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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	7 FEBRUARY 2008
PRESENT	COUNCILLORS MOORE (CHAIR), CREGAN (VICE-CHAIR), DOUGLAS, KING, TAYLOR, VASSIE, MORLEY (SUBSTITUTE), PIERCE (SUBSTITUTE) AND BROOKS (SUBSTITUTE)
APOLOGIES	COUNCILLORS FUNNELL, HYMAN AND WISEMAN

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## 85. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
Stray Garth Community Home, 7-9 Stray Garth, York	Cllrs Brooks, Moore, Morley	In view of objections received to the application and to familiarise Members with the site.
60 Meadlands, Osbaldwick, York	Cllrs Brooks, Moore, Morley	At the request of the Local Member and in view of objections received to the application.
Naburn Primary School, Naburn	Cllrs Brooks, Moore, Morley	In view of objections received to the application and to assess the impact on neighbouring properties.

## 86. 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.

Councillor Brooks declared a personal non-prejudicial interest in agenda item 3e (Gateway to York Hotel, Hull Road, York) as she had discussed the application with the Chair of Kexby Parish Council but had not given a view on the application.

Councillor Morley declared a personal prejudicial interest in agenda item 3c (60 Meadlands, Osbaldwick, York) as he had already made his views on the application known. He addressed the Sub-Committee from the floor, then left the room and took no further part in the discussion or decision on this item.

## **87. PUBLIC PARTICIPATION**

It was reported that nobody had registered to speak under the Council's Public Participation Scheme, on general issues within the remit of the Sub-Committee.

## **88. 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.

### **88a Glen Lodge, Sixth Avenue, York (07/02850/GRG3)**

Members considered a full application, submitted by Mr Tom Shepherd, City of York Council, for a single storey detached store.

Officers updated that the Fire Officer, who had made a recommendation that the corridor areas in the sheltered housing unit should be kept clear of electric buggies, had not specified a deadline for their removal. He confirmed that batteries for the vehicles were at present recharged in the home and that this facility would be moved to the new store.

Officers read a further letter of objection received, on behalf of some residents of Glen Lodge, in which they stated that the scooters did not block corridors, that some residents had mobility difficulties, access would be difficult in bad weather and that they felt the money could be better spent elsewhere. Officers confirmed that these points were not material planning issues.

Members referred to the reference to residents with mobility problems and asked if those residents, who were unable to access the outdoor store, would be able to store vehicles in their rooms to leave the corridors clear.

- RESOLVED:
- i) That the application be approved subject to the conditions set out in the report.<sup>1</sup>
  - ii) That a request be made to the Fire Officer, for residents who are unable to access the outdoor store whether it would be possible for them to store the vehicles in their own rooms.<sup>2</sup>

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 character of the area and the amenity of nearby residents. As such the proposal complies with Policies GP1 and C1 of the City of York Development Control Local Plan.

Action Required

1. Issue the decision notice and include on the weekly planning list within the agreed timescales. JB
2. That a request be made to the Fire Officer, for residents who are unable to access the outdoor store, whether it would be possible for them to store the vehicles in their own rooms. JB

**88b Stray Garth Community Home, 7-9 Stray Garth, York YO31 1EL (07/02504/FUL)**

Consideration was given to a full application, submitted by Lovel Cooper (South Yorkshire) Ltd, for the erection of 4 no. detached dwellings.

Officers updated that there had now been 10 letters of objection received from the occupiers of residential properties in the area. He stated that amendments were required to Condition 13 to ensure that the drainage details were submitted to and agreed by the Local Planning Authority.

In answer to Members questions Officers explained that the multi-shunting reference in the Highway Network Management's comments meant that vehicles would be unable to access plot 4 in one manoeuvre.

Representations in objection to the application were received from a resident of Meadow Way who spoke on behalf of residents to the east of the site. He confirmed that they had no objections in principle to the development of the site. He stated that residents felt that this proposal was an over development of the site, and that the properties would be overbearing and out of character with the area. Reference was made to the 1.4 m high difference in the ridge height of the new properties together with the development being brought forward of the building line. He also raised objections in relation to the balcony screens, there being insufficient parking, removal of trees and possible damage to boundary walls. He requested members to refuse the application, as it would have an adverse affect on the amenity of the area.

Representations in objection were also received on behalf of a resident of Stray Garth who also favoured development of the site but he requested refusal of this application on the grounds of massing, height and density. He referred to the large blank wall proposed adjacent to his property and suggested a reduction to 3 properties of two rather than 3 storeys.

Representations in support were received from the applicant's agent who confirmed that, since the scheme had been submitted, they had undertaken a number of amendments to take into account neighbours concerns. He stated that the scale and density of the development met Government guidance and that these were family homes rather than flats.

Members expressed concern at the need to install obscure glazing in the only windows to the top floor bedrooms these windows also being "fixed shut". They questioned whether this could be classed as "reasonable living conditions". Members also questioned how the Community Home had

been marketed; removal of trees on the site and whether vehicular access by multi-shunting meant there was insufficient space on site for four properties.

With reference to concerns raised at the loss of a community facility, Officers confirmed that evidence had been provided by the Primary Care Trust stating that the increase in community-based support had reduced the need for residential care for people with mental illness. Where appropriate patients had been transferred to accommodation at Acomb Garth.

The Chair expressed concerns, following the site visit, regarding the use of obscure glazing which he felt would result in future occupiers having inadequate amenities or without this overlooking neighbouring properties. He stated that the dwellings would be 1.4m taller than the surrounding properties and be in front of the building line by around 2m.

Councillor Cregan stated that the proposal was an efficient use of land within government guidelines and he requested that a note be taken of his voting against the refusal of the application.

RESOLVED: That the application be refused. <sup>1</sup>.

REASON: 1 The Council consider that by virtue of the height of the proposed dwellings and their close proximity to adjoining homes and gardens the development would appear unduly dominant and overbearing and this would detract from neighbours' living conditions resulting in an unacceptable loss of their amenity. As such the proposal conflicts with policy GP1 (in particular criterion b and i) of the City of York Draft Local Plan (fourth set of changes) approved April 2005 and advice relating to design quality and context contained within PPS1 (Delivering Sustainable Developments) and PPS3 (Housing).

2 The density, height and layout of the proposed development together with the loss of existing boundary trees and the cramped environment for vehicle movements results in an unacceptable overdevelopment of the site. The development is not considered to acceptably relate to that of surrounding housing and would have a negative impact on the character and appearance of the surrounding environment and therefore conflicts with Policies GP1 (criterion a), H4a (criterion c and d) and H5a of the City of York Draft Local Plan (fourth set of changes) 2005 and advice relating to design quality and context contained within PPS1 (Delivering Sustainable Developments) and PPS3 (Housing).

3 By virtue of the fact that in order to prevent unacceptable levels of overlooking into neighbouring

properties the Council consider that the second floor bedroom windows in the front elevation of plots 2,3 and 4 would need to be obscure glazed and fixed shut and as these windows represent the only principal outlook from these rooms, this would create an unsatisfactory living environment for occupiers of these rooms resulting in an unacceptable standard of residential accommodation and amenity. As such this would not comply with advice relating to design quality contained within PPS1 (Delivering Sustainable Developments) and PPS3 (Housing).

Action Required

1. Issue the decision notice and include on the weekly planning decision list within the agreed timescales. JB

**88c 60 Meadlands, Osbaldwick, York YO31 0NS (07/02863/FUL)**

Members considered a full application, submitted by Mr and Mrs P Fort, for a one and two storey pitched roof rear extension, a single storey extension to the side and pitched roof dormers to the front.

Officers updated that the points raised in the four letters of objection were all material planning considerations other than references to the introduction of a first floor and problems during the construction. Reference was also made to the letter of objection, circulated at the meeting, from a neighbour, which raised a number of points.

Representations, in objection to the application, were received from the neighbour who confirmed that he was not against an extension to the property but he objected to the complete rebuild and scale of this proposal, which was not in keeping with the area. He referred to the number of objections received to the application mainly on the grounds of the scale of the development and massing. He stated that this would have a major impact on his property from a loss of light owing to the close proximity of the development to the boundary.

Representations, in support of the application were received from the applicant, who confirmed that his architect had given careful consideration to the design and that the proposal was for a family home for his wife and three children. He stated that they had felt that the proposal did not affect the amenities of the neighbours and that many of the points raised were emotional rather than factual. He went on to list the points raised in objection some of which had been addressed at the site visit and stated that the footprint of the extended property would be 24% of the total plot the same as the neighbouring property.

Councillor Morley, as Ward Member, spoke from the floor and referred to local concerns he stated that the report summarised the guidance on extensions but he felt there were a number of points in relation to the application where there were conflicts. These conflicts related to the scale of the property, its orientation, roof pitch, the porch height, the front

dormers and the breach of the building line at the rear, which impacted on the Green Belt.

Members questioned how many properties in the area had used upper floors. In answer the applicant stated that he had undertaken a survey of 30 properties in the area of which 19 had made use of the loft space. The objectors stated that all 120 properties on the Meadlands estate would need to be taken into account in this survey as the majority were bungalows with some having bedrooms in the roof space which only entailed windows in the gable ends of the property.

Members expressed concerns at the dominance of the rear extensions on the neighbouring property so close to the property boundary.

RESOLVED: That the application be refused. <sup>1</sup>.

REASON: The City of York Council considers that the development, by virtue of its design, size and scale will dominate the original building and when viewed from neighbouring properties would result in an overbearing and oppressive development which would lead to a significant loss of amenity to the detriment of the living conditions of these residents. As such the application is considered contrary to the City of York Draft Local Plan policies H7 and GP1 and the City of York Council Supplementary Planning Guidance 'Guide to extensions and alterations to private dwelling houses' approved March 2001.

Action Required

1. Issue the decision notice and include on the weekly planning decision list within the agreed timescales. JB

**88d Naburn C of E Primary School, Main Street, Naburn, York YO19 4PN (07/02906/GRG3)**

Consideration was given to a General Regulations (Reg3) application, submitted by the City of York Council, for a single storey extension to the rear following the demolition of an existing oil tank and shed.

Officers updated that the site was in Flood Zone 2/3 but that the size of the application was below the threshold for automatic consultation. An advisory note had advised details of finished floor level heights. The Council's Structure and Drainage Team had no objections in relation to flood risk, as the floor level would be the same as the existing building.

Members questioned the Parish Council's objection in relation to incorrect application drawings not showing the adjacent residential properties. The plans were displayed at the meeting and Officers confirmed that the neighbouring properties were annotated on the consultation plan.

The Head Teacher of Naburn School confirmed that the proposal was for a modest extension and he felt that the educational benefits would outweigh the scale. He stated that this was a small popular school with the disadvantage of mixed age classes. With the wide range of abilities this extension would provide an area where teachers could take individuals or groups to address their individual needs. The flexible space would be multi purpose and would also provide disabled toilet facilities.

Members questioned the relationship of the adjacent properties to the proposed extension and the need for a height of 3.1m when there would only be high-level windows in the extension.

In answer to questions, Officers confirmed that no sustainability statement had been included with this application but that cedar boarding was proposed for the external walls. It was confirmed that from April 2008 a national checklist would ensure that all planning applications become invalid if not accompanied by such a statement.

Members expressed concerns at the close proximity of the extension to Glebe House and Pleasant View, which they felt would impact on the living conditions of the properties. They felt that if the roof had been lower or hipped it would not have had the same impact on neighbouring properties.

RESOLVED: That the application be refused. <sup>1</sup>.

REASON: The City Of York Council considers that the development would, by virtue of its height and proximity to the adjacent habitable room windows at Glebe House, Front Street, and Pleasant View Cottage, Main Street would result in a significant loss of light and would appear over dominant and oppressive when viewed from the windows to the detriment of the living conditions of the residents. As such the application is contrary to the City Of York Council Draft Local Plan policy GP1 that inter alia, requires development to ensure that residents living nearby are not unduly affected by noise disturbance, overlooking overshadowing or dominated by overbearing structures.

Action Required

1. Issue the decision notice and include on the weekly planning decision list within the agreed timescales. JB

**88e Gateway to York Hotel, Hull Road, York YO41 5LD (07/02732/FULM)**

Members considered a major full application, submitted by Colin Marsh, for the change of use from Hotel (Class C1) to care home for the elderly (Class C2).

The Chair requested clarification in relation to the permission granted for an extension renewed in 2004, which had not yet been built, and which

expired in June 2009. Officers confirmed that legal advice had been sought and if the extension were undertaken whilst the property was still a hotel then the nursing home would be for the entire site within the red line boundary. The permission would however be no longer valid if the change of use had already been implemented but this would require further legal advice. Officers confirmed that good reasons would be required to revoke the earlier permission.

Representations, in support of the application, were received from the applicant's agent who confirmed that he would be against any revocation of the earlier planning permission. The potential operator of the proposed care home, who was also in attendance at the meeting, confirmed that a 30 bed home was proposed at the present time with the possibility of an extension for an additional 20 beds in the future.

The Chair referred to the wide uses covered by Class C2 and to the applicant's confirmation that he would be happy to a restriction within this Class to a care home for the elderly. Members questioned the need for the note suggested by Officers relating to alterations to the existing building.

The representative of Kexby Parish Council confirmed that the Parish Council had no objections, in principle, to the proposal. Their only objection would be if the change of use related to a secure residential institutions e.g. prison, secure hospital, young offenders institution.

**RESOLVED:** That the application be approved subject to the conditions set out in the report and subject to the deletion of the words "or hospital" in the fourth line of Condition 2 and the deletion of Informative 2. "Alterations to the Existing Building".<sup>1</sup>

**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 impact on green belt, residential amenity and highway safety. As such the proposal complies with Policy GB3, of the City of York Local Plan Deposit Draft furthermore the proposal complies with the guidance set out in Planning Policy Guidance note 2 entitled 'Greenbelts'

Action Required

1. Issue the decision notice and include on the weekly planning decision list within the agreed timescales. JB

**88f Rodgers Carpets, Julia Avenue, Huntington, York YO32 9JR (07/02669/FULM)**

Members considered a major full application, submitted by Rodgers of York, for the extension of a warehouse (1008 sq.m).



Officers explained the proposals including the on-site reversing manoeuvre that heavy goods vehicles would be required to make when visiting the site.

In answer to Members questions the applicant confirmed that both the store in the existing building and the extension would be retained for storage purposes to improve customer service. He also stated that the proposed extension would be higher than the existing to accommodate racking and allow for easier forklift handling of furniture etc.

RESOLVED: That the application be approved subject to the imposition of the conditions set out in the report.<sup>1</sup>

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 Out of Centre Warehouse Development, Design, Scale and External Appearance, Sustainability and Highway Safety. As such the proposal complies with Planning Policy Statement no.1 "Delivering Sustainable Development" and Policies GP1, GP3, GP17, SP8, SP9, GP4A, T4, E4 and S2 of the City of York Local Plan Deposit Draft.

#### Action Required

1. Issue the decision notice and include on the weekly planning decision list within the agreed timescales.

JB

R MOORE, Chair

[The meeting started at 2.00 pm and finished at 4.10 pm].