
MEETING	PLANNING COMMITTEE
DATE	26 APRIL 2007
PRESENT	COUNCILLORS R WATSON (CHAIR), BARTLETT, CUTHBERTSON, HILL, HYMAN, JAMIESON-BALL, MOORE, REID, SIMPSON-LAING, WILDE, MORLEY (SUBSTITUTE) AND B WATSON (SUBSTITUTE)
APOLOGIES	COUNCILLORS BLANCHARD, HORTON, MACDONALD, SMALLWOOD AND I WAUDBY

59. SITE VISITS

The following site was inspected before the meeting:

Site	Reason for Visit	Members Attended
The Fishergate Centre 4 Fishergate York YO10 4FB	Due to objections received and for Members to familiarise themselves with the site.	Cllrs Hyman, Reid, B Watson & R Watson

60. 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. No interests were declared.

61. MINUTES

RESOLVED : That the minutes of the meetings held on 22 February 2007, 5 March 2007 & 29 March 2007 be approved and signed by the Chair as a correct record.

62. 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.

63. 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.

63a The Fishergate Centre 4 Fishergate York YO10 4FB (06/02838/CAC)

Members considered a Conservation Area Consent application, submitted by City of York Council, for the demolition of a non listed building in a conservation area.

Officers updated that two further letters of objection had been received, raising a number of concerns, one of which was the effect of demolition due to the presence of bats.

Members discussed the re-use of materials if the demolition were to be approved, environmental and sustainability issues, and the requirement for a construction management scheme.

RESOLVED : That the application be approved, subject to the approval of the Secretary of State, and subject to the conditions outlined in the report.

REASON: The proposal, subject to the conditions outlined in the report , would not cause undue harm to interests of acknowledged importance, with particular reference to the character and appearance of the conservation area. As such the proposal complies with Planning Policy Guidance Note 15: Planning and Historic Environment, Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies HE3 and HE5 of the City of York Draft Local Plan (incorporating 4th set of changes).

63b The Fishergate Centre 4 Fishergate York YO10 4FB (06/02837/GRG3)

Members considered a General Regulations Reg 3 application, submitted by City of York Council, for the erection of part two/part three storey building to accommodate homeless persons' hostel (22 beds) with staff living accommodation, training and reception areas, following demolition of existing buildings.

Officers updated that two further letters had been received from residents regarding personal safety issues and the increase in crime if the proposal were to be approved. Yorkshire Water had requested three conditions relating to foul and surface water drainage and an informative on surface water discharge if the application were to be approved. The Environment Agency had no further comments on the revised plans which had been submitted. The Council's Landscape architect stated that they would accept that if the application were approved the sycamore tree to the rear of 2 Fishergate would be felled. Officers further updated that if Members were minded to approve the application that an additional condition be included regarding obscured glazing and non-opening windows. They also updated that if Members were minded to approve the application they would recommend that condition 9 be amended to cover the eventuality that bats may be present, that condition 17 be amended to refer to floor levels for the rear part of the building fronting onto the River Foss Basin, that condition 20 be amended to include infill railings on the eastern

boundary wall with the Masons Arms between the two single storey extensions of the public house, and that condition 21 be revised to request a BREEAM rating of “very good”.

Representations were received in objection to the application from a resident of Fishergate on behalf of himself and other residents. He stated that a number of key issues had been ignored in relation to the objections from local residents and businesses, the recommendations of experts regarding the design, and the advice of the CYC Conservation Officer had been ignored.

Representations were received from a nearby resident regarding personal safety issues. She stated that she was concerned regarding the type of users of the centre and was concerned about the increase in crime and disorder if approval were granted. She also stated that she felt that a decision had already been made on the application. The Chair of the committee clarified that this was not the case and that the decision as to whether the application was approved or refused lay with this committee.

The Assistant Director of Housing Services, City of York Council, the applicant, spoke in support of the application. He stated that the kind of support which is given to the homeless had changed over the last five years, and the approach was now to empower individuals and for them to learn to re-establish their skills. He stated that there was a planned approach for users of the centre, with each resident signing up to a resettlement programme. He stated that there were certain myths about the project but it was a settled project and that there would be no impact on the local area. He stated that over the past three and a half years there had been no complaints regarding the current Peasholme Resettlement Centre, and that there are and would continue to be robust procedures in place and the centre would be manned 24 hours a day.

Representations were received from a representative of Fishergate Planning Panel. He raised issues regarding public safety, design and loss of employment land. With regard to safety he stated that the premises were on a busy road and there were issues regarding the safety of existing residents. With regard to design, issues were raised regarding the fact that the application is in a conservation area, and the materials which were proposed to be used. Regarding loss of employment land, he stated that the proposals breached PPG4 and that the city centre is a better location for small businesses, rather than an out of town centre, for example Clifton Moor which is not accessible.

Cllr D’Agorne spoke as a Ward Councillor. He raised issues regarding design and residents concerns. He stated that the CYC Conservation Officer was not happy with the proposals and that he had concerns regarding the design and elevation issues, and scale and massing. With regard to residents concerns he raised issues regarding personal safety, loss of views, highway safety issues and parking problems.

Members discussed road safety issues, issues surrounding the requirement for a community liaison group, the consultation process, and design. The difference between the proposed new centre and the existing Peasholme Centre was discussed, in terms of facilities and services

available. The opening hours of the centre were discussed, and the lockdown hours and hours of use of the outside area. Design was discussed in terms of height and massing, frontage, and materials. Highway safety was discussed in terms of pedestrian safety and the possibility of extending the current railings were discussed.

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

Additional conditions:

- The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

- No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the development can be properly drained.

- Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

- The first and second floor windows on the eastern elevation of the rear part of the building hereby approved facing towards the Mason's Arms Public House, that serve the corridors, bathroom (room FF23), staircase, laundry (room FF21) and stores, shall be fitted with obscure glazing and be non-opening at all times.

Reason: In the interests of residential amenity.

- Before occupation of the building hereby approved, a community liaison group shall be established in accordance with details to be submitted to and approved in writing by the Local Planning Authority. This group shall include representatives for the resettlement centre, from the Fishergate Ward Committee and other bodies representing local people. The terms of reference for the group shall be to seek to resolve issues or conflicts of interest arising during the operation of the use hereby approved and to promote and develop integration of the development and its residents into the local community. The details shall include those representative on the group and the arrangements for meeting. The group shall meet in accordance with the submitted details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To promote and develop integration of the development into the local community.

- Prior to the commencement of any works, a detailed construction management scheme shall be submitted to and agreed in writing by the Local Planning Authority. This shall include information on the order of development of the site, including demolition, and a method of works statement covering precautions to be taken to ensure the safety of the general public using the surrounding highway network. The development shall be implemented in accordance with the approved scheme.

Reason: To ensure that the works are carried out in a safe manner and with minimum disruption to users of the adjacent public highway.

Additional Informative:

- To prevent overloading the public sewer network, surface water discharges to the network should be restricted to the level of run-off (i.e. same points and rates of discharge) from previous use of the site. The developer will have to demonstrate positive drainage to the public sewer to the satisfaction of Yorkshire Water and the Local Planning Authority by means of investigation and calculation. The developer is also advised to contact the relevant drainage authorities with a view to establishing a suitable watercourse for the disposal of surface water.

Amended conditions:

2 The development hereby permitted shall be carried out only in accordance with the following plans:-

Drawing no. 9099(2)10J 'Proposed Ground Floor Plan' dated 30.5.07 and received 31 May 2007;

Drawing no. 9099(2)11G 'Proposed First Floor Plan' dated 30.5.07 and received 31 May 2007;

Drawing no. 9099(2) 12F 'Proposed Second Floor Plan' dated 30.5.07 and received 31 May 2007;

Drawing no 9099(2)13C 'Roof Plan' dated 21.12.06 and received 21 Dec 2006;

Drawing no. 9099(2)15H 'Elevations - Proposed' dated 14.4.07 and received 15 May 2007;

Drawing no. 9099(2)16D 'Courtyard Elevations - Proposed' dated 21.3.07 and received 24 March 2007;

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

7. Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The windows on the front elevation of the building facing Fishergate shall be timber painted. The colour finish of all the windows shall be agreed in writing by the Local Planning Authority beforehand.

Reason: So as to achieve a visually cohesive appearance.

9 No development shall take place until full details of what measures for bat mitigation and conservation are proposed and have been submitted to and approved by the Council.

The measures should include details of:

- i. Further emergence survey at the appropriate time of year and no more than 1 month prior to demolition, if the demolition is to be carried out between April and September. The results of the survey should be submitted to and approved in writing by the Local Planning Authority before any work commences.
- ii. A plan of how demolition work is to be carried out to accommodate bats. This will include the removal by hand of roof tiles to expose the loft and to examine the loft for evidence of a roost.
- iii. Details of what provision is to be made within the new building to replace the features lost through the demolition of the original structure. Features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards, bat boxes and bat lofts and should at least replace or substitute for what is existing.
- iv. The timing of all operations.

The works shall be implemented in accordance with the approved details and timing unless otherwise approved in writing by the Council.

If bats are discovered during the course of the survey or subsequently during work in progress, then all work should cease and Natural England consulted before continuing. It may be necessary to apply for a licence from Defra before proceeding.

Reason: To take account of and enhance habitat for a protected species. It should be noted that under PPS9 the replacement/mitigation proposed should provide a net gain in wildlife value.

17 Floor levels for the rear part of the building fronting onto the River Foss Basin shall be set at least 600mm above the 1982 flood level of 9.96 metres above Ordnance Datum.

Reason: To protect the development from flooding.

19. An appropriate Evacuation Plan (in consultation with the City of York Council Emergency Planning Officers) must be in place prior to any occupation of the development.

Reason: To ensure staff and residents vacate the premises before flooding affects the designated egress route.

20 Before development commences, details of measures to reduce the opportunity for crime and anti-social behaviour shall be submitted to and approved in writing by the Local Planning Authority. These shall include the installation of Closed Circuit Television at the site and infill railings on the eastern boundary wall with the Mason's Arms between the two single storey extensions of the public house. The development shall be carried out in accordance with the approved details.

Reason: In order to reduce the opportunity of crime and anti-social behaviour in the interests of amenity.

21 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.

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

- And that the details of the West elevation be delegated to the Chief Officer, Chair, Vice Chair and Opposition Spokesperson for approval.

REASON : The proposal, subject to the conditions listed in the report and above, would not cause undue harm to interests of acknowledged importance, with particular reference to: principle of redevelopment of site; loss of existing employment land/office use; suitability of site for proposed use; design considerations including design, crime, sustainability and accessibility; historic environment; natural environment; amenity of local residents and occupants; environmental considerations, including contamination, noise and air quality; flood risk; and access, parking and highway safety. As such the proposal complies with national planning policy set out in PPS1 (Delivering Sustainable Development), PPS3 (Housing), PPG4 (Industrial, Commercial and Small Firms), PPS9 (Biodiversity and Geological Conservation), PPG13 (Transport), PPG15 (Planning and the Historic Environment), PPG16 (Archaeology and Planning),

PPS23 (Planning and Pollution Control), PPG24 (Planning and Noise) and PPS25 (Development and Flood Risk), the 1956 York Town Map and Regional Spatial Strategy for Yorkshire and the Humber (2004) and Policies H9 and E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies E3B, H12, H17, SP1, SP3, SP6, SP7B, GP1, GP3, GP4A, GP4B, GP6, GP11, GP15A, HE2, HE3, HE10, T4 of the City of York Draft Local Plan (incorporating fourth set of changes).

64. COMMUTED SUM PAYMENTS FOR OPEN SPACE IN NEW DEVELOPMENTS

Members considered a report which sought Members approval for York based commuted sum payments towards open space provision in new developments. The report asked Members to approve a more structured commuted sum payments process than presently used for planning applications relating to residential, employment, retail and leisure uses where appropriate. The proposed commuted sum payments will form an interim basis for decision making in development control, until the Local Development Framework (LDF) is sufficiently advanced to be used for deciding planning applications.

Members of the LDF Working Group considered this issue at their meeting on 4 December 2006 and agreed that the commuted sum figures be recommended to Planning Committee for approval with amendments. The commuted sums have now been updated and account taken of inflation as at 1 April 2007.

Members discussed the provision of open space as being of paramount importance, and suggested that the approach to commuted sum payments be amended to reflect this. It was highlighted that although commuted sum payments would be required for developments of under 10 dwellings (in accordance with policy L1c of the City of York Local Plan - 4th Set of Changes, April 2005), for developments of 10 or more dwellings, on-site provision would be the preferred option before commuted sum payments for off-site provision would be considered. They also discussed the issue of commuted sum payments for open space being carried forward through the LDF process when this supersedes the Local Plan.

RESOLVED :

(i) That the approach to Commuted Sum payments and the attached note as set out in Annex D to support the application of L1c of the Fourth Set of Changes to the City of York Local Plan be approved;

(ii) That the approach to commuted sum payments document be amended to reflect that the council expects in the first instance, on residential developments of 10 or more, that open space should be provided on site, and that the second option is commuted sum payments towards off-site provision;

(iii) That the issue of Commuted Sums continue be dealt with via the LDF process.

REASON:

To give certainty, clarity and accountability towards the council's approach towards requiring commuted sum payments towards open space, and to reinforce the council's view that open space provision should be provided on site at the first instance.

**COUNCILLOR R WATSON
CHAIR**

The meeting started at 4.30 pm and finished at 8.20 pm.