
MEETING	PLANNING COMMITTEE
DATE	16 MAY 2006
PRESENT	COUNCILLORS R WATSON (in the Chair), BARTLETT, CUTHBERTSON, HOPTON, HORTON, HYMAN, JAMIESON-BALL (as substitute for MORLEY) MACDONALD, MERRETT (as substitute for POTTER), MOORE, REID, SMALLWOOD, B WATSON (as substitute for SIMPSON-LAING) and I WAUDBY
APOLOGIES	COUNCILLORS HILL, MORLEY, POTTER and SIMPSON-LAING

PART A – MATTERS WHICH THE COMMITTEE DEALT WITH UNDER DELEGATED POWERS

64. 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.

No interests were declared.

65. MINUTES

RESOLVED: That the Minutes of the meeting held on 27 April 2006 be approved and signed by the Chair as a correct record subject to the following amendments

- In minute 63a. (Bus Depot, Navigation Road, York) the deletion of the words “within the vicinity of the site” in section a) of the resolution and its replacement with “as close to the site as possible”.
- In minute 63a. (Bus Depot, Navigation Road, York) the addition of the following condition

Additional Condition re travel
plan/controlling movement of vehicles

66. 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.

67. PLANS LIST

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

67a. CAR PARK, HEWORTH GREEN, YORK

Members considered a major full application, submitted by Heworth Green Venture, for the erection of a 4 storey office building, including a medical general practice surgery and pharmacy on the ground floor and associated parking (ref: 05/02694/FULM).

Officers updated that the application had been deferred at the last meeting to allow negotiations to take place with the applicant regard a design more worthy of its landmark site. An updated Officers report was circulated which detailed changes made to the design and the Section 106 Agreement and set out additional conditions which would be required in an approval. The applicants also circulated copies of their Heworth Green Design Statement and a photo montage of the proposed building.

Officers reported that no objections had been received from the Environmental Protection Unit and City Development and that two emails had been received, after reconsultation, from local residents but that their objections related mainly to the overall development of the whole Foss Basin Area.

Representations were received, in objection to the application, from a local resident, who confirmed that residents had not seen a plan for the development of the whole site to assess the adequacy of the access to this development. She confirmed that residents were concerned at possible increases in traffic levels in the Layerthorpe/East Parade area and requested a landscaping scheme which included the use of native species. Residents also questioned whether the Section 106 Agreement would cover the provision of double yellow lines on roads, where necessary.

Representations were received from the applicant and the architect who confirmed that the buildings design had now been modified in accordance with Members and Officers comments to break up the facade into proportioned blocks fronting onto the link road. He also confirmed that Highway and EPU's concerns had been alleviated and that a modified Section 106 agreement was being drawn up to include a requirement for a Highway contribution towards the Foss Basin

Transport Plan. In answer to questions he confirmed that final details of materials had yet to be agreed.

Members questioned and commented on the proposals as follows

- Requested details of the proposed landscaping scheme in relation to the frontage to the link road
- Arrangements for and details of numbers of car parking spaces in the basement and for the doctors/pharmacy.
- Comparative figures for employment relating to the doctors/pharmacy as compared with office accommodation
- Were other uses permitted for the doctors/pharmacy premises without the need to apply for change of use?
- That the Highway Authority had powers, independent of the Section 106 agreement, to provide yellow lines where necessary.

Following a brief recess, Officers outlined details of two additional conditions relating to proposed restrictions on the use of the Pharmacy and Doctors Surgery and the need for a parking management plan for the site. They also requested the inclusion of additional landscaping conditions but confirmed that the schemes Architect was aware that the Authority required a quality landscaping scheme at this landmark site.

RESOLVED: That the application be approved subject to the following conditions

1. The development shall be begun not later than the expiration of the three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990.

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

As Revised 15/05/06

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.

3. 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 development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

4. 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 to be planted. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which from the completion of the development subsequently die, are removed or become seriously damaged or diseased shall be replaced in the next planting season 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.

5. The development shall not be begun until details of the junction between the internal access road and the highway have been approved in writing by the Local Planning Authority, and the development shall not come into use until that junction has been constructed in accordance with the approved plans.

Reason: In the interests of road safety.

6. Prior to the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

7. The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

8. No part of the site shall come into use until the turning areas have been provided in accordance with the approved plans. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To enable vehicles to enter and leave the site in a forward gear thereby ensuring the safe and free passage of traffic on the public highway.

9. Prior to the development coming into use 4.5m x 75m highway visibility splays shall be provided at the junction of the internal access road with the James street link, free of all obstructions which exceed the height of the adjacent carriageway by more than 1.0m and shall thereafter be so maintained.

Reason: In the interests of road safety.

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. Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 17.5 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.

13. All buildings to be erected on this site shall have a finished floor level not lower than 10.58m Above Ordnance Datum and these levels shall be indicated on the drawings to be submitted and approved in writing by the Local Planning Authority before development commences.

Reason: So that the Local Planning Authority may be satisfied that adequate protection against flooding is achieved.

14. Any piling operations shall be carried out using the quietest practicable method available and local residents shall be notified in advance of the dates, times, likely duration and works to be undertaken.

Reason:- To protect residential amenity.

15. A scheme to prevent a dust nuisance arising as a result of works on the site must be submitted to and approved in writing by the Local Planning Authority prior to development commencing.

Reason;- In order to protect residential amenity.

16. Details of all machinery, plant and equipment to be installed in or located on the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority. These details shall include maximum (L_{max}(f)) and average (L_A eq) sound levels (A weighted), octave band noise levels they produce and any proposed noise mitigation measures. All such approved machinery, plant, and equipment shall not be used on site except in accordance with the prior written approval of the Local Planning Authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational prior to occupation and appropriately maintained thereafter.

Reason;- To protect the amenity of occupants.

17. All works and ancillary operations, including deliveries to the site, shall only be carried out between the hours of 0800 to 1800 Mondays to Fridays, 0900 to 1300 on Saturdays and never on Sundays/Bank Holidays.

Reason:- To protect residential amenity.

18. Before construction work commences a noise management scheme shall be submitted and agreed in writing with the Local Planning Authority which shall specify the provisions to be made for the control of noise emanating from the site in accordance with BS 5228:Part 1 Code of Practice for Basic Information and Procedures for Noise and Vibration Control on Construction and Open sites.

Reason;- To protect residential amenity.

19. Before the use hereby permitted commences a scheme of ventilation to the offices must be submitted to and approved in writing by the Local Planning Authority. Any scheme submitted must include sound attenuated ventilation ouveres to provide trickle ventilation. Where the external noise levels are such that occupants could be exposed to NEC B, or C if windows were opened for the purpose of rapid ventilation or cooling, acoustic ventilation units incorporating fans should be fitted to the external walls.

Reason;- To protect the amenity of occupants.

20. The building envelope of all buildings with a façade onto Heworth Green, the new link road, Foss Bank, or Layerthorpe, shall be constructed so as to provide sound attenuation against external noise of not less than 40dB(A), with windows shut and other means of ventilation provided. A scheme of sound insulation must be submitted and approved in writing by the Local Planning Authority and fully implemented before the use hereby approved is constructed.

Reason:- To protect the amenity of occupants.

21. Construction work approved by this permission shall not be commenced unless the method for piling foundations has been submitted to and approved in writing by the Local Planning Authority. The piling shall thereafter be undertaken only in accordance with the approved details.

Reason:- To protect Controlled Waters by ensuring that the piling method minimises the likelihood of contamination of groundwater in the underlying aquifer via pathways created during piling.

22. If during development, further contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the applicant has submitted, and obtained written approval from the Local Planning Authority, an addendum to the Method Statement. This addendum must detail how this unsuspected contamination shall be dealt with.

Reason:- To ensure that the development complies with the approved details in the interests of protection of controlled waters.

23. A full validation report of the remedial works following completion of the groundwater monitoring scheme, shall be undertaken and submitted to and approved by the Local Planning Authority.

Reason:- In the interests of public safety.

24. Notwithstanding the provisions of the Use Classes Order 2005, the proposed Pharmacy shall not be used for any other use without the prior written agreement of the Local Planning Authority.

Reason: In order to allow the Local Planning Authority to consider the impact of other potential uses on the site.

25. Notwithstanding the Town and Country Planning Act (Use Classes Order) 2005, the proposed Doctors surgery shall not be used for any other purpose without the prior written consent of the Local Planning Authority.

Reason: In order to allow the Local Planning Authority to consider the impact of other potential uses on the site.

26. The floor area of the proposed pharmacy shall only be as shown on the approved Drawing no. 1502-22-002-rev D accompanying the application and any increase in size must be agreed in writing by the Local Planning Authority.

Reason: In order to allow the Local Planning Authority to consider the impact of an extension to retail floor area.

27. Prior to first occupation of the site by any employer, a full travel plan shall have been submitted and approved in writing by the Local Planning Authority. The travel plan should be developed and implemented in line with local, national guidelines and the travel plan framework submitted with the application. Within 12 months of occupation of the site a first year staff travel survey shall have been submitted and approved in writing by the Local Planning Authority. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of the Travel Plan.

Reason: To ensure the development complies with advice contained in PPG13-Transport, and in Policy T20 of the City of York Local Deposit Draft Local Plan, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other modes of transport to and from the site, together with provision of parking on site for these users.

28. Prior to commencement of development a car park management plan shall be submitted to and approved in writing by the LPA. Such plan shall clearly demonstrate how car spaces are to be allocated to individual site users (including signage/lining details) and measures to be undertaken to control the use of parking facilities in accordance with the travel plan.

Reason: To ensure effective management of the car parking facilities in order to prevent the displacement of car parking onto the adjacent public highway.

29. The Local Planning Authority shall be informed in writing of the expected date that the approved landscape scheme submitted under condition 4 above will be completed on site, to allow the opportunity for the approved landscape scheme to be inspected both at completion and over subsequent five year periods

Reason:- To ensure the landscaping is provided and maintained to satisfaction of the local Planning Authority, in the interests of visual amenity of the locality.

30. Implementation of the landscape works, as shown on the approved landscape plan and associated documents, shall be overseen by a

chartered landscape architect. Before works start on site, the name and address of the appointed Landscape Architect shall be supplied to the Local Authority.

Reason:- To ensure quality control and full compliance with the approved Landscape scheme.

1. INFORMATIVE:

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

INF1 S38

INF1 S278

2. INFORMATIVE: Further information relating to the development of the Travel Plan in accordance with local and national guidelines can be obtained from the Council's Travel Plan Officer.

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 impact upon the character of the local area and the overall townscape of the City of York. The scheme is considered to enhance a landmark plot and as such the proposal complies with Policies GP1, GP4a, E3b, C1, S10 and T18 of the City of York Deposit Draft Local Plan as well as overriding Policy Guidance in the form of PPS1 Delivering Sustainable Development.

COUNCILLOR R WATSON,
In the Chair

The meeting began at 4.30 pm and ended at 6.10 pm.