
MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	12 JULY 2012
PRESENT	COUNCILLORS WATSON (CHAIR), FUNNELL, GALVIN, GILLIES (VICE-CHAIR), JEFFRIES, LOOKER, ORRELL, REID AND SEMLYEN

6. INSPECTION OF SITES

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
10 Bankside Close, Upper Poppleton	Councillor Watson	As objections has been received and the officer recommendation was to approve.

7. DECLARATIONS OF INTEREST

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

8. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That members of the press and public be excluded from the meeting during consideration of Annex A to agenda item 6 (Enforcement Cases Update) (Minute 11 refers) 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.

9. MINUTES

RESOLVED: That consideration of the minutes of the last meeting of the West and City Centre Area Planning Sub Committee held on 14 June be deferred until the next meeting of the committee.

10. 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.

11. 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.

11a 10 Bankside Close, Upper Poppleton, York, YO26 6LH (12/00921/FUL)

Members considered a full application from Mr Mark Harris for the erection of a two storey detached dwelling and detached garage (revised scheme)

Officer provided an update. They advised Members that the two storey side extension to the host dwelling had been removed from the application.

They reported that the Flood Risk Team had commented on the revised proposals for the surface water drainage (submitted 27 June 2012), they objected to the scheme on the grounds of insufficient information but considered that this could be

overcome by an additional condition which would replace Condition 8 (DRAIN1). Officers also suggested that condition HT1 (7.1metres) is included.

They reported that two representations had been received from Upper Poppleton Parish council in objection to the revised scheme which raised the following concerns:

- Proposed development is an over development of a green space in a quiet residential area
- Original objections still stand
- Restrictive covenant on the building preventing further dwellings to be built within the original plots
- Drainage would be inadequate, Yorkshire Water have adopted the a drain and the applicant is proposing to build over this sewer
- Agree with the neighbours objections to the scheme

Two further objections had also been received from neighbours raising following concerns:

- Similar development was refused at 13 Bankside Close, 04/02272/FUL, decision sets a precedent.
- Application sets a precedent for further development
- The front and west elevation of the proposed dwelling is larger than the refused, the two storey extension has been removed, the application should be refused on the same grounds
- The proposed dwelling has a larger front elevation than the other dwellings within Bankside Close
- Contrary to Policies GP1, GP9 and GP10 and Guideline 4, 11, 12, and 16 of the Poppleton Village Design Statement
- Changes the nature of the gaps between the buildings in Bankside Close, loose the symmetry of the gaps
- The outlook to the north of Bankside Close would alter
- The footprint of the new dwelling has reduced, however it remains larger that the host property, not a similar scale to the host dwelling
- The loss of the green space from the proposed dwelling and garage, the green space is a link between the Main Street green space and the Bankside green space, Bankside green is currently visited by owls and other wildlife, breaking this link will result in a loss of amenity to the area

- The depth of the proposed garage is excessive when viewed in the context of the surrounding properties; no other garage in the area has the same door arrangement
- No other building in Bankside Close has the same level of off street parking (4 spaces) as proposed for the proposed dwelling
- The host dwelling currently has 4 off street parking spaces, the proposal will result in the dwelling having no garage provision, and every other dwelling in Bankside Close has a garage
- The majority of off street parking in Bankside Close is to the front of garages and to the side of the dwelling, to accommodate the proposed excessive parking provision requires the parking to be located in front of the new dwelling
- Will cause overlooking, loss of outlook, and a sense of enclosure to the dwellings on Riversvale Drive
- There is an adopted sewer running to the front of 10 Bankside Close, the proposed garage and attenuation tank will be located in the same place as the sewer. Legal agreement is required from Yorkshire Water regarding the sewer and may result in the surface water and the garage not being capable of construction. As such inappropriate to allow the current proposal
- Restrictive covenant on 10 Bankside Close stating “No building other than one dwellinghouse (or bungalow) with the usual out offices and garages shall be erected” on the land.

Officers confirmed that the applicant has agreed to the open space payment that is subject of Condition 3.

Representations were received from a local resident in objection to the application. He raised the following concerns:

- A restrictive covenant exists across all of the properties on Bankside Close. Specifically in relation to numbers, 6, 8 and 10, this states that no more than 1 dwelling house should be erected on each plot. This was established to protect local residents and preserve the unique character of the green and surrounding properties.
- Any decision taken by the committee could prejudice the rights of those protected by the restricted covenant.
- The applicant should have addressed the restrictive covenant before entering into the planning process and should have consulted with local residents.

Planning officers advised the speaker and committee members that the restrictive covenant was not a matter for members to take into account and that granting planning permission would not override any private property rights therefore did not affect the covenant in that respect.

A second local resident, a pensioner living on Riversvale Drive, had registered to speak at the meeting but due to family illness she was not able to attend. Councillor Healey read out a statement to the committee on her behalf which put forward the following points:

- Proposed house is a large building which has 4 windows that would look directly over her house and garden.
- Building would be south of her bungalow and because of its size, in the winter would reduce sunlight to her property.
- An application was previously refused for overlooking the gardens of 16, 17 and 18 Riversvale Drive from No 8 Bankside Close (08/00328/FUL) Reasons for refusal included the rear window causing overlooking and loss of privacy in the garden Distances between her property and proposed property are less than for application which was refused.

Representations were received from a third local resident in objection. He made the following points:

- The applicant has not consulted with residents as required by NPPF para 66.
- The garage design is unlike any other garage design with vehicle doors front and rear as well as front pedestrian doors. This is not consistent with the area. The width of the garage extends from boundary to boundary creating enclosure to the open link to Main Street.
- The garage is located above a public sewer and the surface water attenuation clashes with the sewer. Best practice is not to build over sewers .
- The new dwelling's garage is 34% bigger than existing garage and has 4 parking spaces and 2.7 times the size of the proposed garage to the host property, which has 2 parking spaces. This is huge and uncharacteristic with the existing provision for the area. Fails to meet GP1, GP10 and Village Design guidelines 11, 12, 16 and 17.
- New dwelling is bigger than existing dwelling and no 12 Bankside Close. It is also larger in front elevation than any

of surrounding dwellings and is built forward of the existing building line to the host building with overlooking issues in relation to the rear elevation.

- Applicant failed to provide further information on the drainage design required as part of the previous submission, and later added an attenuation tank..
- Flood Management Team still opposes proposal.
- Poor quality of design.

Representations were received from a fourth local resident who raised concerns regarding inconsistencies and/or omissions in the report. He expressed the following concerns:

- Massing and bulk (including scale) – house is bigger by 34% with regard to the frontage and side & rear elevations than that previous application which was refused.
- Overlooking – a previous application at no 8 Bankside Close was refused partly on the grounds of overlooking properties in Riversdale Drive.
- Gaps – the gap between the two properties (4.8m) is a large increase but still substantially smaller than existing symmetry between 6, 8 and 10 and is therefore inconsistent with the area. There is a door from no 10 onto the proposed narrow drive.
- Loss of green space, enclosure and effect on wildlife – loss of existing garden, width of house and paving reduces area of green space. Wildlife aspect and corridor to Main Street is not referred to in the report. Overspill parking and turning area reduced.
- Water drainage – insufficient evident that proposals can be achieved and do not deal adequately with observations in previous refusal.
- Garage – now enlarged and designed appears inconsistent with use as a garage – also 4 parking spaces.
- Residential amenity – submitted plans do not show trees to Main St side of property and the windows on that side of the property. Proximity of trees and shade produced leading to poor level of residential amenity was a reason for refusal of application at no 13.

Councillor Healey, Ward Member for Rural West York Ward asked Members to consider refusing the application for the following reasons:

- The proposed dwelling would impose a mass and density out of character with the close. Other properties in the

close have had applications refused for reasons of massing and density.

- Surface Water Sewer – Yorkshire Water objected due to insufficient details of how the applicant intends to deal with surface water. The use of an attenuation tank is not best practice.
- Recommend committee members undertake a site visit to put issues into context.

Officers advised the Committee that Yorkshire Water had not commented nor objected to the scheme but that an additional condition had been recommended by our Flood Risk Engineers. They explained that the foul sewer runs across the entire frontage including the land where the garage would be located. There is a possibility that Yorkshire Water may agree to a building over agreement or to diverting the sewer, but if not, the garage could not be built in current proposed position. However this could be looked at later in the process. They advised that there were different options for the attenuation tank and this was not seen as a problem. Members asked for confirmation of the path of the water course to Main Street.

Members agreed that due to the fact that only one member of the Committee had been able to attend the site visit, and that fact that there were a significant number of objections to this application, they did not feel in a position to make a decision at the meeting. They agreed to defer the application to allow a further site visit to take place.

RESOLVED: That consideration of this application be deferred until the next meeting of the Committee.

REASON: In order that Members are given a further opportunity to undertake a site visit before making a decision.

11b 10 Beech Grove, York, YO26 5LB (12/01810/FUL)

Members considered a full application from Mr and Mrs Whaley for a single storey rear extension.

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

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the effect on residential amenity and the impact on the streetscene. 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.

12. **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 this Sub-Committee.

RESOLVED: That the report be noted.

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

Councillor B Watson, Chair
[The meeting started at 2.00 pm and finished at 3.15 pm].