

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	20 MARCH 2008
PRESENT	COUNCILLORS B WATSON (CHAIR), SUE GALLOWAY (VICE-CHAIR), GILLIES, GUNNELL, HORTON, REID, SUNDERLAND, WALLER AND WISEMAN (SUBSTITUTE)
APOLOGIES	COUNCILLORS GALVIN

88. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
Tesco Store, Tadcaster Road	Councillors B Watson, Horton, Gunnell, Wiseman, Sunderland and Gillies	At the request of Councillor Ann Reid
Playground to the rear of 73-87 Chapelfields Road	Councillors B Watson, Horton, Gunnell, Wiseman, Gillies, Sue Galloway and Reid	At the discretion of the Assistant Director (Planning and Sustainable Development)
34 St Mary's	Councillors B Watson, Horton, Gunnell, Wiseman, Gillies, Sunderland, Sue Galloway, Reid and Waller	As objections have been received and the recommendation is to approve.

89. DECLARATIONS OF INTEREST

Members were invited to declare any personal or prejudicial interests they might have in the business on the agenda.

Councillor Sunderland declared a personal non-prejudicial interest in Plans Item 4a (34 St Mary's), as she knew one of the local residents.

Councillor Horton declared a personal and prejudicial interest in Plans Item 4b (Playground Chapelfields Road) as he sat on the Shadow Executive when the disposal of this site was discussed. He left the room and took no part in the discussions.

Councillor Sunderland declared a personal and prejudicial interest in Plans Item 4b (Playground Chapelfields Road) as a Member of the Executive

who made the decision regarding the disposal of this site. She left the room and took no part in the discussions

Councillor Waller declared a personal and prejudicial interest in Plans Item 4b (Playground Chapelfields Road) as a Member of the Executive who made the decision regarding the disposal of this site. He left the room and took no part in the discussions.

Councillor Horton declared a personal non-prejudicial interest in Plans Item 4c (Tesco, Tadcaster Road) as he used this branch of Tesco.

90. MINUTES

RESOLVED: That the minutes of the meetings held on 14th February 2008 and 26th February 2008 be approved and signed by the Chair as correct records.

91. PUBLIC PARTICIPATION

It was reported that nobody had registered to speak at the meeting under the Council's Public Participation Scheme on general issues within the remit of the Sub-Committee.

92. 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.

92a 34 St Mary's, York, YO30 7DD (07/02969/FUL)

Members considered a full application, submitted by Westwood Homes (Yorkshire) Ltd, for the erection of two semi-detached four storey dwellings with associated garages, in connection with (06/01704/CAC).

The case officer updated the Sub-Committee on the following points:

- There was a correction to paragraph 1.5 of the Committee report – last scheme approved April 2007.
- Drawing 07A had been received. This clarified the details of the entrance steps, paving stones and the retaining wall to the lightwell. The Council's Landscape Architect advised that the proposed works, based on the plans posed no more of a risk to the (Chilean Pine) tree than the previously approved scheme.
- It was requested that Condition 8 regarding tree protection be expanded, to include the requirement for an exclusion zone where works/storage may not occur. The exclusion zone was to be checked on site by Officers at specific times before and during the works.
- The Planning Panel had no objections to the proposed development
- An additional thirteen objections had been received bring the total to eighteen. These were as follows:

- This proposed building is closer to the neighbour and would restrict/lead to a loss of light and space.
- The garages and driveways would add to the loss of openness as a consequence of the development.
- Although houses opposed to flats are welcomed, the design is poor, in particular the garages which would be uncharacteristic of the area.
- This would be crowded, overdevelopment of the street that would harm the conservation area – suggest there be only 1 house and site and that it only be 3 storeys in height.
- There would be an overall loss of openness.
- There would be an impact on the Monkey Puzzle tree due to the excavations required basement level and proximity of the proposed building.
- The entrance steps shown on the plans and elevations are inconsistent. They would also affect the tree in the front garden.
- The building would be out of keeping with the established front and rear building lines.
- The building would fail to preserve the appearance of the conservation area. The design is confused, superficial and a pale reflection on its surrounds. The rear elevation is a visual disaster. The design is not of architectural merit nor is it in character with the street.
- There would be a loss of 2 on street parking spaces.
- There would be no turning space within the plots and this would lead to vehicles parking on the road.
- Should the development commence there should be no obstruction of the street or damage to the Yorkshire stone pavements. Vehicles should be required to park in Marygate car park.
- There would be disruption during building works.

Representations were received, in objection, from a local resident who said that the economy of York relied on tourism and Members should bear this in mind when considering new planning applications; especially in terms of what proposed developments could add to the local area and the City as a whole. He said that St Mary's was a street in the conservation area and it was hoped that the proposed site could be left open or at the very least, filled with a building of a good quality contemporary design.

Representations were also received, in objection, on behalf of St Mary's conservation Group who said that the existing building was not harmful to the area and respected the building line. The proposed development was of a poor quality and design and did not respect the building lines of the street. He said that the proposed development would have a negative impact on the appearance of the local area.

Representations were received, in support of the application from the Applicant who raised the following points:

- Planning permission had already been granted for seven apartments.
- The Housing Assessment highlighted that there was a need for family homes and this is why the present proposal was before the Committee.

- The proposed dwellings would not be any closer to other properties than the existing house.
- There had been no objections from the highways department.

Members discussed the proposed scheme and thought that it was an improvement on the one already approved as it provided more garden space and much needed family homes.

RESOLVED: That the application be approved subject to the conditions outlined in the report.¹

REASON: That 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 character and appearance of the conservation area and setting of nearby listed buildings, landscape features, amenity, highway safety, flood risk and protected species.

Action Required

1. To issue the decision notice and include on the weekly planning decision list within agreed timescales. JB

92b Playground, Chapelfields Road, York (07/02966/FUL)

Members considered a full application, submitted by Spirit Regeneration Development Company LLP for the erection of none 2 storey dwellings with associated parking and access.

The case officer updated that the recommendation had been revised. The recommendation was to approve the scheme as amended plans had been received and these had addressed the officer's concerns regarding access. There were also plans to erect an acoustic fence to preserve the amenity of the residents.

Representations, in support of the proposed development, were received from the Applicant who said that work had been ongoing to develop this difficult piece of land for nearly three years. The proposed development would comprise nine top quality homes which would provide affordable rented accommodation.

RESOLVED: That the application be approved subject to the conditions listed below.¹

1. The development hereby permitted shall be carried out only in accordance with the following plans:-

Drawing Number 06156/P01 Revision H received 18 March 2008

Drawing Number 06156/P02 Revision B received 20 December 2007

Drawing Number 06156/P03 Revision A received 20 December 2007

Drawing Number 06156/P04 Revision A received 20 December 2007

Drawing Number 06156/P05 Revision A received 20 December 2007;

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.

2. 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.

3. Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

4. No development shall commence unless and until 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 alternatives 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 towards off site provision of open space. The obligation should provide for a financial contribution calculated at £12,060.

No development 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.

5. The development shall not begin until a scheme, in the form of an Affordable Housing Action Plan, for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:-

i) The numbers, type and location on the site of the affordable housing provision to be made

ii) The timing of the construction of the affordable housing

iii) The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing

iv) The occupancy criteria to be used for determining the identity of initial and subsequent occupiers of the affordable housing, and means by which such occupancy shall be enforced.

Reason: To provide for the development of balanced and sustainable housing development in compliance with Policy H2 a of the Council's Draft Local Plan (4th Set of Changes April 2005) and the City of York Council Affordable Housing Advice Note July 2005.

Informative: The arrangements required by the above condition could be satisfied by the completion of a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the site requiring the provision of affordable housing in accordance with the requirements of the City of York Affordable Housing Advice Note July 2005. To ensure satisfactory management and maintenance of all affordable housing for those in perpetuity all

affordable homes should be provided through a Registered Social Landlord partner. No development can take place on this site until this condition has been discharged and you are reminded of the Local Planning Authority's powers in this regard.

6. Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 8.2 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

7. The results of an assessment of the suitability of soakaways as the method of surface water drainage (following the guidelines contained within BRE Digest 365) shall be submitted to the local planning authority for approval prior to the commencement of development. Should the ground be unsuitable for the use of soakaways, then an alternative design should be submitted for approval under condition 10 of this permission.

Reason: In the interests of the satisfactory drainage of the site to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself.

8. There shall be no storage of any materials including soil adjacent to the bank top of the watercourse.

Reason: To ensure that there will be no risk of the watercourse becoming blocked by debris from the stockpiles or bank slipping due to increased loading of the bank top.

9. Development shall not 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 these approved details. Surface water details shall include a scheme for the provision, implementation and maintenance of a surface water regulation system. The rate of discharge of the approved scheme shall not exceed that of a 'greenfield' site.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and to ensure that drainage of the site does not adversely affect existing watercourses or riparian owners.

10. No development shall begin until a topographic survey showing the proposed finished floor levels and ground levels is submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure there will not be any detriment to the drainage of the surrounding properties.

11. Existing drainage routes through the site shall be maintained during the development.

Reason: to prevent flooding and protect upstream and downstream riparian owners.

12. Details of the culverting of the adjacent watercourse should be submitted to and approved in writing by the Local Planning Authority.

Reason: to prevent flooding and protect upstream and downstream riparian owners.

13. No dwelling to which this planning permission relates shall be occupied unless or until the carriageway basecourse and kerb foundation to the new estate road and footpath to which it fronts, is adjacent to or gains access from, has been constructed. Road and footway wearing courses and street lighting shall be provided within three months of the date of commencement on the construction of the penultimate dwelling of the development.

Reason: To ensure appropriate access and egress to the properties, in the interests of highway safety and the convenience of prospective residents.

14. Prior to the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance

with details which have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the egress of water and loose material onto the public highway.

15. 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.

16. Prior to the development commencing details of the measures to be employed to prevent the egress of mud, water and other detritus onto the public highway, and details of the measures to be employed to remove any such substance from the public highway shall be submitted to and approved in writing by the Local Planning Authority. Such measures as shall have been approved shall be employed and adhered to at all times during construction works.

Reason: To prevent the egress of water and loose material creating a hazard on the public highway.

17. Not later than three months after commencement of construction of the penultimate dwelling, or within two years after the laying of the base course, whichever is the sooner, the wearing course(s) of the carriageway and footway(s) along with the street lighting shall be laid out and provided in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the highway safety and local amenity.

18. Prior to the commencement of any development on site, replacement access and parking arrangements for 71 and 73 Chapelfields Road as shown in the approved plans 06156/P01 Revision H (received 18 March 2008) shall be provided.

Reason: In the interests of the highway safety and local amenity

19. The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday

to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

20. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A to E; of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

21. The design of all dwellings shall be in accordance with the contents of the sustainability statement (stamp dated 20.12.2007) submitted, which will satisfy the requirements of Policy GP4a and will achieve an Eco homes rating of "Very Good".

Reason: In the interests of sustainable development and Policy GP4a

22. Notwithstanding the submitted plans and prior to the commencement of the development hereby permitted full details of the method and design of street lighting for the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason: In order to protect the amenities of neighbours and the character and appearance of the area from excessive illumination.

23. 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.

Reason: In the interests of the visual amenities of the area.

24. No development shall take place 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. 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.

25. The first floor window in the side elevation of the dwelling on Plot 9 facing the dwelling on Plot 8 shall be removed.

Reason: to protect the amenity of the occupants of the dwelling on Plot 8

INFORMATIVES:

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 below). For further information please contact the officer named:

Adoption of highways - Section 38 - Michael Kitchen 01904 551336

Environmental Health Informative

The developer's attention is 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 attached to any planning approval, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

a. 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".

b. 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.

c. 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.

d. 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.

e. There shall be no bonfires on the site

REASON: That the proposal, subject to the conditions listed above, would on balance not cause undue harm to interests of acknowledged importance, particularly the following:

- Residential amenity,
- Loss of open space,
- The appearance of the area,
- Surface water drainage,
- Highway safety,

and is considered to improve the availability of affordable homes within the city in accordance with the Corporate Strategy. The proposed development would accord with Policies GP1, GP4a, GP7, H2, H4A, L1C and H3C of the City of York Development Control Local Plan.

Action Required

1. To issue the decision notice and include on the weekly planning decision list within agreed timescales. JB

92c Tesco, Tadcaster Road, Dringhouses, York, YO24 1LW (08/00173/FUL)

Members considered a full application, submitted by Mr Moise Coulon, for the erection of two 10.6m wind turbines.

Members requested that an Informative be added in relation to contacting the Energy Advice Centre regarding future possibilities for the use of renewable energy sources on this site.

RESOLVED: That Officers be delegated authority to grant approval subject to the imposition of the conditions detailed in the report, the following additional informative and no further issues or objections being raised prior to the expiry of the publicity period.¹

INFORMATIVE

That the applicants are requested to contact the Energy Efficiency Advice Centre at 20 George Hudson Street, York, YO1 6WR; telephone number: 01904 554406 regarding future possibilities for the use of renewable energy sources on this site.

REASON: That the proposal, subject to the conditions outlined in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the residential amenity of the neighbours and the visual amenity of the locality. As such, the proposal complies with Policies GP1 and GP5 of the City of York Development Control Local Plan (2005); national planning guidance contained in Planning Policy Statement 1 "Delivering Sustainable Development" and Planning Policy Statement 22 "Renewable Energy".

Action Required

1. To issue the decision notice and include on the weekly planning decision list within agreed timescales. JB

COUNCILLOR B WATSON, Chair
[The meeting started at 3.05 pm and finished at 4.15 pm].

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