
MEETING	PLANNING COMMITTEE
DATE	24 MAY 2006
PRESENT	COUNCILLORS R WATSON* (in the Chair), BARTLETT*, CUTHBERTSON, HILL, HOLVEY (as substitute for HYMAN), HOPTON*, HORTON*, MACDONALD, MERRETT (as substitute for POTTER), MOORE, REID*, SIMPSON-LAING, B WATSON (as substitute for SMALLWOOD) and I WAUDBY
APOLOGIES	COUNCILLORS HYMAN, MORLEY, POTTER, SMALLWOOD and WILDE

*attended site visits

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

68. INSPECTION OF SITES

Site	Reason for visit
Land Adjacent to Frog Hall Public House, 87 Layerthorpe, York	To see the context of the site in relation to existing and new development in the area, and site contamination issues.

69. 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.

70. MINUTES

It was reported that the minutes of the Planning Committee meeting held on 16 May 2006 were not yet finalised and would therefore be considered for approval and signing by the Chair at the next meeting.

71. 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.

72. 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.

72a. LAND ADJACENT TO FROG HALL PUBLIC HOUSE, 87 LAYERTHORPE, YORK

Members considered a full application, submitted by Tiger Developments Ltd., for the erection of 158 flats (97 x 1 bed and 61 x 2 bed) in six blocks with associated car and cycle parking, open space with riverside walkway, and construction of a highway from Layerthorpe to the northern boundary of the site (ref: 04/01745/FUL).

A copy of the Case Officer's update was circulated to Members. It included the following proposed amendments to conditions:

- Condition 5 – to restrict the heights of blocks A-D to 27.5m AOD and blocks E-F to 25.0m AOD, thereby linking them to the OS benchmark of 12.11m AOD that had been found on the Layerthorpe frontage of the site;
- Condition 29 – to reflect that the acoustic barrier to protect the open space at the rear of blocks E-F needed to be a brick wall to improve the visual appearance of the site boundary at this prominent location, fronting Layerthorpe.

Written representations from Councillors Ruth Potter and Viv Kind, who represented Heworth Ward, had been circulated to Members for consideration and the Case Officer's update responded to the objections raised.

Representations were received in support of the application from the applicant's agent.

Members expressed a number of concerns regarding the refuse storage area, including its distance from some blocks of flats, its proximity to disabled parking spaces and the risk that cars may be damaged during collections, its height and the risk that larger bins may damage the roof, and the need for adequate space to be provided for recycling facilities. They requested that a condition be added requiring the submission of revised refuse storage arrangements to address these issues.

Some Members expressed concerns regarding the level of affordable housing provision on the site and the lack of family homes, in terms of

the absence of three bed flats and the split between 1 bed and 2 bed flats.

Members requested that condition 6 (LAND1) be amended to extend, beyond five years, the period in which the replacement of trees that died would be required. Members also requested that this condition required the provision of semi-mature and appropriate planting at an early stage, using species that would flourish in areas which were overshadowed by buildings. Some concern was expressed that the children's play area would not receive adequate sunlight during the winter months.

Members requested the addition of informatives suggesting that the applicant discuss the use of sustainable energy on the site with the Council's Sustainability Officer and that the provision of externally accessible letterboxes be considered. They also highlighted the need to ensure public access to the riverside walkway through the Section 106 Agreement.

RESOLVED: That the application be approved, subject to:

- a) A Section 106 Agreement, as outlined in paragraph 5.7 of the report, including arrangements for public access to the riverside walkway;
- b) The conditions listed in the report, with the following amendments:
 - (i) Condition 5 – “Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 27.5 metres A.O.D (blocks A,B,C,D.) and 25.0 metres A.O.D. (blocks E,F.) 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.”

- (ii) Condition 6 - “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 shall include semi mature tree planting on both sides of the link road and on the riverside. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of ten years from the completion of the development 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.”

- (iii) Condition 29 – “Before the use hereby permitted comes into use, an acoustic barrier shall be constructed to protect the outdoor amenity area to the east of blocks E and F from noise. Details of the acoustic barrier shall be submitted to the local planning authority for approval, which shall include the position, length, height and location of the barrier, together with a description of its construction. The barrier shall be installed in accordance with the details as approved by the local planning authority and shall appropriately maintained thereafter.

Reason: To ensure the amenity area is suitably protected from noise.”

And the following additional conditions and informatives:

- (i) Condition – “Amended details of the location of and access to the undercroft bin stores shall be submitted to and approved in writing by the local planning authority before the start of construction work onsite. These details shall include provision for the storage of recyclable materials for collection, in accordance with the Council's household recycling provisions at the time.

Reason: To ensure convenient access to the stores, and their adequate internal storage capacity in accordance with current waste and recycling collection practice.”

- (ii) Informative – “The local planning authority supports the introduction of sustainable energy measures within new developments. Therefore the developer is asked to discuss with the Council's sustainable development officer measures which could be introduced in the construction and subsequent residential occupation of the development to promote sustainable development. Please contact kristina.peat@york.gov.uk tel. 01904 551666.”

- (iii) Informative – “The developer is asked to consider the details of access and security measures at the entrances to the residential apartments to facilitate the delivery of material to residents - accessible letterboxes.”

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 impact on the character of the local area, the overall townscape of the City of York, and removal of

contaminated materials on site.. As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP3, GP4b, GP6, GP7, GP9, GP15a, T14a, H1, H5a. of the City of York Local Plan 4th set of changes, as well as overriding policy guidance in PPS1, PPG's 3, 23 and 24.

[Note: Councillor Merrett requested that his vote against approval of the application be recorded.]

73. KNAPTON VILLAGE DESIGN STATEMENT FOR APPROVAL

Members received a report which presented the Village Design Statement for Knapton and proposed that it be adopted as draft Supplementary Planning Guidance to the draft Local Plan (as amended), with the inclusion of a number of amendments resulting from the consultation process.

An amended version of the Village Design Statement (VDS) was attached as Appendix 1 of the report. Amendments following the consultation exercise had been incorporated, to clarify some points in the document and strengthen others. A schedule of responses received from the consultation, together with the VDS group's and officer's responses were set out in Appendix 2. Page 2 of the VDS explained that the document represented the views of local villagers and included some aspirations that were outside the control of current planning regulations.

A representative of the VDS Group attended the meeting to speak in support of the document and to answer Members' questions.

RESOLVED: That the Knapton Village Design Statement be approved as draft Supplementary Planning Guidance to the draft Local Plan (as amended), for use as a material planning consideration, with the following corrections:

- a) To the fourth paragraph of page 8 to refer to Poppleton Ousebank Primary School;
- b) To the list on page 14 to refer to farm buildings in New House Farm.

REASON: To ensure that new development in the area fits its surroundings and is in keeping with local character and distinctiveness.

74. OPEN SPACE IN NEW DEVELOPMENTS – A GUIDE FOR DEVELOPERS

Members considered a report which sought their approval of the draft Supplementary Planning Guidance (SPG) 'Open Space in New Developments: A Guide for Developers' following public consultation.

Consultation representations, together with officers' comments and recommendations, were attached as Appendix A of the report and the draft SPG, incorporating the suggested amendments, was attached as Appendix B.

Members expressed concern regarding the proposed increase in maximum walking distance for outdoor sports facilities from 1,600m to 3,500m. They noted that whilst this approach was consistent with the Sport and Active Leisure Strategy, it was inconsistent with the approach taken in the draft Local Plan. It was argued that this change would result in a lack of provision in the central urban areas of the city, including for city centre schools, and an increase in car use, which would also impact on the city centre residents where car ownership was lower. It was suggested that further information needed to be provided about the type of facility that may be available at 3,500m and that a further category of smaller, formal facilities may be required at 1,600m. It was agreed to refer these issues relating to accessibility to a meeting of the Local Development Framework Working Group, to which the Executive Member for Leisure and Culture and Advisory Panel would also be invited.

Members also agreed a number of amendments to the draft SPG, as set out below.

RESOLVED: (i) That the following amendments be agreed to the draft SPG, attached at Appendix B of the report:

- a) To paragraph 2.1 and Table 1, to clarify whether the distances given were "recommended", "maximum" or "approximate";
- b) To paragraph 3.1, to refer to dog proofing of sites;
- c) To section 4, to require developers to fund local studies of the areas surrounding larger sites to assess the adequacy of facilities nearby;
- d) To paragraph 4.4, to remove reference to "the size of the site being deemed un/suitable for use", to provide reference to the minimum acceptable sizes listed in paragraph 4.6 and to add the words

“normally the Council would require on site provision where possible”;

- e) To paragraph 4.6, to rephrase the end of the second sentence to read, “unless the developer is to provide a fully operable facility which meets the standards for size set down by national sports governing bodies”;
 - f) To paragraph 5.1, to indicate that provision of open space for employment and retail sites should be seen in the context of the demand from nearby residential areas;
 - g) To paragraph 5.2, to replace the word “encouraged” with “required”;
 - h) To paragraph 6.1, to clarify how maintenance would be carried out after 10 years;
 - i) To paragraph 6.3, to indicate that costs shown in Table 3 would increase over future years;
 - j) To paragraph 6.4, to rephrase the first sentence and to clarify how maintenance would be carried out after 10 years;
- (ii) That a meeting of the Local Development Framework Working Group consider the issues raised relating to accessibility and that the Executive Member for Leisure and Culture and Advisory Panel be invited to this meeting.

REASON: To allow further consideration of the issues relating to accessibility of open space.

COUNCILLOR R WATSON,
In the Chair

The meeting began at 4.30 pm and ended at 7.10 pm.