
MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	12 JULY 2007
PRESENT	COUNCILLORS MOORE (CHAIR), CREGAN (VICE-CHAIR), FIRTH, HYMAN, TAYLOR, VASSIE, WISEMAN, PIERCE (SUB FOR CLLR KING) AND POTTER (SUB FOR CLLR DOUGLAS)
APOLOGIES	COUNCILLORS DOUGLAS, FUNNELL AND KING

10. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
The Old Vicarage, Vicarage Lane, Naburn	Cllrs Moore, Wiseman	At the request of the Local Member and to familiarise Members with the site.
101 East Parade, York	Cllrs Moore, Wiseman	To familiarise Members with the site and assess impact on neighbouring properties.
95 Lawrence Street, York	Cllrs Moore, Wiseman	To familiarise Members with the site and view access and impact on neighbouring properties.

11. 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.

Cllr Pierce declared a personal and non-prejudicial interest in plans item 5a (41 Yarburgh Way, York) as he had previously spoken on this application as Ward Member.

Cllr Potter declared a personal non-prejudicial interest in plans item 5b (Heworth Auto Point, Mill Lane, York) as she had conveyed the residents objections to Officers but had not previously indicated her views on the application.

Cllr Hyman declared a personal non-prejudicial interest in plans item 5c (Site at the junction of Jockey Lane/Kathryn Avenue, Huntington) as the application had been considered by Huntington Parish Council but he confirmed that he had taken no part in the discussion or voting thereon.

Cllr Vassie declared a personal and prejudicial interest in plans item 5h (Yearsley Swimming Baths, Hayleys Terrace, York) as Executive Member for Leisure and Culture and he left the room and took no part in the discussion and voting thereon.

12. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the press and public be excluded from the meeting during consideration of the Annexes to agenda item 6 (Enforcement Cases Update) on the grounds that they contain information, if disclosed to the public would reveal that the Authority proposes to give, under any enactment a notice under or by virtue of which requirements are imposed on a person, or that the Authority proposes to make an order or directive under any enactment as exempt under Paragraph 6 of Schedule 12A Section 100A of the Local Government (Access to Information) (Variation) Order 2006.

13. MINUTES

RESOLVED: That the minutes of the meeting of the Sub-Committee held on 14 June 2007 be approved as a correct record and signed by the Chair.

14. PUBLIC PARTICIPATION

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

15. 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.

15a. 41 Yarburgh Way, York (07/00212/FUL)

Members considered a full application, submitted by Mr J Clarkson, for the change of use from dwelling house to house in multiple occupation with 7 bedrooms (retrospective).

Officers updated in relation to various points raised in the objector's letters. They stated that the objection relating to the property being used as a commercial venture with the deeds containing a covenant which forbid commercial use was a legal rather than a planning matter. It was also confirmed that an enforcement investigation was ongoing in relation to 45 Badger Hill. The objection relating to the use of the garage, as a practice studio would be referred to the Environmental Protection Unit. In answer to questions Officers confirmed that a right of way still existed to the rear of the property.

Cllr Pierce, spoke as Ward Member, he indicated that there was widespread concern that students in the Badger Hill area were affecting the social nature of the estate, as many of the dwellings were now empty for the summer. He stated that landlords generally neglected student properties and that landlords should be required to upkeep these properties to the same standards as other properties in the vicinity. He requested Members to refuse the application on the grounds of intensification of use with an informative asking the applicant to apply for change of use to a seven-person house.

Officers confirmed that it would not be possible to include a condition re maintenance of the property but that a management plan could be requested which could include clearance of gardens etc. They also confirmed that a condition relating to bin storage was to be included as part of any approval.

RESOLVED: That the application be approved subject to the conditions listed in the report and subject to the addition of the following condition:

Within two months of the date of approval, a management plan for external areas shall be submitted to and approved in writing by the Local Planning Authority. This shall include maintenance arrangements and a method of advertising the details of a 24 hour management contact at the site. The approved management plan shall subsequently be implemented at the site and adhered to at all times.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to visual amenity, the effect on residential amenity, the impact on the character of the area, parking and highway safety and refuse provision. As such the proposal complies with Policies H8 and T4 of the City of York Draft Local Plan (incorporating fourth set of changes, April 2005).

15b. Heworth Auto Point, Mill Lane, York (07/00567/FUL)

Members considered a full application, submitted by Wincanton/Texaco, for the variation of Condition 4 of planning permission 04/00622/FUL to allow fuel deliveries between 07:00-18:00hrs Monday to Fridays.

Cllr Potter, as Ward Member, referred to the number of objections received from local residents to the proposal. She stated that in the densely populated terrace streets surrounding the site it was felt unacceptable to allow fuel deliveries to the site prior to 8.00am. She stated that resident's amenities should be safeguarded by the retention of the existing delivery hours.

Officers confirmed that the applicants had requested the extension of delivery hours to commence at 7:00am to enable them to make fuel deliveries prior to the start of school traffic and as there was a general increase in traffic throughout the day.

Members questioned whether approval could have a knock on effect with other delivery vehicles to the site and expressed concerns that fuel delivery vehicles could arrive prior to the 7:00am commencement causing further nuisance to residents.

RESOLVED: That the application be refused.

REASON: The extension of petrol delivery times from 8:00 a.m. to 7.00 a.m. Monday to Friday would cause increased noise and disturbance to local residents at an unacceptably early time. As such it is considered that the proposal fails to comply with Policy GP1 (criterion i) of the City of York Local Plan 4th Set of Changes 2005.

15c. Site at the Junction of Jockey Lane Kathryn Avenue, Huntington, York (07/00843/FULM)

Members considered a major full application, submitted by Aldi Stores Ltd, for the erection of food store with associated car parking, access and landscaping (resubmission of 06/02293/FULM).

Officers updated that on page 28 of the Planning Officers report the fourth paragraph referred to buses that travelled from the Park and Ride site into Monks Cross which they confirmed was incorrect as there was no single route that made this journey. Any approval would also require additional conditions relating to the lining of the highway and that car park lighting should be dark sky compliant.

Members questioned the positioning of drop off points, disabled parking and the threshold at which a BREEAM assessment would be required. It was confirmed that this assessment could be conditioned as part of the approval. Members also questioned the marketing of the two sites for employment use in particular the reference to a short-term lease and stated that they felt that this could have discouraged potential occupiers.

Representations, in support of the application, were received from the applicant, who confirmed that both the north and south sites had been marketed and although they had been marketed with a short-term lease they felt that this would allow greater flexibility for occupiers. Members questioned the marketing of the southern site as no evidence had been produced which indicated that this had been undertaken.

Members also raised concerns regarding

- the site entrance and problems with queuing traffic adjacent to the site
- the store design
- siting of the store entrance in relation to the car park and

- the number of staff employed who may also require parking.

Cllr Hyman moved refusal of the application, which was seconded by the Chair, on the grounds that insufficient marketing information had been provided, design and sustainability, layout and on highway and traffic grounds. On being put to the vote the motion was lost.

RESOLVED: That the application be deferred to allow Officers to liaise with the applicants in relation to amendments to the store entrance and its siting in relation to the car parking, the store design and the applicants being requested to provide a sustainability statement and evidence in relation to marketing of the southern site.

REASON: To alleviate Members concerns relating to the application and the site.

15d. St Judes, 281 Huntington Road, York (07/00962/FULM)

Officers reported that this application had been withdrawn by the applicant prior to the meeting.

15e. The Old Vicarage, Vicarage Lane, Naburn, York (07/01167/FUL)

Members considered a full application, submitted by Mr I Creer and Ms Y Macalister, for the erection of a three storey detached dwelling (resubmission).

Officers updated that in the Planning Officers report para. 1.2 in the second line the word “erection” should read “demolition” and in para.1.5 the application had been brought to Committee at the request of Cllr Vassie and not the Chair. An email received from Naburn Parish Council commenting on attendance at the site visit, the applicant following planning guideline, the plans being sympathetic and the line of the village settlement had been circulated to Members at the meeting.

The Chair confirmed that Sub-Committee site visits were not a requirement and that Members attended as and when able.

Members viewed a plan of the settlement of Naburn and Officers confirmed that the Green Belt washed over the village and had a defined settlement limit around the built-up area of the village, which had been set through the Local Plan process. It was confirmed that the boundary wall, which crossed the site, defined the settlement limit and that only the part of the site north of this wall was within the settlement limit of the village.

Representations in support of the proposal were received from the applicant who circulated a photograph of The Old Vicarage from the south and he detailed the proposal, which would involve the development extending 8.8metres beyond the boundary wall. He confirmed that the demolition of the existing outbuilding would benefit the trees within the site and that the proposed dwelling would be sustainable having solar panels, a heat pump, and incorporate rainwater harvesting. He stated that the

existing consent for a dwelling on the site was not an eco friendly design. He also confirmed that objections had previously been made to the settlement limit in March 2003.

Members questioned the protection of the trees on site and if the Secretary of States agreement would be required if the Sub-Committee were minded to approve the application.

Cllr Vassie, as Local Member, stated that there appeared to be an indentation in the settlement limit at this point in Naburn village on the Local Plan and as a result The Vicarage and other buildings in the village extended further than the proposed dwelling. He indicated that infilling had already been accepted beyond the settlement boundary and the argument was now whether this application was more appropriate and in keeping than the previous application. He confirmed that the Parish Council had no objections to the proposal and he recommended approval as the development was in keeping with the green belt.

Members questioned details of the approved application for the site and Officers confirmed that the previously approved scheme entailed a minor element over the settlement boundary. Officers also confirmed that the boundary had been agreed since the approval of the previous application. Members indicated that if approval were granted that permitted development rights should be removed to prevent any further changes to the property.

RESOLVED: That subject to the Secretary of States approval permission be granted subject to the following conditions:

1 The development shall be begun not later than the expiration of the three years from the date of this permission.

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

Drawing nos. 1551.13, 1551.14, 1551.15, 1551.16, 1551.17, 1551.18, 1551.19 and 1551.20 dated April 2007 and received 16 May 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.

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.

4 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, C, D and E of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

5 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.

6 Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing, phasing of works, site access during demolition/construction, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles and storage of materials, location of site cabin. The method statement shall also include: construction details where a change in surface material is proposed within the canopy spread and likely root zone of a tree; foundation details.

7 Before development commences, details of the following measures, outlined in the supporting Design, Construction and Access Statements dated May 2007 that accompanied the planning application, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be incorporated within the development.

'Heavy wall' construction to north, east and west elevations; solar energy; rainwater harvesting; and, underfloor heating.

8 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 9 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.

9 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.

10 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.

11 The bricks and tiles from the existing building on site to be demolished shall be reused within the development.

12 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 within the site. 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.

15f. 101 East Parade, York (07/01184/FUL)

Members considered a full application submitted by Mr Tom Dodson and Ms Maggie Serafim, for the erection of a detached two storey dwelling (resubmission).

Officers updated that if the application was approved an additional condition would be required to clarify the fence line between the host property and the development and a condition to protect the magnolia tree between the properties. It was also intended to construct the dwelling to meet the Sustainable Homes Standard Level 3.

In answer to Members questions Officers displayed a plan showing the site access from East Parade and confirmed that a pedestrian gate to the property was proposed with no car access to the site although Highways had raised no objections to vehicular access.

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

- 1 The development shall be completed in accordance with the requirements of code level 3 of The Code for Sustainable Homes (DCLG) March 2007.
- 2 Notwithstanding the submitted plans, further details of the position and method of construction of the proposed fence running between the garden of the proposed dwelling and 101 East Parade shall be submitted to and agreed in writing by the Local Planning Authority. The fence shall be constructed in accordance with the approved details prior to the occupation of the dwelling.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the character and appearance of the conservation

area and neighbours' light, outlook and privacy. As such the proposal complies with Policy GP1, GP4a, GP9, GP10, H4a and HE3 of the City of York Local Plan Deposit Draft.

15g. 95 Lawrence Street, York (07/01175/FUL)

Members considered a full application, submitted by Gary McManaman and Karen Long, for the conversion of 95 and 97 Lawrence Street to form 4 no. flats and 1 no. dwelling to the rear of 95 and 97 Lawrence Street with frontage to Nicholas Street.

Officers updated that following the site visit revised plans had been received which showed the retention of the chimney and the rear range of buildings and the removal of a dormer window. Officers also recommended the addition of additional conditions if the application was approved one to secure details of landscaping and the second relating to the provision of plans showing acceptable bin and cycle enclosures on site.

Members questioned whether the landscaping condition imposed would also apply to the forecourt of the property and whether there would be sufficient space set aside for recycling and storage at the rear of the property.

RESOLVED: That the application be approved subject to the imposition of the conditions set out in the report and the addition of the following condition:

No development shall take place until landscaping details and a management plan for the shared external areas within the curtilage of the flats hereby approved have been submitted to and approved in writing by the local planning authority. The landscaping shall be provided and the premises maintained in accordance with the approved details and management plan except with the written consent of the local planning authority.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the principle of housing development, housing density, visual appearance, sustainability, neighbour amenity, access, parking, cycle storage and open space. As such the proposal complies with policies GP1, H4a, H5a, H8, GP4a, GP9, T4 and L1 of the City of York Local Plan Deposit Draft of the City of York Local Plan Deposit Draft.

15h. Yearsley Swimming Baths, Haleys Terrace, York (07/01264/GRG3)

Members considered a general regulations (Reg3) application, submitted by Mr Andrew Laslett, for the provision of disabled parking and improvements to cycle parking, installation of external air handling plant and creation of a bin store at Yearsley Swimming Baths.

Officers explained that the Environment Agency had made a number of recommendations regarding flood levels and surface water drainage. Officers confirmed that they had included only those conditions that were felt reasonable and appropriate and met criteria set out in paragraph 14 of Circular 11/95 "Use of Conditions in Planning Permission". Officers stated that if permission were granted additional conditions would be required in relation to details of cycle parking and that staff parking should be covered and secure.

Steve Owen, project officer for the scheme on behalf of CYC Property Services, displayed photographs of the existing site and produced colour samples of the proposed cladding.

RESOLVED: That the application be approved subject to the conditions listed in the report and the addition of the following conditions:

1 Prior to the development commencing details of the car and cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the car and cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cars and cycles.

2 The cycle parking area hereby permitted shall be covered and the means of coverage shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to design, sustainability, highway safety and flooding. As such the proposal complies with Policies GP1, GP4a, C1, T4, T5 and GP15a of the City of York Local Plan Deposit Draft.

15i. 4 Whitton Place, York (07/01251/FUL)

Members considered a full application, submitted by C Coles, for a single storey pitched roof rear extension at 4 Whitton Place, York.

RESOLVED: That the application be approved subject to the imposition of the conditions listed in the report.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to residential and visual amenities. As such the proposal complies with Policies H7 and GP1 of the City of York Local Plan Deposit Draft.

16. ENFORCEMENT CASES UPDATE

Members considered a report, which provided them with a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by this Sub-Committee.

RESOLVED: That the reports be noted.

REASON: To update Members on the number of outstanding enforcement cases within the Sub-Committee area.

CLLR R MOORE, Chair

The meeting started at 2.00 pm and finished at 4.10 pm.