

MEETING	PLANNING COMMITTEE
DATE	27 SEPTEMBER 2007
PRESENT	COUNCILLORS R WATSON (CHAIR), SIMPSON-LAING (VICE-CHAIR), CREGAN, CRISP, D'AGORNE, FIRTH, SUE GALLOWAY, GALVIN, HORTON, HUDSON, JAMIESON-BALL, KING, MOORE, REID, B WATSON AND WISEMAN

## 20. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Reason for Visit	Members Attended
Land West of Manor Heath, Copmanthorpe	Due to objections received, and the application is recommended for approval	Cllrs R Watson, Hudson, Horton, B Watson, Reid, D'Agorne, Wiseman, Moore
OS Field 8800, Church Lane, Wheldrake	Due to objections received, and the application is recommended for approval	Cllrs R Watson, Hudson, Horton, B Watson, Reid, D'Agorne, Wiseman, Moore

## 21. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda.

Councillor Wiseman declared a personal non-prejudicial interest in Agenda Item 3a Site Lying to the West of Manor Heath Copmanthorpe York (minute 24a refers) as her husband owns land south of Colton Road.

Councillor Crisp declared a personal non-prejudicial interest in Agenda Item 5 Conservation Area Appraisal for proposed new conservation area ; "The Nestle/Rowntree Factory : Consultation Draft (minute 26 refers) as her husband works for Nestle.

Councillor S Galloway declared a personal and prejudicial interest in Agenda Item 3b OS Field 8800 Church Lane Wheldrake York (minute 24b refers) as one of the plot holders is known to her, and left the room and took no part in the discussion or the decision thereon. She also declared a personal and prejudicial interest in Agenda Item 5 Conservation Area Appraisal for proposed new conservation area, "The Nestle/Rowntree Factory : Consultation Draft (minute 26 refers) as she receives a pension from Rowntrees, and left the room and took no part in the discussion or the decision thereon.

Councillor Cregan declared a personal interest in Agenda Item 5 Conservation Area Appraisal for proposed new conservation area, "The Nestle/Rowntree Factory : Consultation Draft (minute 26 refers) as he receives a pension from Rowntrees.

## **22. PUBLIC PARTICIPATION**

It was reported that nobody had registered to speak, under the Council's Public Participation Scheme, on general issues within the remit of the Committee.

## **23. 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 advice of consultees and officers.

### **23a Site Lying To The West Of Manor Heath Copmanthorpe York (07/01319/FULM)**

Members considered a major full application, submitted by Professor Gareth Reece, for the development of an Eco-Park to include land formation, lakes, ponds, wetland, woodlands, paths, road, play-education-demonstration areas, an education centre to include a cafe, a farm shop, and a sustainability display area including alternative energy, recycling, composting and 4m high windmill.

Officers updated that objections had been received from North Yorkshire Police regarding the number of visitors, traffic issues, parking, access and egress to the site, hedging, bus stops and pedestrian access and speed limits.

Officers also updated that if Members were minded to approve the application they would recommend an additional condition regarding wind turbine, and a section 106 condition/informative regarding highway works.

Representations were received from a local resident in objection to the application. She raised issues regarding traffic problems at the entrance to the park, the provision of disabled parking places, car parking, and the position of the bus stop.

Representations were received from a speaker who welcomed the development, but had concerns regarding traffic, the facilities to be provided, any alternative use of the footie golf facility, and ecological issues.

Representations were received with comments regarding traffic implications for Copmanthorpe and for Manor Heath. This included access issues, speed limits and the problem of parking charges leading to visitors parking elsewhere.

Representations were received from the agent for the applicant in support of the application. He stated that the proposals provided learning opportunities to support education courses, and a variety of activities. With regard to traffic, an extensive report had been produced to the satisfaction of the highway department. He distributed a document with estimated visitor and vehicle numbers.

Members discussed car park charging, coach parking, sustainability issues, access arrangements, visitor and vehicle numbers, and security. They also raised concerns regarding mud on the highway and the routing of construction vehicles.

RESOLVED : That the application be approved subject to the conditions outlined in the report, and subject to the following amended condition, additional conditions and informative:

13 Prior to the commencement of any development on the site a management plan for the routing of construction vehicles shall be submitted to and approved in writing by the local planning authority. The aim of the plan shall be to ensure that vehicles are routed via Manor Heath and the A64/A1237 and not via Hallcroft Lane/Top Lane or through nearby villages and to detail matters such as instructions to drivers, signage and measures to ensure adherence to the approved plan.

Reason: In the interest of the amenities of the residents of Copmanthorpe and other nearby villages and in the interests of highway safety.

16 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (an archaeological excavation and subsequent programme of analysis and publication by an approved archaeological unit) in accordance with the 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 prior to destruction.

17 Prior to the commencement of the development, details shall be submitted for the written approval of the Local Planning Authority, showing the positioning, design and layout of bike and trailer storage.

Reason: In the interests of highway safety.

18 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible outside of the site boundary when in use, shall be submitted to the local planning authority for approval. These details shall include maximum sound levels (L<sub>Amax</sub>(f)) and average sound levels (L<sub>Aeq</sub>), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant

and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of local residents.

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

1. New pedestrian crossing facilities to be formed at the junction of Manor Heath and Hallcroft Lane
2. New pedestrian/cycle crossing point on Manor Heath east of the main access
3. Provision of a new 2m wide footway on the south side of Manor Heath between the proposed access and the existing bus layby.
4. The extension of the existing 30 mph speed limit on Manor Heath to the A1237 to include the new access.
5. The trimming of foliage to the west of the proposed access within the highway embankment to a height maintained at less than 1.05 metres.
6. Provision of a right turn lane into the existing field access from Manor Heath.
7. Realignment of the eastern field boundary (currently formed by a hedge) to improve visibility splays.

Reason: In the interests of the safe and free passage of highway users and in the interests of providing sustainable transport options with policy T7c of the Development Control Local Plan.

Informative: The provision of improved highway facilities on Manor Heath could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution.

REASON : The proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to highway safety, impact on the Green Belt, neighbouring amenity, sustainability, landscaping and soil importation. As such the proposal complies with PPS1, PPG2, PPS7 and PPS9 and Policies GP4a, GB1 and GB13 of the City of York Development Control Draft Local Plan.

**23b OS Field 8800 Church Lane Wheldrake York (07/01649/FULM)**

Members considered a major full application, submitted by Chris Thackray, for the change of use from agricultural land to allotment gardens including associated sheds, new vehicular access, car parking, a composting toilet and a community equipment store.

Officers updated that seven further letters of objection had been received, with comments regarding the lack of time to comment on amendments to the scheme, bonfires on site, height of the border, pedestrian access on Church Lane, and a requested condition stating no livestock. These letters of objection were distributed for Members information.

Officers updated that if Members were minded to approve the application they would recommend an additional condition stating that an allotment management plan be produced to address environmental concerns, including a tenancy agreement.

Officers informed Members that if they were minded to approve the application, delegated authority would have to be given to Officers to do this as the consultation period was due to end on 3 October.

Representations were received in objection to the application from a speaker representing local residents. He distributed a petition with 23 signatures supporting his comments. He stated that no consultation had taken place, that there was no justification for the allotments in a village with a population of 1900, and that the development was disproportionate to the size of the village. He also commented on the inadequate screening, parking and speeding problems.

Representations were received in support of the application from the applicant. He stated that parking places had been allocated, that there would be no increase in traffic and the gates would be locked at night. The City of York Council allotment officer had been involved in the application and consultation with City of York Council had taken place regarding the vermin problem. Poultry would be confined to certain plots, and the applicant had consulted with neighbours.

Members discussed the issues of livestock on the allotments, hedge height, the burning of rubbish, tenancy agreement, landscaping, and the time of locking of the gates. They also discussed the availability of a community leisure facility, and the requirement for a management plan.

**RESOLVED :** That the application be delegated to officers to approve, subject to the conditions outlined in the report, and the following additional condition:

Prior to the first occupation of any allotment garden, there shall be submitted by the applicants for approval by the Local Planning Authority an allotment management plan that will seek to address all environmental concerns and in particular shall include a compulsory tenancy agreement. That plan and tenancy agreement shall remain operative at all times unless

and until either varied by the Local Planning Authority or the use of the site for allotment purposes either wholly or in part to that extent shall cease.

Reason: In the interests of visual and residential amenity

REASON : The proposal, subject to the conditions in the report and above, would not cause undue harm to interests of acknowledged importance, with particular reference to highway safety and residential amenity. Furthermore the development is considered to be compatible with its green belt location. As such the proposal complies with Policy E8 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GB1 and GP1 of the City of York Local Plan Deposit Draft.

**23c Council Depot Foss Islands Road York YO31 7UL (06/02234/REM)**

Members considered a reserved matters application, submitted by Wm Morrison Supermarkets, for an amendment to the external appearance of superstore previously approved by reserved matters application (04/03871/REM).

Officers updated on national advice on how to deal with retrospective applications and enforcement. Legal advice was given that a decision has to be made as to whether it would be expedient to take enforcement action, and the legal advice was that it was not.

Cllr B Watson requested that his vote against approval of this application was recorded.

RESOLVED : (i) That the application be approved;

(ii) That a letter be written by the Chair of this committee to the applicant, and copied to Government Office for Yorkshire and Humber, expressing their disapproval of having to consider this application and that the applicant had not complied with the approved plans.

REASON : (i) The proposal would not cause undue harm to interests of acknowledged importance, with particular reference to local visual amenity and the setting of the grade II listed building adjacent . As such the proposal complies with Policies E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, GP3, GP4a ,GP11 and HE2 of the City of York Local Plan Deposit Draft.

(ii) To highlight the concerns of the committee.

**24. YORK STRATEGIC HOUSING MARKET ASSESSMENT 2007**

Members received a report which presented them with findings from the Strategic Housing Market Assessment 2007 (SHMA) undertaken by Fordham Research and, with reference to this comprehensive study of housing in York, highlighted key issues for the City of York Council to consider in progressing the current Local Development Framework programme and in assessing planning applications.

The key findings of the SHMA were detailed in paragraphs 14 – 50 of the report, covering population, current housing stock, housing costs by tenure, balancing housing markets, balancing supply and demand, housing need, rural issues, and particular needs.

Members discussed the consultation process and whether the Polish community had been involved in this, and were informed that a York Polish community representative was involved in the consultation process.

**RESOLVED :** That the use of the SHMA study for development control purposes be endorsed, in terms of agreeing the most appropriate housing tenure, size and type on individual sites, therefore replacing the 2006 SHMA study.

**REASON :** In order to help create mixed and balanced communities and to maximise opportunities for providing good quality affordable housing in the city.

**25. CONSERVATION AREA APPRAISAL FOR PROPOSED NEW CONSERVATION AREA : "THE NESTLE / ROWNTREE FACTORY" : CONSULTATION DRAFT**

Members received a report which requested that a draft character area appraisal describing proposals for a new conservation area relating to the former Rowntree factory site should be considered for approval for consultation purposes. This was attached as Annex A to the report.

The report presented three options:

Option 1 - To approve the draft document for consultation and to approve the method and range of the consultation.

Option 2 - To amend the draft document and/or change the method and range of the consultation process.

Option 3 - Do not approve the draft document.

The proposed Conservation Area Character Appraisal leaflet was distributed to Members for information. This was welcomed by Members as a comprehensive informative document.

Members discussed the conservation area assessment, the Memorial Library and its listed status and future use.

RESOLVED : That the Draft Conservation Area Appraisal be approved for the proposed new conservation area – The Nestlé / Rowntree Factory - for use as a consultation document using the consultation process detailed in the report.

REASON : The appraisal has adopted a rigorous approach to the assessment of the area under the terms set out in the approved Nestlé South Development Brief, and the document accords with known guidance for conservation area appraisals.  
The consultation method and range accords with previous practice.

COUNCILLOR R WATSON  
CHAIR

The meeting started at 4.30 pm and finished at 7.25 pm.