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MEETING	PLANNING COMMITTEE
DATE	24 JANUARY 2007
PRESENT	COUNCILLORS R WATSON (CHAIR), BARTLETT, BLANCHARD (FOR AGENDA ITEM 4B ONLY), CUTHBERTSON, HILL, HORTON, HYMAN, MACDONALD, MOORE, REID, SIMPSON-LAING, SMALLWOOD, I WAUDBY, WILDE AND LIVESLEY (SUBSTITUTE) [EXCEPT AGENDA ITEM 5]
APOLOGIES	COUNCILLOR JAMIESON-BALL

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### 38. SITE VISITS

The following sites were inspected before the meeting:

Site	Reason for Visit	Members Attended
Car Park Union Terrace	As the application was recommended for approval and objections had been received	Councillors Bartlett, Hill, Horton, Hyman, Macdonald, Moore, Reid, Wilde
6b Monks Cross Drive	As the application was recommended for approval and objections/comments had been received	Councillors Bartlett, Hill, Horton, Hyman, Macdonald, R Watson, Wilde

### 39. 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. Cllr R Watson declared a personal and prejudicial interest in Agenda Item 4(a) Car Park Union Terrace York YO31 7ES 06/02325/FULM, as his firm of solicitors acted for the applicant, and took no part in the site visit, or in the discussion or the decision thereon. This item was chaired by Cllr Reid.

### 40. MINUTES

RESOLVED: That the minutes of the meeting held on 18 December 2006 be approved and signed by the Chair as a correct record.

## **41. PUBLIC PARTICIPATION**

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

## **42. PLANS LIST**

Members considered 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.

### **42a Car Park Union Terrace York YO31 7ES (06/02325/FULM)**

Members considered a major full application, submitted by York Housing Association, for the erection of supported residential accommodation with new pedestrian access, associated parking and landscaping including 1.95m perimeter fence.

This item was chaired by Cllr Reid.

Officers updated that two further letters of objection had been received, and these were distributed to Members for their information. Paragraph 3.3 of the report should read "will provide *rooms* for 34 people" and not homes as stated. Officers updated that if Members were minded to approve the application they were suggesting the following amendments/additions:

- Condition 4 : add "notwithstanding the submitted details..."
- Condition 21 of the report : delete "Windows shall take the form of non opening, fixed glazing"
- A new condition regarding Sustainability and BREEAM rating

Representations were received in objection to the application from a local resident of the previously proposed Nunnery Lane site. He stated that the scheme had been rushed and had not been given enough consideration and raised concerns regarding flooding and drainage, and anti-social behaviour.

Representations were received in objection to the application from a resident of Union Terrace. She stated that there was already a high concentration of similar social institutions in the area, that the loss of parking would lead to congestion, and raised concerns regarding security and crime, drainage, and the size of the development. She stated that if the application was approved she would support conditions to cover delivery times during building work, dogs on the premises, security, drainage, the setting up of a liaison group, and the entrance being on Clarence Street and not Union Terrace.

Representations were received in support of the application from the architect for the application. He stated that they had been working with Arc Light for two years on the proposals and that there had been sufficient time to design the scheme in detail. Consideration had been given to the siting

of the building, and that it is a modern building which fits in well in terrace form, using similar brick. It is seen to be more part of Bootham Park than of Union Terrace car park.

Representations were received in support of the application from the Director of Arc Light. He stated that the application was a result of two years work and cooperation and commitment of all parties involved. Meetings had already been arranged with the police, and Arc Light supported the establishment of a community liaison group. The proposals would increase the quality of accommodation and facilities available.

A Chief Inspector from North Yorkshire Police was in attendance at the meeting to respond to any questions from Members. He stated that the Arc Light scheme had the support of the police and that the Police Architectural Liaison Officer had been consulted and had commented on the planning application.

Cllr B.Watson spoke as a Ward Councillor regarding the siting of the proposal.

He distributed a letter from a ward resident which expressed their concerns regarding drainage and flooding, security and parking. He stated that the design of the proposal was not in-keeping with the area and that if the application was approved it should include a condition to state no dogs in the building.

Members discussed the controls that would be in place regarding alcohol consumption both inside and outside the building, access arrangements and opening hours, and the establishment of a community liaison group, which officers updated would form part of a Section 106 agreement. The design of the building, drainage issues and flooding, site selection, and the effect on the amount of car and coach parking available were discussed. The need for a photographic record, the positioning of the cycle parking in terms of security, and the availability of an area for refuse recycling were discussed.

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

- Condition 4 amended to read "Notwithstanding the details submitted, details of all means of enclosure to 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.

- Condition 21 amended to read "The building envelope of all buildings with a façade onto Union Terrace car park shall be constructed so as to provide sound attenuation against external noise of not less than 36 dB(A), with windows shut and other means of ventilation provided. Mechanical ventilation shall be taken from an

area away from the car park. The detailed scheme shall be approved by the local planning authority and fully implemented before the use hereby approved is constructed.

Reason: to protect the occupants from noise.

- Additional Condition "Prior to the commencement of the development, details of cycle parking (which shall be covered and secure) and refuse storage areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the cycle parking and refuse storage 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 and refuse storage, as appropriate.

Reason: In order to promote the use of cycles thus reducing congestion on the adjacent roads, and to provide adequate facilities for refuse storage within the site.

- Additional Condition "The developer shall aim to achieve a BREEAM "very good" assessment standard for the development. Prior to the commencement of any works on the site, the developer shall submit in writing for the approval of the Local Planning Authority a BREEAM design assessment demonstrating the progress of the BREEAM assessment, the percentage score expected to be achieved and the standard to which this relates. The developer shall submit in writing, prior to the commencement of work on site, details of the following:

- the evaluation and proposals for the heating and ventilation of the building;
- the evaluation and proposals for renewable energy generation technologies to be used in the development;
- the evaluation and proposals for the use of rainwater harvesting in the development;
- details of the contractor specification which shall include a commitment to considerate constructors and Site Waste Plans,

for the written approval of the Local Planning Authority.

Reason: In order to ensure that the proposal complies with the principles of sustainable development.

- Additional condition "Prior to the commencement of the development, four copies of a photographic record illustrating the current context of the site shall be submitted to the Local Planning Authority. The photographic record shall consist of a panoramic photograph taken towards Bootham Hospital including Bootham Chapel. The photographs shall be dated and labelled with the location and bound into an A4 size folder.

Reason: In order that a photographic record illustrating the context of the site is made prior to the development being carried out.

REASON: The proposal, subject to the conditions listed in the report and above, would not cause undue harm to interests of acknowledged importance, particularly the following: the setting of adjoining listed buildings and the conservation area; impact upon the safety and security of the local community; coach and car parking provision; the archaeological heritage; drainage conditions in and around the application site; air quality for future residents; effects upon the surrounding highway network; and sustainability issues. As such the proposal complies with Policies H9 and E4 of the North Yorkshire County Structure Plan (Alterations No 3 Adopted 1995) and Policies SP3, GP1, GP3, GP4a, GP4b, GP9, GP13, HE2, HE4, HE10, T12, T14a, H4a and C1 of City of York Draft Development Control Local Plan.

#### **42b Plot 6b Monks Cross Drive Huntington York (06/02541/FULM)**

Members considered a major full application, submitted by Monks Cross Partnership, for the erection of 5 two storey and 2 three storey office (B1) units including landscaping and car and cycle parking.

Officers updated that if Members were minded to approve the application they would recommend three additional conditions regarding the achievement of a good or excellent BREEAM rating, submission of an energy strategy for the building and an amended height condition to show the maximum heights of the units to be 12.8 m. They also recommended it being delegated to officers to approve the layout of the cycle path.

Representations were received in support of the application from the agent for the applicant. Colour plans/photos were distributed to Members for their information. It was stated that the applicant would support the additional conditions proposed by officers, and the proposed amendments to cycle path access.

Members discussed the planting to be agreed, parking and disabled parking, and supported the proposal for the amendments to cycle path access. Members discussed an addition to condition 8 of the report to state that details of systems for foul and surface drainage shall be submitted to and approved in writing by the local planning authority *before any development hereby approved is carried out on the site.*

RESOLVED: That the application be approved subject to the conditions and informatives outlined in the report, that it be delegated to officers to approve the plan for the cycle path access, and subject to the following:

(i) amended condition 8:

Details of systems for foul and surface water drainage shall be submitted to and approved in writing by the local planning authority before any development hereby approved is carried out on site. The approved drainage systems shall be implemented on site before the buildings hereby approved are first brought into use.

Reason: In the interests of the proper and sustainable drainage of the site.

additional conditions:

(ii) The developer shall aim to achieve a BREEAM "very good" or "excellent" assessment standard for the development. Unless otherwise agreed in writing by the Council within 1 month of the date of the commencement of construction of the development the developer shall submit in writing for the approval of the Local Planning Authority a BREEAM design assessment demonstrating the progress of the BREEAM assessment, the percentage score expected to be achieved and which standard this relates to. Where this does not meet at least a 'very good' standard then the developer must demonstrate what changes will be made to the development to achieve at least 'very good" standard.

Reason. To ensure that the development is sustainable and accords with Policy GP4A of the draft City of York Local Plan.

(iii) Prior to the commencement of development on site an energy strategy for the building shall be submitted to and approved in writing by the local Planning Authority. The development hereby approved shall thereafter be carried out and occupied in accordance with the approved energy strategy.

Reason: In the interests of sustainable development.

(iv) Notwithstanding the information contained on the approved plans, the height of Unit A shall not exceed 8.10 metres, the height of Unit B shall not exceed 8.5 metres and the height of Units C and D shall not exceed 12.80 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: To establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

REASON: The proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to protect species, the operation of the transport network, residential amenity, the character and appearance of the area or the proper drainage of the area. As such the proposal complies with Policies GP1, GP4A, T4, T13, SP8, GP9, SP9, NE2, NE5B, NE6, NE7, E1A and E4 of the City of York Local Plan Deposit Draft and the aims of PPS1, PPG4, PPS6, PPS9, PPG13, PPG24 and PPS25.

**42c Nestle Rowntree Haxby Road York YO31 8XY (06/02622/FULM)**

Members considered a full application, submitted by S Hartley, for the extension to the west side of the existing Kit Kat 5 factory building. There was no update from officers.

RESOLVED: That the application be approved subject to the conditions detailed in the report.

REASON: The proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the visual amenity of the area, the living conditions of occupiers of nearby dwellings, flooding or highway safety. As such the proposal complies with Policies GP1, SP8, E3b of the City of York Local Plan Deposit Draft and the aims of PPS1, PPG4 and PPS25.

**43. NESTLÉ SOUTH - DRAFT DEVELOPMENT BRIEF FOR CONSULTATION**

Members considered a report which presented a Draft Development Brief for Consultation for the southern part of the Nestle Factory site, Haxby Road, York. Recent job loss announcements at the site had highlighted the need to modernise the main factory complex in order to compete in a global market. This would allow the company to commit to staying in York for the foreseeable future.

The Brief set out the need for an employment/ residential redevelopment of the area. It highlighted the key planning issues for prospective developers to consider and highlighted opportunities for adopting sustainable

development principles, good design, layout and links to surrounding areas, and where further analysis was required.

With approval from Members it would be intended that the Brief be subject to public consultation for 8 weeks from February to March 2007. Consultation responses would be considered and a revised Brief would be presented to Members for approval for development control purposes. The Council would then use this document in order to coordinate developer proposals, in the form of a master plan prior to planning application submission, and further detailed consultation with local residents and key organisations on any subsequent scheme proposed.

The development brief covered the following areas:

Introduction, Site and Surroundings, Policy Content, Sustainable Development, Policy Context, Sustainable Development, Development Opportunities, Design and Landscape Principles, Open Space, Recreation and Public Art, Safety and Security, Archaeology, Sustainable Transport, Highways and Parking, Accessibility, Environmental Issues, Services/Public Utilities, and Developing Proposals.

The report presented three options:

Option 1:

Approve the Development Brief, as proposed in the report, as the basis for consultation with local residents and key organisations;

Option 2:

Do not approve the Development Brief and request a new Development Brief be drafted with an alternative approach;

Option 3:

Do not approve the Development Brief and use the policies of the Development Plan (the Regional Spatial Strategy and the Structure Plan) and the Development Control Local Plan, 2005 as the basis for negotiation and considering applications.

Members discussed in detail the Draft Development Brief and agreed the amendments to the document as detailed below.

**RESOLVED:** That the Draft Development Brief be approved for consultation for the mixed-use development of the Nestle South site, subject to the following amendments :

1)Para 2.25 Reference to the East Coast Main line amended to York and North Midlands line

2)Para 2.20 Addition to sentence describing Clarence Gardens as "well used"

3)Para 2.22 Check whether the Nestlé Rowntree sports pitches are member only facilities for Nestlé employees

4)Para 2.23 Add Nestlé Rowntree allotments at Mille Crux

5)Para 2.21 - Check whether Clifton Ings is nearest Open Access Land and add reference to Clifton Backies (Local Nature Reserve)

6)Chapter 5 – Amend ‘sympathetic manufacturing’ to ‘light industry’

7)Para 5.6 Delete first sentence and rephrase second sentence re. feasibility of older buildings on site

8)Para. 5.7 Delete ‘innovative live / work units’ from second sentence

9)After para 5.10 add paragraph to properly define a live / work unit and rationalize the use of the term live / work units in the rest of the chapter to avoid over-kill

10)Para 5.20 replace ‘of development’ with ‘houses’ and delete ‘given the height and scale of nearby buildings’

11)Para 6.8 Amend first sentence to read ‘The Council will be looking to designate the buildings either side of Haxby Road..... as a Conservation Area’

12)Para 6.8 Check reference to Foss Branch Line

13)Para 6.12 Delete first sentence and replace with ‘Please refer to Chapter 11 - Highways for details of the proposed link road between Haxby Road and Wigginton Road.’

14)Para 6.12 Amend fourth sentence from ‘encouraged’ to ‘required’

15)Para 7.7 First sentence - amend ‘should’ to ‘must’

16)Para 7.7 Delete final sentence and add ‘as a first priority’ to end of penultimate sentence after ‘should be considered on site’

17)Para 10.16 Definition of ‘umbrella plan’ added as a footnote

18)Para 11.2 Move reference to York Hospital to para 11.1

19)Para 11.6 Delete and replace with following paragraph...

In terms of the internal layout of the Nestlé South site, it is proposed that a link between Wigginton Road and Haxby Road is incorporated. The Council's Local Transport Plan places particular emphasis on pedestrians, cyclists and public transport in its Hierarchy of Road Users, and the priority of the proposed route should be for these users. Traffic modelling should be carried out which investigates the impact of a through route for all road users (including the private car) on traffic volumes both within the development and on the surrounding network, and in particular at the junction of Haxby Road and Wigginton Road. Should there be a resulting increase in traffic such that the Ratio of Flow to Capacity (RFC) in the development or on the local network exceeds 0.90, or there is a diminishing in the quality of the local environment, then the proposed through route will be restricted to a highway for pedestrians, cyclist and public transport.

20)Para 11.8 Amend 'should be incorporated' to 'will be required' in the first sentence

21)Para 11.11 Amend first sentence to read 'The negotiation of very low car parking provision (in the region of 60%) has been achieved in new housing schemes across the city'

22)Para 12.1 First sentence amend 'should' to 'must'

23)Para 12.2 Fourth sentence amend to read 'There will be a requirement to achieve imaginative....'

24)Para 13.4 Fourth bullet. Delete 'although a new through link ...' etc to end of sentence

25)Appendix 2 (1993) Delete reference to Cllr Reid and refer instead to the 'Lord Mayor of York'

26)Appendix 1 - review grammar

27)All references to Wiggington should be Wigginton

28)Change dot bullets to numbers/letters

REASON:

So that extensive public consultation can take place to allow proper community and stakeholder involvement in the forward planning of this major site.

COUNCILLOR R WATSON

CHAIR

The meeting started at 5.00 pm and finished at 8.35 pm.

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