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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	29 MAY 2008
PRESENT	COUNCILLORS MOORE (CHAIR), CREGAN (VICE-CHAIR), DOUGLAS, FUNNELL, KING, MORLEY (SUB FOR CLLR HYMAN), ORRELL, TAYLOR AND WISEMAN
APOLOGIES	COUNCILLORS HYMAN AND I WAUDBY
IN ATTENDANCE	COUNCILLOR PIERCE

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**112. INSPECTION OF SITE**

The following site was inspected before the meeting:

Site	Attended by	Reason for Visit
Land Lying to the North East of 52 Temple Avenue, York	Cllrs Douglas, Moore and Wiseman	In view of the contentious nature of the proposal and to assess whether the application prejudices the outline application for the entire site.

**113. 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 Cregan registered a personal interest in Plans Item 3a (Land lying to the north east of 52 Temple Avenue, York) as a City of York Council member of the Derwenthorpe Partnership Forum.

Councillor Morley registered a personal interest in Plans Item 3a (Land lying to the north east of 52 Temple Avenue, York) as a City of York Council member of the Derwenthorpe Partnership Forum and Chair of the Environmental Sub Group for the scheme.

Councillor Wiseman registered a personal interest in Plans Item 3a (Land lying to the north east of 52 Temple Avenue, York) as a City of York Council member of the Derwenthorpe Partnership Forum.

**114. 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.

## **115. 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.

### **115a Land Lying to the North East of 52 Temple Avenue, York (08/00844/FUL)**

Members considered a full application, submitted by the Joseph Rowntree Housing Trust, for two detached dwellings with associated access, landscaping and parking.

Officers updated that a sustainability statement had now been received for the two properties, details of which were circulated at the meeting. He confirmed that an outline master plan had been approved for the whole of the Derwenthorpe site, which had had been accompanied by an indicative plan of how the site might be developed. He also confirmed that the location of these two properties was generally in line with the earlier approval and that this would not prejudice the application for the entire site.

Representations were made and questions asked on behalf of the Meadlands Area Residents Association (MARA). He stated that he supported the calling in of the application as local residents had followed the planning process for this site for 9 years and he felt that this submission added confusion to the process. He questioned why this application had not been made in relation to Phase 1 of the development. He also referred to the various committees and sub groups involved in the overall scheme to which none of the residents groups were involved or invited. He stated that residents wished to be kept informed through their residents meetings of progress with this site.

Representations, in objection to the application, were received from a representative of the Friends of Osbaldwick Meadows, who also referred to his confusion as to how this application could be considered in isolation of the larger scheme. He stated that the proposed dwellings were totally out of character with adjacent properties in Temple Avenue. He also referred to para. 4.8 of the Officers report, which stated that no highway works would be required at this stage. He felt that road widening would be required to allow construction vehicles access to the site. He also stated that access to the site would not be possible until October as a hedge ran along the site boundary, which could not be removed whilst it contained nesting birds. He requested Members to refuse the application until all these matters were fully resolved.

Representations in support of the application were received from the Director of Development at the Joseph Rowntree Housing Trust. He referred to the sustainability statement, circulated at the meeting, and confirmed that the Trust were committed to ensuring that they could deliver the sustainable buildings required under the terms of the Section 106 Agreement. Their aim being to obtain the Code for Sustainable Homes

Level 4 on Phase 1 and make improvements on this as the development proceeded. He confirmed that this site had been chosen as the access and all services were readily available. The properties would be forward of the building line to mark the entrance to the site and would contain a feature dormer window and a covered balcony as additional amenity space.

In answer to Members questions, Officers confirmed that if a start was to be made on the development prior to the end of August then a qualified ecologist would be required to examine the trees/hedgerow and if nests were found then access to the site may have to be made from a different point.

In answer to Members questions, the Director of Development at the Joseph Rowntree Housing Trust, confirmed that the two prototype dwellings were to show design and construction detail to test the fabrics performance, pressure testing of the dwellings and skills in the industry. Regarding the Derwenthorpe Executive meetings he confirmed that these were internal meetings held once a month between the landowner, the City of York Council and the Trust to discuss issues around the land.

Some Members expressed concern at development of part of the site with dwellings that they felt would be used as show homes prior to major work on the roads.

**RESOLVED:** That the application be approved subject to the conditions listed in the report and to the imposition of the following additional conditions and informative:

1. Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the Local Planning Authority
2. Prior to the commencement of the works hereby permitted, a detailed method of works statement shall be submitted to and agreed in writing by the Local Planning Authority. This statement shall include the precautions to be taken to ensure the safety of the general public, the method of securing the site, the access to the site, the route taken by vehicles transporting the demolition waste from and construction materials to the site and the hours of operations.

**INFORMATIVE:** Wildlife and Countryside Act 1981 - cutting trees & hedges

Please note that under Section 1 and 99 of the Wildlife and Countryside Act 1981 it is an offence to damage or destroy any birds nest whilst it is in use being built or to damage or destroy a bat roost.

Tree work and hedge cutting should not take place if there is a risk of the work, or its effects, being harmful to resident birds. Therefore it is recommended that major pruning of hedges is done during January and early February, that is after birds have eaten the berries and before they start to nest, and that hedge trimming is avoided between March and August (nesting season).

However, if a hedge has to be trimmed or a tree has to be felled between March and August it should be inspected carefully for active nests and, if found, work should be delayed until the young birds have flown. If, despite best efforts and a nest is found after work has started, a buffer area must be left inviolate, around the nest

**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 street scene and the amenity and living conditions of neighbours. As such the proposal complies with Policies GP1, GP4a, H1, H3b, H5a and T4 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. JB

**115b Wheldrake C of E Primary School, North Lane, Wheldrake, York (08/00383/FUL)**

Consideration was given to a full application, submitted by the Board of Governors of Wheldrake C of E Primary School, for the renewal of a temporary consent for a prefabricated building.

Officers circulated a statement of justification for the retention of the temporary building with reference to the requirements of Policy GP23 of the Local Plan received from the Head teacher of the School.

Representations in support of the application were made by the Head teacher of Wheldrake Primary School. She clarified that the school did not wish to retain the building as a classroom. She stated that the school was required to meet the extended schools offer by 2010 and although they had recently completed an extension to the school there was still insufficient room to meet this need. An application had been made for funding for a Youth Annex at the School, which it was anticipated, would be completed within 30 months. The school had been approached by early years providers to use the temporary accommodation as they wished to increase their sessions locally rather than at Sutton on Derwent to stop children having to travel from Wheldrake, which would also assist local

children in making the transition to the school. She agreed that it was only a temporary solution and that she appreciated that the Authority had a policy to remove temporary buildings.

Members pointed out that the original planning permission for an extension to the school had included the removal of the temporary classroom on completion of the works. They felt that a renewal of consent would be unreasonable and pointed out that this temporary building was now 13 years old. They questioned whether the building would be used to raise additional funds for the school and whether community use would be a change of use.

Following discussion it was

RESOLVED: That the application be refused.

REASON: On the basis of the information supplied, the Local Planning Authority is not satisfied that any specific justification exists for the continued retention of the building on the site, or that any firm proposals exist for the replacement of the building with a more permanent structure, and thus it is considered that the proposal conflicts with Policy GP23 (paragraphs b & c) of the City of York Council Draft Local Plan.

Action Required

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

JB

R MOORE, Chair

[The meeting started at 2.05 pm and finished at 3.15 pm].

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