
MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	11 FEBRUARY 2010
PRESENT	COUNCILLORS HYMAN (CHAIR), CREGAN (VICE-CHAIR), FIRTH, FUNNELL, KING, MOORE, ORRELL, TAYLOR AND BROOKS (SUBSTITUTE)
APOLOGIES	COUNCILLORS DOUGLAS AND WISEMAN

INSPECTION OF SITES

Site	Attended by	Reason for Visit
Dormary Court	Cllrs. Hyman, Orrell, Firth, Moore and Brooks	In view of the application being called in and to familiarise Members with the site.

46. DECLARATIONS OF INTEREST

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

47. MINUTES

RESOLVED: That the minutes of the meeting of the Sub-Committee held on 10 December 2009, be signed as a correct record by the Chair.

48. PUBLIC PARTICIPATION

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

49. 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.

**49a Dormary Court, 445 Huntington Road, York, YO32 9PY.
(09/02051/FUL)**

Members considered an application for the erection of 6 dwellings on the site of the former Dormary Court residential care home on Huntington Road, adjacent to its junction with the New Earswick Link Road.

Officers advised Members of the following amendments to conditions (by reference to the agenda page number):

- Page25 Condition 2 (Plans Schedule) Drawing Numbers – 07534/PO1, 07534/PO2 Rev G, 07534/P04 Rev A, 07534/P05 Rev B, 07534/P07 Rev B, 07534/P08 Rev A, 07534/P09 Rev A, 07534/P10.
- Page 26 Condition 9 – Drawing number 07534/P02 Rev G
- Page 26 Condition 10 – Prior to construction works starting on the site.....
- Pages 26/27 – Condition 12 (Bat Mitigation) to be split into 2 parts to reflect the demolition work and the construction work as follows:
 - (i) No construction shall take place until full details have been submitted to and approved by the Council of what measures will be in place during the demolition work to accommodate the possibility of bats being present and to ensure that any potential impact is minimised.
 - (ii) No development shall take place until details have been submitted to and approved in writing by the Council of what measures are to be provided within the designs of the new buildings/conversion to accommodate bats. The work shall be completed in accordance with the approved details. Features suitable for incorporation for this group include the use of special tiles, bricks, soffit boards, bat boxes etc.

REASON – To take account of and enhance the habitat for a protected species.

INFORMATIVE – If bats are discovered during the course of the work, then work should cease and Natural England consulted before continuing.

INFORMATIVE – It should be noted that under guidance contained within Planning Policy Statement 9 the replacement/mitigation proposed should provide a net gain in wildlife value.

- Page 27, Condition 14 , Surface Water Drainage amended to read as follows:
No construction shall begin 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 approved details.

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

- Page 28 – Condition 16 (Code for Sustainable Homes) be amended to read as follows: The development hereby approved shall aim to achieve Level 4**** of the Code for sustainable (CSH), and shall achieve a minimum of Level 3 ***.....Should the development fail to achieve Level 3 ***.
- Page 28 – Condition 17 (Renewable Energy) be amended to read as follows: No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority, to demonstrate how the development will provide a minimum of 5%.
- Condition 18 (Noise Attenuation) be amended to begin with the following: Unless otherwise agreed in writing with the Local Planning Authority.....

Members expressed concern over the trees in the area close to the beck and queried whether Condition 20 (Landscaping) would incorporate the trees in the beck area. Officers advised that as the area is not part of the application site, Condition 20 would not cover the trees although Condition 19 (Tree Protection) does refer to trees adjacent to the site. Members also raised concerns regarding the management of the site due to its location on a busy road.

Representations were heard from the applicants agent who was present to answer any queries from Members. She advised that the trees close to the beck would not be felled and that the Joseph Rowntree Housing Foundation would require contractors to supply waste management, traffic and site management plans. She assured Members that the development would be sustainable.

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

Condition 19 Before the commencement of any construction works, the importing of materials, any excavations, installation of utilities, and building operations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings (including trees outside of the site but adjacent to the site boundary) shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing, phasing of works, site access during demolition/construction, type of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for

loading/off-loading), parking arrangements for site vehicles, locations for materials storage, location of site cabin.

REASON – to protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of the vicinity and/or development.

Condition 20 – No construction work shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a detailed landscape scheme which shall include the species density (spacing), and position of trees, shrubs and other plants; seeding mix, sowing rate and mowing regimes where applicable. 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 the Local Planning Authority agrees alternatives in writing. This also applies to any existing trees that are shown to be retained within the approved landscape scheme.

REASON – So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the entire site, since the landscape scheme is integral to the amenity of the development.

Condition 21 – The area of amenity open space shown on Drawing no. 07534/P02 Rev G shall be laid out and made available for use by residents of the proposed development, and shall be thus maintained, in accordance with a scheme to be submitted and agreed in writing by the Local Planning Authority prior to the occupation of any dwellings hereby approved.

REASON – In the interests of the amenity of future occupiers of the proposed development.

Condition 22 – 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 - 08:00 to 13:00

Not at all on Sundays and Bank Holidays.

REASON – To safeguard the amenity of surrounding residents.

Condition 23 – No construction works shall commence unless and until all 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 alternative 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 L1 of the City of York Draft Local Plan.

INFORMATIVE – 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 calculated at £6,264.

No construction works 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.

REASON:

1. In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above and in the officers report, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the existing area of open space, the maintenance of visual separation between Huntington and New Earswick, housing windfalls, affordable housing need, impact on the River Foss Green corridor, protected wildlife, trees within and adjacent to the site, local residential amenity, highway safety, flooding and sustainability. As such the proposal complies with Policies GP7, H4a, H2a, C1, HE1, HE2, NE8, GP1, GP15 and GP4a of the City of York Development Control Local Plan.

2. There are records of otter breeding in the immediate area close to the proposed development. The development must not encroach on the river corridor and materials resulting from or used during the site clearance or construction must not be stored or disposed of in the river corridor.

Design details should ensure that future residents are discouraged from using the river corridor for waste

disposal (e.g. disposing of garden waste or other materials) and lighting should not illuminate the river corridor.

3. INFORMATIVE - You are advised that this proposal may have an effect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

4. INFORMATIVE – You are advised that prior to starting on the site consent will be required from the Highway Authority for the works being proposed, under Highways Act 1980 (unless alternatively specified under the legislation or Regulations as follows: Works on the Highway Section 38/S278 and Vehicle Crossing Section 184).

5. DEMOLITION AND CONSTRUCTION INFORMATIVE - 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 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 recommendation 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 fitted 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) There shall be no bonfires.

**49b Suncliffe House, 157 New Lane, Huntington, York, YO32 9NQ.
(09/02186/FUL). - WITHDRAWN.**

This item was withdrawn prior to the meeting, by the applicant.

Councillor K Hyman, Chair
[The meeting started at 2.00 pm and finished at 2.25 pm].