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MEETING	PLANNING COMMITTEE
DATE	24 JUNE 2008
PRESENT	COUNCILLORS POTTER (VICE-CHAIR, IN THE CHAIR), CRISP, D'AGORNE, FIRTH, FUNNELL, HUDSON, JAMIESON-BALL, MOORE, PIERCE, REID, SIMPSON-LAING, WISEMAN, ORRELL (AS SUBSTITUTE FOR R WATSON) AND LOOKER (AS SUBSTITUTE FOR HORTON, EXCEPT FOR AGENDA ITEMS 4E & 5)
APOLOGIES	COUNCILLORS GALVIN, HORTON, VASSIE AND R WATSON

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## 7. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
Grain Stores, Water Lane, York	Councillors Potter, Crisp, D'Agorne, Firth, Funnell, Hudson, Looker, Reid & Wiseman	To familiarise Members with the site and the local impact of the development.
Joseph Rowntree School, Haxby Road, York	Councillors Potter, Crisp, D'Agorne, Firth, Funnell, Hudson, Looker, Reid & Wiseman	To familiarise Members with the site and the local impact of the development.
Kent Street Car Park, Kent Street, York	Councillors Potter, Crisp, D'Agorne, Firth, Funnell, Hudson, Looker, Reid & Wiseman	To familiarise Members with the site and the local impact of the development.
The Minster, St Peter's Cathedral, Minster Yard, York	Councillors Potter, Crisp, D'Agorne, Firth, Funnell, Hudson, Looker, Pierce, Reid & Wiseman	To familiarise Members with the site and the local impact of the development.

## 8. DECLARATIONS OF INTEREST

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

Councillors Funnell, Hudson and Pierce declared personal non-prejudicial interests in agenda item 4a (The Minster, St Peter's Cathedral, Minster Yard, York) as their families were involved in the work of the Minster.

Councillor D'Agorne declared a personal non-prejudicial interest in agenda item 4b (Kent Street Car Park, Kent Street, York) as a governor of Fishergate School.

Councillor Orrell declared a personal prejudicial interest in agenda item 4b (Kent Street Car Park, Kent Street, York) as he had been heavily involved in discussions relating to all aspects of the Barbican redevelopment as the former Executive Member for Leisure & Culture. He left the room and took no part in the discussion or decision on this item.

Councillor Moore withdrew from the room for agenda items 4c & 4d (Grain Stores, Water Lane, York) under the provisions of the Planning Code of Good Practice.

Councillor Jamieson-Ball declared a personal prejudicial interest in agenda item 4e (Joseph Rowntree School, Haxby Road, York) as he had taken decisions relating to this development as an Executive Member. He left the room and took no part in the discussion or decision on this item.

Councillor Moore stood down from the Committee for agenda item 6 (Consultation Draft Village Design Statement for Skelton) and spoke from the floor as Chair of the VDS Steering Group.

## **9. MINUTES**

RESOLVED: That the minutes of the meeting held on 14 May 2008 be approved and signed by the Chair as a correct record.

## **10. PUBLIC PARTICIPATION**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme on general issues within the remit of the Committee.

## **11. 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.

**11a The Minster, St Peters Cathedral, Minster Yard, York, YO1 7HH  
(08/00849/FUL)**

Members considered a full application, submitted by the Dean and Chapter of York, for the remodelling of steps to the South Transept to form a disabled ramp and new steps, remodelling of the carriageway to form a paved area at the South Transept and Minster gates, and external alterations to 7 and 9 Minster Gates to form a shop and ticket office.

Officers confirmed that no comments had been received from the York Access Group, the Cyclist Touring Club and the York Civic Trust.

Representations were received requesting improved delineation of the cycle routes, and in support of the application, from the project director for the Minster Piazza Scheme. Copies of Cycling England's Design Guidance for Vehicle Restricted Areas were circulated to Members.

Members highlighted the need to engage with the York Access Group to ensure that the surfacing was appropriate for partially sighted people, particularly in terms of the distinction between pedestrian and cycle areas. Officers advised that this would be covered by condition 5 and Members also proposed that condition 8 should be amended to make specific reference to engaging with the York Access Group. Members highlighted the need for the surface markings to indicate shared pedestrian and cycle areas to minimise conflict between users.

Members also requested that the provision of cycle parking be included in condition 4.

**RESOLVED:** That delegated authority be granted to the Assistant Director (Planning & Sustainable Development), in consultation with the Chair and Vice Chair, to approve the application, subject to the conditions listed in the report, with the following amendments and additions:<sup>1</sup>

Amended Condition 4

Notwithstanding the submitted information and the terms of Condition 2 above, large scale details/ additional information 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 and retained in accordance with the approved details.

- a) Constructional design and siting of cast iron bollards at the junction of Minster Gates with Minster Yard, using existing bollards
- b) Siting of existing and proposed street furniture
- c) Details of surface water drainage including general layout, and specific details at each of the outlet locations.

- d) Street lighting details including the re-siting of gas lighting columns and the provision of new lighting and services to the ramps and steps
- e) Large scale details of the entire stepped and ramped area showing the relationship of the new material to the existing fabric, on a stone- by- stone basis
- f) Samples of new materials to be used in the formation of the steps, ramp and all paved areas
- g) Pavement layout of Phase 1 and Phase 2 in Minster Yard, following agreement of sample areas set out on site
- h) Final level positions of new surfaces
- i) The alignment of the carriageway
- j) Location and details of access covers in the paved area
- k) Large scale details of any modifications .if required to the piers and railings defining the east end of the Piazza
- l) Large scale details of any new handrails
- m) Cycle parking

Reason: To ensure that the Local Planning Authority is satisfied with the details in the interests of amenity, acceptable drainage and highway safety.

#### Amended Condition 8

Prior to the commencement of any works on site, a detailed method of works statement to include a full 3 stage road safety audit carried out with advice set out in the DMRB HD19/03 and guidance issued by the Council in consultation with the York Access Group, will be required for the highway layout and all off-site works requiring alteration, stage 1 of which must be submitted to and agreed in writing by the Local Planning Authority prior to works commencing on site. This statement shall include the precautions to be taken to ensure that the safety of the general public, the method of securing the site, access to the site and the route to be taken by vehicles transporting the demolition and construction material, and the hours during which demolition, construction and deliveries to and from the site which will be permitted.

Reason: To minimise the road safety risks associated with the changes imposed by the development and to ensure that the works are carried out in a safe manner and with minimum disruption to users of the public highway and adjacent occupants.

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 visual amenity and character of the host building, adjacent listed buildings, and the wider conservation area
- archaeological remains
- flood risk
- highway and pedestrian safety

As such, the proposal complies with Policies HE2, HE4, HE10, T2a and GP11 of the City of York Draft Local Plan- Incorporating the Proposed 4th Set of Changes; and national planning guidance contained in Planning Policy Statement 1 "Delivering Sustainable Development", Planning Policy Guidance Note 13 "Transport", Planning Policy Guidance Note No. 15 "Planning and the Historic Environment" and Planning Policy Guidance Note 16 " Archaeology and Planning".

Action Required

1 - To issue the decision notice and include on weekly planning decision list within agreed timescales.

JB

**11b Kent Street Car Park, Kent Street, York (08/00871/FULM)**

Members considered a major full application, submitted by Indomito Properties LLP, for the erection of a two and four storey hotel comprising 108 bedrooms, bar and restaurant facilities and associated landscaping (resubmission).

An update was circulated to Members confirming that the Council's Structures and Drainage Section was satisfied with the technical details received regarding drainage and proposing the inclusion of an additional condition (set out below).

Officers confirmed that no comments had been received from the Fishergate Planning Panel and also clarified that the distance between the proposed hotel and Barbican Court was 14.5m.

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

Members requested the addition of a condition requiring maintenance of the path to Fishergate School on the east side of the site. Members also agreed that condition 32, relating to the relocation of the coach park, was unnecessary and suggested that an informative should be included instead referring to the applicant's unilateral undertaking that there would be no work on site for two months, to allow adequate time for the relocation to take place.

RESOLVED: That the application be approved, subject to the conditions listed in the report, with the following amendments and additions:<sup>1</sup>

Additional Condition

Prior to commencement of the development final details of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall demonstrate a maximum surface water discharge rate of 17 litres per second. The development shall thereafter be carried out fully in accordance with the approved details.

Reason: To reduce the risk of flooding of the proposed development and adjacent sites.

Additional Condition

The existing footpath along the eastern boundary of the site from Kent Street giving access to Fishergate Primary School shall, following the development at all times be retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In the interests of the convenience of pedestrians using the existing path.

Replacement of Condition 32 with an Informative

It is understood that the applicant has agreed that no work shall commence on the redevelopment of the site, and that the existing coach parking facility shall remain available, for a period of at least two months from the date of this permission. This is in order to allow an opportunity for alternative coach parking to be provided by the Council.

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 GP1, GP3, GP4a, GP11, T4, T12, T13, T14, T20, V1 and V3 of the City of York Local Plan Deposit Draft.

Action Required

1 - To issue the decision notice and include on weekly planning decision list within agreed timescales.

JB

## 11c Grain Stores, Water Lane, York YO30 6PF (08/00832/OUTM)

Members considered a major outline application, submitted by Water Lane Ltd, for mixed use development comprising B1c, C1, C2, C3 and D1 uses, including parking and new access arrangements, after demolition of existing warehousing units.

An update from the case officer was circulated at the meeting, which set out the following comments from Clifton Without Parish Council, who were not objecting to the application:

- *Careful consideration must be given to traffic issues. Water Lane is already subject to queuing at peak times (early morning and 16.00 to 18.00). With the proposal for a hotel on the site there is the likelihood of 24-hour traffic movements, besides the traffic movements of property owners on site.*
- *Provision of a regular bus route close to this development is a “must”.*
- *With the provision of 240 homes on site there must be consideration of the effects on schools in the Clifton Without and Rawcliffe parishes.*
- *The effects of light pollution need to be considered.*
- *Consultation with recognised bodies will be essential regarding provision of Open Space on the development*
- *The site should have high quality landscaping, which should encourage wildlife.*
- *The proposed rainwater harvesting and enhancement of drainage to alleviate run-off are positive factors in the scheme.*

A verbal update was also provided on the potential of upgrading bus services passing the site and comments from the Council's Tourism Manager, who welcomed any proposal for a hotel in the city, were reported.

Representations were received in support of the application, from the applicant, and outlining comments relating to traffic levels and removal of asbestos.

Some Members commented that there was no evidence that the site was not required for employment purposes, as allocated in the Draft Local Plan (Changes 4), prior to the completion of the Employment Land Review. Other Members highlighted that the site was surrounded by housing and therefore should not be promoted for employment use, as this may cause disturbance to local residents.

RESOLVED: That the application be refused.<sup>1</sup>

REASON: The land subject to this application is allocated within the 4th Set of Changes to the City of York Draft Local Plan as a Standard Employment Site. Other than the stipulated B1c use, the proposed uses are contrary to this allocation and specifically Policy E3b of the City of York Draft Local Plan. The Council consider that there

is no clear evidence at this time that the site is not required for the specified employment uses and therefore the application is considered to be premature and therefore should be resisted.

Action Required

1 - To issue the decision notice and include on weekly planning decision list within agreed timescales. JB

**11d Grain Stores, Water Lane, York YO30 6PF (07/01992/OUTM)**

Members considered a major outline application, submitted by Water Lane Ltd, to form class B1c, C1, C2, C3 and D1 uses, including parking and new access arrangements, after demolition of existing warehousing units .

The proposal, which was identical to application 08/00832/OUTM (minute 11c refers) had a long planning history and was now subject of an appeal against non-determination by the Council. In such circumstances it was no longer possible for the Council to determine the application and the purpose of the report was to establish the formal attitude of the Committee to the proposal, for use in the forthcoming Public Inquiry.

RESOLVED: That the application be opposed at the forthcoming Public Inquiry.<sup>1</sup>

REASON: The land subject to this application is allocated within the 4th Set of Changes to the City of York Draft Local Plan as a Standard Employment Site. Other than the stipulated B1c use, the proposed uses are contrary to this allocation and specifically Policy E3b of the City of York Draft Local Plan. The Council consider that there is no clear evidence at this time that the site is not required for the specified employment uses and therefore the application is considered to be premature and therefore should be resisted.

Action Required

1 - To oppose the application at the Public Inquiry. JB

**11e Joseph Rowntree School, Haxby Road, York, YO32 4BZ (08/00773/FULM)**

Members considered a major full application, submitted by Learning, Culture & Children's Services, for the erection of a part two storey, part three storey building to form a purpose built school (to replace the existing school building) with associated car and cycle parking, landscaping and sports pitches, and the use of adjacent land to the south for temporary car parking and access during the construction phase.



The case officer recommended an number of additional or amended conditions be included:

- Four conditions relating to biodiversity;
- An hours of demolition and construction condition;
- A condition requiring a detailed method statement to demonstrate how the change in surface adjacent to the existing tennis courts could be carried out without detriment to the health of the adjacent trees;
- A condition requiring heras fencing along the diverted public footpath;
- An amendment to condition 38 restricting the height at three storey level to 11.8m.

It was also confirmed that the Internal Drainage Board had withdrawn their objections to the application, in view of the Environment Agency's comments.

Members requested that the hours of demolition and construction required by condition be the standard 08.00-18.00 Monday to Friday, 9.00-13.00 Saturday and no work on Sundays and Bank Holidays.

RESOLVED: That the application be approved, subject to the conditions listed in the report, with the following amendments and additions:<sup>1</sup>

#### Amended Condition 38

Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 11.8 metres at three storey level and 8.5 metres at two storey level, 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.

#### Additional Condition

A habitat and landscape management plan for the whole site shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development or within such longer period as may be agreed in writing prior to commencement. The

plan shall include:

- (i) Description and evaluation of the features to be managed;
- (ii) Ecological trends and constraints on site that may influence management;
- (iii) Aims and objectives of management;
- (iv) Appropriate management options for achieving aims and objectives;
- (v) Prescriptions for management actions;
- (vi) Preparation of a work schedule (including a 5 yr project register, an annual work plan and the means by which the plan will be rolled forward annually);
- (vii) Personnel responsible for implementation of the plan;
- (viii) Monitoring and remedial / contingencies measures triggered by monitoring.

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority.

Reason: To maintain and enhance the biodiversity value of the site

#### Additional Condition

Prior to the commencement of the development or within such longer period as may be approved in writing prior to commencement full details of proposed measures for bat mitigation and conservation shall be submitted to and approved in writing by the Local Planning Authority and a Natural England Protected Species Licence will be required for the mitigation measures, a copy of the Natural England Protected Species Licence should be supplied to the Local Planning Authority prior to any demolition works taking place at the site.

The measures should include:

- i. Further survey at the appropriate time of year to confirm the species and numbers present.
- ii. A plan of how bats are to be dealt with during the demolition phase.
- iii. The inspection of any buildings to be demolished or disturbed as close to the date of work as possible and no earlier than one month prior to any work to ascertain the presence or otherwise of roosting or hibernating bats in the structure.
- iv. No buildings containing bats to be demolished

until the bats have been safely excluded using previously agreed methods. By preference demolition should take place in winter when bats are not present.

- v. Details of what provision is to be made within the new building to replace the features lost through the demolition of the original structure. Features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards, bat lofts and bat boxes.
- vi. The timing of all operations

The works shall be completed in accordance with the approved details prior to the occupation of the accommodation and shall be retained unless otherwise agreed in writing with the Local Planning Authority.

Reason: To take account of and enhance habitat for a protected species.

Note: Under PPS9 the replacement/mitigation proposed should provide a net gain in wildlife value.

#### Additional Condition

No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority of measures to be provided within the design of the building to enhance biodiversity. The measures shall be incorporated in accordance with the approved details and shall be retained fit for purpose unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enhance biodiversity in a Green Belt/countryside setting.

#### Additional Condition

No development shall take place until a Wildlife Protection Plan for Construction has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- b) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as the bird nesting season);
- c) Persons responsible for:

- (i) Compliance with legal consents relating to nature conservation;
- (ii) Compliance with planning conditions relating to nature conservation;
- (iii) Installation of physical protection measures during construction;
- (iv) Implementation of sensitive working practices during construction;
- (v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
- (vi) Provision of training and information about the importance of "Wildlife Protection Zones" to all construction personnel on site.

All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in writing by the Local Planning Authority".

Reason: To protect features of recognised nature conservation importance.

Additional Condition

All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00
Not at all on Sundays and Bank Holidays.	

Reason: In the interests of residential amenity

Additional Condition

Prior to the commencement of development or within such longer period as may be agreed in writing prior to commencement a detailed method statement shall be submitted to and approved in writing by the Local Planning Authority to demonstrate how the change in surface adjacent to the existing tennis courts on the north side of the site (the siting of the new netball/ tennis courts) can be carried out without detriment to the health of adjacent trees. The development shall be carried out in complete accordance with the approved method statement, which shall include a time scale to be agreed as part of the statement.

Reason: In order to ensure the long term survival of

the tree in the interests of visual amenity.

#### Additional Condition

The fencing between the diverted public footpath and the construction workers footpath shall be heras fencing. No other fencing shall be constructed along this boundary without the prior written approval of the Local Planning Authority.

Reason: In the interests of the amenity and safety of the users of the footpath

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:-

- Design and landscape considerations
- Traffic, highways and access issues
- Playing field provision
- Drainage
- Sustainability
- Crime prevention
- Temporary use of open Space.

As such the proposal complies with Policies ED1, ED11, GP1, GP4a, GP7 and GP9 of the City of York Local Plan Deposit Draft.

#### Action Required

1 - To issue the decision notice and include on weekly planning decision list within agreed timescales. JB

## **12. CONSULTATION DRAFT VILLAGE DESIGN STATEMENT FOR SKELTON**

Members received a report which presented the Skelton consultation draft Village Design Statement (VDS). It summed up the process so far in producing the document and concluded that a consultation process should be undertaken, with a view to adopting the design statement as an Interim Planning Statement to the draft Local Plan (as amended).

The report presented the following options for consideration:

- Option 1 – To approve the draft VDS for consultation, with the range and methods of consultation outlined in the report;
- Option 2 – To request the Skelton VDS Group to amend the draft document and/or to request officers to make basic changes to the range and methods of consultation;
- Option 3 – To not approve the draft VDS for consultation.

Representations were received from Councillor Richard Moore as Chair of the VDS Steering Group.

It was noted that the list of consultees at Annex 3 of the report should refer to the Kyle & Upper Ouse Internal Drainage Board, rather than the Foss Internal Drainage Board, and that the Yorkshire Ambulance Service should also be included.

Members requested that the status of the VDS in relation to the Local Development Framework be clarified in the final version of the document.

- RESOLVED: (i) That the draft Village Design Statement for Skelton be approved, as a basis for the next stage of consultations;
- (ii) That the range and methods of consultation proposed be agreed.<sup>1</sup>

- REASON: (i) The draft VDS follows in the footsteps of other VDS's that have been agreed; observing the general guidance and principles required in their production, whilst successfully defining the individual qualities of Skelton as a village and bringing forward appropriate Design Guidelines.
- (ii) The consultation process as suggested in the report follows the procedure established for other Village Design Statements, at this stage of their production.

Action Required

1 - To carry out the consultation.

JB

R POTTER, Vice Chair, in the Chair

[The meeting started at 4.30 pm and finished at 7.10 pm].