

Meeting	Area Planning Sub-Committee
Date	10 March 2016
Present	Councillors Galvin (Chair), Carr, Craghill, Gillies, Hunter, Cannon, Looker, Mercer and Orrell
Apologies	Councillors Derbyshire and Shepherd

Site	Visited by	Reason for Visit
Groves Chapel, Union Terrace	Councillors Craghill, Galvin, Hunter, Looker and Mercer	As the application was recommended for approval and objections had been received.
Car Park Lying to the South of Hurricane Way	Councillors Craghill, Galvin, Hunter and Mercer	As the application was recommended for approval and objections had been received.
Royal Masonic Benevolent Institute, Connaught Court	Councillors Craghill, Galvin, Hunter and Mercer	As the application was recommended for approval and objections had been received.
Newgate, Newgate Market	Councillors Craghill, Galvin, Hunter and Mercer	As the application was recommended for approval and objections had been received.

48. Declarations of Interest

At this point in the meeting, Members were asked to declare any personal, prejudicial or disclosable pecuniary interests that they might have had in the business on the agenda. No interests were declared.

49. Minutes

Resolved: That the minutes of the meeting of the Area Planning Sub Committee held on 4 February 2016 be approved and signed by the Chair as a correct record.

50. Public Participation

It was reported that there had been one registration to speak under the Council's Public Participation Scheme on general issues within the remit of the Committee.

Councillor Warters questioned why an application for a House in Multiple Occupation in his ward, which he had called in for consideration had been not been brought to Committee. He spoke about the application and the distance between it and another HMO. He felt that the Council's database of HMOs was deficient and he had tried to get the Council's threshold of HMOs reviewed. He urged Members to consider his comments.

51. Plans List

Members considered a schedule of reports of the Assistant Director (Development Services, Planning and Regeneration) relating to the following planning applications outlining the proposals and relevant policy considerations and setting out the views of consultees and Officers.

51a) 206 Stockton Lane, York, YO31 1EY (15/02624/FUL)

Members considered a full application from Mr David Todd for the erection of 4 no. dwellings with access from Caedmon Close together with the reconfiguration of existing dwelling at 8 Caedmon Close (resubmission).

Officers gave an update to the Committee, full details of which were published online with the agenda, which was republished following the meeting. Some of the details included;

- A revised water drainage scheme that had been received

- The outline in terms of acceptable rates of surface water run off in the Strategic Flood Risk Assessment
- An amendment to Condition 16 (Foul and Surface Water Drainage Scheme)

Representations were received from Mr David Stinson, a local resident in objection. He spoke mainly about the effect that the development would have on the surface water drainage in the area. He informed the Committee that the development was at a higher elevation and so would flood the properties at a lower elevation. He added that the gully drains could not accommodate rainwater and also that the development would affect Tang Hall Beck, which if this overflowed was one of two great risks for the River Foss flooding.

Further representations in objection were received from another local resident Mr Martin Biggs. He talked about the removal of a rowan tree, the cramped access roadway, the destruction of a grass verge which provided a children's play area, and that external visual impact of the streetscene would be degraded by the alterations to the bungalow with wooden cladding. There would therefore be a loss of visual amenity to the occupants. He felt that the application contravened section 7 of the National Planning Policy Framework on visual architecture grounds and that permission should be refused because the development was of poor quality design.

Representations in objection were received from another local resident, Ann Rylatt. She spoke about the access to the development, stating that it was smaller than the minimum for fire regulations and that due to its narrowness it meant that large vehicles would have to stand at the turning point for a long time. This would lead to obstruction and a loss of residential amenity for all residents of Caedmon Close, particularly those at number 6 who overlooked the turning point, contravening the NPPF for existing residents. The development would not give priority to pedestrians or cyclists as it did not have any pavements.

Further representations in objection were received from a local resident, Mr Hopkinson, who felt that the development would increase congestion. He added that density figures did not take into account infrastructure and that three homes should be the maximum and scale and height should also be considered.

Representations were received from Bill Symons from the Foss Internal Drainage Board. He informed the Committee that the green field run off rate proposed was a discharge of 3 litres per second. This was in relation to a 2.14 hectare field. He confirmed to the Committee that the development was upstream from the Foss Barrier Pumps, and the water run off would go into Tang Hall Beck which the Drainage Board maintained.

In response to a question from a Member, Bill Symons confirmed he did not feel the revised drainage scheme surface water run off rate was sufficient.

Representations in support were received from Eamonn Keogh, the applicant's agent. He stated the privacy and amenity for existing residents of Caedmon Close would be maintained by the distance and placing of the windows in the dwellings. He stated that the Highways Officers had visited the site three times and were happy with the access, and that the Fire Officer was now satisfied. He confirmed that the density of the site would be 26 dwellings per hectare, which was below the Council's suggested 40 dwellings per hectare in suburban areas. In reference to comments from the Drainage Board, he added that their figures were generic and difficult to achieve on small sites. He added that the diameter of pipe to achieve the discharge rate requested by the Drainage Board would be so small it would lead to flooding rather than lessening it.

In response to a Member's question about the written comments received from the Fire Officer, the agent confirmed that the applicant would be willing to install sprinkler systems inside the houses.

Further representations were received from Mr Ron Clayton on behalf of Heworth Without Parish Council. He had concerns over density and access, as he felt there were too many houses on the site and they were too large. He told the Committee that there would be 28.7 dwellings per hectare and this would include the gardens. The Parish Council felt that there should be three houses not four on the site. He added that no turning area was detailed on the site plans and Highways Officers had requested that there be a passing place at the start, it was now half way down.

Officers were asked whether their discussions with the Fire Officer had been recorded. They confirmed that they had two telephone calls, information from which was publicly available on the Planning Portal.

Councillor Orrell moved refusal on the grounds of flooding risk, water dispersal and access arrangements. Councillor Craghill seconded this and added that she felt that fire safety should be added.

Some Members felt that as there had been no objections raised from Flood Risk Management, Highways, Yorkshire Water or the Fire Officer and that the density fell within conditions that he had no objections. They added that given a cumulative effective on drainage, perhaps it would be best to look at watercourse maintenance.

Members were advised that if they wished to refuse the application on grounds of cumulative impact on drainage that they need to have evidence on capacity and one Flood Event further upstream from the site may not be sufficient to defend the refusal.

The Council's Flood Risk Engineer advised the Committee that there was not enough evidence about water capacity to defend a refusal. He also felt that in defence of the Drainage Board, that they had not had access to the same figures that Council Officers had. In relation to additional drainage information, he informed the Committee that they had carried out onsite infiltration testing by way of trial pits which had identified poor ground conditions to support the use of soakaways and a high water table. Discharge to watercourse was discounted due to its location some 560m away across third party land therefore an attenuated system was designed to store up to the 1 in 100 year storm + 20% climate change allowance above what was required by our SFRA. The Council's Flood Risk Engineer advised the Committee that the applicant had produced a reliable system in line with both National and Local Design Guidance.

Councillor Orrell moved refusal of the application then Councillor Craghill seconded refusal.

On being put to the vote this was lost.

Councillor Gillies then moved and Councillor Mercer seconded approval

Following discussion it was;

Resolved: That the application be approved subject to the conditions listed in the Officer's report and the update.

Reason: The proposal whilst dense in terms of its layout is felt to be acceptable within the context of the surrounding area and the pattern of scale and massing is similarly reflective of the locality. Whilst the proposed access has given rise to some concern it is felt to be adequate to serve four properties without due harm to other road users in the locality. The proposed means of foul and surface water drainage is felt to be acceptable and the application is considered to comply with the NPPF and policies GP1, GP10, H4A, NE1 and GP15A.

**51b) Groves Chapel, Union Terrace, York, YO31 7WS
(15/02833/FULM)**

Members were informed by Officers that that there were two applications on the site, a full and a listed building consent. However due to an administrative error, the listed building consent application was not attached on to the printed agenda. They suggested as the two were inextricably linked that it would be safer if Members deferred the application, in order to consider both at the same time.

Resolved: That the application be deferred.

Reason: In order for Members to consider both applications at the same time.

**51c) Car Park Lying To The South Of Hurricane Way, York
(15/02490/FULM)**

Members considered a major full application by Mr Mick Roult for the erection of a retail unit (Class A1).

Representations were received from James Beynon, the agent for the applicant.

He spoke about how the applicant had provided soft landscaping on the southern side of the site and an acoustic fence, had improved the access routes and had raised the overall design of the site. He reminded Members that it was also a brownfield site. In response to a question from a Member about an objection from the Parish Council in respect of possible light pollution, he replied that the applicant had proposed no external lighting.

Councillor Orrell asked if there was an renewable energy requirement for the building. Officers confirmed they could add one.

Resolved: That the application be approved subject to the conditions listed in the Officer's report and the following additional condition;

Additional Condition

20. BREEAM (BRE Environmental Assessment Method)

The development shall be carried out to a BRE Environmental Assessment Method (BREEAM) standard of 'very good'. A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority prior to occupation of the building or (or in the case of the certificate as soon as practical after occupation). Where it can be reasonably demonstrated that a very good rating is not feasible, full justification for the lower rating shall be submitted to and agreed by the LPA prior to occupation. Should the development fail to achieve a BREEAM standard of 'very good' or the agreed alternative rating, a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve the agreed standard. The approved measures should then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local Plan and paragraphs 2.1 to 2.4 of the Interim Planning Statement 'Sustainable Design and Construction' November 2007.

Reason: The proposal complies with Policies S2 and GP1 of the City of York Development Control Local Plan, the Retail Study Update (2014); evidence base of the emerging local plan and advice within the National Planning Policy Framework.

51d) Royal Masonic Benevolent Institute, Connaught Court, St Oswalds Road, York, YO10 4QA (15/01956/FUL)

Members considered a full application by Mr Marc Nelson Smith for the erection of a detached sun room and the construction of a footpath.

Representations in objection were received from Stephen Wilkinson. He felt that it was difficult to see how the frail elderly residents would benefit from the proposal. He made reference to the empty adjacent bungalows owned by the applicants, which he said were heated and had toilet facilities. He asked whether Members were willing to protect the conservation area and green areas of Fulford, which he felt would be affected by the application.

Further representations in objection were received from Karin de Vries of Fulford Parish Council. She informed Members that the application was sited in an important green corridor between Fulford and Fishergate, which had been added into the Conservation Area in 2008. She questioned if the very mature trees on the site would remain unharmed. She felt there would be no benefit from the application particularly given its close proximity to Fulford Ings and Main Street.

One Member mentioned an objection listed in the report, that the application would not be of benefit to the wider community. She stated that residents of Connaught Court care home were local residents.

Resolved: That the application be approved subject to the conditions listed in the Officer's report.

Reason: The proposal would preserve the character and appearance of Fulford Village Conservation area and would not have an adverse impact on trees on the site, protected species, the openness of the area or the amenities of local residents.

51e) Newgate, Market Newgate, York (15/02890/ADV)

Members considered an advert application by Mr Chris Price for the display of eight non illuminated and one illuminated direction signs in Shambles, Silver Street and Parliament Street.

Resolved: That the application be approved subject to the conditions listed in the Officer's report.

Reason: The signs respect the character and appearance of the conservation area and the listed buildings they are attached to and do not detract from the visual amenities. Public safety is not prejudiced. They comply with Development Control Local Plan Policies HE8 and GP21 and national planning guidance as contained in the National Planning Policy Framework.

51f) Newgate Market, Newgate, York (15/02891/LBC)

Members considered a listed building consent application from Mr Chris Price for the display of 4 no. wall mounted direction signs (3 x non-illuminated and 1 x externally illuminated) at entrances to the Market on 28,33 and 47 Shambles.

Resolved: That the application be approved subject to the conditions listed in the Officer's report.

Reason: The proposed signs will respect the special historic and architectural interest of the listed buildings and the character and appearance of the conservation area. The proposal complies with national planning guidance, as contained in the NPPF, and Development Control Local Plan HE4.

Councillor J Galvin, Chair

[The meeting started at 4.30 pm and finished at 6.15 pm].