



**Notice of a public meeting of
Decision Session - Cabinet Member for Transport, Planning and
Economic Development**

To: Councillor Levene
Date: Thursday, 26 March 2015
Time: 3.00 pm
Venue: The Craven Room - Ground Floor, West Offices (G048)

AGENDA

Notice to Members - Calling In:

Members are reminded that, should they wish to call in any item* on this agenda, notice must be given to Democracy Support Group by **4:00 pm Monday 30th March 2015.**

*With the exception of matters that have been the subject of a previous call in, require Full Council approval or are urgent which are not subject to the call-in provisions. Any called in items will be considered by the Corporate and Scrutiny Management Committee.

Written representations in respect of items on this agenda should be submitted to Democratic Services by 5.00pm on Tuesday 24th March 2015.

1. **Declarations of Interest**

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. **Public Participation - Decision Session**

At this point in the meeting, members of the public who have registered their wish to speak at the meeting can do so. The deadline for registering is **5:00pm on Wednesday 25th March 2015.**

Members of the public may speak on an item on the agenda or an issue within the Cabinet Member's remit.

Filming or Recording Meetings

Please note this meeting will be filmed and webcast and that includes any registered public speakers who have given their permission. This recording can be viewed at <http://www.york.gov.uk/webcasts>.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at http://www.york.gov.uk/downloads/download/3130/protocol_for_webcasting_filming_and_recording_of_council_meetings

3. Heslington Lane Petition (Pages 1 - 6)

The purpose of this report is to consider a 534 signature petition (Annex A copy of front page of petition) requesting City of York Council take action to prevent parking on Heslington Lane due to a recent increase in on street parking.

4. Fulford Neighbourhood Plan - Area Designation. (Pages 7 - 20)

This report provides an update on the proposed Fulford Neighbourhood Plan and specifically requests that the Cabinet Member approves the formal application to allow the Plan to progress.

5. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Name: Laura Bootland

Contact Details:

- Telephone – (01904) 552062
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For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی میا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550



**Decision Session
Cabinet Member for Transport**

26th March 2015

Report of the Director of City and Environmental Services

Petition – Heslington Lane, Heslington Ward and Fulford Ward

Summary

1. The purpose of this report is to consider a 534 signature petition (Annex A copy of front page of petition) requesting City of York Council take action to prevent parking on Heslington Lane due to a recent increase in on street parking.

Recommendations

2. The Cabinet Member is asked to approve:

Item 1 - Option C - Taking forward proposals funded by the University.

Reason: because this is in line with the well established policy for dealing with requests for new waiting restrictions (that is; part of the annual review or, as in this case independently funded).

Timescale: Resources are already committed for this financial year consequently the investigation has been added to the forward work schedule beginning in April 2015. It is anticipated that a scheme would be brought forward to an Officer in Consultation meeting for approval to advertise early in the new financial year.

The Cabinet Member is also asked to note:

The ongoing surveys carried out by the University that will inform any further necessary interventions as results become available.

Background

3. In October 2014 the council were alerted to the fact that vehicles had started to be parked on Heslington Lane in an area where previously little parking regularly took place. This change to the environment of the road lead some residents, road users and users of the local golf club to raise concerns that a collision may take place between opposing follows of vehicles. Regular monitoring of the situation showed that some vehicles were being parking part on the footway causing a reduction in width for users. Vehicles parked wholly on the carriageway of the road at this time allowed for 2 vehicles to pass along side the parked vehicles. Due to funding in the 2014/15 year being already committed the area was added to the next review of waiting restriction to take place in the new financial year 2015/16. In the interim period the area has been monitored. The amount of vehicles being parked has steadily increased but on the whole 2 way traffic flow by most vehicles is still possible. Heslington Lane falls into one of the areas where displaced parking is surveyed that may be attributed to the University campus development. The survey for this area by the Universities consultant is programmed to be taking place in March 2015 with the second survey in November 2015. These surveys would require a 20% increase in parking that can be attributed to the University above the base line figures of 2009 to trigger action funded by the University.
4. The cost of taking forward individual items to prohibit parking is prohibitively high at around £1k to £1.5k due to the press advertising costs. When tackled in batches however, the cost drops to around £150 per item, hence it is current policy to deal with requests for waiting restrictions on an annual basis and the savings amount to somewhere in the region of £50k per year.

Consultation

5. A scheme outlining the lengths of any proposed waiting restrictions would be presented at an officer in consultation meeting with the Interim Director of City and Environmental Services and the Cabinet Member for Transport. Permission would be requested to formally advertise the restrictions though the legal process.
6. During the legal advertising period objections to the proposals could be made for consideration at a further meeting.

Options

7. The options available are:

- Item 1

Carry out an investigation to develop a minimal set of waiting restriction proposals for Heslington Lane to ease the problems for large vehicles passing through the area without causing a displacement of parking in to nearby residential areas.

A. Add this to the next annual review due to begin in the autumn. This is not the recommended option owing to the level of concern expressed locally and public transport reliability concerns.

B. Take forward the above proposals as an individual item. This is not the recommended option for the reasons outlined above.

C. Take forward a set of proposals out of turn provided funds are made available from the University (this is in the process of being agreed) so as to not compromise the budget position. This is the recommended option.

- Item 2

A. The Council to undertake surveys and carry out a review of parking in this area prior to receiving survey data from the University. This would need to added to next years (2015/16) work programme. This is not the recommended option.

B. Continue to monitor this area in line with the ongoing surveys carried out by the University. The results would then be used to determine if a broader parking study is warranted and would allow discussions with the University as to funding or co funding of a broader study. This is the recommended option because the survey is paid for externally and the additional data will allow a more informed view as to the need and benefits of a broader parking review.

Analysis

8. The recommended Option 1C can be progressed via the Officer in Consultation process including dealing with any objections raised during the formal legal process. By tackling the issue in this manner

we are better able to respond to the concerns raised without adversely affecting the resources available for tackling these types of concern across the city annually.

9. The recommended Option 2B is an ongoing set of surveys being carried out as a consequence of the University development. The proposals that develop from these ongoing surveys could be adversely affected by individual actions taken resulting in financial commitments made that could have been covered by external funding. In addition a commitment to an additional comprehensive parking review here would lead to less resources being available elsewhere in the city.

Council Plan

10. Considering this matter contributes to the Council Plan building strong communities by engaging with all members of the local community.

Implications

11. **Financial** There are no financial implications

Human Resources (HR) There are no HR implications

Equalities There are no Equalities implications

Legal There are no Legal implications

Crime and Disorder (There are no Crime and Disorder implications)

Information Technology (IT) There are no IT implications

Property (There are no Property implications)

Other There are no other implications

Risk Management

12. In compliance with the Council's risk management strategy there are no risks associated with the recommendations in this report.

Contact Details

Author:

Alistair Briggs
Traffic Management
Tel No. 01904 551654

Chief Officer Responsible for the report:

Neil Ferris
Assistant Director CES

Report
Approved



Date

18 March
2015

Wards Affected: Heslington and Fulford

All

For further information please contact the author of the report

Background Papers: None

Annexes

Annex A – copy of front page of petition



**Decision Session – Cabinet Member for
Environmental Services, Planning &
Sustainability**

26th March 2015

Proposed Fulford Neighbourhood Plan

Summary

1. This report provides an update on the proposed Fulford Neighbourhood Plan and specifically requests that the cabinet member approves the formal application to allow the Plan to progress.

Background

2. As part of the Localism Act 2011, local communities are encouraged to come together to get more involved in planning for their areas by producing Neighbourhood plans for their area. Neighbourhood plans are centred specifically round creating plans and policies to guide new development.
3. Neighbourhood planning is about letting the people who know about and care for an area plan for it. It is led by the residential and business community, not the council, and is about building neighbourhoods – not stopping growth.
4. If adopted by the Council, neighbourhood plans and orders will have weight becoming part of the plan making framework for that area. Designation of a Neighbourhood Area is the first stage in the preparation of a Neighbourhood Plan.
5. Fulford Parish Council submitted an application on the 11th June 2014. This application and associated boundary map is attached at Annex A.
6. The proposal is from the Parish Council and the application boundary is the same as that of the Parish Boundary. It is this ‘area application’ that we are asking Members to approve.

Next Steps

7. If the area application is approved, the Council must publish the following details of the Plan:
 - The name of the neighbourhood area
 - A map identifying the area
 - The name of the Parish Councils who applied for the designation.
8. If they receive formal approval, Fulford Parish Council can prepare one Neighbourhood Plan for the entire parish with assistance from the Council. They are then required to undertake pre submission consultation by publicising the proposals and inviting representations for a period of not less than 6 weeks.
9. The Parish Council can then submit the Neighbourhood Plan to the Council along with a consultation statement containing details of those consulted, how they were consulted, summarising the main issues and concerns raised and how these have been considered, and where relevant addressed in the proposed Neighbourhood Plan.
10. On receipt of the draft Neighbourhood Plan, the Council needs to publicise the Plan and invite representations for a period of not less than 6 weeks. Once the Council is satisfied that the Plan meets the requirements of the Town and Country Planning Act 1990 the Council then appoints an independent inspector. The Council is responsible for paying the costs of the examination (see Table 2 below) so it is in the Council's interests to ensure that the proposed plan meets the requirements.
11. The Examination and subsequent Referendum will follow. Should the vote be in favour (50% plus 1), then the Council will publish the Neighbourhood Plan.

Timetable

12. Table 1 below sets out an estimated timetable based on the experience of other Local Authorities. This will be influenced by the progress on the York Local Plan as a Neighbourhood Plan must be in conformity with it.

Table 1

Task	Date
Decision session	26 th March 2015
Preparation of the Plan	April 2015 – March 2016
Pre-submission consultation (6 weeks)	April - June 2016
Plan submitted to Council	September 2016
Council publish draft Plan (6 weeks)	September - November 2016
Appoint inspector	December 2016
Examination	December – February 2017
Referendum	April 2017
Publish Neighbourhood Plan	Late April/May 2017

Costs

13. Based on examples from other Local Authorities, costs to the Council per Neighbourhood Development Plan is estimated to be approximately £40,000, albeit the costs of preparing neighbourhood development plans will vary depending on the complexity and size of the proposal, and the available supporting evidence. There is a significant level of human resource costs required. A high level of officer input at an appropriate level is needed to ensure legal conformity, plan content and appropriate liaisons with Parish Councils.
14. Whilst central government funding sources; Neighbourhood Planning Grant, from the Department for Communities and Local Government to the value of £30,000 is available for each Neighbourhood Plan produced, this still leaves a shortfall of approx £10,000 per neighbourhood plan. This shortfall will need to be met within existing resources.

Consultation

15. The Localism Act (Regulation 6) requires that the information to be published is:
 - *A copy of the application*
 - *Details of how to make representations*

- *Details of the deadline for representations, not less than 6 weeks after the date of publication.*

This should be published on the website and in such other manner as is considered likely to bring the area application to the attention of people who live, work or carry on business in the area to which the area application applies.

16. The Council formally published Fulford Parish Council's application on Monday 7th January 2015 for a 6 week period until 18th February 2015.
17. The application was published in the following ways which are legally compliant with the Act:
 - A letter, with the application attached was sent to the Parish Council (for info);
 - The neighbouring parish councils of Bishopthorpe, Deighton, Heslington, and Naburn;
 - A notice and a copy of the application was put up at several prominent locations around Fulford including the Parish's notice boards;
 - A letter with the application attached was sent to as many businesses as possible in Fulford;
 - A webpage has been created at www.york.gov.uk/neighbourhoodplanning where the Fulford application is available to view as well as additional information on the Neighbourhood Planning process.
 - A specific email address neighbourhoodplanning@york.gov.uk has been set up for representations as has a freepost address.
18. We have received 6 representations in response to the application for a Fulford Neighbourhood Plan. One is in objection to the boundary, three representations of support and two commenting on the boundary.
19. The objection regarding the boundary has been submitted by Permission Plc. Their head office, Persimmon House, is located on Lingcroft Lane, adjacent to the southern boundary of the Parish. This area is in Naburn Parish. Persimmon Plc would like to see the Neighbourhood Plan boundary amended to include Persimmon House. They consider decisions made about the future of Fulford need take account of the future of Persimmon House and the impact on Persimmon House as a business and its employees because of its

proximity and influence on the wider locality. A full copy of this representation is attached as annex B which provides their full justification as to why this area should be included into the Fulford Neighbourhood Plan boundary and a map of the amended proposed boundary.

Option Choices

20. The following options are available for the Cabinet Member to consider:

Option 1 – approve the application for a Fulford Neighbourhood Plan, including the proposed boundary (attached at Annex A);

Option 2 – approve the application subject to amendments to the Neighbourhood Plan boundary;

Option 3 – reject the application.

Analysis

21. The Council needs to consider whether to designate the whole of the Parish area as a neighbourhood plan area or to amend the application boundary to include Persimmon House and adjacent properties that are accessed by the first section of Lingcroft Lane.
22. Option 1 would allow the creation of a neighbourhood plan for the whole of the parish area of Fulford. This fits with national guidance and is best practice to allow for a comprehensive Neighbourhood Plan. Whilst it is recognised that Persimmon House is an important local business and is in close proximity to the Fulford Parish Area, officers consider that the most appropriate way forward is Option 1.
23. Option 2, whilst reflecting these concerns of Permission Plc, the inclusion of the suggested area would run contrary to the aims of the comprehensive approach set out in Option 1. In addition to this, an area cannot legally be included in two neighbourhood plan areas. If this small area was to be included in the Fulford Neighbourhood Plan designated area, it would have to be excluded from Naburn Neighbourhood Plan boundary if Naburn Parish Council were to apply for the whole of the parished area in the future.
24. Regarding Option 3, a Neighbourhood Plan and boundary application cannot be rejected outright. Planning Practice Guidance (Paragraph: 035 Reference ID: 41-035-20140306) states that “*The local planning*

authority should aim to designate the area applied for. However, a local planning authority can refuse to designate the area applied for if it considers the area is not appropriate. Where it does so, the local planning authority must give reasons. The authority must use its powers of designation to ensure that some or all of the area applied for forms part of one or more designated neighbourhood areas.”

Council Plan

25. The proposed Fulford Neighbourhood Plan will be a positive contribution to the Council Plan priority of “Building strong communities”.

Implications

26. **Financial/Programme** – If the council supports options 1 or 2 to produce a plan for Fulford the council will be required to pay for the examination and the subsequent referendum. The costs of these statutory processes will be met in part by central government funding sources from the Department for Communities and Local Government. Any shortfall will need to be accommodated within existing resource
27. **Human Resources** – None.
28. **Equalities** – None.
29. **Legal** – No implications other than those included in the report.
30. **Crime and Disorder** – None.
31. **Information Technology** – None.
32. **Property** – None.

Risk Management

33. No significant risks are associated with the recommendation in this report have been identified.

Recommendations

34. The Cabinet Member is recommended to:
 - (i) Approve the application including the proposed boundary as per Option 1.
Reason – To allow the plan to progress.

Contact Details:

Report Authors:

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Chief Officer Responsible for the Report

Michael Slater
Assistant Director Development
Services, Planning and
Regeneration

Report **Date** 18/3/2015
Approved

Specialist Implications Officer(s)

There are no specialist officer implications.

Wards Affected:

Fulford

All

For further information please contact the authors of the report.

Background Papers:

None.

Annexes:

Annex A – Fulford Neighbourhood Plan application

Annex B – Persimmon Group representation and boundary

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Martin Grainger
Head of Planning and Environmental Management
City and Environmental Services
City of York Council
West Offices
Station Rise
York YO1 6GA

11 June 2014

Fulford Parish Council application for designation of Fulford Neighbourhood Plan Area

Dear Mr Grainger

Fulford Parish Council wishes to make a formal application to City of York Council for the designation of Fulford Parish as a Neighbourhood Plan Area. I have attached a Parish Plan with the boundaries of Fulford Parish indicated in bold black.

In accordance with 61G(4) of the Town and country Planning Act 1990, the presumption is that the area of a parish is designated as the neighbourhood plan area. Moreover, Fulford Parish Council is the statutory body to be consulted on planning applications for the whole of the parish. The Parish Council has considerable collective knowledge of its area and a deep understanding of the area's planning opportunities and constraints and will establish a dialogue and undertake the relevant consultations to understand how these interact with the aspirations and concerns of the residents and organisations within the parish. We intend to establish a neighbourhood planning group consisting of a combination of parish councillors and other local residents and aim to ensure that key local partners are represented in the process.

Fulford Parish Council is the relevant body for producing a neighbourhood plan in our parish as specified in section 61G of the 1990 Town and Country Planning Act and section 5C of the 2012 Regulations.

We look forward to your response. Please could you ensure that we are kept fully informed during the consultation process of responses to the consultation as well as advised of time scales and steps within the decision making process? Could you please also confirm receipt of this letter?

Yours sincerely

A handwritten signature in black ink that reads "J. M. Fletcher". The signature is written in a cursive style and is positioned above a long, thin horizontal line that extends to the right.

Jeanne Fletcher
On behalf of Fulford Parish Council

Cc Caroline Strudwick

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Fulford Neighbourhood Plan Boundary

Persimmon Plc is responding to the formal consultation being carried out by the City of York Council on the Neighbourhood Plan Boundary proposed by Fulford Parish Council. The Company does not object to the preparation of a Neighbourhood Plan for Fulford subject to the following comments.

1. Supporting Statement

The Neighbourhood Planning (General) Regulations 2012, section 5 (b) requires a statement explaining why the proposed Neighbourhood Plan boundary is considered appropriate to be designated as a neighbourhood area. It is noted the Parish Council in its Neighbourhood Plan Boundary application letter dated 14 June 2014 states that:

“In accordance with 61G(4) of the Town and country Planning Act 1990, the presumption is that the area of a parish is designated as the neighbourhood plan area.”

This statement refers to a presumption in a Regulation rather than justifying why the proposed boundary is appropriate.

Comment

The Parish Council should provide justification to explain why the proposed boundary is appropriate.

2. Multi-Parish Neighbourhood Plans

Persimmon Plc notes that the proposed Neighbourhood Plan follows exactly the boundary of Fulford Parish. The proposal letter from Fulford Parish Council, 14 June 2014, states the Regulations presume the boundary of a neighbourhood plan to be the same as the Parish boundary but the National Planning Policy Guidance makes it clear Neighbourhood Plans can include land in more than one Parish and makes provisions to cover that situation.

Comment

There is no reason in principle why a Neighbourhood Plan boundary should not include land in an adjacent Parish

3. Proposed Neighbourhood Plan Boundary and Justification

Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provided, and grant planning permission for the new buildings they want to see go ahead.

For the reasons provided below, Persimmon Plc considers decisions made about the future of Fulford inevitably need take account of the future of Persimmon House and the impact on Persimmon House as a business and its employees because of its proximity and influence on the wider locality. It is only correct therefore for this

Persimmon Group plc

significant property and business, together with the neighbouring six houses, to be included within the Neighbourhood Plan rather than excluded.

The attached plan shows the proposed amendment to the Neighbourhood Plan boundary.

The justification for the boundary amendment is:

- The postal address for Persimmon House, Lingcroft Lane is Fulford and its proximity to Fulford naturally means it should be included within the proposed Neighbourhood Plan boundary.
- Persimmon House, which was built as a country residence in the 19th century, has an independent access directly off Selby Road, together with a vehicular and pedestrian access via Lingcroft Lane to the rear of the property, the latter being shared with other properties.
- The delineation of the Parish boundary preceded the construction of Persimmon House so whilst Lingcroft Lane is used to define the Parish Boundary, Persimmon House and the other properties happened to be constructed alongside but south of the Parish Boundary.
- Ownership and use of Persimmon House has changed over the years. Persimmon Plc, a FTSE 100 company, acquired the property in 1982; the main property is the Group's head office. Some of the outbuildings have been converted and extended and provide the offices for Persimmon Homes (Yorkshire), one of the Group's 25 house building regional businesses and part of Persimmon Homes Ltd, the Group's main trading subsidiary
- Approximately 100 staff are employed at Persimmon House. After the Designer Outlet at McArthur Glen, Persimmon is the second largest private employer in the area.
- Persimmon staff live across a wide area but a majority live in York and a number within Fulford itself.
- Persimmon House has a functional relationship with Fulford as both the Company and its staff draw on businesses and facilities within Fulford Parish. It follows therefore that the future nature and development of Fulford will have a great impact on Persimmon Group and its staff.
- Fulford is the closest settlement to Persimmon House. The junction of Main Street with Heslington Lane is 1.25 km from Persimmon House. This compares with other settlement destinations as follows:

Bishopthorpe	5 km
Escrick	8 km
Naburn	7 km
- It is only the chance of history that Persimmon House is not included in Fulford Parish. If the Parish boundary were being defined today it would be inexplicable to exclude Persimmon House because of its clear functional relationship to the remainder of the Parish.

Persimmon Group plc

- As a responsible FTSE100 company with its head office so close to Fulford, Persimmon wants Persimmon House to be included in the Neighbourhood Plan so it can be considered alongside other key land uses in the Fulford area.
- In addition to Persimmon House, there are six private houses accessed by Lingcroft Lane. These have the same close, functional relationship to Fulford as does Persimmon House, but with the addition that children in the houses use Fulford schools.

Comment

The above reasons clearly support the extension of the Fulford Neighbourhood Plan area to include Persimmon House and six houses, as shown on the attached plan.

4. Conclusion

Persimmon House is the location of a major private employer and the headquarters office of a FTSE100 company with a strong functional relationship to Fulford. It would be inexplicable for a Neighbourhood Plan to be prepared that did not take into account this important property that history happened to locate immediately adjacent to, but not inside, Fulford Parish boundary.

The Government accepts that Neighbourhood Plans do not have to follow parish boundaries.

A plan is attached that proposes a minor amendment to the Neighbourhood Plan boundary so that it includes Persimmon House and the six neighbouring houses.

The City of York Council is requested to support the suggested boundary amendment which better reflects the contemporary land use and function rather than relying on a boundary defined in wholly different circumstances for wholly different purposes than preparation of a Neighbourhood Plan.

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