



Notice of meeting of

Planning Committee

- To:** Councillors R Watson (Chair), Bartlett, Blanchard, Cuthbertson, Hill, Horton, Hyman, Jamieson-Ball, Macdonald, Moore, Reid, Simpson-Laing, Smallwood, I Waudby and Wilde
- Date:** Thursday, 26 April 2007
- Time:** 4.30 pm
- Venue:** The Guildhall, York

AGENDA

Site Visits for this meeting will commence at 12:30 pm on Wednesday 25 April 2007 at 4 Fishergate

1. **Declarations of Interest**

At this point, members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

2. **Minutes** (Pages 5 - 30)

To approve and sign the minutes of the meetings of the Planning Committee held on 22 February 2007, 5 March 2007 and 29 March 2007.

3. **Public Participation**

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by 5pm the day before the meeting. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

To register please contact the Democracy Officer for the meeting, on the details at the foot of this agenda.

4. Plans List

This item invites Members to determine the following planning applications:

a) The Fishergate Centre 4 Fishergate York YO10 4FB (06/02838/CAC) (Pages 31 - 40)

Demolition of non listed building in a Conservation Area (Fishergate Ward)

b) The Fishergate Centre 4 Fishergate York YO10 4FB (06/02837/GRG3) (Pages 41 - 66)

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 (Fishergate Ward)

5. Commuted Sum Payments for Open Space in New Developments (Pages 67 - 94)

This report seeks Members approval for York based commuted sum payments towards open space provision in new developments. It asks 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 is sufficiently advanced to be used for deciding planning applications.

6. Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Name: Sarah Kingston

Contact Details:

- Telephone – (01904) 552030

- E-mail – sarah.kingston@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

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PLANNING COMMITTEE – Thursday 26 April 2007**SITE VISITS****Wednesday 25 April 2007**

**Members of Committee should meet at 4 Fishergate at
12:30 pm**

TIME (Approx)	SITE	ITEM
12:30	Meet at 4 Fishergate 06/02837/GRG3 - Fishergate Centre, 4 Fishergate 06/02838/CAC - Fishergate Cente, 4 Fishergate	4a & 4b

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- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
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A leaflet on public participation is available on the Council's website or from Democratic Services by telephoning York (01904) 551088

Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

Access Arrangements

We will make every effort to make the meeting accessible to you. The meeting will usually be held in a wheelchair accessible venue with an induction hearing loop. We can provide the agenda or reports in large print, electronically (computer disk or by email), in Braille or on audio tape. Some formats will take longer than others so please give as much notice as possible (at least 48 hours for Braille or audio tape).

If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

Every effort will also be made to make information available in another language, either by providing translated information or an interpreter providing sufficient advance notice is given. Telephone York (01904) 613161 for this service.

যদি যথেষ্ট আগে থেকে জানানো হয় তাহলে অন্য কোন ভাষাতে তথ্য জানানোর জন্য সব ধরনের চেষ্টা করা হবে, এর জন্য দরকার হলে তথ্য অনুবাদ করে দেয়া হবে অথবা একজন দোভাষী সরবরাহ করা হবে। টেলিফোন নম্বর (01904) 613161.

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کسی بھی دوسری زبان میں معلومات کی دستیابی ترجمہ شدہ معلومات، ترجمان کی شکل میں یقینی بنانے کے لئے ہر ممکن کوشش کی جائے گی، بشرطیکہ اس کے لئے پہلے سے سنا سب اطلاع کی جائے۔ ٹیلی فون (01904) 613161

Holding the Executive to Account

The majority of councillors are not appointed to the Executive (38 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Advisory Panel (EMAP)) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

Scrutiny Committees

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
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City of York Council

Minutes

MEETING	PLANNING COMMITTEE
DATE	22 FEBRUARY 2007
PRESENT	COUNCILLORS R WATSON (CHAIR), BARTLETT, CUTHBERTSON, HORTON, HYMAN, JAMIESON-BALL, MACDONALD, MOORE, REID, SIMPSON-LAING, SMALLWOOD, I WAUDBY, D'AGORNE (SUBSTITUTE) AND B WATSON (SUBSTITUTE)
APOLOGIES	COUNCILLORS BLANCHARD, HILL AND WILDE

49. SITE VISITS

The following sites were inspected before the meeting:

Site	Reason for Visit	Members Attended
Hungate Development Site, Hungate, York	Due to objections received and for Members to familiarise themselves with the site	Cllrs R Watson, Bartlett, D'Agorne, Horton, Hyman, Jamieson-Ball, Macdonald and B Watson
Proposed Manor Church of England School Site	Due to objections received and for Members to familiarise themselves with the site	Cllrs R Watson, Bartlett, Horton, Hyman, Jamieson-Ball and Macdonald

50. 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 D'Agorne declared a personal non-prejudicial interest in Agenda Item 3a) Hungate Development Site as a member of the Cyclist Touring Club and the York Cycle Campaign, and the Hungate Community Trust.

Cllr Hyman declared a personal non-prejudicial interest in the same agenda item as the speaker for the River Foss Society was his next door neighbour.

Cllr Bartlett declared a personal non-prejudicial interest in the same agenda item as a member of the Hungate Community Trust.

Cllr Moore declared a personal non-prejudicial interest in the same agenda item as a member of YNET.

Cllr Simpson-Laing did not participate in Agenda Item 3c) Proposed Manor Church of England School Site Millfield Lane Nether Poppleton York, as per paragraph 2.7 of the City of York Council Planning Code, and did not participate in the discussion or the decision thereon.

Cllrs Jamieson-Ball, Macdonald and Reid declared that as Executive Members they had not participated in any discussions or decisions thereon regarding Agenda Item 3c).

Cllr Horton declared that as a member of Shadow Executive he had not participated in any discussion or decision thereon regarding Agenda Item 3c).

51. PUBLIC PARTICIPATION

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

52. 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.

52a Hungate Development Site Hungate York (06/02384/REMM)

Members considered a major reserved matters application, submitted by Hungate (York) Regeneration Ltd, for Phase 1 – erection of 163 residential units including car parking, open space and landscaping – to which planning permission 02/03741/OUT dated 18 July 2006 relates (resubmission).

Officers updated Members on additional consultation responses received from the Environment Agency, English Heritage, Natural England, The River Foss Society, York Natural Environment Trust and Yorkshire Wildlife Trust, and a copy of a summary of these consultation responses were distributed at the meeting.

Officers updated that if Members were minded to approve the application they would recommend that Condition 3 be deleted as this was covered by the Section 106 agreement, that external letter boxes be added to the details in condition 6, and that an informative be added regarding land drainage. They also requested that Members agree to vary the Section 106 agreement to allow affordable housing to include 4 bed houses (as opposed to 4 bed flats). Officers also updated the plans details as per condition 1 of the report.

Representations were received with comments on the proposal from York Natural Environment Trust (YNET). He stated that a number of their concerns had been addressed by the developers and that he passed on his thanks to the developers for their cooperation.

Representations were received from the secretary of the River Foss Society in objection to the proposals. She stated that she had not seen the latest issue of the Ecological Management Plan, and highlighted the importance of protecting the nature reserve, and the need for a barrier. She also stated that she would want to see the old substation demolished.

Representations were received in support of the application from the architect for the application. He stated that 20% affordable housing was being proposed, that the application was supported by Commission for Architecture and the Built Environment (CABE) and approval had been received from English Heritage. He stated that the proposals were an exemplar for future developments.

Representations were received in objection to the proposals from Guildhall Planning Panel. Objections were raised regarding the excessive density and height of the proposals, that it would be out of character for the area, and the living conditions would be poor. He stated that a better design solution would be needed for the development.

Members discussed the following issues:

- Car Club spaces and location
- Cycle parking, location and security
- The increase in the number of 1-bed units
- Provision of a barrier to the nature reserve, and the location and height of any fencing
- Demolition of the sub station
- Access roads
- Play space
- Archaeological findings
- The siting of disabled parking spaces
- Location of bin storage
- DDA requirements
- Landscaping and planting
- Lighting and Dark Sky compliance
- Provision of electric sockets for sustainable transport recharging

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

- (i) That Condition 3 be deleted regarding BREEAM as this is covered by the Section 106 agreement;
- (ii) That the Section 106 agreement be varied to allow affordable housing to include 4 bed houses (as opposed to 4 bed flats);
- (iii) That the following additional/amended conditions be attached to the application:

- The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

Dwg No's 010 (Rev E), 016 (Rev E), 06014/101 (Rev A), 06014/102 received on 27th November 2006

Dwg No's. 003 (Rev G), 021 Rev C, 023 (Rev E), 024 (Rev D), 025 (Rev D), 026 (Rev E), 037 (Rev B), 039 (Rev A),

E SA 94 002 (Rev C), E SA 94 003 (Rev F), E SA 94 001 (Rev G), E SA 94 005 (Rev D), E SA 94 006 (Rev C), E SA 94 007 (Rev C), EA SA 10 004 Rev A received on 2nd February 2007

Dwg No's 001 (Rev H), 002 (Rev H), 005 (Rev G), 006 (Rev F), 007 (Rev F), 008 (Rev G), 009 (Rev H), 011 (Rev G), 012 (Rev F), 013 (Rev F), 014 (Rev F), 015 (Rev G), 020 (Rev E) received on 8th February 2007.

Flood Risk assessment dated October 2006 (Revision AO1)

or any plans or details subsequently agreed in writing by the Local Planning Authority as an 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.

- 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 the development and the works shall be carried out in accordance with the approved details.

-typical eaves and verge details

-windows and doors

-window and door openings showing reveals, lintols and cills

-patent glazing (or other system glazing)

-vertical dividing fins

-balconies including soffits

-entrance steps

-shafts into basement car park

-boundary walls and gates

-fixing of solar panels

-siting and details of external letterboxes

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

- Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, details of the external works shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. These shall include details of external paving materials, timber decking, street furniture, design and location and height of railings (to include a suitable fence around the Nature Reserve to provide adequate security), lighting plans and details of lamp columns (to comply with "dark sky" principles), and detailing of the viewing platform. The development shall be carried out in accordance with the approved details and using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

- An electrical supply shall be provided adjacent to the basement cycle parking areas for the charging of electric cycles and buggy / wheelchairs.

Reason: In the interest of sustainable transport

- (iv) That approval of the colour of materials be delegated to the Assistant Director (Planning and Sustainable Development), in consultation with the Chair, Vice Chair and Opposition Spokesperson;
- (v) That an informative be attached to the application stating that the watercourse adjoining the site be designated a "main river" and is therefore subject to Land Drainage Byelaws. In particular, no trees or shrubs may be planted, nor fences, buildings, pipelines or any other structure erected within 8 metres of the top of any bank/retaining wall of the watercourse without prior consent of the Agency. Full details of such works, together with details of any proposed new surface water outfalls, which should be constructed entirely within the bank profile, must be submitted to the Environment Agency for consideration.

REASON: The proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to;

- design of the development
- landscaping/tree loss
- nature conservation
- affordable housing/mix of house types
- planning out crime
- sustainability

As such the proposal complies with Policies GP1, GP3, GP4A, GP11, HE2, NE1, NE2, NE3, NE7, H3C and GP9 of the City of York Local Plan Deposit Draft.

52b Car Park Heworth Green York YO31 7TA (06/00073/FULM)

Members considered a major full application, submitted by Persimmon Homes Ltd, for an amendment to a previously approved development of 172 flats in 5 blocks (ref: 05/00478/FULM) to replace metal sheeting roofs with pitched roofs with slate finish.

Members discussed the proposed amendments to the roofs and car parking layout and position of disabled parking bays

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

- Notwithstanding the approved plans, the development hereby approved shall not be occupied until the layout of the basement parking has been submitted and approved in

writing by the Local Planning Authority and the approved layout for parking and manoeuvring of vehicles (and cycles) has been constructed and laid out in accordance with the approved details. Thereafter such areas shall be retained solely for the parking of vehicles and cycles.

Reason: In the interests of highway safety and to ensure the proper provision of parking for the disabled.

REASON: The proposal, subject to the conditions and legal agreement, would not cause undue harm to interests of acknowledged importance, with particular reference to environmental, traffic or other impacts on residents and the design and layout is acceptable. Hence the scheme accords with the government guidelines contained within PPS1, PPS3 of making better use of brownfield land in meeting housing need, Policy H9 of the North Yorkshire Structure Plan and Policies SP6, SP8, GP1, GP3, GP4, GP5, GP6, GP9, GP15, GP13, NE2, NE3, T2, T4, L1, H2, H4 and H5 of the City of York Council Local Plan Draft Deposit.

52c Proposed Manor Church of England School Site Millfield Lane Nether Poppleton York (06/02200/GRG3)

Members considered a full application, submitted by York Diocesan Board of Finance, for the erection of two storey school building with associated car parking, playing fields, tennis courts and all-weather pitch.

It was raised by Councillor Horton that there was a query as to whether all those who had submitted comments on the application had been informed of the date and time of the meeting when the decision would be made on this application.

Officers investigated this issue and it was found that some residents who had submitted comments on the application had not been informed of the meeting.

An officer update was received. Representations were received in objection to the application regarding the fact that no other sites had been considered, in objection from a resident of Beckfield Lane on behalf of a group of residents, and in support of the application by the agent for the applicant.

It was agreed that all those in attendance would be invited to the future meeting where this application would be considered, and that all updates and representations would be reheard at that meeting.

RESOLVED: That the application be deferred.

REASON: To enable all those interested parties to be informed.

52d Northfields School Beckfield Lane York YO26 5RQ (06/02779/REMM)

Members considered a major reserved matters application, submitted by Barratt Homes Ltd (York Division), for residential development comprising 31 houses and 22 flats, new changing facility and public open space (to which outline permission 05/00320/GRG3 relates) [resubmission].

Officers updated that if Members were minded to approve the application they would recommend the deletion of condition 1 and condition 33, condition 14 be replaced with HT1 Height condition, and that a new condition be added regarding the removal of Permitted Development Rights.

Representations were received in support of the application from the agent for the applicant. He stated that there had been many changes to the layout regarding the siting of trees and of the LEAP area, and the security of the cycle storage area.

Members discussed design issues relating to the location of flats above the garages, the location of public open space, and access issues.

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

- (i) That conditions 1,14, 17 and 33 be deleted;
- (ii) That the following additional conditions be attached to the application:
 - Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed;

House Type	Height (metres)
St. Paul's Apartment Block	10.10
Kensington	10.10
Brandon	7.60
Appleby	10.40
Maidstone	7.80
Washington Mews (plot 24)	7.40
Woodcote	8.60
Washington (plot 6)	6.40
Thornton	7.60
Argyle	8.20

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.

- The development hereby permitted shall be carried out only in accordance with the submitted plans

PO6:366:02 - St. Paul's Apt inc' Plot 54 - Floor Plans
PO6:366:03 - St. Paul's Apt inc' Plot 54 - Elevations
PO6:366:04 - Plot 32 Barwick FOG - Floor Plans and Elevations
PO6:366:05 - Plot 5 Argyle - Floor Plans and Elevations
PO6:366:06 - Thornton - Floor Plans and Elevations
PO6:366:07 - Seven and Washington Mews - Elevations
PO6:366:08 - Seven and Washington Mews - Floor Plans
PO6:366:09 - Kensington Special - Elevations
PO6:366:10 - Kensington Special - Plans
PO6:366:11 - Appleby - Floor Plans and Elevations
PO6:366:12 - Maidstone - Floor Plans and Elevations
PO6:366:13 - Woodcote - Floor Plans and Elevations
PO6:366:14 - Washington - Floor Plans and Elevations
PO6:366:15 - Brandon - Floor Plans and Elevations
PO6:366:18 - Changing room - Floor Plans and Elevations

PO6:366:21 - Single Garage - Floor Plans and Elevations
PO6:366:22 - Double Garage - Floor Plans and Elevations
PO6:366:23 - Twin Garage - Floor Plans and Elevations
PO6:366:24 - Triple Garage - Floor Plans and Elevations
PO6:366:25 - Bin Store - Floor Plans and Elevations

PO6:366:05A - Plot 4 only Argyle - Floor Plans and Elevations
PO6:366:100(REV B) - Landscape Masterplan
PO6:366:01 (REV C) - Planning Layout
PO6:366:101 (REV A) - LEAP Layout

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.

- Prior to the development commencing, details shall be submitted to and approved in writing by the Council regarding the position of the children's play area (LEAP).

Reason: The current position of the LEAP is not acceptable to users of the adjacent sports pitches. In particular such an

arrangement would prevent the pitches being re-orientated to prevent wear and tear and also future expansion.

REASON:

The proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the locality, highway safety. As such, the proposal complies with Policies GP1, GP4a, GP9, NE1, T4, H3c and H5a of the City of York Local Plan Deposit Draft; national planning guidance contained in Planning Policy Statement 1 " Delivering Sustainable Development " and Planning Policy Guidance Note No.3 " Housing. "

COUNCILLOR R WATSON

CHAIR

The meeting started at 4.35 pm and finished at 8.40 pm.

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MEETING	PLANNING COMMITTEE
DATE	5 MARCH 2007
PRESENT	COUNCILLORS R WATSON (CHAIR), BARTLETT, BLANCHARD, CUTHBERTSON, HILL, HORTON, JAMIESON-BALL, MACDONALD, MOORE, REID, SIMPSON-LAING, MORLEY (SUBSTITUTE) AND LIVESLEY (SUBSTITUTE)
APOLOGIES	COUNCILLORS HYMAN, SMALLWOOD, I WAUDBY AND WILDE

53. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Reason for Visit	Members Attended
Proposed Manor Church of England School Site Millfield Lane 06/02200/FUL	Due to objections received and for Members to familiarise themselves with the site	Councillors Horton, Macdonald, Reid and R Watson

54. 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 Horton declared a personal prejudicial interest in agenda item 3a (York District Hospital, Wigginton Road, York) as he received a pension from the firm that would be manufacturing the framework of the building if permission was granted. He left the room and took no part in the discussion or decision on the item.

Councillor Simpson-Laing stood down from the Committee for agenda item 3b (Proposed Manor Church of England School Site, Millfield Lane, Nether Poppleton, York), under the provisions of the Planning Code of Good Practice, and spoke from the floor on behalf of local residents.

55. PUBLIC PARTICIPATION

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

56. 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.

56a York District Hospital, Wigginton Road, York (06/02605/FULM)

Members considered a major full application, submitted by Peter Strickland, for the erection of a two storey (3 level) car park, and alterations to the existing car park and entrance roads (resubmission).

A copy of the case officers' update was circulated to Members. It detailed an amendment to paragraph 1.3 of the report, a further response from the Environmental Protection Unit, a response from Highways and proposed highway conditions.

Representations were received in objection to the application, from a local resident, and in support of the application, from the applicant's agent.

Members discussed issues relating to the lighting of the site, the Green Travel Plan and other highway matters.

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

8 Prior to the commencement of any works details shall be agreed in writing with the Local planning Authority of the signing, lighting and lining to be used within the multi storey car park.

Reason: To ensure satisfactory Highway details.

9 Prior to the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with the approved plans.

Reason: To prevent the egress of water and loose material onto the public highway.

10 Prior to the development commencing details of the measures to be employed to prevent the egress of mud, water and other detritus onto the public highway, and details of the measures to be employed to remove any such substance from the public highway shall be submitted to and approved in writing by the Local Planning Authority. Such measures as shall have been approved shall be employed and adhered to at all times during construction works.

Reason: To prevent the egress of water and loose material creating a hazard on the public highway.

11 Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the LPA.

Reason: In the interests of the safety and good management of the public highway.

12 Prior to the commencement of any works, a detailed method of works statement shall be submitted to and agreed in writing with the Local Planning Authority. This statement shall include the precautions to be taken to ensure safety of the general public, the method of securing the site, access to the site and the route to be taken by vehicles transporting the demolition and construction material, and the hours during which this will be permitted.

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

13 A scheme for the creation of temporary car parks for visitors, patients and staff to take account of the loss of the current facilities, shall be agreed in writing by the LPA prior to the commencement of any works. The temporary car parks shall thereafter be made available prior to the commencement of the hereby approved development.

Reason: To ensure suitable transition of car parking from existing to proposed.

14 Within 12 months of the date of the development first coming into use, the proportions of staff travelling to work by different modes of transport shall be reassessed and shall continue to be reassessed on an annual basis. If the modal split targets as set out in the Hospital Green Travel Plan are not met, then charges for staff parking shall be raised to match those of long stay car parks within the City Centre within three months of the reassessment being carried out.

Reason: To seek to ensure that the targets of the Green Travel Plan are adhered to.

15 Details of cycle parking provision, (for not less than 21% of the total of full time equivalent staff employed and including provision of parking for buggies and trailers), is to be implemented within the Hospital grounds within in accordance with a program of works to be agreed by the Local Planning Authority.

Reason: In order to promote the use of cycling as an alternative mode of travel to work, in accordance with the Local Plan policy and the Hospital's Green Travel Plan.

16 Prior to the commencement of the development, full details of a cycle route running North to South effectively and safely linking the Hospital site to both ends of the Local Cycle Network, shall be agreed in writing with the Local Planning Authority, and thereafter shall be constructed at the applicants expense and made available before the proposed car park comes into operation.

Reason: In order to promote the use of cycling as an alternative mode of travel to work, in accordance with Local Plan Policy C4 and the Hospital Green Travel Plan.

17 Prior to the commencement of the development, full details the Design measures incorporated and method of operation of the car park to ensure that secure by design standards are achieved, shall be submitted to and agreed in writing with the LPA.

Reason: In the interests of the safety and security of users of the car park.

18 Prior to the commencement of any works, details shall be agreed in writing with the LPA of the associated highway works (including lighting, drainage and traffic regulation order) which are to take place along the Wigginton Road frontage, (as shown on drawing number 1033/053/002 27/11/06). The development itself shall not come into use until the said works have been carried out in accordance with the approved plans and to the satisfaction of the Highway Authority.

Reason: So as to ensure adequate highway safety measures are in place.

19 No work shall take place on site except between the hours of 0800 and 1800 on Mondays to Fridays and 0900 to 1300 on Saturdays. No work shall take place on site on Sundays or Bank Holidays.

Reason: To safeguard the amenities of local residents.

20 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 the development and the works shall be carried out in accordance with the approved details.

- Signing, lighting and lining within the car park.
- Panel edges and panel fixing to frames.
- Wire planting mounts

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

21 Prior to commencement of the development, the finished colour(s) of the approved car park cladding and render shall be agreed in writing by the Local Planning Authority. The structure shall thereafter be finished and maintained in the approved colours to the satisfaction of the Local Planning Authority at all times.

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

22 Before the commencement of the development a Lighting Scheme shall be submitted to and approved in writing by the Local Planning Authority. The proposed lighting scheme shall be required to detail means of minimising light spillage and shall utilise 'no glare lighting' to the Local Planning Authorities satisfaction and shall address the aims of the Dark Skies initiative.

Reason: To reduce Light Pollution created by the proposed car park.

23 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 10m 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.

24 No development shall commence until details of a financial contribution towards a Residential Parking Scheme have been submitted to and agreed in writing by the Local Planning Authority.

Reason: In order to enable residential parking provision to be located within the locality of the site.

25 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority details of the proposed screen 'wire' planting to the proposed elevations. Details should show the proposed construction and fixing of the wires to the structure, the frequency in which they are to be located, the types of species to be used and the proposed growth patterns expected.

Reason: To ensure a satisfactory appearance.

Demolition and Construction - Informative

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

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, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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".

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.

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.

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.

There shall be no bonfires on the site."

3. 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, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £5000.

No development can take place on this site until Planning Obligation has been completed and 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 visual impact upon the streetscene. As such the proposal complies with PolicyGP1 of the City of York Deposit Draft Local Plan.

56b Proposed Manor Church of England School Site Millfield Lane Nether Poppleton York (06/02200/GRG3)

Members considered a full application, submitted by York Diocesan Board of Finance, for the erection of a two storey school building with associated car parking, playing fields, tennis courts and all-weather pitch.

Representations were received in objection to the application, from three local residents, and in support of the application, from the applicant's agent, the headteacher and two pupils. Representations were also received from Councillor Simpson-Laing, Acomb Ward Councillor.

Members discussed how much detail to include in the conditions relating to highways works at this stage and expressed some concerns regarding the proposed rising bollard. They also requested that the school consider providing CCTV coverage of the car parking area.

RESOLVED: That the application be approved, subject to referral of the application to the Secretary of State under The Town and Country Planning (Green Belt) Direction 2005, and subject to the conditions listed in the report and the following amended conditions:

5 The school buildings shall be used only between the hours of 08:00 and 22:00 Monday to Friday, 09:00 to 23:30 Saturdays and 09:00 to 21:00 on Sundays. The external hardsurface courts and all weather pitches shall be used only between the hours of 08:00 and 22:00 Monday to Friday and 09:00 to 21:00 Saturday and Sunday. The remaining pitches shall be used only between the hours of 08:00 and 22:00 Monday to Friday and 10:00 to 18:00 Saturday and Sunday.

Reason: to protect the local residents from undue noise and disturbance late at night and at weekends.

9 Prior to the development hereby approved coming into use details of the illumination of the all-weather pitch and tennis courts on the site shall be submitted to and approved in writing by the Local Planning Authority and the agreed scheme implemented and maintained on site. The lighting scheme should demonstrate that it reduces both outward and upward light spillage and should demonstrate compliance with "dark skies" principles.

The lights should be turned off no later than 15 minutes after the last use of the pitches and this should be controlled by a suitable time switch installed to the satisfaction of the local planning authority.

Reason: To protect the living conditions of the nearby residential properties and to prevent light pollution.

10 Prior to the development hereby approved coming into use details of any scheme for illumination of all external areas of the site shall be submitted to and approved in writing by the Local Planning Authority and the agreed scheme implemented on site. The lighting scheme should demonstrate that it reduces both outward and upward light spillage and should demonstrate compliance with "dark skies" principles.

Reason: To protect the living conditions of the nearby residential properties and to prevent light pollution.

25 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been

previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same:

- a/ Widening of the footway on Beckfield Lane to a maximum of 3.5 at a length of 70 metres to provide a shared pedestrian/cycle route
- b/ Provision of a 2 metre wide maximum footway to the western side of Low Poppleton Lane
- c/ Widening of the footway to Millfield Lane to a maximum of 3.5 metres to provide a shared pedestrian/cycle route
- d/ Implementation of a school safety zone and associated works as shown indicatively on drawing 4210-004 Rev A
- e/ Provision of improved crossing facilities on Boroughbridge Road
- f/ Provision of a crossing facility on Beckfield Lane

Reason: In the interests of the safe and free passage of highway users and in the interests of providing sustainable transport options to the school site in accordance with policy T7c of the Development Control Local Plan.

Informative: The provision of improved crossing facilities on Boroughbridge Rd and Beckfield Lane 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, requiring a financial contribution. The obligation should provide for a financial contribution calculated at £45000.

26 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

Provision of a lowering bollard (or other means) and any associated works to facilitate public transport and emergency vehicle access only access between Millfield Lane from Low Poppleton Lane

Reason: In the interests of the safe and free passage of highway users and in the interests of providing sustainable transport option to the school site in accordance with policy T7c of the Development Control Local Plan.

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 openness or setting of the green belt, the purpose of including land within the green belt, highway implications, residential amenity, nature conservation, landscape value, design and sustainability. As such the proposal complies with Policies R1, R9, E2, E8, E8a and E9 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies SP2, SP6, GP1, GP3, GP9, GP11, GP13, GP14, NE1, GB1, GB13,

T7c, T13a, T20, and ED1 of the City of York Local
Plan Deposit Draft.

COUNCILLOR R WATSON
CHAIR

The meeting started at 5.00 pm and finished at 9.45 pm.

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City of York Council

Minutes

MEETING	PLANNING COMMITTEE
DATE	29 MARCH 2007
PRESENT	COUNCILLORS R WATSON (CHAIR), BARTLETT, BLANCHARD, CUTHBERTSON, HILL, HORTON, HYMAN, JAMIESON-BALL, MACDONALD, REID, SIMPSON-LAING, I WAUDBY AND WILDE
APOLOGIES	COUNCILLORS MOORE AND SMALLWOOD

53. SITE VISIT

The following site was inspected before the meeting:

Site	Reason for Visit	Members Attended
North of England Clay Target Centre Tinker Lane Rufforth York YO23 3RR	For Members to familiarise themselves with the site.	Cllrs Horton, Jamieson-Ball, Macdonald, Reid, R Watson and Wilde

54. DECLARATIONS OF INTEREST

Members were invited to declare at this point any personal or prejudicial interests they may have in the business on the agenda. No interests were declared.

55. MINUTES

RESOLVED: That the minutes of the meeting held on 20 February 2007 be approved and signed by the Chair as a correct record subject to the following amendments:

- (i) Minute 48a be amended to read "Cllr Hopton.....supported a 4 armed roundabout"
- (ii) Minute 48a be amended to read "Cllr Macdonald.....requested a condition regarding *dark sky* if Members....."

56. 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.

57. PLANS LIST

Members considered reports of the Assistant Director, Planning and 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.

57a North Of England Clay Target Centre Tinker Lane Rufforth York YO23 3RR (06/02868/FULM)

Members considered a major full application, submitted by Philip Thompson, for the construction of a 9 hole golf course and fishing lake (resubmission).

Officers updated that two further letters of objection had been submitted, and that Marston Moor Internal Drainage Board had no objections to the proposals. They also detailed the plans details to be included in condition 2 of the report, and recommended that if Members were minded to approve the application they would suggest an additional condition regarding details of the start and finish area to be submitted and an additional condition regarding the submission of a detailed phasing plan to be submitted each year. Written representations from a resident of Hessay were tabled at the meeting, regarding the scale of the development and the environmental, visual and noise impact of the proposals.

Members discussed the possible effect of the proposal on the trees and requested that an informative be included regarding planting.

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

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

800.2L - Landscape Plan

800.2 - Land Drainage

HAR-GE00-YO512-001 - Temporary Access Roads for Golf Course Development

or any plans or details subsequently agreed in writing by the Local Planning Authority as an 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.

22 Prior to the commencement of the development, details of the start and finish area (hatched in brown on plan 800.2 L "Landscaping Plan") shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of clarity and visual amenity.

Informative : 5. Bunding and tree planting on this scale will often prohibit the drying effects of the prevailing wind on neighbouring agricultural land, consideration should be given to this when implementing any future planting schemes.

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 visual amenity, environmental/landscape issues, flooding/drainage, highway issues and its impact upon the designated Green Belt. As such the proposal complies with PPS1, PPG2, PPs7, PPs9, PPG13, PPG17, PPS25 and Policies L3, GB3, MW1, T4, GP4a, NE1, NE3, GP15a, of the City of York Development Control Draft Local Plan.

57b Site At The Junction A1237 And Wigginton Road Wigginton York (06/02857/FULM)

Members considered a major full application, submitted by CSSC Properties Ltd, for the erection of sports complex comprising 2 storey building including swimming pool, outdoor facilities for cricket, football and tennis, car and cycle parking, landscaping and access from Stirling Road.

Officers updated that paragraph 4.17 of the report should be amended to read:

As noted in paragraph 5 of the Inspector's report, a Unilateral Planning Undertaking has been signed to secure the free use of the football pitches and the cricket square for local schools throughout extensive off-peak hours * on each weekday; the same applies to the 5 a-side pitches, **7 a-side pitches and changing rooms for external activities**. Moreover, any surplus provision would be offered to community groups at rates equivalent to the fees charged for the use of public facilities. A condition has also been imposed to "secure the provision of many facilities on a 'pay and play' basis by non-club member".

*Off-peak hours means 9 am to 12 noon and 2 pm to 4 pm.

Representations were received in support of the application from the agent for the applicant. He stated that the proposal represented a significant investment in sport and recreation, providing both indoor and outdoor facilities. The facilities would be available for community use and on a 'pay and play' basis.

Members discussed the removal of the squash courts which were included in the earlier application, bus service provision, cycle schemes, the use of the facilities by schools, the size of the swimming pool, landscaping details, lighting, and BREEAM (environmental) rating. They raised their concerns about the application being in the green belt.

Members discussed the inclusion of a height condition, the amendment of condition 15 regarding landscaping, that the lighting condition be amended to include the protection of Dark Sky, and the inclusion of an informative regarding the level of BREEAM rating.

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

15 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced (in perpetuity) with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

30 Prior to the development hereby approved coming into use details of any scheme for illumination of all external areas of the site shall be submitted to and approved in writing by the Local Planning Authority and the agreed scheme implemented on site. This scheme shall be in accordance with the current Institution of Lighting Engineers Guidance Note for the Reduction of Obtrusive Light GN01.

Reason: To protect the living conditions of the nearby residential properties and to prevent light pollution.

31 Prior to the development hereby approved coming into use details of the illumination of the outdoor sports pitch the site shall be submitted to and approved in writing by the Local Planning Authority and the agreed scheme implemented and maintained on site. This scheme shall be in accordance with the current Institution of Lighting Engineers Guidance Note for the Reduction of Obtrusive Light GN01. Such a scheme should include the following:

- a contour map with illumination levels of the area to be lit and the spill beyond the lit area given in lux in the horizontal plane;
- the angle of the lights and details of the beam - whether asymmetric or otherwise;
- the height of the lighting stanchions; and the luminance level in lux in the vertical plane at the windows of the nearest residential properties.

Reason: To protect the living conditions of the nearby residential properties and to prevent light pollution.

43 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 9.5 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.

Informative : 9. You are informed that the development hereby approved should aim to achieve a BREEAM "very good" or "excellent" assessment standard.

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 the vitality and viability of York City Centre and district centres, sustainability, Green Belt development, flood risk, access and traffic considerations and visual amenity. As such the proposal complies with Policies SP2, SP6, SP7a, SP8, GP1, GP3, GP4a, GP5, GP9, GP11, GP15a, HE10, NE7, GB1, GB13, T4, T7b, T13a, T18, L1a, V1, V2 and C1 of the City of York Local Plan Deposit Draft.

58. LICENSING ACT 2003, ONE YEAR ON

Members considered a report that analysed the first years implementation of the Licensing Act 2003, i.e. 24 November 2005 – 23 November 2006. The report was referred by the Licensing Act Committee to inform Members of the Planning Committee of relevant issues which have arisen from the analysis and in accordance with statutory guidance contained in the Licensing Act 2005.

Members discussed the number of hearings, the rules relating to Ward Members being able to speak at a hearing, the imposition on voluntary activities e.g. village halls, and the improvement in terms of child/family friendly issues. They also received information on the reduction in drink-related crime and conditions imposed regarding CCTV and taxi marshals. Members also discussed the impact of the future smoking ban in relation to requests for variations of premises licences. Members raised their concerns regarding the conflict between planning and licensing matters.

RESOLVED : (i) That the report be noted;
 (ii) That thanks be passed to Dick Hasswell and the Licensing team for the work which has been carried out in this area.

REASON: To inform Members.

COUNCILLOR R WATSON
CHAIR

The meeting started at 4.30 pm and finished at 6.00 pm.

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COMMITTEE REPORT

Committee: Planning Committee **Ward:** Fishergate
Date: 26 April 2007 **Parish:** Fishergate Planning Panel

Reference: 06/02838/CAC
Application at: The Fishergate Centre 4 Fishergate York YO10 4FB
For: Demolition of non listed building in a Conservation Area
By: City Of York Council
Application Type: Conservation Area Consent
Target Date: 23 February 2007

1.0 PROPOSAL

1.1 This application relates to a two storey unlisted building of traditional brick/tile construction that fronts onto Fishergate. It dates to the early twentieth century. It lies within the Central Historic Core Conservation Area.

1.2 The application is for Conservation Area Consent to totally demolish the building to allow for the redevelopment of the site for use as a homeless persons hostel. The full planning application is currently before the Council for determination (ref: 06/02837/GRG3).

1.3 A justification statement has been submitted to support the application. This highlights the condition of the building, which has structural defects and is currently stabilised by wall ties. It contains explanation on the difficulties with retaining the building in use and the merits of the alternative proposals. The former points to the need to improve the access to the site to meet highway requirements, which would require the partial demolition of the existing structure, and the difficulties posed by the configuration of small spaces internally and costly reconfiguration of these as well as the raising of the floor level to protect it from flooding. The latter points to the improved vehicular access, more energy efficient building and raising of most of the floor level.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area New Walk / Terry Avenue 0033

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

Listed Buildings Grade 2; The Mason's Arms 6 Fishergate York YO1 4AB 0994

2.2 Policies:

CYHE3

Conservation Areas

CYHE5

Demolition of Listed Buildings and Buildings in Conservation Areas

3.0 CONSULTATIONS

3.1 Internal

3.1.1 Environment, Conservation, Sustainable Development

(i) Conservation

Commenting on ORIGINAL Plans:-

The building is situated within the central historic core conservation area, close to the SW boundary which is defined by the frontage buildings onto Fishergate. The front of the building steps forward of The Mason's Arms, which is a listed building, grade II. The line of buildings in this location offers strong enclosure of mainly two storeys onto the street. The majority of buildings are C19th with the cluster which turns the corner exhibiting greater variety of age and form, dating from the early C19th to 1935 (which is the recorded date of the public house).

The frontage building is considered to make a neutral to positive contribution to the conservation area, mainly as part of the group. Although the building is not typical of the area it has some intrinsic interest as an early C20th century industrial/commercial building. Nevertheless the frontage has some architectural quality and interest which includes a deep cornice, decorative brickwork around the openings, some corbelling at mid height, and small paned windows over larger openings, use of bull-nosed brickwork.

The supporting statement draws attention to the sub-standard access conditions, and the poor structural condition of the building, and the requirement to provide a change in level within this zone of the site to avoid flood risk. In addition there is the overall perceived wider community benefit of the new use. Given these factors,

support the demolition of the building subject to its replacement with a new building of sufficient merit, and the placing of a recording condition on the existing building. However, the proposed new building is a poor substitute at present, lacking in good architectural composition, legibility, detailed interest. There are also issues of material and integrity of form to structure (roof) to address.

The application cannot be supported under PPG15 4.27 - merits of the new scheme and the above issues can be addressed.

Commenting on REVISED Plans:-

Additional information accompanying the revised drawings shows that there will be a reduction in height in relation to surrounding buildings (compared with previous drwgs). The frontage building onto Fishergate would now be of a similar mass to the existing building. Elevations still lack conviction though; i.e. a more generous doorway should have been provided, and windows should be designed to suit both internal and external requirements.

Although the proposed new frontage building is of less interest than the one that it would replace, the public facades, including the front elevation, the roof and exposed gable end, would not be harmful to the character or appearance of the conservation area. When taken together with the poor structural condition of the building and the community benefit of the new use, the revisions would meet the criteria for demolition set out in PPG 15.

3.1.2 Environmental Protection

Concerns raised over contaminated land, noise and air quality. Request conditions regarding hours of demolition and contamination be attached to any consent.

3.1.3 Highway Network Management

No objections.

3.2 External

3.2.1 Fishergate Planning Panel

Object on following grounds:

- Loss of facility for business start-ups, vital because of city centre location, contrary to PPG4;
- New premises unsustainable;
- Loss would be serious blow to continuing employment in this part of York.

3.2.2 English Heritage

Commenting on ORIGINAL Plans:-

Consider the frontage of no.4 does make a contribution to the character of the conservation area and thus a statement of justification for its demolition (PPG15 para

3.19 refers) is required. The statement which accompanies the application does broadly address these issues and as such, we do not wish to oppose the demolition of the existing building.

However, PPG15 para. 4.27 advises that consent for demolition should not be given unless there are acceptable and detailed plans for any redevelopment. The proposed replacement building is of poor design interest and will not make a positive contribution to the conservation area. The use of concrete roof tiles, stretcher bond brickwork and an unbroken elevation of considerable length facing the Wharf and St George's Field are all inappropriate and harmful to the appearance of the conservation area. There is scope for a replacement building of the scale and massing proposed but that the considerable sensitivity of the site (there are several listed buildings nearby and the City Walls and Fishergate Tower are across the road) requires a more sensitive design solution based on thoughtful architectural composition and traditional materials.

Urge that above issues be addressed and recommend that application be determined in accordance with national and local policy guidance and on the basis of CYC specialist conservation advice.

Commenting on REVISED Plans:-

Disappointed by the proposals and advise that considerable further amendments should be sought so that the development does not adversely affect the setting of a cluster of highly graded listed buildings, scheduled ancient monuments and the conservation area generally.

The elevations which face Fishergate have been amended to reflect the traditional materials and vernacular style of the locality. The drawings still suggest an elevation of 'engineering' quality as opposed to a vernacular feel but with conditions and control over materials, this elevation should sit comfortably with its neighbours.

However, the riverside elevation still has the potential to harm the character of the conservation area and setting of SAM and LBs. The roof in slate is an improvement and the bond of brickwork will be better integrated but the white powder coated aluminium windows will be garish and out of keeping. The top hung style and infill panels below would be highly inappropriate and the repeat of this style over 3 floors along 7 bays will stand out and be visually obtrusive. Consider that this elevation is prominent and will be read in the context of the Walls and Eye of York historic cluster and thus must attain the highest design and details. At present this elevation still fails this fundamental test.

3.2.3 Conservation Areas Advisory Panel

The panel felt that the proposed new build was not an improvement on the existing building nor did it contribute to the character of the Conservation Area. The panel therefore objected to the proposed demolition.

3.2.4 Local residents/businesses

13 letters received in response to both this and full planning application, some of which object to demolition of a distinctive building in a conservation area and to the impact on the surrounding area from the proposed development, in particular the design of the new build which is out of keeping and not sympathetic with existing premises and area. Other issues raised are more appropriately covered under the full planning application for development and reuse of the site (06/02837/GRG3).

4.0 APPRAISAL

4.1 The key issues are:

- the contribution the building makes to the conservation area;
- justification for demolition;
- the acceptability of the replacement building in terms of character and appearance.

4.2 POLICY CONTEXT

4.2.1 The relevant policy framework is set out in Planning Policy Guidance Note 15: Planning and the Historic Environment, Policy E4 of the North Yorkshire County Structure Plan and policies HE3 and HE5 of the City of York Draft Local Plan (incorporating 4th set of changes).

4.2.2 PPG15 states that the general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area. The Secretary of State expects that proposals to demolish such buildings should be considered against the same broad criteria as proposals to demolish listed buildings. These criteria include: the condition of the building, its cost of repair or maintenance in relation to its importance and the value derived from this continued use; the adequacy of efforts made to retain the building in use; and, the merits of alternative proposals for the site. It is also expected that consent not be given unless it is evidenced that all reasonable efforts have been made to sustain the existing uses or find new viable uses, that charitable or community ownership is not suitable, or that redevelopment would produce substantial benefits for the community which would decisively outweigh the loss resulting from demolition.

4.2.3 In exercising conservation controls, local planning authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of the area in question. Account should be taken of the part played in the architectural or historic interest of the area by the building for which demolition is proposed, and the wider effects of demolition on the surroundings and on the conservation area as a whole.

4.2.4 Structure Plan Policy E4 requires the strictest protection is afforded to buildings of special townscape, architectural or historic interest. Local Plan Policy HE3 of the Local Plan states that proposals for the demolition of a building within a conservation area will only be permitted where there is no adverse effect on the character or appearance of the area. Local Plan Policy HE5 reflects the national advice in PPG15.

4.3 CONTRIBUTION OF BUILDING

4.3.1 The building is not typical of others on the Fishergate frontage and its facade has been altered. However, it does have some intrinsic interest as an early twentieth century industrial/commercial building and retains some architectural features of quality and interest. It makes a neutral to positive contribution to the conservation area, though mainly as part of the group of two-storey frontage buildings which provide a strong enclosure to the street and therefore define the character and appearance of the conservation area at this point. English Heritage confirms this. Therefore, justification for its demolition as set out in PPG15 is required.

4.4 JUSTIFICATION FOR DEMOLITION

4.4.1 As mentioned in section 1.3, a justification statement has been submitted to support the application. It is considered that this does broadly address the issues regarding the building's condition and the cost of its repair/alteration to continue to accommodate the existing use or a new use following relocation of the existing. In light of this, the demolition of the building is supported subject to it being replaced with a building of sufficient merit that also makes a preserves or enhances the character and appearance of the conservation area.

4.5 ACCEPTABILITY OF REPLACEMENT BUILDING

4.5.1 A replacement building is proposed as part of the redevelopment of the larger site to accommodate a homeless persons hostel and resettlement facility that is to be relocated from elsewhere in the city. The full planning application is also before the Committee for determination (06/2837/GRG3). This has been subject to revision since first submitted in response to concerns raised by the Council's Conservation Officer and English Heritage.

4.5.2 English Heritage consider that the frontage elevation of this building now reflects the traditional materials and vernacular style of the locality and that, subject to conditions regarding materials, it should sit comfortably with its neighbours. However, concern remains with the building that looks out over the River Foss Basin and this is addressed in the planning application.

4.5.3 The Council's Conservation Officer considers that, whilst the new building is of less interest than that to be demolished, the public facades would not be harmful to the character or appearance of the conservation area. Therefore, when taken together with the poor structural condition of the building and the community benefit of the new use, it is considered that the scheme would meet the criteria for demolition set out in PPG 15.

5.0 CONCLUSION

5.1 The building makes a neutral to positive contribution to the Central Historic Core Conservation Area. Its demolition has been adequately justified and, following revisions, the replacement building is considered to be acceptable. Therefore, the application is supported.

5.2 However, the Council is both the applicant and land owner, and as such cannot grant itself Conservation Area Consent for the demolition of the building. therefore, if Members agree with Officers' recommendation to support the application, it will need to be referred to the Secretary of State for determination.

6.0 RECOMMENDATION: Approve after referral to Sec. of State

1 TIMEL2

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

Drawing no. 9099(2)01 'Location Plan' dated 17.11.06 and received 29.12.06;
Drawing no. (2)05 'Demolitions Plan' dated 1.11.06 and received 29.12.06;
Unnumbered floor plans received 29.12.06;

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.

3 DEM1

4 A comprehensive photographic record comprising at least 10 no. A5 sized photographs of the building, internally and externally, and showing it in the context of the street shall be made prior to its demolition. Two copies of the record shall be submitted to the Local Planning Authority.

Reason: To ensure a record of the wall is made for historic purposes, and a public record is kept at York Archives.

7.0 INFORMATIVES:

Contact details:

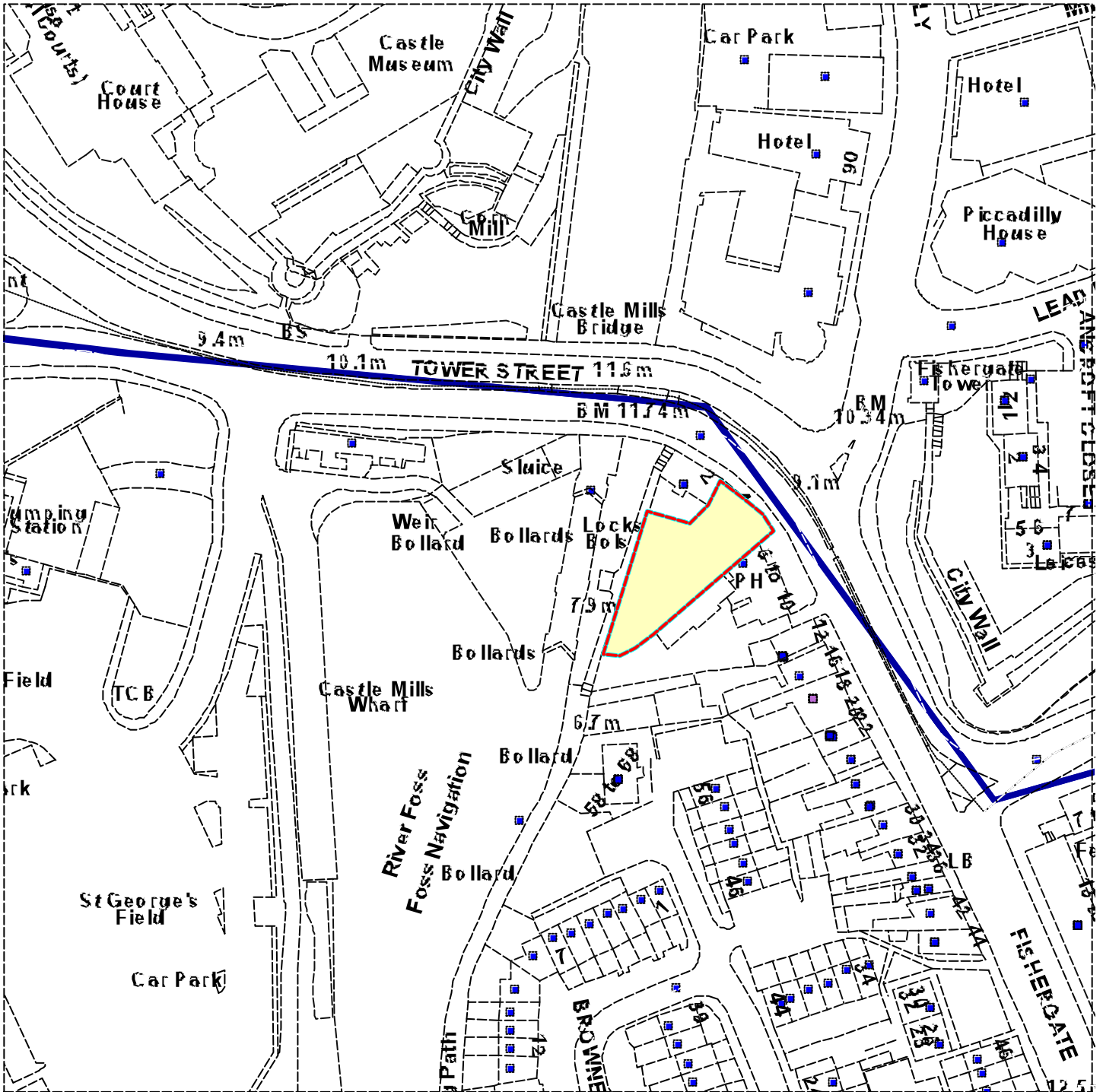
Author: Michael Slater, Assistant Director (Planning and Sustainable Development)

Tel No: 01904 551300

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Application at Fishergate Centre

Ref 06/02837/GRG3 & 06/02838/CAC



Scale : 1:1232

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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	18 April 2007
SLA Number	Not Set

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COMMITTEE REPORT

Committee: Planning Committee **Ward:** Fishergate
Date: 26 April 2007 **Parish:** Fishergate Planning Panel

Reference: 06/02837/GRG3
Application at: The Fishergate Centre 4 Fishergate York YO10 4FB
For: 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
By: City Of York Council
Application Type: General Regulations (Reg3)
Target Date: 30 March 2007

1.0 PROPOSAL

1.1 THE SITE: This full planning application relates to a previously developed site of 0.58 hectares on the south-west side of Fishergate and fronting onto the River Foss Basin and towing path to the west. The site is currently occupied by a two storey building fronting Fishergate and a part two storey and part single storey building immediately abutting the tow path, with an internal yard between the two separate buildings accessed via an archway under the frontage building.

1.2 The frontage building lies within the Central Historic Core Conservation Area and the site is adjacent to the New Walk/Terry Avenue Conservation Area, the boundary of which runs along the front wall of the building abutting the River Foss tow path. The site is also within the City Centre Area of Archaeological Importance and on the other side of Fishergate from the City Walls, which are registered as a Scheduled Ancient Monument as well as being Grade I listed. The adjoining property to the south-east, the Mason's Arms, is also Grade II listed as are the Castle Mills Locks, which are part of the Foss Basin. The site lies within Flood Zone 3a.

1.3 The adjacent buildings fronting onto Fishergate are two storey. To the left is a public house (Mason's Arms, no.6 Fishergate), which extends to the boundary with the tow path has parking a beer garden and outbuildings used as guest accommodation at the rear of the main frontage building. The building to the right, no.2 Fishergate, is in use as two residential units with rear yard area. At the other side of the pub beer garden is a two and a half storey, free-standing block of three apartments, Oxtoby Court, and beyond this further residential accommodation in three storey buildings. Other properties on Fishergate are largely in commercial use at ground level with accommodation above. Opposite the site is the Travellodge hotel and Weatherspoons public house.

1.4 THE APPLICATION: proposes to replace the existing buildings on site with one linked building comprising a two storey building fronting onto Fishergate and a part two storey/part three storey building at the rear on the boundary with the tow path.

The two elements of the building would be joined along the rear boundary of the yard of no.2 Fishergate by a two storey corridor. A rear yard would be retained between the two elements, albeit smaller than the existing yard, which would be accessed by a gated vehicular and pedestrian passageway adjacent to the gable wall adjacent to no.6 Fishergate.

1.5 The building would provide accommodation for the relocated Peasholme Resettlement Centre, which is currently located on Peasholme and is to be relocated to allow for the redevelopment of the Hungate site. It offers catered accommodation in 22 bedrooms for homeless persons with associated resettlement training facilities. The 22 bedrooms and residents lounge would be located in the rear part of the building facing out over the Foss Basin. A second lounge and balcony allowing external space are proposed at first floor at the yard side of the rear part of the building. The staff offices, sleep room and the training facilities are proposed in the front part of the building. The facility would be staffed twenty four hours a day.

1.6 The original application submission was accompanied by a Design and Access Statement, a Flood Risk Assessment and Archaeological Survey. The Design and Access Statement includes an assessment of the site itself and the surrounding built environment, information about the proposed facility and an explanation of the design philosophy of the development. The latter includes information about security at the Centre, energy efficient measures proposed and access arrangements. The Flood Risk Assessment concludes that subject to suggested recommendations being taken into account the development will be safe and would not increase flood risk elsewhere. The Archaeological Survey was carried out in November 2006 and confirmed that all of the deposits excavated dated to the 18th century or later, though states that there may be deposits that are deeper than the trench excavated from an earlier period.

1.7 Additional information and revised plans have been submitted in response to Officers comments. The additional information comprises a Bat Survey and Transport Assessment requested by the Council's Countryside Officer and Highway Officer respectively. The revised plans aim to address concerns raised by the Planning Case Officer and Council's Conservation Architect. The revised plans amend the design of the outer elevations of the building, reduce the height of the rear element by 1 metre (the three storey part from 13.3m to ridge to 12.3m and the two storey part from 10.4m to 9.4m), incorporate a hipped roof to the two storey rear element and accurately plot the heights of surrounding buildings.

1.8 A screening opinion has been carried out for the application in accordance with The Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 as amended by the 2000 Regulations. The opinion concluded that the proposed development is a Schedule 2 development (10b - Urban Development Project exceeding 0.5 hectares site area), but that it would be unlikely to have significant effects on the environment by virtue of factors such as its nature, size and location. Therefore, an Environment Impact Assessment was not required.

1.9 HISTORY: There is no relevant planning history for the site. An application for Conservation Area Consent has also been submitted for the demolition of the

building fronting onto Fishergate (06/02838/CAC). Planning permission (06/2102/FULM) was granted in December 2006 for the relocation of the existing Fishergate Centre use, along with that based at Parkside Commercial Centre, to new premises at Clifton Moor (Eco Business Centre, Amy Johnson Way).

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

Listed Buildings Grade 2; The Mason's Arms 6 Fishergate York YO1 4AB 0994

2.2 Policies:

CYE3B
Existing and Proposed Employment Sites

CYH12
Conversion of redundant offices

CYH17
Residential institutions

CYSP1
General principles allowing permission

CYSP3
Safeguarding the Historic Character and Setting of York

CYSP6
Location strategy

CYSP7B
York City Centre and Central Shopping Area

CYGP1
Design

CYGP3
Planning against crime

CYGP4A
Sustainability

CYGP4B
Air Quality

CYGP6
Contaminated land

CYGP11
Accessibility

CGP15A
Development and Flood Risk

CYHE2
Development in historic locations

CYHE3
Conservation Areas

CYHE10
Archaeology

CYT4
Cycle parking standards

3.0 CONSULTATIONS

3.1 Internal

3.1.1 City Development

The proposed development is for the demolition of existing buildings and construction of a new Homeless Persons' Hostel (three storeys, 22 beds) with staff living accommodation, training and reception areas. The proposed use is for the relocation of the Peasholme Centre, use class C2 - Residential Institutions. The current use of the site is for a use class B1 - Business. The site has no specific land use allocation recognised on the City of York Local Plan Proposals Map (April 2004). The site does, however, fall within the City Centre Area of Archaeological Importance and partly within the Historic Core Conservation Area. The property itself does not appear to be listed, however, is adjoining no.6 - The Masons Arms, a Grade II Listed Building.

Relevant policies outlined.

In conclusion, the Development Control Officer must be satisfied that the proposal satisfactorily demonstrates compliance with the aforementioned policies. No policy objection is raised at this point of time. It is recommended that further comments should be sought on Landscaping, Archaeology, Architecture, Heritage/Conservation and from the Economic Development Unit and Highways Department regarding access and parking standards. Further comments should also be received from the Environment Agency regarding flooding/PPS25.

3.1.2 Economic Development Unit

Refers to email sent to City Development on July 7th 2006 (pre-application consultation).

The Fishergate Centre is currently providing space for the provision of business advice and accommodation for young people in the 18-30 age group. This function is to be transferred to a new purpose-built facility at Amy Johnson Way, Clifton Moor and, with a relocated Parkside Commercial Centre, will provide an equal amount of employment land for businesses. The Fishergate Centre has been in operation as a youth business centre since 1987 and poor vehicular access, poor insulation, lack of economical heating and no or very poor access to many of the units for clients with a disability makes it desirable that the function be transferred to more appropriate, modern premises.

The movement of the Peasholme Centre to Fishergate will release land within the Hungate proposals for employment use and the movement of facilities from Fishergate to Clifton will result in very much better working conditions and access for business people in the new Delta centre.

3.1.3 Housing and Adult Social Services

On 30 May 2006 the City of York Council Executive agreed to the relocation of the existing Peasholme re-settlement centre to facilitate the re-development of the Hungate site. The existing centre is located within the wider Hungate development area, which includes the approved site of the Council admin accommodation solution. The relocation of the centre is required to enable the admin accommodation project to deliver the Council's single site accommodation solution. A subsequent report was taken to Executive on 25 July, following a period of resident consultation in order to agree a preferred site to take forward to planning. This has led to the planning application for the re-development of 4 Fishergate. Housing Services fully supports this application and has played a full role, with representatives on the Project Board, in the development of these plans.

The Peasholme Centre contributes towards the corporate priorities of the council including: increasing peoples skills and knowledge to improve future employment prospects; improving the health and lifestyles of the people who live in York, in particular among groups whose levels of health are the poorest; improving the life chance of the most disadvantaged and disaffected children, young people and families in the City of York Council; improving the quality and affordability of decent

affordable homes in the city; improving our focus on the needs of customers and residents in designing and providing services; and, improving the way the council and its partners work together to deliver better services for the people who live in York.

The Council has a strategic responsibility for the provision of re-settlement accommodation and support to those in need and the Peasholme Centre provides a vital function in terms of moving people from a position of homelessness into permanent accommodation. This re-provision features as a key action in the Council's Housing Strategy has an essential role in the reduction of rough sleeping and the resettlement process in York. If the Peasholme Center is not relocated within the timescales set out in the Council accommodation review, there is a risk to delivering the benefits as outlined in the review.

3.1.4 Environment, Conservation, Sustainable Development

(i) Archaeology - The site lies in the central Area of Archaeological Importance. The area where the site is located has produced very important archaeological deposits. The site lies outside the Roman legionary fortress. However, there is evidence of Roman activity in the area. In 1938 the columns of a wharf at 50 Piccadilly were observed during construction works. And in the evaluation trenches at Simpsons Yard and the former Polar Motors garage (38 and 50 Piccadilly) significant Roman deposits were discovered some 7m below the current ground surface. In the Medieval period, the site was immediately outside the dam which was constructed in 1068 to create the water defences for York Castle and King's Fishpool. The site lies adjacent to the Castle Mills lock. This feature was constructed in 1794 as part of the Foss Navigation, a canal created by Act of Parliament in 1793. Given this archaeological background, an archaeological evaluation of the site was requested. This was carried out by On-Site Archaeology on the 24th and 25th November 2006. The evaluation comprised the excavation of a single trench 2.80m long, 1.50m wide and a maximum of 1.25m deep. All of the deposits excavated dated to the late 18th century or later and included dumps and surfaces. The earliest deposit excavated displayed good organic preservation, suggesting that significant, earlier waterlogged deposits are likely to be present on the site at greater depths. Any such deposits may date from the Roman to Post-medieval periods. Approx half of the trench was occupied by a recent iron tank, possibly for fuel, upon which a brick manhole had been built. Requests standard conditions ARCH2 and ARCH3.

(ii) Conservation - Proposals would occupy a site between the riverside conservation area of New Walk and Fishergate. The central historic core conservation area boundary has been extended at this point to include the frontage properties onto Fishergate. There is a pronounced slope on the site upwards from the river which means that the roofscape of the existing cluster of buildings is apparent from further afield. The frontage building, early C20th, is within the conservation area and is the subject of an application for conservation area consent. The site is adjacent to the Mason's Arms which is a grade II listed building and it is opposite the City Walls.

Comments in response to original plans:

Raises following concerns with the scheme:

- lack of an evaluation of the buildings on the site;
- the frontage building lacks the interest of the existing building;
- the massing and height of proposals on to the river appear out of scale with surrounding development. Whilst there are larger scale buildings near the site they have a more open setting;
- no.2 Fishergate is an early C19th century building occupying a corner plot. It has a small yard and proposals give the appearance of it being 'hemmed in';
- The architectural design and expression of buildings facing the river appears industrial in scale and character. It lacks variety, detailed interest, and legibility. The internal arrangement should be expressed on the facade if possible to introduce some hierarchy;
- The building appears too high. The topographical information does not extend to the rear of the site and the adjacent apartment block appears to be drawn at the wrong height;
- The building appears unresolved. The rear is flat roofed and the frontages are pitched. The roof of the frontage building appears unrelated structurally to the internal arrangement. There is a lack of coherence in the scheme elevations i.e. the back and front appears to be two different buildings. Presume this is partly to reduce the bulk;
- The scheme appears too intense for the site and the design is an unsuccessful compromise at present.

In response to revised plans:

Additional information accompanying the revised drawings shows that there will be a reduction in height in relation to surrounding buildings (compared with previous drawings). The frontage building onto Fishergate would now be of a similar mass to the existing building. Elevations still lack conviction though; ie a more generous doorway should have been provided, and windows should be designed to suit both internal and external requirements.

Although the proposed new frontage building is of less interest than the one that it would replace, the public facades, including the front elevation, the roof and exposed gable end, would not be harmful to the character or appearance of the conservation area. When taken together with the poor structural condition of the building and the community benefit of the new use, the revisions would meet the criteria for demolition set out in PPG 15.

The riverside frontage remains austere with overlarge windows, uncomfortable mid height rails and uncharacteristic opaque panels below. Previous suggestions for achieving elevations of more domestic character with intrinsic interest and variety have not been fully explored. The exposed situation of the riverside building demands a well ordered high quality elevational response.

The site would be more highly developed than its immediate neighbours and, although some improvements in massing and height have been achieved, concerns remain about the 3 dimensional resolution of the buildings because of the extent of

the high flat roofed areas behind, and also about the relationship with no 2 Fishergate. Exploration of the cross sections through the buildings might have given reassurance on the former. Regarding the latter, linking the buildings at ground level only (with a lift introduced into the riverside part) would have reduced impact significantly and achieved a more characteristic space and view through between buildings.

Should proposals be approved at Committee materials, finishes and details should be governed by conditions (notwithstanding the drawings)

(iii) Ecology - Requested a bat survey as a recent record of a bat was found in the building.

Following submission of bat survey - No inspection of the roof void was carried out. This is the main area of interest and is critical to noting the presence of bats and it is not specified why no loft inspection was carried out and it may be that it was not possible to gain access, however, it is vital that such a survey is carried out before any work is undertaken. Mr Arnott specifically suggests this along with other general mitigation factors. He also indicates that there are considerable number of features suitable to provide access for bats in the buildings although no evidence for their presence was found. This, coupled with its location next to the river would give a strong possibility that bats could be present. Ideally, would have preferred further survey work to be carried out and submitted to the Council before determination. However, the timing is not good for this, and would therefore recommend that a condition is applied with the proviso that a licence from Defra must be approved if evidence of bats is found and the development is to proceed. There is a possibility that if a particularly important roost is discovered then such a licence may not be forthcoming but in the circumstances, as the building is currently occupied and there is little choice in the matter, such an eventuality, whilst possible, is not high.

3.1.5 Environmental Protection

Recommend conditions in relation to: contaminated land, noise and air quality in order to satisfy concerns.

Noise - The majority of the sleeping rooms in the proposed development will be situated away from Fishergate, this will alleviate amenity issues from noise. Standard double glazing will be sufficient to protect amenity in the habitable rooms with a facade to the River Foss and its basin. There is living quarters for staff directly facing Fishergate, this room has been identified as a concern for amenity from noise and air quality. A condition has been recommended below the Air Quality section of this response that will satisfy these concerns.

The proposed plans show an external amenity area on the first floor development. This amenity space is for the use by the residents of the development. There could be a problem with local residential amenity being affected if people are allowed to use this space through the night, especially in the summer periods where people may sit into the early hours socialising. After discussion with the applicant we have been made aware that the site will impose a lock down/lights-out policy in the evening and this will be imposed at 11pm. Therefore recommend condition so area not used after

this time, as well as hours of operation condition to ensure local residents amenity is protected while the site is developed.

Contaminated land - Historically the Fishergate area has been used for a variety of industrial activity. This has included known activities such as a Glass Works and a Cattle Market but with streets such as 'Lead Mill Lane' within 20m of the proposed site it is possible that there have been activities that do not have information about. Industrial sites can give rise to contamination of the land and as this development introduces habitable dwellings into the area contaminated land should be considered. Industry is also identified in PPS23 as sites that historically have contaminated, or have the potential to contaminate the land they are sited upon (and neighbouring land). As a result of this we would recommend that the 5 point contamination condition be attached to the application (though if the initial desk study shows no areas of concern the remaining 4 points would be discharged).

Air Quality - In January 2002 City of York Council declared an Air Quality Management Area (AQMA) based on predicted exceedaries of the annual average nitrogen dioxide objective in five areas of the city. The declaration of the AQMA placed a legal duty on the council to improve air quality in the city and to demonstrate that it is actively pursuing the 40ug/m³ annual objective to be achieved by 31st December 2005. In order to demonstrate a commitment to improving air quality the council was required to prepare an Air Quality Action Plan (AQAP). The AQAP identifies measures the council intends to take to improve air quality in the city following the declaration of the AQMA.

The proposed site is included within the City of York Air Quality Management Area. The introduction of further residential dwellings at this location will therefore not result in any requirement to extend the AQMA beyond its current boundary. Since this area forms part of the inner ring road, it regularly experiences long periods of standing/slow moving traffic, particularly during peak hours. Historical monitoring data from nitrogen dioxide diffusion tubes in the vicinity of this site has indicated that annual average concentrations of nitrogen dioxide have approached, and in some cases exceeded objective levels.

It is encouraging to see that the internal arrangement of the scheme presents non-habitable rooms to the polluted Fishergate facade (i.e. bedrooms and living rooms are positioned away from the carriageway facade, towards the river). The only exception to this would be the staff bedroom to the first floor overlooking Fishergate. Non-opening windows may be appropriate for this bedroom, particularly as recent monitoring results in this area have indicated annual average levels of nitrogen dioxide in excess of the 40ug/m³ objective level. This could take the form of fixed glazing with mechanical ventilation from an area of the site away from the carriageway facade. Mechanical ventilation is becoming increasingly common as a measure to mitigate against local air quality impacts. It should be highlighted that there are no formal standards and objectives relating to indoor air quality; the Department of Health's Committee on the Medical Effects of Air Pollution has, however, recently recommended guidelines for indoor air quality, which are essentially based on outdoor standards. It is accepted that indoor air quality is influenced by the ingress of pollution from external sources (NSCA, 2006). The regular maintenance of ventilation systems is essential if they are to be installed.

Since the site is located within the AQMA it is recommended that any parking facilities should reflect the Council's minimum parking standard. Request condition to control concerns with nitrogen dioxide levels.

3.1.6 Lifelong Learning and Leisure

No comment as this is temporary accommodation and therefore falls outside the 106 rules.

3.1.7 Highway Network Management

Recommend scheme be amended in line with comments regarding access design, door entrance, parking layout, turning provision and cycle parking.

In response to transport assessment: The basic conclusions that the development will not greatly cause undue traffic or highway safety problems are accepted. Initial response may be covered by condition.

The Highway Authority is broadly speaking supportive of these proposals as it is considered that they represent a reduction in the potential traffic movements of employee, customer and serving vehicles when compared to the sites' existing/potential use as offices. In addition there will be worthwhile improvements to the access and reduction to on-site parking which will result in the site being serviced by associated vehicles predominantly from within the site and not from the adjacent public highway.

3.2 External Consultees

3.2.1 Fishergate Planning Panel

Objects on the following planning grounds:

- Loss of employment land for start-up and young entrepreneurial businesses. Replacement facilities at Clifton Moor are neither sustainable nor accessible. The loss of this employment land breaches PPG4;
- Poor quality of design of the proposed hostel. As the site is within a Conservation Area facing elements of the City Walls and the Postern Tower, greater care needs to be taken with the materials and design than is currently proposed. The metal gate is particularly jarring - bringing the image of a prison to mind.
- Public safety issues. Safety of the existing residents and safety of vulnerable homeless people accessing the hostel on such a busy and dangerous section of main road;
- Possible existence of protected species. Are there bats? PPG9 indicates that all bats in the UK are protected species.

3.2.2 Environment Agency

The Agency acknowledges the Sequential Test and the completion of parts A and B of the Exceptions Test. The Agency has no Objection to application subject to the

imposition of conditions regarding floor levels, flood warning notices and an appropriate evacuation plan.

The Agency actively promotes the use of sustainable drainage system techniques and would wish to see that they will be used on site with any obstacles to their use clearly justified. The applicant is strongly advised to incorporate floor proof construction techniques wherever possible and advised of the issue of bats, which are known to be present in this part of the Foss so any disturbance to the river banks should be avoided.

3.2.3 British Waterways

The site is located within the buffer zone. It has no impact on the waterway and therefore, no comment to make.

3.2.4 Conservation Areas Advisory Panel

comments in relation to original plans

The panel felt that the scheme for this very important site had not been thought through thoroughly following changes that had been required by the EA. The panel would prefer that the possibility of converting the existing building be more thoroughly explored. The panel were also concerned with regard to some discrepancies in the drawing and the relationships to roofs. The panel wished to see a contextualisation for the whole scheme.

In response to revised plans

The panel regret that their original recommendations had not been taken into account and there appeared to be no attempt at sustainable development in this proposal.

3.2.5 English Heritage

In response to revised plans

Disappointed by the proposals and advise that considerable further amendments should be sought so that the development does not adversely affect the setting of a cluster of highly graded listed buildings, scheduled ancient monuments and the conservation area generally.

The elevations which face Fishergate have been amended to reflect the traditional materials and vernacular style of the locality. The drawings still suggest an elevation of 'engineering' quality as opposed to a vernacular feel but with conditions and control over materials, this elevation should sit comfortably with its neighbours.

However, the riverside elevation still has the potential to harm the character of the conservation area and setting of SAM and LBs. The roof in slate is an improvement and the bond of brickwork will be better integrated but the white powder coated aluminium windows will be garish and out of keeping. The top hung style and infill panels below would be highly inappropriate and the repeat of this style over 3 floors along 7 bays will stand out and be visually obtrusive. Consider that this elevation is

prominent and will be read in the context of the Walls and Eye of York historic cluster and thus must attain the highest design and details. At present this elevation still fails this fundamental test.

3.3 Responses from local residents and businesses

Original Submission - 22 responses received, raising following comments:

Impact on local residents:

- Development not appropriate in primarily residential area and would affect amenity;
- Three storey building and first floor external space would impinge severely on privacy;
- Severe implications for value of property, ease of sale and insurance;
- Additional noise disturbance, anti social behaviour and security/personal safety problems in area;
- Riverside path used by visitors to shout to friends in rooms or as a congregation point;
- Would be good if residents are allowed into courtyard at any time so not sitting on pavement waiting for the opening time;
- Elderly people will feel frightened and young children (living locally and at local schools) may be vulnerable;
- Construction of this size would lead to significant air and sound pollution;

Impact on area:

- The building and proposed number of residents is too high for small and narrow thoroughway by a very busy road;
- Development should be housed in the existing distinctive building which would be a loss if demolished;
- New building is not sympathetic to conservation area or fit with surrounding buildings or character of surroundings;
- The height, massing and location of the three storey building adjacent to the River Foss would be oppressive, out of scale and detrimental to the Fishergate area and conservation area;
- Appearance of windows with undrawn curtains, net curtains and blinds, resulting in mish mash, unpleasing and unimpressive view;

Traffic matters:

- Congestion and danger to pedestrians from delivery vehicles parking outside on busy and fast portion of ring road;
- No safe crossing for pedestrians by the site resulting in high risk situation;
- Path outside site is very narrow and may be road safety issue when large number of people access building at a similar time;
- There are insufficient parking spaces with three parking spaces on site but no room to manoeuvre vehicles;
- Site access is poor with gates that will not allow access for vehicles without obstructing highway and no access for fire brigade;

Affect on tourism and businesses:

- Placing centre in such prime position on main gateway to City, close to high profile York tourist attractions, is highly inappropriate and would lessen attractions;

- Loss of trade during demolition/construction works;
- Incidences of abusive behaviour from disorderly people may increase affecting safety of staff and clients;
- Deterioration of canal path environment that is used by tourists staying in hotels in area and fishermen;
- Loss of small workshops and office facilities close to City Centre;

Other general comments:

- Development should be made part of the development of its existing site;
- Suggestions made at pre-application were totally ignored;
- Alternative site should be looked for that does not have glaring problems that this proposal does;
- Good about solar panels, presume insulation, lighting and waste management have been properly considered;
- Practicalities of demolition and rebuilding is of concern, with ability to carry out work whilst maintaining stability of adjacent buildings and lack of disruption to traffic flow is questionable;
- City Council praises Peaseholme Centre for its success and accept such centre is needed, but if successful why move - only reason is so not close to new prestigious offices;
- Not sustainable to remove modern 'successful' building;
- If development goes ahead, the Council should look at assisting with improving the security of the Fishergate development (Fishergate/Fewster Way/Brownie Croft);
- Original drawings showed a two storey building on the site that has now increased to three storey;
- Impractical and vulnerable location for homeless residents by fast road, river and public house.

Revised scheme - Nine letters from four local owner/occupiers (some from same individuals) reiterating previous objections, with following additions:

- Previous points raised not taken into consideration and wishes of existing residents disregarded;
- Building is absolutely awful , monstrosity, and looks like a garage/warehouse;
- Building will block out light and view from adjacent properties;
- Consideration should be given to those who live lives, pay taxes and don't seek handouts or cause ills of society;
- A less visible location would be more appropriate for homeless shelter;
- Scandalous that Council have decided to move their offices at great expense and evict homeless people from perfectly good homeless centre;
- Loss of business centre contradicts PPG4;
- No provision put forward regarding 'planning against crime'.

4.0 APPRAISAL

4.1 The key issues are:

- Principle of redevelopment of site
- Loss of existing employment land/office use
- Suitability of site for proposed use

- Design principles and considerations
- Impact on historic environment
- Impact on natural environment
- Affect on amenity of local residents and occupants
- Environmental considerations
- Flood risk
- Access, parking and highway safety

4.2 Policy Context

4.2.1 The Statutory Development Plan

The statutory Development Plan for the City comprises the 1956 York Town Map (as amended) and Regional Spatial Strategy for Yorkshire and the Humber (2004). The Town Map shows the site to be in an area of land being “Primarily for Industrial Use”.

RSS provides a framework for strategic planning in the region to 2016. It sets out the vision, key objectives, strategic themes and strategy and policies for sustainable development, outlines the regional spatial strategy including patterns of development and policy implications for the four sub-regions and covers topics on housing, transport, social infrastructure and the built and natural environment. The guidance echoes national planning policy. The key objectives and strategic themes cover the need to maximise social inclusion, minimising travel needs, making full use of previously-developed and urban land by minimising the loss of greenfield land, and protecting natural resources.

4.2.2 National Policy Framework

The following Planning Policy Statements and Planning Policy Guidance notes are considered of most relevance to this application:

PPS1 (Delivering Sustainable Development) - sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system. It states the four aims of sustainable development are: social progress which recognises the needs of everyone; effective protection of the environment; the prudent use of natural resources; and, the maintenance of high and stable levels of economic growth and employment. The former means meeting the diverse needs of all people in existing and future communities, promoting personal well-being, social cohesion and inclusion and creating equal opportunity for all citizens. It encourages LPAs to achieve high quality and inclusive design for all development, with the rejection of design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area and the way it functions.

PPS3 (Housing) - outlines the Government's key housing goals, including: ensuring high quality housing for those who cannot afford market housing, in particular those who are vulnerable or in need; and, to create sustainable, inclusive, mixed communities in all areas.

PPG4 (Industrial, Commercial and Small Firms) - takes a positive approach to the location of new business developments and assisting small firms through the planning system. The main message is that economic growth and a high-quality environment have to be pursued together.

PPS9 (Biodiversity and Geological Conservation) - sets out planning policies on protection of biodiversity and geological conservation through the planning system. It confirms the presence of a protected species is a material consideration. It advises that local planning authorities should not refuse permission if development can be subject to conditions that will prevent damaging impacts on wildlife habitats or important physical features, or if other material factors are sufficient to override nature conservation considerations.

PPG13 (Transport) - seeks to promote more sustainable transport choices for people, and to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and seeks to reduce the need to travel especially by car in new developments.

PPG15 (Planning and the Historic Environment) - gives advice on how LPAs should deal with applications affecting historic environments, including the special consideration to the setting of listed buildings and the duty to preserve and enhance conservation areas. It states that the design of new buildings intended to stand alongside historic buildings needs very careful consideration and need to be carefully designed to respect their setting, follow fundamental architectural principles of scale, height, massing and alignment, and use appropriate materials.

PPG16 (Archaeology and Planning) - confirms that the desirability to preserve archaeological deposits is a material planning consideration, and offers guidance on the handling of remains and the weight to be attached to them in planning decisions.

PPS23 (Planning and Pollution Control) - gives guidance on the relevance of pollution controls to the exercise of planning functions. It covers air and water quality and contaminated land.

PPG24 (Planning and Noise) - guides LPAs on the use of their planning powers to minimise the adverse impact of noise. It outlines the considerations to be taken into account in determining planning applications for both noise-sensitive developments and for those activities which generate noise.

PPS25 (Development and Flood Risk) - This aims to ensure that flood risk is taken into account in the planning process to avoid inappropriate development in areas at risk of flooding and seeks to direct development away from areas at highest risk. Where new development is necessary in such areas, it aims to make it safe without increasing flood risk elsewhere and where possible, reducing flood risk overall.

4.2.3 Local Planning Policies

In addition to the City of York Draft Local Plan (incorporating 4th set of changes) policies set out in section 2.2, Policies H9 and E4 of the North Yorkshire County Structure Plan are relevant. H9 allows for the provision of residential use of property

in and around the historic core of the City of York through suitable new development. Policy E4 affords the strictest protection to buildings and areas of special townscape, architectural or historic interest.

4.3 Principle of redevelopment of site

The site constitutes previously developed land within the main urban area. Therefore, its redevelopment is acceptable in principle.

4.4 Loss of Existing Employment Land/Office Use

4.4.1 The site is in an area primarily for industrial use on the York Town Map, though has no allocation in the City of York Draft Local Plan. It is currently in employment use. The relevant Local Plan Policies are E3b (Existing and Proposed Employment Sites) and H12 (Conversion of Redundant Offices). Policy E3b requires employment sites to be retained in their current use class with permission only being granted for other uses under the following circumstances: a) there is a sufficient supply of employment land to meet both immediate and longer term requirements in both quantitative and qualitative terms; b) unacceptable environmental problems exist; c) the development of the site will lead to significant benefits to the local economy; and d) the use is ancillary to an employment use. Policy H12 allows for conversion of redundant office space to residential uses where: a) there is sufficient supply of offices to meet both immediate and longer term requirements; b) it will not have an adverse impact on vitality and viability of the City and District Centres; and, c) has no adverse impact on residential amenity.

4.4.2 The Economic Development Unit has been consulted with regards to the need for the site as part of the City's employment land/office supply. The response is contained in section 3.1.2. In summary, it confirms that the existing facilities are proposed to be relocated along with the accommodation at Parkside Commercial Centre, Terry Avenue, to a larger purpose-built building that will provide a higher and more appropriate standard of premises. Therefore, in quantitative terms, the release of this site for another use will not compromise the overall employment land supply and, in qualitative terms, there would be no net loss of employment to the city as the premises, and staff, are to be relocated to the new building. The issue of residential amenity will be addressed in the relevant section.

4.5 Suitability of site for Proposed Use

4.5.1 Policy H17 of the Draft Local Plan states that planning permission will only be granted for residential institutions where the development, together with existing residential institutions or unimplemented planning permission for that use, would not give rise to a concentration likely to have an adverse impact on residential amenity and where it is positively located relative to local facilities and public transport.

4.5.2 The area surrounding the site, being on the edge of the city centre, is a mixture of uses, including commercial, residential and leisure. There are no other residential institutions that would result in a concentration of uses likely to adversely affect residential amenity. The site is within easy walking distance of the city centre and the facilities it has to offer, including numerous bus routes. The proposal would

comply with the key objectives in PPS3 to provide high quality housing for those who are vulnerable or in need and encourage inclusive, mixed communities.

4.6 Design principles and considerations

4.6.1 Local Plan policies GP1 (Design), GP3 (Planning against Crime), GP4a (Sustainability) and GP11 (Accessibility) are of relevance. The application is supported by a Design and Access Statement, which includes reference to proposed energy efficiency measures and security arrangements. The design of the building has been subject to revisions following concerns raised by Officers about its massing and elevational treatment.

4.7 Impact on historic environment

4.7.1 PPG15 confirms the special consideration that needs to be given in determining planning applications to the setting of listed buildings and to preserve and enhance the character and appearance of conservation areas. New buildings in historic locations need to be carefully designed in order to respect their setting. The scheme has been revised in light of comments from English Heritage and the Council's Conservation Officer. The massing and elevational treatment of the front of the building abutting Fishergate have improved and, subject to condition, meet address some of the comments expressed. The riverside frontage, which would be highly visible in views across the River Foss Basin from Tower Street and Skeldergate Bridge has also been revised and improved although both the Conservation officer and English Heritage consider further revisions would be welcomed., although it is possible that some further refinement may be possible with conditions concerning materials, finishes and details.

4.8 Impact on natural environment

4.8.1 PPS9 confirms that the presence of bats as a protected species is a material planning consideration. The site lies adjacent to the River Foss where bats are known to be present and there is a recent record of a bat in one the buildings on site. As a result, a bat survey was requested and undertaken, which the Council's Countryside Officer has assessed. The report unfortunately did not include an investigation of the roof void, which is the most likely habitat for bats. As a result, the Officer would have preferred further survey work, though accepts that the timing of this may not be conclusive. Therefore, it is recommended that if approved a condition is attached to require bat mitigation measures and conservation prior to development. If bats were to be found, no work could take place until advice had been sought from Natural England and a licence from DEFRA applied for.

4.9 Affect on amenity of local residents and occupants

4.9.1 Concern has been expressed by local residents and businesses about the impact of both the proposed three storey building at the rear on residential amenity and the intended use on the general amenity of the community. The proposed building has been designed to reduce the potential impact on surrounding

neighbours with the siting of the 22 bedrooms overlooking the river. Only storeroom and staircase windows would look towards the residents of Oxtoby Court, which is located to the south of the site and therefore would not be affected by overshadowing. There are no main habitable rooms facing the site at the adjoining public house that would be overlooked by the first floor external space. The applicant has confirmed through the Environmental Protection Unit that a lock policy would be imposed at 11pm, which alleviates the concerns raised regarding noise disturbance. Although the two flats at 2 Fishergate would be affected to some extent by increased overshadowing and a greater sense of enclosure from the increased height and depth of the building at the rear, the resultant relationship with the proposed new building is considered to be acceptable.

4.10 Environmental considerations

4.10.1 The Environmental Protection Unit have commented on the application and although concerns have been raised regarding contamination, noise and air quality, it is considered that these can be addressed through the imposition of conditions. The response is set out fully in section 3.1.5.

4.11 Flood risk

4.11.1 The site lies within Flood Zone 3a (High Probability). PPS25 Annex D states that more vulnerable uses, which includes residential institutions, should only be permitted in this zone where it can be demonstrated that the Exception Test is passed. In order to do this it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk; that there are no reasonable alternative sites on developable previously-developed land; and, that a Flood Risk Assessment can demonstrate that the development will be safe, without increasing flood risk elsewhere and, where possible, will reduce flood risk overall. A Flood Risk Assessment has been submitted to support the application.

4.11.2 As outlined in section 3.2.3, the Environment Agency have been consulted with regards to compliance with the requirements of PPS25 and does not object subject of the imposition of conditions.

4.12 Access, parking and highway safety

4.12.1 A Transport Assessment has been submitted with the application, which confirms the sustainable location of the site on the edge of the city centre, as encouraged by PPG13 and concludes that the proposed use will not result in undue traffic or highway safety problems. In light of this, the Council's Highway Network Management Section are generally supportive of the proposal and consider that it would represent a reduction in the potential traffic movements of associated vehicles, with improvements made to the access and parking arrangements. No objections are raised, subject to conditions requiring minor changes to be made to the kerb radii at the access and to the parking and turning arrangements in the internal yard.

5.0 CONCLUSION

The proposal is to replace existing buildings which have structural defects with a new purpose built, part two/part three storey building to accommodate a homeless persons' hostel with staff accommodation and training facilities. There are no policy objections to the proposed use in this location. The resultant relationship with adjoining properties is considered to be acceptable.

The frontage building (to Fishergate) is in the Central Historic Core Conservation Area and the riverside frontage is highly visible in views across the River Foss Basin from Tower Street and Skeldergate. In response to concerns raised, the applicant has made revisions and improvements to the design of the building. These revisions have gone some considerable way to addressing concerns raised by officers and consultees. There is also scope for further refinement of detailed design issues through the requirements of conditions attached to the permission.

6.0 RECOMMENDATION: Approve subject to conditions

- 1 TIME2
- 2 PLANS1
- 3 ARCH2
- 4 ARCH3
- 5 VISQ7
- 6 HT1
- 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 and the remaining windows shall be finished in an off-white or cream colour.

Reason: So as to achieve a visually cohesive appearance.

- 8 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 the development and the works shall be carried out in accordance with the approved details.

Window openings (including header and cill) and window frames (including cross section of reveals);

eaves/gutters, downpipes; junctions of pitched roofs and flat roofs; junction between new building and listed building, The Mason's Arms; front entrance door (to be of timber construction).

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

- 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 :
- i. A further full internal and emergence survey at the appropriate time of year and no earlier than 1 month prior to any work and the results submitted to the Council prior to any work commencing. In the event that evidence of bats is discovered, no work shall take place until advice has been sought from Natural England with regard to their exclusion and mitigation measures have been submitted to and approved by the Council and a Defra licence approved.
 - ii. A plan of how demolition work is to be carried out to accommodate bats.
 - iii. Regardless of whether any evidence of bats is found, details of what provision is to be made within the new building to replace the features lost through the demolition of the original structure must be provided and approved by the Council. 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.

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.

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 with a view to the submission of Defra licence application.

- 10 The use of the first floor outdoor amenity space shall not be used between the hours of 23:00 and 08:00 Monday to Sunday.

Reason: To protect the amenity of local residents.

- 11 All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site, shall be confined to the following hours:
Monday to Friday 08.00 to 18.00
Saturday 09.00 to 13.00
Not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of neighbouring residents.

- 12 a. A desk study shall be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on the site. This shall include a site description and a site walkover and shall be submitted to and approved by the local planning authority prior to development of the site. Informative: This should, where possible date back to 1800.
- b. A site investigation shall be undertaken based upon the findings of the desk study. The investigation shall be carried out in accordance with BS10175: Investigation of potentially contaminated land: code of practice. The results of the investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on the site.
- c. A risk-based remedial strategy shall be developed based on the findings of the site investigation. The remedial strategy shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing on site. Informative: The remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).
- d. A validation report shall be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development commencing on site.
- e. Any contamination detected during site works that has not been considered within the remedial strategy shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development of the site.

Reason: To protect human health and the wider environment.

- 13 The building envelope of all habitable rooms with a facade onto Fishergate 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. This should take the form of fixed glazing with mechanical ventilation from an area of the site away from the carriageway facade. 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 health and amenity of the occupants.

14 HWAY5

15 HWAY18

- 16 Notwithstanding the parking provision shown on the approved plans, details of the vehicle parking and turning area shall be submitted to and agreed in

writing by the Local Planning Authority. The layout shall show provision for a maximum of two vehicles, one of which shall be for disabled persons. The building shall not be occupied until the area has been constructed and laid out in accordance with the approved details, and thereafter the area shall be retained solely for such purposes.

Reason: In the interests of highway safety.

- 17 Floor levels should be set at least 600mm above the 1982 flood level of 9.96 metres above Ordnance Datum.

Reason: To protect the development from flooding.

- 18 Flood warning notices shall be erected in numbers, positions and with wording all to be agreed in writing beforehand by the Local Planning Authority. The notices shall be kept legible and clear of obstruction.

Reason: To ensure that owners and occupiers of premises are aware that the land is at risk of flooding.

- 19 An appropriate Evacuation Plan (in consultation with the Emergency Planners) 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. 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 Before development commences, details of energy efficiency measures shall be submitted to and approved in writing by the Local Planning Authority. These shall include the investigation of sustainable drainage system techniques for the development with a clear justification if they are not to be employed at the site. The development shall be carried out in accordance with the approved details.

Reason: In the interests of sustainable development principles.

- 22 The premises shall be used for a resettlement and training centre for homeless persons; and for no other purpose, including any other purpose in Class C2 in the Schedule of the Town and Country Planning (Use Classes)

Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: So that the Local Planning Authority may re-assess alternative uses which, without this condition, may have been carried on without planning permission by virtue of Article 3 of the Town and Country Planning (Use Classes) Order 1987.

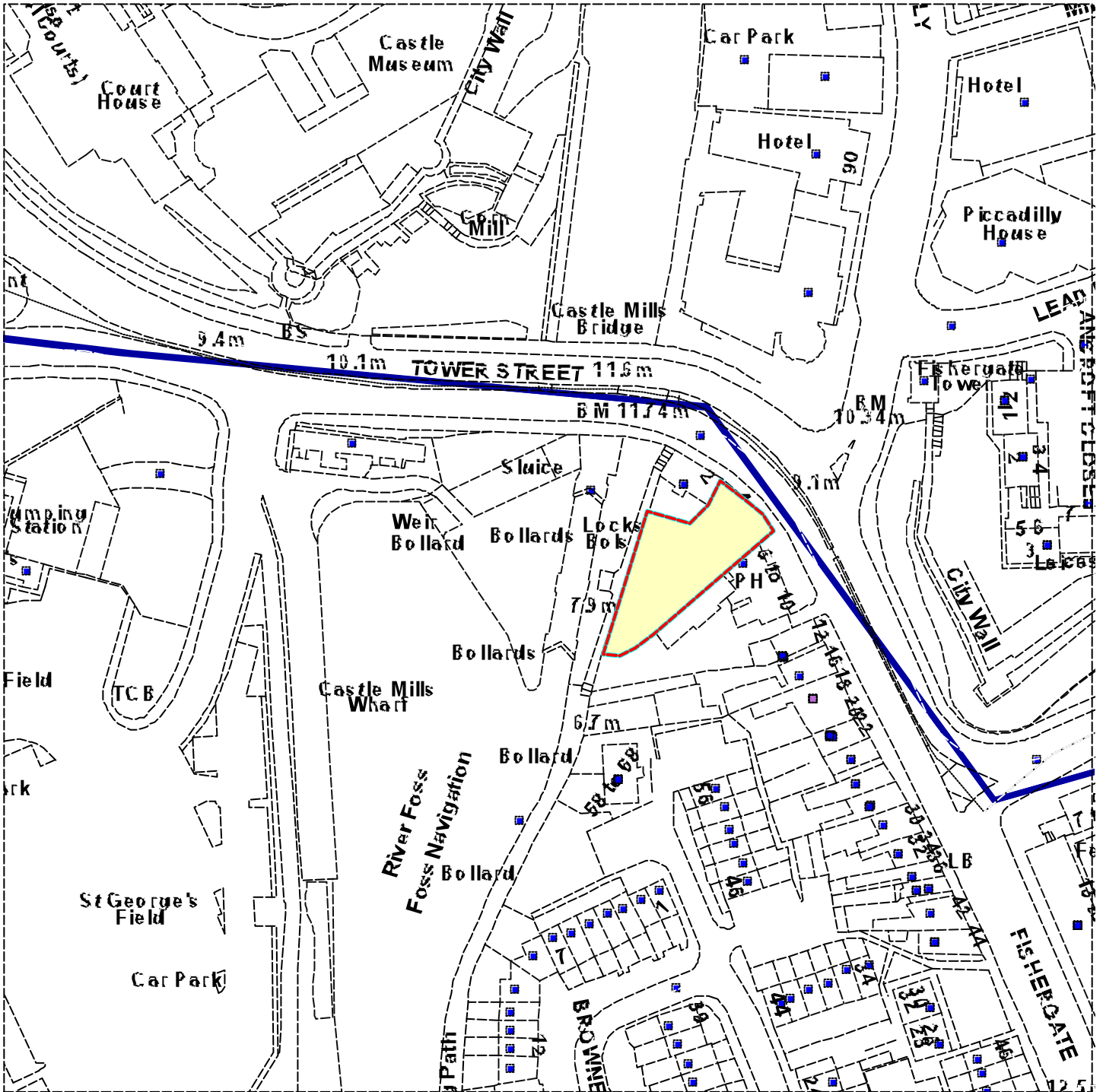
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Application at Fishergate Centre

Ref 06/02837/GRG3 & 06/02838/CAC



Scale: 1:1232

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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	18 April 2007
SLA Number	Not Set

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**Agenda Item****Planning Committee****26th April 2007**

Report of the Director of City Strategy

Commuted Sum Payments for Open Space in New Developments**Summary**

1. This report seeks Members approval for York based commuted sum payments towards open space provision in new developments. It asks 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 is sufficiently advanced to be used for deciding planning applications.
2. Members of the Local Development Framework Working Group considered this issue on the 4th December 2006 and agreed that the commuted sum figures be recommended to Planning Committee for approval with amendments, as set out in the Minutes to that meeting (as shown in Appendix B of this report). The commuted sums have now been updated and account taken of inflation, as at 1st April 2007.

Background

3. Policy L1c - Provision of New Open Space in Development (attached in Annex A) was approved by Members in April 2005, as part of the 4th Set of Changes to the Local Plan. This policy outlines that in certain circumstances, a commuted sum payment may be acceptable instead of on-site provision. However, the policy does not specify the amount of commuted sum payment in monetary form.
4. Officers are to date applying policy L1c, but are considering costs on a site by site basis in consultation with the Head of Parks & Open Spaces within the Learning, Culture and Children's Services Directorate of the Council. However, it was felt necessary to establish an approach which is more transparent for applicants and developers.
5. Therefore, to support this approach, officers developed a set of robust commuted sum figures for children's equipped open space, informal open space and outdoor sports facilities. These are based on a sample of actual schemes undertaken within the City of York, in 2005/6 and 2006/7 involving children's equipped playspace, amenity open space and outdoor sports

pitches. Inflation (at 3.2%), for the financial year from 1st April 2007 has been added to these average figures, based on the Royal Institute of Chartered Surveyors - Building Costs Information Service Tender Price Index. These are shown in Annex C of this report.

6. A set of Commuted sum payment figures were included in the Draft Open Space SPG, considered by Members at Planning Committee on 24th May 2006 (although they have subsequently been updated). A decision to approve the SPG was deferred pending the outcome of a PPG17 Assessment, at the LDF Working Group on 24th August 2006. The PPG17 Assessment would also provide a structure regarding where commuted sum payments would be spent - therefore, it would not be possible to include information on where such monies would be spent until the PPG17 Assessment has been completed.
7. However, in the interest of transparency, officers consider it important to approve a set of commuted sum payment figures for open space provision. It is therefore considered that the commuted sum figures could be approved without prejudicing the outcomes of the PPG17 Assessment or the draft SPG.
8. A report was taken to the LDF Working Group on 4th December 2006, which outlined this approach and the commuted sum figures for the financial year April 2006 – March 2007. Members of the LDF Working Group considered the issues and their recommendations are shown in Annex B to this report. They suggested a number of amendments to the document, as outlined in paragraphs 9 – 12 below.
9. Firstly, members recommended that the words “in most situations” at the beginning of the second paragraph on residential developments should be replaced by reference to developments of less than 10 dwellings and more than 10 dwellings where there is not enough space to meet open space requirements on site, as set out in policy L1c. In order to meet this recommendation, officers have reconsidered the wording of the second paragraph and have amended it to clarify that developments of under 10 dwellings, and those of 10 or more dwellings which cannot physically accommodate open space to the proposed standard, will need to provide a commuted sum in lieu of provision on-site.
10. Secondly, members recommended that the heading of the table should clarify that the commuted sum required per dwelling excludes the land cost element. In order to meet this recommendation, the words *‘excluding the land cost element’* have been added to the heading of the table.
11. Thirdly, members recommended that the footnote to the table should be amended to clarify that the prices will be increased annually in line with the Building Costs Information Service Tender Price Index each April. This has been addressed by adding the wording *‘Prices will be increased annually in line with the Building Costs Information Service Tender Price Index each April’*.
12. Fourthly, members recommended that wording should be added to clarify that inflation to the time of payment must be added to the figures. This has been addressed by the addition of a paragraph to clarify this issue.

13. It should be noted, that the figures quoted in this report and proposed commuted sum payment document have been updated since the LDF Working Group on 4th December 2006 to reflect updated information available.
14. In terms of employment, retail and leisure use, of 2,500m² gross floor space or greater, amenity open space will be required, based on the number of employees within the scheme. However, subsequent to the LDF Working group meeting on 4th December 2006, the issue of establishing the number of employees in a proposed scheme has arisen, since not all planning applications state the proposed number of employees. In order to address this, it is proposed that where the number of employees cannot be established, average densities for B1, B2 or B8 uses will be used, as follows:

Proposed Use Class	Number of employees per hectare
B1 (Business) uses within the City Centre, as shown on the City of York Local Plan Proposals Map (April 2005)	667
B1 (Business) uses outside the City Centre, as shown on the City of York Local Plan Proposals Map (April 2005)	200
B2 (General industrial) uses	133
B8 (Distribution or storage) uses	100

These figures are based on officers understanding of average densities on B1 / B2 / B8 schemes undertaken within the City of York.

15. In schemes which don't specify the breakdown of B1 / B2 / B8, the number of employees used in calculating the required commuted sum payments will be based on the highest number of employees per hectare.
16. Due to the diversity of possible uses within retail and leisure proposals over 2,500m² gross floorspace, it is difficult to establish the average number of employees. Therefore, where retail and leisure uses are proposed, officers will establish an estimate of the number of employees through discussion with the applicant.

Consultation

17. As previously indicated in paragraph 6 above, this approach was included in the draft Open Space SPG. Public consultation on the consultation draft of the SPG took place between 21st November 2005 and 13th January 2006. In total, 120 objections and supports on all aspect of the SPG were received. Seven key issues were raised specifically in terms of commuted sum payments. These issues, together with Officers responses, these are shown on Annex E.

18. Through the consultation process, some respondents claimed that the figures included at the time of the draft Open Space SPG were too high. However, the figures for children's equipped play space, informal amenity open space and outdoor sports facilities, quoted in the SPG were derived from a range of schemes for children's play space, amenity open space and sports pitches, undertaken in the City during 2005 and 2006, giving an average costing. In relation to sports pitches, the figure is taken from a range of sports pitches, not just football. To ensure that payments from developers keep pace with inflation, it is proposed that these costs are updated on 1st April of each year. This will be based on the Building Cost Information Service Tender Price Index 3rd Quarter Figures, provided by the Royal Institute for Chartered Surveyors.

Options

19. There are two options for members to consider: Firstly, approve a set of commuted sum payment figures (updated annually) to accompany policy L1c, as recommended by the Local Development Framework Working Group. Secondly, to continue applying commuted sum figures, on a site by site basis, through consultation with officers in the Lifelong Learning and Leisure Directorate of the Council.

Analysis

20. If option 1 (Approve the commuted sum payments as outlined in Annex D of this report for development control purposes) were to be agreed, this would be based on up to date figures, and would be updated annually in April. Consequently, this would give a degree of certainty and accountability towards the Council's approach towards requiring commuted sum payments towards open space, and would strengthen the Council's case at planning appeals, by quoting figures approved by Members. However, because some of the figures may be higher than those figures already used, developers may be reluctant to agree to such figures.
21. However, if option 2 (Continue using the commuted sum figures, on a site by site basis) were to be agreed by Members, it would give less certainty and accountability to the commuted sum process, but would be more flexible towards site and developer circumstances.
22. Based on the above considerations, officers, consider that Option 1 above (Approve the commuted sum figures as outlined in Annex B of this report) would be the most appropriate option to take at this stage.

Corporate Priorities

23. The option outlined above accords with the following Corporate Strategy Priorities:
- Improve the actual and perceived condition and appearance of the city's streets, housing estates and publicly accessible spaces;

- Improve the health and lifestyles of people who live in York, in particular among groups whose levels of health are the poorest.

Implications

24. The following implications have been assessed.
- **Financial** – *Proposal is would give certainty, clarity and accountability to the amount of money the Council receives from commuted sum payments for open space.*
 - **Human Resources (HR)** - *None*
 - **Equalities** - *None*
 - **Legal** – *The proposal has been agreed by Legal Services*
 - **Crime and Disorder** - *None*
 - **Information Technology (IT)** - *None*
 - **Property** - *None*
 - **Other**

Risk Management

25. There are no know risks in this proposal

Recommendations

26. Members are asked to:
- 1) Approve the approach to Commuted Sum payments and the attached note, as set out in Annex D to this report to support the application of Policy L1c of the 4th Set of Changes to the City of York Local Plan.

Reason: To give certainty, clarity and accountability towards the Council's approach towards requiring commuted sum payments towards open space.

Contact Details

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Chief Officer Responsible for the report:

Chief Officer's name

Bill Woolley
Director of City Strategy

Report Approved

Date 17/4/07

Report Approved

Date Insert Date

Specialist Implications Officer(s) *List information for all*

Legal Services

Name: Martin Blythe

Title: Senior Assistant Solicitor

Tel No. 551044

Financial

Name: Dave Meigh

Title: Head of Parks and Open Spaces

Tel No. 553386

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers:

- a) Draft Supplementary Planning Guidance: Open Space in New Developments – A Guide for Developers (24th May 2006);
- b) Planning Committee Report – Open Space in new developments – a guide for developers (24th May 2006):
- c) LDF Working Group Report – Open Space Supplementary Planning Guidance update (24th August 2006)
- d) LDF Working Group Report - Commuted Sum Payments for Open Space in New Developments (4th December 2006)

Annexes

Annex A – Policy L1c (Provision of New Open Space in Development) from the 4th Set of Changes to the City of York Local Plan;

Annex B - Minutes to LDF Working Group Report (4th December 2006) – ‘Commuted Sum Payments for Open Space in New Developments’

Annex C - Proposed Section 106 payments based on actual costed schemes in York 2005/6 and 2006/7;

Annex D - Document 'Commuted Sum Payments for Open Space in New Developments':

Annex E - Summary of comments on Commuted Sum Payments received to the Consultation Draft Open Space SPG.

Annex A: City of York Draft Local Plan Incorporating the 4th Set of Changes (April 2005)
Policy L1c (Provision of New Open Space in Development)

Developments for all housing sites or commercial proposals over 2,500m² gross floor space will be required to make provision for the open space needs of future occupiers. This should be provided in addition to any area required for landscaping.

For sites of less than 10 dwellings a commuted sum payment will be required towards off site provision.

For sites of 10 or more dwellings, an assessment of existing open space provision accessible to the proposed development site including its capacity to absorb additional usage will be undertaken. This is to ascertain the type of open space required and whether on-site or a commuted sum payment for off-site provision is more appropriate (this will include the cost of land purchase), based on individual site circumstances.

The level of provision or commuted sum equivalent will be based on the following figures (a breakdown of these figures for each dwelling will be provided in a Supplementary Planning Guidance document covering open space).

The following provision of open space (or commuted sum equivalent) will be required:

- a) 0.9ha per 1,000 population / or 1,000 employees of informal amenity open space;

In addition, for housing developments:

- b) 1.7ha per 1,000 population of sports pitches;
- c) 0.7ha per 1,000 population for children's equipped playspaces.

Applicants will be expected to enter into a Section 106 Agreement towards ensuring the provision and future maintenance (whether by means of a commuted sum payment or by some other means) of the open space facility for a period of 10 years.

Rest homes and nursing homes will only be expected to provide amenity open space. Single bedroom dwellings and student accommodation will not be expected to provide children's play space.

11.12 The Council considers that all residents should have access to safe, attractive and useable public open space and the Local Plan Strategy aims to promote accessible open space in new residential, employment, retail and leisure developments.

11.13 Policy L1c aims to secure open space of a useable and maintainable standard in new residential, employment, retail and leisure developments. The thresholds for the policy to come into force have been chosen to ensure

the deliverability of open space of a size, which will be of use to the community who will use it and would be viable for applicants to provide.

- 11.14 Where residential applications are for less than 10 dwellings, in most cases, a commuted sum payment towards open space provision will be acceptable. In residential developments of 10 or more dwellings and commercial developments of 2,500m² gross floor space an assessment will be undertaken of existing open space in the vicinity of the proposed development. The results of this assessment will help to determine what form the open space should take and whether it should be provided on-site, or a commuted sum payment should be made towards off-site provision (this will include the cost of land purchase). The assessment should also consider whether existing non-public open space or sports pitches can be brought into public usage.
- 11.15 A commuted sum payment will also be expected from applicants to cover future maintenance of open space, in accordance with Circular 1/97. A period of 10 years will be applied when calculating the maintenance payment to ensure that the open space can become an established feature within the local community.
- 11.16 Policy L1c should be read in conjunction with any planning advice note produced by the Council on open space at that particular time.

Annex B: Minutes to LDF Working Group Report (4th December 2006) – ‘Commuted Sum Payments for Open Space in New Developments’

25. COMMUTED SUM PAYMENTS FOR OPEN SPACE IN NEW DEVELOPMENTS

Members received a report which sought comments on a revised approach towards implementing policy L1c (Provision of New Open Space in Development), with regard to commuted sum payments towards open space provision in new developments, and asked them to consider a more structured commuted sum payments process for use in considering planning applications for residential and employment, retail and leisure uses where appropriate.

The report presented two options for consideration:

- Option 1 – to approve a set of commuted sum payment figures, attached at Annex B of the report, for use with policy L1c;
- Option 2 – to continue calculating commuted sum payment figures on a site by site basis.

A schedule was circulated setting out the figures used to build up the costs for open space provision in the City of York. Members requested that a further breakdown be provided at Planning Committee, indicating equipment and labour costs and clarifying that land costs were not included. With regards to the cost per square metre of the play area at Holgate Park, Members suggested that the figure should be recalculated using the area of the play area, rather than that of the whole park.

Members proposed a number of amendments to the text accompanying the figures in Annex B, as detailed below.

RECOMMENDED: That Planning Committee be recommended to approve the commuted sum payment figures shown in Annex B of the report to support the application of policy L1c of the 4th Set of Changes to the City of York Local Plan, subject to the following amendments to the accompanying text:

(i) To remove the words “in most situations” at the beginning of the second paragraph on residential developments and instead refer to developments of less than 10 dwellings and more than 10 dwellings where there is not enough space to meet open space requirements on site, as set out in policy L1c;

(ii) To the heading of the table to clarify that the commuted sum required per dwelling excludes the

land cost element;

(iii) To the footnote to the table to clarify that the prices will be increased annually in line with the Building Costs Information Service Tender Price Index each April;

(iv) To clarify that inflation to the time of payment must be added to the figures.

REASON:

To give a degree of certainty and accountability regarding the Council's approach towards requiring commuted sum payments for open space.

Annex C: Proposed Section 106 payments based on actual and costed schemes in York 2005/6 and 2006/7

1. Play space - based on National Playing Fields Association recommendation of 7m² per person

Location	Scheme	Costs £'s	Payment per person £'s	2007 / 08 figures inc 3.2% inflation (from 1 st April 2007)
Arran Place	Safety fencing to play area	10,579	510	£526
Holgate Park	New Play area	75,566	152	£157
Tedder Road	New roundabout	2,744	516	£533
Lower Priory Street	Expansion of play area	14,000	810	£836
Rowntree Park	Safety surfacing	7,166	540	£557
Average price and therefore payment proposed				£522

2. Amenity space - based on National Playing Fields Association recommendation of 9m² per person

Location	Scheme	Costs £'s	Payment per person £'s	2007 / 08 figures inc 3.2% inflation (from 1 st April 2007)
Knavesmire	Timber perimeter fencing	25,059	254	£262
Queen Street	Rose beds	1,511	150	£155
War Memorial Gardens	Footpath works	2,488	133	£137
Glen Gardens	New perimeter fencing	1,285	83	£86
Glen Gardens	Footpath works	5,619	101	£104
Average price and therefore payment proposed				£149

3. Sports pitches - based on National Playing Fields Association recommendation of 17m² per person

Location	Scheme	Costs £'s	Payment per person £'s	2007 / 08 figures inc 3.2% inflation (from 1 st April 2007)
Burnholme College	Improved pitches	89,517	85	£87
Little Knavesmire	New grass football pitch	7,905	21	£22
Glen Gardens	Resurface, refence and expand tennis courts	48,623	419	£432
Rowntree Park	Resurface, refence and expand tennis courts	47,551	362	£374
Scarcroft Green	Fence to create mini-soccer pitch	15,568	135	£139
Average price and therefore payment proposed				£211

1. 2007/08 prices have been increased to take account of inflation at 3.2% based on Building Cost Information Service Tender Price Index 3rd quarter figures, provided by the Royal Institute of Chartered Surveyors.

2. All schemes include at 12% fees

3. To establish the payment per person the total cost of the scheme is first divided by the area of the project to establish a price per m² or unit this is the multiplied by the National Playing Field Association recommend amount of land required for that activity. Background papers are available on file.

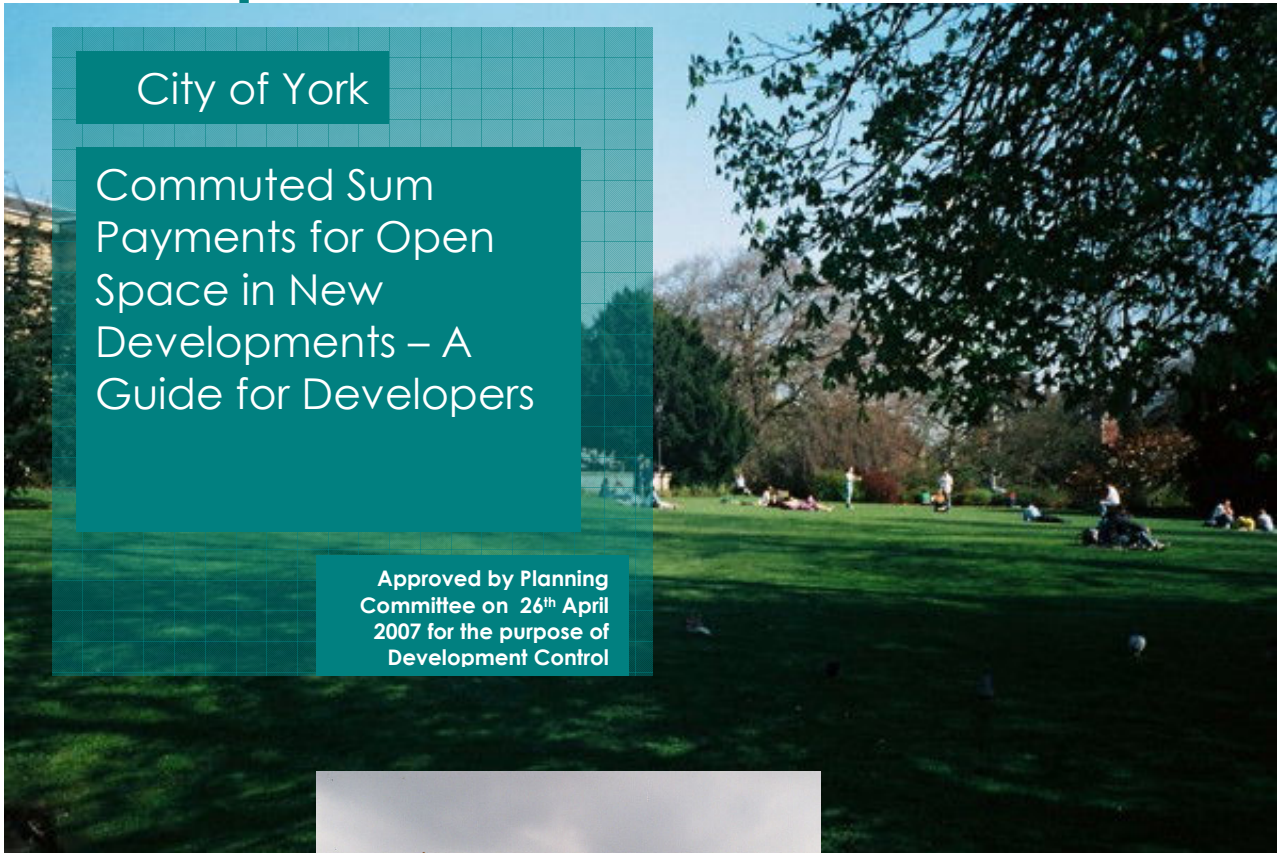
Annex D - Document 'Commuted Sum Payments for Open Space in New Developments'



City of York

Commuted Sum Payments for Open Space in New Developments – A Guide for Developers

Approved by Planning Committee on 26th April 2007 for the purpose of Development Control



Introduction

The purpose of this advice note is to advise developers of the levels of commuted sum payments for open space provision, where it is established that a commuted sum will be required for residential development, and employment, retail and leisure developments of 2,500m² gross floor space or greater.

This advice note should be read in conjunction with policy L1c (Provision of New Open Space in Development) from the City of York Development Control Local Plan (April 2005), attached as Appendix A to this advice note. Advice on the application of this policy will be provided by the Development Control case officer – see contact details at the end of this advice note.

Where it is established that a commuted sum payment is required in lieu of provision of open space on site, the following standards will apply.

For residential developments:

Policy L1c (Provision of New Open Space in Development) requires a commuted sum payment towards open space provision in residential developments :

- of less than 10 dwellings; and
- of 10 or more dwellings, where there is not enough space to meet open space requirements on-site.

The commuted sum payment will be made towards increasing capacity and accessibility of existing provision.

The table below shows the commuted sum payments required for residential developments. Commuted sum payments will be secured by a Section 106 Agreement.

Commuted sum required per dwelling for increasing capacity and access of existing provision (excluding the land cost element)

No of bedrooms in a single dwelling	Children's equipped Play Space (£)	Informal Amenity Open Space (£)	Outdoor Sports Facilities (£)
1	£N/A	£149	£211
2	£522	£298	£422
3	£1044	£477	£633
4	£1566	£596	£844
5+	£2088	£745	£1055

(Source: Based on existing schemes within the City of York, upgraded, using the 2007 inflation figure from the Building Costs Information Service Tender Price Index 3rd Quarter Figures, as provided by the Royal Institute of Chartered Surveyors. Prices will be increased annually in line with the Building Costs Information Service Tender Price Index each April)

Please note that inflation at the time of the signing of the Section 106 Agreement must be added to the above figures, where necessary – for example, if the Section 106 Agreement was signed after revised figures were published to take into account of annual inflation.

However, in situations where commuted sum payments are required for the provision of new open space, appropriate land values at the time of determining the planning application would need to be considered in addition to the figures shown in the table above, to allow for the purchase of new land. This would normally occur when adequate, accessible open space does not exist close to the development site.

For employment, retail and leisure developments:

Policy L1c also establishes the need for employment, retail and leisure uses with a gross floorspace of 2,500m² or greater, to provide for *amenity open space*.

If it is established that a commuted sum payment is appropriate, an amount of £149 per employee would be required (calculations based on 9m² of open space per employee).

Where a planning application does not establish a number of employees within a development, the following figures would be used to calculate the required payment.

Proposed Use Class	Number of employees per hectare
B1 (Business) uses within the City Centre, as shown on the City of York Local Plan Proposals Map (April 2005)	667
B1 (Business) uses outside the City Centre, as shown on the City of York Local Plan Proposals Map (April 2005)	200
B2 (General industrial) uses	133
B8 (Distribution or storage) uses	100

These figures are based on average densities on B1 / B2 / B8 schemes undertaken within the City of York.

In schemes which don't specify the breakdown of B1 / B2 / B8, the number of employees used in calculating the required commuted sum payments will be based on the highest number of employees per hectare.

Due to the diversity of possible uses within retail and leisure proposals over 2,500m² gross floorspace, it is difficult to establish the average number of employees. Therefore, where retail and leisure uses are proposed, officers will establish an estimate of the number of employees through discussion with the applicant.

Appendix A: City of York Draft Local Plan Incorporating the 4th Set of Changes (April 2005)

Policy L1c (Provision of New Open Space in Development)

Developments for all housing sites or commercial proposals over 2,500m² gross floor space will be required to make provision for the open space needs of future occupiers. This should be provided in addition to any area required for landscaping.

For sites of less than 10 dwellings a commuted sum payment will be required towards off site provision.

For sites of 10 or more dwellings, an assessment of existing open space provision accessible to the proposed development site including its capacity to absorb additional usage will be undertaken. This is to ascertain the type of open space required and whether on-site or a commuted sum payment for off-site provision is more appropriate (this will include the cost of land purchase), based on individual site circumstances.

The level of provision or commuted sum equivalent will be based on the following figures (a breakdown of these figures for each dwelling will be provided in a Supplementary Planning Guidance document covering open space).

The following provision of open space (or commuted sum equivalent) will be required:

- a) 0.9ha per 1,000 population / or 1,000 employees of informal amenity open space;

In addition, for housing developments:

- b) 1.7ha per 1,000 population of sports pitches;
- c) 0.7ha per 1,000 population for children's equipped playspaces.

Applicants will be expected to enter into a Section 106 Agreement towards ensuring the provision and future maintenance (whether by means of a commuted sum payment or by some other means) of the open space facility for a period of 10 years.

Rest homes and nursing homes will only be expected to provide amenity open space. Single bedroom dwellings and student accommodation will not be expected to provide children's play space.

11.12 The Council considers that all residents should have access to safe, attractive and useable public open space and the Local Plan Strategy aims to promote accessible open space in new residential, employment, retail and leisure developments.

11.13 Policy L1c aims to secure open space of a useable and maintainable standard in new residential, employment, retail and leisure developments. The thresholds for the policy to come into force have been chosen to ensure

the deliverability of open space of a size, which will be of use to the community who will use it and would be viable for applicants to provide.

- 11.14 Where residential applications are for less than 10 dwellings, in most cases, a commuted sum payment towards open space provision will be acceptable. In residential developments of 10 or more dwellings and commercial developments of 2,500m² gross floor space an assessment will be undertaken of existing open space in the vicinity of the proposed development. The results of this assessment will help to determine what form the open space should take and whether it should be provided on-site, or a commuted sum payment should be made towards off-site provision (this will include the cost of land purchase). The assessment should also consider whether existing non-public open space or sports pitches can be brought into public usage.
- 11.15 A commuted sum payment will also be expected from applicants to cover future maintenance of open space, in accordance with Circular 1/97. A period of 10 years will be applied when calculating the maintenance payment to ensure that the open space can become an established feature within the local community.
- 11.16 Policy L1c should be read in conjunction with any planning advice note produced by the Council on open space at that particular time.

For more information on planning applications and the planning application process, please contact:

Head of Development Control
Planning & Sustainable Development
City of York Council
9 St Leonard's Place
York
YO1 7ET
Tel: (01904) 551553

For more information on the planning issues of open space provision, please contact:

City Development Team
City of York Council
9 St Leonard's Place
York
YO1 7ET
Tel: (01904) 551464

For more information on commuted sum payments and existing open space provision, please contact:

Head of Parks & Open Spaces
Education & Leisure
Lifelong Learning & Leisure
City of York Council
Back Swinegate
York
Tel: (01904) 553386

For more information on design of open spaces and play areas, please contact:

Environment & Conservation
Environment & Development
Planning & Sustainable Development
City of York Council
9 St Leonard's Place
York
YO1 7ET
Tel: (01904) 551312



Annex E: Summary of comments on Commuted Sum Payments received to the Consultation Draft Open Space SPG.

<u>Summary of consultee's comments</u>	<u>Officer response</u>
<p>The cost of outdoor sport is considered unreasonable if this relates to the provision of grassed playing pitches. Sport England has provided information on the cost of provision in the 1st Quarter of 2005 of a range of new leisure and sports facilities – a 100m x 64m grass pitch costs £53,000, or £8.28 per m². This compares with the CYC figure of £12.64 per m² (£215 per 17m²) – approx 30% higher than Sport England's figure. CYC does not make any justification for the cost of provision of amenity open space – there is no national average to provide comparison. However, as the provision is higher than the proposed outdoor sport at £15.55per m², the level set is considered unreasonably high.</p>	<p>The figures for children's equipped play space, informal amenity open space and outdoor sports facilities, quoted in Appendix 5 have been derived from a range of improvement schemes for children's play space, amenity open space and sports pitches, undertaken in the City during 2005 and 2006, giving an average costing. In relation to sports pitches, the figure is taken from a range of sports pitches, not just football. To ensure that payments from developers keep pace with inflation, it is proposed that these costs are updated on 1st April of each year. This will be based on the Building Cost Information Service Tender Price Index 3rd Quarter Figures, provided by the Royal Institute for Chartered Surveyors. The effect for 2006 is that the costs in the Table will need to be increased by 4.7%.</p>
<p>ODPM Circular 05/2005 makes clear financial payments should only be made in the circumstances that they are necessary and are fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects. The Councils proposed policy fails these important tests.</p> <p>Appendix 5: The basis for calculations of commuted sums should be given. In line with Circular 05/2005, the derivation should be set out in the document so that it can be subject to proper public consultation.</p>	<p>It is agreed that financial payments must be fair and reasonably related to the proposed development, which is considered to be the case. The commuted sums for off site provision in Table 5 are derived from a range of sports pitch, amenity open space and playground improvement schemes undertaken in the City during 2005/2006. To ensure that payments from developers keep pace with inflation, it is proposed that these costs are updated on 1st April each year. This will be based on the Building Cost Information Service Tender Price Index 3rd quarter figures provided by the RICS. Therefore, the sums proposed meet the 05/2005 Circular Tests. An audit trail can be provided if required to justify the commuted sum payments.</p>
<p>No contribution required specifically for local parks, unless they are covered by informal amenity open space requirements – is this deliberate? Are there any parks within CYC area, which</p>	<p>Informal Amenity Open Space includes parks, which tend to be multifunctional in terms of open space provision.</p>

could benefit from expenditure?	
<p>The SPG places much emphasis on S106 Agreements, but fails to understand the potential difference between open spaces provided for differing purposes – for example amenity; human recreation inc children’s play, sport and passive recreation, and for wildlife and biodiversity e.g. in paragraph 3.2. The document fails to define the types of open space and differentiate between them. This is necessary, as different types of development require different types of open space.</p>	<p>The SPG is intended to be used for the consideration of open space for amenity, human recreation / play and passive recreation and sport, rather than specifically for wildlife and biodiversity considerations. However, where new open space brings forward wildlife and biodiversity benefits, this will be encouraged where it does not lead to conflict between human and wildlife use (For example, intensive human recreational use destroying wildlife habitats). In order to clarify this, it is suggested that Paragraph 1.5 of the SPG should have the following sentence added:</p> <p>“The SPG covers open space where it is primarily for the purpose of recreation (passive and active), play and sport. However, where such uses do not conflict with nature conservation, biodiversity may also form an important element of such open space. The SPG does not cover landscaping schemes in developments, unless it is primarily designed for passive human recreation, play and sport.”</p>
<p>There is no hint of detail for any arrangement for CYC to liaise with the Parish to assist with open space provision or to facilitate transferring of funds etc. This may allow developers to build higher density on their land, exacerbating the problem of open space shortage – no amount of money can compensate for this! The lack of dialogue in this SPG is a concern.</p>	<p>Where a commuted sum payment is requested, either by Unilateral Agreement or Section 106 Agreement, the Council’s Leisure Department would consider how and where the money would be spent within a parish or ward. The decision would be based on a number of issues including the provision within adjacent wards and parishes, where this could have an impact on local provision in the vicinity of the application site.</p>
<p>It is difficult to understand how developers can provide open space when clearly no space exists and S106 commuted sums offer no real value in seeking to improve open space provision.</p>	<p>On site provision would be encouraged in most cases, where the site is capable of providing the open space. Where a commuted sum payment is required in lieu of on site provision, in normal circumstances, the payment would be used within the recommended walking distances outlined in Table 1 of the SPG, from the</p>

	<p>development. However, where there is clearly no existing open space capable of greater usage within the appropriate walking distance, then the commuted sum should be used at the most accessible open space to the development site, beyond the catchment. However, there may be rare situations where new open space will need to be provided. In such circumstances, land acquisition costs may also need to be taken into account.</p>
<p>Off site contributions should be increased in relation to on-site. Clearly there are financial and saleability benefits to a developer providing off site space. It seems that if a developer provides the space on site that they not only lose development land and incorporate an often-unpopular facility (to some house buyers) but will also have to pay around £1000 for maintenance (based on a 3 bed house). This seems high given that the commuted sum payments for play facilities for a 3-bedroom house is 'only' £1380 and obviously there is no land cost as well.</p>	<p>The SPG requires provision on-site, except for developments fewer than 10 dwellings and where the minimum size of open space outlined in paragraph 4.6 of the SPG cannot be achieved, or the site itself is physically too small (such as high density developments) for the required amount of open space. In instances where off site provision is necessary, the commuted sum via a planning obligation will be necessary. The commuted sums for off site provision in Table 5 are derived from a range of sports pitch, amenity open space and playground improvement schemes undertaken in the City during 2005/2006. To ensure that payments from developers keep pace with inflation, it is proposed that these costs are updated on 1st April each year. This will be based on the Building Cost Information Service Tender Price Index 3rd quarter figures provided by the RICS. Therefore, the opportunity to raise the commuted sums in terms of off-site provision would not be feasible.</p>

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