part of that phase of the development being brought into use, or alternatively in accordance with a timetable which has been submitted to and approved in writing by the Local Planning Authority.

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

(xxii) Condition 48 – Prior to commencement of each phase of the development, full details of the proposed CCTV facilities within the site and lighting for the car park and cycle route shall be submitted to and approved in writing by the Local Planning Authority, prior to any phase of the development being brought into use.

Reason: In the interests of safety and visual amenity.

(xxiii) Condition 49 – Prior to commencement of each phase of the development, a dilapidation survey for that part of the site affected shall be jointly undertaken with Officers of the Council, the results of which shall be agreed in writing with the Local Planning Authority.

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

(xxiv) Condition 50 – Prior to each phase of the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the egress of water and loose material onto the public highway.

(xxv) Condition 52 – Each phase of the development shall not come into use until all existing vehicular crossings affected by that

phase not shown as being retained on the approved plans have been removed by reinstating the kerbing, footway and verge to match adjacent levels.

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

- (xxvi) Condition 53 - Prior to commencement of each phase of the development commencing details of the cycle parking areas for that phase, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building(s) within that phase shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

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

- (xxvii) Condition 54 – Prior to each phase of the development coming into use the sight lines shown on the approved plans shall be provided free of all obstructions which exceed the height of the adjacent carriageway by more than 1.0m and shall thereafter be so maintained.

Reason: In the interests of road safety.

- (xxviii) Condition 55 – Prior to commencement of each phase of the development, details of the measures to be employed to prevent the egress of mud, water and other detritus onto the public highway from that phase and details of the measures to be employed to remove any such substance from the public highway shall be submitted to and approved in writing by the Local Planning Authority. Such measures as shall have been approved shall be employed and adhered to at all times during construction works on that phase.

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

- (xxix) Condition 56 – Prior to each phase of the development coming into use, provision shall be made within the site for accommodation of delivery/service vehicles in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

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

- (xxx) Condition 59 – No phase of the development hereby permitted shall come into use until the following highway works for that phase of the development (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.

The junctions and associated works to Foss Islands Road and the Link Road, as indicated within the transport assessment and submitted drawings by White Green Young.

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

- (xxxi) Condition 60 – The operation and management of all the car park on each phase of the development shall be undertaken in accordance with a car park management scheme for that phase, which shall be submitted to and approved in writing by the Local Planning Authority prior to any part of the development being brought into use. The scheme shall specify that parking is limited to a maximum of 2 hours and shall not be revised without the prior approval of the Local Planning Authority.

Reason: To ensure that the car park management is in accordance with Council policy to control long stay parking.

And the following additional conditions and informative:

- (i) An 'in perpetuity' landscape and ecology management plan including management responsibilities and maintenance schedules for the 'green corridor' and all other landscaped areas shall be submitted to and approved in writing by the Local Planning Authority prior to the 1st phase of the development being brought into use.

Reason: To ensure the future management, health and vitality of the landscaped and ecological areas throughout the lifetime of the development.

- (ii) Unless otherwise agreed in writing by the Local Planning Authority, the landscaping scheme for the green corridor to which condition 13 refers shall be implemented within a period of six months of the completion of phase one of the development and all cycle/pedestrian routes shall be available for use prior to the first use of phase one.

Reason: To achieve an acceptable form of development.

- (iii) Prior to the commencement of phase one, details of any temporary arrangements which may be required for the provision of the cycle / pedestrian route across the access to the operating

premises in phase 2 of the development, shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and shall be implemented to ensure the cycle/pedestrian route is available prior to the first use of phase one.

Reason: To achieve an acceptable form of development.

- (iv) Informative - In preparing the plans and details required in order to discharge the details required by condition 14, the developer is encouraged to liaise with YNET. The Local Planning Authority will co-ordinate these discussions and ensure YNET's involvement on this issue.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to retail capacity, the environmental impacts and the impact on the highway network. As such the proposal complies with Policies S3 and S4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies SP7, SP8, S1, S2, HE4, NE7, and NE8 of the City of York Local Plan Deposit Draft.

13b. Council Depot, Foss Islands Road, York, YO31 7UL (06/00333/REMM)

Members considered a major reserved matters application, submitted by Keyland Gregory (retail) Ltd. and Wm Morrison Supermarkets Plc., for the variation of condition 1 (schedule of approved plans) of the reserved matters decision notice for the proposed Foss Islands Retail Park to show an amended site layout and elevational changes (Ref: 06/00333/REMM).

Representations were received from York Natural Environment Trust in objection to the application and from the applicant's agent in support of the application.

RESOLVED: That the application be approved, subject to:

- (a) The Secretary of State allowing the Local Planning Authority to determine the application;
- (b) The amendment of the Section 106 Agreement to refer to this variation application;
- (c) The conditions listed in the report, supplementing those on reserved matters approval 04/04381/REM.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to highway safety, visual amenity, setting of the listed building, drainage

and flooding. As such the proposal complies with Policies of Regional Planning Guidance Note 12, Revised Spatial Strategy for Yorkshire and Humber (2004), Policies T10 and E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, GP3, GP4, GP11, HE2, T4, T13, NE7 and NE8 of the City of York Local Plan Deposit Draft.

14. THE RACECOURSE AND TERRY'S FACTORY CONSERVATION AREA CHARACTER APPRAISAL - CONSULTATION DRAFT

Members received a report which sought their approval of a draft character appraisal for the Racecourse and Terry's Factory Conservation Area, for consultation. This document was attached as Annex C of the report.

A copy of the consultation leaflet was circulated to Members. Members proposed a number of amendments to the draft character appraisal and the consultation process, as set out below.

- RESOLVED:
- (i) That the Racecourse and Terry's Factory Conservation Area Character Appraisal (Consultation Draft), attached at Annex C of the report, be approved for use as a consultation documents, with the following amendments:
 - (a) To include reference to the clock mechanism in the Terry's clock tower;
 - (b) To include reference to views from the river;
 - (c) To include reference to views from National Cycle Route 66;
 - (d) To include reference to views from Bishopthorpe Road;
 - (e) To include reference to the views of local residents from nearby roads, such as Campleshon Road and Albemarle Road;
 - (f) To include reference to the views of local residents from Mount Vale Road;
 - (g) To amend paragraph 2.10 to clarify that changes to the conservation area boundaries were not recommended;
 - (h) To correct paragraph 8.01 to state that Park Pavilion Field was to the east of Racecourse Road;
 - (i) To make reference to the Knavesmire being part of Micklegate Stray;

- (j) To change the format for chapter numbering from 1.0, 2.0, etc to 1, 2, etc;
 - (k) To refer to photographs as “plates” rather than “figures”;
 - (l) To append all of the maps at the end of the document, so that they are easy to locate;
 - (m) To investigate the options available for colour printing within the available budget, or, if this was not possible, to improve the black and white print quality of the photographs;
 - (n) To correct any typographical or grammatical errors;
- (ii) That a map showing the properties to be consulted be circulated to Committee Members and local Ward Members, to allow suggestions to be submitted for the inclusion of additional streets;
 - (iii) That the following groups and organisations be included in the consultation:
 - (a) Small businesses;
 - (b) Organisations representing the hotel trade;
 - (c) Sustrans;
 - (d) British Waterways and other organisations representing river users;
 - (e) Residents of houseboats;
 - (f) Fulford Parish Council;
 - (iv) That the consultation leaflet be amended to include:
 - (a) The times and venues of the masterplanning events that the developer was holding;
 - (b) A question as to whether the conservation area boundary should be changed;
 - (v) That the consultation period be extended to mid-September.

REASON:

- (a) To provide a thorough analysis of the character of the Conservation Area, in line with current

guidance from English Heritage, and to provide a clearly written consultation document, which is capable of amendment where required;

- (b) Following formal adoption of the final document, to help the formulation and determination of development proposals within the conservation area and especially the Terry's Factory site;
- (c) To help the Council meet the yearly targets set by BVPI 219b (percentage of conservation areas in the local authority area with an up to date character appraisal).

COUNCILLOR R WATSON

Chair

The meeting started at 4.30 pm and finished at 6.50 pm.