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| MEETING | EAST AREA PLANNING SUB-COMMITTEE  |
| DATE    | 17 MAY 2007   |
| PRESENT | COUNCILLORS MOORE (CHAIR), HYMAN (VICE-CHAIR), D'AGORNE, KING, POTTER, VASSIE, B WATSON, R WATSON AND I WAUDBY) |

## 81. INSPECTION OF SITES

The following sites were inspected before the meeting:

| Site                           | Attended by                                       | Reason for Visit   |
|--------------------------------|---|--|
| 78 The Old Village, Huntington | Cllrs Moore, Hyman, Vassie and B Watson           | To familiarise Members with the site and assess the impact on neighbouring properties.       |
| 8 Walnut Close, Haxby          | Cllrs Moore, Hyman, Vassie, B Watson and R Watson | To familiarise Members with the site and assess the impact on neighbouring property.         |
| 41 Yarburgh Way, Badger Hill   | Cllrs Moore, Hyman, Vassie and B Watson           | At the request of Members and as the application is the subject of an enforcement complaint. |

## 82. 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.

Councillor Hyman declared a personal prejudicial interest in plans item 4e) (8 Walnut Close, Haxby, York) as the applicants were known to him and he left the room and took no part in the discussion and voting thereon.

Councillor R Watson declared a personal non-prejudicial interest in plans item 4c) (Site of Garages 1 to 6 Fifth Avenue, York) as he was the Council's representative on the Ryedale Housing Association part of Yorkshire Housing the applicants.

## 83. MINUTES

RESOLVED: That the minutes of the last meeting of the Sub-Committee held on 11 April 2007 be approved and signed by the Chair as a correct record.

#### **84. PUBLIC PARTICIPATION**

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

#### **85. 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.

##### **85a. 29 Low Mill Close, York (07/00547/FUL)**

Members considered a full application, submitted by Mr J McLaren, for a single storey pitched roof side extension.

Officers updated that no comments had been received on this application from Heslington Parish Council.

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

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 neighbouring properties. The size and scale of the side extension will not have any detrimental impact on the street scene. As such the proposal complies with policies H7 and GP1 of the City of York Draft Local Plan.

##### **85b. 32 Reighton Avenue, York (07/00611/FUL)**

Members considered a full planning application, submitted by Mr J Power, for the erection of a detached bungalow to the rear of 32 Reighton Avenue, York (revised scheme).

Officers updated that Condition 7 required the removal of the words "until 12 calendar months after completion of the permitted development", the addition of Condition Noise 7 as Condition 13 and the removal of Informative Nos. 1 relating to noise. It was reported that a letter had been received from Mr Power, the applicant, confirming that he would be prepared to contribute towards the adoption of Melton Drive link road.

Representations were received in objection from an adjacent resident who referred to the distance between the existing garage and the boundary fence which he felt would contravene health and safety in the event of a fire. He queried drainage issues including damage to existing drains on Melton Drive from heavy vehicles, and lack of public open space or contribution towards it.

In answer to questions Officers confirmed that dilapidations surveys were only carried out on adopted roads and that, in this case, it would be the

responsibility of the owners to carry out such a survey. Officers also confirmed that Members could agree that the development should not commence until Melton Drive was improved to an adoptable standard.

Members requested the addition of an informative requesting the applicant to contact the Council's Sustainability Officer for guidance and that the 2 metre high hedge should be retained around the site.

**RESOLVED:** That the application be approved subject to the conditions set out in the report and the following amended conditions and informative:

1. Amended Condition 7: None of the existing trees or hedges shown to be retained on the approved plans shall be wilfully damaged or destroyed or uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased before the end of that period shall be replaced with trees of such size and species as may be agreed in writing with the Local Planning Authority.

2. The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

**Informative:** The applicant is advised to contact the council's sustainability officer, Kristina Peat (tel. 01904-551666), for advice on constructing the development hereby approved to BREEAM standards.

**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 housing density, sustainability, visual impact, impact on residents' living conditions, open space and highway issues. The application therefore complies with policies GP1, GP10, H4a, H5a, T4, and L1 of the City of York Local Plan Deposit Draft.

#### **85c. Site of Garages 1 to 6 Fifth Avenue, York (07/00516/FULM)**

Members considered a major full application, submitted by Yorkshire Housing, for the erection of two and three storey housing development comprising 6 no. two bedroomed flats, 2 no. three bedroomed houses and 3 no. two bedroomed houses.

Officers stated that an engineering business at the rear of the site had raised concerns that future residents could be affected by noise. Environmental Protection had requested the addition of a condition to protect the proposed residents from any noise nuisance from the existing workshops at the rear. This would include noise insulation works on the properties together with the construction of a wall at the rear to separate the site from the light industrial use. Officers also requested that the informative relating to noise during demolition and construction works should be replaced by a Condition Noise 7.

Members were informed that the site was in a sustainable location, it was a brownfield site close to existing urban amenities and schools, shops and open spaces. It was on a bus route, near to a cycle route and was being constructed by a Housing Association to BREEAM very good standard or above as required by Condition 20. Officers from Leisure had confirmed that the open space payment would be spent at Hull Road Park, Heworth Holme or Wolfe Avenue woodland.

Members questioned details of tree replacement for the poplar trees currently on site which it was confirmed would be a one for one replacement. Details of recycling bin storage, BREEAM and Eco-Homes standards were also requested. It was confirmed that the 'Trespa' panels, referred to in the report, were made of a solid composite material which was self coloured and was to be used for the external cladding of the properties although samples of materials had to be submitted to the Local Planning Authority prior to commencement of the development.

**RESOLVED:** That permission be granted subject to the conditions listed in the report and the addition of the following additional conditions:

1. The building envelope of all dwellings with a facade onto the industrial estate shall be constructed so as to provide sound attenuation against external noise of not less than 33dB(A), with windows shut and other means of ventilation provided. The detailed scheme shall be approved by the local planning authority and fully implemented before the use hereby approved is occupied.
2. The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.
3. No later than the first planting season following occupation of the development any trees on or adjacent to the site that are felled as a consequence of the development (approximately 29 trees) shall be replaced, on or off site and on a one-for-one basis, with replacement trees of a size, species and in a location to be agreed with the local planning authority. Any trees that, within a period of five years from the occupation of the development die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of a similar size and species unless alternatives are agreed 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 housing provision, housing density, design, visual impact, sustainability, impact on residents' living conditions, parking, cycle storage, flood risk, open space, and highway issues. The application therefore complies with policies H4a, H5a, GP1, GP4a, T4, GP15a and L1 of the City of York Local Plan Deposit Draft.

**85d. 32 Sefton Avenue, York (07/00607/FUL)**

Members considered a full application, submitted by Mrs Curtis, for a single storey pitched roof side extension at 32 Sefton Avenue.

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

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 visual appearance and neighbour amenity. As such the proposal complies with policies GP1, and H7 of the City of York Local Plan Deposit Draft.

**85e. 8 Walnut Close, Haxby, York (07/00308/FUL)**

Members considered a full application, submitted by Mr and Mrs Addy, for a two-storey front extension and a single storey side extension incorporating an existing garage.

Officers referred to the site visit the previous day when issues relating to parking had been raised and it was confirmed that it could be conditioned that parking on site should be side by side. The applicant had telephoned to confirm that they had been made aware of the site visit by their Architect too late to make any arrangements to attend and they had put forward various points in relation to the application, details of which were circulated at the meeting.

Officers confirmed that of the points raised drainage and boundary issues were not planning matters.

Representations in objection were received from Jane Parkin, on behalf of neighbouring residents, she referred to objections raised by neighbours to a previous application for the site on the grounds of design, scale, massing, traffic, parking and the amenity of residents which had been refused. She stated that this was the third application for the site, the design of which had barely changed and she requested the Sub-Committee to refuse the application.

Representations in support of the application were received from the applicant who stated that, in view of previous objections, their Architect had amended the proposals to reduce the scale. He stated that part of the additional space was required for his asthmatic daughter to provide a bedroom of a better size and a playroom to ensure a semi sterile environment to help manage her condition. A study was to be provided to enable him to work from home. He indicated that privacy was a concern and confirmed that additional trees and landscaping would be provided and that he would provide 2 parking space at the front of the property.

Members questioned parking issues which they stated had not been supported by officers, they confirmed that the site was tight but that to provide two parking spaces would require the removal of planting which would impact on the street scene.

Certain Members expressed concern at the relationship of the property to No 15 where the main living area would overlook the proposed extension. They felt that the development would be detrimental to the amenities of the neighbour, the street scene and exacerbate existing parking problems.

RESOLVED: That the application be refused for the following reason:

The proposal, by virtue of its size, design and massing will create a dominant structure within this modest cul de sac and will appear incongruous and constitute an overdevelopment of the property. As such the proposal is considered contrary to Policies H7 and GP1 of the City of York Deposit Draft Local Plan as well as guidance contained in PPS1 of Government Planning Policy Guidance Notes.

**85f. 78 The Old Village, Huntington, York (07/00415/FUL)**

Members considered a full application, submitted by Mr B Corrie, for a two storey side and rear extensions and single storey garage to side and rear extension (Revised scheme 06/01300/FUL).

Officers confirmed that they felt that the current scheme was now of a scale that would not cause unacceptable harm to the living conditions of the neighbour.

Representations were received from the neighbour who raised strong objections to the proposal which she felt would result in a large brick wall towering over her property. She confirmed that she wished to have natural light in the kitchen and rear yard and raised concerns that cars would be parked adjacent to her bedroom which would result in fumes entering the property.

Representations in support of the application were received from the applicants agent, who circulated drawings showing existing planting in the area. He stated that he felt the proposal was not an overdevelopment of the site, which was a large plot, but that neighbouring properties had been over extended. He indicated that at the site visit it had been shown that the development would not reduce light to the neighbours yard and that the existing birch tree would soon screen any development.

Members who had attended the site visit confirmed that they were satisfied that this application addressed previous concerns although traffic was a problem in the area.

RESOLVED: That the application be approved subject to 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 the impact on the character and appearance of the conservation area and the living conditions of neighbouring properties. As such the proposal complies with Policy GP1, H7 and HE3 of the City of York Local Plan Deposit Draft.

**85g. 15 Galtres Road, York (07/00826/FUL)**

Members considered a full application, submitted by Mr P Evely, for a single storey pitched roof rear extension.

Officers confirmed that the proposal was for a 5m extension on the neighbours boundary and photographs of the site were circulated at the meeting. It was confirmed that an email had now been received from the neighbour confirming that he had no objections in principle to the extension, the only issue he raised related to the party wall which it was confirmed could be covered by an informative.

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

**INFORMATIVE**

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 Department of Development and Environment Services, alternatively it is available on the ODPM website: <http://www.safety.odpm.gov.uk/bregs/walls.htm>.

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 neighbours' outlook, light and privacy. As such the proposal complies with Policy H7 and GP1 of the City of York Local Plan Deposit Draft.

**85h. 9 Baysdale Avenue, Osbaldwick, York (07/00627/FUL)**

Members considered a full application, submitted by Victoria Japes, for a single storey extension and conservatory to the rear at 9 Baysdale Avenue, Osbaldwick.

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

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions, would not cause

undue harm to interests of acknowledged importance, with particular reference to the impact on neighbours' light, outlook and privacy. As such the proposal complies with Policy H7 and GP1 of the City of York Local Plan Deposit Draft.

**85i. Yearsley Swimming Baths, Haleys Terrace, York (07/00626/GRG3)**

Members considered a general regulations (Reg3) application, submitted by Mr Andrew Laslett, for the recladding of the walls and roof to the pool hall at Yearsley Swimming Baths.

Officers confirmed that separate planning applications were being made for cycle and car parking at the front of the building and for an air handling plant. It had been calculated that recladding would reduce energy consumption by 60%. It was reported that the cladding was sustainable and that the colour of the plastisol cladding was to be agreed in writing by the Local Planning Authority.

Members requested that the cladding should be chosen to reflect the Georgian brickwork of the existing building. Members also expressed concern at the length of time work would take on site. The Sub-Committee requested that the works should take a minimum of time to complete to reduce disruption to the public.

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

Members requested that this scheme is implemented quickly because of the need for improved swimming facilities in York.

**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 visual amenities and sustainability. As such the proposal complies with Policies GP1, GP4a and C1 of the City of York Local Plan Deposit Draft.

**85j. 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 (HMO) with 7 bedrooms (retrospective).

Officers confirmed that planning permission had been granted for the garage, in the rear garden of the property but that permission had been granted for a pitch roof not a flat roof as had been seen at the site visit.



Members referred to the recent refusal of permission at 43 Yarburgh Way for a house in multiple occupation and questioned the number of properties in the vicinity occupied by students.

Officers stated that planning was not able to condition who occupied properties and that if the property only had 6 bedrooms there would be no requirement to apply for change of use.

Cllr Pierce, as Ward Member, stated that changing the property to an HMO would he felt give the Authority more controls. He requested Members to defer this application to allow clear legal advice to be obtained on the registration of HMO's to better inform Members prior to their making a decision on this application. He stated that there was widespread concern in the area concerning the studentification of the area, which resulted in many badly maintained properties and gardens and a transient population.

Members confirmed that they welcomed students to the City and that it was not always the fault of students that properties were not well maintained.

- RESOLVED:
- i) That further consideration of this application be deferred pending a report by Officers on the controls which are available under the Housing Act for the registrations of HMO's
  - ii) That all Members be invited to attend the Meeting for consideration of this item.

REASON: To enable Members to gain a better understanding of the rules and regulations governing houses in multiple occupation.

Cllr R Moore, Chair

The meeting started at 2.00 pm and finished at 4.20 pm.