
MEETING	PLANNING COMMITTEE
DATE	23 JULY 2009
PRESENT	COUNCILLORS R WATSON (CHAIR), D'AGORNE, FIRTH, FUNNELL, HORTON, HYMAN, MOORE, MORLEY, PIERCE, POTTER (VICE-CHAIR), REID, SIMPSON-LAING, B WATSON, WISEMAN AND GILLIES (SUBSTITUTE)
APOLOGIES	COUNCILLORS HUDSON AND JAMIESON-BALL

5. 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.

The following interests were declared:

- Cllr D'Agorne – a personal interest in agenda item 4a (Plans List – 24 Heworth Green), as the City of York Cycling Champion.
- Cllr Morley – a personal interest in agenda item 4a, as the Executive Member for Housing and Social Services.

6. MINUTES

RESOLVED: That the minutes of the last meeting of the Planning Committee, held on 25 June 2009, be approved and signed by the Chair as a correct record.

7. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

8. PLANS LIST

Members considered a report of the Assistant Director (Planning and Sustainable Development) relating to the planning application set out at Minute 8a) below. The report outlined the proposals and relevant planning considerations and set out the view and advice of consultees and Officers on the application.

8a 24 Heworth Green

Consideration was given to an application submitted by National Grid to vary conditions 4 and 16 of application no. 06/02764/FUL (mixed use scheme for residential development and offices), to allow a reduction of building heights and to enable the accommodation schedule to be amended from 141 one-bedroom flats, 141 two-bedroom flats, 12 three-bedroom town houses and 12 four-bedroom town houses to a maximum of 12 two-bedroom apartments, 6 two-bedroom houses, 60 three-bedroom houses and 41 four-bedroom houses, unless otherwise agreed in writing by the Local Planning Authority.

Officers circulated the following additional information at the meeting:

- An update outlining the revisions made, and new conditions added, to the original outline consent, and informing Members of a proposed amendment to condition 43 on page 41 of the report and of two additional informatives recommended by the Environmental Protection Team.
- An indicative plan of the site layout, produced for illustrative purposes only.

Representations were made at the meeting by the applicant's agent, who explained that the reason for the application was to respond to a change in housing demand in the City by providing family housing rather than apartments.

During questions and debate on the application, Members welcomed the change from apartments to family housing. They discussed and received advice on issues around land contamination, the location of the recreation and play areas, the Section 106 agreement, the incorporation of 'Secured by Design' principles and the involvement of ward members and local residents in the consultation process. It was noted that these were all points that should be dealt with as part of the reserved matters application.

RESOLVED: That the application be approved subject to the conditions detailed in the report and the following amended condition and additional informatives: ¹

Amended Condition 43:

The development hereby approved, **exclusive of site clearance, remediation and demolition**, shall not commence until such time as the gas holder is decommissioned and removed from the site.

Reason: To ensure that the gas holder is decommissioned at the appropriate stage in the development process, thereby eliminating and potential health and safety risk this development might pose to the general public and to allow site clearance, remediation and demolition to be carried out prior to the decommissioning and removal of the gas holder, if deemed necessary.

Additional Informative A

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the Council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a scheme remediation to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the Council may consider taking action under Part IIA of the Environmental Protection Act 1990.

Additional Informative B

The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval; failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

- i) The work shall be carried out in such a manner as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".
- ii) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and / or fitted with effective and well-maintained mufflers in accordance with manufacturers' instructions.
- iii) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.
- iv) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.
- v) There shall be no bonfires on the site.

REASON:

In the opinion of the Local Planning Authority 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 the principle of mixed use development, affordable housing, land contamination, air quality, noise, dust

and odours, highways and traffic considerations, design issues, the effect on the conservation area, archaeology, residential amenity, ecology, sustainability, open space provision, flood risk and drainage, telecommunications and utilities. As such the proposal complies with Policies YH4, Y1, ENV9, ENV12, H4 and H5 of the Regional Spatial Strategy (RSS) for Yorkshire and the Humber (2008) and Policies GP1, GP3, GP4A, GP4B, GP5, GP6, GP7, GP9, GP13, GP15, NE1, NE3, NE6, NE7, HE2, HE3, HE10, HE11, T2A, T2B, T4, T5, T7C, T13A, T20, H2A, H3C, H4A, H5A, E3B, E4, ED4, L1C, SP3, SP7A and SP8 of the City of York Local Plan Deposit Draft (2005). The proposal would also comply with advice in PPS1, PPS Supplement, PPS3, PPG4, PPS9, PPG13, PPG15, PPG16, PPG17, PPS23, PPG24 and PPS25.

Action Required

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

SS

R WATSON, Chair

[The meeting started at 4.30 pm and finished at 5.25 pm].