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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	12 OCTOBER 2006
PRESENT	COUNCILLORS MOORE (CHAIR), HALL, KING, D'AGORNE, GREENWOOD, SMALLWOOD, VASSIE, B WATSON, I WAUDBY AND ORRELL (SUBSTITUTE)
APOLOGIES	COUNCILLOR HYMAN

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## 27. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
35 Third Avenue, Heworth, York	Cllrs Moore, B Watson and Vassie.	To assess the impact upon neighbours and see the extent of the extension.
17 Worcester Drive, Osbaldwick, York	Cllrs Moore, J Greenwood B Watson and Vassie.	To clarify the rear boundary and to assess the impact of the extension upon neighbours.
Wheldrake C of E Primary School, Wheldrake	Cllrs Moore, J Greenwood and B Watson.	To familiarise Members with the proposed siting and size of the proposed buildings in their context and assess the impact upon neighbours.

## 28. DECLARATIONS OF INTEREST

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

Cllr Vassie declared a personal prejudicial interest in Plans item 5d) (Wheldrake C of E Primary School, North Lane, Wheldrake) as he was a governor and his child attended the primary school and he left the room and took no part in the discussion and voting thereon.

## 29. EXCLUSION OF PRESS AND PUBLIC

**RESOLVED:** That the Press and Public be excluded from the meeting during consideration of the Annexes to Agenda Item 6 (Enforcement Cases Update) on the

grounds that they contain information, if disclosed to the public would reveal that the Authority proposes to give, under any enactment a notice under or by virtue of which requirements are imposed on a person, or that the Authority proposes to make an order or direction under any enactment it contained information classed as exempt under Paragraph 6 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by the Local Government (Access to Information) (Variation) Order 2006).

### **30. MINUTES**

RESOLVED: That the minutes of the meeting of the Sub-Committee held on 14 September 2006 be approved and signed by the Chair as a correct record subject to the following amendments

In Minute 19 the deletion of the word “non” prior to the word “prejudicial” in relation to Cllr Vassie’s declaration of interest in Plans Item 4j – Wheldrake C of E Primary School, North Lane, Wheldrake and the addition of “and he left the room and took no part in the discussion and voting thereon” at the end of the declaration.

In Minute 22d (St Peters School 06/01428/FUL) the addition of the following paragraph in the preamble

“ Members raised the issue of the scheme allowing permissive access to the footpath during times of flood though it was determined that this was not a matter within the remit of the Committee” and

In the resolution the deletion of the words “and that the applicant be advised of the Committees concerns that no discussion had taken place regarding the publics limited use of the path during school holidays and during flooding”.

### **31. PUBLIC PARTICIPATION**

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

### **32. 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.

**32a. 8 St Peters Grove, York (06/01588/FULM)**

Members considered a Major Full Application, submitted by Hearthstead Homes Ltd, for the conversion of an existing building and the erection of a 3 storey block to provide a total of 12 x 2 bed apartments with associated on-site parking and secure cycle storage at Executive Communication Services Ltd, 8 St Peters Grove, York.

Officers updated that the applicant had now withdrawn this application.

**RESOLVED:** That the application be withdrawn as requested.

**REASON:** To allow the applicants to confirm the ownership of the land prior to the Sub-Committees consideration of the application.

**32b. York District Hospital, Wigginton Road, York (06/01674/FULM)**

Members considered a Major Full Application, submitted by Peter Strickland, for the erection of a multi-storey (3 level) car park including alterations to vehicle access and roads at York District Hospital, Wigginton Road, York.

Officers updated that the applicant had now withdrawn this application.

**RESOLVED:** That the application be withdrawn as requested.

**32c. 17 Worcester Drive, Osbaldwick (06/01198/FUL)**

Members considered a Full Application, submitted by Mr P Hodgson, for a pitched roof extension to the side and rear including a detached garage after the demolition of the existing at 17 Worcester Drive, Osbaldwick. Members were reminded that this application had been deferred at the last meeting to request a site plan showing accurate distances between the proposal and the rear boundaries.

Officers updated that a revised plan had now been submitted which showed that the site boundary was nearer to the proposed development than had previously been noted on the original plans submitted. The revised plan was displayed at the meeting and Officers outlined the reduced distances between the development and the site boundaries and

reported that the Environmental Protection Unit had no objections to the proposal.

The Chair referred to questions that had been raised regarding the legality of considering the revised plan without reconsultation. He indicated that Legal Services had confirmed that Members could now give greater weight to the objections received owing to the reduced distances.

Representations in objection were received from a neighbour, on behalf of local residents, and she circulated details of their objections which had been raised at the last meeting. She also reiterated their objections to the scheme which she stated were still valid especially with the reduced distances involved between the proposed development and neighbouring properties. She also reminded Members that, at the last meeting, Cllr Morley, as Local Member, had expressed his concerns as to the adverse affect the development would have on neighbour's amenities.

Some Members expressed concerns at possible drainage problems that could arise on the site, if the development was approved, which could affect neighbouring properties. Officers confirmed that the application could not be refused on drainage grounds, as surface water drainage in relation to house extensions was a matter covered by Building Regulation and not planning. Concerns were also expressed regarding the proposed reduction in amenity space for the property, the effects on neighbouring buildings and of the need to ensure that adjacent residents were not unduly affected by overlooking, overshadowing or dominated by overbearing structures as referred to in Draft Local Plan Policy CYGP1.

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

**REASON:** The proposed extensions by virtue of their size, height, massing and proximity to the rear boundary shared by properties on Meadlands will adversely affect the living conditions of neighbours through potential over dominance and over development. As such the application is considered contrary to policies GP1 and H7 of the City of York Deposit Draft Local Plan and advice contained within PPS1: Delivering Sustainable Development (2005).

**32d. Wheldrake C of E Primary School, Wheldrake (06/01553/FUL)**

Members considered a Full Application, submitted by the York Diocesan Board of Education, for a one and two storey pitched roof side and rear extensions at Wheldrake C of E Primary School, North Lane, Wheldrake, York. Members were reminded that this application had been deferred at the last meeting in order for a sustainability appraisal to be carried out.

Officers updated that Leisure, Culture and Children's Services supported the proposals and reported receipt of 4 letters of support from local residents and parents of children at the school. A further letter had been received from a Wheldrake Parish Councillor who supported the proposals

but felt that the energy efficiency proposals could be added at a later date so as not to hold up development.

Representations in support were received from the Head Teacher who explained that there was a need to remove 3 mobile classrooms located around the school and to replace them with 3 classroom extensions to improve the teaching facilities within the school. She confirmed that the proposals had been put forward following consultations with many groups and pupils over a period of time. She then went on to detail work undertaken on the Sustainability Statement and the proposed measures they intended to take, details of which had previously been circulated to Members.

Representations were also received in support of the proposals from a Governor and parent of children who had attended the school for 8 years. He confirmed that the school had inadequate facilities, which were in urgent need of improvement and stated that any further delay in approving the scheme could affect funding.

Members questioned the Architect and Governor, who were in attendance, on the age of the temporary classrooms, whether the gas fired boiler could be converted to biomass at a later date, the rainwater harvesting system and grants available for a wind turbine.

Members also thanked the school for providing an excellent comprehensive sustainability statement for the proposed school extension. A request was also made for the addition of an informative asking for the possible inclusion of a real time display of energy consumption at the school.

**RESOLVED:** That approval be granted subject to the conditions listed in the report and addition of the following

The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

Informative: The school is requested to contact The CoYC Sustainability Officer (Kristina Peat 01904 551 666) regarding options available for attaining funding for further sustainable developments and the installation of a real time display illustrating energy usage at the School.

**REASON:** In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the street scene and the amenity of local residents. As such the proposal complies with Policies GP1 and ED1 of the City of York Draft Local Plan.

**32e. St Peters School, Clifton, York (06/01428/FUL)**

Members considered a Full Application, submitted by St Peters School, for the erection of a gated enclosure at each end of former public footpath, at St Peters School, Clifton, York. Members were reminded that this application had been deferred at the last meeting to allow the application to be re-advertised with the word 'fencing' replaced by 'gated'.

The Chair reported that Officers were requesting deferment of this application to allow clarification to be sought from the applicant regarding ownership of the land on which they proposed to erect the gated enclosures.

In answer to questions from Members, Officers confirmed that they would seek legal advice on the Secretary of States ruling on the closure of the footpath in relation to ownership of the land.

**RESOLVED:** That the application be deferred to the November meeting of the Sub-Committee.

**REASON:** To allow the applicants to confirm their ownership of the land or complete the correct to serve notice on the landowner,

**32f. 35 Third Avenue, Heworth, York (06/01947/FUL)**

Members considered a Full Application, submitted by Mr Cain, for a two storey extension at 35 Third Avenue, Heworth, York.

Officers updated that the Heworth Planning Panel had no objections to the application and reminded Members that permission had been refused for a similar extension in August 2003 although the officer recommendation had been for approval. Officers confirmed receipt of a revised plan which reduced the scale of the proposal making it less obtrusive, provided enclosed cycle parking facilities and with the extension set back to allow a car to be parked without overhanging the footpath.

Representations in objection were received from a neighbour who stated that the application site was at one of the narrowest points on Third Avenue. He pointed out that the site tapered which gave a difference in driveway width of 9" from front to back. Although the proposal had marginally changed, the development would still block out natural light with a large expanse of blank brick wall in close proximity to his dwelling. He confirmed that he had no objections to a single storey extension.

Members referred to the site visit when the difference in driveway width had been noted and they indicated that they felt that the proposal would still have an adverse affect on the neighbouring property.

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

**REASON:** The proposal, by virtue of its size, scale and proximity to the adjacent property is considered to be overdevelopment which would create an over dominant effect upon the neighbouring property and would therefore adversely affect the living conditions of neighbours. Hence it is considered to be contrary to Policies GP1 and H7 of the City of York Draft Local Plan.

### **33. 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 this Sub-Committee.

Members expressed their thanks to the Enforcement Officers for the work undertaken in relation to all these cases.

- RESOLVED:**
- i) That the report and updates be noted.
  - ii) That Officers report back to a future meeting of the Sub-Committee on Building Control standards in relation to drainage.
  - iii) That a report be brought back to Members regarding an alleged breach of a permission granted for Enforcement Case 06/00597/COND

*NB item iii)added at the meeting on 09 November 2006*

- REASON:**
- i) To update Members on the number of outstanding enforcement cases within the Sub-Committees area.
  - ii) To update Members on the Building Regulation standards in relation to drainage.

CLLR R MOORE, Chair

The meeting started at 2.00 pm and finished at 4.00 pm.