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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	5 JULY 2012
PRESENT	COUNCILLORS GALVIN (CHAIR), DOUGLAS (VICE-CHAIR), FITZPATRICK, KING, MCILVEEN, WATSON, WARTERS, BOYCE (SUBSTITUTE FOR COUNCILLOR FUNNELL), ORRELL (SUBSTITUTE FOR COUNCILLOR FIRTH) AND REID (SUBSTITUTE FOR COUNCILLOR CUTHBERTSON)
APOLOGIES	COUNCILLORS CUTHBERTSON, FIRTH & FUNNELL
IN ATTENDANCE	COUNCILLORS DOUGHTY, RICHARDSON AND WISEMAN

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<b>Site Visited</b>	<b>Attended by</b>	<b>Reason for Visit</b>
Manor House, Sherriff Hutton Road	Councillors Douglas, Fitzpatrick, Galvin, King, Warters and Watson.	To familiarise Members with the site as the application had been called in by the Ward Member, due to concerns from local residents relating to sustainability and drainage issues,
238 Strensall Road	Councillors Douglas, Fitzpatrick, Galvin, King, Warters and Watson.	To familiarise Members with the site following the application being called in by the Ward Member due to its sensitive nature.

29 Sandringham Close, Haxby	Councillors Douglas, Fitzpatrick, Galvin, King, Warters and Watson.	To familiarise Members with the site as the application had been called in by the Ward Member following residents concerns.
72 The Old Village, Huntington	Councillors Douglas, Fitzpatrick, Galvin, King, Warters and Watson.	To familiarise Members with the site.
1 Hazelwood Avenue	Councillors Douglas, Fitzpatrick, Galvin, King, Warters and Watson.	To familiarise Members with the site as the application had been called in by the Ward Member.

## 5. DECLARATIONS OF INTEREST

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

Councillor McIlveen declared a personal and non prejudicial interest in Agenda Item 5g) (1 Hazelwood Avenue) as the manager of an House in Multiple Occupation (HMO) in The Groves area of the city. He added that this was on behalf of his brother, who was the owner of the property and he did not collect rent from the occupants.

Councillor Orrell declared a personal and prejudicial interest in Agenda Item 5d) (238 Strensall Road) as he knew the owner of the property. He withdrew from the meeting during the consideration of this item.

No other interests were declared.

## **6. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That the Members of the Press and Public be excluded from the meeting during the consideration of Annexes to agenda item 6 (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.

## **7. MINUTES**

RESOLVED: That the minutes of the meeting of the East Area Planning Sub-Committee held on 7 June 2012 be signed and approved by the Chair as a correct record.

## **8. PUBLIC PARTICIPATION**

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

## **9. 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.

**9a Manor Park, Sheriff Hutton Road, Strensall, York. YO32 5TL  
(11/02460/FUL)**

Members considered a full application by Nelson Park Lodges for the retention of a show lodge and siting of 14 no. holiday lodges.

Officers informed the Committee that following the preparation of the report, it had come to light that the existing and proposed lodges on the site were being marketed for permanent residential occupation, not for holiday use as required under condition 5 of planning permission 10/1945/FUL. It was noted that the current application was for 14 no. holiday lodges and Members were informed that an agreement made with the Environment Agency in respect of foul drainage related to a pattern of intermittent holiday usage on the site.

As a result of this, Officers recommended that Members deferred the application to allow for further investigations to take place, before reconsideration at a future meeting.

RESOLVED: That the application be deferred.

REASON: In order to investigate the marketing of the cabins for sale as permanent dwellings, contrary to the approval of the holiday park.

**9b Bonneycroft, 22 Princess Road, Strensall, York. YO32 5UD  
(12/01013/OUT)**

Members considered an outline application by Bonneycroft LLP for a residential development of 9 detached dwellings (amended scheme).

Officers circulated an amended plan of the site to Members. This was subsequently attached to the agenda, which was republished following the meeting.

In response to a question from a Member regarding comments raised by the Parish Council regarding the retention of a grass verge along the highway boundary, Officers responded that a condition could be attached to planning permission if the application was approved.

Representations in support were received from the agent for the applicant. He spoke about the reasons for why a previous application on the site had been dismissed by a Planning Inspector, following the dismissal of appeal against a previous refusal in September 2011. He stated that amendments had been made to the application including;

- The gardens of the dwellings would be facing each other.
- That the gardens would be screened from the conservation area.
- The unit 9 had been moved further back from its original proposed location in order to protect trees on the site.

Representations were received from a local resident who spoke about the removal of Permitted Development rights from any approval as the proposed dwellings were adjacent to bungalows. He also added that residents were concerned about overshadowing from the proposed dwellings on to their properties and suggested that the ridge heights of the roofs be lowered. He also wished to receive confirmation about the distance of the trees away from the dwellings.

Further representations were received from a representative of Strensall with Towthorpe Parish Council. Further to a Member's earlier comment about the retention of the grass verge, he explained that this would avoid a footpath being built on the boundary. He also asked if the owners of the proposed dwellings would deal with the maintenance of the existing trees on the boundary. Officers confirmed this to be the case. In response to a Member's query about what the removal of Permitted Development Rights would mean in regards to what could be done to the dwellings, Officers gave a brief explanation.

It was reported that, their removal would allow householdersthe right to alter or extend their properties within certain limitations without planning permission.

Officers deemed that Permitted Development Rights should be removed due to the close proximity of the proposed dwellings to existing properties and trees. Members were informed that the removal of Permitted Development Rights would mean that if the owners wished to carry out development on their property, that they would have to apply for planning permission.

It was also noted that any such application would not be subject to a planning administration fee.

It was also noted that if approved, condition 8, as detailed in the Officer's report would include the necessity for street lighting to be installed.

RESOLVED: That the application be approved.

REASON: The proposal subject to the conditions listed in the Officer's report, would cause undue harm to interests of acknowledged importance, with particular reference to:

- Housing
- The Principle of Development for
  - Impact on Protected Trees
  - Access and Highway Safety
  - Cycle Parking
  - Density of Development
  - Design and Street Scene
  - Neighbour Amenity
  - Flood Risk and Drainage
  - Bio-Diversity
  - Sustainability
  - Public Open Space
  - Education

As such the proposal complies with the National Planning Policy Framework and policies GP1, GP4a, GP10, GP15a, H4a, H5a, NE1, NE6, NE7, L1c, T4 and ED4 of the City of York Local Plan.

**9c Site Adjacent to 1 Straylands Grove, York. (12/00140/FUL)**

Members considered a full application by Mr Chris Carline for a two storey detached dwelling to side (resubmission).

In their update to Members, Officers highlighted a few errors in their report which included;

- That on page 40 in Paragraph 3.5, that the proposal to replace the Copper Beech tree with a Beech tree was incorrect, and that the replacement tree would be a Norway Maple.
- That on page 44 in Paragraph 4.10, where it stated that the proposed house would be a little taller than the previously approved application, this was incorrect as the current application would be lower in height.

They also informed Members of the response which had been received from the Council's Landscape Architect in relation to a revised landscaping scheme which included additional tree planting and retention of the existing holly bushes and fruit bushes which had Tree Preservation Orders (TPO) on them.

Officers also suggested that, if Members were minded to approve the application, that Condition 14 in the report should be removed as this requirement had been removed from the Council's Interim Planning Statement on Sustainable Design and Construction.

Representations in objection were received from a local resident. He felt that the design of the property was not in keeping with the area as other properties in the vicinity were built of brick and tile, and as a result its appearance would distract drivers.

Representations in support were received from the applicant. He informed the Committee that the features for the property were taken from other houses in the vicinity. He added that following comments, he had amended his original proposals to remove the mono-pitched roof, that the scheme would allow for sustainable materials to be used and that there would be reduced glazing and render used. He also informed Members that trees would be planted along the boundary in advance of construction.

During discussion, some Members expressed their appreciation at how the applicant had taken into consideration the size and scale of the proposed building to its surroundings. Some Members added that they liked the design.

Councillor Warters requested that his vote against approval of the application 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, and positively addresses the site circumstances, with particular reference to:

- Impact on the Street Scene;
- Neighbouring Amenity;
- Highways;
- Sustainability; and
- Drainage

As such the proposal complies with Policies GP1, GP4a, GP10, L1c, and H4A of the City of York Development Control Local Plan.

**9d 238 Strensall Road, York. YO32 9SW (12/01059/FUL)**

Members considered a full application by Mr and Mrs R Binns for the part retention of an existing building and alterations to create a single storey dwelling (revised scheme).

Representations in support were received from the agent for the applicants. He spoke about the personal family circumstances of the applicants, and passed on the applicant's apologies that they had not obtained planning permission before the existing building had been constructed. He added that he did not feel that the annex would have a detrimental impact on the green belt and its amended size would not constitute inappropriate development.

Further representations were received from the Ward Member Councillor Doughty. He raised a number of points including;

- That in his view, the National Planning Policy Framework stated that both social needs and redevelopment of previous sites which did not harm the green belt were permissible.
- That as the dwelling would be of a single storey height that that it would be out of view from neighbouring properties.



- That the removal of the dilapidated piggery nearby would contribute to the openness of the site.
- That, if approved, a condition should be added on to planning permission to not allow for the annex to sold separately to the main dwelling.

Some Members felt that the building would not have a detrimental impact on the green belt. They added that the proposed shelter belt at the rear of the property would allow for screening of the building.

Other Members expressed concern that approval of the application might set a precedent and felt that they had not heard feasible planning reasons for approval of the application. Additionally, they raised concerns as to the future use of the building if the current occupiers did not reside there, for instance for letting out purposes.

Some Members pointed out that the existing building had been on the site for a number of years, and that permission was previously given to allow for the building to be used as a holiday let, which was supported by a decision from a Planning Inspector. They added that even if there was some linkage between the main building and the annex, that this might not prevent the building being let out. Other Members suggested that a condition to put a timescale on construction works should be added to permission, if the application was approved.

RESOLVED: That the application be approved with the following conditions;

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

Drawing Numbers A1-A3 received 13 March 2012  
Drawing Numbers 201102/100 received 13 March 2012  
Drawing Numbers 201102/101 received 13 March 2012;

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

2. The proposed additional accommodation shall only be occupied and used in conjunction with the occupancy of the existing main dwelling, and shall not be occupied, sold, leased, rented or otherwise disposed of, as a separate dwelling unit.

Reason: To prevent the building from being used as a separate residential unit. A dwelling to the rear of the linear development along Strensall Road would be at odds with the prevailing character of development, and would not fall within development considered to be appropriate in the Green Belt as set out in the National Planning Policy Framework and Policy GB1 of the City of York Development Control Local Plan. The use of the building as a separate dwelling with the potential for associated domestic paraphernalia and development this entails would also increase the visual impact of the building within the Green Belt causing harm to the openness of the Green Belt and therefore contrary to the national policy contained in the National Policy Framework.

3. The alterations to the building including the removal of the first floor and the garden fence as so to comply with Drawing A1-A3 (received 13 March 2012) shall be completed within 6 months of the date of this planning permission. The rubble and other materials resulting from the removal of the first storey that are not reused in the alterations shall be removed from the site within 6 months of the date of this planning permission.

Reason: To ensure that the unauthorised development is altered to conform to this permission and so that its impact on the green belt is reduced.

4. There shall be no habitable rooms in the roof space of the approved single storey building.

Reason: The accommodation hereby approved is for use as an annex only; further development of the building may result in disproportionate accommodation above what is reasonably expected of annex accommodation.

5. The roof tiles of the existing building shall be reused for the building hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the finished appearance is to the satisfaction of the Local Planning Authority.

6. 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, B, C, D, E, F and G of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interest of openness of the Green Belt, and the building is to be used as an annex to the main accommodation of 238 Strensall Road therefore 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.

7. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Development Order 1995) (or any Order revoking or re-enacting that Order), no fences, gates, walls or any other means of enclosure shall be erected around the annex building.

Reason: The creation of an enclosed garden around the building together with the level of accommodation provided within the annex building would conflict with the approved use as an annex to the main dwelling. The creation of an enclosure around the building with

potential for domestic paraphernalia would increase the impact of the development within the Green Belt causing harm to the openness of the Green Belt and therefore contrary to the national policy contained in the National Planning Policy Framework.

8. Within 3 months of the date of this permission a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs to supplement existing vegetation along the boundaries of the property within the control of the applicant shall be submitted to the Local Planning Authority. Thereafter the scheme as may be agreed in writing by the Local Planning Authority shall be implemented within a period of 9 months of the date of this permission. Any trees or plants which within a period of five years, 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 along the boundaries, in the interests of the additional screening of the development from the adjacent open countryside and green belt.

9. The trees and hedging along the southern and northern boundary of the whole site as shown by the blue line on Drawing Number 201102/100 shall be retained.

Reason: The trees and hedging create screening of the proposed annex from the wider area.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, the proposed building is not considered to have a further impact than the previous outbuilding that was on the application site and as such these are considered to be very special circumstances and that outweigh the harm to the greenbelt and the presumption against inappropriate development in the

greenbelt. Therefore it is considered to comply with the National Planning Policy Framework.

Informative: It is noted that the applicants offered to remove the caravan on the site. For clarification no application has been received for the siting of a caravan on this site and as such the siting of the caravan is unauthorised. The applicants are advised to remove the caravan and submit a timetable for its removal to the Local Planning Authority.

**9e 29 Sandringham Close, Haxby, York. YO32 3GL  
(12/01153/FUL)**

Members considered a full application by Mr P Brown for a single storey rear extension with replacement attached garage to side and canopy to front.

In their update to Members, Officers reported that there were inaccuracies in terms of the floor plans for the application.

Representations in objection were received from a next door neighbour. She spoke about how the proposed extension would be in very close proximity to her kitchen and back door and that the garage window would overlook her bathroom. She also added that she had received conflicting information on the proposals and questioned the reasons for the height of the extension.

Further representations were received from the Ward Member, Councillor Richardson. He felt that there were several concerns about the application including;

- That the development was extremely large in relation to others in the local area.
- There would only be a 1 metre gap between the neighbour's property and the proposed extension.

- That the extension would have a corridor which would exclude light from the neighbour's kitchen and bathroom which were located immediately opposite.
- That the impact on the shared local amenity space to the rear of the property would be too great due to the size of the development.

Some Members reported that they felt that they smelt damp on the neighbouring properties, and they questioned if the close proximity of the extension could cause further problems in relation to this.

Members felt that the application should be refused due to it being overbearing, that it would have a detrimental impact on the streetscene and that there would be a negative impact on the neighbour's amenity due to a loss of light and overdominance.

**RESOLVED:** That the application be refused.

**REASON:** It is considered that the proposed extension by virtue of its height scale and proximity to the side boundary with 31 Sandringham Close would result in a significant loss of light to the side of the adjacent property which contain a number of window openings, and would overdominate the side elevation of that bungalow. The proposal would therefore have a detrimental impact upon the living conditions of the adjacent resident, contrary to the provisions of Council's Development Control Local Plan policy H7, which requires, inter alia , there to be no adverse effect on the amenity which neighbouring residents could reasonably expect to enjoy.

**9f 72 The Old Village, Huntington, York. YO32 9RB  
(12/01461/FUL)**

Members considered a full application by Mr Thackray for a two storey rear extension (resubmission).

Representations in objection were received from an adjoining neighbour to the property.

She felt that the extension would be detrimental because it would cast a large shadow over her garden, overshadow the bathroom of the property on the other side of the applicant's property. She also added that she felt that the guttering on the proposed building would be unattractive, the extension would be dominant in the surrounding area. Finally she felt concerned about the noise and disturbance that would be caused, as she reported that the party wall between the two houses was particularly thin.

Some Members asked questions about parking and storage for the property, as they felt that this was a particular issue in the neighbouring area. Officers informed the Committee that the property had off site parking.

Other Members felt that the extension would be overbearing on the adjacent properties and also pointed out that the bedroom would not receive any light in the Autumn and Winter months from 9 am onwards.

RESOLVED: That the application be refused.

REASON: The proposed full height two-storey rear extension projects 2.4m beyond the original rear building line of the property and is located immediately on the side boundary (south) of 74 The Old Village. At 3.6 m, the single storey element projects a 2.1 m beyond the adjoining extension at no 74. It is considered that the height, length and proximity of the extension is such that it would unduly dominate and overshadow the rear first floor living accommodation and rear external amenity space of number 74 and create a structure which is out of scale with the original cottage and its densely developed location. As such it is considered that the proposal conflicts with policy GP1 (criterion b and i) and H7 (criterion d) of the City of York Draft Local Plan (fourth set of changes) approved April 2005.

**9g 1 Hazelwood Avenue, Osbaldwick, York. YO10 3PD  
(12/01963/FUL)**

Members considered a full application by Mr Mark Ramsey for a change of use from a dwelling house (Use Class C3) to a house in multiple occupation (Use Class C4).

Additional information in regards to the application was circulated to Members, this was attached to the agenda following the meeting, which was subsequently republished online.

Councillor Warters urged the Committee to defer consideration of the application as he felt that the facts and figures relating to the concentration of HMO's in the area were not correct.

Officers informed the Committee that the proposal would sit below the maximum level of HMOs allowed in the area. Some Members asked if incorrect figures could be used as a basis for refusal of the application. Others felt that the decision on the application could only be taken on what its current use was, not on what it could be used for in the future.

Other Members felt that as the property under consideration was a bungalow that with alterations it would remove a starter property from the market. Others felt that the application did not constitute overdevelopment as parking for the property was available.

Councillor Warters felt that the loss of the front garden from the property would significantly change the streetscene. He asked for his vote for refusal of the application be recorded.

**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 residential amenity and the impact on the character and appearance of the area. As such the proposal complies with Policies GP1 and H8 of the City of York Development Control Local Plan, and the Council's Supplementary Planning Document:



'Controlling the concentration of Houses in Multiple Occupancy' (2012).

**10. 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 report be noted.

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

Councillor J Galvin, Chair

[The meeting started at 2.00 pm and finished at 4.40 pm].