
MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	5 JANUARY 2012
PRESENT	COUNCILLORS WISEMAN (CHAIR), DOUGLAS (VICE-CHAIR), FIRTH, FUNNELL, HYMAN, KING, WARTERS, WATSON, SEMLYEN (SUBSTITUTE FOR COUNCILLOR MCILVEEN) AND BOYCE (SUBSTITUTE FOR COUNCILLOR FITZPATRICK)
APOLOGIES	COUNCILLORS FITZPATRICK AND MCILVEEN

Visited	Attended by	Reason for Visit
77 Lawrence Street	Councillors Douglas, Funnell, Hyman Warters, Watson and Wiseman.	To familiarise Members with the site as it had been called in by the Ward Member.
The Plough Inn	Councillors Douglas, Funnell, Hyman Warters, Watson and Wiseman.	To familiarise Members with the site as it had been called in by the Ward Member.
295 Hull Road	Councillors Douglas, Funnell, Hyman Warters, Watson and Wiseman.	To familiarise Members with the site as it had been called in by the Ward Member.
Jubilee Mills	Councillors Douglas, Funnell, Hyman Warters, Watson and Wiseman.	To familiarise Members with the site

25 Shipton Road	Councillors Douglas, Funnell, Hyman Warters, Watson and Wiseman.	To familiarise Members with the site as it had been called in by the Ward Member.
-----------------	--	---

34. DECLARATIONS OF INTEREST

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

Councillor Warters declared a personal and prejudicial interest in agenda item 5f as he had taken part in discussions on the site visit in which he had expressed an opinion on the application.

35. 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 7 (Enforcement Cases Update) 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.

36. MINUTES

RESOLVED: That the minutes of the last meeting of the Sub-Committee held on 1st December 2012 be approved and signed by the Chair as a correct record.

37. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme.

38. PLANS LIST

38a Fantasy World, 25 Main Street, Fulford, York. YO10 4PJ (11/03053/FUL)

Members considered a full application, received from Mr. Justin Heaven, for the conversion of a shop to an 8 bedroom house in multiple occupation. Alterations to the building, including the replacement of the shop frontage and insertion of new windows and doors. Alterations and extension of existing garage and use as a self contained dwelling. Provision of vehicle and cycle parking area within rear garden (resubmission).

Officers displayed plans of the scheme and updated the Sub-Committee with the following information:

- Receipt of objections from Fulford Parish Council.
- Highways had no objections to the scheme but had requested a condition regarding car and cycle parking.
- An additional informative to drawing the applicants attention to requirements of Control of Pollution Act.
- Reports had been submitted by the applicant's agent in respect of acoustic and contamination, although the Officers report indicated they had not.

Representations in objection were then received from a member of Fulford Parish Council who confirmed that the Parish Council felt the use of the building as a house of multiple occupation would lead to an unwarranted and unjustified increase in the usage of the very narrow and unsafe access. They felt there would be potential for pedestrian and vehicular conflict from vehicles exiting the blind exit across the footpath onto Main Street. They also raised concerns regarding inadequate parking provision at the rear of the building and the effect on the Conservation Area and Air Quality.

Representations were then heard from Councillor Aspden as Ward Councillor. He advised that Local Residents continue to be concerned about the scheme, in particular the effect on

traffic flow, air quality and the lack of parking and amenity space at the site.

The Applicant's Agent then spoke in support of the scheme. He advised that the scheme is appropriate for the building and the locality. Good cycle storage had been provided for along with some off-street parking. Although he accepted that the alleyway was narrow, he felt it was useable, and a doorway from the building onto the alley would be blocked up. He advised that his client intends to live on site to manage the building and would be providing good quality housing for single persons.

Members questioned a number of points, including:

- The suitability of the access for pedestrian and vehicle use.
- Air Quality issues, in particular concerns about the condition relating to non-opening windows being fitted at the front of the building.
- The differences between this application and the original.

Following further discussions, Councillor Watson moved refusal. Councillor Warters seconded. When put to the vote, 5 members voted for refusal, 5 against.

Councillor Wiseman then moved approval and Councillor Douglas seconded. When put to the vote 5 members voted for approval, 5 against. The Chair used her casting vote and the application was approved.

RESOLVED: That the application be approved.

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

- loss of shop;
- principle of residential use;
- suitability of building to residential use;
- amenity issues;
- character and appearance of conservation area;

- highway safety;
- crime;
- public open space provision;
- contamination.

As such the proposal complies with advice in Planning Policy Statement 1: Delivering sustainable Development, Planning Policy Statement 3: Housing, Planning Policy Statement 5: Planning for the Historic Environment and Policies GP1, GP3, GP4A, GP4B, GP6, HE, HE3, T4, H4A, H8, S9 and L1c of the City of York Development Control Local Plan.

38b 77 Lawrence Street, York. YO10 3DZ (11/02760/FUL)

Members considered a full application for the conversion of a shop (use class A1) to a 10 bedroom house in multiple occupation with external alterations, including two front dormers.

Officers displayed plans of the scheme and advised that revised plans showing the proposed cycle storage had now been received. However the proposed cycle racks were not sufficient and draft condition 4 had been amended to require details of acceptable cycle storage together with adjacent refuse/recycling facilities to be submitted for approval. Officers also updated with the following information:

- Details of the proposed boundary railings had also been received and were acceptable.
- New condition 5 be amended to reflect new plans showing railings as mentioned above.
- Condition 3 be amended to specify 'latest approved plans'.

Members questioned a number of points in relation to the scheme including:

- Policy context in relation to a 10 bedroom house in multiple occupation having a kitchen in a basement. Officers confirmed that this is acceptable as long as there is sufficient light and ventilation.
- The fact that Highways had not objected to no parking spaces for a 10 bedroom building.

- Concern was expressed at the lack of amenity space inside the building and the small rear yard that would be used for refuse and cycle storage for 10 people.
- Some of the bedrooms appeared very small.
- Members were pleased to note the improvements to the outside of the building.

Following further discussions, Councillor Douglas moved refusal, which was seconded. When put to the vote this motion won.

RESOLVED: That the application be refused.

REASON: The proposed number of bedrooms within the development would result in an over intensive use for residential purposes, with inadequate facilities particularly in relation to the minimal external amenity space to serve the number of occupants. The proposal would therefore be contrary to the Councils Development Control Local Plan Policy GP1 which requires proposals to provide appropriate facilities including amenity space for residents.

38c William Thompson Ltd, Jubilee Mills, Fryors Close, Murton, York. (11/02669/FULM)

Members considered a major full application for the erection of two extensions to an existing agricultural feed storage building.

Officers displayed revised plans of the scheme which showed a reduced footprint as described in the Officers report. Draft Condition 3 would need to be amended to specify the 'latest plans'.

RESOLVED: That the application be approved.

REASON: In the opinion of the Local Planning Authority the proposal subject to the conditions detailed in the Officers report and amended Condition 3, would not cause undue harm to interests of

acknowledged importance, with particular reference to the principle of the development, visual appearance, neighbour amenity, drainage and transport issues. As such the proposal complies with policies E3b, GP1, GP9 and GP15a of the City of York Local Plan Deposit Draft.

38d 25 Shipton Road, Clifton, York. YO30 5RE (11/02487/FUL)

Members considered a Full Application for the construction of an outdoor swimming pool with shed to house filtration plant, the formation of a tennis court with 2.7 metre high chain link fence enclosure, replacement greenhouse (on existing footprint) and dwarf wall and base for shed.

Representations in objection to the scheme were received from Mr. Smith who resides at number 21 Shipton Road. He circulated photographs and a summary of his concerns. He advised that his home had been in his family for the past 50 years and in his opinion, the area had changed little in that time. He stated that he opposed the excavation of a track at the rear of his property as it had been the same for 168 years prior to the applicant's works in August 2011. He agreed with the height of the tennis court but asked that if the application be approved, that the court surface be in a muted colour.

Members sought a response to Mr. Smith's concerns, in particular the colour of the tennis court tarmac. Officers advised that this would be incorporated in draft Condition 3.

Following further discussion it was:

RESOLVED: That the application be approved.

REASON: In the opinion of the Local Planning Authority the proposal subject to the conditions listed in the officers report would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on neighbours living conditions, flood risk and the character, appearance and

setting of Clifton conservation area and nearby listed buildings and structures. As such the proposal complies with Policies GP1, HE3, HE4 and GP15a of the City of York Development Control Local Plan and Central Government advice contained within Planning Policy Statement 5 Planning for the Historic Environment.

38e 25 Shipton Road, Clifton, York. YO30 5RE (11/02488/LBC)

Members considered a listed building consent application for the construction of an outdoor swimming pool with shed to house filtration plant, formation of tennis court with 2.7 metre high chain link fence enclosure, replacement greenhouse (on existing footprint) and dwarf wall and base for shed.

RESOLVED: That the application be approved.

REASON: In the opinion of the Local Planning Authority, the proposal, subject to the conditions listed in the Officers report, would not cause undue harm to interests of acknowledged importance, with particular reference to the character, appearance and setting of listed buildings including 21 and 23 Shipton Road. As such the proposal complies with Policy HE4 of the City of York Development Control Local Plan and Central Government advice contained within Planning Policy Statement 5 Planning for the Historic Environment.

38f 295 Hull Road, Osbaldwick, York. YO10 3LB (11/02965/FUL)

Members considered a Full Application for a two storey rear and single storey side extensions to a detached dwelling.

Councillor Warters spoke on the application and urged Members to consider deferral in order for local residents to be

consulted on the new plan. He then left the room and took no further part in the discussions.

Officers displayed updated plans that had been received on the 22nd December 2011 showing an additional car parking space. The plans had not been re-consulted on as Officers considered them to be an improvement on the original.

The Chair asked Members whether they wished to defer the application in light of the new plans.

Councillor Douglas moved deferral and Councillor Watson seconded. When put to the vote, 6 Members voted in favour of deferral, 3 against.

RESOLVED: That the application be deferred.

REASON: To enable further consultation on the plans submitted on 22nd December 2011.

**38g Plough Inn, 48 Main Street, Fulford, York. YO10 4PX
(11/01635/FUL)**

Members considered a Full Application by Enterprise Inns Plc for the erection of a single storey detached building comprising of 6 hotel bedrooms (resubmission) (revised scheme).

Officers confirmed receipt of additional comments from Fulford Parish Council who welcomed the changes made to the siting of the proposed building. They also requested that a condition be added for an archaeological watching brief due to the historic nature of the public house and surrounding area.

Councillor Aspden spoke as Ward Councillor in support of the revised scheme and added that he was pleased to note the plans to protect the sycamore tree to the west of the application building.

The applicant's agent spoke in support of the scheme. He thanked Officers and Members for their input and advised that the revised application had taken into account the conservation area and that a tree survey had now been completed and a tree protected. He urged the Committee to approve the application.

Members raised concerns regarding the impact of the 6 new hotel rooms on traffic and parking in the area. Officers advised that there would be no reduction in the surface area of the car park. Highways were satisfied that the application would not affect the level of required spaces due to the car park being generally underused.

Following further discussion it was:

RESOLVED: That the application be approved subject to the conditions recommended including the watching brief condition.

REASON: In the opinion of the Local Planning Authority, the proposal, subject to the conditions listed in the Officers report, would not cause undue harm to interests of acknowledged importance, with particular reference to sustainability, tourism, conservation area, residential amenity, trees, highway safety and flood risk. As such the proposal complies with Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 5: Planning for the Historic Environment and City of York Draft Local Plan GP1, GP4A, GP15a, HE2, HE3, HE11, NE1, V1 and V3 of the City of York Development Control Local Plan.

38h DHL, Centurion Way, York. YO30 4WW (11/02828/FULM)

Members considered a Major Full Application by Mr Mark Taylor for a change of use and external alterations to form a vehicle service centre with commercial vehicle sales.

Officers circulated revised plans showing the size and location of the 12 cycle stands required. An amended condition 2 would be required to reflect this. Comments had been received from Clifton Without Parish Council who had no objections to the application.

RESOLVED: That the application be approved.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the Officers report and amended condition 2 as detailed below, would not cause undue harm to interests of acknowledged importance with particular reference to loss of employment premises and transport. As such the proposal complies with policies E3b, GP1 and T4 of the City of York Local Plan Deposit Draft.

Amended Condition 2: The Development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans numbered A(PL)01, 001/B received 20 December 2011 and A(PL)01 100 received 21 October 2011.

39. 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.

40. 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.

41. URGENT BUSINESS

In response to concerns raised by the Sub-Committee, the Chair confirmed that she would formally write to the Cabinet Member for City Strategy to request that a representative from the Highways department be available to attend Planning meetings.

Cllr. S Wiseman, Chair
[The meeting started at 2.00 pm and finished at 4.15 pm].