

---

MEETING	PLANNING COMMITTEE
DATE	28 SEPTEMBER 2006
PRESENT	COUNCILLORS R WATSON (CHAIR), BARTLETT, BLANCHARD, CUTHBERTSON, HILL, HYMAN, JAMIESON-BALL, MOORE, REID, SIMPSON-LAING, SMALLWOOD, I WAUDBY, WILDE, LIVESLEY AND B WATSON (AS SUBSTITUTE FOR COUNCILLOR HORTON)
APOLOGIES	COUNCILLORS HORTON AND MACDONALD
IN ATTENDANCE	COUNCILLORS D'AGORNE AND FRASER

---

## **18. DECLARATIONS OF INTEREST**

The Chair invited Members to declare at this point any personal or prejudicial interests which they might have in the business on the agenda.

Councillor Simpson-Laing stepped down from the Committee in relation to agenda item 4(b) on the Barbican Centre and spoke from the floor, under the provisions of paragraph 7.4 of the Planning Code of Good Practice, as she had participated in the call-in process on the Leisure Facilities Strategy.

## **19. MINUTES**

RESOLVED: That the Minutes of the meeting held on 31 August 2006 be approved and signed by the Chair as a correct record.

## **20. PUBLIC PARTICIPATION**

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

However a number of registrations had been received as follows in relation to both agenda items 4(a) (variation to conditions of detailed planning approval for Barbican Centre) and 4(b) (variation of condition to terms of proposed Section 106 Legal Agreement for the re-development of the Barbican Centre):

John Wartho, John Issitt, Dave Taylor (Fishergate Planning Panel) and Tony Knox (Absolute Leisure) in relation to agenda item 4(a); and

Danny Golding, Roy Pitchford, Ernest Dickinson, Dave Taylor (Fishergate Planning Panel) in relation to agenda item 4(b).

## **21. PLANS LIST**

Members considered a report 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 the advice of consultees and officers.

### **21a. Barbican Centre, Paragon Street, York (06/00526/GRG4)**

Members considered a General Regulations application submitted by Absolute Leisure for the variation of approval to application 03/04075/GRG4, subsequently amended by application 05/00882/GRG4, to enable the existing Barbican Centre to be refurbished (together with alterations and extensions) as a separate phase to overall redevelopment (Ref: 06/00526/GRG4).

The case officer circulated an update at the meeting which set out conditions relating to energy efficiency measures and a green travel plan for the hotel complex and refurbished Barbican Centre, which were proposed in lieu of Section 106 obligations.

Representations were received in objection to the application, from local residents and Fishergate Planning Panel, and in support of the application, from the applicant.

It was requested that condition 39 be amended to require the provision of pedestrian crossing points on Kent Street and improvements to pedestrian crossings at Fishergate Bar before the first phase of the development came into operation. It was also requested that conditions 29 and 33 be reworded to ensure they referred to the phasing of the development.

**RESOLVED:** That the application be approved following the Secretary of State's decision, subject to the conditions listed in the report, with the following amendments:

- (i) Condition 29 – “Details of the works and provision to facilitate disabled access and movement within each phase of the site and to the buildings permitted shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented before the use is commenced or the building is occupied.

Reason: To ensure adequate provision for access within each phase of the development.”

- (ii) Condition 33 – “Prior to the commencement of each phase of the use hereby approved, provision shall be made within the site for accommodation of delivery/service vehicles in accordance with the approved plans. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To ensure that delivery/service vehicles can be accommodated within each phase of the site and to maintain the free and safe passage of highway users.”

- (iii) Condition 39 – “Each phase of the development hereby permitted shall not come into use until the following highway works appropriate to that phase (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 the approved plans, or arrangements entered into which ensure the same.

- Pedestrian crossing points, Kent Street/Fawcett Street junction (phase 1)
- Improvements to pedestrian crossing facilities at Fishergate Bar (phase 1)
- Residential block dropping off lay-by, Barbican Road
- Hotel dropping off lay-by, Paragon Street
- Relocated bus stop, Kent Street

Reason: In the interests of the safe and free passage of highway users.”

And the following additional conditions:

- (i) Condition – “Prior to first occupation of each phase of the development, details of and sustainability and energy statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include: -
- i) Details of the standard of homes (where relevant to the phase) in energy efficiency terms.
  - ii) Demonstration of reduction in carbon emissions in the construction and choice of materials compared to a normal build of this type
  - iii) The inclusion of a waste minimisation, disposal and recycling plan for the construction and its end use
  - iv) The inclusion of a pollution minimisation plan for the construction and its end use
  - v) Demonstration of the inclusion of microgeneration measures within the development

Thereafter the measures agreed shall be incorporated into the detailed design of each phase of the development, any demolition and construction works, and the subsequent management and operation of all buildings at the site.

Reason: To ensure that each phase of the development complies with national planning advice contained within Planning Policy Guidance

Note 1: "Delivering Sustainable Development", and Policy GP4 a of the Council's Development Control Local Plan."

- (ii) Condition – “Prior to the phases of the development involving the new Barbican and the hotel complex being brought into use, a full staff travel plan for that phase, developed and implemented in accordance with national guidance and guidance published by the City of York Council, shall have been submitted and approved in writing by the local planning authority

Reason: To ensure that the development complies with national planning advice contained within Planning Policy Guidance Note 13: "Transport", and to encourage the use of modes of transport to and from the site other than the private car.”

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 residential amenity, effect on highway and pedestrian safety and convenience, setting of the adjacent City Walls and Conservation Area and archaeology on the site. . As such the proposal complies with Policies H9, E4,E5 and I13 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, GP3, GP4, GP11, HE2, HE10, T4, T13,T14, T20, H2, H4, L1, C3, V1, and V3 of the City of York Local Plan Deposit Draft.

**21b. Barbican Centre/Kent Street Car Park, Paragon Street, York (03/04075/GRG4)**

Members considered a General Regulations application submitted by City of York Council and Barbican Venture (York) Ltd. for redevelopment including 240 apartments, a hotel, alterations to the Barbican Centre and alterations to the existing multi-storey car park (Ref: 03/04075/GRG4).

The case officer circulated an update at the meeting which set out additional comments received since the publication of the report and the removal of Section 106 obligations following the imposition of conditions relating to energy efficiency measures and a green travel plan for the hotel complex and refurbished Barbican Centre.

Representations were received in objection to the application, from local residents and Fishergate Planning Panel, and in support of the application, from the applicant. Councillor Simpson-Laing also spoke in objection to the application and presented a petition supporting the retention of a pool on the Barbican site. Written representations from Councillor Merrett, in objection to the application, were circulated to the meeting.

It was reported by officers that the proposed Section 106 Agreement now applied to all land excluding the existing auditorium site. The contributions identified in Annex 3 to the report (page 78 of the agenda papers) would

still apply with the exception of (j) and (k) which were instead covered by conditions on the related application under minute 21(a) above.

Members were asked to further note that the capital sum referred to in the recommendations in the report amounting to £6,385,000 arose from the sale of land covered.

A full debate followed, during which the recommendations contained in the report were moved and seconded, subject to the insertion of the word 'minimum' after 'towards the construction of a ...'. Further to that proposal, Councillor Wilde then moved and Councillor Smallwood seconded the following amendment, which, on subsequently being put to the vote, was declared **lost**:

"That the wording of the Section 106 obligation relating to the re-provision of a swimming pool at Kent Street be amended to read:-

Upon signing of the revised agreement, the developers shall provide the City of York Council a capital sum of £6,385,000 *to be used by the Council to provide a county standard pool at the Barbican site.*'

During a full and participative debate, the Chair expressed concern that inappropriate comments had been made about a Council Officer and he wished that concern to be formally recorded.

**RESOLVED:** That the wording of the Section 106 obligation relating to the re-provision of a swimming pool at Kent Street be amended to read as follows and the obligation, as amended, be then referred to Government Office prior to completion of the Agreement:

'Upon signing of the revised agreement, the developers shall provide the City of York Council a capital sum of £6,385,000 who then undertake to use this to deliver new and improved sport facilities within 4 years of receipt of that money. The facilities to be provided shall accord with the City's Sport & Investment Plan (February 2006) in substitution for the re-provision of a pool at Kent Street. Improved sport facilities shall include a contribution towards the construction of a *minimum* 25m 8-lane community swimming pool, built to competition standards.'

**REASON:** To enable any variation to the Section 106 obligation to be referred to Government Office prior to completion of the actual Agreement.

[Note: Councillors Blanchard, Hill, Smallwood, B Watson and Wilde wished it to be recorded that they had voted in favour of the amendment in the name of Councillor Wilde and against the agreed resolution]

[Councillor Simpson-Laing had stepped down from debate and voting on this item under the provisions of paragraph 7.4 of the Planning Code of Good Practice, as she had participated in the call-in process on the Leisure Facilities Strategy]

COUNCILLOR R WATSON

Chair

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