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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	2 FEBRUARY 2012
PRESENT	COUNCILLORS WISEMAN (CHAIR), DOUGLAS (VICE-CHAIR), FIRTH, FITZPATRICK, FUNNELL, HYMAN, MCILVEEN, WARTERS AND WATSON
APOLOGIES	COUNCILLOR KING

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Visited	Attended by	Reason for Visit
238 Strensall Road	Councillors Douglas, Firth, McIlveen, Warters, Watson and Wiseman.	To familiarise Members with the site as it had been called in by the Ward Member.
Raddon House, Fenwicks Lane.	Councillors Douglas, Firth, McIlveen, Warters, Watson and Wiseman.	To familiarise Members with the site as it had been called in by the Ward Member.

#### 42. DECLARATIONS OF INTEREST

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

Councillor Douglas declared a personal non prejudicial interest in Agenda Item 4c) Kent Street Coach Park, as a former Council representative on the Fire Authority. Councillors Funnell and Hyman also declared the same interest.

Councillor Warters declared a prejudicial interest in Agenda Item 4a) 295 Hull Road, but asked the Chair if she would allow him to address the Committee. She granted this request.

Councillor Wiseman declared a personal non prejudicial interest in Agenda Item 4d) 238 Strensall Road, as a Ward Member and Parish Councillor. She clarified that she did not see or discuss

any plans that had come to Parish Council meetings in relation to the application.

No other interests were declared.

#### 43. **MINUTES**

RESOLVED: That the minutes of the last meeting of the Sub-Committee held on 5 January 2012 be approved and signed by the Chair as a correct record subject to the following amendment to minute item 41 (Urgent Business);

“In response to concerns **unanimously raised by the Sub Committee to attend planning meetings if requested**, 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.”

The Chair updated the Committee on a response that she had received from the Council’s Highways Department about their non attendance at planning meetings. It was reported that the department did not attend meetings due to being understaffed. The Chair stated to Members that she felt that this was an unsatisfactory reply.

Councillor Watson also informed Members that he had also written to Highways Officers, in his role as Chair of Main Planning Committee.

#### 44. **PUBLIC PARTICIPATION**

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

#### 45. **PLANS LIST**

**45a 295 Hull Road, Osbaldwick, York. YO10 3LB (11/02965/FUL)**

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

Councillor Warters requested that he be able to address the Committee to outline reasons why he called in the application for consideration, the Chair accepted his request. He urged the Committee to defer the application due to a number of issues which included;

- That he felt that there were numerous mistakes in the Officer's report, which would not enable Members to make a fair decision.
- That the property at 293 Hull Road did not have an extension, but that what had been perceived as such was part of the original building.
- That objectors had not received copies of the revised plans that they had requested at the site visit.

In response to Councillor Warters' concerns, the Chair reported that amended plans for the proposal had been available for members of the public to view at the Council Offices.

Officers informed the Committee that they had received an email, which had also been sent to all Members by a member of the public. In their response to the email, Officers stated that;

- Whether the kitchen at 293 Hull Road constituted an extension or a part of the original house was not relevant as the Officer's report was based on information that had been given by the occupier of the property, and what had been observed by the case officer on site.
- The dimensions of the extension and distance from the boundary in the report were correct and that the proposed two storey extension was not as wide and was further away from the boundary of the property at 293 as originally reported.
- References to 263 Hull Road in the Officer's report were incorrect and should have referred to 293 Hull Road, and were unfortunate typographical errors.

For these reasons Officers suggested that, in their view, that there would not be justification for the Committee to defer a decision on the application again.

Officers answered a number of other queries from Members relating to cycle storage, existing car parking problems in the vicinity and confirmed that the Article 4 Direction in relation to Houses in Multiple Occupation (HMO) would not take effect until April, so a decision on the application would not have to comply with this.

Representations were received from a neighbour in objection. He raised a number of concerns which included;

- Reduction of light for adjacent properties.
- That surface water drainage had not been considered, in that the height of the garden at 295 was greater than the neighbour's property which would lead to higher levels of water run off.
- That the loss of kerbside parking would exacerbate current car parking problems and would lead to cars parking in the turning point in the road, which would block access to neighbouring properties.

Members asked Officers for clarification on whether the applicant could build some or all of the extensions under permitted development. It was reported that the applicant could build either the single storey side extension or the two storey rear extension in isolation without the need for planning permission. However, due to the combined width of the development, planning permission was required to build both elements together.

Some Members considered that the parking problems in the area were more likely to be due to the close proximity of a doctor's surgery, not due to the inhabitants of the property. Additionally, it was noted that not all HMOs, were inhabited by students, and that Members could not base their decisions on perceptions about the behaviour of the inhabitants of the property.

**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 adjacent occupiers 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.

**45b Newlands, Back Lane South, Wheldrake, York. YO19 6DT (10/01637/FUL)**

Members considered a Full Application by Mr. S Crowther for the erection of a replacement single storey dwelling (resubmission).

Officers explained that the application had originally been deferred in October 2011 in order for consideration to be given to providing greater separation between the dwelling and an adjacent ash tree, and also to how natural light would reach rooms within the basement. It was noted that a revised location plan had been received and that the distance between the proposed dwelling and the tree was now deemed to be acceptable. It was also reported that, if the application was approved, the lightwells serving the basement would incorporate toughened glass, which would avoid the need for protective enclosures thus allowing more natural light to enter the basement.

Officers informed Members that the proposed replacement dwelling would constitute a significant enlargement of the existing building. They confirmed that the floorspace in the basement had also been reduced from the previous application, but that the ground level space had remained at its previous size.

Representations in support of the application were received from the applicant. She circulated a photograph of the proposed dwelling; this was subsequently attached to the agenda, which was republished after the meeting. She informed the Committee that the proposed bungalow would now be at a distance of 6.6

metres away from the ash tree. The walls of the light wells would be painted with light reflecting paint, and the safety railings would be replaced with a glass balustrade. The applicant also informed the Committee that support for her application had been received from the Parish Council and local residents.

Members felt that as the majority of the proposed dwelling would be unobtrusive and as local residents were not opposed to the application, that it should be approved. Some Members also suggested that a condition should be added to maintain the size of the boundary landscape and that permitted development rights should be removed, in order for future development to be tightly controlled.

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

1. The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

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

Drawing Nos:-CRO/12.A; CRA/03A ;  
CRA/09A received on 4 November 2011.

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

3. Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local

Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

4. Details of all means of enclosure to the site boundaries, including minimum heights, shall be submitted to and approved in writing by the Local Planning Authority before the development commences, shall be provided before the development is occupied, and shall be thus maintained.

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

5. 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 and other planting. 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.

6. Before the commencement of development, including demolition, building operations, installation of utilities, the importing of materials, or any excavations or

earthworks, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and location of protective fencing in accordance with BS5837, phasing of works, site access during demolition/construction, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles and storage of materials. The method statement shall also include construction details for the driveway, and shall be strictly adhered to throughout the demolition and construction phase of the development.

Reason: To protect existing trees which are shown to be retained, one of which is subject to a Tree Preservation Order and are considered to make a significant contribution to the amenity of this area and the development.

7. Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

8. Vehicular access shall be from Back Lane South and details of the design of this access, together with associated sight lines, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.



Reason: In the interests of highway safety

9. The development shall not be first occupied until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the verge to match adjacent levels.

Reason: In the interests of good management of the highway and road safety.

10. The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

11. No gate shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

12. 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 and F of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of maintaining the openness of the Green Belt, 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:**

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 very special circumstances which are considered to outweigh the presumption against inappropriate development in the Green Belt. These are the fallback position available to the applicant using permitted development rights, and the superior design solution that would be achieved by the granting of planning permission for the proposal. As such the proposal complies with Policies YH9 and Y1C of the Yorkshire and Humber Plan, Policies GB1, GB5 and GP1 of the City of York Draft Local Plan and National Planning Advice contained within Planning Policy Guidance Note 2 "Green Belts".

**45c Kent Street Coach Park, Kent Street, York.  
(11/03241/REMM)**

Members considered a Reserved Matters Application by the North Yorkshire Fire and Rescue Service for the erection of a fire station with a training tower and associated facilities. The reserved matters were the detailed appearance of the main building, the training tower and the landscaping and layout of the development.

In their update to Members, Officers informed the Committee about comments that had been received from the Council's Landscape Architect. It was reported that the tree on site, by the proposed car park entrance, would be retained and protected during construction works. Protection measures included retention of the existing kerb line and the relocation of a proposed lighting column. It was also clarified that there would be a separate entrance for fire tenders and that the Council's Environmental Protection Unit (EPU) was satisfied by the amount of light emittance from the proposed lights on the site.

Representations in support were received from the agent for the applicant. She spoke about the process that had contributed to the submission of the application, in particular that the Council's Landscape Architect and Archaeologist and the local Planning Panel had been consulted. She stated that the lighting on the training tower would be switched off during the day and that the applicant was happy to move the kerb away from tree roots.

Members suggested amendments to the condition regarding external lighting, which would require lighting to be on a movement sensor, in the interests of amenity and to avoid undue light pollution. Officers and the applicants confirmed that this was acceptable.

RESOLVED: That the application be approved with the following amended condition;

4. External lighting within the site shall not exceed 5 Lux, measured at the site boundary. Lighting shall not exceed 1 Lux at the nearest residential facade between 23:00 and 07:00 the following day. Unless otherwise agreed in writing by the Local Planning Authority, all external lighting shall be activated by motion sensors, so that it is only illuminated when required for operational reasons.

Reason: In interests of the amenity of surrounding occupants.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the Officer's report and the amended condition above, would not cause undue harm to interests of acknowledged importance with particular reference to visual amenity, residential amenity and highway safety. As such the proposal complies with Policies GP1, GP9 and NE1 of the City of York Development Control Local Plan.

**45d 238 Strensall Road, York. YO32 9SW (11/03175/FUL)**

Members considered a Full Application by Mr and Mrs R Binns for the erection of a two storey live/work annex. (retrospective) (resubmission).

Representations in support of the application were received from the applicant's agent. He informed the Committee that the main reason for the construction of the annex was in order to provide support for the applicant's son who had mental health problems. As a result of this, he felt that very special circumstances existed for Members to approve the application, even though it was located in the Green Belt. He also felt that the proposed demolition of the piggery would improve the openness of the site.

Additional representations of support were received from the Ward Member, Councillor Doughty, and these comments were circulated to Members at the meeting.

Some Members asked the applicant about what would happen to the annex if at any point their son did not inhabit the annex. In addition they asked whether the building would be demolished if the family no longer lived at the property.

The applicant responded that their son would not move out of the annex without the rest of the family moving away.

Officers suggested that it may be the application was approved that it would be beneficial to have a section 106 agreement in place in order to tie the main dwelling to the occupation of the annex. However, it was pointed out to Members that the accommodation under consideration was fully self contained and not physically linked to the house, and therefore could not be properly described as an annex.

During their debate, Members raised a number of issues including; that it was unfortunate that initial consultation with Planning Officers had not taken place before construction began, that they felt that the application was only a minor incursion into land that was located in the Draft Green Belt, that it would be possible to screen the development from the surrounding Green Belt and that approval of the application could set a precedent for other similar applications in the future.

RESOLVED: That the application be refused.

REASON: The proposed dwelling is considered to be inappropriate development in the Green Belt. The circumstances provided for the justification for the proposed dwelling are not considered to represent very special circumstances and as such do not overcome the presumption against inappropriate development within the Green Belt. The proposed dwelling, by virtue of its siting and urban appearance is also considered to be out of keeping with the prevailing character and pattern of development in the area and leads to an encroachment of development and as such impacts adversely on the openness of the Green Belt. For these reasons the proposed dwelling is to be considered inappropriate development and is therefore contrary to Policies GB1 and GP2 of the City of York Council Development Control Local Plan (2005); Policy CS1 of the emerging CYC Core Strategy; Policy YH9 and Y1 of the Yorkshire and Humber Regional Spatial Strategy (May 2008); and national planning advice contained within Planning Policy Statement 2 'Green Belts' and Planning Policy Statement 1 'Delivering Sustainable Development'.

**45e Raddon House, 4 Fenwicks Lane, York. YO10 4PL  
(11/03071/CAC)**

Members considered a Conservation Area Consent Application by Mr Waldron for the demolition of house and outbuildings.

In their update to Members, Officers explained that the application was submitted with an application for the erection of a replacement dwelling on the site. The Local Member requested that if it was the intention of Officers to approve the applications, that they be referred to Planning Committee for determination. However, the application for the replacement dwelling was not brought to Committee as it was refused by Officers under delegated powers. Following comments from members of the public about the lack of online access to

consultation documents relating to the application following the site visit, it was confirmed that a computer fault had occurred between 12<sup>th</sup> and 21<sup>st</sup> December, after which public access was restored.

Members asked Officers whether a condition could be added to any approval to request that the bricks from the demolished building be stored for re-use. Officers responded that they could only ask the applicant to remove the bricks from the site. Some Members then commented that the removal of bricks by vehicles could compromise the condition of the trees on the site, which could be damaged by multiple vehicles entering and leaving the site.

Representations were received from a representative of Fulford Parish Council. She stated that although the Parish Council accepted that there would not be a detrimental impact to the site through the demolition of the building, they would wish to see the site properly restored and landscaped. However, she felt that it would be unwise to support demolition, given that the applicant had provided no detailed information regarding the future use or redevelopment of the site. In addition, she felt that there was a need for a new bat survey to take place. She also added that the Parish Council felt that an archaeological watching brief should be added to any permission.

Some Members felt that the application should be refused for a number of reasons such as; the removal of housing stock from the city, the lack of information on the long term implications of development or non-development on the site and the adverse impact that this could have on the Conservation Area.

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

**REASON:** In the absence of any detailed information regarding the future use or redevelopment of the site, the Local Planning Authority considers that the demolition of the buildings would be likely to have an adverse impact on the character and appearance of the conservation area. The application therefore conflicts with national planning advice contained within Planning Policy Statement 5 (Planning for the Historic Environment) and policies HE2 (Development in Historic

Locations), HE3 (Conservation Areas) and HE5 (Demolition of Listed Buildings and Buildings in Conservation Areas) of the City of York Local Plan Deposit Draft.

Councillor S Wiseman, Chair

[The meeting started at 2.00 pm and finished at 4.25 pm].