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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	13 SEPTEMBER 2007
PRESENT	COUNCILLORS MOORE (CHAIR), CREGAN, DOUGLAS, FIRTH, FUNNELL, HYMAN, KING, VASSIE (EXCEPT ITEMS 4B & 4G) AND WISEMAN
APOLOGIES	COUNCILLOR TAYLOR

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### 33. INSPECTION OF SITE

The following site was inspected before the meeting:

Site	Attended by	Reason for Visit
20 Byron Drive, York	Cllrs Douglas, Hyman and Moore	To familiarise Members with the site and its relationship to the neighbouring property.

### 34. 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.

Councillor Moore stood down from the Committee for agenda item 4d (Land lying to the South of Centurion Office Park, Tribune Way, York) under the provisions of the Planning Code of Good Practice and spoke from the floor as a Ward Councillor and did not take place in the discussion or decision thereon. Councillor Cregan chaired this item.

### 35. MINUTES

RESOLVED: That the minutes of meetings of the Sub-Committee held on 9 and 30 August 2007 be approved as a correct record and signed by the Chair.

### 36. PUBLIC PARTICIPATION

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

### 37. 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.

**37a. 20 Byron Drive, York (07/01433/FUL)**

Members considered a full application, submitted Mr N Winn, for a single storey pitched roof side and rear extension after demolition of garage.

Officer updated that an email had been received from a neighbouring objector who was unable to attend the meeting but who had requested deferment of the application to a later meeting. They also updated that the application should read “demolition of car port” rather than “garage” in the details on page 28 of the report. The Chair confirmed that the objector had been able to make his views known at the site visit, the previous day. Members therefore confirmed that they would not be requesting that the application should be deferred.

The Chair stated that the footing works already undertaken had been observed at the site meeting it appeared to cover a large percentage of the rear garden.

Representations from the applicant’s agent were made in support of the application. He stated that the applicant proposed to demolish his carport and carry out any related works to his neighbour’s adjoining car port, and he felt that the scale of the extension was in keeping with the area. The extension was a similar width to that at No 18 Byron Drive and it was felt that this would not result in any loss of light to the neighbour’s kitchen. He stated that the applicant was a joiner who would be using the garage to store tools and materials.

Members stated that this extension would be approximately 4.5m longer than the extension at No 18 Byron Drive and that this had caused some concern at the site visit. It had been felt that the amenity of the neighbour would be affected owing to the dominant effect of the expanse of brick wall.

RESOLVED: That the application be refused.

REASON: It is considered that the proposed extension would result in an unacceptable impact on the amenity and living conditions of the occupiers of the adjacent dwelling (22 Byron Drive) by virtue of its size, scale, massing and proximity to the boundary and the loss of light and outlook that would result.

**37b. PC World, Unit 18, Monks Cross Shopping Park, Monks Cross Drive, Huntingdon (07/01498/FULM)**

Members considered a major full application, submitted by Monks Cross Shopping Park Trust, for external alterations to, and construction of first floor within units 18 and 19.

Members questioned whether the parallel application under consideration to vary a condition of the outline planning consent to allow the sale of an extended range of goods would set a precedent and affect the viability of the city centre. Officers confirmed that each application would be considered on its merits.

Some concerns were expressed regarding the increased traffic levels that this development may generate.

RESOLVED: That the application be approved, subject to the conditions outlined in the report.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to:

- the impact on the viability and vitality of the city centre retail function;
- the impact on the surrounding highway network and highway safety;
- visual amenity;
- the fallback position available to the applicant.

As such the proposal complies with Policies GP1, S2, SP6, SP7a, SP7b and SP8 of the City of York Local Plan Deposit Draft.

**37c. Site at the Junction of Jockey Lane/Kathryn Avenue, Huntington (07/00843/FULM)**

Members considered a major full application, submitted by Aldi Stores Ltd, for the erection of food store with associated car parking, access and landscaping (resubmission of 06/02293/FULM).

Copies of the addendum to the planning and retail statement, that was submitted as part of the application, had been circulated to Members.

Representations were received in support of the application, from the applicant's agent.

Members expressed concern that the site had not been satisfactorily marketed to test whether there was a demand for an employment use there. Councillor Hyman proposed, and Councillor Funnell seconded, a motion to refuse the application for this reason. On being put to the vote, the motion was lost.

Members also expressed some concerns relating to the lighting scheme, the provision of a trolley park and car parking, and agreed to add planning conditions to the application to control these issues.

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

- (i) "Prior to the commencement of development details of the car park lighting, including the position and height of the lighting columns and the illumination level of the lights, shall be submitted to and approved in writing by

the Local Planning Authority. The lights shall be installed and operated in accordance with the approved plans.

Reason: In order to reduce light pollution.”

- (ii) “Prior to the commencement of development details of the car park layout, including disabled and parent parking bays, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans.

Reason: To create good accessibility by minimising the distance between the store entrance and the car parking bays.”

- (iii) “Prior to the commencement of development details of the car park based trolley bays shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans.

Reason: To minimise the distance between the parking bays and the trolley drop off point, therefore allowing ease of use for people with disabilities.”

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the street scene and retail planning issues. As such the proposal complies with Policies GP1, GP3, SP7a, E3b, T4 and T7c of the City of York Draft Local Plan.

**37d. Land Lying to the South of Centurion Office Park, Tribune Way, York (07/01337/OUTM)**

Members considered a major outline application, submitted by Keyland Gregory Ltd, for outline application for the erection of a care home (C2 use).

A copy of the case officer’s update, including a revised recommendation of approval with conditions, and a letter from a potential occupier of the site were circulated to Members.

Representations were received in support of the application, from the applicant’s agent, and from Cllr Moore, one of the Ward Councillors.

Members expressed concern that the development would provide a poor quality living environment and an unsatisfactory outlook for residents of the care home, and that access was through a business park, which would deter residents from accessing local services and facilities.

RESOLVED: That the application be refused.

REASON: It is considered that the location of the proposed care home, namely within an established business park, would provide a poor quality living environment and an unsatisfactory outlook of a business/industrial nature for residents of the care home. Access to and from the residential unit is through a business park consisting of B1 and B8 uses which would act as a perceived barrier for residents to access local services and facilities. The proposal is therefore considered contrary to Policies GP1 and H17 of the City of York Draft Local Plan and Central Government advice contained within Planning Policy Statement 1 "Delivering Sustainable Development".

**37e. Unit 34, Kettlestring Lane, York (07/01526/FULM)**

Members considered a full application, submitted by MKM Building Supplies Ltd, for the change of use from Class B1 (light industrial) to Builders Merchant (sui generis).

The case officer reported comments that had been received from the Council's Landscape Architect and the City Development section.

Representations were received in support of the application, from the applicant's agent.

Members agreed that an informative requesting a lighting scheme that was both energy efficient and that minimised light pollution should be included.

RESOLVED: That the application be approved, subject to the conditions listed in the report, with the addition of the following informative:

- (i) Informative - Regarding Condition 6 of this planning approval it is highlighted that the Council wishes to see a lighting scheme which is both energy efficient and minimises light pollution. This should be in the form of motion sensorised lighting rather than permanent illuminance.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the character and operation of the area. As such the proposal complies with Policy GP1 of the City of York Draft Local Plan.

**37f. The Villa, Main Street, Elvington (07/01806/FUL)**

Members considered a full application, submitted by P Gill, for the erection of 1 no. dormer bungalow with attached garage to the rear.

A copy of the case officer's update was circulated, setting out the Landscape Architect's comments and a letter of objection from a neighbour, with attached photographs of the site.

Representations were received in support of the application, from the applicant's agent.

Members proposed to approve the application and the case officer therefore outlined details of conditions and informatives that it was recommended to attach to any approval.

RESOLVED: That the application be approved, subject to the following conditions and informatives:

- 1 The development shall be begun not later than the expiration of the three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

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

Plans and elevations AA/Helvington/001, 02 and 03 received by the Local Planning Authority on 27 July 2007 and cross section AAHelvington /05 received by the Local Planning Authority on 16 August 2007.

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.

- 3 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 6.8 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

- 4 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be

submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

- 5 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A to E of Schedule 2 Part 1 of that Order shall not be carried out to the dwelling house and within its curtilage without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no windows, doors or other openings shall be inserted within the external elevations, or the roof of the approved development other than those shown on the approved plans.

Reason: In the interests of the amenities of occupants of the adjacent residential properties.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), the window in the side elevation of the garage shall at all times shall be obscure glazed in a type of obscure glazing to be agreed in writing with the Local Planning Authority prior to occupation of the extension.

Reason: In the interests of the amenities of occupants of adjacent residential properties.

- 8 The development shall be constructed in accordance with at a minimum Code 1 star of the Codes for Sustainable Homes assessment system.

Reason: To ensure that the proposal complies with the criteria of policy GP4a.

- 9 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs that exist around the site (including proposals for their retention/protection) along with new vegetation that will be planted. The plan should include the

location of the proposed house and all access routes and turning areas. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which 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 otherwise agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

- 10 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

Reason: In the interests of the visual amenities of the area.

- 11 No part of the site shall come into use until turning areas have been provided for both the proposed new dwelling and the existing dwelling in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To enable vehicles to enter and leave the site in a forward gear thereby ensuring the safe and free passage of traffic on the public highway.

- 12 Any gates shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall open into the site.

Reason: To allow a vehicle entering or leaving the site to stand clear of, and thereby avoid obstructing the public highway, in the interests of road safety.

- 13 Prior to the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the egress of water and loose material onto the public highway.

- 14 The driveway shall be constructed at a minimum width of 3.7m and with a minimum height clearance of 4.5m throughout its length.

Reason: To ensure that the dwelling is accessible by emergency vehicles (fire tenders).



- 15 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

- 16 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.

- 17 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 workings on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

- 18 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The Open space shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1c of the Development Control Local Plan which requires that all new housing sites make provision for the open space needs of future occupiers.

#### INFORMATIVE 1:

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 £2,154.

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.

## INFORMATIVE 2:

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

1. All demolition and construction works and ancillary operations, including deliveries to and despatch 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.	

2. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".
3. All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.
4. The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.
5. All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.
6. There shall be no bonfires on the site.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the local environment and neighbours' privacy, outlook and light. As such the proposal complies with Policy GP1, GP10, NE1, H4a and GP4a of the City of York Local Plan Deposit Draft.

**37g. 47 Usher Lane, Haxby, York (07/01762/FUL)**

Members considered a full application, submitted by Mr and Mrs D Jenkinson, for a single storey pitched roof rear extension.

Photographs of the site were displayed at the meeting, showing some work had already been undertaken on site.

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

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, the proposed first floor extension would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the residential amenity of neighbours or the impact upon the street scene. As such the proposal complies with Policies H7 and GP1 of the City of York Local Plan Deposit Draft.

**38. CLIFTON HOSPITAL: OUTSTANDING SECTION 106 IN RELATION TO MANAGEMENT OF THE LANDSCAPE**

Members received a report which detailed progress made on the outstanding Section 106 agreement in relation to Clifton Hospital.

The Countryside Officer provided a verbal update on the report at the meeting.

RESOLVED: (i) That the progress made with regard to the completion of the Section 106 Agreement and the ongoing work still required in order to achieve a satisfactory conclusion to this long standing case, hopefully in 2008, be noted;

(ii) That a follow up report be brought back to the Sub-Committee in January 2008.

REASON: To update Members on progress with the Section 106 Agreement conditioned as part of the planning application for the Clifton Hospital site.

R MOORE

Chair

The meeting started at 2.00 pm and finished at 5.05 pm.