
MEETING	PLANNING COMMITTEE
DATE	2 OCTOBER 2008
PRESENT	COUNCILLORS R WATSON (CHAIR), CRISP, D'AGORNE, FIRTH, GALVIN, HORTON, HUDSON, KING (AS SUBSTITUTE FOR FUNNELL), MOORE, MORLEY (AS SUBSTITUTE FOR JAMIESON-BALL), PIERCE, POTTER, REID, SIMPSON-LAING, VASSIE AND WISEMAN
APOLOGIES	COUNCILLORS FUNNELL AND JAMIESON-BALL

1. INSPECTION OF SITES

The following site was inspected before the meeting:

Site	Reason for Visit	Members Attended
Grays Newsagent Ltd, Navigation Road, York (08/01780/FULM)	As objections to the application had been received from local residents.	Councillors R Watson, Crisp, Firth, Horton, Hudson, Pierce, Potter and Wiseman.

2. 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.

Councillor Pierce declared a personal prejudicial interest in agenda item 4a (Grays Newsagent Ltd, Navigation Road, York) as a governor of York St John University. He addressed the Committee from the floor, under the provisions of the Members' Code of Conduct, and then withdrew from the Chamber, taking no further part in the discussion or decision on the item.

Councillor Pierce declared a personal non-prejudicial interest in agenda item 4b (Proposed University Campus Lying Between Field Lane, Common Lane, A64 Trunk Road and Hull Road York) as a City of York Council representative on the Heslington East Community Forum, and a former teacher and student at the University.

Councillor Morley declared a personal non-prejudicial interest in agenda item 4b (Proposed University Campus Lying Between Field Lane, Common Lane, A64 Trunk Road and Hull Road York) as a City of York Council representative on the Heslington East Community Forum.

Councillor D'Agorne declared a personal non-prejudicial interest in agenda item 5 (Fulford Village Conservation Area Appraisal – Results of Consultation and Proposed Final Draft) as he had pressed for a review of the conservation area boundary as a Fishergate Ward Councillor.

3. MINUTES

RESOLVED: That the minutes of the meetings held on 29 May 2008 and 28 August 2008 be approved and signed by the Chair as a correct record.

4. 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.

5. 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.

5a Grays Newsagents Ltd, Navigation Road, York YO1 9UN (08/01780/FULM)

Members considered a major full application, submitted by Mr Chris Hale, for the erection of student accommodation comprising 232 bedrooms and associated facilities in a part five/part seven storey building (with rooms in the roof) and a three storey building, and also a new sub-station, bin storage, cycle parking and landscaping.

An update was circulated by the case officer covering the following:

- Six additional conditions requested by Yorkshire Water and their observations on the application;
- Amendments to paragraphs 4.3.2 and 4.3.3 of the report and condition 7;
- Additional information submitted by the applicant relating to concerns from objectors about crime and disorder;
- Additional information submitted by the applicant to address concerns raised by the Council's City Development section;
- An amendment to condition 9;
- An update that parts (a) and (b) of condition 14 had been addressed;
- An amendment to condition 21;
- An amendment to condition 27;
- An amendment to condition 28, resulting in two separate conditions in its place;
- An additional condition to control the use of the building;
- An amendment to informative 4.

A further update to the additional condition to control the use of the building was recommended by officers, to replace the words, "occupied in perpetuity", with, "let to or hired by and occupied".

Representations were received in objection to the application, on behalf of the Rowntree Wharf Residents' Association, and in support of the application, on behalf of the applicant. Representations were also

received from Councillor Roger Pierce, in support of the application. Drawings showing the elevation along Navigation Road and the relationship with Rowntree Wharf were circulated by the applicant's agent.

Members requested an amendment to condition 13 to remove the references to soakaways.

Some Members expressed concern regarding the lack of on site parking and some Members suggested that the green area on the corner of the site should be made available for public use and the Wormalds Cut area enhanced.

RESOLVED: That the application be approved, subject to the conditions listed in the report, with the following amended and additional conditions and informatives:¹

Amended Condition 7

Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 26.30m at the highest section and 19.50m to the ridge (notional roof plane intersections) of the long wing and 18.90 m to the ridge of the short wing, as measured from ground floor FFL (10.58 AOD). 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.

Amended Condition 9

The development shall proceed in accordance with the approved Flood Risk Assessment incorporating the accepted mitigation measures into the construction of the development. Finished floor levels of all habitable accommodation should be set no lower than 10.58m AOD. Flood water should be able to enter the undercroft area unrestricted.

Reason: To minimise the impacts of flooding.

Amended Condition 13

Prior to being discharged into any watercourse or surface water sewer, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment.

Informative: Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

There should be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters. To prevent pollution of the water environment see Agency website link for guidance: http://www.environmentagency.gov.uk/business/444251/444731/ppg/_version_1_lang__e

Amended Condition 21

The development hereby approved shall thereafter be occupied in accordance with the Traffic Management Plan (dated July 2008) which makes provision for the waiting, loading, unloading and routing of all vehicles visiting the site, particularly at the commencement and conclusion of each academic term, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the safe flow of traffic.

Amended Condition 27

Prior to the commencement of the development, the developer shall submit for the written approval of the Local Planning Authority a preliminary BREEAM Design and Procurement stage assessment for the development. This shall indicate that a minimum "Very Good" rating will be achieved under the appropriate code. This shall be followed by the submission of a BREEAM Post Construction Review, and a BREEAM Certificate for this review shall then be submitted to the Local Planning Authority after completion and before first occupation of the building. Both assessments shall confirm the minimum "Very Good" rating indicated in the preliminary BREEAM Design

and Procurement assessment submitted with the application.

Reason: To ensure that the proposal complies with the principles of sustainable development.

Informative: Under circumstance the code for sustainable homes is the normal requirement under the IPS, however due to the nature of this development a formal breem assessment (Multi-Residential) is required due to the residential and communal aspects of the project.

Amended Condition 28 (resulting in two separate conditions)

Prior to the commencement of development full details of the following shall be submitted to and approved by the local planning authority (i) measures to reduce energy demand for the buildings, (ii) measures to reduce CO² emissions to a level lower than required under Building Regulations Part L.

Reason: To ensure the development complies with the principles of sustainable development.

No building work shall take place until details have been submitted to and approved in writing by the local planning authority, to demonstrate how the development will provide from on site renewable sources, 10% of the development's total energy demand. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of sustainable development.

Additional Condition (to control the use of the building)

The development hereby approved shall be let to or hired by and occupied by students enrolled in full time further or higher education at an educational establishment within the City of York administrative boundary.

Reason: In order to comply with Policy ED10 of the City of York Draft Local Plan, and in order that the Council can retain control over the future occupancy of the development in the event of it any part of it being sold or rented on the open market.

Additional Condition (requested by Yorkshire Water)

Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the sewer, which crosses the site.

Reason: In order to allow sufficient access for maintenance and repair work at all times.

Additional Condition (requested by Yorkshire Water)

The site shall be developed with separate systems of drainage for foul and surface water on and off the site.

Reason: In the interest of satisfactory and sustainable drainage.

Additional Condition (requested by Yorkshire Water)

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the Local Planning Authority before development commences.

Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

Additional Condition (requested by Yorkshire Water)

No development shall take place until details of the proposed means of disposal of foul water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the development can be properly drained.

Additional Condition (requested by Yorkshire Water)

Unless otherwise agreed in writing by the Local Planning Authority, no buildings shall be occupied or brought into use prior to the completion of the approved foul drainage works.

Reason: To ensure that no foul water discharges take place until proper provision has been made for its disposal.

Additional Condition (requested by Yorkshire Water)

Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage should not be passed through any interceptor.

Reason: In the interest of satisfactory drainage.

Amended Informative 4

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Works in the highway - Section 171/Vehicle Crossing -
Section 184 - Stuart Partington (01904) 551361

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:

Principle of the development;
Design issues - impact on character and appearance of conservation area;
Impact on local residents;
Sustainability;
Highway and parking issues
Flood Risk;
Affordable housing/occupancy; and
Other issues.

As such the proposal complies with relevant policies indicated in section 4.2 of this report concerning the Yorkshire and the Humber Regional Spatial Strategy 2008, National Planning Guidance and Statements and Local Plan Policies GP1, GP4a, GP6 GP9, GP15a, NE1, E3b, ED5, ED10, HE2, HE3, HE10, T16 and T4 of the City of York Local Plan Deposit Draft and the Council's Interim Planning Statement – Sustainable Design and Construction (2007) and the City of York's Strategic Flood Risk Assessment (2007).

Action Required

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

5b Proposed University Campus Lying Between Field Lane, Common Lane, A64 Trunk Road and Hull Road, York (08/01751/REMM)

Members considered a major reserved matters application, submitted by University of York, for the erection of a theatre, film and television building, following the previous approval of outline application 04/01700/OUT.

An update was circulated by the case officer covering the following:

- Comments from the applicant's agent in a letter dated 26 September 2008;
- Comments from the Students' Union in support of the application;
- Comments from the Council's Network Management section on highways matters;
- A revised list of proposed conditions;
- An extract from the Council's Interim Planning Statement on Sustainable Design and Construction;
- An update from the University on the Sustainable Energy Strategy.

The case officer reported that the applicant had agreed to accept the Council's proposed wording for condition 8 on the list of revised conditions.

Representations were received in support of the application, on behalf of the applicant. Artist's impressions of the proposed development were also circulated.

Members expressed disappointment that the requirement for 10% of the energy demand to be met from on site renewable sources had not been addressed in the application and highlighted the need for more concrete proposals to be included in this and future applications for the new campus. They also emphasised the need to avoid a piecemeal approach to meeting targets in the masterplan, such as those for renewable energy and density, and to bring forward strategies for dealing with these matters across the whole site at an early stage.

RESOLVED: That the application be deferred.¹

REASON: For details to be submitted to the Local Planning Authority to demonstrate how the development will provide 10% of its total energy demand from on site renewable sources.

Action Required

1. To bring back to Committee when the details requested have been submitted. SL

6. FULFORD VILLAGE CONSERVATION AREA APPRAISAL - RESULTS OF CONSULTATION AND PROPOSED FINAL DRAFT

Members received a report which presented the results of a public consultation exercise on the draft Fulford Village Conservation Area Appraisal, which included a boundary review. It recommended that, following minor revisions to the appraisal and to the boundary, the document be adopted.

The draft appraisal was attached as Annex F of the report, with the proposed amendments to the wording at Annex D and the proposed boundary changes at Annex C.

The report presented the following options for consideration:

- Option 1 – To approve the appraisal with the changes suggested in Annexes C & D;
- Option 2 – To approve the appraisal with further or fewer changes to those suggested in Annexes C & D;
- Option 3 – To not approve the appraisal and boundary review proposals.

Representations were received, on behalf of the Royal Masonic Benevolent Institution (RMBI), proposing an alternative boundary to the conservation area, which did not include all of the Connaught Court site. Photographs of the site were also circulated.

Members thanked officers for their work on the conservation area appraisal.

RESOLVED: That the extension of the Fulford Village Conservation Area, as proposed in Annex F and amended by Annexes C & D, be approved for planning purposes and designated as a conservation area.¹

REASON:

- (i) The document is a thorough analysis of the character and appearance of the conservation area and it has been prepared in accordance with current guidance from English Heritage. As a document it is clearly written and accessible to a wide range of users;
- (ii) The adoption of the document will assist with the formulation and determination of development proposals within the conservation area and adjacent to it;
- (iii) The consultation method and range accords with previous practice. There has been a high level of response to the consultation. Information and views of consultees have been carefully considered in the amendments proposed.

Action Required

1. To implement the use of the extended conservation area boundaries for planning purposes. SL

R WATSON, Chair

[The meeting started at 4.30 pm and finished at 6.35 pm].