
MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	13 MAY 2010
PRESENT	COUNCILLORS HYMAN (CHAIR), CREGAN (VICE-CHAIR), DOUGLAS, FIRTH, MOORE, TAYLOR, MORLEY (SUBSTITUTE), WATSON (SUBSTITUTE) AND WATT (SUBSTITUTE)
APOLOGIES	COUNCILLORS FUNNELL, KING, ORRELL AND WISEMAN

61. DECLARATIONS OF INTEREST

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

Councillor Moore declared a personal and non prejudicial interest in Agenda Item 4b (Clifton Hospital: Outstanding Section 106 in relation to management of the landscape) in his work with Clifton Without Parish Council in relation to this.

62. MINUTES

RESOLVED: That the minutes of the meeting of the Sub-Committee held on the 15 April 2010 be approved and signed by the Chair as a correct record.

63. PUBLIC PARTICIPATION

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

Details of speakers registered to speak on the planning applications will be recorded under the relevant application.

64. PLANS LIST

64a 4 Derwent Road York YO10 4HQ

Members considered an application for the erection of a pair of semi detached houses following the demolition of an existing dormer bungalow. This application had been amended from a previous application presented to the Committee in October 2009 and included an extension of the basement to incorporate a home office and additional storage space.

The application had been brought to the committee by Councillor D'Agorne, as the Ward Member. He expressed concerns about the application relating to drainage, subsidence and multi occupancy and the precedents this would set.

Officers provided updated information at the meeting (full details of which are attached to the agenda for this item) relating to additional conditions which were not included in the report these were as follows:

- That a condition be added so that the basement level of the property, if approved, be restricted to avoid using the space as additional bedroom accommodation
- That a further condition be added to control the height of the development, ensuring that the existing ground level of the site be agreed in writing.

The updated information also provided additional comments from the applicant, in response to comments from local residents, responding to their points:

- That the application seeks to enable the implementation of a 'sustainable homes' planning condition.
- That the visual impact on the street scene remains the same
- That parking provision and density, which are key planning policies are complied with.
- That the application does not require a change of use for the site.
- That a requirement to obtain building regulations approval before granting planning permission would run contrary to the proper consideration of the application.
- That the planning authority has sufficient powers to introduce planning conditions to address any legitimate concerns that local residents might have,

Representations in opposition were heard from a local resident, Mr Farrant. He spoke about how he had major concerns about the application and stated that the depth of the basement proposed at 4 Derwent Road, would undermine the foundations of the immediate neighbouring properties at 2 and 6 Derwent Road. He questioned why there had been not been a hydrological study carried out on the site in relation to this. He suggested that the working hours of construction should be reduced from the times suggested on Monday to Friday from 8:00-18:00 to 8:00-17:00. Finally, he suggested that the new application should also focus on daylight provision in relation to the development of the basement.

Representations in support were heard from the applicant, Mr Breeze. He commented how he was seeking amended consent to address a condition relating to sustainable homes. He stated that the application was not for multi occupancy, and that if it was, then he would have to apply for further approval.

Councillor Cregan asked the applicant whether he would be willing to alter the hours of construction from 8:00-17:00.

The applicant responded that he was happy to alter them.

Councillor Taylor asked Officers to explain what the potential effects that this application would have on the foundations of neighbouring properties.

Officers replied that the Health and Safety Executive requires all planning applications to ensure that the building is safe and complies with the Party Wall Act. Additionally the application was situated in a low flood risk area.

Councillor Moore asked whether any comments had been received from the Council's Archaeologist in relation to the proposal.

Officers responded that they had contacted John Oxley prior to the meeting and he had confirmed that the site was not within an area of archaeological importance and that he did not require an archaeological watching brief condition to be attached.

Councillor Moore also stated that he was surprised that no consultation appeared to have taken place within the Council's Structures and Drainage Officers(Engineering Consultancy.)

Officers replied that the application did not include additional development outside of the footprint of the existing building, and thus would not result in any additional surface water drainage issues. They added that the application had been discussed with the Environment Agency, who had confirmed that they had no major concerns. In particular, there were no flood risk issues in this area of York, and depth of the basement would be well above the level of any underlying aquifer.

Councillor Moore asked the applicant to clarify the depth of the basement and any associated foundations.

The applicant's builder, who was in attendance, replied that the proposed basement would be approximately 12 inches below the level of the basement. It would be approximately 2.5 metres below the level of standard foundations.

Councillor Brian Watson asked whether the provision of additional accommodation in the basement could result in an additional bedroom being created on the ground floor.

Officers replied that this situation could arise, but also stated that it was unlikely that additional living accommodation would be created in the basement due to lack of external windows.

Councillor Cregan moved the Officer's recommendation for approval and stated that if the property was being used as a House of Multiple Occupancy(HMO) it would require another planning application.

Councillor Brian Watson seconded the Officer's recommendation.

Councillor Taylor commented that if new conditions was added preventing the use of the basement as bedrooms, then the possibility of the property becoming an HMO would be highly unlikely. He added that the issues with the foundations and groundwater would be dealt with by Building Control Officers. Finally he welcomed the offer of restricting the construction hours from 8:00-17:00.

Councillor Hyman questioned whether the application could be delegated to Officers to make the decision and whether it would be appropriate to add an archaeological watching brief condition as had been suggested by Councillor Moore.

Officers expressed concerns to Members that if such a condition was unnecessary, it would result in an unjustified additional financial burden on the developers.

Councillor Cregan commented that the application was sited on former meadow land and that an archaeological condition would be seen as unreasonable in this respect.

RESOLVED: That the application be approved subject to the conditions listed in the report and the additional paper circulated by Officers at the meeting.

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 amenity, sustainability, flood risk, highway safety and impact on local services. As such the proposal complies with Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 3: Housing, Planning Policy Guidance Note 13: Transport and Planning Policy Statement 25: Development and Flood Risk and policies SP6, GP1, GP4A, GP15A, H3C, H4A, H5A and T4 of the City of York Development Control Local Plan.

64b Clifton Hospital: Outstanding Section 106 in relation to Management of the Landscape.

Members received an update on the discussions that have taken place with regard to the outstanding Section 106 issues in relation to Clifton Hospital.

Members were asked to note the progress made with regard to the completion of the Section 106 agreement and the work still required in order to achieve a satisfactory conclusion.

Members were asked to note that a further report would be prepared when the management plan is formally submitted to the Council for acceptance and any details are available with regard to the possible further land transfer.

Representations were heard from a member of Clifton Without Parish Council. He told Members that Parish Councillors felt sceptical as to what would happen with the Section 106. He added that the area in question was forlorn and that so far none of the obligations on the landowner had not been complied with. He added that he felt that there was a need for enforcement action to be taken on the landowners.

Further representations were heard from a local resident who stated that he was pleased with the work that the Countryside Officer, Bob Missin, had done already. He commented on issues surrounding the footpaths on the site and asked if the proposed footpath crossed a piece of land that was environmentally protected or not. He questioned whether the footpaths on the site could be considered as Public Rights of Way.

Bob Missin told Members that the other routes on the site, asides from the proposed definitive route, were not rights of way although they may or may not have established rights on them. He explained if new routes were to be created then a large number of people would need to be involved to provide evidence for establishment of any rights of access. Additionally, the workload on existing footpath claims in York was very high and at the present time could take many years before it could be considered.

Finally he stated that the Committee could not impose permissive access on the land as part of the Section 106 agreement as they were separate issues.

Councillor Moore stated that he believed that no enforcement action was needed on the landowner, if other parts of the Section 106 agreement were in progress. He added that he was happy to contact the Legal department in relation to the creation of the new public footpath across the site and the land transfer.

Members suggested that individual comments on the Section 106 be passed on to relevant departments and that a representative from the Legal department be invited to address the Committee with an update on this in July.

RESOLVED: (i) That the report be noted.

 (ii) That an update from the Legal department in relation to Public Rights of Way on the site and the land transfer is provided to the Committee for their July meeting.

Cllr K Hyman, Chair

[The meeting started at 2.05 pm and finished at 2.50 pm].