
MEETING	PLANNING COMMITTEE
DATE	22 NOVEMBER 2007
PRESENT	COUNCILLORS R WATSON (CHAIR), SIMPSON-LAING (VICE-CHAIR), CREGAN, D'AGORNE, FIRTH, SUE GALLOWAY, HORTON, HUDSON, JAMIESON-BALL, KING, MOORE, B WATSON, WISEMAN, HYMAN (SUBSTITUTE) AND PIERCE (SUBSTITUTE)
APOLOGIES	COUNCILLORS CRISP, GALVIN AND REID

31. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
Hungate Development Site, Hungate	Councillors Horton, Pierce, Gillies and R Watson	To enable Members to familiarise themselves with the site

32. DECLARATIONS OF INTEREST

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

Councillor Hudson declared a personal and prejudicial interest in Plans Item 4a (Hungate Development Site, Hungate, York) as his firm had done some work in connection with this development.

Councillor D'Agorne declared a personal and prejudicial interest in Agenda Item 5 (York College: Request for temporary variation of terms of Section 106 agreement, regarding provision of sports facilities.) as he was an employee of York College.

33. MINUTES

RESOLVED: That the minutes of the meeting held on 25 October 2007 be approved and signed by the Chair as a correct record.

34. 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 this committee.

35. 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.

35a Hungate Development Site Hungate York (07/01901/REMM) [Guildhall Ward]

Members considered a major reserved matters application submitted by Hungate (York) Regeneration Ltd for Phase II of the development; the erection of a five storey development comprising 154 residential units including car parking and seven ground floor commercial units (1151 sqm) – to which outline planning permission 02/03741/OUT dated 18.07.06 relates.

The Officer updated the following paragraphs of the committee report:

Paragraph 4.7:	Canalisation should read canyonisation
Paragraph 4.27:	The amount of affordable housing was revised after Phase I, it was reduced by 2 units down to 144 (87 rented and 57 for discounted sale). The outstanding affordable units will all be 1 and 2 bedrooms.
Paragraphs 4.37-4.38:	The 15% figure for excellent homes applies to the whole site and not each phase.

A revised Ecological Management Plan had been received and meetings would be held with the York Natural Environment Trust (YNET), Foss Society, Local Planning Authority (LPA) and the Applicants regarding proposals to stabilise the river wall.

The Officer reminded the Committee that conditions 12 and 17 of the outline application required details of cycle parking and an interim travel plan to be agreed before development of Phase II commences.

Representations were received from the architect who said that the many of the principals of what the project would be like architecturally had already been agreed. There was an increase in proposed commercial premises alongside the River Foss and less residential in this area. This was to try and encourage an active riverfront environment.

Members asked the architect what the split of residential units were and he responded that there would be 5 studio apartments, 32 one bedroom apartments, 104 two bedroom apartments and 13 three bedroom apartments.

Some Members felt that the studio apartments were too small. The architect felt that in terms of balance of size of accommodation, five studio apartments were not inappropriate. There would be a small demand for the smaller properties. Members discussed the storage space for commercial recycling and felt that it was too small. The architect felt that it would be possible to improve this but it would also depend on the frequency of the collection service.

Members discussed the following:

- Whether the proposed development had a unique identity
- Concerns regarding the practical use of the courtyards and shared amenity space
- The possibility of using the roof areas (for clothes drying areas)
- Concerns regarding the safety of the underground parking areas
- Concerns that there will be too few cycle parking facilities
- The need to get the planting correct
- The smallness of the studio apartments
- The commercial premises and the storage of the restaurant's tables and chair
- Concerns regarding the operating hours of the restaurants

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

Condition 2

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:

- Roof panels
- Chimneys
- Vertical diving fin(s)
- Typical eaves, verge and parapet details
- Soffit overhang
- Columns including bases and capitols
- All types of windows and window systems (1:20 + larger scale details, door openings showing reveals, lintels and cills)
- Glazing
- Terrace and balconies including soffits and doors onto balconies

- Main entrance doors, door surrounds and canopies
- Letterboxes
- Shafts into basement car park
- Vents for car park

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

Condition 9

The commercial premises shall not be open to customers outside the following hours:

Sunday to Thursday	07:00 to 23:00
Fridays and Saturdays	07:00 to 24:00

All associated cleaning up, clearing of outdoor tables and disposal of waste shall be completed within 30 minutes of the required closing time.

All tables and chairs shall be either fixed to the ground or stored within the premises outside the permitted hours of operation.

Reason: In the interests of residential and visual amenity.

Condition 10

Prior to occupation of the commercial units, a noise management scheme, which shall specify how noise emanating from the units shall be controlled, shall be agreed by the Local Planning Authority and the agreed scheme adhered to at all times.

Reason: In the interests of amenity.

Condition 11

No external speakers shall be installed at the commercial premises.

Reason: in the interests of local and residential amenity.

Condition 12

Prior to development commencing a drawing illustrating the amount and location of the car parking spaces for the affordable units shall be submitted to

and agreed in writing by the Local Planning Authority. The spaces shall be retained for such thereafter.

Reason: To ensure an adequate amount of car parking for affordable dwellings.

REASON: That 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;

- design and appearance
- amenity
- landscaping
- nature conservation
- affordable housing/mix of house types
- planning out crime
- sustainability
- flood risk

As such the proposal complies with Policies GP1, GP3, GP4A, GP9, GP11, GP15, HE2, NE1, NE2, NE3, NE7, H2, H3C, T4 and S6 of the City of York Local Plan Deposit Draft.

36. YORK COLLEGE : REQUEST FOR TEMPORARY VARIATION OF TERMS OF SECTION 106 AGREEMENT, REGARDING PROVISION OF SPORTS FACILITIES.

Members considered a report that presented a request from York College for a temporary variation in the terms of the Section 106 Agreement relating to the College development. The variation sought concerns the availability for the community of the College's new sports facilities. The request is a consequence of the College's response to development opportunities which have the potential to result in significantly enhanced facilities. The report recommends agreement to the request, because of potential benefits for community sports facilities in the long run.

Officers circulated a plan (attached as an annex to these minutes) outlining the York College Playing Fields. The plan summarises the main issues to be resolved in the provision and siting of the potential three extra pitches and facilities from a Partnership Scheme. Officers reported that it may be possible to upgrade the pitches and changing facilities at All Saints' School if the Partnership Scheme was successful and said that discussions would take place with All Saints regarding this.

Representations were received from a representative of York College who reaffirmed the college's commitment to completing the facilities. However, the College now had the opportunity to significantly enhance the proposed sports facilities through a partnership agreement. This would cause a temporary delay for a maximum of two years but they would endeavour to facilitate things sooner if possible.

Members asked whether the facilities would be in place by 2009 or whether it would just be the Partnership Agreement in place. Officers responded that it would be the facilities in place. Members asked what would happen if the Partnership Agreement failed and Officers responded that the Section 106 Agreement would be reinstated.

Members considered the following options:

Option 1 To decline the College's request for a temporary variation to the Section 106 Agreement and require the Multi-use Games Area (MUGA) and 2 pitches to be made available for shared College and community use as soon as practicable.

Option 2 To agree to the College's request for a temporary variation to the Section 106 Agreement, as set out in the table at paragraph 9 of the report; that is to delay community access to the MUGA and the 2 pitches until September 2009 at the latest, to allow negotiations to continue for enhanced sports facilities.

RESOLVED: Members agreed the College's proposed variation to the Section 106 Agreement (Option 2).

REASON: To enable the negotiations for a partnership scheme, which would bring in extensive sports funding, to be completed. If successful, a significantly wider and enhanced range of sports facilities would be created for the community, over and above the facilities originally envisaged in relation to the college development.

It is believed that the delay to September 2009 in providing the MUGA and 2 grass pitches would cause only limited inconvenience for community sport, bearing in mind the potential benefits to be gained; including 3 extra pitches, changing facilities, a soccer team based at the site and community outreach work.

37. INTERIM PLANNING STATEMENT: SUSTAINABLE DESIGN AND CONSTRUCTION

Members considered a report that sought their approval to use the Interim Planning Statement (IPS) on Sustainable Design and Construction (attached at Annex A of the report) for Development Control purposes. (The IPS was formally referred to as Supplementary Planning Guidance (SPG) but new requirements of the planning system meant that a change in title was required).

The IPS has been produced to support Policy GP4a (Sustainability) of the Local Plan. Policy GP4a seeks to ensure that all new development takes account of sustainability issues by requiring applicants to submit a sustainability statement to accompany their proposals. The IPS provides

further guidance to applicants on what is expected from them as part of preparing a sustainability statement.

The main change to the IPS was the inclusion of the 'Code for Sustainable Homes' standards which has replaced the BREEAM Eco-Homes standard for residential development. The Code for Sustainable Homes uses a sustainability rating system indicated by stars to communicate the overall sustainability performance of a home. Code 1* is the lowest level and 6***** is the highest. A Code 2** is thought to be the equivalent to an Eco-Homes standard of 'very good'

Members of the Committee felt that a minimum of 3*** should be sought for new residential development within the city.

An amendment was proposed and seconded to adopt the code for sustainable homes level 3***. The amendment was agreed.

Members discussed the questionnaire for domestic extensions and felt that the questions needed to be open rather than closed and some of the questions needed rewording for clarity.

Members were presented with the following options:

- | | |
|-----------------|-----------------------------------------------------------------------------|
| Option 1 | To approve the IPS for Development Control purposes to support Policy GP4a |
| Option 2 | To seek amendments to the IPS through recommendations of Planning Committee |
| Option 3 | To defer the IS and request further work from Officers |

RESOLVED: That Members agreed:

- To approve the IPS: Sustainable Design and Construction document for the purpose of Development Control to support the Local Plan Policy GP4a
- That the Policy be amended to reflect the following amendment:
 - To adopt the code for sustainable homes level 3***
- That the making of any incidental changes or other changes necessary as a result of the recommendations of the Planning Committee, are delegated to the Director of City Strategy in consultation with the Executive Member and Opposition Spokesperson for City Strategy and the Chair of the Planning Committee

REASON: To implement GP4a of the Draft Local Plan incorporating the fourth set of changes and so the report can be published for Development Control purposes.

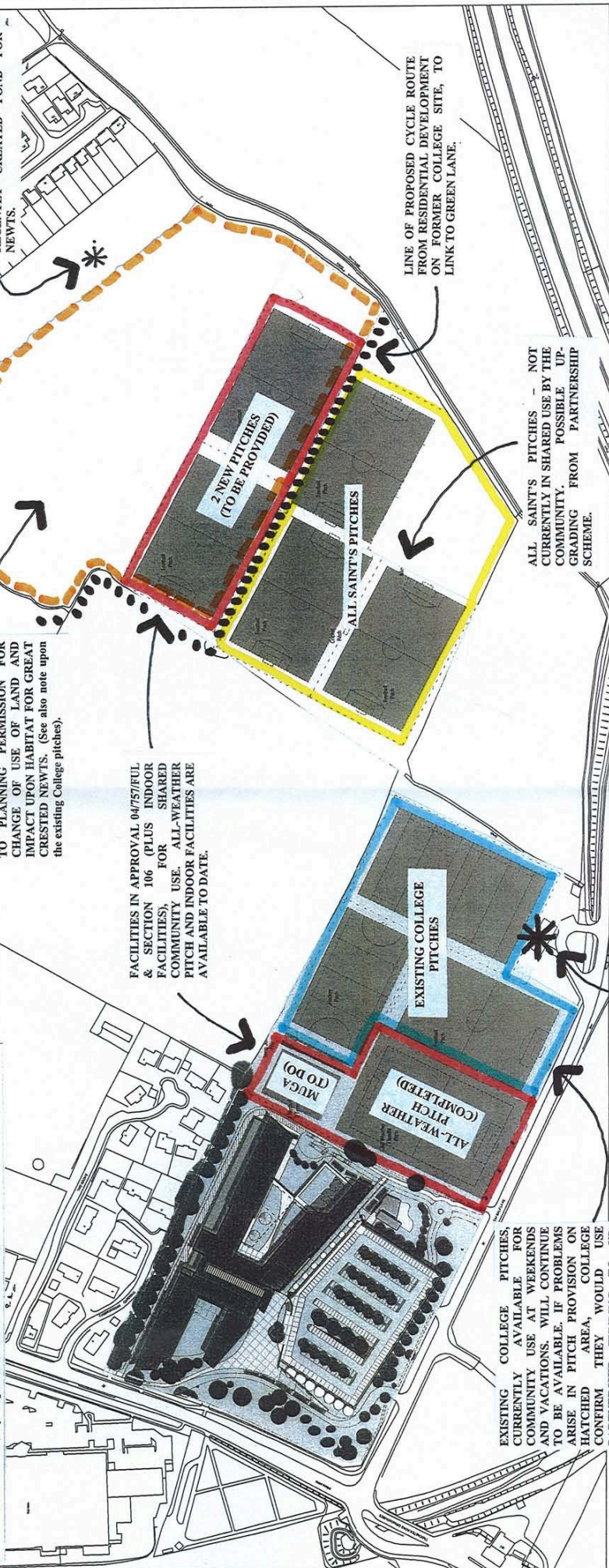
COUNCILLOR R WATSON

CHAIR

The meeting started at 4.35 pm and finished at 7.10 pm.

YORK COLLEGE SPORTS FACILITIES NOTES TO ACCOMPANY PLAN

1. This plan summarises the main issues to be resolved in the provision and siting of the potential three extra pitches (making a total of 5 pitches) and facilities from a Partnership Scheme.
 2. However, the principle of the significant benefits to be gained from the Partnership scheme remain the same.
 3. The Partnership could bring substantial match funding. The key benefit would be the replacement of the Sim Balk Lane changing rooms. This is necessary to provide the facilities needed for the additional pitches.
 4. In the meantime, the College confirm that they will continue to make their existing pitches available for community use. The new All Weather Pitch and Indoor Facilities are also now being used by the community.
- The College's request for a temporary variation in the Section 106 is made to enable the Partnership scheme to come to fruition, including resolution of location of pitches. If negotiations are not concluded, the MUGA and 2 new pitches will be provided as agreed in the current Section 106, by September 2009 at the latest.



POTENTIAL EXTENSION TO PROVIDE 3 EXTRA PLAYING PITCHES GIVING TOTAL OF 5 PITCHES. FOR SHARED COMMUNITY USE. THIS IS SUBJECT TO PLANNING PERMISSION FOR CHANGE OF USE OF LAND AND IMPACT UPON HABITAT FOR GREAT CRESTED NEWTS. (See also note upon the existing College pitches).

FACILITIES IN APPROVAL 04/757/FUL & SECTION 106 (PLUS INDOOR FACILITIES) FOR SHARED COMMUNITY USE. ALL-WEATHER PITCH AND INDOOR FACILITIES ARE AVAILABLE TO DATE.

LINE OF PROPOSED CYCLE ROUTE FROM RESIDENTIAL DEVELOPMENT ON FORMER COLLEGE SITE, TO LINK TO GREEN LANE.

ALL SAINT'S PITCHES - NOT CURRENTLY IN SHARED USE BY THE COMMUNITY. POSSIBLE UP-GRADING FROM PARTNERSHIP SCHEME.

CHANGING ROOMS OFF SIM BALK LANE: REPLACEMENT BADLY NEEDED AND ESSENTIAL TO SERVE POTENTIAL ADDITIONAL PITCHES/FACILITIES; THUS REPLACEMENT WOULD BE A KEY BENEFIT FROM THE PARTNERSHIP.

EXISTING COLLEGE PITCHES. CURRENTLY AVAILABLE FOR COMMUNITY USE AT WEEKENDS AND VACATIONS. WILL CONTINUE TO BE AVAILABLE IF PROBLEMS ARISE IN PITCH PROVISION ON HATCHED AREA. COLLEGE CONFIRM THEY WOULD USE PARTNERSHIP FUNDING TO UP-GRADE THESE EXISTING PITCHES.



YORK COLLEGE PLAYING FIELDS

SCALE: 1:3000
DRAWING: PSL
DATE: 16/11/2007

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