

Meeting	Area Planning Sub-Committee
Date	8 October 2014
Present	Councillors McIlveen (Chair), Cuthbertson, Fitzpatrick, Galvin (Vice-Chair), Horton, King, Looker, Warters, Watt and Firth (Substitute for Councillor Hyman)
Apologies	Councillors Douglas and Hyman

Site	Visited by	Reason for Visit
Garage Court, Rear of 10-16 Newbury Avenue	Councillors Galvin, McIlveen, Warters and Watt.	As the recommendation was for approval and objections had been received.
9 Helmsdale	Councillors Galvin, McIlveen, Warters and Watt.	As the recommendation was for approval and objections had been received.
Land lying to the south of Centurion Office Park, Tribune Way	Councillors Galvin, McIlveen, Warters and Watt.	As the recommendation was for approval and objections had been received.

22. Declarations of Interest

At this point in the meeting, Members were asked to declare any personal, prejudicial or disclosable pecuniary interests not included on the Register of Interests that they might have in the business on the agenda. None were declared.

23. Exclusion of Press and Public

Resolved: That the press and public be excluded during the consideration of Annexes to Agenda Item 5 (Planning Enforcement Cases Update) on the grounds that they are classed as exempt under Paragraphs 1, 2 and 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.

24. Minutes

Resolved: That the minutes of the meeting of the Area Planning Sub Committee held on 4 September 2014 be approved and signed by the chair as a correct record.

25. 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.

26. Plans List

Members considered a schedule of reports of the Assistant Director (City Development and Sustainability) relating to the following planning applications outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

26a) Rodgers of York, Julia Avenue, Huntington, York, YO32 9JR (14/01551/FULM)

Members considered a major full application (13 weeks) from Mr James Browne for the change of use from use class B8 (warehouse) to restricted use class A1 (retail) with insertion of additional mezzanine floor space.

Officers advised that paragraph 4.7 of the report should read "A substantial customer car park lies within the site to the east of the existing building and the Monk's Cross Park and Ride site lies to the south west." "Examples of items for sale would be delivered to the store in the new circumstances, in the early morning or late evening as with other similar furniture and household furnishing retailers." The majority of purchased goods would be delivered directly from the warehouse to the purchaser's residence.

They also advised that an existing warehousing facility at Sheriff Hutton Industrial Estate would be used in place of the current site.

Mr James Browne, the applicant, addressed the committee in support of the application. He explained that the proposals would help the business thrive in an ever changing retail environment and would provide them with the additional space they needed in order to enhance their current displays.

Members agreed that the proposals would benefit the business acknowledging that Rodgers was situated close to other major retail developments.

Resolved: That the application be approved.

Reason: Rodgers of York comprises a medium sized independent furniture and household goods retailer located within a single storey unit directly to the south of the Monks Cross Retail Park. Planning permission had been sought for the change of use of the adjacent warehouse associated with the retailing operation to provide further retail floor space including a modest mezzanine linking the two elements of the retailing operation. A detailed Retail Impact Assessment together with a Sequential Test had been submitted to support the application. These demonstrated that the proposal, as being for the expansion of a long standing local business would have only a negligible impact upon the vitality and viability of the City Centre. At the same time a detailed Transport Statement had been submitted which demonstrated that the number of additional car journeys generated by the proposal would also be negligible.

**26b) Garage Court rear of 10-16 Newbury Avenue, York
(14/01517/GRG3)**

Members considered an application by the City of York Council for a General Regulations (Reg3) application for the erection of nine apartments with associated parking and landscaping following the demolition of garages.

Officers reported that the Flood Risk Management Team had responded and advised that as the site was in low risk Flood Zone 1, it should not suffer from river flooding. They had no objections to the development in principle but proposed conditions on foul and surface water (including provision of sustainable drainage systems).

The Internal Drainage Board (IDB) had warned that the site was in an area where drainage problems existed and development should not be allowed until the Authority was satisfied that surface water drainage has been satisfactorily provided for. A condition was therefore proposed to agree a scheme for provision of surface water drainage works prior to the commencement of development.

Yorkshire Water advised that there were 225 mm diameter sewers crossing the site. In this instance building over may take place under part H4 Building Regulations. The development should take place with separate foul and surface water drainage. The local sewer did not have capacity to accept additional discharge of surface water. Conditions should be applied to agree foul and surface water drainage schemes prior to commencement of development, and to ensure that there was no piped surface water discharge prior to the completion of the approved surface water drainage scheme.

The City Ecologist responded that the proposal would not have a negative impact on Hob Moor Local Nature Reserve. The new apartments would be set further back from the boundary than the existing garages, providing a small buffer of gardens and a new hedgerow would be planted along the entire length of the site. The trees and hedgerow on the boundary within Hob Moor would be retained. The flat bitumen roofed garages were very unlikely to support bats and a bat survey was not considered necessary. The report proposed that a light sensitive scheme be incorporated and this should be conditioned.

Officers advised that two further letters of objection had been received which expressed concerns that there was a waiting list for garages and the scheme would exacerbate existing parking problems due to shortage of parking. They stated that it would also have adverse impacts on flooding and drainage, the plans were unclear as regards removal of trees and the Ecological Report findings were inaccurate and a bat survey was required.

Officers proposed two additional conditions with regard to drainage, an additional condition regarding ecology and two additional conditions with regard to highways (HWAY 40 Dilapidation Survey and HWAY 31 Mud on the Road)

In response to questions raised, officers provided the following information:

- The need for traffic regulation orders (TROs) was a separate process to the planning process and would be dealt with by highways and consulted upon in accordance with normal procedures.
- If the conditions to mitigate for contamination and for the presence of landfill gas were adhered to, there would not be any risk to the health and safety of existing residents during development or for future residents.
- As a result of consultation, four outdoor clothes driers would be provided in the shared amenity space.
- Surface Water Drainage would be looked at as part of discharge of conditions.
- Currently garages on site were under-occupied.

Mr Geoff Walsh, a local resident, spoke in objection to the application. He stated that the council had written to the garage owners asking them to vacate them, Windsor Garth was a single track road and bus route and the scheme would exacerbate the amount of parked cars on Newbury Avenue .

Ms Helen Humphries, the architect for the scheme, spoke in support of the application. She advised that the homes would meet high environmental standards. She stated that some of Newbury Avenue was already subject to double yellow lines and the proposals would provide for seven parking spaces plus eight parking spaces nearby to be used by residents and visitors. She confirmed that remedial work would be carried out to ensure the site was safe and all existing trees would be retained.

Officers confirmed that housing officers had written to the garage users to advise them that this site was a potential development site and to ask them to return their keys. Those people who had asked for a replacement garage had been provided with one.

Members acknowledged that, while there may be some inconvenience to residents during construction, there was a need for additional housing of this type and that many of the garages were not currently used to house cars but instead as storage spaces. They felt that this was a suitable site which would have a nice outlook over Hob Moor.

One Member expressed concerns that there was insufficient evidence to show that the development could be built without hazards and without inconvenience to residents.

Councillor Warters asked that it be recorded that he voted against the motion to approve the application.

Resolved: That the application be approved subject to the conditions listed in the report and the additional and amended conditions below;

Additional Condition (Drainage)

Prior to the commencement of development, details of foul and surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority and the subsequent drainage schemes shall be carried out in accordance with these approved details prior to first occupation.

i. The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuDs).

Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided to discount the use of SuDs.

ii) If SuDs methods can be proven to be unsuitable then In accordance with City of York Council's Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven connected impermeable areas).

Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

iii) If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

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

Additional Condition (Drainage)

Unless otherwise approved in writing by the Local Planning Authority there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason: So that the Local Planning Authority may be satisfied that no surface water discharges take place until proper provision has been made for their disposal.

Additional Condition (Ecology)

Prior to first occupation of the dwellings hereby approved, a full lighting scheme shall be submitted to and approved in writing by the Local Planning Authority to show how the scheme will minimise light spillage to avoid light spillage affecting Hob Moor Local Nature Reserve.

The lighting scheme shall be carried out in accordance with the approved lighting scheme and installed prior to first occupation of the dwellings.

Reason: To take account of and to enhance the habitat for biodiversity.

Additional Condition (Highways)

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 LPA.

Reason: In the interests of the safety and good management of the public highway.

Additional Condition (Highways)

Prior to the development commencing details of the measures to be employed to prevent the egress of mud, water and other detritus onto the public highway, and details of the measures to be employed to remove any such substance from the public highway shall be submitted to and approved in writing by the Local Planning Authority. Such measures as shall have been approved shall be employed and adhered to at all times during construction works.

Reason: To prevent the egress of water and loose material creating a hazard on the public highway.

Amended Condition 3 (Contamination)

Prior to the commencement of development, gas monitoring and an associated risk assessment (in addition to any assessment provided with the planning application) shall be carried out by a competent person to assess landfill gas generation and migration. The findings shall be submitted to and approved in writing by the Local Planning Authority *and shall be implemented prior to first occupation of the dwellings.*

Reason: The site is brown field site in a sustainable location near to local shops, amenities and public transport links and it would, in principle, be suitable for redevelopment for housing purposes. The proposal would deliver affordable homes (built to Code Level 4) of a type needed within the city.
In design terms, the scheme would be contemporary and it was considered that it would be of innovative design adding interest to the streetscene.

There would be no adverse effect on highway safety and no significant adverse effects upon the amenity of surrounding residents, subject to the imposition of conditions outlined above. Because the Council can not enter into a Section 106 Agreement with itself, a letter had been provided by the Head of Housing Services confirming that a contribution of £5,824 towards amenity space and sports facilities in the locality will be made.

26c) Land lying to the South of Centurion Office Park, Tribune Way, York (14/01550/FULM)

Members considered a major full application (13 weeks) by Berkeley DeVeer for the erection of thirteen dwellings with access from Hornbeam Close and two storey side extensions to 11 and 12 Hornbeam Close.

Officers advised that since publication of the report, the applicant had made minor changes which had been sought by the Council's landscape architect and corrected errors in the plan numbering with the result in condition 2 requiring amendment.

In response to a query raised at the site visit, officers advised that the highway authority had confirmed that Hornbeam Close *had* been adopted as a public highway. As to notification, the highway authority had a standard list of internal and external recipients mainly comprising statutory undertakers, the emergency services, ward/parish councillors, the Land Registry and relevant council departments such as street cleaning, refuse services and highway maintenance. Local residents were not individually notified although the status of local roads normally showed up on local searches.

Members had also asked whether construction access would or could be taken from Centurion Office Park rather than from Hornbeam Close. The applicant had told officers that he would be happy for construction access to be taken exclusively from the office park up until the highway connection was made with Hornbeam Close at the end of the construction period.

Lastly, Officers reported that they understood that the unilateral undertaking for a financial contribution towards open space was nearing completion.

In response to a question from Members, Officers advised that as the proposed development was an extension of an existing residential area, once built it was deemed more sensible for access to be from the existing residential area rather than through the business park. The applicant has made a private arrangement for access through the grounds of two existing houses.

Mr Andrew Hards, a local resident, spoke in objection to the application on behalf of all residents of the close.

He expressed concerns that the proposals would lead to an increase in traffic in Hornbeam Close, potentially including larger vehicles, and that the shared surface would come to an end. He advised Members that although traffic was modest during the week, it was bad at weekends.

Mr Jason Whitfield, the agent for the applicant, spoke in support of the application. He advised Members that this was a suitable and sustainable site for new housing. He confirmed that access to the new development through the existing housing estate was preferential to access through the industrial estate which could lead to more highway safety issues and increase journey times to schools etc.

Members agreed that it was preferential for the development to become part of the existing cul-de-sac acknowledging that if access was from the north there was a risk of it becoming a through road. They felt that it would improve the area.

Councillor Warters asked that it be recorded that he voted against the motion to approve the application.

Resolved: That the application be approved subject to a Section 106 Agreement and subject to the conditions listed in the report and the amended condition below:

Amended Condition 2

The development hereby permitted shall be carried out only in accordance with the following plans:

521/01A, 521/03B, 521/04/B, 521/05A, 521/06, 521/07, 521/10, 521/11, 521/12, 521/11HB/03A, 521/11HB/04B, 521/12HB/03D and 521/12HB/04D

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

Reason The application would provide 13 dwellings in a sustainable and accessible location. The layout respected the character of the adjacent residential area and was of appropriate density and design. The development would contribute £34,992 towards open space. The application accorded with national planning policy set out in the National Planning Policy Framework and local planning policy in the 2005 City of York Draft Local Plan.

26d) 9 Helmsdale, York, YO24 2XW (14/01608/OUT)

Members considered an outline application from Mr L Harrison for the erection of a detached dwelling with associated garage and parking.

The Committee were informed that Councillor Semlyen, who had hoped to speak at the meeting, had asked for the following objections to be taken into account.

- The scale and massing was excessive
- Access and parking issues re safety and volume of cars
- Draining concerns
- Concerns over whether full and correct info was given

Officers advised that an additional letter had been received from the occupier of 7 Helmsdale. This advised that surveyors have been employed and were of the opinion that a section of the driveway, to the front of number 7 Helmsdale, which formed part of the application site, did not fall within the ownership of the applicant. Land Registry documents had been provided and a letter requested that the plans were amended prior to permission being granted to prevent unnecessary confusion if the site was subject to sale to a third party.

Officers confirmed that if there was a discrepancy, the area of land was so small, this would not make a material difference as regards accessing the site.

Officer recommended an additional condition (NOISE7) to restrict hours of construction and that condition 7 be amended requiring the proposed cycle parking for the existing dwelling at 9 Helmsdale shown on the approved drawing to be implemented.

Mr Geoff Headley, a neighbour, spoke in objection to the application. He advised Members that, in the 1980s, the Council had refused an application for a similar dwelling and at that time there was less traffic. He stated that a four bed house would be too large, could not be classed as affordable housing and may mean an additional four cars of unknown sizes making parking dangerous.

Mr Paul Butler, the architect, spoke in support of the application. He advised that the scale, height and massing of the proposed dwelling followed pre application advice received from planning officers and the height had now been reduced further. The plot was a good size, was well screened and discreet. The proposed building would accord with planning policy and would address Councillor Semlyen's concerns.

Some Members expressed concerns that the proposed house would leave little space on either side and an inadequate amount of garden. However other Members felt that the existing and new house would still have good sized gardens, of a similar size to other nearby properties. Members agreed that the house was on the large size but not unreasonable. They agreed that the height of the proposed building was similar to and would not dominate other nearby properties but recommended that a condition be added stating that the ground level should not be raised.

Resolved: That the application be approved subject to a Section 106 agreement and subject to the conditions listed in the report and the additional and amended conditions below;

Additional Condition

The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

Amended Condition 7

The proposed cycle parking for the existing dwelling at 9 Helmsdale shown on the approved drawing shall be implemented prior to the first occupation of the new dwelling hereby approved.

Additional Condition

There shall be no alterations to land levels without a further planning permission having first been granted by the local planning authority.

Reason: In the interests of the living conditions of adjacent residential properties.

Reason: This application was considered to comply with the provisions of the NPPF and Development Control Local Plan policies GP1, GP10, H4A and GP15A.

27. Planning Enforcement Cases Update

Members received a report which provided them with a quarterly update on planning enforcement cases.

Resolved: That the report be noted.

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

Councillor McIlveen, Chair

[The meeting started at 2.00 pm and finished at 4.10 pm].