
MEETING	PLANNING COMMITTEE
DATE	17 FEBRUARY 2010
PRESENT	COUNCILLORS R WATSON (CHAIR), D'AGORNE, FIRTH, FUNNELL, HORTON, HUDSON, HYMAN, MOORE, MORLEY, POTTER (VICE-CHAIR), REID, SIMPSON-LAING, B WATSON AND GILLIES (SUB FOR CLLR WISEMAN)
APOLOGIES	COUNCILLORS JAMIESON-BALL, PIERCE AND WISEMAN

35. DECLARATIONS OF INTEREST

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

Councillor Simpson-Laing declared a personal prejudicial interest in Agenda item 4 (Fulford Road Conservation Area Appraisal: Results of Consultation and Final Draft for Approval) as her parents and other relatives lived within and adjacent to the area covered by this draft appraisal and she left the room and took no part in the discussion or voting thereon.

Councillor D'Agorne declared a personal non-prejudicial interest in Agenda item 4 (Fulford Road Conservation Area Appraisal: Results of Consultation and Final Draft for Approval) as a resident of Broadway West adjacent to the area.

Councillor Firth declared a personal non-prejudicial interest in Agenda item 4 (Fulford Road Conservation Area Appraisal: Results of Consultation and Final Draft for Approval) as he had served at the Imphal Barracks and was still associated with its Mess.

36. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

37. PLANS LIST

Members considered a report of the Assistant Director (Planning and Sustainable Development) relating to the following planning application, outlining the proposals and relevant planning considerations and setting out the views of consultees and officers.

37a 24 Heworth Green, York YO31 7UG (09/02081/FULM)

Consideration was given to a major full application, submitted by the National Grid, for a new planning permission to replace an extant planning permission, in order to extend the time limit for implementation of application ref: 09/00632/FUL by a further 3 years for a mixed use scheme for residential development and offices. This would consist of a maximum of 12 two bedroom apartments, a maximum of 6 two bedroom houses, a maximum of 60 three bedroom houses and a maximum of 41 four bedroom houses unless otherwise agreed in writing by the Local Planning Authority.

Officers updated the Committee on various aspects of the application including:

- Amendment to the description to read 'Application for a new planning permission to replace an extant planning permission, in order to extend the time limit for implementationby a further **two** years'
- Clarification that this shorter period had been agreed with the applicant and would require a reserved matters application to be submitted within a period of two years from the date of the new planning permission. It was also confirmed that if the reserved matters application was not submitted within the two year period, that the original permission would then lapse and a completely fresh application would be required.
- Yorkshire Water Authority had raised no objections but had advised that their previous comments and recommendations were still relevant and they had requested that the new permission be conditioned accordingly.
- It was reported that no responses had been received from local residents.
- Any approval would be subject to a variation of the existing Section 106 Agreement to encompass the new permission, in order to carry forward the financial contributions and other requirements of the previous permission.
- Details of an issue which had arisen in relation to the Certificate of Ownership in that one of the owners of the site had originally been omitted. Notice had now been served on Northern Gas Networks on 5 February, as the additional owners, which meant that it would be necessary to delay the issuing of the decision until at least 26 February.
- Legal Briefing note which explained the new procedure for the extension of time limits for implementing existing planning permissions which had been brought into force by statutory instrument on 1 October 2009.

Members then commented and queried the following aspects of the application:

- Lighting along Gas Alley adjacent to the site. Officers confirmed that when detailed proposals for the site were received they could look at how the path related to the site but pointed out that the Secure by Design condition, which formed part of this approval, also covered lighting, surveillance etc.

- Details of the Section 106 obligations and the various trigger points for meeting these. Officers confirmed that they would email the details to Members.¹
- Community space, which it was confirmed, was the same as had been proposed in the earlier application. It was pointed out that as this was an extension of time application it would be inappropriate for Members to revisit the conditions and make amendments if there had been no material change to policy or to other material considerations since the original grant of permission in 2009.
- Timescales in bringing the application forward and the need for improved security on site.

The applicant's representative, who was in attendance to answer any questions, confirmed that she would request the site owners to examine possible improvements to site security. She stated that the applicants would shortly begin negotiations with Northern Gas Networks to arrange for the removal of the on site gas holder but that by the end of the year they hoped to be in a position to market the site to a house builder with implementation of the scheme following shortly after.

Following further discussion it was

RESOLVED: That the application be approved subject to no material objections being received from Northern Gas Networks by 26 February 2010, the imposition of conditions as listed in the report and to the applicant entering into a Section 106 Agreement, subject to the replacement of the work 'except' with 'accept' in the third line of the third paragraph of Informative 2 in relation to surface water discharge.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the principle of mixed use development, affordable housing, environmental impact assessment, land contamination, air quality, noise, dust and odours, health and safety, highways and traffic considerations, design issues, the effect on the conservation area, archaeology, residential amenity, ecology, sustainability, open space provision, crime prevention, impact on education provision, flood risk and drainage, telecommunications and utilities. As such the proposal complies with Policies YH4, Y1, ENV9, ENV12, H4 and H5 of the Regional Spatial Strategy (RSS) for Yorkshire and the Humber (2008), and Policies GP1, GP3, GP4A, GP4B, GP5, GP6, GP7, GP9, GP13, GP15, NE1, NE3, NE6, NE7, HE2, HE3, HE10, HE11, T2A, T2B, T4, T5, T7C, T13A, T20, H2A, H3C, H4A, H5A, E3B, E4, ED4, L1C, SP3, SP6, SP7A and SP8 of the City of York Local Plan Deposit Draft (2005). The proposal would also comply with advice in PPS1,

Action Required

1. Email Members further information requested on Section 106 for this site.

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38. FULFORD ROAD CONSERVATION AREA APPRAISAL: RESULTS OF CONSULTATION AND FINAL DRAFT FOR APPROVAL

Members considered a report, which presented the results of a public consultation exercise on the draft Fulford Road Conservation Area Appraisal which also included a boundary review. The report recommended the adoption of the appraisal subject to a number of minor revisions.

The Planning Committee had approved the draft appraisal for consultation on 24 September 2009. Details of the consultation responses together with Officer responses and recommendations/proposed amendments were set out in Annex C to the report.

Officers confirmed that the adoption of the document would assist with the formulation and determination of development proposals within the Conservation Area and the surrounding area.

Consideration was also given to a letter, circulated at the meeting, from Cllr Taylor. He confirmed that he was in support of the reappraisal of the Fulford Road Conservation Area but as a resident of Fishergate and Heritage Champion for the City of York he requested that consideration should be given to some additional recommendations:

- Inclusion of the former Christian Science Church and former Post Office as superb examples of C20th architecture;
- Inclusion of the early Council houses of Fulford Cross as they shared many of the characteristics with those of Alma Terrace;
- Inclusion of the Ordnance Lane buildings.

Officers confirmed that following receipt of a number of representations questioning the inclusion of Ordnance Lane they had reassessed its contribution to the area. The draft Appraisal had stated that the area would not justify conservation area status in isolation however records had now shown that the buildings were erected at the start of the C20th and that the hospital predated the buildings by 50 years although it had now been demolished and for this amongst other reasons it was not now proposed for inclusion.

Officers circulated details of English Heritage's 'Guidance on Conservation Area Appraisals', 'Conservation Area Practice', Planning Policy Guidance note nos. 15 together with photographs of the former Post Office, Christian Science Church, Ordnance Lane and the properties at Fulford Cross. Officers considered that the above guidance led them to believe that the properties did not meet the criteria for inclusion in the conservation area. In answer to a question, Officers also clarified that their comments for the

non-inclusion of Ordnance Lane were based solely on conservation area criteria and assessment rather than on future proposals for the site.

Cllr D'Agorne referred to a number of possible inclusions in the area, Alma Terrace and the Wellington Public House, which he felt, required protection, also Howard Street and Fulford Cross. He also questioned the suggestion that an assessment be undertaken of trees at the rear of St Oswald's Road, which were not visible from the Conservation Area.

Officers suggested that The Wellington could be a candidate for the emerging local list which contained details of buildings that were of importance and interest to the local community because of their historic or architectural importance. However it has since been confirmed that the Wellington Inn was protected through statutory listing at Grade 11.

The Committee thanked Officers for all their hard work in creating the Fulford Road Appraisal.

RESOLVED: That approval for planning purposes be given to the Fulford Road Conservation Area Appraisal as proposed in Annex D and as amended by Annex C of the report. ¹.

REASON: The document is a thorough analysis of the character and appearance of the conservation area and it has been prepared in accordance with current guidance from English Heritage. As a document it is clearly written and accessible to a wide range of users. The consultation method and range accords with previous practice. Information and views of consultees have been carefully considered in the amendments proposed. The adoption of the document will assist with the formulation and determination of development proposals within the conservation area and adjacent to it.

Action Required

1. Start use of appraisal for planning purposes.

JR

R WATSON, Chair

[The meeting started at 4.30 pm and finished at 5.25 pm].