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MEETING	PLANNING COMMITTEE
DATE	31 MAY 2007
PRESENT	COUNCILLORS R WATSON (CHAIR), HORTON, JAMIESON-BALL, MOORE, REID, SIMPSON-LAING (VICE-CHAIR), SUE GALLOWAY, B WATSON, CREGAN, CRISP, TAYLOR (SUBSTITUTE), BENNETT, GALVIN AND HUDSON
APOLOGIES	COUNCILLORS HYMAN, D'AGORNE, FIRTH AND KING

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## 1. SITE VISITS

The following sites were inspected before the meeting:

Site	Reason for Visit	Members Attended
Language Centre University Road to Central Hall York	Due to comments received and for Members to familiarise themselves with the site	Cllrs R Watson, Jamieson-Ball, Reid, S Galloway, B Watson, Crisp, Bennett, Galvin & Hudson
Oaklands School Cornlands Road York YO24 3WZ	For Members to familiarise themselves with the site	Cllrs R Watson, Jamieson-Ball, Reid, S Galloway, B Watson, Crisp, Bennett, Galvin & Hudson

## 2. 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 Moore declared a personal and prejudicial item in Agenda Item 3e, Oaklands School Cornlands Road York YO24 3WZ, as his wife was an employee of a nearby business, and left the room and took no part in the discussion or the decision thereon.

Cllr S Galloway declared a personal and prejudicial interest in agenda item 4, Nestle South – Revised draft development brief, as she is a retired employee of Nestle, and left the room and took no part in the discussion or the decision thereon. Cllr Cregan declared a personal and prejudicial interest in the same agenda item as a retired employee of Nestle, and took no part in the discussion or the decision thereon.

Cllr Taylor declared an interest under the provisions of the Planning Code of Good Practice in Agenda Item 3c Barbican Centre Paragon Street York YO10 4AG, as he had previously made his views known on the item, and left the room and took no part in the discussion or the decision thereon. Cllr Horton declared an interest under the provisions of the Planning Code of

Good Practice in the same agenda item, as he had previously considered the Barbican licensing application, and left the room and took no part in the discussion or the decision thereon.

### **3. PUBLIC PARTICIPATION**

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

### **4. PLANS LIST**

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

#### **4a Home Farm Corban Lane Wigginton York YO32 2RD (07/00653/FULM)**

Members considered a major full application, submitted by Mr K & Mrs AD Roberts, for a car boot sale on part of field 8330 on 20 Sundays a year, with entrance from Wigginton Road and exit to Corban Lane (resubmission).

Representations were received from Martin Crabtree, a traffic consultant representing the applicant. He stated that the requested increase in the number of car boot sales from 14 to 20 was to increase the applicants income and to diversify their business. He stated that the car boots led to an increase in business for the local shops and helped promote recycling. He stated that there had been no reported accidents on Sundays over the past 5 years. He also stated that traffic does not sit on the bridleway and that the applicant would be happy to accept a condition regarding the bridleway being maintained. He stated that there was a system in place to prevent vehicles queueing, and that the location of the site would remain unchanged.

Members discussed car boot sales on nearby fields, and were informed by Officers that this could not be considered as part of this application. Accident statistics, the speed limit on Wigginton Road, access and egress, the status of the bridleway, general highway safety issues, and the number of vehicles using the site were discussed.

**RESOLVED:** That the application be refused.

**REASONS:**

1. Traffic generation information supplied within the Transport Assessment submitted in support of the application indicates that the proposal will result in the junction of Corban Lane/Wigginton Road operating above capacity. It is indicated that the traffic generated by the proposal will lead to significant queuing on Corban Lane as departing vehicles attempt to exit onto Wigginton Road.

Wigginton Road is subject to national speed limit and due to the nature of the road traffic speeds are high. The intensification of use of the site will increase the occasions upon which queuing will occur. Such queuing is considered likely to result in driver frustration leading to motorists taking greater risks increasing the potential for accidents.

2. Access to the site is along a farm track which has the status of bridleway. The bridleway is known as Wigginton no.7 and is currently surfaced to a level commensurate with its use and status. The proposal will increase the frequency of use of this route by high levels of vehicular traffic which includes HGV's. Such an increase in use will raise the potential for conflict between motorised and non-motorised traffic to the detriment of safety of bridleway users contrary to Local Plan Policy T2(a). Furthermore the increased frequency of usage of the route will also result in further deterioration of the surface which will be detrimental to both highway safety and amenity of users of the bridleway.

#### **4b Language Centre University Road to Central Hall York (06/02705/FULM)**

Members considered a major full application, submitted by the University of York, for the erection of humanities education and research centre with associated cycle parking and landscaping (following demolition of language centre).

Officers updated that if Members were minded to approve the application they were recommending four additional conditions, regarding tree protection, a method statement to protect trees during construction, a height condition, and a condition regarding protection of bats.

Representations were received from the agent for the applicant. She stated that the development would accommodate researchers, was a contemporary design, and there would be 160 staff and students based there. The trees lost during construction would be replaced and the application would reach a "very good" BREEAM rating.

Members discussed sustainability, air quality and contamination issues, the replacement of trees and the significance of the Buddha statue, and the design of the proposals.

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

(i) Trees shown to be retained and/or subject to a tree preservation order (TPO) shall be protected during the development of the site by the following measures: -

Prior to commencement on site, of clearance, site preparation, building or other development operations, including the importing of materials and any excavations, protective fencing to BS5837: 2005 shall be erected around

all existing trees shown to be retained. Before commencement on site the protective fencing line shall be shown on a plan and agreed with the local authority and subsequently adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, parking or manoeuvring of vehicles. There shall be no site huts, no marketing offices, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, pipe runs for services or drains, and no mechanical cultivation. The fencing shall remain secured in position throughout the construction process including the implementation of landscaping works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To ensure protection of existing trees before, during and after development which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area and development.

(ii) Prior to commencement on site, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall also be submitted to and approved in writing by the Local Planning Authority. This statement shall include a construction detail of protective fencing, phasing of works, location of site cabin, parking arrangements for site vehicles, arrangements for loading/off-loading, locations for stored materials; construction details where a change in surface material is proposed within the canopy spread and likely root zone of a tree.

Reason: To ensure protection of existing trees before, during and after development which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area and development.

(iii) Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 12.5 metres at the northern end of the building and 13.5 metres at the southern end (to the ridge excluding roof plant and machinery), 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.

(iv) No development shall take place until details have been submitted to and approved in writing by the Council of what measures are to be provided within the design of the new building or on in adjacent trees to accommodate bats.

Reason. To take account of and enhance the habitat for bats.

Note. Features suitable for incorporation for this group include the use of special tiles, bricks, soffit boards and bat boxes.

## 2. Demolition and Construction - Informative

The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval:

1 The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

2 All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

3 The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

4 All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

5 Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.

REASON: The proposal, subject to the conditions listed above and in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the Green Belt, development within the Heslington Campus, good design, Sustainability and the protection of protected species. As such the proposal complies with Policies ED6, GB1, GP1, GP4A, CYNE1 and CYNE6 of the City of York Draft Local Plan incorporating the 4th set of changes, approved April 2005.

### **4c Barbican Centre Paragon Street York YO10 4AG**

Members considered a full application, submitted by Absolute Leisure, for revisions of design of approved refurbishment of auditorium including redesign of glazed curtain wall on frontage, revised enclosure of box office and enclosure of roof garden.

Officers updated that if Members were minded to approve the application they would recommend an additional condition regarding new brick work

for external surfaces, an amended condition regarding use of roof garden, amendment to a previously agreed condition regarding the details to be approved, amendment to condition 5 to add reference to a canopy, an amendment to condition 6, and the reference to phasing be deleted from conditions 5, 6 & 10.

Officers also updated that one further letter of objection had been received regarding increased capacity and raising issues regarding noise and disturbance, and raising comments regarding the glazed frontage towards the city walls.

Representations were received from Ernest Dickinson, representing "Save our Barbican" (SOB). He referred to an artists impression of what the centre would look like, and distributed this and a plan to Members at the meeting. He stated that the glasswork would have a garish effect, and would be an obscenity being so close to the City Walls. He stated that the development should be in-keeping with the environment and raised issues regarding light pollution. He also raised issues regarding the capacity of the building and fire evacuation issues.

Representations were received from Mr Tony Knox for the applicant. He stated that the application was for minor alterations, and the proposals would not increase the square footage of the proposals.

Members discussed issues relating to the smoking ban due to come into force in the near future, and smoking areas. With regard to capacity issues, this would be a licensing and fire authority issue. With regard to light pollution, the applicant updated that any lighting used would be dark sky compliant, and officers updated that if Members were minded to approve the application a condition could be added regarding the lighting being dark sky compliant.

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

Additional condition:

Use of the areas marked 'outside seating area. No roof' on plan drawing no. 2087-02-005 Rev L (proposed first floor) or any future outside roof gardens that form part of the Barbican development shall be confined to the following hours of operation :

Monday to Sunday 09.00 to 22.00.

Reason: To protect the amenity of future and adjacent residents.

Additional informative:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361  
Cafe Licence - Section 115 - Miss T Santana (01904) 551367

3. The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval:

a) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

b) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

c) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

d) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

e) Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.

Amended conditions:

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of all the external materials to be used, including samples of any new or replacement brickwork shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance and in the interests of good design.

5 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction work and the works shall be carried out in accordance with the approved details.

- doors, glazing details, glazing and curtain walling joints, canopy, including materials, details of mechanism and method of attachment to the main building and external paving.

Reason: So that the Local Planning Authority may be satisfied with these details.

6 Prior to the use of the building commencing details of any scheme of illumination of all external areas within the site, all external lighting details and all internal lighting within the front glazed extension and the rotunda shall be submitted to and approved in writing by the Local Planning Authority and those details shall subsequently be implemented on site within 2 months of the date of this permission.

Reason. To protect against unacceptable levels of light pollution in the area.

7 Details of any means of enclosure within the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before construction work on any of the buildings hereby permitted commences and shall be provided before that phase of the development is occupied.

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

10 Before the commencement of and during building operations associated with the development, adequate measures shall be taken to protect the existing planting on this site. This means of protection shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials, the erection of site huts or the commencement of building works on the development hereby approved.

Reason: The existing planting is considered to make a significant contribution to the amenities of this area.

REASON: The proposal, subject to the conditions listed above and in the report , would not cause undue harm to interests of acknowledged importance, with particular reference to residential amenity, effect on highway and pedestrian safety and convenience, setting of the adjacent City Walls and Conservation Area and archaeology on the site. . As such the proposal complies with Policies E4, E5 and I13 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, GP3, GP4a, GP11, HE2, HE10, L1, and V1of the City of York Local Plan Deposit Draft incorporating the 4th set of changes approved April 2005.

#### **4d Lowfield School Dijon Avenue York YO24 3DD (07/00529/GRG3)**

Members considered a General Regulations 3 application, submitted by Learning, Culture & Childrens Services, City of York Council, for the erection of two storey modular teaching block (temporary for two years)

including additional cycle shelter and stands, 22 additional car parking spaces, and security fence and lighting.

David Ellis, Headteacher for the new York High School, was present at the meeting to answer any questions.

Members discussed issues relating to the bringing together of pupils from Oaklands and Lowfields to the new York High, and were updated that a number of activities had been arranged to bring pupils from the two schools together. Many of the pupils live very close to one another and there have been no reported incidents over the past two years with pupils from the two schools.

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

REASON : The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to highway issues and neighbouring amenity. As such the proposal complies with Policies ED1, GP1 and ED11 of the City of York Development Control Draft Local Plan.

#### **4e Oaklands School Cornlands Road York YO24 3WZ (07/00515/GRG3)**

Members considered a General Regulations 3 application, submitted by Learning, Culture and Childrens Services, City of York Council, for two storey and single storey extensions, external alterations, infilling of existing courtyard, new car park, alterations to entrance from Cornlands Road.

Members discussed condition 8 regarding illumination of the car park up to 23:00 and were informed that the sports centre would be used up until this time.

RESOLVED : That the application be approved subject to the conditions and informatives outlined 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 design, amenity, highway issues and landscaping. As such the proposal complies with Policies ED1, ED11, GP4A and GP1 of the City of York Development Control Draft Local Plan.

#### **5. NESTLE SOUTH - REVISED DRAFT DEVELOPMENT BRIEF**

The Nestlé South Draft Development Brief was presented to Members in January 2007, where it was approved for consultation purposes. The Draft Brief set out the Council's aspirations for the redevelopment of the Haxby Road site; highlighted the key planning issues for prospective

developers to consider and identified opportunities for adopting sustainable development principles, good design, layout and links to surrounding areas.

Members considered a report which described the consultation process carried out between February and April 2007, and presented the revised Draft Development Brief for Nestlé South (Appendix 2), which had been compiled through a cross Directorate Project Team in response to concerns and suggestions received by various groups, organisations and individuals. The consultation representations received were set out, with Officer responses and recommendations, in Appendix 1 of the report.

Officers updated that the main issues from the consultation were the link road between Haxby Road and Wigginton Road, design, and the 19 key objectives.

Representations were received from Mrs Parker, who is the joint owner of White Cross Villa, 17 Haleys Terrace. She referred to Plan 5c in the report which showed potential transport infrastructure improvements, and the roundabout which as show on the plan appears to cut across her house and garden. She stated that her house is not listed although it was built before the factory.

Officers responded stating that the plans were indicative and not accurate, and that there was no intention at this stage to put the roundabout through the house/garden, and that White Cross Villa would be looked at as part of the conservation area status issues being looked at by English Heritage.

Members discussed a number of proposed amendments to the development brief.

#### RESOLVED :

- (i) That the revised Draft Development Brief for Nestle South be approved as non-statutory draft supplementary planning guidance to the City of York Development Control Local Plan, subject to the amendments below :

1. Key Objective KO8 (para 1.18)  
takes full account of the Council's 2007 Housing Market Assessment

2. Key Objective KO15 (para 1.18)  
Makes the site easy to access ~~and travel through~~ by pedestrians, and cyclists, ~~and potentially by~~ public transport users.

3. Para 2.20 (page 7)  
These well used gardens contain three bowling greens, a main amenity area, a small but well equipped children's play area and parking. These amenities already serve a large population based in Clarence Street, the Groves and Haxby Road areas.

4. Para 2.25 (page 8)

In addition to the primary road corridors of Haxby Road and Wigginton Road- There are a number...

5. Para 4.9 (page 15)

Sustainable design and construction techniques are required to be incorporated at the earliest stage of development design (e.g. incorporating methods to use waste heat from the adjacent operating Nestlé factory). Initiatives will apply to both public and private open space and amenity areas, including recycling and drying areas.

6. Para 5.15 (page 19)

~~Provided that sufficient new employment space is provided, a significant part of the remaining site may be suitable for residential uses~~  
The Nestlé South site has been identified for mixed use development, including residential use. The site is considered suitable for residential uses subject to sufficient new employment provision, amenity issues and with appropriate local facilities, affordable housing and open space provision.

7. Para 5.16 (page 19)

...provided in partnership with a RSL, subject to overall viability. If the Discount for Sale element of the affordable housing provision is unable to be purchased, then it will revert to affordable rent in the ownership of a Registered Social Landlord.

8. Para 5.21 (page 20)

~~Consideration will be given to complimentary and~~ As part of the development and in conjunction with the creation of a new live / work community on the site, ancillary uses such as leisure facilities, entertainment, restaurant / bar, health and medical facilities and other community uses will be encouraged.

9. Para 6.5 (page 22)

~~Whilst it is recognised that historic buildings can form the basis of successful regeneration projects, it is acknowledged that the retention of buildings with no statutory protection should not jeopardise the overall viability of the site.~~

10. Para 6.8 (page 23)

Land to the east side of Haxby Road was acquired to provide improved amenities for the workers. The theatre is a listed building and the former catering block is now in use as a private hospital. Also on the east of Haxby Road is White Cross Villa, a 19<sup>th</sup> Century house. The west side ...

11. Para 6.27 (page 26)

Dwellings should be capable of personalisation. The provision of balconies on new buildings, particularly on any flatted development, will provide outdoor amenity space for residents. Use of brick....

12. Para 6.29 (page 27)

Living boundaries between properties e.g. hedges, are preferred.  
~~preferable to railings and fences.~~

13. Para 6.33 (page 27)

... refer also to paragraphs 7.11 to 7.15). Sustainable lighting should be incorporated where possible, for example solar generation or 'Dark Sky' standard lighting.

14. Para 6.34 (page 27)

... domain to ensure their full potential public amenity value and longevity is realised. When considering new planting native species and future climate changes must be taken into account.

15. Para 7.3 (page 29)

Discussions with the Council are ~~encouraged~~ required ....

16. Para 7.7 (page 30)

Provision for older children ~~should~~ must be considered on the site as the first priority

17. Para 7.9 (page 30)

Within residential proposals, youth and adult sports provision may be accepted off site as an exception ....

18. Para 7.10 (page 30)

Discussions to gain public access to the current Nestle pitches to the north of the factory site will be progressed, and ~~D~~ detailed proposals for youth and adult sports provision should be discussed ....

19. Para 9.4 (page 33)

i) plans showing the site location and the proposed site layout

j) a photographic history will be made of the site and made available for display in the areas community provision.

20. Para 10.9 (page 36)

An evaluation of current bus services, running within 400m of the site, needs to be considered in terms of whether they provide the optimum level and standard of service to facilities such as grocery stores, doctors and employment, which will ....

21. Para 10.12 (page 37)

Opportunities exist within the development of this site to restrict car parking within identified areas, and prospective developers are advised to discuss options for car free areas and Home Zone with officers at the earliest opportunity

22. Para 10.14 (page 37)

Early contact with the City's car club operator and City of York Highway Officers is ~~encouraged~~ required

23. Para 11.12 e) (page 41)

for office development, the focus ~~should~~ must be to provide only operational parking

24. Para 11.12 f) (page 41)  
for residential development, parking ~~should~~ must reflect the nature of dwelling unit

25. Para 11.13 (page 42)  
Early discussion with Council Officers will be ~~expected~~ required in order to agree measures to prevent ...

26. Para 12.1 (page 43)  
The inclusive design of access for all, including ~~of~~ provision for disabled people and older people must be carefully considered at an ....

27. Para 12.2 (page 43)  
All public spaces and buildings should be fully accessible for all, including ~~to~~ disabled people and older people.

28. Para 13.4 iv) (page 44)  
The site ~~should~~ must have good access to public transport links

29. Para 13.4 vi) (page 44)  
Buildings should be as energy efficient as possible to reduce domestic emissions - opportunities to use waste heat from the factory site should be looked at as a means of heating ~~potential~~ homes and business. Is it however recognised that this may not be available for the lifetime of the new development and other ~~along with~~ sustainable onsite production of energy should be investigated.

30. Para 13.26 (page 48)  
Any prospective developers are advised to have existing buildings that are proposed for conversion to be surveyed for bats and endangered birds by a properly licensed and qualified person. Any trees to be felled should also be checked for bats and endangered birds.

31. Para 15.18 (page 54)  
The required tenure split is 45% affordable rent, 5% discount sale of the total number of homes. This 5% will revert to affordable rent if they are beyond the purchase limits of local residents. Built homes ...

32. Plan 5c  
Delete 'potential new bus route through site'

(ii) That the approved brief be used as a basis for masterplanning and negotiating an appropriate scheme to redevelop the site and for considering future planning applications.

**REASON :**

The redevelopment of the site is an opportunity to provide quality accommodation for a range of employment uses that will support the York economy and a Development Brief is considered the most appropriate approach for the Council to set out a clear and consistent vision, with objectives and clear guidance for a new sustainable live / work community.

COUNCILLOR R WATSON  
CHAIR

The meeting started at 4.30 pm and finished at 7.10 pm.