
MEETING	East Area Planning Sub-Committee
DATE	15 June 2006
PRESENT	Councillors Moore (Chair), Hyman (Vice-Chair), Cuthbertson, D'Agorne, King, Greenwood, Smallwood, Vassie, M Waudby and B Watson
APOLOGIES	Councillors Hall

1. Inspection of Sites

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
Newsham House, Holtby	Cllrs Greenwood, Hyman, Moore, Vassie and B Watson.	Requested by Members.
Dunnington Water Tower	Cllrs Greenwood, Hyman, Moore, Vassie and B Watson.	Requested by Local Member.
St Oswald's School, Fulford	Cllrs Greenwood, Hyman, Moore, Vassie and B Watson.	Retrospective Planning Application and following receipt of objections.

2. Declarations of Interest

The Chair invited Members to declare any personal or prejudicial interest which they had in any of the business on the agenda.

Cllr Cuthbertson declared a personal non-prejudicial interest in Plans Items 5 c) and d) (Thornlea, 23 The Village, Wigginton) as an employee of Wigginton Parish Council.

3. Minutes

RESOLVED: That the minutes of the Sub-Committee held on 11 May 2006 be approved and signed by the Chair as a correct record.

4. Public Participation

It was noted that there were no registrations to speak under the public participation scheme.

5. 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.

5a) Water Tower, Church Balk, Dunnington (06/0894/FUL)

Members considered a Full Application, submitted by Mr and Mrs T Briggs, for two storey pitched roof side extensions (revised scheme).

Representations in support were received from the applicants agent who indicated that the proposal was a small scale extension to an existing dwelling in the Green Belt. He indicated that he was using the guide in Green Belt Policy GB4 which stated that an extension of up to 25% in size of the original dwelling was acceptable.

Officers pointed out that the key issue was the starting point for the extension which Officers considered was the original water tower building, as did the Inspector when he dismissed an appeal in May 2005. In relation to the status of policies it was confirmed that Planning Policy Guidance Note 2 (Green Belts) took precedence over the draft Local Plan.

Members indicated that, following the site visit, they felt that there were special circumstances in this case with accommodation problems at the property. They felt that any approval would not set a precedent and that there would be no harm to the visual amenity of the area.

RESOLVED: That the Application be approved subject to the imposition of the following conditions and informative

1 The development shall be begun not later than the expiration of the 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.

2 The materials to be used externally shall match those of the existing buildings in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

3 The development hereby permitted shall be carried out only in accordance with the following plans:-

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

4 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme 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: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

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 openness of the Greenbelt and the appearance of the dwelling. As such the proposal complies with policy GB1 and GB4 of the City of York Local Plan Deposit Draft.

5b) Newsham House, Main Street, Holtby (06/0452/FULM)

Members considered a Major Full Application (13 weeks), submitted by Chris England, for the change of use of agricultural buildings to workshop (B2 use)/Storage (B8 use) including external alterations (part retrospective).

Officer updated that the applicants agent had provided details of the crime prevention measures that were being considered for the site and that the Safer York Partnership welcomed the proposals and had no objections. It was reported that no additional comments had been received from the Parish Council.

Members commented that the parking provision proposed on the site appeared to far exceed the Highways requirements and questioned whether the number of spaces required could be conditioned. Concerns were also raised regarding possible workshop use of the site and the noise that could be generated.

RESOLVED: That the Application be approved subject to the conditions listed in the report, and with the following amended and additional conditions and informative:

1. Notwithstanding the plans submitted with the application, details of the proposed actual car parking provision for the development shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this planning consent, and implemented in

accordance with these approved details within one month of the approval in writing by the Local Planning Authority. Thereafter such areas shall be retained solely for such purposes. The details submitted shall be in accordance with the Council's maximum Car Parking Standards.

Reason: In the interests of highway safety.

2. Details of all machinery, plant and equipment to be installed in or located on the development hereby approved, that is audible at any noise sensitive location (i.e. bedroom, living room or outdoor amenity area), shall be submitted to the Local Planning Authority for approval. These details shall include maximum sound levels (LA_{max}(f)) and average sound levels (LA_{eq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with prior written approval of the Local Planning Authority. The machinery, plant and equipment and any approved noise mitigation measures shall be fully implemented and operational before the associated use first is put into beneficial use and shall be appropriately maintained thereafter.

Reason: To protect the amenity of local residents.

INFORMATIVE

The applicant also be advised that the best practical means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times to minimise noise emissions. The work shall be carried out in such a manner so as to comply with BS 5228, Noise and Vibration Control on Construction and Open Sites. All plant and machinery shall be operated, sited and maintained to minimise disturbance. All reasonable measures shall be employed in order to control and minimise dust emissions. Any asbestos containing materials shall be removed by licenced contractors to a licensed disposal site. There shall be no bonfires on site. For any further advice on these issues please contact the Environmental Protection Unit on 01904 551570.

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 effect on the York Green Belt, visual amenity, sustainable development, residential amenity and highways issues. As such the proposal complies with Central Government Guidance, in particular PPG2: Green Belts and PPS7: Sustainable Development in Rural Areas, Policies E8, E8a and E9 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies SP2, GB1, GB3, GB11, GP1, GP4a, GP6 and T4 of the City of York Draft Local Plan.

5c) Thornlea, 23 The Village, Wigginton (06/00514/OUTM)

Members considered a Major Outline Application (13 weeks), submitted by McCarthy and Stone (Devs) Ltd, for the erection of 6 no. townhouses and 4 no. semi detached dwellings at 23-31 The Village (siting and means of access for consideration).

Officers updated that Highways were satisfied with the proposed access to the site which was the same as that indicated on the original scheme. They also confirmed that the density of the development was 35 dwellings to the hectare. Reference was also made to the submission from Wigginton Parochial Church Council giving their observations on the proposal which had been circulated to Members.

Local Members expressed concern at the update from Highways as the proposed access was a bridleway which was too narrow to accommodate two way traffic and pedestrians.

Representations were received from the Chair of Governors of Wigginton Primary School, strongly objecting to the development mainly on access grounds.

Representations were received in objection from a neighbour on behalf of a number of local residents, relating to the 3 storey development being out of keeping and dominating the street scene, traffic use of Back Lane with dangers to pedestrians and removal of trees and loss of open space.

Representation were also received in objection from a representative of Wigginton Parish Council who confirmed that many of their points had already been raised but their main concerns related to the domination of the scheme on the street scene and concerns regarding the traffic issues.

RESOLVED: That the Application be refused.

REASON: 1. The proposal, by virtue of the scale, massing, bulk, overall height of the building, and access and layout of the site is considered to be out of character with, and detrimental to the appearance of The Village, and hence contrary to policies GP1, GP10 and H4a of the draft City of York Local Plan (incorporating the 4th set of changes), and the aims of PPS1 and PPS3.

2 Insufficient information has been submitted to show how the site will be properly drained so as not to overload Westfield Beck. This is contrary to the requirements Draft local plan policy GP15a (incorporating the 4th set of changes) and the aims of PPG25

3 In the absence of detailed plans showing how the access will be laid out and constructed it is considered that the access to the site can not accommodate the additional level of traffic proposed without detriment to the safety of pedestrians and other bridleway traffic and without detriment to the free flow of traffic. This is contrary to the aims of PPG13.

5d) Thornlea, 23 The Village, Wigginton (06/00516/OUTM)

Members considered a Major Outline Application (13 weeks), submitted by McCarthy and Stone (Devs) Ltd, for the erection of a two and three storey block of 15 no. apartments (siting and means of access for consideration).

Officers updated that Highways had previously indicated that the detail submitted was not adequate to approve the means of access but that

following receipt of further details they were now satisfied with the proposed access to the site. They also confirmed that the density of the development was 52 dwellings to the hectare. Reference was also made to the submission from Wigginton Parochial Church Council giving their observations on the proposal which had been circulated to Members.

Representations in objection were received from the Chair of Governors of Wigginton Primary School, a neighbour and a representative of Wigginton Parish Council who reiterated their concerns as for the previous application for this site.

RESOLVED: That the Application be refused.

REASON: 1 The proposal, by virtue of the absence of any offer of affordable housing, is contrary to the aims of PPG3 and Policy H2a of the Draft City of York Local Plan (incorporating the 4th set of changes).

2 The proposal, by virtue of the scale, massing, bulk, overall height of the building, and access and layout of the site is considered to be out of character with, and detrimental to the appearance of The Village, and hence contrary to Policies GP1, GP10 and H4a of the Draft City of York Local Plan (incorporating the 4th set of changes), and the aims of PPS1 and PPG3.

3 In the absence of plans showing how the access will be laid out and constructed it is considered that the access to the site can not accommodate the additional level of traffic proposed without detriment to the safety of pedestrians and other bridleway traffic and without detriment to the free flow of traffic. This is contrary to the aims of PPG3.

5e) Airfield Business Park, Elvington (06/0589/FULM)

Members considered a Major Full Application (13 weeks), submitted by Wm Birch and Sons Ltd, for the erection of 6 no. business units and associated servicing areas.

Officers updated that this application had been withdrawn by the applicant prior to the meeting.

5f) 21 The Copper Beeches, Dunnington (06/0698/FUL)

Members considered a Full Application, submitted by Mr and Mrs Flack, for a flat roof dormer to the rear and pitched roof to existing flat roof to rear extension (resubmission).

Representations were received in objection to the application from a neighbour whose dwelling backed onto the site, and who indicated that the scale and design of the extension was not in keeping with the property, that it would set a precedent, spoil the character of the area and affect the amenities of his property.

Representations in support were received from the applicant who confirmed that this resubmission reduced the size of the dormer and he felt that it met previous objections.

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 above, would not cause undue harm to interests of acknowledged importance, with particular reference to its impact on design and appearance in the street scene, impact on the design of the bungalow and impact on neighbours. As such the proposal complies with Policies H7 and GP1 of the City of York Local Plan Deposit Draft.

5g) 15 Murton Way, Osbaldwick (06/00010/FUL)

Members considered a Full Application, submitted by the Executors of Mrs L Cook, for the erection of 2 detached dwellings adjacent to 15 Murton Way, Osbaldwick.

Officers updated that the parking space on Plot 1 had been increased in size, that the property on Plot 2 had been handed and that the Holly tree was to be retained at the front of the site. It was also reported that Highways now had no objections to the proposal subject to a number of conditions.

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 Osbaldwick Conservation Area and the amenity of neighbours. As such the proposal complies with Policies GP1 and GP10 of the City of York Draft Local Plan.

5h) St Oswald's C of E Primary School, Fulford (06/0784/FUL)

Members considered a Full Application, submitted by Sewell Education for external and car park lighting.

Officers updated that part of this Private Finance Initiative (PFI) scheme was seeking retrospective planning permission for the lighting. It was reported that two additional letters of objection had been received from neighbours reiterating previous objections relating to concern regarding the bulk head lights which were on all night, there were too many lights and they felt that no light should escape from the premises. In answer to questions Officers confirmed that the floodlights were surrounded by streetlights and that they were directed rather than shrouded.

Representations were received in objection to the application from a neighbour who referred to the lights as excessive, wasteful and intrusive for immediate neighbours.

Representations were received in support of the application from the Architect for the scheme who confirmed that time clocks had been installed which turned the lights in the car park and bollards off at 10pm.

Members questioned the possibility of the caretaker being able to over ride the time clock when necessary or the possibility of removing a number of the bulkhead lights.

RESOLVED: That further consideration of this application be deferred to the next meeting of the Sub-Committee to allow the Officers to obtain further information from the electrical consultant regarding the lighting scheme for the site for incorporation into the report;

REASON: To gain additional information to assist Members in reducing the impact on the amenity of neighbouring residents and to give Members full knowledge of the scheme prior to making a decision.

5i) 26 Hopgrove Lane South, Stockton on Forest (06/0912/FUL)

At this point Councillor Cuthbertson left the meeting.

Members considered a Full Application, submitted by Ashley Woods for the variation of condition 3 of planning permission 05/00452/FUL to extend the opening hours at 26 Hopgrove Lane.

Officers updated that further representations had been received from the Parish Council who objected to the proposed trading hours and possible traffic problems which could arise but they felt that there was room for compromise. Reference was also made to a letter of explanation received from the applicant, in support of the application which had been circulated to Members.

Representations were received in objection to the application from a neighbour who reported neighbours objections to the proposal and made reference to errors in the report relating to the owners accommodation on site and the comments of Environmental Protection. Objections were raised in relation to safety issues; the rural nature of the site, increased parking that would be required and late night opening.

Members referred to objections relating to use of the premises after the proposed 6pm closing times and possible use on Sundays by models for training purposes. Officers confirmed that enforcement action could be taken in such cases.

RESOLVED: That the Application be refused.

REASON: The proposal to extend the hours of opening to members of the public would detract from the amenities of the occupiers of residential properties, in this predominately residential area. This is considered to conflict with advice on protecting amenity in Policy GP1 Design of the City of York Draft Local Plan Incorporating the 4th Set of Changes (Approved April 2005) and in 'The Planning System: General Principles' document, published alongside PPS1: Delivering Sustainable Development”.

5j) 21 Lamel Street (06/00869/OUT)

Members considered an Outline Application, submitted by Mr C England, for the erection of 3 no. dwellings after demolition of extensions and garage of existing dwelling.

Officer updated that this application required deferment to the next meeting to allow further consultation to take place with residents on revised plans.

RESOLVED: That further consideration of this application be deferred to the July meeting of the Sub-Committee to allow consultation on revised plans to take place.

CLLR R MOORE, Chair

The meeting started at 2.00 pm and finished at 5.15 pm.