

MEETING EAST AREA PLANNING SUB-COMMITTEE

DATE 7 FEBRUARY 2013

PRESENT COUNCILLORS DOUGLAS (VICE-CHAIR), GALVIN (CHAIR), KING, MCILVEEN, CUTHBERTSON, WATSON, FIRTH, WARTERS, BOYCE (SUBSTITUTE FOR COUNCILLOR FUNNELL) AND HORTON (SUBSTITUTE FOR COUNCILLOR FITZPATRICK)

APOLOGIES COUNCILLORS FUNNELL & FITZPATRICK

| <b>Site Visited</b>  | <b>Attended by</b>   | <b>Reason for Visit</b>   |
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| Country Park House,<br>Pottery Lane,<br>Strensall            | Cuthbertson, Firth,<br>Galvin, McIlveen,<br>Watson             | To inspect the site.  |
| Agricultural Land to the<br>East of Gardenia,<br>Malton Road | Cuthbertson, Firth,<br>Galvin, McIlveen,<br>Warters and Watson | To inspect the site.  |
| Cedar Croft, 4 Hull Road,<br>Kexby                           | Cuthbertson, Firth,<br>Galvin, McIlveen,<br>Warters and Watson | For Members to<br>understand the<br>objections received<br>in the context of the<br>site. |
| 18 Alma Grove  | Cuthbertson, Firth,<br>Galvin, McIlveen,<br>Warters and Watson | To inspect the site.  |

#### 48. **DECLARATIONS OF INTEREST**

At this point in the meeting, Members were asked to declare any personal, prejudicial or disclosable pecuniary interests they might have had in the business on the agenda.

Councillor Cuthbertson declared a personal non prejudicial interest in Agenda Item 4b) (Health Centre, 1 North Lane, Huntington) as he was registered with the Haxby and Wigginton

practice which also operated the health centre under consideration. He explained that he did not use the practice's health centre in Huntington.

No other interests were declared.

#### **49. MINUTES**

RESOLVED: That the minutes of the East Area Planning Sub-Committee held on 3 January 2013 be approved and signed by the Chair as a correct record.

#### **50. PUBLIC PARTICIPATION**

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the Committee.

#### **51. 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 view of consultees and Officers.

##### **51a 18 Alma Grove, York. YO10 4DH (12/03547/FUL)**

Members considered a full application by Mrs Dorothy Evans for a single storey rear extension.

Representations in objection to the application were received from Muriel Oates, a next door neighbour. She told Members that the proposed extension was too large and extended for the entire length of her back yard, leading to a large amount of overshadowing and an increased feeling of enclosure. She added that improvements could be made by shortening the length of the extension and lowering the height of the roof. Members stated that the height and proximity of the extension to the neighbouring property was intrusive and so felt that planning permission should not be granted.

**RESOLVED:** That the application be refused.

**REASON:** It is considered that the proposed extension would detract from the standard of amenity that the occupiers of the adjacent dwelling at 17 Alma Grove, in particular its small rear yard, could reasonably expect to enjoy by virtue of its excessive size, scale and proximity to the boundary, and the loss of light, overshadowing and unduly oppressive and overbearing impact that would result. As such, the proposal would conflict with Government advice contained within paragraph 17 (bullet point 4) of the National Planning Policy Framework which states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings, and Policies GP1 (i) and H7 (d) of the City of York Draft Local Plan (2005).

**51b Health Centre, 1 North Lane, Huntington, York. YO32 9RU (12/03081/FUL)**

Members considered a full application by Mr J McEvoy for alterations and extensions of existing GP surgery to provide additional consulting, treatment and administration rooms and a dispensing pharmacy following demolition of existing dwelling (3 North Lane) and erection of cycle storage, new car park and improved vehicular access.

In their update to Members, Officers reported that a lease had been signed between the Health Centre and the Sports and Social club to allow patient and staff car parking to occur at the club. However, the agreement had yet to be finalised although it was understood that the Parish Council had no objections to the sub lease, this needed to be confirmed formally. Officers added that if Members were minded to approve the application that authority be delegated to Officers to issue the decision once all legal formalities were concluded. They added in response to comments received, that all documentation associated with the application had stated that the application included a dispensing pharmacy.

Furthermore, this was considered to be ancillary to the principal use of the building as a Health Centre. In their opinion the pharmacy could not be reasonably considered as being a separate use as its main function would be to dispense prescriptions prescribed at the health centre. It was also considered that the scale of the pharmacy was small and therefore would only form a small part of the overall scheme.

They also informed the Committee that the Council's Highways Department had no problem regarding deliveries to the pharmacy as the potential effect on traffic would be intermittent and short lived, that delivery vehicles would be able to park in the car park and therefore would cause minimal disruption to the free flow of traffic.

Representations in objection were received from Bill Kochhar, a local pharmacist. He made reference to two emails that had been circulated to Members both prior to and at the meeting. These were attached to the agenda, which was subsequently republished after the meeting. He highlighted to Members that the proposed demolition of the bungalow at 3 North Lane, in order to extend the Health Centre would deplete existing housing stock in the city. He also expressed further concerns that the narrow walkway between the social club and the surgery was unsafe and questioned where patients would park after 6.30 pm.

Members asked if the social club wanted to develop the parking space offered to the health centre if they could do. Officers responded that as the lease could not be controlled by a planning condition it would not be possible to place further restrictions on the social club.

Further representations were received in objection from Ian Domville. He spoke about the government policy of 100 hour pharmacy contracts awarded by the NHS. He reported that this policy had been withdrawn. He therefore questioned why the proposed pharmacy would be operating for 100 hours.

Some Members noted that there had been no indication as to the opening hours of the surgery and asked whether the surgery building would have to be open in order to access the pharmacy. Officers responded that the potential existed to shut one area of the building but that both parts of the facility would use the same entrance.

Additional representations in objection were received from Dominic Page, a local pharmacist's agent. He felt that the 100 hours of operation for the pharmacy was excessive in a residential area, in that it would lead to an increase in traffic and noise at night. He also felt that the identification of the pharmacy as ancillary to the surgery was incorrect as it could be accessed independently of the surgery building.

Representations were received from the applicant, John McEvoy. He explained to Members that the ancillary pharmacy would not have a negative impact commercially on other pharmacies because the nearest chemists to it were closed at lunchtimes. He added that a robust agreement had been signed with the Sports club to address parking concerns, and that this would be in effect over 38 years and that the Health Centre would pay £2000 a year to the club for the provision of parking for its patients.

Members asked the applicant a number of questions including;

- What alternative arrangements were available to patients if the pharmacy did not open?
- If the pharmacy could operate for less than 100 hours according to government legislation?
- If the pharmacy could not open for the same amount of time as the GP surgery?

The applicant explained to the Committee that patients would have to travel out of the area if the pharmacy on site did not open. In response to the two questions about times of operation of the two facilities, the applicant explained that they were advised by the local NHS that in order to extend their opening hours they had to be granted a 100 hour contract. In addition, it was reported that proposed government policies would extend GP opening hours, and therefore the extended time of operation of the pharmacy would reflect this.

Members felt that their previous concerns regarding the application had been satisfactorily addressed.

**RESOLVED:** That the application be approved and authority be delegated to Officers to issue planning consent once legal formalities in relation to additional parking at the Health Centre are concluded.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the Officer's report, would not cause undue harm to interests of acknowledged importance, with particular reference to:

- Principle of Development
- Design and Visual Impact
- Car and Cycle Parking
- Neighbouring Amenity

As such the proposal complies with Policies GP1, H9, C1 and T4 of the City of York Development Control Local Plan.

**51c Country Park, Pottery Lane, Strensall, York. YO32 5TJ  
(12/03229/FUL)**

Members considered a full application by Miss Raquel Nelson for the retention of an existing building and the installation of a non mains drainage system.

In their update to Members Officers stated that a response had been received from the Environment Agency who did not object to the proposal. It was also noted that the applicant had received discharge consent to a water course in relation to the proposed package treatment plant.

Members were also informed that objections had been received from a local resident and Strensall Parish Council. These objections related to the impact of the outfall from the beck onto the local surface water drainage pattern, the capacity of the treatment plant and the size of the proposed amenity building.

Officers suggested that if Members were minded to approve the application that an informative be added, that approval should be sought from the Foss Internal Drainage Board if there were any material increases in discharges from the site to the adjacent water course.

Representations in objection were received from John Chapman of Strensall Parish Council.

He raised concerns over the use of the amenity block as an office all year round, the location of the chemical toilet bins on the site and foul drainage discharge into the adjacent stream.

Officers confirmed that the caravan site and the office building would be open for 10 months of the year, but that the office would be open for all year round to take bookings. In response to a Member's suggestion to condition the hours of use of the office building to 9-5, Officers suggested that this condition would only be viable if the Committee could demonstrate that there would be harm caused by the use of the building outside of these hours.

Representations in support were received from Alistair Dalton, the applicant's Drainage Consultant. He informed Members that the drainage system had been designed in accordance with guidelines received from the Environment Agency. He confirmed that there would be no increase in foul drainage into existing watercourses.

Further representations were received from Councillor Wiseman, who had called in the application for consideration by the Committee. She questioned how the proposed drainage system would work, and how the site would operate successfully with an increase in touring caravans if the amenity building was reduced in size. In her opinion, although the Environment Agency had granted consent for a package treatment plant, they were solely concerned about drainage issues rather than the discharge of foul water into the watercourse. She also felt that the change of use for the amenity block into an office building constituted inappropriate development in the Green Belt.

In response to concerns raised by the speakers Officers advised that there was no stipulation as to the standard of amenity provision that was required, and this was largely a commercial consideration.

Regarding the discharge of water from the site, it was noted that following a previous application, the Foss Internal Drainage Board had suggested the use of a package treatment plant, which the applicant was now proposing.

**RESOLVED:** That the application be approved.

**REASON:** In the opinion of the Local Planning Authority 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 impact upon the open character and purposes of designation of the Green Belt and impact upon the local surface water drainage pattern. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies GB1, V5 and GP15a) of the City of York Development Control Local Plan and Central Government advice contained within paragraphs 79 - 92 of the National Planning Policy Framework.

**51d Cedar Croft, 4 Hull Road, Kexby, York. YO41 5LA  
(12/03487/FUL)**

Members considered a full application by Mr and Mrs Ward for the conversion of a workshop including alterations to the roof and an extension to the side to create a holiday cottage (Use Class C1) and the erection of double garage and stable.

In their update Officers informed Members that there was an error in the report in relation Paragraph 4.12. It should have referred to the speed limit on the section of the A1079 Hull Road from where the site is accessed as being at 40 mph, rather than 60 mph.

Representations in support were received from the applicant, Jennifer Ward. She gave background to the Committee about the history of the use of the adjoining paddock. It was reported that the hardstanding which had been previously placed on the land when it had been used by caravans would be removed and returned to grass.

In addition, it was confirmed that the application would have a fence alongside its boundary for security purposes.

**RESOLVED:** That the application be approved.

**REASON:** In the opinion of the Local Planning Authority, the proposal, subject to the conditions listed in the Officer's report, would not cause undue

harm to interests of acknowledged importance,  
with particular reference to:

- Principle of Development in the Green Belt
- Impact on the Green Belt
- Highway Safety

As such the proposal complies with Policies GB1, GB3 and GB4 of the City of York Development Control Local Plan.

**51e Agricultural Building Lying to the East of Gardenia, Malton Road, Stockton on the Forest, York. (12/01667/FULM)**

Members considered a major full application by Mr Ian Parker for the retention of unit 1 as a car wash, retention of units 3-12 incl. 13 to 16 inc. and unit 18 for B2/B8 industrial/storage use, retention of units 20-34 for B8 storage use. Demolition and replacement of existing building for B2/B8 use (part retrospective unit 19), retention and provision of car parking to serve the site and provision of area for external storage of agricultural equipment.

In their update Officers reported that an amendment needed to be made to Paragraph 4.30 of the Officer's report because the site was not on mains drainage for foul sewage but was served via septic tanks. They also reported that a plan had been submitted by the applicant which showed the position of soakaways which would take surface water from the buildings and hard areas to distribute the water on to the adjacent field, which was within the applicant's ownership. It was noted that this arrangement had previously been used when the site had been under agricultural use. The plan would also mean that if the application was approved that no additional drainage conditions would need to be added to permission.

Officers also informed the Committee that in their view the proposal was appropriate within the green belt as for the most part it related to the re-use and conversion of existing buildings.

It was also recommended that further amendments be made to conditions on landscaping, parking and the removal of all materials and hardstanding. They also added that if Members were minded to approve the application that conditions be added in relation to the car parking layout, the storage of

agricultural machinery and the use of the site and deliveries to the site.

RESOLVED: That the application be approved with the following amended and additional conditions;

2. Within 3 months of the date of this permission there shall be submitted in writing to the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs on the northern, southern and eastern boundaries within the site area. This scheme shall be implemented within the first planting season following the approval of the scheme.

Any trees or plants which within a period of five years from the completion of the development die, or 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 with 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 to enhance the setting of the buildings in this Green Belt location.

3. Within 3 months of the date of this permission the car park layout shown on drawing no, PAR-251-02 10 rev B shall be implemented to the satisfaction of the Local Planning Authority and thereafter there shall be no parking of vehicles anywhere else within the site without the prior written approval of the Local Planning Authority.

Reason: To ensure the adequate provision of car parking facilities for each unit within the site and to protect the visual amenity of the Green Belt.

4. Within 3 months of the date of this permission all materials and hardstanding located in the area edged blue to the east of the application site shown on the attached plan shall be removed to the satisfaction of the Local Planning Authority and the land thereafter be kept clear of all materials associated with the approved use on the application site.

Reason: The land is a relatively open area of Green Belt, and its use for industrial storage is considered to be inappropriate and detrimental to visual amenity of the area.

9. Areas of existing car parking to be removed as part of the car parking layout shall be treated in accordance with a scheme and within a time scale to be submitted and agreed by the Local Planning Authority in writing within three months of the date of this permission.

Reason: In order to protect the visual amenity of the Green Belt.

10. The area shown for the storage of agricultural machinery and equipment on the approved plan and identified in green on the attached plan shall only be used for the storage of agricultural machinery in association with the applicant's agricultural activities and for no other purpose.

Reason: In the interest of the visual amenity of the Green Belt.

11. The use hereby permitted shall be restricted to 07:00 to 21:00

Reason: To protect the amenity of neighbouring residents.

12. All deliveries to and from the site shall be confined to the following hours:

Monday- Sunday 7:00 am to 21:00

Reason: In the interests of the amenity of adjacent residential properties.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the Officer's report, would not cause undue harm to interests of acknowledged importance, with particular reference to the principle of the development including the consideration of the appropriateness of the development in the Green Belt having regard to openness and the purposes of including land within the Green Belt design and landscape, highways and parking arrangements, sustainability, drainage and flooding, contamination and residential amenity. As such the proposal complies with Policy YH9 and Y1C of the Yorkshire and Humber Plan, policies GB3 and GP1 of the City of York Development Control Local Plan and Government policy contained within paragraphs 79-92 of the National Planning Policy Framework.

Councillor J Galvin, Chair

[The meeting started at 2.00 pm and finished at 3.50 pm].