
MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	18 JANUARY 2007
PRESENT	COUNCILLORS LIVESLEY (CHAIR), BARTLETT (VICE-CHAIR), STEVE GALLOWAY (SUBSTITUTE FOR MACDONALD, FOR AGENDA ITEMS 5B & 5F), SUE GALLOWAY, HORTON, REID, SIMPSON-LAING AND B WATSON
APOLOGIES	COUNCILLORS MACDONALD AND SUNDERLAND
IN ATTENDANCE	COUNCILLOR MACDONALD (FOR AGENDA ITEM 6)

53. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Reason for Visit	Members Attended
St James Vicarage, 257A Thanet Road, York	As the application is recommended for approval and objections have been received	Councillors Livesley, Bartlett, Sue Galloway, Horton and Reid
Hebden Rise Adult Training Centre, Pateley Place, York	As the application is recommended for approval and objections have been received	Councillors Livesley, Bartlett, Sue Galloway, Horton and Reid

54. 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 Horton and B Watson declared personal prejudicial interests in agenda item 5a (153 Lowther Street, York) as they knew the applicant, left the room and took no part in the discussion or decision thereon.

Councillor Simpson-Laing declared a personal prejudicial interest in agenda item 5a (153 Lowther Street, York) as her partner was the architect and she knew the applicant, left the room and took no part in the discussion or decision thereon.

55. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the public and press be excluded from the meeting during consideration of Annex A to agenda

item 6 (Enforcement Cases Update) (minute 59 refers) on the grounds that it contained information classed as exempt under paragraph 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006. This information, if disclosed to the public, would reveal that the authority proposes to give, under any enactment, a notice under or by virtue of which requirements are imposed on a person or that the Authority proposes to make an order or directive under any enactment.

56. MINUTES

RESOLVED: That the minutes of the meeting of the West & City Centre Area Planning Sub-Committee held on 21 December 2006 be approved and signed by the Chair as a correct record.

57. PUBLIC PARTICIPATION

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

58. 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.

58a. 153 Lowther Street, York (06/02437/FUL)

Members considered a full application, submitted by Steven Burton, for a single storey extension to the rear of the property.

RESOLVED: That the application be approved, subject to 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 design and amenity. As such the proposal complies with Policies GP1 and H7 of the City of York Local Plan Deposit Draft.

58b. Hebden Rise Adult Training Centre, Pateley Place, York (06/02197/REMM)

Members considered a major reserved matters application, submitted by Consort Homes, for residential development comprising 23 flats in 1 no. three storey block and 1 no. part two, part three storey block.

The case officer reported that three additional letters of objection had been received since the publication of the report and also recommended the inclusion of an HT1 condition, restricting the height of the development to 11.1m above the existing ground level, the wording of which was circulated to Members.

Representations were received in objection to the application, from a neighbouring resident, and in support of the application, from the applicant's architect.

Members requested the inclusion of a condition requiring a lockable gate on the rear car parking area, the details of which were to be approved by the Local Planning Authority. They also emphasised the need for accessible letterboxes and adequate space to be provided for recycling facilities.

Some Members expressed concern regarding the design of the elevation fronting onto Hebden Rise and the lack of on site amenity space.

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

- (i) Condition - "Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 11.1 metres, as measured from the 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."

- (ii) Condition – "Before the first occupation of the development hereby permitted a lockable pedestrian and vehicle gate shall be provided at the entrance to the site from Pateley Place in accordance with details which shall be submitted to and approved by the Local Planning Authority. The gates shall be retained on their approved form and location whilst the development remains in place.

Reason: In the interests of the prevention of crime and disorder in accordance with policy GP3 of the Development Control Local Plan.”

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 character of the area, residential amenity or highway safety. As such the proposal complies with Policies GP9, GP1, H2a, H4a and H5a of the City of York Local Plan Deposit Draft.

58c. St James Vicarage, 257A Thanet Road, York (06/01283/REMM)

Members considered a major reserved matters application, submitted by Barratt Homes (York), for the erection of 26 dwellings with associated access road, garaging, parking and cycle stores.

The case officer recommended the deletion of the wording, “or dying or being severely damaged or becoming seriously diseased before the end of that period”, from condition 3 of the application, which related to retention of trees and hedges. He reported that drawing number PO6:3596:04 had been submitted, showing site elevations, and that condition 1 should make reference to this. He also presented advice that had been received from the City Development section regarding affordable housing.

Officers clarified, with regards to paragraph 4.6, that Policy H5a required new residential developments to aim to achieve net densities of greater than 40 dwellings per hectare, not 30 as stated.

Representations were received in objection to the application, on behalf of Dringhouses & Woodthorpe Planning Panel, and in support of the application, from the applicant’s architect.

Members requested the inclusion of the informatives recommended for the related application 06/02413/REM.

Some Members expressed concerns regarding the proposed design, the high density and the height of the development, particularly where it was close to Hob Moor.

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

- (i) Condition 1 – “ The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

- 2005-sf1 - Boundary treatments.
- 2005-sf5 - Boundary Treatments.
- 2005-R1 - Boundary Treatments.
- PO6:3596:10 - Bin Store Details.

PO6:3596:15 - Street Scene.
2005-SW2 - Boundary Treatments.
PO6:3596:02 - A - Location Plan.
PO6:3596:01- H -Planning Layout.
06/107/100/001 - rev a - Proposed Junction Arrangement.
PO6:3596:04 – Site Elevations
PO6:3596:05 - Plans and Elevations.
PO6:3596:06 - Plans and Elevations.
PO6:3596:07 - Plans and Elevations.
PO6:3596:09 - Plans and Elevations.
PO6:3596:11 - Plans and Elevations Detached Unit.

or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.”

- (ii) Condition 3 – “None of the existing trees or hedges shown to be retained on the approved plans shall be wilfully damaged or destroyed or uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority. Any trees removed without such consent shall be replaced with trees of such size and species as may be agreed in writing with the Local Planning Authority.

Reason: The Local Planning Authority considers it important to safeguard the trees and hedges in a positive manner so as to secure their continued well being.”

- (iii) Informative – “Although not required as part of the outline approval, it is recommended that the applicant considers/implements the following:-

A desk study should be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on the site. This shall include a site description and a site walkover and should be submitted to and approved by the local planning authority prior to the development of the site (This should where possible date back to 1800).

A site investigation should be undertaken based upon findings of the desk study. The investigation should be carried out in accordance with BS10175: Investigation of potentially contaminated land: code of practice. The results of the investigation should be submitted to and approved by the local planning authority in writing prior to any development commencing on the site.

Gas monitoring should be carried out on the site over a period of at least three months to consider the effect of any landfill gas migration. The survey should be undertaken and the results submitted to the Planning Authority.

Based on the information from the gas survey, proposals for a gas protection regime should be submitted to and approved by the Local Planning Authority prior to the commencement of any development on site.

A risk-based remedial strategy should be developed based on the findings of the site investigation. The remedial strategy should be submitted to and approved by the local planning authority in writing. The approved strategy should be fully implemented prior to any development commencing on site. The remedial strategy should have due regard for UK adopted policy on risk assessment and should be developed in full consultation with the appropriate regulator(s)

A validation report should be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development commencing on the site.

Any contamination detected during site works that has not been considered within the remedial strategy shall be reported to the local planning authority. Any remediation for this contamination should be agreed with local planning authority and fully implemented prior to any further development of the site.

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.

- 1 The work shall be carried out in such a manner so 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".
- 2 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.
- 3 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.
- 4 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.
- 5 Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.
- 6 There shall be no bonfires on the site."

- (iv) Informative – “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:

Adoption of Highway - sec 38/278 - Mr M Kitchen - 01904 551336”

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 visual/residential amenity and the character/appearance of the surrounding street scene. As such the proposal complies with PPS1, PPG3 and Policies , GP1, H4a, GP4A, L1c, GP9, H5a and Appendix E "Car and Cycle Parking Standards" of the City of York Development Control Draft Local Plan.

58d. St James Vicarage, 257A Thanet Road, York (06/02413/REM)

Members considered a reserved matters application, submitted by Barratt Homes (York), for the erection of 6 no. dwellings.

The case officer recommended the deletion of the wording, “or dying or being severely damaged or becoming seriously diseased before the end of that period”, from condition 3 of the application, which related to retention of trees and hedges. He reported that drawing number PO6:3596:04 had been submitted, showing site elevations, and that drawing number PO6:3651:01 (REV B) had been submitted, relocating the south eastern gable elevation 2.8m further away from the shared boundary with 103-113 North Lane, so that the distance between the buildings was 13.3-13.8m, and that condition 5 should make reference to these drawings. He also presented advice that had been received from the City Development section regarding affordable housing.

Representations were received in objection to the application, on behalf of Dringhouses & Woodthorpe Planning Panel and in support of the application, from the applicant’s architect.

Members requested the inclusion of the informatives recommended for the related application 06/01283/REMM.

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

- (i) Condition 3 – “None of the existing trees or hedges shown to be retained on the approved plans shall be wilfully damaged or destroyed or uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority. Any trees removed without such consent shall be replaced with trees of such size and species as may be agreed in writing with the Local Planning Authority.

Reason: The Local Planning Authority considers it important to safeguard the trees and hedges in a positive manner so as to secure their continued well being.”

- (ii) Condition 5 – “The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

PO6:3596:04 – Site Elevations
PO6:3651:01(REV B) - Planning Layout
PO6:3651:04 - Plans and Elevations
PO6:3651:03 - Garage Details

or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.”

- (iii) Informative – “The developer/agent should ensure that planning conditions relating to drainage are discharged with the Local Planning Authority prior to any application for S104 Sewer Agreement (if applicable) and/or applications for the connection to the public sewerage system.”

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 visual and residential amenity. As such the proposal complies with PPS1/PPS3 and Policies , GP1, H4a, GP4A, L1c, GP9, H5a and Appendix E "Car and Cycle Parking Standards" of the City of York Development Control Draft Local Plan.

58e. Plot 15, Great North Way, Nether Poppleton, York (06/01688/REMM)

Members considered a reserved matters application, submitted by White Rose Development Enterprises Ltd, for the erection of 2 no. light industrial/storage and distribution units (B2 and B8 uses).

The case officer reported that the applicant had submitted a sustainability statement since the publication of the report. A copy of this statement and updated wording for condition 11 following its submission were circulated to Members.

RESOLVED: That the application be approved, subject to the conditions listed in the report, with the following amended condition:

- (i) Condition 11 – “ The design of all the units shall be in accordance with the contents of the design statement dated 8 January 2007 submitted by the applicants’ agent under the reference AP/LM/975-22 which will satisfy the requirements of Policy GP4a.

Reason: In the interests of sustainable development.”

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 visual amenity and highway issues. As such the proposal complies with Policies GP1, T4, GP4a of the City of York Development Control Draft Local Plan.

58f. Trentholme House, 131 The Mount, York (06/02603/FUL)

Members considered a full application, submitted by Mr W Legard, for the retention of safety railings at roof level.

The case officer reported that no representations had been received from the residents of the adjacent property and drew attention to a letter from the applicant’s health and safety consultants recommending that a toe board be fitted at the base of the railings. He also highlighted that the application did not include the decking currently in situ and that this would need to be removed, either by agreement with the applicant or by enforcement action.

Representations were received in support of the application, from the applicant’s agent, and a photograph of the railings was circulated to Members.

RESOLVED: That the application be approved, subject to the condition 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:

- visual impact of the proposal on the character and appearance of the conservation area
- impact on the amenity and privacy of neighbours
- health and safety

As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1 and HE3 of the City of York Local Plan Deposit Draft.

59. ENFORCEMENT CASES UPDATE

Members received a report which provided a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by the Sub-Committee.

Members requested that future reports include business names as well as addresses for easy identification of properties.

RESOLVED: That the report and updates be noted.

REASON: To inform Members of ongoing work in this area.

COUNCILLOR D LIVESLEY

Chair

The meeting started at 3.00 pm and finished at 5.40 pm.