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MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	26 FEBRUARY 2008
PRESENT	COUNCILLORS B WATSON (CHAIR), SUE GALLOWAY (VICE-CHAIR), GALVIN, GILLIES, GUNNELL, HORTON, REID, SUNDERLAND AND WALLER

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**84. INSPECTION OF SITES**

The following site was inspected before the meeting:

Site	Attended by	Reason for Visit
86 Gillygate	Councillors B Watson and Gillies	As objections had been received and the application had been recommended for approval.

**85. DECLARATIONS OF INTEREST**

Members were invited to declare any personal or prejudicial interests they might have in the business on the agenda. None were declared.

**86. PUBLIC PARTICIPATION**

It was reported that nobody had registered to speak under the Council's Public Participation Scheme, on general issues within the remit of the Sub-Committee.

**87. 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.

**87a 86 Gillygate, York YO31 7EQ (08/00022/FUL)**

Members considered a full application, submitted by Mr D Beeson, for the conversion and extension of existing rear outbuildings to create one single storey pitched roof dwelling.

Officers updated the Sub-Committee on the following points:

- The Environmental Protection Unit (EPU) had no objections to this application. In view of information received indicating that the site may

have been a slaughterhouse a search was carried out by EPU who could find no evidence that 86 Gillygate had been used as a slaughterhouse. In view of the possibility that there had been a slaughterhouse on the site a watching brief in the form of an Informative was suggested. This is shown in the resolution below.

- There was an amendment to the report and PPG3 had now been replaced by PPS3 'Housing'. This continued the thrust of national planning policy to re-use sustainable brownfield sites. National housing objectives are to deliver high quality housing, both affordable and market, and to widen opportunities of home ownership; to improve affordability by increasing the supply of housing, and to create sustainable, inclusive mixed communities.
- Condition 8 iv) to be amended to add 'with timber gate' to the end of the condition.
- Further Informatives regarding noise control, operating hours, working standards, plant machinery, control of pollution, emissions and bonfires are to be added and these are detailed in the resolution below.

Members asked if there had been any comments from the Guildhall Planning Panel and were informed that no responses had been received.

Representations were received, in objection, from a local resident who said that she had received information from a former owner of 86 Gillygate that the premises had once been a slaughterhouse. She stated that any ground disturbance might result in contamination of a wider area. She believed that this was an issue for the Public Health Authority and not the Environmental Protection unit. She also raised various concerns regarding the proposed development's proximity to Moatside Court which was a sheltered housing complex.

Members discussed the application and raised the following points:

- The proposed development was on the same footprint as the present buildings
- Local residents would not see any change in relation to overlooking the proposed development
- Access at the back of the proposed development should be kept clear by contractors at all times
- The application was not beneficial to the area and was inappropriate considering its proximity to a sheltered accommodation complex
- The fact that the building had been vacant for many years
- The fact that the building could lawfully be used ancillary to the retail premises without seeking further planning permission
- The fact that the Council would have no control in relation to who bought or let the premises if the proposed development were approved
- There were other similar developments in the area

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

#### Amended Condition 8

*iv) Design of the replacement sliding timber gate*

INFORMATIVES

Remediation of contaminated land

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.

Demolition and Construction

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:

- (a) 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 |                |
- (b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228:1: 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.'
- (c) 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.

- (d) 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.
- (e) 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.
- (f) There shall be no bonfires on the site.

**REASON:**

That the proposal, subject to the conditions outlined in the report and the above conditions and Informatives, would not cause undue harm to interests of acknowledged importance, with particular reference to:

- The surrounding land uses
- The visual amenity and character of the adjacent listed building/the conservation area/ the host buildings
- The residential amenity of the neighbours
- Highway safety
- Open space provision
- Archaeology

As such the proposal complies with Policies GP1, H4, HE2, HE3, HE4, HE11, GP10, T4 and L1c1 of the City of York Development Control Local Plan Incorporating the Proposed 4<sup>th</sup> Set of Changes (2005); and national planning guidance contained in Planning Policy Statement 1 'Delivering Sustainable Development', 'Planning Policy Statement 3 'Housing' and Planning Policy Guidance Note No.15 'Planning and the Historic Environment.'

Action Required

1. To issue the decision notice and include on the weekly planning decision list within agreed timescales. JB

B WATSON, Chair

[The meeting started at 12.05 pm and finished at 12.30 pm].