MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	10 OCTOBER 2012
PRESENT	COUNCILLORS DOUGLAS (VICE-CHAIR), FITZPATRICK, KING (EXCEPT MINUTE ITEMS 28A & 29), MCILVEEN, CUTHBERTSON(EXCEPT MINUTE ITEMS 24-27), FIRTH(EXCEPT MINUTE ITEM 29), WARTERS, BOYCE (SUBSTITUTE FOR COUNCILLOR FUNNELL) , GILLIES (SUBSTITUTE FOR COUNCILLOR GALVIN)(EXCEPT MINUTE ITEM 29) AND RICHES (SUBSTITUTE FOR COUNCILLOR WATSON)(EXCEPT MINUTE ITEM 29)
APOLOGIES	COUNCILLORS FUNNELL, GALVIN AND WATSON

Site Visited	**Attended by**	**Reason for Visit**
31 Penyghent Avenue	Councillors Cuthbertson, Douglas, King, McIlveen and Warters	To inspect the site.
19 Farndale Avenue	Councillors Cuthbertson, Douglas, King, McIlveen and Warters	As the application had been called in by the Ward Member.
Physics Department (Chemistry Car Park A) University of York	Councillors Cuthbertson, Douglas, King, McIlveen and Warters	As the application had been called in by the Ward Member.

24. DECLARATIONS OF INTEREST

At this point in the meeting, Members were asked to declare any personal, prejudicial or disclosable pecuniary interests they might have had in the business on the agenda.

Councillor Cuthbertson declared a personal non prejudicial interest in Agenda Item 5c) (Physics Department) as a registered student at the University of York. He clarified this by saying that he did not study sciences.

Councillor McIlveen declared two personal non prejudicial interests. Firstly he declared a personal and non prejudicial interest in Agenda Item 5a) (19 Farndale Avenue) as he managed an House of Multiple Occupation (HMO) in another area of the city. He also declared another personal non prejudicial interest in Agenda Item 5b) (Leonard Cheshire Disability) as he had part dealings with the York Archaeological Trust (YAT) and also because the Chair of his local Labour Party branch was an employee of YAT.

No other interests were declared.

25. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the Members of the Press and Public be excluded from the meeting during the consideration of Annexes to agenda item 6 (Enforcement Cases Update) on the grounds that it contains information that if disclosed to the public, would reveal that the Authority proposes to give, under any enactment or notice by virtue of which requirements are imposed on a person or that the Authority proposes to make an order or directive under any enactment. This information is classed as exempt under Paragraphs 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.

26. MINUTES

RESOLVED: That the minutes of the East Area Planning Sub-Committee held on 6 September 2012 be approved and signed by the Chair as a correct record.

27. 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 Committee.

28. 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 of consultees and officers.

28a 19 Farndale Avenue, York. YO10 3NY (12/02451/FUL)

Members considered an application for a change of use from dwelling (use Class C3) to a house of multiple occupation (HMO) (use Class C4).

In their update to Members Officers commented that the figures used in the report to refer to one existing HMO within 100 metres of the property at 19 Farndale Avenue were incorrect. They also revealed that twelve properties had been left off the list, which led to a recalculation in the percentage of properties in the area which were HMOs. The overall number was still below the threshold in the Council`s approved Supplementary Planning Document.

Representations in objection to the application were received from a local resident who was also a member of Osbaldwick Parish Council. He questioned the numbers used in the Officer's report to calculate the percentage of HMOs which were 100 metres distance away from the application site, in particular the reliance on Council Tax data. He felt that a more vigorous inspection needed to take place to discover which houses were HMOs, and which were not.

Discussion between Members and Officers focused on whether the figures of the number of HMOs that had been included in the Officer's report were robust enough to justify granting approval for the application.

Some Members suggested that the application be deferred in order to give Officers more time to carry out a proper survey of houses in the area.

Officers informed the Committee that due to changes in legislation, that if an unauthorised HMO had been a shared property before April 2012, the owners could apply for a Certificate of Lawful Development , which may take several months to resolve.

They suggested that as a result of this, the list of retrospective applications from unauthorised HMOs could increase and could be detrimental to the application under consideration.

Further discussion ensued with some Members feeling that the figures for the number of HMOs in the area were not clear enough in order to be able to grant planning permission, because they felt that current local knowledge from the Parish Council and local residents would be more accurate.

Others considered that if the Committee decided to defer the application, that they would set a precedent for stalling with future similar applications because of opinions over the accuracy of figures of HMOs in the area. Additionally, some Members felt that the system of verification of houses as HMOs was an improvement on the previous system and that the Committee should concur with the Officer's recommendation for approval. They added that the Committee should follow the Council's policy and that this should be applied consistently.

RESOLVED: That the application be approved.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the Officer's report, would not cause undue harm to interests of acknowledged importance, with particular reference to residential amenity and the impact on the character and appearance of the area. As such the proposal complies with Policy H8 of the City of York Development Control Local Plan, and the Council's Supplementary Planning Document 'Controlling the concentration of Houses in Multiple Occupancy' (2012).

28b Leonard Cheshire Disability, 421 Huntington Road, York. YO31 9HT (12/02524/FULM)

Members considered a full major application for a change of use from General Industrial (Use Class B2) to Storage (Use B8) with General Industrial Use.

RESOLVED: That the application be approved.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the Officer's report would not cause undue harm to interests of acknowledged importance, with particular reference to the principle of change of use and the impact on local residential amenity. As such the proposal complies with Policy E3b of the City of York Development Control Local Plan.

28c Physics Department, University of York, Innovation Way, Heslington, York. YO10 5DD (12/02651/FUL)

Members considered a full application for the construction of a two storey Wolfson Atmospheric Chemistry Research Centre at Chemistry Car Park A on the University of York campus, and also for new replacement ramps to the rear of the Plasma and Harold Fairhair buildings.

In their update to Members, Officers suggested that if Members were minded to approve the application that a condition be added to restrict the hours of construction on the building.

Representations in objection were received from a local resident. She stated that the conservation area around the site would be harmed, as in her opinion the pathway through the adjacent woodland would be detrimentally affected due to the distance proximity of the new buildings to the boundary of the trees.

Further representations were received from another local resident in objection. She felt that the application would be overdevelopment and that the proposed building was too large and had been shoehorned into the land available in the car park.

Additionally she was concerned that there was a lack of information about tree protection and added that if approved, an archaeological condition should be added to planning permission.

Additional representations in objection were received from another local resident. He referred to Heslington Church, which was adjacent to the site. He added that given its listed status that special care and attention should be paid to how developments in the area could affect the church. In his view construction of the building would damage tree roots, which would lead to their death, and therefore the building would be conspicuous in the winter.

Representations in support of the application were received from the agent for the applicant. She mentioned to Members that the applicant had proposed to thicken the tree belt on the boundary of the site. She added that the reason for the location of the building was to be closer to other Chemistry Department buildings. She stated that the University had a development brief on that part of the campus and that the application would support the Council's policy of the promotion of Science in the city and would bring in additional jobs.

Members asked Officers about whether a tree survey had been conducted. In the view of Officers it was felt that the previous temporary buildings on the site would have restricted the spread of tree roots into the application site. Other Members added that they could not see how tree roots could have been damaged by a temporary building placed upon a tarmac surface. The agent responded that when the temporary buildings were located on the site that no excavations took place, but that that the weight of the buildings would have restricted the spread of tree roots. This was as a result of compaction of the ground.

Other questions to Officers from Members sought clarification about the height of the proposed building and whether the footpath along the boundary of the site would be maintained. They also questioned why Tree Protection Order (TPO) measures had not been included in the Officer's report.

It was reported that the height of the building would not be as tall as the Plasma building which adjoined it.

The lights from the building would be turned off in the evening, and the University would not want to prevent use of the footpath and so would agree to maintain the route. It was also reported that a tree protection condition could be added to any planning permission and the agent was happy with this.

Another Member was concerned that there was a possibility that further development could take place to extend the building to fill an empty space between it the adjacent trees. Other Members felt that the building was not visually detrimental and that it was needed by the Chemistry Department. They also felt that it should be allowed given that the University played a vital role in the life of the city.

RESOLVED: That the application be approved with the following additional conditions;

5. Trees showing as being retained on the approved plans/ drawing xxx shall be protected in accordance with BS: 5837 Trees in relation to construction.

Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing; phasing of works; site access for demolition/construction and methodology; type of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading); parking arrangements for site vehicles; locations for storage of materials; locations of utilities. Details of existing and proposed levels and surfaces shall also be included.

The protective fencing line shall be adhered to at all times during development to create exclusion zones.

None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation or deep-digging, parking or manoeuvring of vehicles; there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, or pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works. A notice stating 'tree protection zone-do not remove' shall be attached to each section of fencing.

Reason: To ensure protection of existing trees before, during and after development which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area.

6. The new tree and woodland understorey and margin planting shown on the Proposed Landscaping Plan PL05 revision B shall be implemented within a period of six months of the completion of the development. Details of the height of the proposed trees along Innovation Way shall be submitted to the local planning authority for written approval. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: In the interests of maintaining the landscaped setting of the campus in accordance with policy ED6 of the Local Plan and the Heslington Campus Development Brief (August 1999).

7. Notwithstanding the details included within Proposed Landscaping Plan PL05 Rev B details of additional tree and shrub planting to be located between the development hereby authorised and the existing tree belt to the south east shall be submitted to and approved in writing before the development hereby authorised is commenced. The additional landscaping shall be undertaken within 6 months of the completion of development and any tree or planting which within a period of five years from the completion of the development dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless suitable alternatives are agreed in writing by the Local Planning Authority.

Reason: To secure the landscape setting of the Heslington University Campus and to secure compliance with Policy ED6 of the York Development Control Local Plan and the Heslington Campus Development Brief(Aug 1999).

10. All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:-

Monday to Friday 08.00 to 18.00
Saturday 09.00 to 13.00
Not at all on Sundays and Bank Holidays

Reason: To secure the amenity of the area.

11. Prior to the commencement of the development , a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority.

All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of the area.

12. Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible outside of the site boundary when in use, shall be submitted to the Local Planning Authority for approval prior to the development hereby authorised commencing. These details shall include maximum sound levels (LAmax(f)) and average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. All such machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the Local Planning Authority. The machinery, plant and equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of existing and future residents.

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 the proposed use and required location for the development, the impact on the appearance of the area, the impact upon the setting of the adjacent conservation area and the impact on trees, the landscaped setting of the campus and protected species. As such the proposal complies with Policies ED6, GP1, GP4A, NE1, NE7 and HE2 of the City of York Development Control Local Plan; polices Y1B and Y1F of the Yorkshire and Humber Plan (Regional

Spatial Strategy to 2026) and the policies contained within the National Planning Policy Framework.

28d 4 Derwent Road, York. YO10 4HQ (12/02737/FUL)

Members considered a full application which sought to remove two planning conditions (condition 12 (Level 3 Code for Sustainable Homes) and condition 13 (provision for on-site renewable energy) that were attached to a previously approved application for the erection of two dwellings on the site.

Officers updated Members on the reasons for the removal of the conditions, which was due to an amendment to the Interim Planning Statement (IPS) on Sustainable Design and Construction. It was reported that the applicant would still have to comply with Code Level 3 under Building Regulations, and as a result the green credentials of the development would not be lost by removing the condition from planning permission.

Representations in support were received from the applicant. He informed the Committee regarding the reasons for the new application on the site, in that the previously attached conditions would no longer be enforceable, due to a change in policy which had introduced a threshold of ten dwellings.

Further representations were received from the Ward Member, Councillor Taylor. He informed Members that a number of local residents were displeased about the application and were not happy with the demolition of the bungalow and redevelopment. He added that they were particularly concerned that unsightly steel hoardings had been constructed around the site, and that construction on the two semi detached dwellings had not commenced. He added that he wished for the applicant to make a commitment to local residents to finish the development in a reasonable amount of time.

RESOLVED: That the application be approved.

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 principle of

redevelopment, design, density, sustainability, character and amenity, residential amenity, flood risk and drainage, highway safety and impact on local facilities. As such the proposal complies with national advice contained in the National Planning Policy Framework, Policy ENV1 of the Regional Spatial Strategy for Yorkshire and The Humber and Policies SP6, H4A, H5A, GP1, GP4A, GP10, L1C and T4 of the City of York Draft Development Control Local Plan (incorporating 4th set of changes, April 2005).

28e 31 Penyghent Avenue, York. YO31 0QH (12/03011/FUL)

Members considered a retrospective full application for a single story rear extension. Members were informed that the local Planning Panel had no objections to the application.

RESOLVED: That the application be approved.

REASON: In the opinion of the Local Planning Authority, the proposal, subject to the conditions listed in the Officer's report, would not cause undue harm to interests of acknowledged importance, with particular reference to the effect on residential amenity.

29. ENFORCEMENT CASES-UPDATE

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

A detailed discussion between Members and Officers took place about the Article 4 direction for Houses in Multiple Occupation (HMO) and the enforcement of this.

Members thanked Officers for their continuing hard work particularly on cases involving HMOs in the city.

RESOLVED: That the report be noted.

REASON: To update Members on the number of outstanding enforcement cases within the Sub Committee's area.

Councillor Douglas, Vice Chair in the Chair
[The meeting started at 2.00 pm and finished at 4.20 pm].