
MEETING	PLANNING COMMITTEE
DATE	24 JULY 2008
PRESENT	COUNCILLORS R WATSON (CHAIR), CRISP, FIRTH, FUNNELL, GALVIN, HORTON, HUDSON, KING (SUB FOR CLLR PIERCE), MOORE, ORRELL (SUB FOR CLLR JAMIESON-BALL) POTTER, REID, SIMPSON-LAING, TAYLOR (SUB FOR CLLR D'AGORNE), VASSIE AND WISEMAN
APOLOGIES	COUNCILLORS D'AGORNE, JAMIESON-BALL AND PIERCE

13. 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.

Officers clarified for Members details of the Code of Conduct in relation to their personal and prejudicial interests in relation to sitting on licensing hearings and subsequent Planning Committee meetings and vice versa. The Head of Civic, Democratic and Legal Services had confirmed that if a Member had sat on a committee dealing with one aspect of a particular matter this in no way precluded him or her from sitting on another committee concerned with a different aspect of it. Provided that the member had clearly not indicated that he or she had pre-determined the issue to be considered, or was guilty of bias, and in no other way fell foul of the Code of Conduct in respect of it, that Member was fully entitled to participate in the determination of the matter.

Councillors Moore and Wiseman then declared personal non-prejudicial interests in agenda item 4b (Prudential House, 28-40 Blossom Street, York) as they had both sat on the licensing hearing for these premises.

Councillor Reid declared a personal non-prejudicial interest in agenda item 4b (Prudential House, 28-40 Blossom Street, York) as in her previous role as Executive Member for City Strategy she had been invited to a meeting with developers of the property, which she had declined.

14. MINUTES

RESOLVED: That the minutes of the last meeting of the Committee held on 24 June 2008, be approved and signed by the Chair as a correct record.

15. 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.

16. 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.

16a Hungate Development Site, Hungate, York (08/00737/FUL)

Members considered a full application, submitted by Hungate (York) Regeneration Ltd, for the variation to condition 3 of outline permission (02/03741/OUT) to amend the siting of the focal point building.

The Case Officer updated that paragraph 4.4 of the report, the final sentence required the insertion of the word "neither" prior to the words "the amount of community space". Condition 3 in the report required the addition of a reason in any approval. Officers reported that if approved there would also be a need to vary the Section 106 agreement for this site.

Members questioned the concern expressed in paragraph 4.9 of the report by Highway Network Management that manoeuvring space for vehicles around the focal point building was tight. Officers stated that the separation between the buildings remained the same as the masterplan that had been granted outline consent.

RESOLVED: That the application be approved subject to variation of the Section 106 agreement for this site and the imposition of the conditions listed in the report.

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:-

- Highway and pedestrian safety
- The Central Historic Core Conservation and adjacent listed buildings
- Archaeological Deposits at the site
- Ecology at or adjacent to the site
- Residential amenity
- Affordable housing considerations
- Air quality
- Noise and Construction Related Disturbance
- Security and designing out crime considerations
- Flooding and Drainage
- Sustainability

- Impact on Local Education Provision

As such the proposal complies with Policies H9, E4, R1 and E5 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, GP3, GP4, GP6, GP11, HE2, HE9, HE10, T4, T13, T14, T20, H1, H2 a, H3 c, H4, H5, L1(c), C3, NE1, NE2, NE3, NE7, NE8, and ED4 of the City of York Local Plan Deposit Draft.

Action Required

1. Issue the decision notice and include on the weekly planning decision list within the agreed timescales.

SL

16b Prudential House, 28-40 Blossom Street, York YO24 1AJ (08/01067/FULM)

Members considered a major full application, submitted by Whitbread and The Blossom Street Venture, for the change of use to 86 bedroom hotel with ground floor restaurant and construction of flat roof third floor and plant room with alterations to elevations and infilling of the ground floor colonnade.

Officers referred to additional letters and information received since the report had been published, copies of which had been circulated at the meeting:

- york-england.com, informing Members of office space available within the immediate locality of the railway station and within the city centre at Hudson House, Albion Wharf, West Offices and Grays Wharf. Members were asked to think carefully about future supply of office stock to ensure it met the needs of York's economy;
- Visit York, providing additional information and welcoming this application for hotel investment. They agreed that future potential of the site was finely balanced but that the proposed investment was an attractive proposition in view of the current economic climate;
- Whitbread, detailing a number of factors, which they wished the Planning Committee to consider when determining the application. These included
 - the proposal guaranteeing 50 new jobs,
 - that demand for office space had fallen due to the current economic climate,
 - the proposal would provide investment in the Micklegate Conservation Area,
 - York needed to rely on tourism as a key local industry during the economic downturn,
 - The scheme would provide 86 new rooms 65 of which would be large family rooms,
 - That the application was supported by the Yorkshire Tourist Board and Visit York.

Officers updated that if the application was refused, as recommended, an amendment was required to Reason 1. The first line of the second paragraph required the removal of the reference to “Section 6” of the Regional Spatial Strategy and its replacement with “Policy E5”. Officers confirmed that the Regional Spatial Strategy was part of the development plan for York and that Policy E5 would give greater support to the refusal.

Representations were received in support from the applicant’s agent, who requested the Committee to support the application to bring the building back into use. She stated that a shortage of family accommodation had been identified by York Tourism Bureau and that the change of use to a hotel would benefit the local economy with visitor spending.

Representations, also in support of the application, were received from the developer, who referred to the present economic climate and the need to react quickly at this opportunity to create employment. He confirmed that if approval was granted that work would commence immediately on the scheme. He confirmed that the cost of upgrading the building as offices was a major issue as floor to ceiling heights made it impossible to incorporate all the technical equipment to provide Grade A office space. He requested Members to balance the economic effect of refusal against immediate new employment.

Officers confirmed that york-england.com had received three enquiries regarding office accommodation in the city centre. They reported that the second stage of the Councils Employment Land Review, which would identify sites to meet the demand for employment land, was set to be completed by the end of the year and that this was a premature application. They stated that there was a long term need for office accommodation with this site being one of the best in the city within walking distance of the centre and the railway station.

Some Members commented that as Blossom Street was one of the main routes into the city and as this building had stood empty since 2007 there was a need to bring it back into use quickly. Members also referred to paragraph 4.3 of the Officers report, which described the demand for secondary office space as “patchy”. They also referred to the shortage of family accommodation in the city and the boost this would give to tourism and employment.

Other Members expressed concern that special circumstances had not been demonstrated in this case to depart from the Council’s policy of retaining this building for office space.

RESOLVED: That delegated authority be granted to the Assistant Director (Planning and Sustainable Development), in consultation with the Chair and Vice Chair to approve the application subject to the imposition of appropriate conditions.

REASON: In the opinion of the Local Planning Authority the proposal, subject to conditions, would not cause undue harm to interests of acknowledged importance, with particular reference to:

- the supply of office space in the city
- impact on character and appearance of the conservation area.
- impact on streetscene and adjacent listed buildings
- highway and parking issues

As such the proposal complies with Policies GP1, HE2, HE3, E3b of the City of York Local Plan Deposit Draft.

Action Required

1. Assistant Director (Planning and Sustainable Development), in consultation with Chair and Vice Chair to approve. Following agreement of conditions issue the decision notice and include on the weekly planning decision list within the agreed timescales.

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16c Proposed University Campus Lying Between Field Lane, Common Lane, A64 Trunk Road and Hull Road, York (08/01136/REMM)

Consideration was given to a major reserved matters application (13 weeks), submitted by the University of York, for the landscaping of the western part of the site including re-profiling of ground levels creation of lake planting and construction of weirs, footpaths and cycleways following outline application 04/01700/OUT for the development of a university campus.

Officers referred to the following updates, which had been circulated to Members at the meeting:

- Plan of buffer zone landscaping scheme;
- Revised draft conditions for the scheme;
- Email from the Crime Reduction Manager, Safer York Partnership expressing concerns relating to the proposed cycle route which were supported by the Architectural Liaison Officer, University security staff, North Yorkshire Police and the Student Union;
- Email from York Natural Environment Panel/York Natural Environment Trust expressing concern that only general information was available for this reserved matters application; with very little detail which they felt would not achieve optimum results for wildlife. They requested the Committee to note their objections and to defer consideration of the application pending receipt of all information on the scheme.

Officers referred to the latest revised landscaping drawing, circulated at the meeting, and confirmed that the only changes appeared to be the addition

of further trees and one of the woodland areas had been set back to accommodate a water easement.

Representations in objection to the proposals were received from a local resident and member of the University who stated that he felt insufficient was being done to protect wildlife on the site. He felt that these major landscaping works should be undertaken between October and January so as not to affect breeding birds and wildlife on site. He referred to wildlife injuries at the present University Lake caused by fishing lines and hooks and requested that a fishing ban be imposed over the whole University site.

Representations in support of the proposal were received from the applicant's agent who confirmed that the application related to the first phase of landscaping over 30 hectares with this being the first lake. It was proposed to carry out the works over the school holidays so that any noisy operations did not affect pupils at Lord Deramore's School adjacent to the site. He stated that they were in the process of providing details of their drainage proposals; regarding the comments of the Natural Environment Panel he confirmed that some points were covered in the scheme and that they would endeavour to alleviate others. He requested Members to support the proposals as this work required completion this year to coincide with the planting season and before the new campus opened.

It was reported that University security staff, the Safer York Partnership, Students Union and the Architectural Liaison Officer had raised concerns regarding a number of issues relating to the cycle route proposed through the site. The issues included potential offenders ability to commit crimes, anti social behaviour and the lack of natural surveillance.

Officers and the Chair expressed concern at the objections by the University to their own scheme at this late stage when details of the scheme had been available for some time.

Members made the following points:

- the effect the scheme could have on Germany Beck;
- whether the application could be approved subject to a Section 73 application to separately cover the cycle track element of the scheme;
- provision of a wildlife watching brief to protect breeding birds;
- paragraph 4.33 regarding sustainability, confirmed that Officers were in discussions with the University and that the proposed masterplan would cover these issues;
- concern at the separation of the landscaping proposals from the built environment and possible missed opportunities for ground source heat pumps etc.

In answer to Members questions, Officers confirmed that an engineering drawing had been received in relation to landscaping but that this did not cover the ecological detail, which would be important for wildlife.

Officers also confirmed that the management plan for the site would cover the no fishing rule on the campus and protect nesting birds.

Following further discussion it was

RESOLVED: That the application be approved subject to inclusion in the Management Plan of a no fishing rule and protection for nesting birds, together with the imposition of the following conditions:

1. The development hereby permitted shall be carried out only in accordance with the approved plans numbered DD110317.L.200/A, L.201/E, L.202/A, P.203/B, L.204/A, L.205/A, L.206/A, L.207/A, L.208, P.209/A, L.211/B, P.213/A, & P.215/A, and 70072/160/A, 161 (for section identification only), 161/A, 105, 163/01, 163/02, 163/03, 163/04, 163/05, 163/06, 163/07, 163/08, 163/09, 164 & 167 or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.
2. Within one month of commencement of development full details of the landscape proposals at a scale of 1:500 showing levels, hard and soft materials, planting, drainage layout, walls, external lighting, seating, gates and any other fixed artifacts, shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
3. Within one month of commencement of development large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details:
 - a. Weirs
 - b. Informal path/boardwalk
 - c. Wall(s) in the vicinity of the western access to the site
 - d. Boundary walls/fencing
 - e. Street furniture
 - f. Drainage ditches
4. Prior to first occupation of the new Goodricke College, details of the recreational cycleway/footpath between the main access into the campus from Deramore Drive and Field Lane at Heslington village shall be submitted, approved, implemented and the cycleway/footpath made available for use to the satisfaction of the local planning authority.

5. Within one month of the start of construction the developer shall provide detailed information to demonstrate that the discharge from the proposed Western Lake and drainage system, both during construction and thereafter, is no greater than existing. The information shall be verified independently and at the applicant's expense, to the satisfaction of the Local Planning Authority in consultation with the internal drainage board.
6. No surface water from the allocated area shall discharge into the Western Lake without the prior written approval of the local planning authority in consultation with the internal drainage board.
7. No development approved by this permission shall begin until a scheme for the provision and implementation of the method of working and restoration and maintenance has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority in consultation with the internal drainage board.
8. A strip of land 9 metres wide adjacent to the top of both banks of all watercourses on site shall be kept clear of all new buildings and structures (including gates, walls, fences and trees) unless otherwise agreed in writing with the Local Planning Authority in consultation with the internal drainage board. Ground levels shall not be raised within this area.
9. No development, including building, filling, tree planting or any other permanent obstruction, shall be located over or within 6 metres measured from either outside edge of pipe forming a culverted watercourse across the site.
10. The temporary outfall structure shown on the approved plans shall be provided with an additional trash screen consisting of 10mm bars @ 50mm centres, along with provision for access for clearing debris.
11. The lining of the lake shall not be completed until detailed designs of the lake margins and bed profile have been submitted to and approved in writing by the Council.
These profiles shall be implemented as approved unless otherwise agreed in writing by the Council.

12. No excavation shall take place within the area shown hatched on the attached plan (marked up extract of DD110317.L.200 RevA) until details of all the earthworks have been submitted to and approved by the Local Planning Authority.
13. No development that is likely to affect or disturb any breeding birds shall take place between the months of February and August inclusive unless and until the area has been checked by a competent person to ascertain the presence of any nests. Any nest discovered shall be marked and avoided until such time as it becomes unoccupied.

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 design, sustainability, visual impact, public amenity, landscaping, drainage, bio-diversity movement and provision of a new campus at Heslington East. The application therefore complies with Policies GP1, GP4a, GP9, GP15a, NE7 and ED9 of the City of York Local Plan Deposit Draft.

Action Required

1. Issue the decision notice and include on the weekly planning decision list within the agreed timescales.

SL

16d Council Depot, Foss Islands Road, York YO31 7UL (08/01225/FUL)

Members considered a full application, submitted by Keyland Gregory (Retail) Limited, for the removal of Condition 11, restricting the minimum size of retail unit to 929 sq m (reference 06/00338/GRG3).

An update was circulated to Members recommending the amendment of Condition 1 to refer to “any other plans, which may otherwise be agreed in writing with the Local Planning Authority” and listing all plans received and dates received.

Representations in support of the application were received from the applicant’s agent who indicated that the application did not relate to changes to the exterior of the building or to changing the range of goods to be sold. He confirmed that the application was to amend the unit size only as some retailers did not require the additional mezzanine space proposed with these units.

RESOLVED: That the application be approved subject to amendment of the Section 106 Agreement to refer to the variation of the application and subject to the

conditions listed in the report and the following amended condition:

1. The development shall not be carried out otherwise than in complete accordance with the plans as originally submitted with planning application reference no: 06/00338/GRG3 and later amended by the revised drawings listed below and received on the date indicated, and any other plans which may otherwise be agreed in writing with the Local Planning Authority.

Flood risk assessment received 9 February 2006.

Dwg No. H/06 P1 (White Young Green) Foss Islands Road junction details received 14 February 2006.

Dwg No. 3527-24-P100 (Watson Batty) Site Layout Revised Store Location received 17 July 2007.

Action Required

1. Issue the decision notice and include on the weekly planning decision list within the agreed timescales.

SL

CLLR R WATSON, Chair

[The meeting started at 3.35 pm and finished at 5.25 pm].