City of York Council	Committee Minutes
MEETING	PLANNING COMMITTEE
DATE	26 APRIL 2012
PRESENT	COUNCILLORS CUNNINGHAM-CROSS (CHAIR), AYRE, D'AGORNE, DOUGHTY, FIRTH, FUNNELL, KING, MCILVEEN, MERRETT, REID, SIMPSON-LAING, WATSON, WATT, WILLIAMS, JEFFRIES (SUBSTITUTE) AND WISEMAN (SUBSTITUTE)
APOLOGIES	COUNCILLORS GALVIN AND BOYCE

45. INSPECTION OF SITES.

Site	Reason for Visit	Members Attended
Plans Item 4b – Carmelite Street.	To enable Members to view the site.	Cllrs Cunningham Cross, Firth, McIlveen, Merrett and Reid
Plans Item 4c – Poppleton Garden Centre.	To enable Members to view the site.	Cllrs Cunningham Cross, Firth, McIlveen, Merrett and Reid
Plans Item 4a – Phase 2 Derwenthorpe.	To enable Members to view the site.	Cllrs Cunningham Cross, Firth, McIlveen, Merrett and Reid

46. DECLARATIONS OF INTEREST

At this point in the meeting, Members are asked to declare any personal or prejudicial interests they may have in the agenda.

Councillor Reid declared a personal and prejudicial interest in agenda item 4c (Poppleton Garden Centre) as her son works for a company which supplies Poppleton Garden Centre.

Councillor Funnell declared a personal interest as a member of Derwenthorpe Partnership Forum.

Councillor Williams declared a personal and prejudicial interest in agenda item 4b (Carmelite Street) as he is employed by Yorkshire Water who had requested condition 14. He advised that he would leave the room if condition 14 was discussed in detail. He confirmed that he would participate in discussions and vote on the application if the condition could be considered separately.

Councillor McIlveen declared a personal interest in item 4B (Carmelite Street) as he lets properties to students of York St. John in the navigation Road area.

Councillor D'Agorne declared a personal interest in the business on the agenda as a member of the York CTC.

Councillor Ayre declared a personal non prejudicial interest in item 4a (Derwenthorpe) as the Chair of Transport on Derwenthorpe Partnership Forum.

47. MINUTES

RESOLVED: That the minutes of the last meeting held on 22 March 2012 be approved and signed by the Chair as a correct record.

48. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak under the Councils Public Participation Scheme. Details of the Speakers registered for the plans items will be detailed under the relevant item.

49. PLANS LIST

Members considered the report of the Assistant Director (Planning and Sustainable Development) relating to the following planning applications, which outlined the proposals and relevant planning considerations and set out the views of the consultees and officers.

49a Land Lying to the West of Metcalfe Lane, Osbaldwick , Phase 2, Derwenthorpe (12/00242/REMM)

Members considered a major reserved matters application by The Joseph Rowntree Housing Trust (JRHT) for details of siting, design and external appearance of 123 dwellings (phase 2) granted under outline permission 03/02709/OUT.

Officers updated on a number of amendments and additions to the report including (full details of which are attached as annex to the agenda for this meeting):

- A letter from the applicant providing comments on the design principles, housing mix and landscaping matters.
- Position of housing in relation to Oak Tree.
- Parking provision.
- Conditions.

Nigel Ingram spoke on behalf of the Joseph Rowntree Housing Trust. He advised that the only detail he would go into in respect of the plans was to point out that the smallest type of housing would be used at the boundary on the western side. In terms of what the development represents, the JRHT want to create a community where everyone can thrive. Progress is being made and phase 2 builds on the best aspects of phase 1. Courtyards will encourage play and interaction between residents. He advised that the development was designed to stand up for the future.

Councillor Warters spoke as Ward Councillor for Osbaldwick. He asked that Members consider the impact on wildlife and the Green Belt and that residents of Osbaldwick have used the land for many years and now it is being stolen from them. Members attention was drawn to page 18 paragraph 4.6 of the agenda which referred to 2 prototype dwellings at Temple Avenue. He queried whether these dwellings had been included in the outline application as he understood they had been subject to a separate application. He asked that the height of dwellings adjacent to Temple Avenue be reduced, that amenity space be increased and that hedges be used at boundaries instead of walls or fences.

In response to Councillor Warters comments, Officers confirmed that the two prototype dwellings at Temple Avenue had been included in the outline full application but they did not require a

reserved matters application and that the application today was for the other 123 dwellings.

Members commented on and questioned a number of aspects of the development including:

- Some Members were unhappy with the cycle route and asked whether the plans before them could be subject to negotiation or change. Officers advised that the plans were to be approved as they are but Officers could carry on negotiations with JRHT if Members felt it necessary, but the decision would need to be deferred.
- Why the applicant had chosen walls and fencing instead of hedges for the boundaries. The applicant advised that walls and fences were used in phase 1.
- Whether solar panels could be installed on the clay roof tiles in future. The applicant advised that as there was a bio mass boiler at the site, the use of solar panels had been restricted although there was no veto on using them in the future.
- Some Members were concerned about the number of car parking spaces in relation to the number of dwellings. Officers confirmed that a car parking strategy had been covered in the outline stage of the application.

Following discussions, Councillor Watson moved deferral in order for further work to be undertaken on the cycle route. Councillor D'Agorne seconded. When put to the vote this motion was lost.

Councillor Merrett moved approval with amended conditions as detailed in the Officers update and asked JRHT to take note of Members comments on the cycle route for future reference. Councillor Reid seconded.

RESOLVED: That the application be approved with the following amended/additional conditions:

Amended condition 7:

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development

of the type described in the following Classes of Schedule 2 Part 1 of that Order shall not be erected or constructed at dwellings referred to on the approved plans as Plots 54-62:

Class A - (The enlargement, improvement or other alteration of a dwellinghouse);
Class B - (The enlargement of a dwellinghouse consisting of an addition or alteration to its roof);
Class C - (Any other alteration to the roof of a dwellinghouse); or,

Class E - (The provision within the curtilage of the dwellinghouse of:-

(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or,

(b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas).

Reason: In the interests of the amenities of the adjoining residents and the protection of a mature Oak tree, the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

INFORMATIVE:
The above condition removes the normal rights to carry out certain alterations and extensions at the properties referred to without planning permission. Please contact the Council if further clarification is required.

Additional Conditions:

Notwithstanding the information contained on the approved plans, the height of the houses on plots 54 to 61 hereby approved shall not exceed 9.95 metres to ridge, as measured from the existing ground level relating to each plots. Before any works commence on the site, a means of identifying the existing ground levels on the site shall be agreed in writing, and any works required on site to mark those ground levels 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 levels 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 or amenity of the neighbouring properties on Coniston Drive and Grasmere Drive.

Notwithstanding the approved plans, the dwellings shown on the approved site plan as plots 62-69 shall be resited such that the gable elevation of plot 62 shall be at least 11m from the western site boundary, in accordance with a plan to be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved plan.

Reason: In the interests of protecting the future of the mature Oak tree located in the rear garden of 8 Coniston Drive and its setting.

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 layout, design and external appearance. As such the proposal complies with the National Planning Policy Framework and Policies GP1, GP3, NE1, T2a and T4 of the City of York Development Control Local Plan.

49b Works (Vacant), Carmelite Street, York (12/00327/FULM)

Members considered a major full application submitted by S. Harrison Dev. Ltd and Queens House Joint Venture for student

accommodation comprising of 258 study bedrooms/studios within an 8 storey building.

Officers circulated an update to the Committee report, which covered the following points, (full details of which are set out in the update attached to the republished agenda):

- Further representations received in objection.
- Additional and amended conditions.
- Open space contributions.
- Sustainable construction clarification
- Cycle parking.
- Space within the cartilage of Shambles Car Park.

Representations in objection were heard from Katie Craddock on behalf of Hungate York Association. She advised that the location had been described as a 'key site' by City of York Council and raised concerns about it being used for student accommodation as in her opinion it could affect the viability of the site. She also questioned whether 10 metres was a suitable distance from existing apartments at the site.

Representations in support were heard from Chris Hale the applicant's agent. He advised that he was disappointed that the agents for the neighbouring site had only recently come forward with objections. He stated that 100 construction jobs would be created at the site with work scheduled to begin in July and that the accommodation would be good quality and well managed.

Representations were heard from Councillor Warters who questioned whether exclusive student accommodation blocks were encouraging mixed communities and asked whether other members of the community could apply for the flats.

Members questioned a number of aspects of the development including:

- Disabled access in particular the amount of space provided for disabled car parking, the number of flats fro disabled students and toilet provision for disabled visitors. The applicants agent assured Members all these aspects had been carefully considered and provided for.
- Whether the 10 metres allowed between the proposed development and existing buildings was sufficient. Officers confirmed it was in line with the rest of Hungate.

- Queried if Highways Officers were satisfied with the arrival and departure plan. It was confirmed by Officers that Highways are satisfied.
- Concerns were raised about the loss of some employment land at Hungate, although student accommodation provision was welcomed.
- Members asked that further cycle parking be provided for visitors.

Following further discussion it was:

RESOLVED: That the application be approved subject to the conditions listed in the report and an additional condition on cycle storage for visitors.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions outlined in the Officers report and above, would not cause undue harm to interests of acknowledged importance, with particular reference to visual impact, impact on heritage assets, impact on the amenity of surrounding occupiers, sustainability, highway safety and flood risk. As such the proposal complies with Policies SP9, GP1, GP4, GP15, HE2, HE10, T4, T13 and T20 of the City of York Development Control Local Plan.

49c Poppleton Garden Centre, Northfield Lane, Upper Poppleton, YO26 6QF (12/00402/FULM)

Members considered a major full application by Poppleton Garden Centre for the erection of a sales building and canopies, restoration of nursery growing area and new landscaping following the demolition of buildings and removal of hardstandings.

Officers circulated an update to the Committee report, which covered the following points, full details of which are set out in the update attached to the republished agenda:

- Consultation responses from Integrated Strategy and the Flood Risk team and subsequent conditions.
- Alterations requested following the site visit and chairs briefing.

Members questioned and commented on a number of aspects of the application including:

- The transport and travel plan, in particular if staff were able to use the park and ride. Officers confirmed staff would park within the grounds of the garden centre, but could travel using the park and ride buses from the city centre.
- Some Members had concerns about extending a retail site in the green belt.
- Members asked if the continuation of recycling facilities at the site could be conditioned.
- Members also requested that a condition be added to ensure pedestrian links to Northfield Lane to allow access from the Park and Ride.

RESOLVED: That the application be approved after referral to the Secretary of State with the additional conditions requested by Members as detailed above and the following additional and amended conditions:

Amended Condition 7

The building shall not be occupied until a travel plan has been submitted and approved in writing by the Local Planning Authority. The travel plan shall be developed and implemented in line with local and national guidelines, and updated annually. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Reason: To promote sustainable modes of transport and reduce car travel, in accordance with the Authority's transport polices and comply with Policy CS18 of the emerging Core Strategy and the National Planning Policy Framework.

Additional Conditions:

DRAIN1

Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

Reason: In the interests of the visual amenities of the area

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 the residential amenity of the neighbours, the visual amenity of the building and the locality, the impact on the city and district centres, and the openness and purposes of the green belt. As such the application is considered to be in accordance with the National Planning Policy Framework, Development Control Local Plan policies GP1, T4, T13A, GB12 and S12 and Core Strategy policies CS1, CS17 and CS18.

50. PLANNING APPEALS UPDATE AND DECISION SUMMARIES.

Members considered a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1st January to 28th March 2012 and provided a summary of key points from appeals determined in that period. A list of outstanding appeals to that date was also included as an annex to the report.

Members noted the report.

RESOLVED: That Members noted the contents of the report.

REASON: So that Members can continue to be updated on appeal decisions within the City of York Council area and be informed on the planning issues surrounding each case for future reference when determining planning applications.

CLLR L CUNNINGHAM-CROSS, Chair
[The meeting started at 4.30 pm and finished at 6.40 pm].