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Meeting	Area Planning Sub-Committee
Date	5 July 2018
Present	Councillors Galvin (Chair), Shepherd (Vice-Chair), Cannon, Craghill, Crawshaw, Dew, Fenton, Flinders, Gillies, Hunter and Carr (Substitute)
Apologies	Councillors Mercer

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## **12. Declarations of Interest**

Members were invited to declare, at this point in the meeting, any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests that they might have in the business on the agenda.

Councillor Gillies declared a personal, non-prejudicial interest in Agenda Item 4c (Gem Construction & Shopfitting Ltd, North Lodge, Clifton Park Avenue) as the managing director of Gem Construction was a fellow member of the Merchant Adventurers Guild.

## **13. Minutes**

Resolved: That the minutes of the Area Planning Sub-Committee meeting held on 7 June 2018 be approved and then signed by the Chair as a correct record.

## **14. 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.

## **15. Plans List**

Members considered a schedule of reports of the Assistant Director, Planning and Public Protection, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

**16. 5 Cherry Grove, Upper Poppleton, York, YO26 6HG  
[17/01968/FUL]**

Members considered a full application by Mrs R Wardle for the erection of a bungalow to the rear of 5 Cherry Grove (resubmission).

Mr Neil Iacopi, a local resident, spoke in objection to the application on the grounds of flooding and drainage. He stated that the current flood alleviation scheme did not work and that the drainage systems proposed by the engineers were flawed and not fit for purpose. Mr Iacopi went on to state that approval of these plans would only exacerbate the issue of flooding on and around Cherry Grove.

Jane Parker, a local resident, spoke in objection to the application. She stated that the application went against national planning guidelines, the neighbourhood plan and would adversely affect the character of Cherry Grove. Ms Parker claimed that the already cramped street scene would be worsened and the proposed fence would create a 'blind' corner for motorists and pedestrians, increasing road safety concerns on what is already a narrow street.

Mr Thompson, another local resident, spoke in objection to the application. He claimed the application was flawed and that due process had not been followed. He claimed that the official deadlines for submitting this application had expired in 2017. Mr Thompson was unhappy that the willow tree, that was supposed to remain on site, would now be removed as part of the development. He explained how important the tree was in relation to the water table and asked why it had to be removed.

Roger Brown advised Committee Members that he was speaking on behalf of the former resident of the property for whom he held power of attorney. He advised that due to high costs of care, she wished to retain the property while realising the property's financial benefits.

Gerry Taylor, the applicant's architect, spoke in support of the application. He informed Members that the applicants had decided to put in a full application after a pre-application enquiry with officers. Mr Taylor highlighted that whilst there was evidence of flooding at neighbouring properties, this application

would not make the issue worse. This is because the current neighbourhood relied on 'soak away' drainage, whereas the new scheme would tap into the existing combined drainage system. He confirmed that all drainage plans had been approved by CYC Drainage Engineers, the Internal Drainage Board and Yorkshire Water.

Members requested some clarification from speakers/officers regarding the shared water storage facility and whether the tree in the garden of 5 Cherry Grove would remain as planned. It was confirmed that the water storage facility would be shared between the owners of 5 and 5a Cherry Grove and officers confirmed that there was a condition in the application to protect the tree and hedge from removal.

The Council's Flood Risk Engineer then spoke about the testing that he had carried out on site. He stated that the current soak away drainage system was not effective. He explained that the water storage facility would be an acceptable drainage solution for the property as long as the minimum discharge requirements (referred to in the officer recommendations) were met. He also confirmed that Yorkshire Water and CYC would be supervising the installation of the system to ensure compliance.

Members requested clarification on the time it has taken to complete the application and whether it had missed deadlines, which was alluded to during public participation. Officers informed Members that the time it had taken was necessary in order to ensure that the decision was made on correct information.

A majority of members agreed that they were happy with the findings of the engineers and did not see any reason why the application should be refused.

**Resolved:** That the application be approved subject to the conditions listed in the report.

**Reason:** It is considered that the proposal will add to the housing supply in a sustainable location. It is not considered that the amenity value of the existing garden is such that would preclude the development of the site. It is further considered that the scale of the proposed dwelling is in keeping with the street scene and overall character of the area, and the

existing and proposed dwellings will have a garden area that is commensurate with their scale. It is considered that the proposed access and parking provision is acceptable. The site is situated within Flood zone 1, however Officers have taken account of the significant level of objection based on surface water problems in the area. Nevertheless, having taken account of the advice of both Yorkshire Water services and the Flood Risk Management Team it is considered that surface water can be disposed satisfactorily, in a manner that will not increase surface water problems in the locality.

**17. Proposed Apartment Block, Clock Tower Way, York [17/02874/FULM]**

Members considered a major full application by David Wilson Homes Yorkshire East for the erection of a four storey building comprising of 18 apartments.

Officers confirmed that the adopted Interim Affordable Housing Thresholds 2015 applied in respect of consideration of this proposal and explained how this impacted on the proposal. They also clarified some amendments to the report in relation to heights and distances from buildings surrounding the proposed development, these were as follows:

- 1) Paragraph 4.10 of the report should read “ 11.4 metres to parapet level..”
- 2) The relative heights of the proposed building would be 11.4 metres high to parapet level, 13.203 metres to the highest point of the roof and 24.78 metres AOD
- 3) The existing apartment block to the east was 11.265 metres to parapet level, 13.325 metres to the highest point of the roof and 27.4 metres AOD
- 4) The previously approved town house at the junction of Clock Tower Way and Campleshon Road is 9.345 metres to parapet level, 10.85 metres to the highest point of the roof and 25.45 metres AOD
- 5) The built footprint of the proposed scheme would cover 506 sq metres, the apartment block to the east covers 541 sq metres and the approved scheme for the site 467 sq metres.

They advised that the sunlight and daylight assessment for the scheme had been prepared by the Building Research Establishment (BRE) and it confirmed compliance with the standards laid out in their publication "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice". It confirmed that all windows on the second floor of Block A would receive light levels within guidelines for both day light and sunlight. Three windows on the first floor would be below guidelines in terms of daylight however two of those are also served by other windows which comply with the guidelines. Two windows fell below the guidelines in terms of sunlight, one of which is also served by a further window which complied with the guidelines, the second was a bed room where access to sunlight was less significant.

John Young, a local resident, addressed the committee in objection to the application. He stated that the lack of sufficient parking for the proposed blocks will exacerbate the already troublesome parking situation in the area. Mr Young pointed out that there had been two recent traffic accidents caused by the parking issues at this site and that road safety is decreasing around the major junction in this area.

Colin Spence, also a local resident, spoke in objection to the proposal stating that the discrepancies in building heights and distances have been misleading. Mr Spence also stated that one of the windows identified by officers as not meeting the daylight/sunlight guidelines was in fact a primary window on his property.

Janet Spence, spoke as a local resident, in objection to the proposal. Mrs Spence did not agree with officers that the new building was 'density appropriate'. She stated that the amended application did not allow for significant landscaping, had a detrimental impact on local amenities and was indicative of 'over-development'. Mrs Spence believed that a smaller build with a lower overall height was required on this site.

Eamon Keogh spoke in support of the application on behalf of O'Neill Associates. Mr Keogh stated that there is significant need for the development and that the style and proportion of the proposed build, matched the style of the area. Mr Keogh noted that the separation distances between buildings were deemed acceptable and that the height of the building was reduced following consultation with conservation officers. He

mentioned that this proposal was not a radical departure from the current scheme in the area.

Councillor J Hayes, Ward Councillor for Micklegate, then addressed the committee. He stated that he had a great deal of sympathy for the residents who had spoken in objection and that he agreed the development would have a detrimental impact on the community. He also stated that he felt this development had been shoehorned onto the site and urged the committee to refuse the application.

In response to a speakers' comments, officers provided clarification with regard to sunlight/daylight guidelines, deviations from previously agreed applications and also in relation to the level of importance of the previous masterplan.

Some members noted that there were significant changes from the original plan and that there was much sympathy for the residents in the area who were concerned with parking, the impact of the development on their community and the scale of the development.

Councillor Carr moved, and Councillor Crawshaw seconded, a motion to refuse the application on the grounds that it would be detrimental to visual amenity and the street scene, due to the scale and massing of the development, traffic generation, removal of parking spaces and potential increase in transient population which would lead to a less socially sustainable development. On being put to the vote, the motion fell.

Several Members did not think that there were adequate reasons to object to the proposal. Councillor Shepherd then moved, and Councillor Flinders seconded, a motion to approve the application as recommended by officers subject to the Section 106 agreement and conditions listed in the report. On being put to the vote, the motion was carried and it was:

Resolved: That on completion of a S106 legal agreement to secure the provision of three "affordable" housing units within the development, together with a financial contribution of £1,920 towards the operation of the City Car Club Scheme and its dedicated spaces at the development and a financial contribution towards cycle ownership/one (no) annual bus pass for each apartment owner on first

occupation, DELEGATED authority be given to the Assistant Director (Planning and Public Protection) to APPROVE the application subject to the conditions listed in the report.

Reason: The proposal has been amended since submission to allow for removal of the previously intended fifth storey. It is felt that the proposal as amended would not give rise to harm to the setting of the Terry's Clock Tower. The amended scheme would reflect the form of the adjacent apartment block and would not materially impact upon the visual amenity of the wider street scene. There would be some impact upon residential amenity of the apartment block to the east- however again it would reflect the pattern of development previously approved. Requirements for provision of affordable housing and the encouragement of sustainable transport modes are engaged and those would be secured by means of a Section 106 Agreement. Such requirements are in compliance with Regulations 122 and 123 of the 2014 CIL Regulations as fairly and reasonably relating to the permitted development.

**18. Gem Construction & Shopfitting Ltd North Lodge Clifton Park Avenue York YO30 5YX [17/01437/FULM]**

Members considered a major full application by Mr Mike Green for the erection of a three storey building forming 14 flats on Clifton Park Avenue.

Officers updated Member on further consultation responses which had been received and additional conditions to be recommended as a result of these. They advised that Waste Services had now provided comments and had advised that refuse lorries would be able to reverse up to the bin store. The road was just wide enough so if any vehicles were parked up on the road the access would be obstructed, so double yellow lines on the access road should be a consideration.

They advised that Highway Network Management had also responded to confirm they had no objections to the scheme but made the following comments:

- a similar proposed development had been accepted in this location. The cycle store did not allow the full complement of cycle stands to be provided to Appendix 21 standards; however circulation space within the flats could be utilised to allow parking for some of the ground floor apartments. This could be sought via condition.
- Car parking had been accepted to similar levels on previous submission, at one per unit with one space for visitor parking is available to the development. Envisaged a negligible amount of visitor parking on the highway, in the nearby street however did not believe there would be a detrimental effect on the highway. Would be more comfortable with a higher provision of visitor parking in this location but unable to defend a highway objection, based on CYC car parking standards.
- The development adjoined an adopted footpath and was liable to damage caused by working in this isolated site. Therefore a dilapidation survey of the footpath was requested via condition.
- Bin collection was not provided at 20m from the adopted highway. CYC's commercial services had suggested Yellow lines on the private access road within the blue boundary. Although this was something the applicant could arrange privately with the landowner and associated users of the shared access, it had not been proposed and CYC were unable to control this. Should there be issues with collection; bins could be stored on site within the car park and collected from Shipton Road if access to the pedestrian gate is allowed. Request HWAY 18, HWAY19, HWAY40

Officers advised that comments had also been received from Kyle and Upper Ouse Internal Drainage Board. They confirmed they had no objections but sought a condition for the submission of surface water drainage details.

Comments had also been received from the Landscape Architect who had no objections provided that a suitability detailed arboricultural method statement was submitted. This required an up to date version that tallied with the final scheme, including the location of garden boundaries and the means of implementation, to be requested through condition.

Mr Ben Pilgrim then spoke on behalf of the applicant in support of the application. He stated that the plans were approved



previously however the new plan with resolved issues around waste, cycle and vehicle parking and a slight building realignment have improved the scheme. He urged Members to accept officer recommendations and approve the application.

Members requested that the number of electric vehicle charging points be increased from one to two or three. The applicant's representative agreed to investigate if it this was possible.

Resolved: That DELEGATED authority be given to the Assistant Director (Planning and Public Protection) to APPROVE the application subject to the conditions listed in the report and the additional and amended conditions listed below:

Replacement Condition: Arboricultural Method Statement (to replace Condition 5)

Prior to the commencement of the development hereby approved, an Arboricultural Method Statement in accordance with BS5837:2012 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. Amongst others, this statement shall include a 'Tree Constraints Plan' and a 'Tree Protection Plan', details of protective fencing, ground protection, site rules and prohibitions, phasing of works, site access during construction, types 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 stored materials, locations and means of installing utilities, location of site compound and marketing suite. The document shall also include methodology and construction details and existing and proposed levels where a change in surface material and/or boundary treatments is proposed within the root protection area of existing trees. A copy of the document will be available for inspection on site at all times.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered

to make a significant contribution to the amenity of this area and/or development.

Amended Condition: Cycle parking provision  
(revision to Condition 17)

Prior to the first occupation of the development details of the cycle stands or fixings within the specified cycle parking area and elsewhere on the ground floor to create 14 cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the approved details have been provided, and the cycle parking areas shall not be used for any purpose other than the parking of cycles.

Detail of the visitor cycle stands shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the approved details have been provided, and this cycle parking area shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours. The specified cycle parking area on the plans is not large enough to accommodate 14 cycle parking spaces. Therefore further details are required to ensure the adequate level of cycle parking can be accommodated within the ground floor of the proposed development.

Additional condition HWAY40 (Dilapidation Survey)

Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the Local Planning Authority.

Reason: In the interests of the safety and good management of the public highway the details of which must be recorded prior to the access to the site by any construction vehicle.

Reason: The proposed building is considered to be acceptable within the greenbelt and would not result in undue harm to the residential amenity of the occupants of the nearby dwellings. The proposed would be in character with the surrounding development.

**19. Proposed Self Storage Facility, Water Lane, York [17/03004/FULM]**

Officers advised that since the committee report had been prepared, a request had been received from the applicant to further amend the scheme to address the identified harm arising to the residential amenity of neighbouring properties, and they were therefore recommending that consideration of the proposal be deferred.

Resolved: That the application be deferred for consideration at a future committee meeting.

Reason: To enable the amendment to be formally submitted and considered at a future meeting.

**20. Burton Stone Community Centre, Evelyn Crescent, York, YO30 6DR [18/00082/GRG3]**

Members considered a General Regulations (Reg3) application by City of York Council for the extension of an existing care facility to provide 29 apartments and 4 bungalows with associated communal facilities and a new multi use community facility following demolition of the existing community centre.

Officers provided clarification as part of their update to Members, on relevant policy issues, namely Policies HW1 (Protecting Existing Facilities) and HW3 (Built Sport Facilities) and the effect of these when considering the proposals.

They reported on further consultation responses received, advising that Design, Conservation and Sustainable Development(Ecology) had confirmed they had no objections to the proposal. Highway Network Management had also raised no objections to the proposal subject to a condition being included in relation to highway works.

Officers updated members on the outcome of the bat survey, which confirmed that there were no bats on site. Officers also informed members that there had been objections raised due to the loss of the gymnasium associated with the pre-WWII movement to improve physical health. Highways and Network management had suggested a traffic regulation order for the opposite street.

Alistair Mitchell, spoke on behalf of SPA Architects in support of the application. He explained that there was a lack of extra care services in the north of the city and that the extension was part of a wider CYC strategy to delay or even prevent elderly residents from entering the nursing / care home system. He explained that investigations had been made into keeping the gymnasium however the building was not fit for purpose and was expensive to run.

Members expressed concern at the loss of the historic gymnasium and questioned whether sufficient efforts had been made to retain the gymnasium. It was agreed that, subject to approval, a condition be added to ensure that the gymnasium building and its history were properly recorded. Members acknowledged, however, the need for extra care facilities in York which this proposal would provide.

Resolved: That the application be approved subject to the conditions listed in the report, the additional condition detailed below in relation to highway works and a condition to ensure that a historic record of the gymnasium building was kept:

Additional Condition

The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same

Heavy duty dropped crossovers to car park areas,  
removal and reinstatement for redundant crossings

installation of 2 new pairs of tactile crossing shown indicatively on site plan. Resurfacing of footway to full frontage of development to avoid patched appearance.

Reason: In the interests of the safe and free passage of highway users.

Reason: Concerns have previously been expressed in terms of the design and drainage layout of the scheme together with the loss of the existing gymnasium building. The design and drainage layout of the scheme has subsequently been amended and on balance are felt to be acceptable. At the same time a justification for removal of the gymnasium building outlining the substantial technical implications for the scheme of designing around the basement have been submitted. This is again felt on balance to be acceptable.

Councillor J Galvin, Chair  
[The meeting started at 4.30 pm and finished at 7.00 pm].