

MEETING EAST AREA PLANNING SUB-COMMITTEE

DATE 12 APRIL 2012

PRESENT COUNCILLORS WISEMAN (CHAIR), DOUGLAS (VICE-CHAIR) (EXCEPT MINUTE ITEMS 50-53), FIRTH (EXCEPT MINUTE ITEMS 55-56), FITZPATRICK, HYMAN (EXCEPT MINUTE ITEMS 55-56), KING, WARTERS, WATSON, LOOKER (SUBSTITUTE FOR COUNCILLOR MCILVEEN) AND SEMLYEN (SUBSTITUTE FOR COUNCILLOR FUNNELL)

APOLOGIES COUNCILLORS FUNNELL & MCILVEEN

Site Visited	Attended by	Reason for Visit
Yearsley Bridge Training Centre, Huntington Road	Councillors Douglas, Firth, Fitzpatrick, Warters, Watson and Wiseman.	To familiarise Members with the site.
12 Whitelands, Earswick	Councillors Douglas, Firth, Fitzpatrick, Warters, Watson and Wiseman.	To familiarise Members with the site as it had been called in by a Ward Member on the grounds of overdevelopment.
Methodist Chapel, The Village, Stockton on the Forest	Councillors Douglas, Firth, Fitzpatrick, Warters, Watson and Wiseman.	To familiarise Members with the site as it had been called in by a Ward Member due to concerns raised by some residents that it would be overdevelopment.

Lyngarth Cottage, 76 The Village, Stockton on the Forest	Councillors Douglas, Firth, Fitzpatrick, Watson and Wiseman.	To familiarise Members with the site.
Inner Space Stations, Hull Road	Councillors Douglas, Firth, Fitzpatrick, Warters, Watson and Wiseman.	To familiarise Members with the site as it had been called in by the Ward Member, and as the proposal was to remove a condition that had previously been deemed necessary.

50. **DECLARATIONS OF INTEREST**

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

No interests were declared.

51. **EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That the Members of the Press and Public be excluded from the meeting during the consideration of Annex A to agenda item 7 (Enforcement Cases Update) on the grounds that it contains information that if disclosed to the public, would reveal that the Authority proposes to give, under any enactment or notice by virtue of which requirements are imposed on a person or that the Authority proposes to make an order or directive under any enactment. This information is classed as exempt under Paragraphs 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

52. MINUTES

RESOLVED: That the minutes of the East Area Sub-Committee held on 8 March 2012 be approved and signed by the Chair as a correct record.

53. 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 Sub-Committee.

54. 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.

54a Yearsley Bridge Adult Training Centre, Huntington Road, York. YO31 9BN (11/03269/FULM)

Members considered a full major application by Andy Cramer and Jeremy Binnian for the erection of 32 dwellings, 1 no. retail unit and 1 no. veterinary surgery following demolition of existing buildings.

In their update to Members, Officers reported that a revised layout from the applicants had moved the garage of plot 19 away from the T-junction. They also reported that a number of comments had been received from the Council's Highways Network Management Unit which related to unresolved concerns they had with the application. They felt as a result of these concerns that Members should defer a decision on the application. These concerns included;

- That there was no pedestrian access to the retail unit from within the residential site.
- That the car parking arrangements associated with Plot 18 was too close to the Ambulance Station entrance.

- That the four visitor parking bays adjacent to the ambulance station should be removed due to their siting on the bellmouth of a junction and the loss of footway access because of this.
- That the veterinary unit bin store was sandwiched between the veterinary unit and the car parking bays which would lead to difficulties for waste collections.
- That swept paths should have been provided to demonstrate how refuse vehicles could manoeuvre throughout the residential area.

It was reported that an additional objection had been raised on behalf of the ambulance station which related to conflict between ambulances and vehicles due to parking and traffic calming measures on the main access road. They also felt that there would be a loss of visibility as a result of the proposed parking spaces next to the ambulance station access.

Officers also informed Members that a recent bat survey had been conducted on the site and that if Members were minded to approve the application that a condition could be added related to bats. It was also noted that the proposed opening hours of the retail unit would be between the hours of 7 am until 10 pm on Monday to Saturday and from 10 am until 4 pm on Sunday.

Members felt that due to numerous concerns from the Council's Highways Network Control Unit, particularly those about safe access and egress to the site that the application should be deferred to be considered at a later date. They also wished to know what would happen to the existing Public Right of Way which was adjacent to the site and if any action would be taken to mitigate the loss of the poplar trees to the south west of the site.

RESOLVED: That the application be deferred.

REASON: In order for Members to receive clarification on the ownership of the land to the north-east of the site, highway issues, landscaping and drainage.

54b Lyngarth Cottage, 76 The Village, Stockton on the Forest, York. YO32 9UW (11/03296/FUL)

Members considered a full application from Mr and Mrs B Robson for the erection of a two storey dwellinghouse.

In their update to Members, Officers clarified that the existing trees on the eastern boundary would be replaced with a fence, and a laurel hedge would be planted inside the fence.

Representations in objection were received from a local resident. She stated that adding an additional house in the former grounds of Stockton Grange, which was a listed building, would ruin its setting. Additionally, she felt that the proposed access lane would not be sufficient to serve three properties.

Representations in support were received from the applicant's agent, who attended with a colleague who answered Members' questions regarding the conservation issues surrounding the application.

Questions from Members to the applicant related to the removal of trees on the site and the effect the building would have on the setting of the property and associated neighbouring buildings. It was reported that the trees were not considered to be worthy of protection and could be removed following a six weeks notice period due to being in a Conservation Area.

The applicant stated that the proposed dwelling would not be as tall as the neighbouring properties of Stockton Grange and the Laurels, and considered that views of the site from Stockton Grange would not adversely affect its visual amenity or setting.

Some Members felt that the application should be refused on size, scale, massing and the detrimental effect on the setting of the listed building. Other Members felt that it would be more appropriate to defer the application in order for the design of the building to be amended to better suit the setting. However, some Members felt that by agreeing to a deferral, this would imply that development could take place on the site at a later date.

RESOLVED: That the application be refused.

- REASON:
- (i) The siting, design, scale and mass of the proposed dwelling, together with the cumulative change to the setting of the Grade II listed Stockton Grange and the loss of open character, would cause substantial harm to the significance of the designated heritage asset for this and future generations. There is considered to be no substantial public benefit from the development that would outweigh the degree of harm to the setting of Stockton Grange. The proposal therefore is contrary to the Government's aims as set out in paragraphs 129 to 134 of the National Planning Policy Framework and City of York Draft Local Plan Policy HE2.
 - (ii) Insufficient drainage details have been submitted to show how surface water generated by the proposal would be properly attenuated. The application therefore conflicts with Policy GP15a of the City of York Development Control Local Plan and Policy CS22 of the emerging City of York Core Strategy; the Council's adopted Strategic Flood Risk Assessment.

54c Inner Space Stations, 339 - 341 Hull Road, Osbaldwick, York. YO10 3LE (12/00309/FUL)

Members considered a full application by Inner Space Stations for a variation of condition 3 of approved application 03/02728/FUL (extension to sales building) to allow 24 hours use.

Representations in objection were received from a representative of Murton Parish Council. She raised concerns about the impact of the longer hours on local residents in terms of noise and disturbance. She also stated that a previous application for a 24 hour alcohol licence had been breached by applying the terms to the whole sales area.

Representations in support were received from the applicant. He informed Members that the longer opening hours would improve the security of the area. It would also enable the

premises to compete with other existing petrol stations which had similar opening hours.

Questions from Members related to the hours of use of the car wash on the site, and if restrictions existed relating to this. It was reported that only the shop would be able to operate for 24 hours, not the car wash.

Some Members felt the application should be approved, as it would assist in the continued viability of a local independent business and would make little difference to existing noise levels.

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 the impact on local noise levels. As such the proposal complies with Policies GP1 and S10 of the City of York Development Control Local Plan.

**54d The Laurels, Brecks Lane, Strensall, York. YO32 5UZ
(12/00148/FUL)**

Members considered a full application by Mr D Gath for the removal of conditions 5 (code for sustainable homes) and 6 (on-site renewable energy) of approved application 11/00676/FUL for the erection of 8 no. two storey dwellinghouses.

In their update Officers informed Members of a number of a policy changes in the Council's Core Strategy, which had now been submitted to the Secretary of State.

It was reported that there was no longer a requirement to achieve Level 3 of the Code for Sustainable Homes or 10% renewable energy on developments of less than 10 dwellings. As the application was for 8 dwellings, it was recommended that conditions 5 and 6 from a previous approved planning application should be removed. Although the previous application was approved by the Committee in September 2011,

Officers advised Members that a decision on the current application should be based on current policies.

Officers confirmed that the development would still need to comply with Building Regulations in relation to carbon reduction, insulation and energy efficiency, which were the same as Level 3 of the Code and would still need to be achieved. Other aspects of the code would either not change (e.g. proximity to bus stops) or would form part of the approved plans (e.g. cycle storage, garden sizes, drying areas).

Officers stated that the main implication of removal of condition 5 from the application would be that it would remove the requirement for the applicant to obtain a Certificate from an independent assessor confirming that Level 3 of the Code had been achieved.

In relation to Condition 6, which sought a 10% requirement for on-site renewable energy provision for all developments, it was reported that this was in conflict with another policy from the Yorkshire and Humber Regional Spatial Strategy which set a threshold for this requirement of 10 or more dwellings.

Representations were received from a representative of Strensall Parish Council. He felt that the application should be refused as the Planning Inspector had recently voiced concerns about the policy on sustainable homes contained within the Core Strategy, and because it had not been assessed as to whether it was viable or not. He expressed concerns that if approved, a precedent would be set for other developments of less than 10 dwellings which had not yet commenced .

Representations were received from the applicant who stated that the requirements of the condition were unduly onerous, were hindering development in the city and were an unnecessary level of bureaucracy. In relation to renewable energy, he stated that a range of other measures undertaken at the construction stage could be equally effective and would have a far longer life than, for example, solar panels.

Representations were received via email prior to the meeting from the Ward Member, Councillor Doughty. He stated that he agreed with the representations made by Strensall Parish Council regarding the Code for Sustainable Homes and 10% renewable energy, as these were the requirements at the time

of approval, and were specifically mentioned by the applicant in the design and access statement. However, he accepted that whether this requirement could be enforced in light of the changes to the Council's Interim Planning Statement on Sustainable Design and Construction, would be for the Committee to decide.

Some Members considered that the application should be approved because the development would still have to comply with building regulations and that the development would be likely to achieve the standards required as part of the construction process.

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 the residential amenity of the neighbours, the visual amenity of the dwellings and the locality, highway safety, and sustainability. As such the proposal complies with Policies GP1, GP10, H4a, ED4 and L1c of the City of York Council Development Control Local Plan (2005); Policy CS21 of the emerging City of York Core Strategy; the City of York Interim Planning Statement on Sustainable Design and Construction as revised in January 2012; and the National Planning Policy Framework.

54e Methodist Chapel, The Village, Stockton On The Forest, York. YO32 9UW (12/00241/FUL)

Members considered a full application by Mr Martyn Inwood for the erection of a two storey dwelling (with rooms in roof) following the demolition of an existing chapel.

In their update to Members, Officers told the Committee that the pruning of the adjacent willow tree to the chapel had been approved by the Council. In relation to a question from a Member about drainage on the site Officers stated that the

proposals had not demonstrated that soakaways would be an effective method of drainage on this site.

Representations were received from the applicant. He stated that the proposed property would take up 39% of the application site and that it would be used for a family home. He confirmed that he wanted to retain the willow tree and that drainage would be achieved through rainwater harvesting rather than soakaways.

Representations were received via email from the Ward Member, Councillor Doughty. He re-iterated concerns that the application could represent overdevelopment in the Conservation Area that had been raised by residents at a recent Stockton on the Forest Parish Council meeting.

Questions from Members related to the existing willow tree. Officers confirmed that the construction would encroach within the root protection area. They also added that if Members were minded to approve the application, a condition requiring a management plan to safeguard the tree could be inserted into the planning permission. However, in their view, irrespective of such a condition, the development would harm the roots.

Some Members were satisfied that the tree would survive but that the applicant should plant a replacement as a goodwill gesture to the village. The applicant confirmed that he would be happy to do this. Others felt that the application should be approved as a single property on the site was in keeping with the surrounding area.

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

1. The development shall be begun not later than the expiration of 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 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out only in accordance with the approved plans numbered:

I/27-P1-101, I/27-P1-102, I/27-P1-103, I/27-P1-104, I/27-P1-105 and I/27-P1-106.

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.

Reason: So as to achieve a visually cohesive appearance.

4. Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 5.5 metres to the eaves and 8.6 metres to the ridge, 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 conservation area.

5. All windows and external doors shall be made of timber with a painted finish unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and the character and appearance of the conservation area.

6. No development shall take place until there has been submitted and approved in writing by the Local Planning

Authority design details and construction method statement of the foundations of the building. The works shall be carried out in accordance with these approved details.

Reason: In order to protect from damage the mature Willow tree close to the shared boundary with No.78 The Village.

7. No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme including boundary treatment and hard landscaping materials and which shall illustrate the number, species, height and position of trees and shrubs. 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.

Reason: In the interests of the conservation area and so that the Local Planning Authority may be satisfied with the overall appearance and the variety, suitability and disposition of species within the site.

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. Before the commencement of development, including felling operations, the importing of materials, or any excavations, a method statement regarding protection measures for the existing trees to be retained, whether on or in the immediate vicinity of the site, shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include a schedule of tree works;

details and locations of protective fencing to be shown on a plan; phasing of works; site access during development operations; arrangements for loading/off-loading; parking arrangements for site vehicles; locations for stored materials; location of site cabin. The protective fencing line shall be adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, parking or manoeuvring of vehicles et al.

Reason: To ensure protection of existing trees before, during and after development which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area.

10. Prior to construction the local planning authority shall be notified of the start date of construction in order to be given the opportunity to inspect tree protection measures before any development works commence, including site clearance, demolition and construction.

Reason: To ensure protection of existing trees before and during development which are located within the conservation area and/or make a significant contribution to the amenity of the area.

11. No development shall take place until details (including location, dimensions and materials) of refuse/recycling enclosures for proposed dwelling have been submitted to and approved in writing by the local planning authority. The enclosures shall be provided in accordance with the approved details before the dwelling hereby approved is occupied and shall be retained and used for no other purpose except with the written consent of the local planning authority.

Reason: In the interests of sustainability and the character and appearance of the conservation area.

12. Prior to the commencement of development details of the surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with the details for the proper drainage of the site.

INFORMATIVE:

To satisfy this condition details of the surface water drainage works should include:

- (i) A topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties.
- (ii) Calculations and invert levels of the existing surface water system together with calculations and invert levels of the proposed new development.
- (iii) An appropriate assessment under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to accept surface water discharge from the proposed permeable paving, and to prevent flooding of the surrounding land and the paving itself. City of York Council's Drainage Section should witness the BRE Digest 365 test.
- (iv) Existing and proposed surfacing.

In agreement with the Environment Agency / IDB / City of York Council, peak run-off from developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. If existing connected impermeable areas are not proven a greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above. Additional surface water should not be connected to any foul/combined sewer, if a suitable surface water sewer is available.

13. There shall be no raising of ground levels on the site.

Reason: To prevent flooding of adjacent properties.

14. 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 £3668.

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.

15. No development shall take place until details have been submitted to and approved in writing by the council of measures to be provided within the design of the new buildings to accommodate bats. The works shall be completed in accordance with the approved details.

Reason: To take account of and enhance the habitat for bats.

INFORMATIVE:

Features suitable for incorporation include special tiles, brick soffit boards, bat boxes, etc.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to housing density, sustainability, impact on the conservation area and adjacent listed buildings, visual impact, open space, neighbour amenity, flood risk and highway issues. The application therefore complies with policies GP1, GP4a, GP15a, H4a, HE2, HE3, HE4, NE1, and L1c.

54f 12 Whitelands, Earswick, York. YO32 9FX (12/00733/FUL)

Members considered a full application by Mr Chowdhury for a two storey rear and single storey front and rear extensions.

In their update to Members, Officers reported that an additional letter had been received from the applicant stating their reasons for resubmission. The application was resubmitted to address previous concerns raised by the local residents on the previously withdrawn application. She stated that the accommodation was required for her disabled mother, and included a ground floor gym room to enable the applicant's mother to receive physiotherapy. Officers felt that the extended property would not appear incongruous due to its location at the end of a cul-de-sac.

Representations in objection were received from a local resident. She pointed out that the site plan was inaccurate as it did not show extensions that had been built on neighbouring properties at number 9 and 11. She also felt that by doubling the size of the bedrooms and halving the existing garden space that the local residents amenity would be detrimentally affected.

Representations in support were received from the applicant. She outlined how the application had been amended from the previous submission, in that there were no additional windows proposed for the first floor and that a fence would be constructed along the rear boundary. She also outlined the reason for the application in that it could allow her mother, who had 24 hour care needs, to live with her family.

Some Members asked questions about the distance from the extensions of the property to the neighbouring dwellings at numbers 9 and 11. The Committee were informed that the separation from the extensions to the boundary of the properties was deemed to be acceptable to Officers.

During discussion, some Members considered that the application should be approved as they felt that the applicant had given valid reasons for the development. They also considered that it would not adversely affect the visual amenity of neighbouring properties. Other Members expressed the view that the application would be overdevelopment in the area, but asked that if approved, a condition for the boundary edge to be reinstated be added to planning permission.

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 the amenity and living conditions of adjacent occupiers and the impact on the street scene. As such the proposal complies with Policies GP1 and H7 of the City of York Development Control Local Plan and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

55. 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 1st January to 28th March 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.

56. 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 the Sub-Committee.

RESOLVED: That the reports be noted.

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

Councillor S Wiseman, Chair

[The meeting started at 2.00 pm and finished at 4.55 pm].