
MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	27 MAY 2008
PRESENT	COUNCILLORS CRISP, STEVE GALLOWAY (SUBSTITUTE), SUE GALLOWAY (VICE-CHAIR), GALVIN, GILLIES, HORTON, LOOKER AND REID
APOLOGIES	COUNCILLOR SUNDERLAND

1. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
Hoek Van Mook, Main street, Knapton	Councillors Sue Galloway, Gillies, Horton & Looker	At the request of Councillor Hudson.
18a Livingstone Street	Councillors Gillies, Horton & Looker	To familiarise Members with the site.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

RESOLVED: That the minutes of the meeting held on 29th April 2008 be approved and signed by the Chair as a correct record.

4. 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.

5. 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.

5a P Gowland Electrical Services, 18A Livingstone Street, York, YO26 4YJ (08/00731/FUL)

Members considered a full application, submitted by Mr Shaun Batchelor, for a first floor extension, alterations to elevations and change of use from electrical store/office to two dwellings.

The case officer updated that the following comments had been received from City Development:

1. Existing and Proposed Employment Site

In regards to policy E3b (Existing and Proposed Employment Sites), the policy requires that evidence is provided to show that the site is not required as part of the employment land supply. In order to determine if there is a sufficient supply of employment land to meet immediate and longer term requirements over the plan period in quantitative and qualitative terms, the site should be marketed for a minimum of six months, or the applicant is able to prove that the loss of this employment site is not detrimental to York's employment land supply. A letter was submitted from Elmer Estates stating that the unit was advertised on the internet, within the estate agent's shop window and locally on Minster FM between March 2004 and April 2007 for sale as a commercial unit. No information was submitted regarding rates/prices or the number of enquiries.

Housing Windfalls

If evidence shows that the site is not required as part of the employment land supply then the proposed development is in compliance with part (a) and (b) of Policy H4a(Housing Windfalls).

Density

The density of the proposed development is approximately 153 dwellings per hectare. The density recommended in Policy H5a is 40 dwellings per hectare.

Mix of Dwellings

The greatest demand across York is for 2 and 3 bed room homes.

The following comments had been received from Lifelong, Learning and Leisure:

2. As there is no on site open space commuted sums should be paid to the Council for (a) amenity open space – which would be used to improve a local site within the Leeman Road area (b) play space – which would be used to improve a local site within the Leeman Road area (c) sports pitches. The commuted sum would be £720.

Councillor Sue Galloway moved and Councillor Crisp seconded a motion to refuse the application. When put to the vote the motion was lost.

Some Members thought that the buildings were no longer sustainable as an employment premises. They said that the only reason for refusing the

application would be due to loss of an employment site but did not think that this could be justified.

RESOLVED: That the application be approved subject to the following conditions and Informatives:¹

1. The development hereby permitted shall be carried out only in accordance with the following plans:-
619.003 Revision C received 12 March 2008
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. 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 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 towards off site provision of open space. The obligation should provide for a financial contribution calculated at £720.

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.

3. 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 as amended by Section 51 of the Compulsory Purchase Act 2004.

4. The materials to be used externally shall match those of the existing buildings in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

5. Prior to the commencement of the development hereby permitted a Structural Survey shall be submitted to and agreed in writing to the Local Planning Authority.

Reason: To protect the amenity of neighbouring residents.

6. The floors and walls between each of the proposed flats and the adjacent dwellings shall be so adapted as to achieve a reasonable resistance to airborne/impact sound. Insulation shall be in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works. Details of the floor and ceiling construction and proposed sound insulation measures, together with a composite sound reduction index for the new floor/ceiling will be required. The development shall be undertaken in accordance with the agreed submitted scheme.

Reason: To ensure a satisfactory standard of residential amenity for future occupiers.

7. A desk study shall be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on the site. This shall include a site description and a site walkover and shall be submitted to and approved by the Local Planning Authority prior to the development commencing at the site.

Informative

This should, where possible, date back to 1800

Reason: To protect the amenity of neighbouring residents and the wider environment.

8. A site investigation shall be undertaken based upon the findings of the desk study. The investigation shall be carried out in accordance with BS10175: Investigation of potentially contaminated land: code of practice. The results of the investigations shall be submitted to and approved by the Local Planning Authority in writing prior to any development commencing on site.

Reason: To protect the amenity of neighbouring residents and the wider environment.

9. A risk-based remedial strategy shall be developed based on the findings of the site investigation. The remedial strategy shall be submitted to and approved by the Local Planning Authority in writing. The approved strategy shall be fully implemented prior to any development commencing on the site.

Informative

The remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).

Reason: To protect the amenity of neighbouring residents and the wider environment.

10. A validation report shall be submitted to and approved by the Local Planning Authority, detailing sample locations and contaminant concentrations prior to any development commencing at the site.

Reason: To protect the amenity of neighbouring residents and the wider environment.

11. Any contamination detected during site works that has not been considered within the remedial strategy shall be reported to the Local Planning Authority. Any remediation for this contamination shall be agreed with the Local Planning Authority and fully implemented to any further development at this site.

Reason: To protect the amenity of neighbouring residents and the wider environment.

12. A timetable of proposed remedial works shall be submitted to the Local Planning Authority prior to any works being undertaken on the site.

Reason: To protect the amenity of neighbouring residents and the wider environment.

INFORMATIVES

Party Wall Information

You are advised that the development may involve building work covered by the Party Wall etc Act 1996 that is separate from planning or building regulations control. Do not commence work on the development until you comply with the provisions of this Act. An explanatory booklet may be obtained from the City of York's Department of City Strategy, or alternatively it is available on the Department of Communities and Local Government, www.communities.gov.uk.

Demolition and Construction

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officers at the Council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the Council may consider taking action under Part IIA of the Environmental Protection Act 1990.

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

a) 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	09.00 to 13.00
Not at all on Sundays and Bank Holidays	

b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS5228: 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".

c) 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.

d) 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.

e) 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.

f) There shall be no bonfires on the site.

REASON: That the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the residential amenity of the neighbours, the visual amenity of the building and the locality. As such, the proposal complies with Policies GP1 and H4a of the City of York Development Control Local Plan (2005).

Action Required

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

5b 7 Hazel Court, York, YO10 3DS (08/00475/FULM)

Members considered a major full application, submitted by Yorvale Properties Ltd, for the erection of 7 units for business, light industrial and storage distribution (B1, B2 and B8) uses with associated parking, service yard and landscaping (1190SQM) (Resubmission).

The case officer updated the sub-committee with the following information:

- The applicants have stated that they do not intend to contribute towards the traffic order requested by Highway Network Management. Highways Network Management have accepted this and Property Services have offered to contribute towards the traffic order.

Members asked for a condition in relation to height to be added.

RESOLVED: That the application be approved subject to the conditions detailed in the report and the following additional condition.¹

- Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 7.3 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 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.

REASON: That the proposals, subject to the conditions detailed in the report and above, would not cause undue harm to interests of acknowledged importance, with particular reference to the residential amenity of the neighbours, the visual amenity of the units and the locality and highway safety. As such, the proposal complies with policies SP6, SP7a, SP10, GP1, GP6 and GP15a of the City of York Development Control Local Plan (2005).

Action Required

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

5c Knavesmire Glass, 88A South Bank Avenue, York YO23 1DP (08/00310/FULM)

Members considered a major full application, submitted by Mr K Marsden, for the erection of a three storey building comprising 12 one bed room apartments after demolition of a warehouse (resubmission).

Representations were received, in objection, from a local resident who was speaking on behalf of himself and other local residents. He said that the former chapel was a building with many outstanding architectural features and there was no reason to approve demolition of the building. It was a unique and irreplaceable building that fitted well into the streetscape.

Representations were received, in objection, from Councillor Julie Gunnell who was speaking as Ward Councillor on behalf of local residents. She stated that this was an important Victorian building and need not be demolished. She said that residents had serious concerns that the proposed development would not fit into the local landscape. There were also concerns regarding parking.

Members felt that it would be quite acceptable and possible to convert the former chapel into residential accommodation. There had been sympathetic conversions of similar buildings in the past and they saw no reason to demolish the chapel.

RESOLVED: That the application be refused.¹

REASON: 1.The proposed use would lead to the loss of an employment site as identified by Policy E3b. It has not been adequately demonstrated that the site could not be retained within employment use and as such the

proposal would be contrary to the objectives of the City of York Development Control Local Plan which seeks to stimulate the local economy, provide employment opportunities and deliver sustainable employment premises and in particular policy E3b which seeks to retain employment sites.

2. The proposed provision of 12 one bed room flats would fail to assist in delivering the type of dwellings which the Strategic Housing Market Assessment identifies as being required in the City (family housing). Also given the size of the site a greater mix of dwelling types could be achieved on site. The proposal would therefore be contrary to policy PPS3: 'Housing' which advises that Local Planning Authorities should adopt an evidence based approach to housing delivery, through housing market assessments and also to Policy H3c of the City of York Development Control Local Plan which requires a mix of housing types on all suitable sites.

3. The proposal would, by reason of its design and appearance, result in an incongruous form of development that would be out of character with the street scene and, given its prominence, would be harmful to the character, appearance and visual amenity of the area generally contrary to policy GP1, H4a of the City of York Development Control Local Plan and planning guidance issued in PPS 1 'Delivering Sustainable Development'.

4. It is considered likely that the existing building contains bat roosts. No bat emergence survey nor any details of methods of working and development to accommodate them has been submitted. The proposal is therefore likely to harm a species protected under the Wildlife and Countryside Act 1981 which would be contrary to the policy contained within Planning Policy Statement 9 'Biodiversity and Geological Conservation' and Policy NE6 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

5d Hoek Van Mook, Main Street, Knapton York, YO26 6QG (08/00564/FUL)

Members considered a full application, submitted by Mr Andrew Simpkin, for the erection of a part two storey, part single storey detached dwelling following demolition of the existing bungalow.

The planning officer updated the sub-committee with the following information:

1. Report on Solar Calculation

A report on solar calculations had been submitted by the applicant, copies of which were circulated to Members. This used the IESVE (Integrated Environmental Solutions LTD) thermal modelling software which is not a system recognised by the City Council Planning Department. In calculating loss of day light and sunlight the Planning Department, along with most other British Councils use the British Research Establishment Digest 209 to weigh up loss of light. The IESVE data appears highly diagrammatic, has no scale and no quantifiable measures. Members will therefore need to decide how much weight to give to this document.

Notwithstanding the above, concerns regarding massing and bulk in the two storey front projection would still be applicable.

2. Request For The Provision Of Affordable Housing

The Rural Housing Enabling Team have requested that two houses be provided on the site as it measures above the threshold. However this is not considered to be practical.

Representations were received, in objection, from a local resident who spoke on behalf of her mother. She said that the proposed development did not meet the requirements of the Knapton Village Design Statement. It would mean a loss of light to her mother's property and a loss of symmetry to the streetscape. The proposed development would cause a loss of amenity. be overbearing and devalue neighbouring properties. Concerns were also raised in relation to the shared wall of the garage.

Representations were received, in support, from the applicant who said that the existing property had been empty for four years and was in poor condition. He said that the only option was to demolish it and redevelop the site. He did not feel that there would be any adverse impact on the surrounding area as there was no uniform building line in Main Street.

Representations were received, in support, from Councillor Moore, the applicant's Ward Councillor. He stated that the proposed development would not be out of character with the surrounding area. He circulated photographs of nearby properties. He said that the new building would not be obtrusive or have any visual impact on the streetscape.

Members delegated the imposition of relevant conditions to officers.

RESOLVED: That the application be approved with the following conditions:¹

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

Location Plan; 1486 PL01/02/03/04/05/06

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 the 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. Notwithstanding the information contained on the approved plans, the ridge height of the approved development shall not exceed 6.40 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.

5. 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, B and C 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.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no door, window or other opening additional to those shown on the approved plans shall at any time be inserted in the side elevation of the property.

Reason: In the interests of the amenities of occupants of adjacent residential properties.

7. 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 the approved plans.

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

8. 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.

9. The parking and garaging shown on the approved plans shall be kept free of obstructions at all times so that they can be used for the primary purpose of parking motorised vehicles and bicycles.

Reason: In order that cars, motor-cycles and bicycles can be parked off the public highway, in the interests of the safe and free flow of traffic.

REASON:

The proposals are considered to be in compliance with Policy GP1, GB2 and H4A of the City of York Development Control Local Plan 2005.

Action Required

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

JB

Councillor D Horton, Chair

[The meeting started at 12.00 pm and finished at 1.05 pm].

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