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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	9 AUGUST 2012
PRESENT	COUNCILLORS GALVIN (CHAIR), DOUGLAS (VICE-CHAIR), FITZPATRICK, KING, MCILVEEN, CUTHBERTSON, FIRTH, WARTERS, CUNNINGHAM-CROSS (SUBSTITUTE FOR COUNCILLOR WATSON) AND BOYCE (SUBSTITUTE FOR COUNCILLOR FUNNELL)
APOLOGIES	COUNCILLORS WATSON AND FUNNELL

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## 11. INSPECTION OF SITES

Site Visited	Attended by	Reason for Visit
Howards of Clifton	Councillors Boyce, Cuthbertson, Douglas, Galvin, McIlveen, and Warters.	As an objection has been received and the officer recommendation was to approve.
House of James, Stamford Bridge Road	Councillors Boyce, Cuthbertson, Douglas, Galvin, McIlveen, and Warters.	As objections have been received and the officer recommendation was to approve.
Tyree, 97 York Street, Dunnington	Councillors Boyce, Cuthbertson, Douglas, Galvin, McIlveen, and Warters.	At the request of Councillor Brooks.

## 12. MINUTES

RESOLVED: That the minutes of the meeting of the East Area Planning Sub-Committee held on 5 July 2012 be approved and signed by the Chair as a correct record.

### **13. DECLARATIONS OF INTEREST**

At this point in the meeting, Members were asked to declare any personal, prejudicial or disclosable pecuniary interests they might have in the business on the agenda. No interests were declared.

### **14. 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.

### **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.

### **16. HOUSE OF JAMES, STAMFORD BRIDGE ROAD, DUNNINGTON, YORK. YO19 5LN (12/01259/FULM)**

Members considered a major full application (13 weeks) from the House of James Transport for the erection of an extension to cover an existing loading area (retrospective).

Officers provided the following update.

- Paragraph 4.5 of the report which refers to Dunnington should read Elvington.
- In Condition 1 Drawing Ref: BS2870-02 Rev F should be substituted for BS2870-02 Rev A.
- Condition 3 to be amended
- Condition 4 to be amended
- New Condition 5 with regard to parking of vehicles on site

Representations were received from the agent in support of the application. She advised Members that this was an established commercial site with a long history of use as a warehouse. She explained that if approved, the application would allow her client to provide a secure all weather loading and unloading area which was vital for a long term contract as an intermediate distribution centre. She confirmed that very special circumstances had been demonstrated and accepted. The extension would infill the existing building complex and any impact on the openness of the green belt is deemed to be marginal.

Members acknowledged that the landscaping of the hard standing area was included as a condition of the approval.

RESOLVED: That the application be approved subject to the conditions listed in the report and the amended and new conditions below.

Amended Condition 3

Notwithstanding the application details hereby approved, full details of the fencing, landscaping, including a planting schedule and phasing and bunding, including, spot heights, details of material and sections shall be submitted to and approved in writing by the Local Planning Authority within 28 days of the date of this permission. The development shall thenceforth be undertaken in strict accordance within 56 days of the date of this permission.

Reason:- To protect the openness and visual amenity of the Green Belt and to secure compliance with York Development Control Local Plan Policies GB1 and GB11.

Amended Condition 4

The turning area hereby authorised and illustrated on Drawing Ref:- BS2870-02 Rev F shall be provided within 56 days of the date of this permission and shall be kept free from obstruction at all times thereafter.

Reason:- To protect the openness of the Green Belt and to secure compliance with Policies GB1 and GB11 of the York Development Control Local Plan.

New Condition 5

At times when the depot is not in operation no more than 4 HGVs or associated trailers shall be parked within the area hatched to the south west of the building complex illustrated on Plan Ref:-BS2870-02 Rev F and no other external parking shall take place other than within the yard area directly adjacent to and to the north east of the building complex.

Reason:- To secure the openness of the Green Belt and to secure compliance with Policies GB1 and GB11 of the York Development Control Local Plan.

REASON: The proposal, subject to the conditions listed in the report and the amended and new conditions above, would not cause undue harm to interests of acknowledged importance. In particular, it is considered that the potential harm to the Green Belt by reason of inappropriateness is outweighed by other considerations, specifically the safeguarding of local employment and economic growth. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies GB1 and GB11 of the City of York Development Control Local Plan and Government policy contained within Planning Policy Guidance note 2 'Green Belts'.

**17. TYREE, 97 YORK STREET, DUNNINGTON, YORK YO19 5QW (12/01840/FUL)**

Members considered a full application from MDL Land Ltd and Mrs K Wheeler for the erection of four dwellings with associated garages, new site access and a pond extension.

Officers provided the following update.

- An email has been submitted by Cllr. Brooks outlining her objections to the application. This was circulated to Members by email and by hard copy at the meeting. It raised the following concerns.
  - Development would have detrimental effect on the character of the entrance to the village.
  - Sub division of gardens is contrary to Dunnington Village Design Statement
  - Development would not respect or enhance 95 York Street nor area which it is proposed to develop
  - Development would not respect form, layout and density of development in the area.
  - It would cause increase in traffic onto York Street at an already difficult junction – moving entrance westward increases the danger of east bound traffic waiting to turn in being shunted from the rear by a vehicle coming over the blind summit of bridge at speed.
  
- The Parish Council object to the proposed development on the following grounds:
  - Poor visibility in all directions.
  - The cluster of junction exits which are already in place around the application site makes it unreasonable to add any additional access points, the original enlarged access was reasonable but would impact on pedestrian traffic of the route popular with children going to school.
  - The railway bridge fencing was erected by Dunnington Parish Council, the amended proposals involve disturbing such features yet there has been no advance notice from any party involving the applicant\*\*.
  - *A response to this point has been submitted by the applicants. The response states that the bank in question is within the ownership of the applicants and that the fence line is owned and maintained by the Highway Authority. Regardless, Officer's advise that land ownership issues are not a material*

*consideration in the determination of planning applications and weight should not be given to such issues.*

- The Chair of Dunnington Village Design Statement has submitted objections in terms of the proposal being contrary to Policy HE3 and GP10 of the Local Plan as the proposal would seriously detract from the quality, semi-rural undeveloped character, and delightful entrance to the village. The proposal is a subdivision of a garden which would be detrimental to character and amenity of the environment.
- Objections have also been raised regarding the access, these objections are along the same lines as objections previously raised and summarised in the Committee Report. The letter also outlines that the Village Design Statement seeks to preserve open spaces and encourage the retention of larger garden plots.

Officers advised Members that proposed condition requires the development to be a maximum of 8.2m high. However, for reasons of flood risk the finished floor level of the houses may need to rise a little. Therefore it is suggested that the maximum height should be 8.6m. Officers consider that this increase in height would not harm the character and appearance of the area.

Representations were received from the Chair of the Dunnington Village Design Statement in objection to the application. She made the following comments:-

- Road in front of no 97 falls within the conservation area – the proposed development would materially alter the road.
- Sub division of garden plots should not be allowed.
- Concern regarding flooding due to drainage/sewage issues in the area.
- Concerns over traffic turning into/off York Road from proposed access road. Hold ups could lead to accidents due to blind summit of bridge.

Representations were received from Dunnington Parish Council who circulated a plan to Members at the meeting. He raised concerns over the increasing volume of traffic on York Road and the impact of this on the proposed development. He stated that a speed survey undertaken two years previously had shown that 49% of vehicles were speeding on entering the village and 55% speeding leaving the village over the blind summit of the bridge. He also expressed concerns over drainage on the site.

Representations were received from the applicant's agent in support of the application. He advised the Committee that this was a small scale, low density scheme. Proposed houses on plots 1-3 would be well away from existing houses and the proposed house on plot 4 would be well screened. Mature landscaping on the site would be retained with additional planting on northern boundary. With regard to the new vehicular access proposed, City of York Highways officers have confirmed this is in accordance with national guidelines.

Discussion took place regarding the choice of location of the vehicular access road onto York Road. City of York Council Highways officers advised that the additional traffic generated would be very low. They acknowledged that there was a perceived safety issue but when sightlines were assessed, the location of the proposed access road conformed with national guidelines.

With regards to foul and surface water drainage on the site and concerns raised over possible flooding, Members noted that proposed condition 7 required details to be provided and approved by the council.

Members accepted that the land was suitable for development although some raised concerns over the layout at end nearest bridge on the grounds that it does not necessarily fit in with existing buildings due to hipped roofs.

They expressed serious concerns in relation to the proposed location of the access road. Members acknowledged that the sightlines adhered to national guidelines however they agreed that there was too great a potential for accidents due the combined effect of the proximity of the proposed junction to the blind summit of the bridge, the fact that traffic does not adhere to speed limits and the effect of the slope.

They agreed that further consideration should be given to establishing a safer location for the access road.

RESOLVED: That the application be deferred to a future meeting.

REASON: In order that further discussion can take place between council officers and the applicant with regard to establishing a safer location for the access road.

**18. HOWARDS OF CLIFTON, 61 CLIFTON, YORK. YO30 6BD (12/01807/FUL)**

Members considered a full application from Mrs Nelson for the change of use from a hairdressers (use class A1) to a mixed use retail bakery/cake shop and tearoom.

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

REASON: 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 loss of a retail use, the control of food and drink uses, the impact on the character and appearance of the conservation area, highway issues, cycle parking and neighbour amenity. The application therefore complies with the overall aims and objectives of the National Planning Framework and policies GP1, S6, S9, T4, HE2 and HE3 of the City of York Local Plan.

**19. APPEALS PERFORMANCE AND DECISION SUMMARIES**

Members received a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1<sup>st</sup> April to 30<sup>th</sup> June 2012 and provided a summary of the salient points from appeals determined in that period.



RESOLVED: That the content of the report be noted.

REASON: So that Members can be kept informed on appeals determined by the Planning Inspectorate.

Councillor J Galvin, Chair

[The meeting started at 2.00 pm and finished at 3.10 pm].