
MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	17 DECEMBER 2008
PRESENT	COUNCILLORS HYMAN (CHAIR), DOUGLAS, FIRTH, FUNNELL, KING, MOORE, ORRELL, TAYLOR AND WISEMAN
APOLOGIES	COUNCILLORS CREGAN

INSPECTION OF SITES

Site	Attended by	Reason for Visit
Shipton Street School	Cllrs. Hyman, Moore and Douglas	To familiarise Members with the site.
Hall Farm	Cllrs. Hyman and Moore and Orrell	In view of objections received and to familiarise Members with the site.
8 Cundall Close	Cllrs. Hyman, Moore and Wiseman	In view of objections received when the recommendation is to approve.

56. DECLARATIONS OF INTEREST

Members were asked to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda.

Councillor Douglas declared a personal and prejudicial interest in item 3e (Shipton Street School) as she is Ward Councillor for the area and felt that she had prejudged the application and left the room and took no part in the discussion and voting for this item.

Councillor King declared a personal and prejudicial interest in item 3e (Shipton Street School) as he is Ward Councillor for the area and felt that he had prejudged the application. He spoke from the floor as Ward Councillor and then left the room and took no part in the discussion and voting for this item.

57. 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.

58. 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.

58a 8 Cundall Close, Strensall, York, YO32 5ZW (08/02561/FUL)

Members considered a full application for a single storey pitched roof side extension and a two storey pitched roof rear extension.

Representation in objection to the application was heard from a neighbour who raised concerns regarding overdevelopment. He felt that the proposal would negatively affect the level of privacy to his property and the amount of light it receives.

Members confirmed that they agreed with the Officers recommendation of approval as they could see no planning reason why the application should be refused.

RESOLVED: That the application be approved.¹

REASON: 1. In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to occupants of neighbouring properties. Not is it considered that the size and scale or design of the two storey side extension would have any detrimental impact on the street scene. As such the proposal complies with policies H7 and GP1 of the City of York Draft Local Plan.

2. The Town and Country Planning (General Permitted Development) Order as amended on 1 October 2008 states under Class A, condition A.3 (b) that 'any upper floor window located in a wall or roof slope forming a side elevation of the dwelling house shall be –

- (i) Obscure-glazed, and
- (ii) Non opening unless parts of the window which can be opened more than 1.7 metres above the floor of the room in which the window is installed'

So long as the proposed window on the existing east elevation is compliant with the above it is acceptable. Any variation may require a separate planning application.

Action Required

1. Issue the decision notice and include on the weekly SS
planning decision list within the agreed timescales.

58b Hall Farm, Church Lane, Huntington, York, YO32 9RE. (08/02493/FUL)

Members considered a full application for the installation of a 21m high lattice type telecommunications mast with associated equipment at Hall Farm, Huntington.

Officers updated that 82 signed slips in objection to the scheme had been received. In addition, details of the Parish Councils objection and the list of alternative sites considered by Vodafone was distributed to Members.

Objections were heard from a Parish Councillor who advised members that the proposed mast would be a major loss of amenity to residents of Huntington and visitors to the area. Objections were also heard from the River Foss Society who expressed concerns about the proposed location of the mast within the Green Belt.

Members agreed with the Officers recommendation of refusal due to the location of the proposed mast in the Green Belt and the loss of amenity to local residents. Concerns about the impact on the nearby conservation area were also raised.

RESOLVED: That the application be refused.¹

REASON: The site is within an area of Green Belt. It is considered that the location, design and height of the proposed mast, together with the visual impact of the access road and associated equipment, would be harmful to the character, appearance and visual amenity of the area. It is considered that the proposed development would introduce a visually intrusive form of development into a landscape which is attractive, open and undeveloped and is enjoyed by both local residents and visitors to the area. As such the proposed development is considered contrary to Policies GB1 and GP20 of the City of York Draft Local Plan, and Central Government advice contained within Planning Policy Guidance 2: "Green Belts" and Planning Policy Guidance 8: "Telecommunications".

Action Required

1. Issue the decision notice and include on the weekly SS
planning decision list within the agreed timescales.

58c Royal Dragon, 16 Barbican Road, York, YO10 5AA. (08/02081/FULM)

Members considered a major full application for the erection of a 3 storey detached building comprising of 10 no. flats and 2 no. maisonettes on existing pay and display car park at the rear of Royal Dragon Hotel. Demolition of the north wing of the existing single storey extension and rear single storey extension at the Royal Dragon Hotel to create new access from Barbican Road.

Officers updated with the following additional information:

- An additional letter of objection had been received from a resident of Barbican Mews objecting on numerous points, including the close proximity of the development to their property, concern at possible noise and inconvenience during building works, the scale of the development, loss of privacy, possible overdevelopment and road safety.
- Drainage proposals for the development had been agreed since the officers report was drafted and are as follows: (i) Drainage proposals are satisfactory but a specific condition to deal with outstanding information is required. This would replace the informative attached to condition 21 on pages 32 and 33 of the agenda. (ii) An informative has been added to reflect that Surface Water Drainage details should include details of the surface water attenuation system and the porous car park paving.
- Archaeology conditions ARCH1 and ARCH2 need to be added on recommendation of the Council's Archaeologist.

Representations in support of the application were heard from the applicants agent who stated that the scale of the proposed buildings would be no higher than neighbouring properties and that the surface water would be a 30 percent reduction on the current status.

Members expressed concern over the reduction in parking spaces, highway safety and overdevelopment in the area. Members also raised concerns regarding the provision of affordable housing and queried if an informative could be added.

RESOLVED: That the application be approved subject to the conditions listed in the report and subject to the following additional informative.¹

Informative 7 – The applicant/developer is reminded that in the event of any future proposal to convert the Royal Dragon restaurant to residential use, the Councils affordable housing criteria will be applied to the entire site, including the development hereby approved . This currently stands at 50% of the total number of units, where this exceeds 15. This is in order to avoid a situation where the affordable housing criteria are not exceeded through the artificial separation of development sites.

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:

- principle of the proposal
- visual amenity and impact on the conservation area
- residential amenity
- housing mix
- parking and highway safety
- environmental protection
- flood risk and drainage
- sustainability
- planning out crime

As such the proposal complies with Planning Policy Statement no.1 “delivering Sustainable Development”, Planning Policy no.3 “Housing”, Planning Policy Guidance no.15 “Planning and the Historic Environment”, Regional Spatial Strategy for Yorkshire and the Humber (2008) and Policies SP10, SP6, GP1, GP3, GP4a, GP4b, GP9, GP15, HE2, T4, T16, H3c, H4a, H5a, ED4, L1c, C6, SP3 and SP8 of the City of York Local Plan Deposit Draft.

Action Required

1. Issue the decision notice and include on the weekly planning decision list within the agreed time scales. SS

58d Royal Dragon, 16 Barbican Road, York, YO10 5AA.(08/02082/CAC - Conservation Area Consent)

Members considered an application for Conservation Area Consent for the partial demolition a wall and railings at the Royal Dragon Hotel.

RESOLVED: That the application be approved.¹

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 of the demolition works on the character, setting and appearance of the Conservation Area. As such the proposal complies with Policies HE5 of the City of York Local Plan Deposit Draft.

Action Required

1. Issue the decision notice and include on the weekly planning decision list within the agreed time scales. SS

**58e Shipton Street County Infant School, Shipton Street, York, YO30 7AU.
(07/01633/FULM)**

Members considered a full application for the change of use, extension and alteration of the existing former school buildings and new build to form 37 residential dwellings and a community ward facility and associated access, open space and landscaping.

Officers updated that comments had been received from the Police Architectural Liaison Officer. The main points raised are as follows:

- Ideally the vehicle entrance gates should be electronically operated and the pedestrian entrance gates key operated. Gates should be 1.8m high as a minimum.
- If gates are not provided the Police feel the parked vehicles inside would be vulnerable to crime.
- Failure to control the pedestrian gates by lock and key could result in the creation of an escape route through the development, the development being used as a short cut, particularly on football match days, illegal parking on match days.
- If gating the vehicle entrance is not possible then other measures should be used such as making the area appear to be private property with change of road surfaces, pillars etc.
- The car park should be lit to the relevant levels as recommended by BS5489.
- The Police recognise the difficulties the site poses.

Officers updated and recommended the following amendments to conditions:

- A full landscaping plan has been agreed and a condition will be added to reflect this plan.
- The vehicular entrance into the site needs to be widened .A condition will be added to control materials, design etc, including any gates which may be fitted to it.
- Add Noise 7 – control of times of work.
- Condition3 – Add the need for sample panels of materials to condition 3 to be constructed on site for agreement as opposed to just the submission of materials. This amendment will allow officers to address how materials fit together and the type of mortar to be used.
- Condition 5 to be utilised to condition the internal road surfaces and the reason amended to reflect this.
- Condition 19 – Sustainability-amend the words at the beginning to say ‘Unless otherwise agreed in writing by the Local Planning Authority’. The applicant has committed to achieving Code for Sustainable Homes Level 3 and this can be achieved on the new build but maybe a little more problematic on the listed building given the constraints the building offers in terms of historic importance and the need to retain existing features.

- Condition 14. A long condition which following the submission of a gas assessment report, which confirms that no significant gas levels were encountered at the site, can be substantially amended to that in the Agenda and will be shown at the end of these minutes.
- Condition will be added in relation to a construction traffic management plan and boundary treatment.

Councillor King spoke from the floor as Ward Councillor. He congratulated the applicant for working so closely with local residents and the Council . He told the Committee that he decided to get involved to help residents in the area to get what they wanted. He said the Community room will be a great asset to the area and would be initially handed over to Ward Members to control and to devise a management plan for the room. He advised he would prefer no gates to be added to the development and urged the Committee to support the scheme. He then left the room and took no part in the discussion, debate or voting on this item. Councillor Douglas as Ward Member also left the room.

Representations in support of the application were received from a representative from Clifton Residents group who confirmed that local residents are in favour of the scheme and are keen for it to progress. He praised the applicant for the exemplary way consultations had been carried out. Representations in support of the application were then heard from the Applicants Agent who advised that full community engagement had been undertaken in the planning stages of the application. He advised that the scheme was a good use for the deteriorating site and is a sensitive refurbishment of a listed building.

In answer to Members question, the representative from Clifton residents Association confirmed that they saw no reason why the development should be gated and that they do not wish to see it isolated.

Members expressed support for the proposal and commented that the design is attractive and the use appropriate for the area. They welcomed the provision of affordable housing and overall were happy to support the scheme.

RESOLVED: That the application be approved subject to the conditions listed in the report and subject to the following amended or additional conditions and subject to Section 106 Agreement.

Amended Condition 3 – Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of all the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The development shall be carried out using the approved materials. These details shall include a sample panel of the brickwork to be used on

all buildings to be erected or altered. This sample panel shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

REASON: To achieve a visually cohesive development and so that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location.

Amendment to Condition 5 – Notwithstanding the details submitted with the application, a fully detailed drawing illustrating the design and materials of all internal roads, footpaths, turning and parking areas and any other adoptable open spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the start of construction on site.

REASON: In the interests of highway safety and in the interests of preserving character and appearance of the site and the historic setting of the listed building.

Amended Condition 14 – The approved remediation scheme (as outlined in Robinson Geo Engineering's proposed Methodology for Management and Disposal of Contaminated Ground, dated January 2008) must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23) as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled

Amended Condition 19 – Unless otherwise agreed in writing by the Local Planning Authority the

development hereby approved shall be constructed to at least level 3*** under the Code for Sustainable Homes (CSH). A CSH final certificate shall be submitted to the Local Planning Authority prior to occupation of the building. Should the building fail to reach level 3 a report shall be submitted for written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve level 3 of the code. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

The following conditions have been added but the numbering of them is subject to the issuing of the decision notice.

Noise 7 – The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday and 9:00 to 13:00 Saturday and no working on Sunday or public holidays.

Reason: To protect the amenities of adjacent residents.

The Landscaping of the site shall be in accordance with approved drawing ref: 1911/1 Revision F 'Landscape Proposals'. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development 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 alternatives are 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.

Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of construction works traffic within the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

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. These details shall include the required alterations to the boundary wall at the site entrance off Newborough Street including its detailed design materials and any gates.

REASON: In the interests of good design, the visual amenities of the area and preserving the character and appearance of the site and the historic setting of the listed building.

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

- Principle of residential development
- Affordable Housing
- Access and Highway Safety
- Impact on the setting of the Listed Buildings
- residential amenity
- Landscaping
- Sustainability

As such the proposal complies with Policies D6, H4A, H5, H2A, C6, L1C, T4, GP1, GP4A, HE2 and HE4 of the City of York Local Plan Deposit Draft and national guidance in PPG15.

**58f Shipton Street County Infant School, Shipton Street, York, YO30 7AU.
(07/01643/LBC - Listed Building Consent)**

Members considered an application for Listed Building Consent for the conversion, extension and alteration of existing former school buildings to form part of a residential redevelopment scheme.

Officers updated that conditions 5 and 7 required amending at the beginning to state "Notwithstanding the details submitted with the application" and then the rest of the condition to follow as printed in the Officers report.

RESOLVED: That the application be approved.

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 preserving the historic character of the Grade II listed

buildings. As such the proposal complies with National Guidance in PPG15 (Development and the Historic Environment) and Policy HE4 of the City of York Draft Local Plan.

K Hyman, Chair

[The meeting started at 2.00 pm and finished at 3.20 pm].