



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, 1 December 2011

Time: 2.00 pm

Venue: The Guildhall, York

AGENDA

Due to the possibility of industrial action on 30 November, the site visit will take place on the morning of the Committee meeting. As there is only one site visit, the minibus has not been booked. Members requiring transport are asked to contact Simon Glazier (simon.glazier@york.gov.uk) as soon as possible so that other arrangements can be made.

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 4 - 9)

To approve and sign the minutes of the last meeting of the Sub-Committee held on 10 November 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 30 November 2011 at 5.00 pm.**

4. Plans List

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

a) 111 Newland Park Drive, York. YO10 3HR (Pages 10 - 15) (11/02745/FUL)

This revised full application is for a two storey side extension and single storey rear extension.

The application has been called in to the East Area Committee for a decision by Councillor Brian Watson. In addition, the previous application, which was refused, was also determined by Committee, and the recommendation on this revised application is one of approval. A site visit is also recommended so that members can appreciate the differences between the revised proposal and the earlier application. [Hull Road] **[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
- Copies of reports

Contact details set out above.

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- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
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Further information about what's being discussed at this meeting

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The majority of councillors are not appointed to the Cabinet (39 out of 47). Any 3 non-Cabinet councillors can 'call-in' an item of business from a published Cabinet (or Cabinet Member Decision Session (CMDS)) agenda. The Cabinet will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Cabinet meeting in the following week, where a final decision on the 'called-in' business will be made.

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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EAST AREA PLANNING SUB COMMITTEE

SITE VISITS

Thursday 1st December 2011

**Members of the Sub Committee to meet at 9 St Leonards Reception
at 10:00 am**

TIME (Approx)	SITE	ITEM
10:15	111 Newland Park Drive	4a)

City of York Council

Committee Minutes

MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	10 NOVEMBER 2011
PRESENT	COUNCILLORS DOUGLAS (VICE-CHAIR), WISEMAN (CHAIR), FIRTH, MCILVEEN, WARTERS, WATSON, BOYCE (SUBSTITUTE FOR COUNCILLOR FUNNELL) (EXCEPT MINUTE ITEMS 26-29), BURTON (SUBSTITUTE FOR COUNCILLOR KING) AND WILLIAMS (SUBSTITUTE FOR COUNCILLOR FITZPATRICK)
APOLOGIES	COUNCILLORS FITZPATRICK, FUNNELL, HYMAN AND KING

Site Visited	Attended by	Reason for Visit
1 Meam Close, Osbaldwick, York YO10 3JH	Councillors Firth, Hyman, McIlveen, Warters, Watson and Wiseman.	To familiarise Members with the site as it had been called in by the Ward Member.
45 Swarthdale, Haxby, York. YO32 3NZ	Councillors Firth, Hyman, McIlveen, Warters, Watson and Wiseman.	To familiarise Members with the site as it had been called in by the Ward Member.

26. 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 Warters declared a personal non prejudicial interest in Agenda Item 4a (1 Meam Close, Osbaldwick) as a member of Osbaldwick Parish Council.

No other interests were declared.

27. MINUTES

RESOLVED: That the minutes of the East Area Planning Sub-Committees held on 8 September 2011 and 13 October be approved and signed by the Chair as a correct record subject to the following amendments;

8 September 2011:

- (i) That the reason for the site visit to 111 Newland Park Drive be changed from "*This site was not visited as the application was withdrawn before the meeting*" to "**To familiarise Members with the site as the application had been called in by a Ward Member**"
- (ii) That Councillor Hyman's reason for a personal non prejudicial interest be changed from "*he had spoken to one of the registered speakers in objection, but had not expressed an interest*" to "**one of the applicants had been in touch with him regarding the previous application, and he had entered into correspondence but had not expressed an opinion.**"
- (iii) That the second paragraph under Minute Item 18c) (168 New Lane, Huntington) "*Some Members suggested that if approved, a condition should be added to planning permission to not allow for the extension to be over 2.5 metres over the neighbouring property's boundary.*" be deleted.
- (iv) That Councillor Watson was not present at the site visit for Kent Street Coach Park, Kent Street, York (Minute Item 18m)

13 October 2011:

That Councillor Warters did not attend the site visit at Stray Garth Community Home (Minute Item 24c)

28. 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.

29. 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.

29a 1 Meam Close Osbaldwick York YO10 3JH (11/02371/FUL)

Members considered a full application by Mr and Mrs Luke-Wakes for a first floor side extension.

Members asked Officers questions which related to a loss of parking at the property and if an assessment had been carried out by Council Highways Officers at the property.

In response, Officers stated that it was felt that the proposal complied with the maximum provision for car parking and that as a parking assessment had been carried out by Highways Officers on neighbouring properties, it was not felt necessary to inspect 1 Meam Close.

Representations in objection to the application were received from a local resident. He highlighted concerns about parking such as; that the use of the property by students increased the number of vehicles, which often parked on both sides of the road. He also told Members that the grassed area opposite the property was currently used as a play area, which he felt would be used as additional parking space if the extension was built.

Further representations in objection were received from the next door neighbour. His concerns related to a loss of his personal privacy, in that the use of the property for student housing he felt had added to additional noise. He added that there would be a loss of light on to his property if the extension was built.

Representations in support were received from the applicant's architect. In response to concerns about the use of the property as a student residence, he felt that Members should not consider the future use of the house, when making their decision. He added that the property did have space for an additional car parking space.

Questions from Members to Officers included the following;

- If a loss of privacy to the neighbouring property could be addressed.
- The distance of the shed (to be used for cycle storage), from the wall of the neighbouring property
- How storage at the back of the house would be accessed

In response, Officers stated that the application was not considered to increase the amount of overlooking and that the ground floor window could be installed under permitted development rights. In relation to the shed, Officers added that a condition could be added for further information to be provided.

Some Members felt that the location of the shed and parking concerns were not relevant to the consideration of the application, but that a terracing effect would be visible if the extension was approved. They also added that the window in the rear elevation of the extension would overlook the neighbouring property significantly.

RESOLVED: That the application be refused.

REASON: (i) It is considered that the first floor extension would create an incongruous feature by occupying part of the gap above the adjoining garages to Nos. 1 and 3 Meam Close, which acts as visual transition between the 3 and 2 storey dwellings along the row, and which have different roof designs. The gap provides an important break along the row, and its erosion would be detrimental to the design of the dwellings and the street scene. The development would, therefore, conflict with national planning advice in relation to design contained within paragraphs 33 and 34 of Planning Policy Statement 1 ("Delivering Sustainable Development"), Policies GP1 (a

and b) and H7 (a, b and e) of the City of York Draft Local Plan (April 2005), and with the Councils Supplementary Planning Guidance "A Guide to Extensions and Alterations to Private Dwelling Houses" (March 2001).

- (ii) The height and location of the proposed rear window of the extension, close to the shared boundary with No 3 Meam Close, would be likely to lead to an unacceptable degree of overlooking and loss of privacy from the private rear garden of the that dwelling. This would be to the detriment of the standard of amenity that the occupiers of that property could reasonably expect to enjoy. The proposal would, therefore, conflict with national planning advice in relation to design contained within Planning Policy Statement 1 ("Delivering Sustainable Development"), Policies GP1 (a, b and c) and H7 (a, b and e) 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.

29b 45 Swarthdale Haxby York YO32 3NZ (11/02447/FUL)

Members considered a retrospective full application by Mrs Anne Kempster for a timber summer house to the rear of the property at 45 Swarthdale.

Officers informed the Committee that the application had been called in by Councillor Richardson over neighbours' concerns regarding the impact that the summer house would have on 3 Keldale. It was also reported that the applicant did not realise that planning permission was needed in order to construct the summer house, and that it was brought to the Committee due to height of the building being over 2.5 metres.

RESOLVED: That the application be approved

REASON: 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.

Councillor S Wiseman, Chair

[The meeting started at 2.00 pm and finished at 2.40 pm].

COMMITTEE REPORT

Date: 1 December 2011 **Ward:** Hull Road
Team: Householder and **Parish:** Hull Road Planning
Small Scale Team Panel

Reference: 11/02745/FUL
Application at: 111 Newland Park Drive York YO10 3HR
For: Two storey side extension and single storey rear extension
(revised scheme)
By: Mr Colin Packer
Application Type: Full Application
Target Date: 7 December 2011
Recommendation: Householder Approval

1.0 PROPOSAL

1.1 It is proposed to erect a two storey extension on the side elevation of a semi-detached dwelling in order to form an en-suite bedroom and utility room at ground floor with a further bedroom and en-suite facilities at first floor. It is also proposed to erect a single storey extension on the rear elevation in order to form a lounge.

1.2 The application is revised version of an earlier proposal which was refused by the East Area Planning sub-Committee in September 2011 for the following 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."

1.3 The key difference is that the two storey extension has been reduced in width, resulting in a gap of 900mm between the extension and the shared boundary with 113 Newland Park Drive. In addition, the single storey rear extension has been reduced in depth from 4.0 metre to 3.0 metres and has been relocated a minimum of 2.5 metres from the boundary with no. 113. Although the single storey extension would be closer to the boundary with the adjoining property at 109 Newland Park Drive, the dimensions would now be within permitted development tolerances and thus the single storey element could be erected without the need for planning permission.

1.4 The application has been called in to the East Area Committee for a decision by Councillor Brian Watson. In addition, the previous application, which was refused, was also determined by Committee, and the recommendation on this revised application is one of approval. A site visit is also recommended so that members can appreciate the differences between the revised proposal and the earlier application.

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:

CYH7
Residential extensions

CYGP1
Design

3.0 CONSULTATIONS

3.1 Internal

None

3.2 External

Hull Road Planning Panel - No objections, however the sunpath diagrams indicate that the adjacent property will be overshadowed by the extension for much of the day.

Neighbour consultation

One letter received objecting on the following grounds:

- work has already commenced on the proposed extension
- there are already too many student properties in the street
- the plans seem little changed from the previous application
- Newland Park drive is becoming part of the University campus

4.0 APPRAISAL

4.1 KEY ISSUES

- impact on the streetscene
- impact on amenity of neighbours.

The relevant policies 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 (f) 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 the basic shape and size of the extension should be sympathetic to the design of the original dwelling and the scale of the new extension should not dominate the original building. Regarding 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.

VISUAL AMENITY:

4.6 The width of the two storey extension has been reduced resulting in a distance of 900mm from the shared boundary with the dwelling at 113 Newland Park Drive. Thus access to the rear of the property would be available. Cycle storage is shown within the rear garden, details of which could be secured by condition. The

remainder of the application incorporates the same design as the previous application apart from the introduction of bay window at ground floor level. This window would be symmetrical to the window design on the original dwelling. Thus it is not considered that the proposed extension would be unduly harmful to the street scene, as the set back and set down would result in the extension appearing as a subordinate addition to the property.

RESIDENTIAL AMENITY:

4.7 The two storey extension would be positioned approximately 900mm from the shared boundary with the property at no.113 Newland Park Drive. The side and rear garden of this property was visited. The main impact would be the rear elevation, which contains a kitchen window and first floor bathroom window at the closest point in addition to patio doors with a bedroom window above at a greater distance from the extension. Notwithstanding the fact that the extension would result in a reduction of the existing open amenity space between the dwellings, it is not considered this would have the potential to create an unduly oppressive and overbearing impact given the orientation and the relationship between the dwellings. Nor is it considered that there would be an unacceptable loss of light and overshadowing for the occupiers of 113 Newland Park Drive. Thus the proposal would comply with polices H7 (Residential Extensions) and GP1 (Design) of the Draft Local Plan.

NEIGHBOUR OBJECTION:

4.9 The objection comment from the local resident relates to the occupation of students at the property. It is the case that the occupation of the property by up to six individuals living together as a single household would not require planning permission. Should the property be occupied by more than six people, either now or in the future, and then there is a possibility that the property would fall outside the "Class C4" use class and planning permission may then be required. It is considered that this matter can be addressed by means of an informative on the decision notice

5.0 CONCLUSION

5.1 It is considered that the revised application is acceptable in terms of size and scale and would not cause undue harm to the living conditions of nearby neighbours. In particular, the extensions have been set further away from the shared boundary with 113 Newland Park Drive and the impact on this neighbouring property is considered to be acceptable.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Householder Approval

Application Reference Number: 11/02745/FUL

Item No: 4a

- 1 TIME2 Development start within three years -
- 2 PLANS1 Approved plans - Drawing no. 111/NEW/002 Rev B received 10/11/2011
- 3 VISQ1 Matching materials -
- 4 HWAY18 Cycle parking details to be agreed -

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 effect on the amenity and living conditions of adjacent occupiers and the impact on the street scene. 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.

2. INFORMATIVE:

It should be noted that the occupation of the property by up to six individuals living together as a single household would not require planning 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:

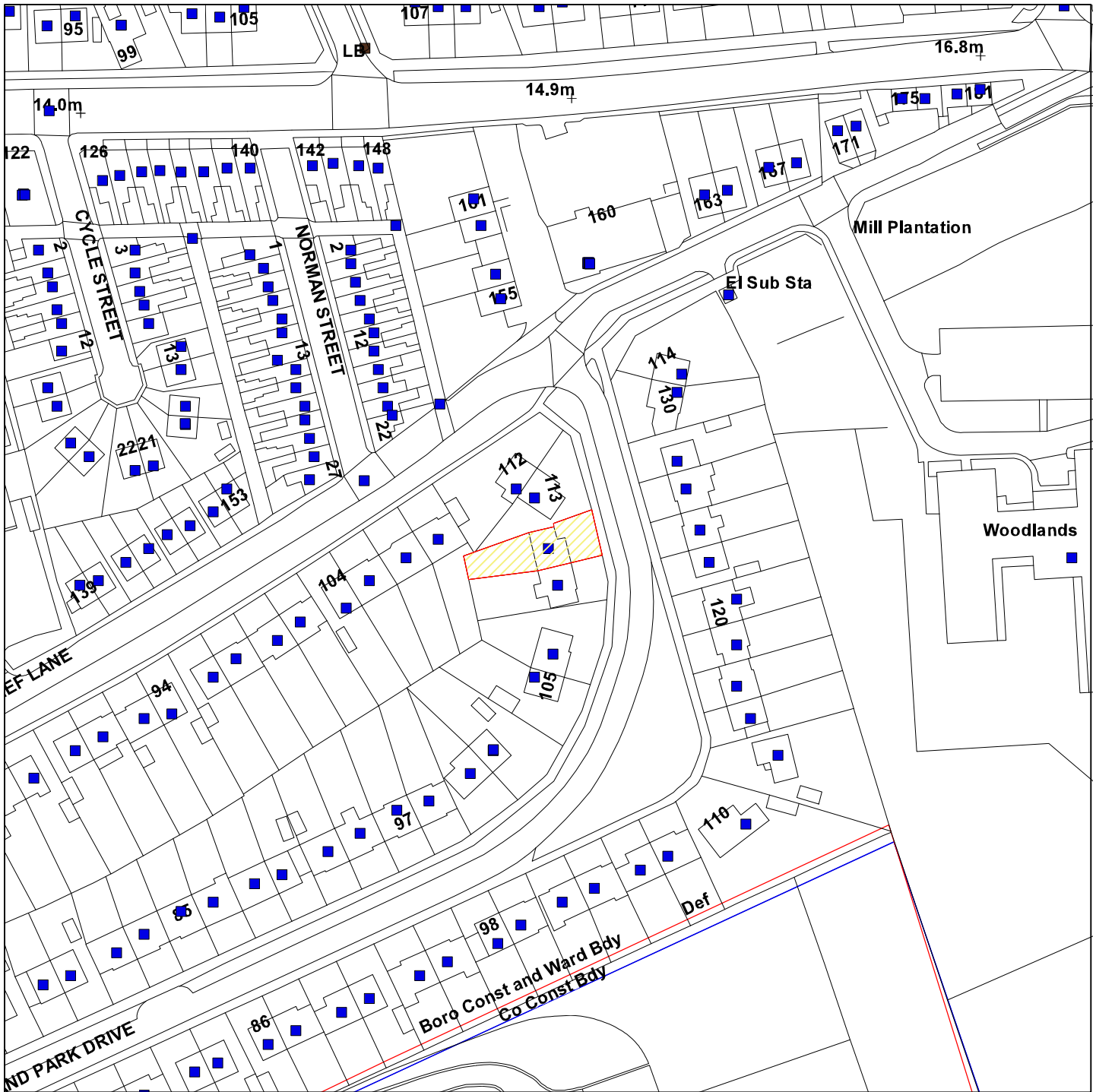
Author: Sharon Jackson Development Management Assistant
Tel No: 01904 551359

111 Newland Park Drive

11/02745/FUL



GIS by ESRI (UK)



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	21 November 2011
SLA Number	Not Set