
MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	12 MARCH 2009
PRESENT	COUNCILLORS HYMAN (CHAIR), GREGAN (VICE-CHAIR), DOUGLAS, FIRTH, FUNNELL, KING, MOORE, ORRELL, TAYLOR AND WISEMAN
APOLOGIES	COUNCILLORS

70. INSPECTION OF SITES

Site	Attended by	Reason for Visit
8 Audax Close	Cllrs Hyman, Douglas, Firth and Wiseman. Cllr Moore as Ward Member.	To familiarise Members with the site.
York University	Cllrs Hyman, Douglas, Firth, Moore, Wiseman and Orrell.	To familiarise Members with the site.

71. 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 declared a personal and prejudicial interest in agenda item 4c (Audax Court) as he had spoke in objection to the Licensing Application for the premises concerned and therefore had pre-determined 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.

Councillor Funnell declared a personal non-prejudicial interest in agenda item 4c (Audax Court) as she had sat on the Licensing Hearing for the premises.

72. MINUTES

RESOLVED: That the minutes of the meetings of the Sub-Committee held on 8 January 2009 and 5 February 2009 be approved as a correct record and be signed by the Chair.

73. 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.

74. 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.

74a 8 Hall Rise, Haxby, York, YO32 3LP. (08/02429/FUL)

Members considered a full application for the demolition of an existing bungalow and the erection of 2 detached dwellings.

Officers updated that the application had been referred to the Sub-Committee due to a previous refused application. Members were advised that the Town Council now had no objections subject to a condition requesting the retention of trees, shrubs and railings. These suggestions had already been taken into account in Conditions 6 and 20. Officers advised that condition 8 had also been amended. Officers confirmed that the proposed external building materials would relate well with the other buildings in the surrounding area.

RESOLVED: That the application be approved subject to the conditions listed in the officers report and the following amended condition:¹

Condition 8 – Notwithstanding the information shown on the approved drawings, prior to the development coming into use, the initial 6.0m of the vehicular access, measured from the back of the public highway, shall be surfaced, sealed and positively drained within the site.

REASON – To prevent the egress of water and loose material onto the public highway.

REASON: 1.In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the Officers report and above, would not cause undue harm to interests of acknowledged importance, with particular reference to:

- Design and Appearance
- Residential Amenity

- Highway Safety
- Tree Protection
- Sustainability
- Drainage
- Safeguarding of Protected Species
- Open Space Contributions

As such the proposal complies with national planning advice contained within Planning Policy Statement 1 (“Delivering Sustainable Development”) and Planning Policy Statement 3 (“Housing”), and Policies H4a, H5a, GP1, GP4a, GP15a, NE6, GP9, GP10, GP3 and L1c of the City of York Local Plan Deposit Draft.

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.

3. The developers 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 noted and acted upon. Failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

- i. 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”.
- ii. 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.
- iii. 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.
- iv. 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.
4. **INFORMATIVE**
You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or regulations listed as follows: Vehicle Crossing Section 184).

Action Required

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

74b C D Bramall Garage, 260 Malton Road, Huntington, York, YO32 9TE. (08/02816/FULM)

Members considered a major full application for the change of use from a car showroom to a tile and stone warehouse/distribution outlet with ancillary retail sales.

Officers updated that an outstanding issue with highways had now been resolved. They advised that an additional condition relating to cycle storage and parking would be required.

Members queried the following:

- Whether another tile warehouse would be closed if this one be approved
- If an extension would be applied for by the applicant
- If delivery times to the site could be conditioned.
- If any improvements towards discouraging car use had been made since the previous application.
- If officers could act if retail sales become dominant.
- Why a sequential test had still not been carried out.

In answer to Members questions, the Applicant's Agent confirmed that the site is large enough for her client's requirements and no extension would be required and that there would be no store closures in other parts of York as a result of this application. She advised due to the nature of the goods being supplied, it was reasonable to expect patrons to be using cars, but the site is close to the Park and Ride.

Members commented that this use would be preferable to another car dealership and that they were happy to see the site being brought back into use.

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

Condition to be advised.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact on the Green Belt, highway safety, retail impact on York City and other shopping centres, neighbour amenity and sustainability. As such the proposal complies with national advice within Planning Policy Guidance Note 2 (“Green Belts”) and Policies GB1, GB3, GP1, SP7A, S2 and GP4A of the City of York Draft Local Plan.

Action Required

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

74c 8 Audax Close, York, YO30 4RB. (08/02511/FUL)

Members considered an application for the change of use from office use to a hot food takeaway.

Officers updated that a letter had been received from the neighbouring nursery and in response to members questions, confirmed notices were displayed in the vicinity and letters sent to neighbouring properties advising of the application.

Representations in objection to the application were heard from the owner of a neighbouring children’s nursery. He raised concerns regarding traffic problems in the area, including the fact that 95% of children attending the nursery arrive by car. He felt that if this application were to be approved, the area would become further congested, especially in the evening. He advised that at present he controls bollards at the entrance to the court which he puts up on an evening and that he would be unwilling to take them down so the takeaway would not have direct vehicular access at the time it would require it.

Representations also in objection to the application were received from Councillor Moore as Ward Member. He confirmed that crime had been

reduced in the area in recent times and he felt that if approved, a takeaway which would be open when everything else is closed, could attract people into an otherwise quiet area. He felt that the application was an inappropriate use for these particular commercial outlets.

Members felt they could not support the Officers recommendation of approval as they felt that the use of an office unit for a takeaway was inappropriate and would have a detrimental effect on the letting of the other vacant units in its vicinity. Some Members also had concerns in relation to traffic and access.

Officers confirmed that the application could be refused under the national guidance relating to incompatibility of mixed use.

RESOLVED: That the application be refused.¹

REASON: It is considered that the nature of the proposed use would be incompatible with the adjacent office uses and may hinder the future letting of these vacant units. It is considered that the proposal would result in the loss of an existing employment site and would thus conflict with Policy E3b of the City of York Draft Local Plan. The proposal would also conflict with Central Government advice contained within Planning Policy Guidance Note 4 "Industrial and Commercial Development and Small Firms", which recognises that the juxtaposition of incompatible uses can cause problems for the occupiers both of the new and the existing development. The guidance states that planning authorities should consider carefully whether particular proposals for new development may be incompatible with existing industrial and commercial activities.

Action Required

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

**74d Dunnington Lodge, Elvington lane, Dunnington, York, YO19 5LT.
(09/00044/FUL)**

Members considered an application to convert an existing farmhouse and attached cottage into an organic children's day nursery with associated landscaping and car parking.

Officers updated that the reason for refusal had been reworded into one following discussion with Highways Officers.

Members queried why the York Maize Maze application was approved which is in a similar location to this application. Officers confirmed that the Maze Maize only operates for 3 months of the year while this application is year round and is therefore deemed unsustainable.

Representations in support of the application were heard from the applicant who advised Members that a 3 stage safety audit had been submitted and that there are no safety issues for the site. In response to the potential problems of transport to the site, it was confirmed that an agreement had been reached to allow a private minibus, operated by the Nursery, to run from the closest park and ride site. She stated that already 55 parents had expressed an interest in using the nursery and that 20 jobs would be created.

Members felt that as the applicant had a solution to the transport problems and would be providing such a good facility for the area, they were happy to approve the application and delegated to Officers to draft up any conditions.

RESOLVED: That the application be approved subject to the following conditions:¹

Condition 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.

Condition 2 – The development hereby permitted shall be carried out only in accordance with the approved plans 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.

Condition 3 – Before the development works associated with the approved use of the building as a day nursery begin, details of all external materials, to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason – In the interests of visual amenity and to comply with Planning Policy Statement 1: Delivering Sustainable Development and City of York Draft Local Plan Policy GP1.

Condition 4 – Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority and subsequently implemented in accordance with the approved details, before the use as a day nursery commences.

New windows, rooflights and doors.

Reason – In the interests of visual amenity and to comply with Planning Policy Statement 1: Delivering Sustainable Development and City of York Draft Local Plan Policy GP1.

Condition 5 – Notwithstanding the details shown on the approved plan, no permission is hereby granted for the insertion of the two sets of French/double doors in the front elevation of Dunnington Lodge.

Reason – In the interests of visual amenity and to comply with Planning Policy Statement 1: Delivering Sustainable Development and City of York Draft Local Plan Policy GP1.

Condition 6 – 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.

Condition 7 – Details of the lighting scheme for the site shall be submitted to and approved in writing by the Local Planning Authority and subsequently implemented in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason – In the interests of visual amenity of the area and York Green Belt and to comply with Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Guidance Note 2: Green Belts and City of York Draft Local Plan Policies GP1 and GB1

Condition 8 – The premises shall be used for a Childrens day Nursery and for no other purpose, including any other purpose in Class D1 in the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason – So that the Local Planning Authority may re-assess alternative uses which without this condition may have been carried on without planning permission

by virtue of Article 3 of the Town and Country Planning (Use Classes) Order 1987.

Condition 9 – A scheme to provide 5% of the energy requirements of the approved use as a day nursery from renewable energy sources generated on site shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented prior to the commencement of the use. Written confirmation from the installer of the technology, post build, verifying the installation has been installed shall be submitted to the Local Planning Authority prior to occupation. The site thereafter must be maintained to the required level of generation.

Reason – In the interests of providing sustainable development and to comply with Planning Policy Statement 22: Renewable Energy and City of York Draft Local Plan Policy GP4a

Condition 10 – The use as a day nursery shall not commence 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 within the site. 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 in the interests of visual amenity and to comply with Planning Policy Statement 1: Delivering Sustainable Development and City of York Draft Local Plan policies GP1 and GP9.

Reason – So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of visual amenity and to comply with Planning Policy Statement 1: Delivering Sustainable Development and City of York Draft Local Plan policies GP1 and GP9.

Condition 11 – Before the commencement of and during the works to create the car parking and dropping off area, adequate measures shall be taken to protect the existing planting on this site. This means of protection shall be agreed in writing with the Local Planning Authority and shall be implemented prior to

the commencement of works, including excavation or storing of materials.

Reason – The existing planting is considered to make a significant contribution to the amenities of this area and to the visual amenity of the York Green Belt and to comply with Planning Policy Guidance Note 2: Green Belts and City of York Draft Local Plan policies GP1 and NE1.

Reason – The existing planting is considered to make significant contribution to the amenities of this area and to the visual amenity of the York Green Belt and City of York Draft Local Plan policies GP1 and NE1.

Condition 12 – Details of all means of enclosure to the site boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority and shall subsequently be provided on site before the use as a day nursery commences.

Reason – In the interests of the visual amenities of the area and the York Green Belt and to comply with Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Guidance Note 2: Green Belts and City of York Draft Local Plan Policy GP1.

Condition 13 – Prior to the use commencing, a travel plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include measures to be adopted by the day nursery to reduce dependence on the private car and encourage sustainable means of travel to and from the site, along with details for annually monitoring staff and customer travel to the site.

Reason – To ensure that adequate provision is made for the movement of vehicles, pedestrians, cycles and other modes of transport to and from the site, together with provision of parking on site for these users in accordance with advice contained in Planning Policy Guidance Note 13: Transport.

REASON:

In the opinion of the Local Planning Authority the proposal subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the Green Belt, highway safety and the benefits of the proposal, particularly the local need for the facility, which outweighs the disadvantages in terms of sustainability. In terms of car journeys, it is considered that the proposed use would not be unsustainable due to the potential for linked trips. As such the proposal

complies with Policies GP1, GP4a, GB1, GB3, T13A, NE1, C1 and C7 of the City of York Draft Local Plan.

Action Required

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

74e The University of York, University Road, Heslington, York, YO10 5DD. (08/02807/FULM).

Members considered an application for a three storey building for the Centre of Immunology and Infection with roof top plant room and associated parking, cycle parking and landscaping.

Officers circulated an update detailing a number of additional conditions, particularly in relation to drainage.

Representations in support of the application were received from the applicant's agent who referred to the sustainable features of the proposed building including the design and use of timber to ensure a low carbon footprint and the bio mass boiler.

Certain members commented on the design of the building, and felt it was not visually pleasing but in context to other buildings in the vicinity, overall they were happy with the proposal.

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

Condition 10 – 10% of the energy requirements of the development hereby approved shall be provided from renewable energy resources generated on land under the control of the applicant. The development shall be carried out in accordance with submitted details and the approved scheme shall be implemented prior to the first occupation of the development. Written confirmation from the installer of the technology, post build, verifying the installation has been installed shall be submitted to the Local Planning Authority prior to occupation. The site thereafter must be maintained to the required level of generation.

Reason – In the interests of providing sustainable development.

Condition 11 – The development hereby approved shall be constructed to a BREEAM standard of at least Very Good. A formal post construction assessment by a licensed BREEAM assessor and a copy of the

certificate will be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a 'very good' rating. 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.

Condition 12 – No development shall commence until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority and carried out in accordance with these approved details.

These details shall include:

1. Calculations and invert levels of the existing surface water system should be provided together with details to include calculations and invert levels of the proposals for the new development. This will enable the impact of the proposals on the downstream University watercourse/lake to be assessed.

2. Additional surface water shall not be connected to any foul/combined sewer, if a suitable surface water sewer is available.

3. Peak surface water run-off from the development shall be attenuated to 70% of the existing rate, in accordance with a scheme to reduce run off to be submitted to and agreed in writing by the Local Planning Authority (based on 1.40l/s/ha of connected impermeable areas). The scheme submitted shall include storage volume calculations, using computer modelling, allowing for 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 shall also include an additional 20% allowance for climate change. The modelling shall use a range of storm durations, with both summer and winter profiles, to find the worst case volume required.

4. Details of run off rates including calculations of both the existing and proposed rates.

5. Details of future management /maintenance of the proposed drainage system.

Reason – So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site to comply with guidance contained within Planning Policy Statement 25 (Development and

Flood Risk) and that provision has been made to maintain the proposed drainage system.

REASON:

1. In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance with particular reference to the impact on the Green Belt, the principle of development within the existing campus, visual impact, design and appearance, sustainable development and drainage. As such the proposal complies with national guidance in Planning Policy Statement 2 ("Green Belts") and Policies GB1, GP1, ED6, GP4a and GP15a of the City of York Local Plan Deposit Draft.

2. The developers 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 noted and acted upon. Failure to do so could result in formal action being taken under the Control of Pollution Act 1974.

- i. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS5228: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".
- ii. 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.
- iii. 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.
- iv. 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.
- v. Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.

vi. There shall be no bonfires on the site.

3. In the event that contamination is found at any time when carrying out the approved development, the findings must be immediately reported in writing to the Local Planning Authority. In such cases, an investigation and risk assessment shall be undertaken, and where remediation (clean-up) is necessary a remediation scheme must be prepared which is subject to the prior written approval of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which shall be subject to the written approval of the Local Planning Authority.

Should the 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.

Action Required

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

SS

K Hyman, Chair

[The meeting started at 2.00 pm and finished at 3.40 pm].