
MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	9 NOVEMBER 2006
PRESENT	COUNCILLORS MOORE (CHAIR), HYMAN (VICE-CHAIR), D'AGORNE, HALL, GREENWOOD, SMALLWOOD, KING, VASSIE, B WATSON AND I WAUDBY

34. INSPECTION OF SITES

There were no site visits for this meeting.

35. 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. No interests were declared.

36. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the Press and Public be excluded from the meeting during consideration of the Agenda Item 6 (Enforcement 06/00597/COND – Non compliance with approved plans) on the grounds that it contains 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 direction under any enactment it contained information classed as exempt under Paragraph 6 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by the Local Government (Access to Information) (Variation) Order 2006).

37. MINUTES

RESOLVED: That the minutes of the meeting of the Sub-Committee held on 12 October 2006 be approved and signed by the Chair as a correct record, subject to the following addition:

Minute 33 Reason iii)

That a report be brought back to Members regarding an alleged breach of a permission granted for Enforcement Case 06/00597/COND

38. PUBLIC PARTICIPATION

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

39. 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.

39a. St Peters School, Clifton, York (06/01428/FUL)

Members considered a full application, submitted by St Peters School, for the erection of gated enclosure at each end of the former public footpath. The council's legal officer clarified the position as to what was being considered in this application – this application was for the erection of gated enclosure at each end of the former public footpath. The closure of the footpath was not for discussion at this meeting as this decision had been made by the Secretary of State.

Officers updated that this item had been deferred from the last meeting due to discrepancies on the map and issues regarding the certificate of ownership – these issues have now been clarified. No objections had been received for this application from the council's Head of Network Management.

Representations in objection to the application were received from a representative of the Clifton Path Action Group. The speaker raised issues regarding the current fixed barriers at both ends of the path and the proposal to erect a bridge across footpath 14 from St Olave's to St Peters. Issues were also raised regarding protecting the line of the path, so as to enable it to remain a visible element in the history of Clifton, and there was a request that if the application was approved that a condition be included to address this.

Representations in objection to the application were received from a representative of the Ramblers Association. The speaker stated that the school had managed without fencing for a period of six months, that there was no requirement for a gate at the swimming pool end of the path, that if the application were to be approved a condition should be included to state that the gates be locked by use of a padlock at all times, and that he would support the occasional use of the path, for example for historic walks, etc.

Members discussed the use of the path for vehicular access, the fact that there were no objections raised by the council on highway grounds, preserving the line of the path for historic reasons, the opening of the gates into the highway, and a possible condition to state the gates could only be used for maintenance purposes only and would be locked by padlock at all other times.

RESOLVED:

That the application be approved subject to the conditions outlined in the report and subject to the following additional conditions and informative:

(i)The gate which fronts onto Clifton shall only be used as a vehicular access for maintenance purposes and should remain locked with a padlock at all other times.

Reason: In the interests of highway safety.

(ii)The gates at each end of the path shall be fitted so as to open inwards and not open out onto the public highway.

Reason: To prevent obstruction to other highway users.

Informative: The footpath is an important physical feature of the site and Clifton Conservation Area. The Council would encourage this to be maintained in its current state.

39b. The Pepsimax Raceway, Kathryn Avenue, Huntington, York (06/01476/FULM)

Members considered a major full application, submitted by Mr I Yeowart, for the change of use of indoor kart track to park and ride car park. Officers provided an update as detailed below:

ADDITIONAL REPRESENTATIONS.

3.2 ENVIRONMENTAL PROTECTION UNIT: Comments as follows;

Air Quality

Based on the information provided it seems unlikely that the change of use will generate any significant increase in the number of trips made to and from the development site and that the proposed park and ride activity may result in a small decrease in the number of trips made by private car to the railway station. As roads leading to the railway station are within the Air Quality Management Area any reduction in the number of trips on these roads is supported. Care must however be taken to ensure that the vehicles used to provide the shuttle service are of an equivalent or better emissions standard than the private vehicles which will be left at Monks Cross. It is therefore recommended that if the change of use is permitted a condition should be attached requiring any shuttle vehicles making trips into the AQMA to meet as a minimum the Euro III emission standards or better (equates to cars less than 6 years old). The use of a hybrid or fully electric vehicle would be particularly welcomed.

Noise

No problems are anticipated but it is recommended that site operating hours are restricted to 7am to 11pm in line with current late night operations on the site.

Contaminated Land

There are no contaminated land issues associated with this site.

OFFICERS COMMENTS:

The site lies within a mixed commercial area and is over 120 metres from the nearest dwellings. It is not considered that the development proposed represents a potential harm to the living conditions enjoyed by the occupiers of any dwelling. As such the recommended hours restriction is considered unnecessary and hence does not meet the tests set out for conditions in Circular 11/95.

An additional condition to secure the use of a lower emissions vehicle for transfers to the railway station is recommended to be attached to any consent. The applicant has written to confirm his agreement to working within the suggested emissions standards.

Condition 6. Vehicles used for the transfer of passengers between a railway station and the site shall conform to Euro III maximum emissions standards as defined by The Road Vehicles (Construction and Use) Regulations (specifically SI 2000/3197 and SI 2001/1825).

Reason: In the interests of sustainable development and in the interests of air quality.

ADDITIONAL COMMENTS

Further to the committee report, and for the avoidance of doubt, an additional condition is suggested to limit the maximum number and location of vehicles parked at the site to the number of spaces shown on the submitted layout plan, that being 88 total vehicles.

Condition 7. The number of motor vehicles parked shall not exceed 88 in total and parking shall be confined to the 88 parking spaces shown on Drawing Number 587.002 Revision A received 11 September 2006.

Reason: For the avoidance of doubt and in the interests of highway safety.

The applicant was present at the meeting to answer any questions from the committee.

Members discussed the issue of where the attendant would park, and were advised that if they were minded to approve this application condition 3 could be amended to include this. Regarding the possible problem of surplus cars, the applicant informed Members that they were considering a taxi collect facility, but this was still in its early stages. Security at the site

was discussed and Members were informed that there would be CCTV on site and the site would be locked when not manned. Traffic issues around the area were also discussed, and the loss of a leisure facility in the area.

RESOLVED: That the application be approved, subject to the conditions outlined in the report and subject to the following additional and amended conditions:

(iii) The site shall only be used for the parking of cars and motor vehicles for staff and in connection with the use by the occupants of those vehicles of a passenger transfer service between the site and a railway station;

(vi) Vehicles used for the transfer of passengers between a railway station and the site shall conform to Euro III maximum emissions standards as defined by The Road Vehicles (Construction and Use) Regulations (specifically SI 2000/3197 and SI 2001/1825).

Reason: In the interests of sustainable development and in the interests of air quality.

(vii) The number of motor vehicles parked shall not exceed 88 in total and parking shall be confined to the 88 parking spaces shown on Drawing Number 587.002 Revision A received 11 September 2006.

Reason: For the avoidance of doubt and in the interests of highway safety.

39c. 37 Towthorpe Road, Haxby, York (06/01825/FUL)

Members considered a full application, submitted by Hogg Builders (York) Ltd, for the erection of 5 detached dwellings to the rear of 37 – 43 Towthorpe Road.

Officers updated that the following paragraph should be substituted for paragraph 4.18 in the report included in the agenda:

4.18 The levels changes on the site relating to the impermeable areas (e.g. dwellings, driveways, patio areas) would be drained into the surface water system. The topographical and site sections submitted do also show there would be some changes to land levels in the remaining permeable areas, with use of retaining walls on plot 3 nearest properties on the Old Coppice. The site is known to have land drainage problems, and run off from ground levels changes on the adjacent Old Coppice development has caused water logging and flooding of the garden to no. 37 Towthorpe Road, part of which falls within the application site. An ombudsmen investigation upheld a complaint against the Council in this respect.

The amended drainage scheme submitted with this application is considered to provide adequately for drainage of increased surface water runoff resulting from the proposed development and to restrict outflow to the receiving watercourse to an acceptable rate. Hence this application provides an opportunity to provide for the drainage of this site.

Officers also updated Members on an additional consultation response from Yorkshire Water, detailed below:

YORKSHIRE WATER: The [foul water] drainage details are not acceptable to Yorkshire Water.

OFFICERS COMMENTS: There is nothing to indicate that foul water connection to the public foul water sewer in New Forge Court cannot be made. However details of the connection have not yet been provided to the satisfaction of Yorkshire Water. Details of foul water drainage are proposed to be secured by condition 14.

Representations were received in objection to the application by a resident of Old Coppice, representing themselves and other residents. The speaker raised issues regarding the current drainage problems and the fact that the removal of the trees on site would only increase the flooding problems. The erection of five dwellings would worsen the existing flooding.

Representations were received in support of the application from a representative for the applicant. He stated that they accepted that the current system on the existing development had failed and measures were being taken to resolve the situation. He detailed the action to be taken to address the problem.

Members discussed the drainage of the site and were advised by officers that the proposals put forward in the planning application address all the council's concerns regarding drainage issues.

Members asked for details regarding the sustainable features of the application, and requested that if the application were to be approved a condition be included to request details of schemes for collection and use of rainwater.

Cllr Hall requested that his abstention be recorded.

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

23. Details of a scheme for the collection and use of rainwater for domestic purposes (including grey water recycling for internal use and rain water storage for external use) shall be submitted to and agreed in writing by the local planning authority before development commences on site. The approved scheme shall be implemented on site before the dwellings hereby approved are first occupied.

Reason: In the interests of sustainable development.

39d. 3 Wenlock Terrace, Fishergate, York (06/02074/FUL)

Members considered a full application, submitted by P M Yorkshire Limited, for the conversion of a building from 4 flats to 9 flats with external alterations including new store in the rear yard.

Officers updated that the item had been brought to this committee at the request of Cllr Simpson-Laing on the grounds of overcrowding and traffic. No response had been received from the Planning Panel and a late objection had been received from a neighbour regarding parking issues. The posting of the site notice had been delayed and officers were requesting that if Members were minded to approve the application that delegated authority be given to officers to deal with any subsequent objections.

Representations were received in support of the application from the agent for the applicant. He stated that the application addressed sustainability issues, as it is close to the city centre and on a bus route. On and off street parking would be available. Although three of the units would be fairly small, no planning policy exists to govern this.

Members discussed the size of the units, parking issues, noise issues, and sustainability issues in terms of energy use as the plans showed that 9 of the rooms had no windows.

RESOLVED: That the application be refused.

REASON: The proposal, due to the conversion of this dwelling into 9 flats, two of which will be of very modest size, will result in an unacceptable intensity of occupation. It will adversely impact upon the living conditions of existing neighbours in other properties in Wenlock Terrace and the potential neighbours within the proposed flat conversion, through the associated noise disturbance and levels of activity created by separate dwellings. It is therefore the opinion of the Local Planning Authority that the proposal will create an adverse impact upon neighbouring residential amenity contrary to Policy H8 of the City of York Deposit Draft Local Plan.

40. ENFORCEMENT 06/00597/COND - NON COMPLIANCE WITH APPROVED PLANS

Members considered a report updating them on action to be taken to respond to an issue of non-compliance relating to the implementation of an approved drainage scheme.

RESOLVED:

- (i) That Members note that the council will seek to approve an alternative drainage system, that is based on the system as it

has been installed, through the submission of a further planning application with the amended details.

REASON:

It is considered that the siting of the storage system in the front garden allows for a more efficient system to be installed. The planning application could require that the existing outfall be subject to some form of control to limit the flow into the existing culvert.

- (ii) That the planning application be brought to this committee for consideration;
- (iii) That this item be included in the next quarterly enforcement report

REASON:

To inform Members.

CLLR R MOORE, Chair

The meeting started at 2.00 pm and finished at 4.55 pm.