
MEETING	PLANNING COMMITTEE
DATE	25 OCTOBER 2007
PRESENT	COUNCILLORS R WATSON (CHAIR), SIMPSON-LAING (VICE-CHAIR), CREGAN, CRISP, D'AGORNE, FIRTH, SUE GALLOWAY, GALVIN, JAMIESON-BALL, KING, MOORE, REID, B WATSON, WISEMAN, PIERCE (SUBSTITUTE) AND GILLIES (SUBSTITUTE)
APOLOGIES	COUNCILLORS HORTON AND HUDSON

26. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Reason for Visit	Members Attended
Barbican Centre Paragon Street York YO10 4AG	To enable Members to familiarise themselves with the site.	Cllr Crisp, D'Agorne, Galvin, King, Moore, Reid and Wiseman
York College of Further and Higher Education Tadcaster Road York YO24 1UA	At the request of Cllr Moore to allow the site to be viewed from the grounds of St Leonards Hospice.	Cllr R Watson, Crisp, D'Agorne, Galvin, King, Moore, Reid and Wiseman
Tarmac Limited Ouse Acres York YO26 5SJ	To enable Members to familiarise themselves with the site, and due to objections received.	Cllr R Watson, Crisp, D'Agorne, Galvin, King, Moore, Reid and Wiseman

27. DECLARATIONS OF INTEREST

Members were invited to declare any personal or prejudicial interests they may have in the business on the agenda.

Cllr Moore declared a personal and prejudicial interest in Plans Item 4a (York College of Further and Higher Education) as a volunteer of St Leonards Hospice, and took no part in the discussion or the decision thereon.

Cllr D'Agorne declared a personal interest in Agenda Item 4a and 4b (York College of Further and Higher Education) as an employee of York College.

28. MINUTES

RESOLVED : That the minutes of the meetings held on 30 August 2007 and 27 September 2007 be approved and signed by the Chair as a correct record.

29. 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 this committee.

30. 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.

30a York College of Further and Higher Education Tadcaster Road Dringhouses York YO24 1UA (07/00752/REMM)

Members considered a major reserved matters application, submitted by George Wimpey Ltd, Shepherd Homes Ltd and Magna Holding Ltd, for residential development comprising 360 dwellings after demolition of existing college (resubmission).

Officers updated on drainage, that as a result of the comments of the Environment Agency a revised drawing had been submitted showing an additional length of swale alongside plot 148, adjacent to the northern boundary of the site, and that the remainder of this boundary would be piped in as originally proposed. There were no objections from the Environment Agency and the Council on these revised drainage proposals. Officers also updated that the affordable housing plan required by the Section 106 agreement had been completed, and that following on from the site visit to view the proposals from St Leonards Hospice the applicant had agreed to delete the landscaped bund from alongside the boundary with the hospice, and erect an acoustic fence along this length of the southern boundary of the site.

Officers also updated on proposed amendments to the following if Members were minded to approve the application, relating to condition 6, 13, 15, and 20.

Representations were received in objection to the proposals from a resident of Lycett Road. He raised issues regarding drainage and flooding, and distributed photographs to Members showing flooding.

Representations were received in objection to the proposals from a resident of Lycett Road, raising issues regarding loss of privacy relating to the angle of the proposed dwellings, close proximity to existing dwellings, height of the proposed dwellings and drainage and flooding.

Representations were received in objection to the proposals from a resident of Middlethorpe Drive relating to the fact that the majority of dwellings are three-storey and the loss of trees. *He also requested that the wall from 157 Tadcaster Road along the northern boundary along Middlethorpe Drive be retained through a planning condition.*

Representations were received in support of the application from the agent for the applicant relating to drainage and utilisation of the swale, heights of the proposed dwellings, the removal of the bunds and an acoustic fence for the hospice boundary, and that they would accept a boundary treatment condition.

Cllr Moore spoke from the floor on behalf of St Leonards Hospice, regarding the boundary of St Leonards Hospice and the proposed dwellings, car movements, fencing and planting type for the boundary, and lighting for the cycle/footpath.

Cllr Holvey spoke as Ward Councillor, and stated that not all the issues that had been raised previously when the item was deferred had been addressed. These related to flooding, three-storey dwellings, and privacy for Lycett Road residents. He stated that the application should be refused but if Members were minded to approve the application he would request that the conditions be added regarding boundary treatment, *retention of the wall from 157 Tadcaster Road along the whole of the northern boundary with Middlethorpe Drive*, consultation with the Police Architectural Liaison Officer regarding alleyways, and ownership of the ditches.

Members discussed general boundary issues, height issues relating to 2 ½ storey dwellings, boundary issues relating to the hospice boundary, retention of trees, drainage issues and maintenance of the swale, and the additional conditions proposed by Cllr Holvey, Ward Councillor.

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

- Condition 6 be deleted
- Condition 13 be deleted

17 No development shall commence unless and until details of provision for the future maintenance of the public open space within the site, or alternative arrangements, have been submitted to and approved in writing by the Local Planning Authority. The public open space shall then be maintained in complete accordance with the approved scheme, or the alternative arrangements agreed in writing with the Local Planning Authority.

Reason: In order to ensure that adequate arrangements are in place for the future maintenance of the public open space, in the interests of amenity of future occupiers of the proposed development.

Informative: The alternative arrangements referred to in 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 to be paid to the Council towards the future maintenance of the open space. The obligation should provide for a financial contribution calculated at £200,000.

18 Prior to the commencement of the development, a scheme shall be submitted for the written approval of the Local Planning Authority to secure the identification and recording, or conservation and re-erection/preservation of the following on-site features:

- the ice house located at the rear of 32/34 Middlethorpe Drive, in the vicinity of plots 225, 226, 230 and 231
- the weather vane on the outbuilding adjacent to Ashfield House

Reason: In order to ensure that the features of local historic importance referred to are adequately preserved.

19 Notwithstanding the details shown on the submitted layout plan (Reference 1950-100-Rev X), and prior to the commencement of the development, the applicant shall submit to the Local Planning Authority a scheme for the treatment of the area adjoining the common boundary with St Leonard`s Hospice. This shall include the removal of the bund shown on Drawing no. 1950-100-Rev X, the provision of an acoustic fence along the common boundary, details of which shall be submitted to and agreed in writing by the Local Planning Authority prior to its erection, and details of the landscaping of the area previously shown to be utilised for the provision of the bund. The fence shall be erected prior to the commencement of any development on the site, and the landscaping shall be carried out in accordance with the requirements set out in condition 11 above.

Reason: In order to protect the amenity of the occupiers of St. Leonard`s Hospice.

And that it be delegated to Chief Officer, Chair and Vice Chair regarding the boundary treatment for the southern boundary.

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 layout and design of the development, impact on adjacent occupiers, planning out crime, sustainability, landscaping/tree loss, nature conservation, highway safety/car parking, affordable housing/mix of house types, public open space provision, education provision, drainage, archaeology, noise, vibration, dust, contamination

As such the proposal complies with Policies H1, H5, GP1, GP3, GP9, NE1, NE7, T2, T4, T7, H2 and ED4 of the City of York Local Plan Deposit Draft.

**30b York College Of Further And Higher Education Tadcaster Road
Dringhouses York YO24 1UA (07/01075/FUL)**

Members considered a full application, submitted by George Wimpey Ltd, Shepherd Homes Ltd and Magna Holdings Ltd, for the use of land to south east of site as public open space including provision of footpaths and associated landscaping and drainage works (resubmission).

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

REASON : The proposal, subject to the conditions outlined in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to appropriateness of the proposed layout, internal layout of the open space, and drainage issues, and as such complies with Policy L1c of the City of York Local Plan Deposit Draft.

30c Tarmac Limited Ouse Acres York YO26 5SJ (07/00056/OUTM)

Members considered a major outline application, submitted by Tarmac Ltd and Blackwell Ltd, for residential development comprising houses and apartments after demolition of existing warehouse and plant.

Officers updated that written representations had been received from Councillors Alexander and Bowgett, Ward Councillors. They stated that they objected to the planning application, in relation to the North West Area Action Plan, access to the site and the burden on Millthorpe School.

Officers also updated that if Members were minded to approve the application they would recommend an additional condition to limit the application to 80 residential units. Copies of illustrative plans were distributed for Members information.

Representations were received in objection to the application from a resident of Ouseacres. He stated that the proposals would lead to overshadowing, light pollution and would have an environmental impact on the area. He also raised issues regarding road safety issues, and the traffic assessment carried out.

Representations were received in objection to the application from a resident of Prior Walk, regarding the proposals for and location of green areas. He stated that the areas would attract teenagers and would affect the privacy of residents.

Representations were received from the agent for the applicant in support of the proposals. He stated that the report deals with any objections that have been raised. With regard to traffic a full traffic assessment had been submitted, showing the proposals would have no material impact on traffic levels. The outline application was supported by Officers and the affordable housing provision had been increased to 37.5%.

Members discussed the implications with regard to York North West/York Central Area Action Plan, and were informed by the council's legal officer that refusal on prematurity grounds would not be appropriate in this case.

Members discussed height of the proposed dwellings, access and highway issues, issues relating to the traffic assessment carried out, and noise and vibration from the railway line.

RESOLVED : That the application be approved subject to the a Section 106 agreement which refers to the provision of an on site LEAP approved children's play area, on site amenity space, affordable housing provision and education contribution, and subject to the conditions and informatives outlined in the report, and the following additional conditions and informatives :

31 Construction work shall not begin until a written scheme for protecting the proposed noise sensitive development from noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that the noise level in the gardens of the proposed properties shall not exceed 50 dB LAeq (16 hour) between 0700 hours and 2300 hours and all works which form part of this scheme shall be completed before any part of the development is occupied.

Reason: In the interest of the amenity of the future residents of the development

32 Prior to commencement of the development, an Acoustic Noise and Vibration survey shall be undertaken on the likely effects of vibration from rail traffic on the proposed residential development. The survey must take account of the proposed building construction, so that in addition to measurement of vibration levels at ground level, the vibration frequencies of rail movements and those of wall and floor structures of the proposed dwellings can be assessed. A report shall incorporate an appropriate scheme of mitigation and remedial measures, where appropriate, which shall be approved in writing by the Local Planning Authority prior to commencement of the development. The approved scheme shall be carried out in its entirety prior to the occupation of any dwelling within the application site.

Reason: In the interest of the amenity of the future residents of the development

33 The hereby approved development shall be limited to 80 units only

Reason: The impact upon the surrounding highway network was based on a Transport Assessment for a development of 80 units. Any increase in the number of unit may result in unacceptable highway implications to the detriment of the free flow of traffic within the locality

Informative :

6. The developer is requested to produce a scheme which respects the height of the existing residential properties bounding the site and does not have any detrimental impact upon their amenity

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 loss of employment land, neighbouring residents amenity, traffic implications, existing landscape features, sustainability, educational facilities, the provision of open space or affordable housing. As such the proposal complies with Policy H1 and H8 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies E3b, H4a, H5a, H3c, H2a, GP1, GP4a, ED4 and L1c of the City of York Local Plan Deposit Draft.

30d Barbican Centre Paragon Street York YO10 4AG (07/01399/FULM)

Members considered a major full application, submitted by Golden Tulip Ltd, for the erection of a six storey 160 bedroom 4 star hotel (revised scheme to that approved under 03/04075/GRG4).

Officers clarified the differences in the hotel dimensions in relation to the approved and the proposed scheme:

Approved scheme :

Condition on the approved scheme restricts the height of the building to 22.5 metres

Overall height of approved building to the top of the atrium 21.920 metres

Predominant ridge height 20.5 metres

Proposed scheme :

Atrium deleted. Predominant ridge height 21.900 metres

Height condition (condition 34) to be amended to say 21.9 metres instead of 22.5 metres as in approved scheme

Representations were received from the agent for the applicant in support of the application. She stated that the issues relating to the star rating was outside of the planning remit. The rooms would still be of a generous size and the outer rooms would have the same views as the approved scheme. The roof terrace would no longer be part of the scheme, and the hotel would still be of high quality. Written representations were also distributed to Members from the agent for the applicant giving details of the proposals in terms of the approved and the proposed scheme.

Representations were received from Cllr Scott in objection to the application. He stated that the original permission granted was for a 4* or 5* hotel, and the proposals now did not include a swimming pool or roof terrace. The hotel would be 3* at the most and there would be an increase in the number of bedrooms. He stated that the application should be refused.

Members discussed the increase in the number of bedrooms and the size of these, and the types of bedrooms e.g. number of suites. With regard to the star rating of the proposed development Members were informed that star rating is not a planning matter. Members further discussed green travel plans for employees, materials to be used, height of elevations and the relativity to the City Walls. Members also discussed the possible deferral of the application in relation to requiring further detail to enable them to make a decision regarding materials to be used and the photo montage available, and the design of the proposal. They also raised concerns regarding the detail included in the committee report.

RESOLVED : That the application be deferred.

REASON :

- (i) For the applicant to review the design of the proposal in light of Members comments;
- (ii) For the applicant to provide further detail of the materials to be used;
- (iii) For the applicant to provide more adequate pictorial representations of the proposals;
- (iv) For Members concerns regarding the committee report to be addressed.

**30e Oaklands Sports Centre Cornlands Road York YO24 3DX
(07/01345/GRG3)**

Members considered a general regulations 3 application, submitted by City of York Council, for the extension to existing sports centre to provide swimming pool and associated facilities including additional car parking and associated plant, and new canopy to existing sports centre entrance.

Officers updated that the disabled parking details had been modified, and that if Members were minded to approve the application that condition 8 (standard highway condition 19) would be replaced with standard highway condition 18.

Members discussed the target dates for completion of the new pool and closure of the Edmund Wilson pool, capacity of the viewing gallery, usage of the pool by the public and school swimming, and parking.

RESOLVED : That the application be approved under General Regulations 3 Council Development subject to the conditions outlined in the report and subject to the following amendment :

Condition 8:

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.

REASON : The proposal, subject to the conditions listed above and in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to residential and visual amenity, highway safety, sustainability and design . As such the proposal complies with Policies R1 and R9 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies ED1,ED11,GP1,L1a,ED3 and GP4a of the City of York Local Plan Deposit Draft.

COUNCILLOR R WATSON
CHAIR

The meeting started at 4.30 pm and finished at 8.10 pm.