City of York Council | Minutes

MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	25 JANUARY 2007
PRESENT	COUNCILLORS MOORE (CHAIR), HYMAN (VICE-CHAIR), D'AGORNE, GREENWOOD, HALL, KING (NOT IN ATTENDANCE FOR ITEMS 56 B & F), SMALLWOOD, B WATSON (NOT IN ATTENDANCE FOR ITEM 56 F) AND CUTHBERTSON (SUB FOR CLLR I WAUDBY - NOT IN ATTENDANCE FOR ITEMS 56 F, G & H)
APOLOGIES	COUNCILLOR I WAUDBY

53. 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.

Cllr King declared a personal non-prejudicial interest in Plans item 4b) Clifton Family Centre, 107 Burton Green, York (06/02648/OUT) as he was a School Governor at the school adjacent to the site.

Cllr D'Agorne declared a personal non-prejudicial interest in Plans item 4f) Walmgate Stray, Heslington Lane (06/02590/GRG3) as a member of the York Cycling Campaign and the Cycling Touring Club.

Cllr Hyman declared a personal interest in Plans item 4h) 17 Worcester Drive, York (06/02740/FUL) as his father lived in Meadlands in the vicinity of the site.

54. MINUTES

RESOLVED: That the minutes of the last meeting of the Sub-Committee held on 11 January 2007 be approved and signed by the Chair as a correct record.

55. PUBLIC PARTICIPATION

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

56. 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.

56a. Tesco Stores Ltd, Stirling Road, York (06/02357/FULM)

Members considered a Major Full Application, submitted by Tesco Stores for a ground floor extension to the rear of the existing store, the insertion of a mezzanine first floor and for alterations to the pedestrian access from the roundabout.

Officers updated that Condition 6 of the recommendation for approval required an addition to include details of the cycle barriers and signage to be approved in writing and for 4 additional conditions relating to retail sales area, retail food area, non food area and one to preclude the addition of a further mezzanine.

The Chair confirmed that, if the application was approved, the applicant would enter into a Section 106 Agreement with the authority which would ensure that Tesco could implement either this scheme or that previously approved which would have extended the store frontage by 6 metres but not both. Any approval would be subject to signing the agreement prior to work commencing.

Members questioned the reduction in car parking spaces for staff with the rear extension. The Applicants Agent, who was in attendance at the meeting to answer questions, confirmed that although staff numbers would rise by 50 with the expansion that with part time hours etc that they would not all be on site at the same time. Officers also confirmed that car parking spaces were still in excess of those required for the site and that sufficient car parking capacity remained during peak hours.

RESOLVED: That approval be granted subject to a Section 106 Agreement, the conditions listed in the report and the following additional and amended conditions:

Amended Condition 6: The development hereby approved shall not be brought into use until the pedestrian/cycle link shown on drawing P103 has been constructed in accordance with detailed drawings (including cycle barriers and signage) submitted to and approved in writing by the LPA.

Additional Conditions:

1 Additional mezzanine floors will not be permitted unless agreed in writing with the Local Planning Authority.

2 The amount of food sales floorspace shall be limited to no more than 4,240 sqm of the net retail sales floorspace.

3 The amount of non-food sales floorspace should be limited to no more than 2536 sqm of the net retail sales floorspace.

4 The total net retail sales floorspace shall not exceed 6,776 sqm without prior written approval from the Local Planning Authority.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the report, would not cause undue harm to interests of

acknowledged importance, with particular reference to the appearance of this building, the vitality of the city centre, living conditions enjoyed by occupiers of nearby dwellings or the safe operation of the highway network. As such the proposal complies with policies SP8, T4, T13, GP1 and S2 of the Local Plan Deposit Draft and the aims of PPS6.

56b. Clifton Family Centre, 107 Burton Green, York (06/02648/OUT)

Members considered an Outline Application, submitted by Resources AMP, for the erection of 8 no. dwellings for which approval was only sought for access.

Officers updated that amendments were required to the proposed conditions and informatives details of which were circulated at the meeting. There was a need to add 'PLANS 1' – Drawing no. 200–002 (Site Location Plan) dated 30.08.06 and received 4.12.06 and Drawing no. 201–001 Rev. B (Site as Proposed) dated 30.08.06 and received 8.1.07. also
Reason for condition 16 to read: 'To take account of and enhance habitat for a protected species. It should be noted that under PPS9 any replacement/mitigation proposed should provide a net gain in wildlife value.'
Condition 9 amended to include 'including access to the site'.
Informative 5 – figure to be £4,416 to be spent to enhance existing local facilities (Ashton Park play area, Bootham Stray, allotments on Bootham Stray and North Zone Sports Area.)
Add 'Informative 6' to read: 'The applicant's attention is drawn to Planning Policy Statement 3: Housing and City of York Draft Local Plan Policy H3C, which seek a mix of house sizes on new residential development. Consideration of this at the detailed stage is encouraged'.

Cllr King referred to a triangular area of wasteland at the front of the site, owned by the school, and he questioned whether it would be possible to incorporate this into the site and possibly realign the access. It was confirmed that this point would be brought to the attention of the Officers for further investigation.

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

Amended Condition 9: Prior to the commencement of any works on the site, including access to site, a detailed method of works statement identifying the programming and management of construction works shall be submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the approved statement.

Amended Reason to Condition 16: Reason: To take account of and enhance habitat for a protected species. It should be noted that under PPS9 any replacement/mitigation proposed should provide a net gain in wildlife value.

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

Drawing no. 200-002 (Site Location Plan) dated 30.08.06 and received 4.12.06 and Drawing no. 201-001 Rev.B (Site as Proposed) dated 30.08.06 and received 8.1.07;
or any plans or details subsequently agreed in writing by the Local Planning Authority as 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.

Amended Informative 5:
The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £4,416.

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

Additional Informative
The applicant's attention is drawn to Planning Policy Statement 3: Housing and City of York Draft Local Plan Policy H3C, which seek a mix of house sizes on new residential development. Consideration of this at the detailed design stage is encouraged.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to redevelopment of community facilities for residential purposes, housing density and mix, design issues and impact on visual amenity of area, impact on natural environment, affect on amenity of surrounding and future occupants, access, parking and highway safety, drainage and flooding, and impact on existing facilities. As such, the proposal complies with Planning Policy Statement 1: delivering Sustainable Development, Planning Policy Statement 3: Housing, Planning Policy Statement 9: Biodiversity and Geological Conservation and Planning Policy Guidance Note 13: Transport, Regional Spatial Strategy for Yorkshire and Humber (RSS12) and Policies SP10, GP1, GP3, GP4A, GP9, GP11, GP15a, NE7, T4, H3c, H4a, H5a, L1c and C3 of the City of York Draft Local Plan (incorporating fourth set of changes).

56c. Lord Deramores Primary School, School Lane, Heslington, York (06/02479/FUL)

Members considered a Full Application, submitted by LCCS Education Services for external lighting units on the school buildings (retrospective).

Officers updated that a revised plan had now been submitted which showed the light by the school entrance in the correct position and that Condition 1 would require amendment to reflect this. Details of two additional letters from residents of 7 School Lane were reported which related to the brightness of the lights, impact on the area and that the lights were not turned off at 8pm which affected the residential amenity and was not energy efficient. It was reported that correspondence had been received from the agent confirming that the timer had been set correctly but did not appear to be working properly and a letter from the head teacher stating that the regularity of break ins etc had reduced since the lights were fitted.

It was reported that Officers had visited the site on 24 January at 20:30 and that the lights had not been turned off and that those on School Lane were bright and shone along the street. It was therefore recommended that Condition 3 be amended to include “internal shields” and for the works to be completed within one month of the permission to protect the amenity of local residents.

Officers also requested the inclusion of an additional condition, relating to cabling and junction boxes associated with the external lighting, which had been included as Condition 2 in the Listed Building Application, to also be repeated in this application.

Members expressed concerns regarding damage to the Listed Building and questioned advice given to schools when such works were undertaken. The Chair confirmed that the internal processes followed when works were proposed on school buildings would be thoroughly examined, in the light of the present retrospective applications.

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

Amended Conditions 1 and 3:

1 The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-
Drawing no. RBS 050103/E1 dated May/June 2005 and revised 11.1.07 and manufacturer's details of 'Thorlux Mercian' lighting;
or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

3 The two lighting units on the front elevation of the building facing School Lane shall not be illuminated between 20:00 and 06:30 next day at all times. These lights shall be screened in

accordance with details to be agreed in writing and installed within one month from the date of the permission.

Additional condition:
The following works shall be undertaken to the cabling and junction boxes associated with the external lighting hereby approved within two months of the date of this approval:

- the cabling routed across the southern-most gable on the front elevation of the building shall be repositioned to be 50mm lower;
- the junction boxes and cabling located on the front elevation of the building shall be painted or colour finished dark brown.
- the cabling routed around the eastern-most pier buttress on the northern elevation of the front building shall be repositioned in accordance with details to be submitted to and agreed in writing by the Local Planning Authority beforehand and shall be painted or colour finished dark brown.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the special interest of the listed building, character and appearance of the conservation, visual amenity, residential amenity and highway safety. As such the proposal complies with Planning Policy Guidance Note 15: Planning and the Historic Environment, Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995), Policies GP1, GP3, GP18, HE2, HE3 and HE4 of the City of York Draft Local Plan (incorporating 4th set of changes, April 2005) and planning guidelines in the Heslington Village Design Statement (2004).

56d. Lord Deramores Primary School, School Lane, Heslington, York (06/02480/LBC)

Members considered a Listed Building Consent application, submitted by LCCS Education Services, for the internal electrical rewire and external lighting units (retrospective).

Officers updated that a revised plan had now been submitted which showed the light by the school entrance in the correct position and that Condition 1 required amendment to reflect this. It was confirmed that as this was a Council owned listed building that the Authority needed to apply to the Secretary of State for the granting of Listed Building consent.

RESOLVED: That the Council apply to the Secretary of State for consent to undertake these works subject to the conditions listed in the report and the amendment of Condition 1 as follows:

The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-
Drawing no. RBS 050103/E1 dated May/June 2005 and revised 11.1.07 and manufacturer's details of 'Thorlux Mercian' lighting;
or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the special interest of this grade II listed building. As such the proposal complies with Planning Policy Guidance Note 15: Planning and the Historic Environment, Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policy HE4 of the City of York Draft Local Plan (incorporating 4th set of changes, April 2005).

56e. 106 Millfield Lane, York (06/02308/FUL)

Members considered a Full Application, submitted by Phil West for single and two storey extensions at 106 Millfield Lane.

Officers updated that to protect the amenities of adjacent residents they also recommended the addition of the Noise 7 condition to any approval to control the hours of construction.

Representations in support of the development were received from the applicant who stated that he had a young family who were outgrowing the property and that the additional accommodation was required for his family and two businesses. He felt that the development would not affect property values in the area.

In answer to Members questions Officers confirmed that this was not a House of Multiple Occupation (HMO) application and that if the property did become a HMO then a change of use application would be required.

RESOLVED: That the application be approved subject to the conditions listed in the report and the addition of the following 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: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the amenity of neighbours and the street

scene. As such the proposal complies with Policies GP1 and H7 of the City of York Draft Local Plan.

56f. Walmgate Stray, Heslington Lane, York (06/02590/GRG3)

Members considered a Full Application, submitted by the City of York Council, for the construction of a shared footpath/cycleway from the end of the existing University cycle route to Mitchels Lane.

Officers updated that the proposed path was 2.5 metres wide and not 3 metres as stated in the report.

Members questioned the western edge of the path and how the route would continue when it joined the busy Heslington Lane. Officers confirmed that this was outside this application but that this would be part of the next phase of the cycle route to the Broadway junction. Members also asked for additional information in relation to the proposed post and rail fence along the northern edge of a section of the path and referred to problems that could arise with cattle congregating at this point. They questioned how the cattle would be able to exit the area when pedestrians/cyclists also used the path. Officers confirmed that the existing cattle pen was being re-sited away from the hedge and that the cattle would be driven along the new fence to the relocated pen. The fence would be of a chevron design, to allow cattle to move freely either side

Members also questioned if more environmentally friendly materials had been considered for the construction of the path e.g. grasscrete as the bitmac proposed would involve greater costs and damage the Stray.

RESOLVED: That Officers be delegated authority to approve the application subject to further examination of the surfacing material for the path, the position of the cattle pen, the cul de sac issue involving the fence and subject to the conditions listed in the report.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the openness of the Green Belt and existing vegetation. As such the proposal complies with Policies GP1, GB1 and NE1 of the City of York Local Plan Deposit Draft.

56g. 12A New Walk Terrace, York (06/02713/FUL)

Members considered a Full Application, submitted by Mr J Vandijk, for the installation of 2 no. dormers to the front elevation of 12A New Walk Terrace.

Officers updated that revised elevations had been submitted to show minor changes in design, at the request of the Conservation Officer, and that if

approved there was a need to add an additional condition Noise 7 relating to hours of construction to protect neighbours amenities.

Officers also reported receipt of an additional letter of objection from the neighbour at 12B concerned about inconsistency in the Council's dealing with planning applications for 12A and 12B.

Representations were then received in objection from a neighbour raising concerns regarding the proposal. She pointed out that 12A and 12B had originally been one property, Melbourne House, and that this property had also had the same roofline as the adjacent Grade II listed terrace. The two properties had been reduced in height following a fire and she felt that both properties should be similar in appearance and that it should be conditioned as such. She felt that guidance given to the applicant was not consistent with that given when she had made an application. She felt that the proposal would spoil the character of the terrace and the roofline and would set a precedent.

Representations were also received in support from the applicant who referred to the Georgian room in the property, which had no light. He confirmed that he had felt that a velux window would be out of keeping in the terrace and that the present application would be a better solution both internally and externally. The proposed windows were the same as those on the adjacent terrace properties at this height and he felt that the proposal would add quality to the building and terrace as a whole and would not set a precedent.

Members questioned details of the previous applications and advice given at that time. Officers confirmed that a pre application enquiry had been made when advice had been given that Officers would oppose a full width dormer extension on 12B. Revised drawings had then been received for a single large dormer at the rear, which had not been expected but for which permission had been granted. It was reported that the applicant had also received permission for a rear dormer but again not full width.

Members questioned previous advice that the symmetry of the two properties should be retained and whether this information had been considered by the Conservation Officer in relation to this application. Certain Members expressed concern that the proposal would have a detrimental affect on the Conservation Area and terrace as a whole.

RESOLVED: That the application be refused for the following reason:

REASON: The proposed development would introduce a feature that is alien to the front roof slope of the terrace row, at the end of which the application property is located and of which nos. 13-18 (consecutive) are grade II listed. Furthermore, it would unbalance the symmetry of 12A and 12B New Walk Terrace. It would, therefore, have an adverse effect on the character, appearance and setting of the terrace row to the detriment of the grade II listed properties and on the

character and appearance of the New Walk Terrace Conservation Area. As a result, it is contrary to advice in Planning Policy Guidance Note 15: Planning and the Historic Environment, Policy E4 of the North Yorkshire Structure Plan and Policies HE3 and HE4 of the City of York Draft Local Plan (incorporating 4th set of changes, April 2005).

56h. 17 Worcester Drive, York (06/02740/FUL)

Members considered a Full Application, submitted by Mr P Hodgson, for extensions and alterations to an existing dwelling at 17 Worcester Drive, York.

Officers updated that Osbaldwick Parish Council had raised objections to the proposal as they felt that it was overdevelopment and that the property would be out of keeping with adjacent properties. Four letters of objection had been received from residents objecting to the proximity of the extensions to neighbouring properties, the loss of light, sun and the open aspect. They also considered that the development would be dominant and overbearing, that it would be out of character with the area and could cause adjacent gardens to flood. It was also reported that Cllr Morley had requested that this application should be considered by the Committee as he felt that the proposal only made minimal changes and did not address previous concerns regarding massing.

Officers confirmed that the present application attempted to relieve the impact upon neighbours by removing the proposed double garage and reducing both extensions in size away from the boundaries by 1 metre and .5 metres.

Representations in objection to the application, were received from a neighbour, who spoke on behalf of a number of local residents, she stated that this was the third application for this property, the previous two having been refused due to impact on neighbours. She pointed out that all the applications were stressful for the elderly neighbours and that they felt that the present proposal had only cosmetic reductions to the extensions and that it was still an overdevelopment of the site, which would affect the amenities of neighbours.

Representations were also made in support of the application from the applicant, who confirmed that the extensions had now been reduced in size to move them further away from the boundaries. He confirmed that there were no first floor windows overlooking and that he was undertaking land drainage works on site. He stated that the extensions were required to house his large family as the property was at present in a poor state with little heating which was stressful for his family.

RESOLVED: That the application be approved subject to the imposition of conditions listed in the report.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the report,

would not cause undue harm to interests of acknowledged importance, with particular reference to neighbours. As such the proposal complies with Policies H7 and GP1 of the City of York Deposit Draft Local Plan.

CLLR R MOORE
Chair
The meeting started at 2.30 pm and finished at 4.35 pm.