
MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	10 APRIL 2008
PRESENT	COUNCILLORS MOORE (CHAIR), CREGAN (VICE-CHAIR), DOUGLAS, FIRTH, HYMAN, KING, TAYLOR, VASSIE, WISEMAN AND PIERCE (SUBSTITUTE)
APOLOGIES	COUNCILLOR FUNNELL

96. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
Land at junction of Corban Lane and Wigginton Road Wigginton, York	Cllrs Douglas, Hyman, Moore and Wiseman	In view of objections received and to familiarise Members with the site and access.
Site lying to the west of Morritt Close, York	Cllrs Douglas, Hyman, Moore and Wiseman	At the request of the Local Member and in view of representations made.
Christian Science Church, Kilburn Road, Fulford, York	Cllrs Douglas, Hyman, Moore and Wiseman	In view of objections received to the application and as the application is recommended for approval.

97. DECLARATIONS OF INTEREST

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

Councillor Pierce declared a personal prejudicial interest in agenda item 5b (203 Hull Road, York), as he believed he had prejudged the application and left the room and took no part in the discussion and voting thereon.

Councillor Douglas declared a personal prejudicial interest in agenda item 5f (Site lying to the west of Morritt Close, York), as she had prejudged the application and left the room and took no part in the discussion and voting thereon.

Councillor Firth declared a personal prejudicial interest in agenda items 5g and 5h (Enclosure Farm, Main Street, Heslington, York), as his son worked for the Architect for this scheme although he had had no involvement with

these applications, and as the Architects were undertaking work on a scheme for his home and left the room and took no part in the discussion and voting thereon.

98. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the press and public be excluded from the meeting during consideration of the Annexes to agenda item 7 (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 directive under any enactment as exempt under Paragraph 6 of Schedule 12A Section 100A of the Local Government (Access to Information) (Variation) Order 2006.

99. MINUTES

RESOLVED: That the minutes of the meetings of the Sub-Committee held on 13 and 27 March 2008 be approved as a correct record and be signed by the Chair.

100. 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.

101. 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.

101a Land at junction of Corban Lane and Wigginton Road, Wigginton, York (07/00688/FULM)

Members considered a major full application, submitted by Mr A Carby, for the erection of a packing shed (150sqm) and a horticultural glass house (1080sqm) (revised scheme).

Officers updated with the following information and recommended the following amendments:

- Amendment of Condition 9, regarding hours of work to state:
Monday – Saturday 07.30am – 07.00pm
Not at all on Sundays and Bank Holidays;
- Condition 6 regarding landscaping the applicants to note that any scheme should not be in a linear form but a more natural scheme;

- Heavy goods vehicles visiting the site would be a maximum of 3.5 tonnes;
- Access to the public bridle way would be safeguarded by means of a number of measures including the erection of a 5mph sign at the entrance to the bridleway and the use of a trained banksman to control reversing operations to reduce the risk of accidents;
- The Environment Agency had no objections in respect of the method of drainage subject to the imposition of standard drainage conditions.

Member's felt that conditions should be imposed to ensure that access to the site, through the existing bridleway, was upgraded and a maintenance plan agreed with the increase in use proposed. Officers confirmed that as a public right of way the applicant would be liable for any damage caused to the bridleway by vehicles.

The Chair referred to the appeal decision in relation to adjacent land used for car boot sales on Sundays throughout the year. Access to this land was also by means of this public bridleway access. The appeal had allowed 20 car boot sales per year on the adjacent land, which involved up to 600 buyers and 250 sellers on site at anyone time.

In answer to Members questions Officers confirmed that revisions to this scheme involved the repositioning of the packing shed and glass house towards the western boundary, a reduction in height and a gable rather than hipped roof to the packing shed with additional planting to screen the development.

RESOLVED: That the application be approved subject to the conditions listed in the report and the following amended condition and informative:¹

Amended Condition 9:

The use hereby permitted shall be confined to the following hours:

Monday to Saturday 7:30 to 19:00
Not at all on Sundays and Bank Holidays

INFORMATIVE: The applicant is advised that in order to satisfy the landscaping scheme the layout of the screen planting should not be carried out in a linear manner as shown on the approved plans. It should be carried out on a more informal basis. A scheme should be submitted for the approval of the Local Planning Authority.

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 green belt policy, scale and external appearance, sustainability, highway safety and environmental protection. As such

the proposal complies with Planning Policy Guidance (1995) "Green Belts", Planning Policy Statement no.1 (2005) "Delivering Sustainable Development", Planning Policy Statement no.7 (2004) "Sustainable Development in Rural Areas", policy P2 of the Regional Spatial Strategy for Yorkshire and Humber (2004), policy E8 of the North Yorkshire County Structure Plan 1995, and Policies SP2, GB1, GP1, GP4a, GP9, GP14 and T4 of the City of York Local Plan Deposit Draft 2005.

Action Required

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

101b 203 Hull Road, York YO10 3JY (08/00350/FUL)

Consideration was given to a full application, submitted by Mr T Mansfield, for a two storey pitched roof side and rear extension to 203 and 205 Hull Road and change of use to Houses in Multiple Occupation (HMO).

Officers reported receipt a letter of support and explanation, from the applicant's agent, circulated at the meeting. Officers also indicated that if Members were mindful to refuse the application then Reason 3 should be extended to refer to transport in national policy PPG13.

RESOLVED: That the application be refused for the following reasons: ¹.

REASONS: 1 It is considered that the proposed extensions, by virtue of their scale and design, would harm the character and appearance of the street scene. The proposed side extensions add an incongruous feature to a row of simple designed and well-proportioned terraced properties. The scale of the extensions closes the space between the dwellings at first storey level, which currently acts as an important break in development and gives each row of terraced houses a visual separation. Therefore the proposal is considered contrary to Policies GP1, H7 and H8 of the City of York Draft Local Plan, design guidance contained with the City of York Council Supplementary Planning Guidance 'Guide to extensions and alterations to private dwelling houses', and design principles contained within Planning Policy Statement 1: Delivering Sustainable Development.

2 It is considered that the proposed extension and conversion from private dwelling houses to houses in multiple occupation would harm the living conditions which neighbours could reasonably expect to enjoy because of the potential noise and disturbance from the high level of occupancy and activity. The

application site is located close to neighbouring properties and therefore there is a high potential for the living conditions of neighbours to be harmed by this activity. The proposal constitutes an overdevelopment of the site and an intensification of use of the properties, which is disproportionate to their original purpose within this location. The proposal is contrary to the aims of Planning Policy Statement 1 and Policies GP1, H7 and H8 of the City of York Draft Local Plan.

- 3 It is considered that the proposed development does not provide suitable storage for bicycles and refuse and recycling bins. Therefore the proposal is contrary to Policies GP1, H8, and T4 of the City of York Draft Local Plan, in addition to Central Government advice within Planning Policy Guidance Note 13, which seeks to promote sustainable transport choices.

Action Required

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

101c 28 Crossways, York YO10 5JQ (08/00194/FUL)

Members considered a full application, submitted by Mrs S Pearce, for a single storey side extension and flat roof dormer to rear (resubmission).

Officers updated that a revised drawing had now been received from the applicant, which omitted the flat roof dormer to the rear, which could be carried out under permitted development rights. They also confirmed that reference to No 26 Crossways in para. 4.2 of the report should read "positioned to the north of the application site" rather than east.

RESOLVED: That the application be approved subject to the conditions listed in the report. ¹.

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 residential amenity and the effect on the street scene. As such the proposal complies with Policies GP1 and H7 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

101d 64 St Olaves Road, York YO30 7AL (08/00268/FUL)

Consideration was given to a full application, submitted by K and M Martin, for a boundary wall to the side and a detached garage to the rear after demolition of the existing garage.

Officers reported that the garage was being positioned over an existing boundary, that the gates were being retained and that a roller shutter garage door was proposed.

RESOLVED: That the application be approved subject to the conditions listed in the report. ¹.

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 neighbours and the effect on the street scene. As such the proposal complies with Policy H7 and GP1 of the City of York Deposit Draft Local Plan.

101e Christian Science Church, Kilburn Road, York YO10 4DE (08/00113/FULM)

Members considered a full major application, submitted by Mr Matthew Gath, for the erection of 5 no. townhouses and 5 no. apartments with associated garaging/parking after demolition of existing building (resubmission).

Officers updated that:

- A sustainability statement had now been received for this application and circulated to Members at the meeting;
- An email had been received from Cllr D'Agorne relating to a request for the local listing of the Christian Science Church, inclusion of the building in the Conservation Area and to condition the replanting of two blossom trees;
- Receipt of additional email from a local resident stating that no developments in the area abutted the pavement as was proposed in this application and requesting a more sensitive development reflecting the surroundings;
- Details of bin and cycle storage had now been received and Condition 8 would require amending to reflect this;
- There was a need to remove reference to drainage plans from the list of approved drawings as these were yet to be agreed;
- No response had been received from the Fishergate Planning Panel.

One of the Local Members stated that the Church on the site had been considered a building of architectural merit. He expressed concerns that the new build element was stepped forward of the building line in Kilburn Road and that a request had been made 3 years ago for a re-examination

of the Conservation Area boundary which abutted this site to include this building. He also referred to a petition sent to Council, with 66 signatories, objecting to the proposed demolition of this art deco building.

Councillor Taylor moved and Councillor Vassie seconded refusal of the application on the grounds that this would lead to the loss of a landmark building, which would have a negative impact on the Conservation Area it adjoined. This motion was lost.

Certain Members expressed support for the proposals which they felt were similar in design to Elliott Court, to the south of the site, a three-storey development.

The Council's Conservation Architect confirmed that a re-appraisal of the Fulford Road Conservation Area was being undertaken but that this was at an early stage. She stated that the re-appraisal would consider the effect on the setting of the new development rather than the loss of the old.

RESOLVED: That the application be approved subject to the conditions listed and subject to the following amended conditions: ¹.

Amended Condition 2: The development hereby permitted shall be carried out only in accordance with the approved plans numbered Y81:613.02B, Y81:612.03B, Y81:612.10, Y81:612.11, Y81:612.13, Y81:612.14B, Y81:612.15 and Y81:612.16A or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

Amended Condition 8: The proposed refuse/recycling facilities shall be provided in accordance with the approved details before the dwellings hereby approved are occupied. They shall be retained and used for no other purpose except with the prior written consent of the local planning authority.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed e, would not cause undue harm to interests of acknowledged importance, with particular reference to housing density, sustainability, visual impact, landscaping, impact on residents' living conditions, open space, education facilities, impact on the adjacent conservation area and highway issues. The application therefore complies with policies GP1, GP9, GP4a, H4a, H5a, T4, ED4, HE2 and L1c 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

101f Site lying to the west of Morritt Close, York (07/02736/FUL)

Members considered a full application, submitted by Yorkshire Housing, for the erection of 6 no. two storey dwellings.

Officers reported receipt of additional information:

- Sustainability statement in relation to the site, circulated at the meeting;
- Letter from a neighbour in respect of the siting of properties on the site and requesting that all garden areas should be made good;
- Condition 8 should be amended to include bin storage;
- It had been suggested that Condition 4 relating to landscaping be amended by the removal of the words "within a period of five year years from the completion of the development" following the words "Any trees or plants".

Representations in support of the application were received from the applicant's agent who confirmed that this scheme was a partnership between the authority and Yorkshire Housing to provide 100% affordable homes. He confirmed that a number of meetings had been held with residents, which had led to amendments being made to the scheme. He stated that no windows were proposed in the gables to prevent overlooking and that the development would not be overbearing being no more than two storey. Cycle storage would be provided separately on the northern boundary.

Members questioned security of the bin store in relation to vandalism and graffiti. The applicant's representative confirmed that any problems, which arose, would be dealt with by the Housing Association.

The Local Member confirmed that she had requested consideration of this application by the Sub-Committee as objections had been raised by residents at the authorities sale of the site last year. She stated that local residents were unhappy at the loss of their community garden, as this area had been used as a residents drying area and amenity space. Following development the area remaining would only be sufficient for a drying area. She also referred to anti social behaviour problems and a request by residents for improved security with gates being erected at three locations.

The Chair referred to the positioning of the requested gates in particular that two were suggested on land outside the site boundary. Officers confirmed that this land was within the Councils ownership and that this work could be undertaken in liaison with residents and the Local Member.

Members confirmed that they welcomed the provision of additional affordable housing and that, subject to amendments, regarding the provision of security gates, details of bin/cycle storage, amendments to the landscaping condition and reference to rainwater harvesting and permeable hard standings to a number of plots they supported the application.

RESOLVED: That the application be approved subject to the conditions listed in the report and subject to the following amended conditions and informatives: ¹.

Amended Conditions:

3. Notwithstanding the boundary treatment details submitted with the application, the development shall not commence until details of all security gates and means of enclosure to the site boundaries have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been complete.
4. 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 to be provided within the site, including replacement tree planting for the trees which are to be removed as part of the scheme. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which 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.
8. Notwithstanding the details on the approved plan, prior to development commencing details of the cycle parking areas and bin storage areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The buildings shall not be occupied until the cycle parking areas and bin storage areas together with their means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.
14. Development shall not commence until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include provision of a permeable surface on the private driveway serving plots 5 & 6. The development shall not be brought into use until the approved scheme has been implemented.

Amended Informative:

5. It is pointed out that surface water drainage in this area is extremely sensitive. The Environment Agency have stated that there should be no increase in surface water run-off into South Beck, whilst Yorkshire Water have indicated that the local public sewer network does not have capacity to accept any discharge of surface water from the site. Sustainable Drainage Systems (SUDS), for example the use of soakaways / permeable hardstanding / rain harvesting, may be a suitable alternative solution for surface water disposal in this situation. Attention is drawn to conditions 14 - 17 inclusive on this Decision Notice referring to drainage.

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 principle of residential development, highway safety, residential amenity and flood risk. As such the proposal complies with Policies GP1, GP4a, H4a, H5a and L1c of the City of York Draft Local Plan.

Action Required

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

**101g Enclosure Farm, Main Street, Heslington, York YO10 5EA
(08/00188/FUL)**

Consideration was given to a full application, submitted by Mr Brown, for the rebuilding and extension of existing barns to form a dwelling (Barn D) (amendment to 07/01046/FUL) for the conversion and extension of barn.

Officers updated that the applicants had now submitted a sustainability statement for the site, which had been circulated to members at the meeting.

The Chair confirmed that he had expressed concerns regarding the legal status of the original application for this site. This was following the failure of the applicant to discharge Conditions 8 and 9 of the original application which required an archaeological record of the barns and a watching brief of the site being undertaken prior to commencement. He clarified that as the applicant was now unable comply with these conditions legal advice had been sought.

Officers confirmed that this application was identical to that already approved in size, scale and design the only change related to the unauthorised demolition of the original barns and the reuse of the salvaged materials for the re-development works. They also confirmed that if approved a condition was proposed requiring a watching brief.

The Councils Archaeologist confirmed that he had met with the applicant and that he was awaiting confirmation that he had commissioned an Architect to undertake the watching brief and to record the ground works and the remaining buildings together with any service connections undertaken.

Representations were received from the applicant's agent in support of the scheme. He confirmed that he had made his client aware of his obligations under planning and that he was aware of the seriousness of his actions. He stated that an Architect had been commissioned to undertake the watching brief and recording on the site.

RESOLVED: That the application be approved subject to the imposition of conditions listed in the report. ¹.

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 Green Belt, Conservation Area, residential amenity and highway safety. As such the proposal complies with Policies GB1, GB2, GP1, GP4a, GP10, NE1, HE2, HE3, HE10, H3c, H4a and H5a of the City of York Draft Local Plan.

Action Required

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

101h Enclosure Farm, Main Street, Heslington, York YO10 5EA (08/00192/CAC)

Members considered Conservation Area Consent, submitted by Mr Brown, for demolition of the existing barns (retrospective) at Enclosure Farm, Main Street, Heslington.

Members expressed concerns at the demolition of the barns and this retrospective application.

RESOLVED: That the application be approved. ¹.

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 Heslington Conservation Area. As such the proposal complies with Policies HE3 and HE5 of the City of York Draft Local Plan.

Action Required

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

102. CLIFTON HOSPITAL : OUTSTANDING SECTION 106 IN RELATION TO MANAGEMENT OF THE LANDSCAPE.

Consideration was given to a report, which updated Members on works outstanding on the Section 106 in relation to the Clifton Hospital site. Despite a number of approaches to Persimmon no response had been received with regard to the issues and Members were requested to consider enforcement action to ensure completion of the works.

Officers confirmed that, since the report had been prepared, the newly appointed Land Director for Persimmons had made contact and confirmed his intention of investigating the outstanding works. Information relating to all these works had now been forwarded to him and following his examination of the points he would be arranging a meeting with Officers with a view to finalising the works.

Members confirmed that, in view of progress now being made in relation to the site that enforcement action be deferred at the present time.

- RESOLVED: i) That enforcement action be deferred pending Officers meeting with Persimmons and the commencement of work on site to complete the outstanding works but that Officers be authorised to commence action should there be any failure to start works following this meeting.¹
- ii) That a report back to the Sub-Committee be made in September 2008 updating Members on progress made with the outstanding works.²

REASON: To ensure that work conditioned as part of the Section 106 agreement at the Clifton Hospital site is completed.

Action Required

1. That enforcement action be authorised should Persimmons fail to commence the outstanding Section 106 works on this site following the proposed meeting. JB
2. Officers to report back to the Sub-Committee with an update on progress on this site in September 2008. JB

103. 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.

RESOLVED: That the reports be noted.

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

R MOORE, Chair

[The meeting started at 2.00 pm and finished at 4.05 pm].