



**Notice of meeting of
East Area Planning Sub-Committee**

To: Councillors Wiseman (Chair), Douglas (Vice-Chair),
Firth, Fitzpatrick, Funnell, Hyman, King, McIlveen,
Warters and Watson

Date: Thursday, 10 November 2011

Time: 2.00 pm

Venue: The Guildhall, York

AGENDA

1. Declarations of Interest

At this point Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

2. Minutes (Pages 3 - 36)

To approve and sign the minutes of the meetings of the Sub-Committee held on 8 September 2011 and 13 October 2011.

3. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is **Wednesday 9 November 2011 at 5.00 pm**.

4. Plans List

To determine the following planning applications related to the East Area.

**a) 1 Meam Close Osbaldwick York YO10 (Pages 38 - 46)
3JH (11/02371/FUL)**

This full application is for the erection of a first floor extension above an existing attached converted garage on the side elevation which is attached to the garage of the adjacent dwelling at 3 Meam Close.

The application has been called in for consideration by the Committee by Councillor Warters on the following issues;

- Over development of the site
- Parking Issues related to the proposal
- Impact on neighbour amenity
- Drainage/sewerage concerns

[Osbaldwick] **[Site Visit]**

**b) 45 Swarthdale Haxby York YO32 3NZ (Pages 47 - 52)
(11/02447/FUL)**

This full and retrospective application is for the retention of a detached summer house in the rear garden.

This application has been brought before East Area Planning Sub-Committee due to the concerns by Councillor Richardson regarding the impact on the occupiers of 3 Keldale. [Haxby and Wigginton] **[Site Visit]**

5. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972

6.

Democracy Officer:

Name- Judith Betts

Telephone – 01904 551078

E-mail- judith.betts@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting

- Registering to speak
- Business of the meeting
- Any special arrangements
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Further information about what's being discussed at this meeting

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Scrutiny Committees

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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City of York Council

Committee Minutes

MEETING EAST AREA PLANNING SUB-COMMITTEE

DATE 8 SEPTEMBER 2011

PRESENT COUNCILLORS WISEMAN (CHAIR),
DOUGLAS (VICE-CHAIR), KING,
FITZPATRICK, FUNNELL, MCILVEEN,
WATSON, HYMAN AND WARTERS

APOLOGIES COUNCILLOR FIRTH

Site	Attended by	Reason for Visit
The Laurels, Brecks Lane, Strensall, York YO32 5UZ	Cllrs Douglas, Fitzpatrick, Hyman, McIlveen, Warters and Wiseman	To familiarise Members with the site as the application had been called in by the Ward Member.
168 New Lane, Huntington, York YO32 9ND	Cllrs Douglas, Fitzpatrick, Hyman, McIlveen, Warters, Watson and Wiseman.	To familiarise Members with the site.
279 Huntington Road, York YO30 9BR	Cllrs Douglas, Fitzpatrick, Hyman, McIlveen, Warters, Watson and Wiseman.	As the site had previously been considered by the Committee, but that significant amendments had been made to the previous application.
34 Eastward Avenue, York YO10 4LZ	Cllrs Douglas, Fitzpatrick, Hyman, McIlveen, Warters, Watson and Wiseman.	As a previous application on the site had been determined by the Committee.
Bonneycroft, 22 Princess Road, Strensall, York YO32 5UD	Cllrs Douglas, Fitzpatrick, Hyman, McIlveen, Warters, Watson and Wiseman.	As a previous application on the site had been determined by the Committee.

111 Newland Park Drive, York. YO10 3HR	Cllrs Barnes, Douglas, Fitzpatrick, Hyman, McIlveen, Warters and Watson.	This site was not visited as the application was withdrawn before the meeting.
Kent Street Coach Park, Kent Street, York.	Cllrs Douglas, Fitzpatrick, Hyman, McIlveen, Warters, Watson and Wiseman.	To familiarise Members with the site.

15. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal or prejudicial interests they had in the business on the agenda.

Councillor Hyman declared a personal non prejudicial interest in Agenda Item 4d (279 Huntington Road) as he had spoken to one of the registered speakers in objection, but had not expressed an interest.

Councillors Douglas, Funnell and Hyman all declared personal and non prejudicial interests in Agenda Item 4m (Kent Street Coach Park) as past Council representatives on the Fire Authority.

Councillor King declared a personal and prejudicial interest in Agenda Item 4m (Kent Street Coach Park) as the Council's representative on the Fire Authority. He left the room and took no part in the discussion of the item.

No other interests were declared.

16. MINUTES

RESOLVED: That the minutes of the East Area Planning Sub-Committee held on 11 August be approved and signed by the Chair as a correct record.

17. 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.

18. 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.

18a Vue Cinema, Stirling Road, York. YO30 4XY (11/00516/FUL)

Members considered a full application from Derby Property Investments for a single storey restaurant on land within the Vue Cinema car park at Clifton Moor.

In their update to Members, Officers spoke about drainage and the potential percentage of car parking spaces being used by customers of the restaurant. In relation to drainage, it was reported that some work might have to be carried out to connect the restaurant to the main drain. Officers identified an error in their report, which gave a percentage of parking demand for both the proposed hotel and the proposed restaurant. The application for the hotel was determined at the meeting of the Committee in August.

Officers reported that they had received representations from the owners of an adjacent public house, who spoke about how the proposed facility would reduce the number of parking spaces on the site for other businesses and therefore might lead to customers parking off site, or taking their custom elsewhere.

Representations were received from the applicant's agent he felt that there would be a sufficient number of parking spaces, that the impact on the character of the area would be minimal as the design of the restaurant would be similar to an existing restaurant nearby. He also stated how he felt that application was consistent with government policy in that it was sustainable and could create jobs.

Members asked the agent questions about transportation to the restaurant, particularly about cycle provision. Some Members felt that it would be beneficial for a joint cycle/motorcycle area to be placed adjacent to the restaurant.

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 principle of development;
- Residential amenity;
- Visual impact;
- Highways and car parking;
- Sustainability;
- Drainage; and
- Contaminated land

As such the proposal complies with national planning advice contained with Planning Policy Statement 4 "Planning for Sustainable Economic Growth" and Policies SP6, SP7a, GP1, GP4a, T4, T7c, and S6 of the City of York Development Control Local Plan.

**18b The Laurels, Brecks Lane, Strensall, York. YO32 5UZ
(11/00676/FUL)**

Members considered a full application by Mr D Gath for the erection of 8 two storey dwellings with gardens and associated garages with new access to Brecks Lane, following the demolition of an existing bungalow.

Representations in objection were received from a next door neighbour. He stated that he felt that the revised drawings submitted by the applicant were not suitable, that the height of houses proposed would be out of kilter with other properties in the vicinity and that that residents felt that the development would not fit in.

Representations in support were received from the agent for the applicant. He informed the Committee that foul water would be displaced to an adopted water sewer in Littlethorpe Close, and

that the pipe was deemed to be capable of taking this additional water. In relation to the impact on adjacent properties, in particular plot 5, the agent said that there had been a change in level of 500 mm which reduced the aspect from number 15 Littlethorpe Close of the properties. Finally he stated that he felt that the density of development was consistent with the vicinity.

Representations were received from a member of Strensall with Towthorpe Parish Council. He spoke about how he felt that the loss of amenity to neighbouring properties would be restricted to half of the site, but remained concerned about surface water. In relation to the roadway that was proposed, he highlighted that a footpath alongside the road did not exist and that problems could arise with cars parking on Brecks Lane, which would lead to blocking the access for both residents and refuse vehicles.

Representations were received from Councillor Doughty, the Ward Member. He stated that he was in agreement with local residents, in that the proposal constituted overdevelopment and that the buildings would be overbearing. He added that the proposals relating to properties 5-8 could breach policy on scale and mass and stated that the Local Planning Authority could now determine density on application sites, and suggested that Members should take into account the density of the surrounding area when making their decision.

Officers from the Environmental Protection Unit attended the meeting, and answered questions from Members relating to contamination (the application site was on a former landfill site) and to foul water.

Officers reported that a condition would be attached to planning permission, for a remediation scheme to cover any work that needed to be done in order to decontaminate the site. In relation to the dispersal of foul water, it was reported that the public sewer did have capacity to take the water, but that not all of the pipe was owned by the water company. As such, the drains connected to the properties would be private.

During their debate, Members felt that they could support the application if a footpath was built to access the properties, that permitted development rights for extensions be removed and if a condition be added for landscaping to mitigate privacy issues.

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 the residential amenity of the neighbours, the visual amenity of the dwellings, and the locality, and highway safety. As such, the proposal complies with policies GP1, GP10, H4a, ED4 and L1c of the City of York Council Development Control Local Plan (2005); national planning guidance contained in Planning Policy Statement 1 "Delivering Sustainable Development" and Planning Policy Statement 3 "Housing".

18c 168 New Lane, Huntington, York YO32 9ND (11/01503/FUL)

Members considered a full application from Mr Mick Wood for a single and two storey side extensions and porch to the front of the property.

Some Members suggested that if approved, a condition should be added to planning permission to not allow for the extension to be 2.5 metres over the neighbouring property's boundary.

RESOLVED: That the application be approved.

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 the impact on neighbours' living conditions and the appearance of 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.

18d 279 Huntington Road, York YO30 9BR (11/01652/FUL)

Members considered a full application by Mr and Mrs G Cammidge for the erection of 5 terraced dwellings with associated access following the demolition of 279 Huntington Road.

In their update to Members, Officers reported that the Parish Council had raised no objections to the application.

Representations were received from a next door neighbour in objection. She felt that the proposal constituted overdevelopment on the site and that a previous application that had been granted had been on a larger site. She also raised safety concerns, in that the development would lead to the creation of an additional road junction, which she felt would be dangerous as it was on a cycle route and close to a bus stop. She felt that the application should be refused due to an increase in noise, a lack of privacy for adjacent neighbours, and the possible dangers of entering and exiting the site.

Representations in support were received from the agent for the applicant. He outlined the changes that had been made following the previous application on the site that had been considered by the Committee in April. He stated that elevational design had been altered due to Members' comments.

It was noted that the reason for refusal of the application in April was due to a change in government policy, not on design grounds.

Members suggested that a condition be added to amend the design of the properties so that windows would be added in the sloping roof space.

RESOLVED: That the application be approved subject to the conditions listed in the Officer's report and the following additional conditions;

6. Notwithstanding the details shown on the approved drawings details of all means of enclosure to the site boundaries including adjacent to 275, 277, 279a and 281 Huntington Road shall be submitted to and approved in writing 11/01652/FUL Page 3 of

14 by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

Reason: In the interests of the visual amenities and security of the area.

7. 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.

8. Details of the proposed entrance gates shown on drawing 10:03:02 rev K dated 08/01/10 shall be submitted to and agreed in writing with the Local Planning Authority. The gates shall be erected in accordance with the agreed details prior to the occupation of the dwellings and the gates shall be maintained in a fully efficient working order unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to provide a secure environment for future occupiers and occupiers of adjacent dwellings.

9. Prior to the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in

accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the egress of water and loose material onto the public highway and minimise flood risk.

13. No part of the site shall come into use until the turning areas have been provided in accordance with the approved plans. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To enable vehicles to enter and leave the site in a forward gear thereby ensuring the safe and free passage of traffic on the public highway.

25. 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.

Reason: To protect the amenities of adjacent residents

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:

- impact on living conditions of adjacent occupiers

- impact on streetscene 11/01652/FUL Page 11 of 14

- impact on visual amenity
- quality of accommodation
- parking and highway safety
- sustainability
- drainage and flood risk
- wildlife and landscaping
- development potential of adjoining land
- security

As such the proposal complies with Policies GP1, GP4a, GP7, GP9, GP10, GP15a, NE2, NE1, NE7, H4a, H5a of the City of York Local Plan Deposit Draft.

18e 34 Eastward Avenue, York YO10 4LZ (11/02045/FUL)

Members considered a full application by Mr Ahmed Karbani for a two storey rear extension with balcony, two storey extension to front incorporating porch, alterations to roof, with gates, brick piers, wall and railings to the front.

In their update to Members, Officers stated they had received additional objections from the Parish Council and two adjoining neighbours stating that they felt that the porch was too large for the setting. Members asked questions about the size of the porch, in particular if the size was reduced if this would lead to approval.

Representations in objection were received from a local resident. She spoke about how she felt the proposed extension would be incongruous to the surrounding area, dominant and that a reduction in space for car parking could exacerbate parking problems.

Representations in support were received from the applicant. He spoke about how he felt that objections to the applicant were not related to the development and how there were a number of houses in the area of various designs. He stated how he felt that there would be no parking problems that could arise from the development on the site.

Representations were received from a member of Fulford Parish Council. He stated that the Parish Council supported the Officer's recommendation for refusal because they felt that the depth of the porch would extend past other similar porches in

neighbouring properties and that the design of the roof would have a detrimental impact on the visual amenity of the area.

Members highlighted that the porch had already been extended from the 2 metres applied for to 2.2 metres, and asked how the 2 metres length could be enforced, when foundations for 2.2 metres had already been dug. Officers stated that the applicants would be advised to cease work before developing and stated that it would be in the interest of the owners to comply with this.

RESOLVED: That the application be refused.

REASON: It is considered that the additional forward extension of the front porch would appear as an unduly prominent, incongruous and uncharacteristic addition which would be harmful to the appearance of the property and wider streetscene. Thus it is considered that the proposal would conflict with national planning advice in relation to design contained with Planning Policy Statement 1 "Delivering Sustainable Development", Policies GP1 and H7 of the City of York Development Control Local Plan (Fourth Set of Changes-April 2005) and the Council's Supplementary Planning Guidance "Guide to Alterations and Extensions to Private Dwelling Houses" (March 2001).

18f 9 Langsett Grove, York YO30 4DE (11/01708/FUL)

Members considered an application by Mr Martin Stoner for a two storey side extension with a conservatory to rear.

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 the streetscene and the effect on the amenity and living conditions of the neighbours. 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.

18g Bonneycroft, 22 Princess Road, Strensall, York YO32 5UD

Members considered an outline major application for a residential development of 10 dwellings.

In their update to Members, Officers reported that an objection had been received from the local MP who felt that the development would be out of character with the local area and asked for any extensions to be restricted to a height of two storeys. It was stated that the development would remove a number of protected trees, but that the Council's Tree Officer felt that the trees in question were of limited amenity. Officers also stated that if approved, that they recommended that a drainage condition be added to include a topographical survey and a maintenance plan.

Members asked several questions to Officers relating to the trees on site including; if the proposed trees would adequately screen the dwellings from the road and if Tree Protection Orders (TPO) could be placed on these. Officers suggested to Members, that it was practice to be cautious when listing trees as TPOs. Other Members asked questions regarding stipulations from Network Rail on the site's boundary being adjacent to a railway line and why there was no provision made for social housing on the site.

Representations in objection were received from a representative of the Campaign to Protect Rural England (CPRE). He stated that the CPRE objected to application due to the detrimental effect on the conservation area. He stated that to allow for the screening of the development that the undergrowth would have to be disturbed and that this could detrimentally affect all the trees.

Representations in objection were received from a local resident, he stated that he wished that the applicant would clarify the height properties and was concerns that the garage at plot number 5 in the development could unsettle the foundations of the trees in his garden.

Representations in support were received from the applicant's agent. He spoke about the density of the development on the site and stated that the national guidance was for 20 units per hectare, rather than the 10 proposed. He clarified that all the properties would have a height of two storeys apart from a terrace of three properties, facing on to Princess Road, which would be 2.5 storeys tall. He felt that there would be no adverse impact on the trees on the site because of the low density of the development, but stated that the applicant would plant new trees if the application was approved.

Representations were received from a member of Strensall with Towthorpe Parish Council. He wished for clarification on the height of the properties facing on to Princess Road, as the Officer's report had stated that they would be three storeys but the applicant had stated 2.5 storeys. The Officer stated that the reference in the report referred to accommodation possibly being designed on three floors, rather than three storeys. He also spoke about how there was a lack of amenity space at the back of the properties and that the Conservation Area extended on to the boundary of the site.

Representations were received from the Ward Member, Councillor Doughty. He felt that the placing of the gable end of the properties on to the railway side would appear awkwardly dominant. He also commented that because the rear elevations of the properties would now face Princess Road, that refuse bins would clearly be visible by neighbours. He also felt that the site could benefit from more greenery.

In response to their questions, Members were informed by Officers that a grass verge would be covered in tarmac to allow for a pedestrian crossing, and that they could not confirm how many trees would be lost from the site. In addition, it was reported that Officers were satisfied that the trees that had been picked for felling were easily replaceable.

Some Members felt that the application should be approved because the size of the development had reduced from previous applications and that it would be screened by existing trees.

Other Members commented on how they felt that there would be insufficient amenity space for three of the proposed properties, and that there would be a detrimental impact on the retained trees.

RESOLVED: That the application be refused.

- REASON: (i) The proposed terraced houses (units 8,9 and 10) would, by reason of their, height, massing and prominent location towards the front of the site, result in an incongruous form of development out of scale and character with the street scene and harmful to the setting of the adjacent conservation area. This harm would be exacerbated by the houses' main amenity space being located at the front of the site, which would be likely to result in the gardens being used for the storage and use of domestic paraphernalia typically associated with residential use (such as sheds, washing lines and play equipment) that could not reasonably be controlled by planning conditions. The application therefore contrary to national planning policy guidance PPS1 (Delivering Sustainable Development) and Planning Policy Statement 5 (Planning for the Historic Environment), and Policies GP1 (Design), GP10 (Subdivision of gardens and Infill Development) and HE2 (Development in Historic Locations) of the City of York Local Plan Deposit Draft.
- (ii) The development would be likely to result in the removal of a number of trees that significantly contribute to the visual amenity of the area and are subject to a Tree Preservation Order, without providing adequate compensatory replacement. The loss would be detrimental to the character and appearance of the street scene and the setting of the adjacent conservation area. The application is therefore contrary to policies NE1 (Trees, Woodlands and Hedgerows), HE2 (Development in Historic Locations) and GP10 (Subdivision of Gardens) of the City of York Draft Local Plan.
- (iii) The proposed layout would provide inadequate private amenity space for the

terraced houses at units 8, 9 and 10, with very limited space to the rear of the three storey family dwellings. The area to the front would be open, due to the street frontage location and the need to safeguard mature protected trees (which would limit natural daylight to this area). The development would not therefore provide an adequate standard of amenity for the prospective occupants so the application is contrary to policy GP1 (Design) of the City of York Draft Local Plan, which states that development proposals will be expected to, inter alia, provide and protect private, individual or communal amenity space for residential and commercial developments.

18h 10 Larchfield, York YO31 1JS (11/01928/FUL)

Members considered a full application by Ms Claire Wilson for a single storey rear extension on the rear elevation of a semi detached dormer bungalow.

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 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.

**18i 87 Newland Park Drive, York YO10 3HR (11/01957/FUL)
WITHDRAWN**

This application was withdrawn by the applicant before the meeting, and so was not considered by the Committee.

**18j 89 Newland Park Drive, York. YO10 3HR (11/01548/FUL)
WITHDRAWN**

This application was withdrawn by the applicant before the meeting, and so was not considered by the Committee.

18k 111 Newland Park Drive, York. YO10 3HR (11/01937/FUL)

Members considered a full application by Mr Colin Packer for a two storey side extension and single storey rear extension.

Representations were received from the Ward Member Councillor Barnes. He spoke about how a number of houses had applied for planning permission on Newland Park Drive within the past six months and that he felt that this property would be rented out to students. He stated that a number of local residents objected to the application because of overdevelopment and an increase in traffic due to a possible larger number in residents in one property.

During their discussion Members commented that they perceived that the extension was considerably higher than the neighbouring property, and that it was overdominant to the property at number 113. Other Members felt that number of properties with extensions had led to a terracing aspect on one side of Newland Park Drive, and that therefore the application should be refused.

RESOLVED: That the application be refused.

REASON: It is considered that the proposed extension, by virtue of its size and scale, would appear unduly oppressive and overbearing when viewed from the rear of the neighbouring property at 113 Newland Park Drive and would thus detract from the standard of amenity that the occupiers of this property could reasonably expect to enjoy. The proposal would, therefore, conflict with Policies GP1 (i) and H7 (d) of the City of York Draft Local Plan, and with the Council's Supplementary Planning Guidance "A Guide to Extensions and Alterations to Private Dwelling Houses" March 2001.

18l 41 Lea Way, Huntington, York YO32 9PE (11/02134/FUL)

Members considered an full application by Mr Russ Broadbent for a flat roof attached garage on the side of the property at 41 Lea Way.

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 the nearby neighbours and the impact on the street scene. As such the proposal complies with Policies GP1 "Design" and H7 "Residential Extensions" of the City of York Local Plan Deposit Draft and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

18m Kent Street Coach Park, Kent Street, York (11/01627/OUTM)

Members considered a major outline application by North Yorkshire Fire and Rescue for the erection of a fire station with training tower and associated facilities following demolition of a disused toilet block.

Councillor King urged Members to consider the application on purely planning grounds, before retiring from the table and taking no part in discussion.

Members asked Officers why the cut off time for training had changed from 18.00 to 21.00. In response it was reported that the time change was proposed to not preclude those on the evening shift from attending training sessions, and that daytime only training did not fit in with fire service operations.

Representations were received from the agent for the applicant. He spoke about how the application sought permission for the principle of development on the site. He added that the amenity of the residents were considered in the proposal as the applicants had consulted with the Environmental Protection Unit

(EPU). It was reported that specialised training would only take place twice a month and that sirens would only be used when fire engines could not exit the station, such as in heavy traffic.

Representations were received from the Ward Member, Councillor Taylor. He spoke about the archaeological significance of the site, and that the lack of comments from the Planning Panel did not mean that they gave tacit approval to the application. He also added that the noise from basic training would constitute an annoyance.

Members asked if traffic lights could turn to red to allow for traffic to not block fire engines when turning out of the station, so that they would not have to use sirens.

Officers responded that an informative relating to this could be added to planning permission, if the application was approved.

Members asked if there had been any complaints from other residential areas of the city that had a fire station in their area. Officers from EPU stated that there were not aware of any complaints.

RESOLVED: That the application be approved.

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 the development in principle, the impact on the amenity of surrounding occupants, the impact on the appearance of the area, flood risk, highway safety and archaeology. As such the proposal complies with Policies GP1, GP4, GP6, NE1, HE10, and T4 of the City of York Development Control Local Plan.

Informative: Highway management - In the interests of the amenity of surrounding occupants the fire service is asked to consult officers in highway network management in order to secure priority for fire tenders at the junction of Kent Street and Barbican Road, and Barbican Road/Paragon Street.

19. APPEALS PERFORMANCE AND DECISION SUMMARIES

Members received a report which informed Members of the Council's performance in relation to appeals determined by the Planning Inspectorate in the 3 month period up to 30 June 2011 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.

20. URGENT BUSINESS

The Committee were informed that a previous application that had been refused at the January meeting had now been approved on appeal.

Some Members commented that they had received comments from local residents about the application. Officers noted these comments and stated that they would pass these on to the Health and Safety Executive.

Cllr S Wiseman, Chair

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

MEETING EAST AREA PLANNING SUB-COMMITTEE

DATE 13 OCTOBER 2011

PRESENT COUNCILLORS WISEMAN (CHAIR),
DOUGLAS (VICE-CHAIR), FIRTH,
FITZPATRICK, FUNNELL, HYMAN, KING,
MCILVEEN, WARTERS AND WATSON

INSPECTION OF SITES

Site	Attended by	Reason for Visit
Newlands, Back Lane South, Wheldrake	Councillors Douglas, McIlveen, Watson and Wiseman	To familiarise Members with the site as the Officer's recommendation was for refusal.
22 Mill Lane, Wigginton	Councillors Douglas, McIlveen, Warters, Watson and Wiseman.	To re-familiarise Members with the site following approval of outline consent in July 2010.
Stray Garth Community Home	Councillors Douglas, McIlveen, Warters, Watson and Wiseman.	To re-familiarise Members with the site, as planning permission for a previous application had been granted on the site.
Park House Farm Caravan Site	Councillors Douglas, McIlveen, Watson and Wiseman.	To familiarise Members with the site as the Officer's recommendation was for refusal.

27 Bedale Avenue, Osbaldwick	Councillors Douglas, McIlveen, Watson and Wiseman.	To familiarise Members with the site and to appreciate the concerns of local residents.
24 Low Mill Close, Osbaldwick	Councillors Douglas, McIlveen, Warters, Watson and Wiseman.	To re-familiarise Members with the site following changes to the membership of the Committee.
Land adjacent to 5 South Lane, Haxby	Councillors Douglas, McIlveen, Warters, Watson and Wiseman.	To familiarise Members with the site.

21. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal or prejudicial interests that they might have in the business on the agenda.

Councillor Firth declared a personal non prejudicial interest in Agenda Item 4b) as the Ward Member and a Parish Councillor.

Councillor Hyman declared a personal non prejudicial interest in Agenda Item 4a) as the applicant was known to him and that he had corresponded with them last year, but did not comment on the application.

No other interests were declared.

22. 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 6 (Enforcement Cases Update) (Minute 30 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.

23. PUBLIC PARTICIPATION

It was reported that there had been one registration to speak under the Council's Public Participation Scheme on general issues within the remit of the Sub-Committee.

Matthew Laverack addressed the Committee in relation to the determination of planning applications under the scheme of delegation. He felt that a delegated decision should only be used on non-controversial applications with the agreement of all parties involved in the application. He felt that the system of delegated decision making was inconsistent, in breach of government legislation and that it should be reviewed.

24. 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.

24a Newlands, Back Lane South, Wheldrake. York, YO19 6DT. (10/01637/FUL).

Members considered a full application by Mr Simon Crowther for the demolition of an existing building and erection of a replacement dwelling on an extended footprint, including a substantial excavated basement area.

In their update to Members, Officers stated that one letter of support had been received since publication of the agenda. They also reported that the Council's Tree Officer had expressed concerns about the impact of the proposal, in

particular the basement, on the protected ash tree on the western boundary of the site.

Representations in support of the application were received from the applicant. She outlined that any suggested tree protection measures would be undertaken and that there would be no evidence of excavation following construction. She added that timber cladding would be used for the building due to its appropriate nature in the rural location.

Further representations in support of the application were received from a representative of Wheldrake Parish Council. He outlined the recent history of use of the building to the Committee. He stated that although the Parish Council had originally objected to a previous application on the site in February 2009, that they felt that the overall design of the proposed application was more suitable. He added an extension above ground would result in a lack of visual amenity and that if permission be given for the application, that a condition would be included for the protection of trees and hedges.

Questions from Members to Officers and the applicants related to the visual impact of the replacement dwelling, and the very special circumstances in the event that the application be approved.

The applicant responded that the special circumstances were that it was felt that the design of the new building respected the countryside, that it would be for family occupation and that something needed to be done to approve the appearance of the site.

Some Members felt the application should be approved, as if permitted development rights were exercised in relation to the existing property, it would result in a similar or worse situation than that now proposed.

Some were concerned about the proximity of the replacement dwelling to the protected tree and the lack of natural light to the 2 bedrooms in the basement, and the detrimental effect this could have on living conditions. They suggested that the decision to grant permission should be delegated to Officers upon receipt of revised plans. In response Officers suggested that the application could be deferred to be considered at a

future meeting in order to negotiate a revised plan with the applicant.

RESOLVED: That the application be deferred.

REASON: In order for Officers to negotiate the submission of a revised plan from the applicant.

24b 22 Mill Lane, Wigginton, York, YO32 2PX. (11/01969/REM).

Members considered a reserved matters application by Daniel Gath Homes Ltd for the erection of nine dwellings with associated access and parking.

In their update, Officers informed Members that the roof pitch of the garage at Plot 4, on the north west of the site, would be reduced and that this would then lessen the visual impact on properties at numbers 23 and 25 Steeple Close. It was also suggested, that if Members were minded to approve the application, that the formulation of landscaping conditions be delegated to Officers. Members were informed that three of the proposed dwellings would have internal garages.

Representations in support of the application were received from the applicant. He referred to the positive responses from consultation with neighbours in relation to the application. He added that there had been one objection to the removal of a conifer hedge along the boundary, but that the hedge would be replaced with native specimens.

Representations in objection were received from the Chair of Wigginton Parish Council. He considered that the road should be constructed to an adoptable standard and should incorporate streetlighting. He also felt that there was inadequate provision for garages, recycling, deliveries and parking for the new properties. In his opinion, the development could increase traffic problems on Mill Lane and that the application constituted overdevelopment.

Representations were received from the Ward Member, Councillor Cuthbertson. He outlined a number of concerns which included; that the nine dwellings would be in particularly close proximity to neighbouring properties, that due to the height

difference that the dwellings would overlook these properties and that there had been notorious drainage problems on the site. He also added that he was concerned about access on to the site as the existing access went on to the public highway and was opposite to a layby.

Officers clarified to Members the issues that could be considered under a reserved matters application, and stated that they were confident that soakaways would be an acceptable drainage solution as a successful percolation test had taken place, witnessed by Council Officers. Full details of drainage would still need to be submitted for approval.

The applicant spoke about the location of the house on plot 4, and stated that it was placed in a corner position to avoid the house being closer to the adjacent property, rather than the garage.

Councillor Firth, as the Member who called in the application for consideration by the Committee, highlighted the reasons why he wished for it to be considered. He felt that the development would increase movement on to the main highway and that the access for recycling was not adequate and that there was a potential for the drainage system to fail.

In relation to drainage issues, the applicant advised Members that processes to reduce the flow of water from the hardstanding would be investigated. Some Members suggested that a condition, for a watching brief on trees on the site should be added to approval, in order to prevent damage to the trees during development of the site.

RESOLVED: That the application be approved, subject to;

- The receipt of final landscaping proposals from the applicant.
- An additional condition relating to the removal of permitted development rights from Plots 1 and 4 as detailed below;

- (i) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A and E of Part 1 of Schedule 2

to that Order shall not be erected or constructed within the curtilage of the dwellings numbered 1 and 4 on the plans hereby approved.

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

REASON: The proposal, subjected to the conditions listed above and in the Officer's report, would not cause undue harm to interests of acknowledged importance, with particular reference to:

- Impact on Protected Trees
- Access and Highway Safety
- Design and Street Scene
- Neighbour Amenity
- Flood Risk and Drainage
- Bio Diversity
- Sustainability
- Public Open Space

As such the proposal complies with policies GP1, GP4a, GP15a, NE1 and L1c of the City of York Local Plan Deposit Draft.

24c Stray Garth Community Home, 7-9 Stray Garth, York, YO31 1EL. (11/01467/FUL).

Members considered a full application by Mr AP and Mrs PM Smith for a change of use to a dwelling with granny annexe, erection of two storey front extensions, two rear dormers and alterations to rear to create roof terrace.

In their update to Members, Officers reported that they had received a revised plan from the applicants which made changes to the width and height of the windows in the two rear dormers. Officers stated that, in their opinion, these alterations would not have a significant impact on the character or the amenity of the area.

Representations in objection were received from the adjoining neighbour to the property. She referred to demolition work that had taken place on the site during the week and the weekend in breach of the working hours condition on the original application. She also considered that the position of the dormer window on the property would mean that there would be a full view into one of the rooms on the western side of her house.

Representations in support were received from a representative for the applicants. He explained that the dormer windows would only serve the bedrooms and that he felt that there was not a full view of neighbouring gardens due to the oblique angle and separation distances from them. He also pointed out that there would be an element of overlooking in any urban or suburban situation.

Some Members recommended that the objector report her concerns about weekend demolition work to the Council's Enforcement Officers.

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 change of use;

-Impact on the living conditions of neighbours;

-Design and visual amenity

As such the proposal complies with Policies GP1, NE6, NE7, H4A, H7 and C3 of the City of York Development Control Local Plan.

24d Park House Caravan Site, New Lane, (off Sheriff Hutton Road), Strensall. (11/02115/FUL).

Members considered a full application by Nelson Park Lodges for the variation of conditions 3, 14 and 15 of permission 04/01105/FUL for a caravan site to allow an increase in the number of caravans on site from 20 to 40 and to allow the use of the site throughout the year.

The Chair informed the Committee that during the site visits that took place on the previous day, access to the site was prevented by a barrier lowered across the entrance to the site, thus Members who attended the site visit were unable to inspect the site in detail.

RESOLVED: That the application be refused.

REASON: 1. The site is located within an area of Green Belt which is characterised by its open and rural appearance. It is considered that the increase in the number of touring caravans and the extension of opening the site to all year round would compromise the openness of this area and would conflict with the purposes of including land within the Green Belt. The proposal is therefore inappropriate development in terms of the advice contained in Planning Policy Guidance Note 2 "Green Belts", and is, by definition, harmful to the Green Belt. No very special circumstances have been advanced by the applicant which would outweigh harm to the Green Belt. The proposal would also conflict with Policy V5 of the City of York Draft Local Plan (CYDLP) which does not permit touring caravan sites in the Green Belt where there is an adverse affect on the openness of the Green Belt and

Policy GB1 of the CYDLP which does not support development which detracts from the open character of the Green Belt.

2. The application indicates that foul drainage is to be discharged to a non-mains drainage system. In these circumstances Circular 3/99 'Planning Requirement in respect of the Use of Non-Mains Sewage incorporating Septic Tanks in New Development' advises that a full and detailed consideration be given to the environmental criteria listed in Annex A of the circular in order to justify the use of non-mains drainage facilities. No such information has been submitted. The application does not, therefore, provide sufficient basis for an assessment to be made of the risks of pollution to the water environment arising from the proposed development. In particular the application fails to:

- (i) Address the issues set out in Section 6 Annex A of Circular 3/99 and
- (ii) Justify the use of a cesspool over preferred alternative means of foul disposal in accordance with the hierarchy set out in Circular 3/99.

**24e 24 Low Mill Close, Osbaldwick, York, YO10 5JN.
(11/02115/FUL)**

Members considered a full application by Mr and Mrs Ken and Sandra Harris for a change of use from dwellinghouse (use class C3) to house of multiple occupation (HMO) (use class C4).

Officers informed Members that there were two properties in Low Mill Close that were exempt from the payment of Council Tax and thus were likely to be student HMOs, although neighbours had stated that there were more than two. Members were informed about a previous application at the site to convert the property into a HMO, which they had refused. It was reported that due to a change in national planning legislation that planning permission for a change of use from a dwelling house to an HMO was now not necessary. However, due to the

timing of the change of use of this property, which was operating as an HMO when planning permission was required, legal advice had indicated that planning permission was required in this case.

Representations in objection were received from the adjacent neighbour. His grounds for objecting were that such proposals were resulting in a reduction in family houses in the area. He also stated that the new national planning guidance allowed Local Authorities to use their existing powers to restrict HMOs through the refusal of planning permission.

Representations in support were received from the applicants agent. He made reference to the changes in legislation and stated that dwellinghouses could change into HMOs without the need for planning permission. He also saw no reason why planning permission could not be granted as long as there were no existing problems with the concentration of HMO's in the vicinity. He added that the property had operated as an HMO for two years without any problems, and that he believed that the total number of HMOs in Low Mill Close did not exceed five. He felt that as the application did not conflict with local or national planning legislation that permission should be granted. The Council would be in a position to monitor future applications for HMO's under the Article 4 Direction, which is likely to come into force next year.

Some Members were concerned about the legality of approving the change of use, whereas others felt that consideration of legal issues were outside of the remit of the Committee.

Councillor Douglas requested that her vote for refusal 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:

-Principle of development

-Impact on the character and appearance of the area;

-Car parking;

-Cycle and bin storage;

As such the proposal complies with Policy H8 of the City of York Development Control Local Plan.

**24f 27 Bedale Avenue, Osbaldwick, York, YO10 3NG.
(11/02264/FUL).**

Members considered a full application by Mr B Singleton for a change of use from garage (Class C3) to a tattoo studio.

The application had been called in for consideration by the Committee by Councillor Warters and he gave his reasons for doing this, which were; to understand the reasons for objections to the application and because of the unusual nature of the application.

The applicant was present at the meeting to answer Members' questions.

In response to questions, the applicant responded that his business did not operate 24 hours a day and that he understood that a planning application was needed to be made due to the fact that his property was being used by paying customers.

RESOLVED: That the application be approved.

REASON: In the opinion of the Local Planning Authority the proposal, subject to conditions listed in the Officer's report, would not cause undue harm to interests of acknowledged importance with particular reference to:

-The impact on the amenity and living conditions of local residents;

-The impact on the vitality of local shopping centres;

- Highway safety;
- Visual impact;
- Provision of storage for the dwelling house.

As such the proposal complies with Policies E10 and GP1 of the City of York Draft Local Plan and national planning advice contained within Planning Policy Statement 4 and Planning Policy Guidance Note 24.

24g Land Adjacent to 5 South Lane, Haxby.

Members considered a full application by Mrs Toni Grainger for four numbered semi detached dwellings on land adjacent to 5 South Lane.

In their update to Members, Officers stated that the location plan that had been submitted with the application was inaccurate in that the application site included land at the rear of 14 York Road. This did not affect the consideration of the application or the recommendation of refusal by officers. They reported that a correction should be made in the reason for refusal, which should refer to the impact on the garden of **16** York Road, not 14 York Road. It was also reported that the Council's Environmental Protection Unit had no objections to the application. Additionally, Members were informed that part of the land set aside for the proposed car parking bays was owned by the property at number 8 York Road.

Representations were received from the Ward Member, Councillor Richardson. He spoke about a number of issues that had been raised by local residents including;

- That the land at the application should be classed as backland development and pointed out that access on to the highway was from a private road.
- That there would be increased levels of pollution due to the increase in the number of cars in the area.
- That local problems of on street parking would increase if the application was approved.

Further representations were received from the Ward Member, Councillor Cuthbertson. In addition to Councillor Richardson's comments he stated that the site plan did not show that the access from York Road to South Lane was one way, and that this access was also used by pedestrians and cyclists. In addition he felt that the application had not addressed the issue of surface water disposal, and that the style of the properties was not in keeping with the area.

RESOLVED: That the application be refused.

REASON: It is considered that the proposed development, by virtue of its size, height, and the number and position of windows within the rear elevation, would result in a loss of amenity for neighbouring residents. The garden of 16 York Road is long and narrow and the proposed dwellings run parallel to this with a separation distance of between 8.5m and 9.3m. It is considered that the proposal would appear dominant and overbearing when viewed from the garden of 16 York Road and would result in a loss of privacy through overlooking from the eight first storey windows within the rear elevation of the proposed houses. In addition, the proposed dwellings would be sited to the south of Wren Cottage with a separation distance of approximately 9m. It is considered that the proposal would result in a loss of light and outlook from Wren Cottage, harming the level of amenity currently enjoyed. Therefore the application is considered contrary to Policies GP1(criterion i) and H4a of the Development Control Local Plan.

25. 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.

CLlr S Wiseman, Chair

[The meeting started at 2.00 pm and finished at 5.00 pm].

EAST AREA PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 9 November 2011****Members of the Sub Committee to meet at Union Terrace Car Park
at 10:00**

TIME (Approx)	SITE	ITEM
10:15	45 Swarthdale, Haxby, York. YO32 3NZ	4b)
10:45	1 Meam Close, Osbalwick, York. YO10 3JH	4a)

COMMITTEE REPORT

Date: 10 November 2011 **Ward:** Osbaldwick
Team: Householder and **Parish:** Murton Parish Council
Small Scale Team

Reference: 11/02371/FUL
Application at: 1 Meam Close Osbaldwick York YO10 3JH
For: First floor side extension
By: Mr and Mrs Luke-Wakes
Application Type: Full Application
Target Date: 7 November 2011
Recommendation: Approve

1.0 PROPOSAL

THE SITE:

1.1 The application site is a modern detached dwelling, described on the submitted plans as a three bedroomed house positioned, towards the head of a residential court yard. The dwelling is set back from the highway and is visually prominent within the street scene by virtue of the open plan nature of the front garden. To the side of the dwelling is an attached garage which has been converted into a habitable living room. It has an additional conservatory on the rear elevation adjacent to the side boundary of the property at 2 Redbarn Drive. The rear garden is of an ample size and adequately screened from adjacent properties with a public footpath running along the side and rear of the property providing access to the rear.

THE PROPOSAL:

1.2 Planning permission is sought to erect a first floor extension above the existing attached converted garage on the side elevation which is attached to the garage of the adjacent dwelling at 3 Meam Close. The extension would be set down from the main ridge by approx 500mm forming a gable pitched roof and set back from the principal elevation by approx 400mm, incorporating two new first floor windows for the purpose of creating one larger bedroom and one additional bedroom. The total height of the first floor measured in conjunction with the existing attached garage would not exceed approx 7.6 metres by approx 6.6 metres in length. The proposal would incorporate facing brick work and concrete interlocking tiles.

REVISED PLANS:

1.3 The application is subject to revised plans dated 19th October 2011 (Job no 292/100A site block plan/ elevation and floor plans) submitted to amend the gable wall so as to fall within the application site without the need to rely on construction over the dividing wall. The detail presented allows for a timber framed gable with tile hanging to the gable with lead work flashing over the top of the existing tiled roof. In addition a timber lockable shed would be provided in the rear garden for the purpose of storing cycles and bins.

PROPERTY HISTORY:

1.4 Reserved Matters application for the erection of seventy dwellings approved 31.07.2000 (ref: 00/00942/REM).

Conversion of attached garage into a habitable living room (QUERY/07/0089)- no planning permission required.

1.4 This application has been brought before East Area Planning Sub-Committee due to the concerns by Councillor Warters on the following issues. A site visit is proposed in order for Members to fully understand the context of the site.

- Over development of the site
- Parking Issues related to the proposal
- Impact on neighbour amenity
- Drainage/sewerage concerns

1.5 A Daylight and Sunlight Assessment has been submitted in order to determine effects of neighbouring over shadowing and loss of light.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

3.0 CONSULTATIONS

3.1 Internal:

Highway Regulation(Network Management) - verbal reply no objections. Any further comments updated at the Committee Meeting 10th Nov 2011.

3.2 External:

3.3 Murton Parish Council – Objections relate to:

(a) Increased occupancy will lead to more parking which was not taken into account when property was constructed. It is feared that the house will become multiple occupancy making the car parking situation worse.

(b) Architecturally the extension does not fit into the aspect of neighbouring properties and will look out of place.

3.4 Osbaldwick Parish Council: This parish have made a request to be consulted because the application site is close to the parish boundary. No comments at the time of writing. Any comments would be updated at the Committee Meeting 10th Nov 2011.

3.5 Responses to neighbour consultation letters sent 19.09.11 : One letter of objection from the occupiers of 3 Meem Close on the following issues:

- Property to be occupied by students exceeding 6 people.
- Rubbish/Noise.
- Loss of car parking spaces.
- Incorrect room layout information on the floor plans.
- Construction on to a party wall.
- Devalue of property.

3.4 Neighbor reconsultation letters sent 19th Oct 2011 regarding the revised design. No comments received at the time of writing. Any comments would be updated at the Committee Meeting 10th Nov 2011.

4.0 APPRAISAL

4.1 Key Issues:-

- Impact on street scene
- Impact on neighbours.

RELEVANT POLICES AND GUIDANCE

4.2 PLANNING POLICY STATEMENT 1 sets out the Government's overarching planning policies. It sets out the importance of good design in making places better for people and emphasises that development that is inappropriate in context or fails to take the opportunities available for improving an area should not be accepted.

4.3 DRAFT LOCAL PLAN POLICY CYH7 - states that residential extensions will be permitted where (a) the design and materials are sympathetic to the main dwelling and the locality (b) the design and scale are appropriate to the main building (d) there is no adverse effect upon the amenities of neighbours.

4.4 DRAFT LOCAL PLAN POLICY CYGP1 - sets out a series of criteria that the design of development proposals are expected to meet. These include requirements to (a) respect or enhance the local environment, (b) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (c) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (e) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (i) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.5 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 states that two/first floor storey side extensions states that two - storey side extensions should be set down from the original roof line and set back behind the building line. Furthermore the scale of the new extension should not dominate the original building resulting in a 'terracing effect' by closing the gap between the application property and neighbouring property.

DESIGN

4.6 The design of the first floor side extension incorporates a gable pitched roof, set down from the main ridge and set back from the front wall by virtue of an existing single storey forward projection forming a porch area. This design provides a visual break on the principal elevation and reduces the dominance and the potential for over development. The extension would incorporate a gabled roof, to provide the roofspace required for the additional accommodation.

VISUAL APPEARANCE:

4.7 The dwelling fronts onto a public area comprising of various styles and design. There is an established section of mature shrubs and trees which provides some seasonal and all year screening from the main body of the house. Whilst it is accepted that the position of the extension would reduce the existing amount of open space between the host property and the adjacent dwelling at no 3 Meam Close, it would not result in a terracing effect, by virtue of its set down design of the proposed roof. The wider area incorporates various styles of dwellings, incorporating two and three storeys; and apartments including some within private courtyards. On this basis, with the use of matching brick and tiles, the proposal is considered to be of a mass and design that is compatible to the design of the dwelling and immediate surrounding area.

THIRD PARTY OBJECTIONS / IMPACT ON NEIGHBOURS:

OCCUPATION BY STUDENTS:

4.8 Consultation responses have been received from 3 Meam Close relating to the extension resulting in the provision of additional bedrooms to the property and occupation by students. The issue that the dwelling may be occupied by students is not a material planning consideration; the key issue is the manner in which the property is occupied. Provided that facilities within the property such as kitchens and bathrooms are shared, and the property is occupied as a single dwelling, then there would be no material change of use for which planning permission would be required. Should the property be occupied by more than six people, either now or in the future, and then the property would be likely to fall outside the "Class C4" use class, and planning permission would be required. It is considered that this matter can be addressed by means of an informative on the decision notice. Other (non-planning) legislation relating to noise, untidy land, rubbish and late night noise can be dealt with under separate legislation. Concerns over the devaluing of the price of dwellings in this area do not carry weight in the determination of the applications which must be based on planning grounds i.e. the level impact on neighbours, design, and visual appearance.

LOSS OF CAR PARKING:

4.9 Issues relating to the existing and proposed car parking problems have been addressed by the Highways Authority and no objections have been received. In addition a lockable timber shed would be provided in the rear garden which will accommodate cycles.

LOSS OF LIGHT/OVERSHADOWING:

4.10 On the basis that the size and scale of the extension would not exceed the length of the existing dwelling or the length of adjacent attached dwellings, it is not considered that the proposal would have any significant additional impact on the amount of sunlight entering the adjacent property, which is located in a north -west position. No principal rooms or garden areas would be materially affected. It is concluded that the adjacent property at (no3) would not be significantly overshadowed particularly taking into account the orientation of the properties concerned. In terms of overlooking and loss of privacy the windows proposed would be located to the front and rear on the first floor extension, and as such would not create any additional overlooking than the present situation. In terms of the dwellings on the rear boundary on Redbarn Drive, there are already existing rear windows facing towards these properties and gardens. At a similar distance, such that overlooking and privacy issues would not be significantly different than the existing arrangement.

PARTY WALL ACT:

4.11 In this regard, the applicant would be required to adhere to the terms of the Party Wall Act, which is separate from planning legislation. Indeed, work could not commence on the development until the applicant has complied with the provisions contained within the Act.

DRAINAGE:

4.12 Councillor Warters has raised issues with regards to the impact of the existing drainage/ sewerage system. There is no specific evidence that the proposed development would exacerbate this situation. Drainage connections are a matter that would be dealt with under the Building regulations.

5.0 CONCLUSION

5.1 The design and materials are considered acceptable therefore the proposal is not considered to detract from the character and appearance of the residential area. The neighbouring gardens are well screened and it is not considered that the development will appear overbearing or give rise to any unreasonable loss of amenity to adjoining residents. Approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years -
- 2 PLANS1 Approved plans -
- 3 VISQ1 Matching materials -

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL:

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:

- The amenity and living conditions of adjacent occupiers given the location of the extension above the former garage and the positioning of the windows and the
- the impact on the street scene given the use of appropriate materials and sympathetic design

As such the proposal complies with Policies GP1 "Design" and H7 "Residential Extensions" of the City of York Local Plan Deposit Draft and the 'Guide to extensions and alterations to private dwelling houses'

2. THE PARTY WALL ETC ACT 1996:

The proposed development may involve works that are covered by the Party Wall etc Act 1996. An explanatory booklet about the Act is available from City Strategy at 9 St Leonard's Place or at:

<<http://www.communities.gov.uk/publications/planningandbuilding/partywall>>

Furthermore the granting of planning permission does not override the need to comply with any other statutory provisions (for example the Building Regulations) neither does it override other private property rights (for example building on, under or over, or accessing land which is not within your ownership).

3. INFORMATIVE:

It should be noted that the occupation of the property by up to six individuals living together as a single household would currently not require planning permission, as at the date of this permission. However, should the property be occupied by more than six people, either now or in the future (whether as a result of this development or not), then there is a possibility that the property would fall outside the "Class C4" use class and planning permission may then be required. In those circumstances further advice should be sought from the Local Planning Authority.

Contact details:

Author: Sharon Jackson Development Management Assistant

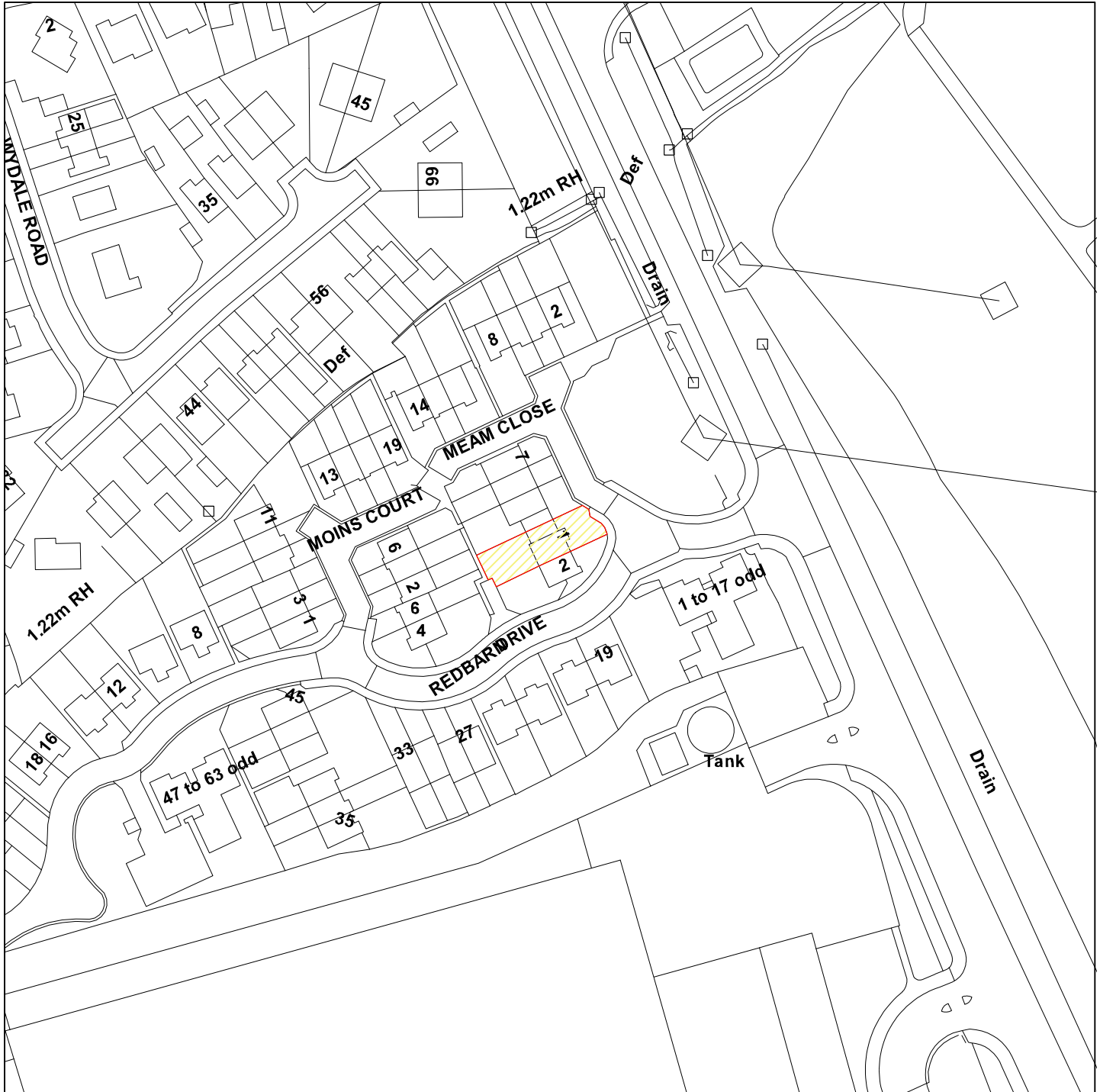
Tel No: 01904 551359

1 Meam Close, Osbaldwick

11/02371/FUL



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Organisation	City of York Council
Department	City Strategy
Comments	
Date	31 October 2011
SLA Number	Not Set

COMMITTEE REPORT

Date: 10 November 2011 **Ward:** Haxby And Wigginton
Team: Householder and **Parish:** Haxby Town Council
Small Scale Team

Reference: 11/02447/FUL
Application at: 45 Swarthdale Haxby York YO32 3NZ
For: Timber summer house to rear (retrospective)
By: Mrs Anne Kempster
Application Type: Full Application
Target Date: 8 November 2011
Recommendation: Approve without Conditions

1.0 PROPOSAL

THE SITE:

1.1 The application site is a detached dwelling, situated within an area of similar property styles. The dwelling is situated on a corner plot with mature boundary treatment and a conservatory positioned on the rear elevation. The existing detached garage on the side elevation is situated on the shared boundary with 43 Swarthdale.

THE PROPOSAL:

1.2 Retrospective planning permission is required for the retention of a detached summer house in the rear garden. The structure has been described as a "Brecon" design comprising of large windows and glazed door. The total height when measured from ground floor would not exceed approx 2.7 metres by approx 3.7 metre in width and approx 3.7 metres in length constructed of wooden cladding tongued and grooved shiplap framework.

1.3 This application has been brought before East Area Planning Sub-Committee due to the concerns by Councillor Richardson regarding the impact on the occupiers of 3 Keldale. A site visit is proposed in order for Members to fully understand the context of the site.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

3.0 CONSULTATIONS

3.1 INTERNAL:

None

3.2 EXTERNAL:

Haxby Town Council - No objections providing neighbours are consulted.

Neighbour Response - Objections received from the occupiers of 3 Keldale relate to the following:

- Height above boundary fence resulting in an intrusive and claustrophobic impression.
- Loss of outlook from rear of house and garden.
- Proximity to fence would make maintenance or replacement difficult.
- Not consulted on the location, size and scale of the summer house, would have preferred the structure to be erected at the rear of our garage.

4.0 APPRAISAL

4.1 Key issues :-

- Impact on street scene
- Impact on amenity of neighbours

THE RELEVANT POLICES AND GUIDANCE

4.2 Planning Policy Statement 1 sets out the Government's overarching planning policies. It sets out the importance of good design in making places better for people and emphasises that development that is inappropriate in context or fails to take the opportunities available for improving an area should not be accepted.

4.3 Draft Local Plan Policy CYH7 - "Residential Extensions" states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours.

4.4 Draft Local Plan Policy CYGP1 - "Design" sets out a series of criteria that the design of development proposals would be expected to meet. These include requirements to (i) respect or enhance the local environment, (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.5 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 states that (1.12) Good design and a scale of development that respects the original dwelling and established pattern of development are essential to making a quality extension.

IMPACT ON STREET SCENE AND SURROUNDING AREA

4.6 The summerhouse is located at the rear of the dwelling adjacent to the shared rear boundary with no 3 Keldale. The rear garden is generously sized in terms of its width with reasonable boundary treatment. Whilst the summerhouse is visible from the adjacent rear gardens, it is seen in the context of other dwellings, garages and extensions. Thus it is not considered that the footprint, height and scale of the summerhouse are disproportionate or unduly intrusive to the host dwelling or surrounding area.

IMPACT ON AMENITY OF NEIGHBOURS

4.7 No 3 Keldale is separated from the application site by a 1.5 metre high fence and vegetation which extends almost up to the eaves of the structure. This property has a detached garage situated on the side/ rear boundary and is located within a south facing garden. The objections received from the occupiers at no. 3 relate to the height of the structure and what is felt to be an oppressive impact. This property was visited. It was noted that although the roof is slightly taller than a traditional garden building and presents a gable to no.3 Keldale, it incorporates a shallow pitch (approx 25 degrees) and thus the visible area is relatively small. The rear garden of no. 3 also has a reasonable depth of approximately 11 metres.

4.9 It would perhaps be preferable if the structure had been located at the rear of the garage at no. 3, which would have provided a greater degree of screening. However the application has to be determined as submitted, and it is not considered that the structure reduces sunlight to such a level, nor has such an oppressive or overbearing impact in terms of amenity and outlook, that the refusal of planning permission would be justified.

4.10 Indeed, if the structure was relocated a minimum of 2 metres from any boundary; it would be classed as permitted development and could be erected without planning permission. Likewise if the structure was reduced in height to 2.5 metres it would also fall within permitted development allowances. Notwithstanding the acceptable impact that the conservatory has, weight should also be attached to the applicant's fallback position, whereby a very similar structure, with a similar impact, could be erected without the need for planning permission.

5.0 CONCLUSION

5.1 The summer house is considered to be of an acceptable in size, scale and location. It is not considered that the development will appear unduly overbearing or give rise to any unreasonable loss of amenity to adjoining residents. For this reason, the proposal is considered to comply with Policies GP1 and H7 of the City of York Draft Local Plan.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve without Conditions

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL:

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, does not cause undue harm to interests of acknowledged importance, with particular reference to the effect on the amenity and living conditions of the nearby neighbours and the impact on the street scene. As such the proposal complies with Policies GP1 "Design" and H7 "Residential Extensions" of the City of York Local Plan Deposit Draft and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

Contact details:

Author: Sharon Jackson Development Management Assistant

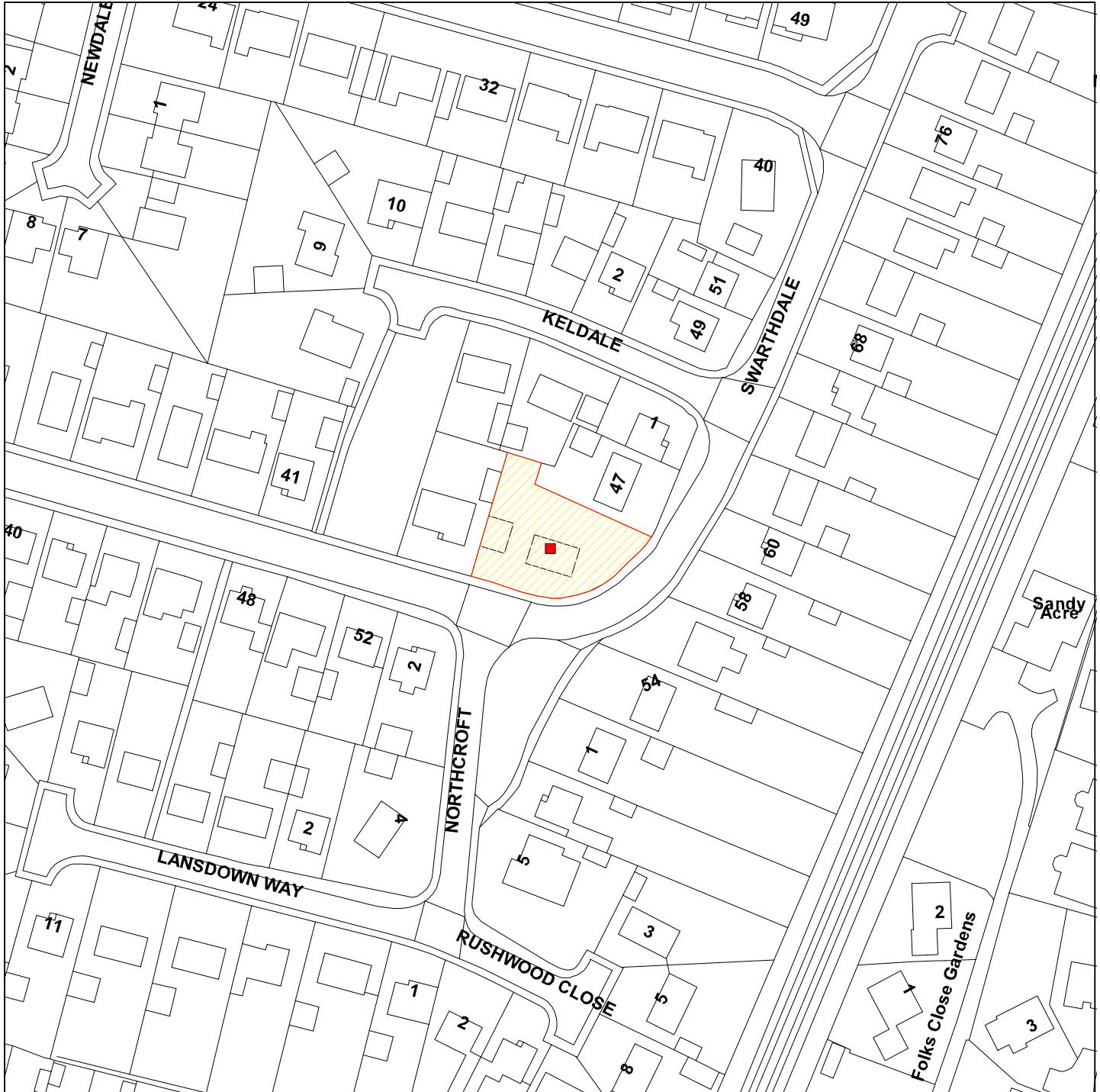
Tel No: 01904 551359

45, Swarthdale, Haxby

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Organisation	City of York Council
Department	City Strategy
Comments	
Date	31 October 2011
SLA Number	Not Set