
MEETING	PLANNING COMMITTEE
DATE	23 OCTOBER 2008
PRESENT	COUNCILLORS R WATSON (CHAIR), CRISP, D'AGORNE, FIRTH, GALVIN, HORTON, HUDSON, JAMIESON-BALL, LOOKER (SUB FOR CLLR POTTER), MOORE, ORRELL (SUB FOR CLLR REID), PIERCE, SIMPSON-LAING, VASSIE AND WISEMAN
APOLOGIES	COUNCILLORS FUNNELL, POTTER AND REID

28. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Reason for Visit	Members Attended
Land Lying to the South of York Designer Outlet, St Nicholas Avenue, York (07/01786/FULM)	To view the site in relation to the Green Belt and its surroundings.	Councillors R Watson, Crisp, Firth, Horton, Hudson, Moore, Orrell, Pierce and Wiseman.
Works, Carmelite Street, York (08/01906/FULM)	In view of objections received and to familiarise Members with the site.	Councillors R Watson, Crisp, Firth, Horton, Hudson, Moore, Orrell, Pierce and Wiseman.

29. 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 Pierce declared a personal non-prejudicial interest in Plans Item 4a (Works, Carmelite Street, York) as he had suggested the Architects who were involved in this scheme for the second phase of the Hungate development.

Councillor R Watson declared a personal non-prejudicial interest in Plans Item 4b (Land Lying to the South of York Designer Outlet, St Nicholas Avenue, York) as Charles Forbes Adam of Escrick Park Estate, who had submitted a letter of objection to this application, was known to him.

Councillor Moore declared as personal and prejudicial interest and stood down for Agenda Item 5 (Skelton Village Design Statement for Approval as an Interim Planning Statement) under the provisions of the Planning Code

of Good Practice and spoke from the floor as he had chaired the Skelton Village Design Statement Steering Group.

30. MINUTES

RESOLVED: That the minutes of the last meeting of the Committee held on 2 October 2008 be approved and signed by the Chair as a correct record.

31. PUBLIC PARTICIPATION

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

32. 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.

32a Works (Vacant) Carmelite Street, York (08/01906/FULM)

Members considered a major full application, submitted by Queens House Joint Venture, for a six storey office building with plant room above, basement car parking and landscaping.

Officers displayed drawings of the Hungate masterplan in relation to the heights of the surrounding buildings and updated the Committee with the following information:

- The outstanding objection from the Environment Agency regarding the basement flooding protection had now been withdrawn;
- Following consultation no response had been received from the Planning Panel.

Representations in support of the application were received from the applicant's Architect who stated that their client had been interested in providing a low energy building on this site. He confirmed that they were hoping to provide a high quality work environment, which would reach a BREEAM rating of excellent. He went on to detail how the building would provide an energy efficient working environment and include a green roof covering the footprint of the building.

Members confirmed their support for this imaginative scheme and the materials to be used and questioned the following aspects:

- Proposed piling works and ground source heat pumps and their affect on archaeological remains;
- Proposed method of piling to cause least vibration and disturbance for neighbours;
- Affect on surrounding streets of the low level of car parking proposed;

- The self cleaning attributes of the materials to be used on the outside of the building;
- Cycle parking security.

RESOLVED: That the application be approved, subject to the conditions listed in the report and the following additional conditions and informatives;

36 All piling operations shall be carried out using the method likely to produce the least vibration and disturbance. Full details of the dates, times and duration of operations shall be submitted to, and agreed in writing by, the local planning authority before any piling operations are begun. When considering piling operations regard should be given to BS 5228:1997.

37 No development shall commence unless and until details of highway improvements within the Foss Basin area have been submitted to and approved in writing by the Local Planning Authority, or alternative arrangements to secure highway improvements have been entered into with the Local Planning Authority. The highway improvements shall thereafter be carried out in accordance with the approved scheme or with the alternative arrangements, as agreed in writing by the Local Planning Authority, prior to first occupation of the development.

INFORMATIVE:

The alternative arrangements of the above condition 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. The obligation would require a financial contribution towards the off-site highway improvements within the Foss Basin Area. The Obligation should provide for a financial contribution calculated at £25,600, using the approved methodology within the Master Plan Study.

No occupation can take place on this site until the highway works have been completed to the satisfaction of the Local Planning Authority, or the financial contribution arrangements complied with. You are reminded of the Local Planning Authority's enforcement powers in this regard.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the comprehensive development of the Hungate site, appearance (including impact on the nearby conservation area and listed buildings), residential amenity, sustainability, highway safety, flood risk and the preservation of archaeological deposits.

As such the proposal complies with Policies SP9, GP1, GP4, GP15, HE2, HE10, T4, T13 and T20 of the City of York Local Plan Deposit Draft.

Action Required

1. Issue the decision notice and include on the weekly planning decision list within the agreed timescales.

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32b Land Lying to the South of York Designer Outlet, St Nicholas Avenue, York (07/01786/FULM)

Consideration was given to a major full application, submitted by Dobbies Garden Centres Plc, for the erection of a Class A1 Garden Centre and ancillary food hall and restaurant, including outdoor display areas, car parking and landscaping (resubmission).

Officers referred to the following updates, which had been circulated at the meeting:

- Officer update which confirmed that the Environment Agency had withdrawn their objections to the scheme subject to the imposition of a condition, that the Highway Agency also had no objections, a précis of the letters received from Visit York, a nearby landowner and from an interested party objecting to the application. The update also referred to additional correspondence received from the applicant, earlier in the year, which had explained their desire to create an 'environmental exemplar' development with the erection of the first timber framed garden centre in the UK;
- Email from the Local Member, objecting to the application on behalf of local residents and supporting the Officers recommendation for refusal;
- Email from John Grogan, MP for the Selby Constituency, expressing support for the garden centre, as it would be situated adjacent to an existing shopping centre, was unlikely to add to peak time traffic and for the employment it offered.
- Letter from Charles Forbes Adam an adjacent landowner of the Escrick Park Estate expressing support for the Officers recommendation for refusal.
- Letter from the Chairman of Visit York who whilst recognising that the site was currently designated as Green Belt believed that the key design and sustainable features offered by the applicant should allow the Committee to give special consideration to the proposal.
- Officer's response to a letter, dated 21 October 2008, sent to all Committee members by GVA Grimley, which referred to a number of omissions, and inaccuracies, which they felt, had been contained in the Officers report.
- Plan showing the sites of the original Fulford and Naburn Hospitals and that now covered by the Designer Outlet.

Officers stated that the applicant had now confirmed that the development would generate 60 full time and 60 part time jobs. Officers went on to give an appraisal of the job situation in the city at the present time. They also reminded Members that the development was classed as inappropriate in the green belt as it did not fit with any of the categories which were acceptable in Policy GB1 so very special circumstances were required to justify the development. The key issue was therefore were there any very

special circumstances in relation to this application and if so did they outweigh the harm associated with the development.

Representations were then received from a representative of the York Natural Environment Trust (YNET) who stated that the garden centre proposal would be felt to be an inappropriate visual element in the Green Belt which would destroy farmland and an important old orchard. He felt that if permission were granted that it would set a precedent and he strongly requested the Committee to reject the application.

Representations in support were received from the Chief Executive of Dobbies Garden Centres Plc the applicants, who explained why this unique site adjacent to the Designer Outlet had been chosen for a garden centre. He stated that the road system and public transport links already existed and that landscaping would exceed that which already existed. He also confirmed that he was aware that this was a sensitive site but that the available city centre sites were either too small or far too constrained for their development. He ended by referring to the positive feedback received to the Dobbies proposals during public consultation undertaken at the Designer Outlet in 2007, to the proposed renewable energy systems used in the building, to the eco friendly products to be sold together with the educational benefits for visitors and school parties.

The Chair of Fulford Parish Council made representations in objection to the scheme. She stated that their principal objection was that this was valuable green belt land on the southern approach to the city on which retail development and a car park would be inappropriate. She confirmed that there might be economic benefits but that the Parish Council did not consider that this constituted special circumstances or outweighed the harm that would be caused.

Members commented on and questioned the following points:

- The basis on which sales of core horticultural products were expressed if this should be financial or by the % of goods sold;
- Requested details of the Council and Inspectorate decisions listed in paragraph 4.19 of the report and to how relevant they were in relation to this application;
- The mitigation measures proposed for the 400 space car park;
- Requested details of other sites examined by the applicants;
- Concern that the goods to be sold were largely not directly related or ancillary to horticultural;
- Questioned the value and life expectancy of trees in the existing orchard on site.

Members confirmed that they welcomed the application from Dobbies for a quality retail development, which would create jobs in the city but stated that employment generation could not be classed as a very special circumstance, which would override its inappropriateness in the green belt.

Certain Members pointed out that garden centres were often sited on the periphery of cities and that access to this site was already in place, which included public transport. They stated that it had been reported that the

orchard had not been well managed and that no mature trees would be lost to this development. It was then moved by Cllr Horton and seconded by Cllr Galvin that the application be approved subject to the imposition of conditions. On being put to the vote the amendment was lost.

Following further discussion it was

RESOLVED: That the application be refused.

- REASON: 1. The development represents inappropriate development within an area of Green Belt. The Council considers that there are no very special circumstances that would outweigh the presumption against such development. As such the proposal is contrary to guidance with Planning Policy Guidance Note 2 (Green Belts), and the Council's Development Control Local Plan Policy GB1 which states that development will only be granted for development where the scale, location and design 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 it would not prejudice the setting and special character of York, and is for one of a defined list of purposes (none of which include garden centres).
2. The proposal would result in the loss of a significant number of trees from within and along the southern boundary of the site, which would reveal views of the existing York Designer Outlet development and of the new development proposed as part of this application. The replacement planting would not adequately compensate for this loss, and as such the development is considered to be contrary to policy NE1 of the Council's Development Control Local Plan which states that trees or woodland that are of amenity value will be protected by, inter alia, refusing development proposals which will result in their loss or damage. The development is also contrary to PPG2 and Local plan policy GB1, in that the loss of the screen planting will adversely affect the openness and character of this part of the York Green Belt.

Action Required

1. Issue the decision notice and include on the weekly planning decision list within the agreed timescales.

SL

33. SKELTON VILLAGE DESIGN STATEMENT FOR APPROVAL AS A INTERIM PLANNING STATEMENT

Members received a report, which presented a summary of the responses received following consultation on the Skelton Village Design Statement. As a result of consultation a number of amendments were proposed and

the Committee were requested to approve the document as an Interim Planning Statement to the draft Local Plan (as amended).

The Village Design Statement was attached to report with the consultation changes (Annex 1) together with a schedule of responses received to consultation (Annex 2). Officers confirmed that the document would become a material planning consideration when considering planning applications for development in Skelton.

Officers confirmed that the Statement had been amended in light of comments received but that additional comments had now been received from the Internal Drainage Board but that, at this stage, it was not proposed to make any additional amendments other than minor changes to the maps and plans at the print stage.

Councillor Moore, spoke as Chair of the Skelton Village Design Statement Steering Group and requested that his thanks be conveyed to the Community Planning Team for their support in the preparation of the Village Design Statement.

The Chair also thanked all those involved in the production of this useful and comprehensive well illustrated document.

Members then considered the following:

- Option 1 to approve the VDS as an Interim Planning Statement.
- Option 2 to request the Skelton VDS group to amend the document.
- Option 3 to not approve the VDS as an Interim Planning Statement.

RESOLVED: That the Skelton Village Design Statement be approved as an Interim Planning Statement with the document being used as a material planning consideration when considering development in Skelton.

REASON: The document follows other Village Design Statement's that have been agreed; observing the general guidance and principles required in their production, whilst successfully defining the individual qualities of Skelton as a village and bringing forward appropriate Design Guidelines.

Action Required

1. To start using the Design Statement as a material planning consideration when considering development in Skelton.

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R WATSON, Chair

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