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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	6 DECEMBER 2012
PRESENT	COUNCILLORS GALVIN (CHAIR), DOUGLAS (VICE-CHAIR), FITZPATRICK, FUNNELL, KING, MCILVEEN, CUTHBERTSON, WATSON, WARTERS AND ORRELL (SUBSTITUTE FOR COUNCILLOR FIRTH)
APOLOGIES	COUNCILLOR FIRTH

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<b>Site Visited</b>	<b>Attended by</b>	<b>Reason</b>
Sports Centre, University of York, Heslington Lane	Councillors Douglas, Galvin, McIlveen and Watson	To inspect the site.
Audi York	Councillors Douglas, Galvin, McIlveen and Watson	To inspect the site.
Health Centre, 1 North Lane, Huntington	Councillors Douglas, Galvin, McIlveen, Orrell, Warters and Watson	As the application had been called in by the Ward Member and to appreciate concerns about the visual impact of the extension, the site constraints, proposed car parking arrangements and the effect on residential amenity.
29 Sandringham Close, Haxby	Councillors Douglas, Galvin, McIlveen and Watson	To inspect the site and to assess the impact on the adjacent property.

Land Adjacent to 5 South Lane, Haxby	Councillors Douglas, Galvin, McIlveen and Watson	To understand the concerns raised by local residents and the Town Council and to understand the implications of the changes to the design.
62 Tranby Avenue	Councillors Douglas, Galvin, McIlveen, Warters and Watson	To inspect the site as the application had been called in by the Ward Member.

### **35. 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 that were not included on the Members Register of Interests.

Councillor Cuthbertson declared a personal interest in Agenda Item 3d) (Health Centre, 1 North Lane) as a patient of the surgery under consideration.

Councillor Funnell also declared a personal interest in Agenda Item 3d) as the Chair of the Council's Health Overview and Scrutiny Committee.

Councillor McIlveen declared a personal interest in Agenda Item 3b) (Audi York, Centurion Way) as an Audi Customer.

No other interests were declared.

### **36. 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.

**37. 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 of consultees and officers.

**37a Sports Centre, Heslington Lane, Heslington, York.  
(12/02990/FULM)**

Members considered a major full application from the University of York for the installation of an inflatable dome over for the existing tennis courts and the erection of a portakabin.

Representations were received from the agent for the applicant, Philip Holmes. He informed the Committee that the dome cover would allow for the University to maximise their sports facilities as well as also providing an indoor venue for the public to use on a pay by play basis. Additionally, it was noted that should the operation of the facility be viable that the University would look a permanent facility after five years of operation. Finally he added that there were no residential properties near to the application site.

In response to questions from Members, the agent reported that the domed cover would remain inflated by fan pressure.

Councillor Warters moved a motion to approve the application. Councillor Fitzpatrick seconded this motion.

**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 impact upon the visual amenity of the wider street scene, the development of the University's Sport Facilities and links to the wider community. As such the proposal complies with Policies ED6 and GP1 of the City of York Development Control Local Plan.

**37b Audi York, Centurion Way, York. YO30 4WW  
(12/02873/FULM)**

Members considered a major full application submitted by Mr Mark Taylor for an erection of car showroom and car deck following demolition of an existing building.

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 visual amenity of the wider streetscene, impact upon the wider local economy, impact upon a site of archaeological importance, impact upon the local pattern of surface water drainage, and sustainability. As such the proposal complies with Policies S13, GP1, GP15 (a), GP4 (a) and HE10 of the City of York Development Control Local Plan.

**37c The Market Garden, Eastfield Lane, Dunnington, York. YO19  
5ND (12/02930/FUL)**

Members considered a full application submitted by Mr Tim Graves for an agricultural building.

In their update to Members, Officers explained that as the applicant had lodged an appeal against non-determination to the Planning Inspectorate, the Committee could only form a view in relation to the application, which would be forwarded to the Planning Inspectorate, rather than decide whether to grant or refuse permission.

They also added that concerns had been raised over the number of pigs and the volume of straw needed to service them in relation to the use of the building.

Representations were received from Mr Moorhouse, a local resident in objection. He felt that the application should be refused for a number of reasons which included;

- That sufficient justification for the need of the building had not been provided by the applicant.
- That no information on how many pigs would be on the site, if straw was stored in the proposed building.
- That the roofline of the proposed barn was higher than the existing dwelling on the site.
- That it was not specified what colour the steel roof would be and if it would blend into the landscape.

Further representations were received from the Ward Member, Councillor Brooks. She provided statistical information which appeared to indicate that a building of the size proposed was not required in order to serve the needs of the agricultural holding. She felt that if the application was approved that a condition be added to permission for the barn to be filled up to a certain level. Officers responded to this request and suggested that if such a condition was added that it could be seen as a fire risk.

Councillor Douglas moved and Councillor Orrell seconded a motion to refuse the application on the grounds of the impact the building would make on the openness of the Green Belt.

Councillor King requested that his vote against refusal was recorded.

RESOLVED: That the Planning Inspectorate be informed that had the Planning Committee determined the application, they would have been minded to refuse planning permission for the following reason.

REASON: Due to the excessive and unjustified size of the barn, the proposal would have an adverse impact upon the open character of the Green Belt.

**37d Health Centre, 1 North Lane, Huntington, York. YO32 9RU (12/03081/FUL)**

Members considered a full application submitted 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 informed the Committee that discussions were ongoing with the applicant regarding parking and a travel plan for the application. It was also confirmed that the Sports and Social Club further along North Lane had agreed in principle to allow health centre staff and patients to use their parking facilities.

Officers suggested that if Members were minded to approve the application that a number of conditions be added to planning permission such as;

- A condition for a travel plan
- A condition for kerbs to be reinstated at the crossing

Representations were received from Dominic Page who was in objection to the application. He was an agent who represented Lloyds Chemist. He gave a number of reasons for his objection which included;

- That the design of the building was more suitable for a town centre location rather than a village site.
- That, in his opinion, the plans showed that the pharmacy was not an ancillary use and would operate separately from the doctors' surgery.
- That the length of the operating hours was not suitable.

Further representations in objection were received from Doctor Kochhar a local pharmacist from Parkers Pharmacy. He agreed with the first speaker about the nature of the pharmacy use, which he felt would have an adverse impact on local pharmacies and other shops in the area. He also asked if there would be unlimited public access to the building.

Some Members asked questions about the percentage of prescriptions that Dr Kochhar's pharmacy dealt with from the surgery and about the informal parking arrangements.

It was reported that currently about 70% of prescriptions from the pharmacy were processed by Parkers.

Officers in response to the question about parking arrangements also stated that there were three staff parking spaces on site, but there were also potential parking provision

off site. A further comment made by a Member questioned whether this was practical for patients visiting the surgery during spells of bad weather due to the distance.

Representations in support were received from Paul Butler, the architect for the applicant. He advised Members that the reason for the alterations and extensions to the surgery was to meet the confidentiality and accessibility needs of patients. He felt that the new facility would also cater for the growing population. Members were also told that the existing surgery building would be retained to allow for the practice to continue. He also admitted that although the parking arrangements on site were not ideal but that the proposed arrangements were an improvement on the existing situation.

Questions to the architect from Members related to security arrangements, the access to the building and if there was a pharmacy within the surgery.

The architect informed the Committee that the surgery and pharmacy would have a common shared entrance foyer and that the pharmacy would have a night hatch. He also confirmed that the surgery was fully accessible due to the installation of a lift. Further to this he added that historically there had previously been a pharmacy on the surgery site.

Further representations in support were received from the applicant, John McEvoy. He shared some of the reasons for the extensions and alterations to the building which included;

- That there had been no major investment in the building since the 1970s.
- That there was a movement across the NHS from treating patients in hospital to treating them within Community based care.
- That the larger building would give doctors space for non patient activities, such as training and telephone consultations.

Members asked a series of questions relating to the delivery of medicines to the site. It was noted that due to longer licensing hours that the surgery could time deliveries by request. It was suggested that there could be a possibility for two deliveries a day, but that due to the size of the proposed pharmacy that only one delivery was expected.

He confirmed that the pharmacy might offer deliveries to care homes if they requested prescriptions from there but that it would be probably be processed from another site.

In response to a question about an increase in staff, the applicant confirmed that there would be a greater number working in the building at certain times but that the increase in size of the surgery would allow for more patient services to be offered.

He also added that the opening hours of the building were longer to comply with their NHS contract, of 100 hours, to improve services to patients. Finally he informed Members that the pharmacy service could also be used in place of the Accident and Emergency Department, as the pharmacists would offer a reasonable level of medical advice and assistance. In response to a Member's question, it was also noted that the pharmacy would also sell products to the general public.

One Member shared concerns with the Committee about the level and safety of traffic accessing the surgery and asked whether the Council's Highways Officers had assessed the traffic levels.

Officers confirmed that an assessment in relation to traffic generated by the Health Centre and pharmacy had been carried out and that it was considered to constitute a highway danger.

Some Members expressed concerns that the Health Centre parking arrangements depended on a voluntary agreement with the Sports Club which was some distance away from the site and that they had concerns about the longer opening hours. They also suggested that the times of proposed operation be amended from 8 am to 9pm to not disturb residential amenity.

Further discussion ensued about the proposed pharmacy's detrimental effect on other pharmacies in the area, and whether there would be sufficient and viable parking provision.

Some Members felt that there was the potential for conflict to arise over a voluntary parking agreement rather than an established area for parking. Officers also reminded the Committee that competition was not a planning consideration.



Councillor King moved the motion for the application to be deferred in order for contractual parking arrangements to be arranged and agreed with the Sports and Social Club for off site parking for health centre staff, and for more information to be provided regarding the NHS 100 hour contract for pharmacy operation times, in order to see if there was a potential to reduce the hours of operation. Councillor Douglas seconded this motion.

RESOLVED: That the application be deferred.

REASON: To enable officers to address Members concerns on parking and operation times of the proposed pharmacy prior to a decision being made.

**37e Land Adjacent To 5 South Lane, Haxby, York  
(12/03238/FUL)**

Members considered a full application from Mrs Toni Grainger for four no. terraced dwellings (resubmission).

In their update to Members, Officers stated that a revised plan had been received from the applicant.

Representations in support of the application were received from Jim Burns, the applicant's agent. The agent informed Members about the revisions that had taken place following October 2011 when the application was refused by the Committee. He highlighted that;

- The rear windows of the properties were of an oriel design, with views in only one direction away from the adjacent gardens.
- The distance between the development and Wren Cottage opposite had increased and the planting of shrubs would soften the view from the cottage.
- That the present access to the development would be safe as it was a one way system and traffic would be slow.
- That the development would fit appropriately into the streetscene.
- That the sheds at the back would be of a suitable size to be able to store two bikes.

Further representations were received from the Ward Member, Councillor Richardson. He felt that the scale of the drawings showed the detrimental effect that the development would have on neighbouring properties.

In particular he mentioned that the visual amenity of Wren Cottage would be adversely affected due to loss of light and outlook.

He also questioned the suitability of having four car parking spaces for the development and suggested that obstructions could occur, as all residents of existing properties and the new development would have a right to park on both South Lane and York Road.

Councillor King moved the Officer's recommendation of approval and Councillor Funnell seconded this.

**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;
- Visual impact and design;
- Neighbour amenity;
- Bin/cycle storage and car parking; and
- Drainage

As such the proposal complies with Policies GP1, GP10, HE2, H4A, T4, and L1c of the City of York Development Control Local Plan.

**37f 62 Tranby Avenue, Osbaldwick, York. YO10 3NJ  
(12/03400/FUL)**

Members considered a full application by Mr Denis Fletcher for a change of use from dwelling house (Use Class C3) to house in multiple occupation (HMO) (Use Class C4).

In their update to Members Officers reported that they had received comments from Osbaldwick Parish Council in relation to the application.

They felt that if the application was approved then the percentage of HMO's in the area would breach the thresholds in the Council's Supplementary Planning Document regulations. They also felt that the Council's current records for HMO's in the area needed to be updated.

Concerns were raised that a nearby property at 53 Tranby Avenue had been identified as a HMO and had not been entered into the Council's database.

Officers responded that 53 Tranby Avenue was the subject of an application for a Certificate of Lawful Use which had yet to be determined and advised Members that it should not be taken into consideration by Members when making their decision. They stated that they were happy to receive up to date information on properties that were not registered as HMOs, but advised that the process of recording numbers of properties should be separated from making a decision on a planning application.

Representations in support of the application were received from the applicant's agent, Mark Newby. He explained that the house had been purchased in order for the owner's son and his friends to live there. It was also reported that the applicant was happy for a condition to be added to planning permission to restrict the construction of future building extensions.

In response to a question raised by a Member about whether a condition could be attached to restrict the purpose of the property for certain inhabitants, Officers stated that this would not be an appropriate use of planning conditions.

Some Members maintained that the Council's Supplementary Planning Document was helping to control the concentration of HMO's in the area.

Councillor Funnell moved a motion to approve the application, as per the Officer's recommendation. Councillor Douglas seconded the motion. Councillor Warters requested that his vote against approval be recorded.

**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 residential amenity and the impact on the character and appearance of the area. As such the proposal complies with Policy H8 of the City of York Development Control Local Plan, and the Council's Supplementary Planning Document: 'Controlling the concentration of Houses in Multiple Occupancy' (2012).

**37g 29 Sandringham Close, Haxby, York. YO32 3GL  
(12/03138/FUL)**

Members considered a full application submitted by Mr P Brown for a single storey rear extension with replacement attached garage to side (resubmission).

Representations in objection were received from an adjacent neighbour, Mrs Muriel Brown. She felt that the application should be refused due to the proximity of the extension to her property and also that the building would block out natural light from her kitchen. She felt that there had been too few changes from the original application that was submitted.

Further representations were received from the Ward Member, Councillor Richardson. He felt that the main issue for Members to consider was the intrusion that the extension and garage would cause on to Mrs Brown's property. He added that the applicant had intended to move the wall of the building away from the boundary with Mrs Brown's property, but that the wall was located directly on the boundary. He also considered that the design of the extension would have a detrimental impact on the streetscene.

For clarification, Officers confirmed that the drawings clearly indicated that the extension would be located approximately 1 metre from the boundary.

Councillor Watson moved a motion to refuse the application as the extent of the proposed building work had not moved a sufficient distance away from the adjacent property, that it would over dominate the property and that the neighbour would suffer a loss of light as a result of this. Councillor Warters seconded this motion.

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

REASON: It is considered that the proposed extension by virtue of its height scale and proximity to the side boundary with 31 Sandringham Close would result in a significant loss of light to the side of the adjacent property which contain a number of window openings, and would over dominate the side elevation of that bungalow. The proposal would therefore have a detrimental impact upon the living conditions of the adjacent resident, contrary to the provisions of Council's Development Control Local Plan policy H7, which requires, inter alia, there to be no adverse effect on the amenity which neighbouring residents could reasonably expect to enjoy.

### **38. APPEALS PERFORMANCE**

Members considered a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1 April to 31 October 2012 and provided them with a summary of the salient points from the appeals determined.

RESOLVED: That the application be noted.

REASON: To inform Members of the current position in relation to planning appeals against the Council's decisions as determined by the Planning Inspectorate, over the last 6 months and year.

Councillor J Galvin, Chair  
[The meeting started at 2.05 pm and finished at 5.05 pm].