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MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	15 NOVEMBER 2007
PRESENT	COUNCILLORS B WATSON (CHAIR), SUE GALLOWAY (VICE-CHAIR), HORTON, GILLIES, GUNNELL, JAMIESON-BALL, SUNDERLAND AND MOORE (SUBSTITUTE)
APOLOGIES	COUNCILLORS GALVIN AND REID

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### 53. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
1 Wains Grove	Councillors Horton and B Watson	To familiarise Members with the site.
58 Green Lane	Councillors Horton, Sunderland and B Watson	As objections have been received and the application is recommended for approval.
Greenthwaite	Councillors Sunderland and B Watson	As objections have been received and the application is recommended for approval.

### 54. DECLARATIONS OF INTEREST

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

Councillor Sunderland declared a personal and prejudicial interest in Plans Item 3a (1 Wains Road) as two of her relatives had objected to the application. She left the room for this item.

Councillor Horton declared a personal and prejudicial interest in Plans Item 3d (Greenthwaite) as an ex – work colleague was an objector to the application. He left the room for this item.

### 55. 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.

## 56. 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.

### 56a 1 Wains Road (07/02156/FUL)

Members considered a full application, submitted by Mr D Burns, for a two storey pitched roof side extension.

Officers updated that an e-mail had been received from Councillor Holvey which raised the following points:

- The plans make the extension look like a separate residence
- There is little amenity space if it is two separate dwellings
- Overlooking of other properties
- The extension is not stepped back as other extensions in the area are
- Visibility from the driveway

An additional representation had been received from a local resident which raised the following concerns:

- This looks to be a separate dwelling rather than an extension
- Lack of amenity space if this were to become two dwellings
- The extension will not be 'stepped back' as others in the area are
- Overlooking
- Access from and to the driveway
- There is a temporary building on the land and if the extension is built the container could not be removed
- Working hours

The Officer also updated that comments had been received from the planning panel and highways.

Members asked the Officer to clarify whether the staircase would be included at this stage and he clarified that the Applicants had said it would not.

RESOLVED: That the application be approved subject to the conditions outlined in the report and the following amended condition.

Amended Condition 4

Notwithstanding the submitted plans the proposed door in the front elevation of the extension shall not be implemented.

Reason: So the extension would have the appearance of an extension rather than a separate dwelling.

REASON: That the proposal, subject to the conditions outlined in the report and listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the residential amenity of the neighbours, the visual amenity of the dwelling and the locality, and highway safety. As such, the proposal complies with Policies H7 and GP1 of the City of York Development Control Local Plan (2005).

**56b 106 Albion Avenue (07/02291/OUT)**

Members considered an outline application, submitted by Mr K Storey and Ms J Burton, for the erection of one dormer bungalow and garage (resubmission).

Officers updated that an e-mail had been received from Councillor Simpson-Laing; this was circulated at the meeting. The e-mail raised the following points:

- Concerns regarding an increase in vehicle numbers
- Concerns regarding construction traffic
- If the dwarf wall were to be demolished there would be a conflict between vehicles and pedestrians
- The size of the garden at 106 Albion Avenue is not stated
- That in fill development on the site of 106 Albion Avenue would have a detrimental effect on the area and on other residents' amenity due to over development of a restricted access plot.

Representations were received, in objection, from a local resident who said that the proposed development would be in close proximity to the boundaries of existing properties and the dormer would overlook existing bedrooms, which would be unacceptable. She felt that the height of the proposed dwelling would not be in keeping with surrounding buildings.

RESOLVED: That the application be refused.

REASON: The access to the proposed dwelling would pass very close to windows in the south-westerly corner of 106 Albion Avenue and alongside the full length of that garden. It would also introduce vehicular traffic into the open area immediately adjacent to the rear of the gardens of neighbouring properties, in particular 104 Albion Avenue. As a consequence the development would detrimentally impact upon the residential amenities of both adjacent neighbours and existing

and future residents of 106 Albion Avenue by reason of noise and disturbance. The proposal therefore fails to satisfy policies GP1, GP10 and H4a of the City of York Draft Local Plan (incorporating the 4<sup>th</sup> set of changes) Development Control Local Plan approved April 2005.

**56c 11 Slingsby Grove 907/02433/FUL)**

Members considered a full application, submitted by Mr Kevin Marsden, for the erection of a two storey, five bedroom detached dwelling with accommodation in the roof space to the side of 11 Slingsby Grove after demolition of the existing outbuilding.

Officers updated that eight letters of objection had been received (two of which were copies of previous letters). The letters raised the following concerns:

- Increased congestion
- Overlooking/privacy
- Loss of light
- Affordable housing provision
- Pollution
- Out of character with the surrounding street scene
- Amenity space is limited

The following comments had also been received from Councillor Holvey:

- The amenity space surrounding the property is very small
- The house is totally out of scale with surrounding properties
- The design of the house is not in keeping with the current character of the area

Objections had also been received from Dringhouses & Woodthorpe Planning Panel who raised concerns regarding the size of the proposed dwelling, overbearing on the bungalow to the rear, impacts upon neighbouring amenity and the character of the surrounding area.

The following amendments had been made to the plan:

- The rear rooflights have been positioned at a high level
- The driveway has been extended to 4.8m to ensure cars can be parked in the garage and on the driveway
- A render finish has been provided above the 'brick feature course'

Representations were received, in objection, from a local resident who felt that the proposed development highlighted the folly of cultivated garden sites being used as brownfield sites for development. He was concerned at the size of the property and the price that it would be sold for. The proposed building would be out of character with other properties in the street and also felt that it would prejudice other residents' right to light.

RESOLVED: That the application be approved subject to the conditions outlined in the report and the following additional conditions:

- Prior to the commencement of development, a sustainability statement addressing criteria set out in Policy GP4a of the Local Plan and the "Code for Sustainable Homes" shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

REASON: That the proposal, subject to the conditions outlined in the report and above would not cause undue harm to interests of acknowledged importance, with particular reference to visual/residential amenity and highway safety. As such the proposal complies with Policies GP10, GP1, H4a and L1c of the City of York Development Draft Local Plan.

#### **56d Greenthwaite (07/02196/FUL)**

Members considered a full application, submitted by Mr B Britton and Ms J Liney, for the erection of a single storey dwelling with rooms in the roof to the rear with access from School Lane.

Officers updated that Upper Poppleton Parish Council had now made objections. A copy of these had been circulated to Members. Their objections were as follows:

- The top end of School Lane is now within the Conservation Area and any changes should be closely monitored
- The application was unanimously voted against by Upper Poppleton Parish Council
- Concerns regarding traffic near the school entrance
- Various traffic concerns and traffic impact on the local area
- Roof profile of the proposed dwelling
- The possibility of re-siting away from neighbouring properties
- Access to the proposed dwelling
- Difficulty of service and emergency vehicles accessing the properties along the lane.

Additional conditions regarding height and retention of existing trees and hedges would be included if the Sub-Committee were minded to approve the application.

The Applicant had also responded to the objectors concerns and their letter was circulated at the meeting. The main points of the letter was as follows:

- As applicants they feel strongly about the need to maintain the rural character of the area
- The need to protect existing hedges
- Efforts to minimise the impact on neighbours had been taken into consideration from the outset
- The sustainability of the proposed dwelling
- Access

Representations, in objection, were received from a local resident who was concerned about vehicular access and various highway issues.

Representations, in objection, were received from a local resident who stated that seven out of nine residents of the lane had submitted written objections to the application. The impact of the proposed new dwelling on No. 9 would be immense as there was a substantial height difference between the two buildings and overshadowing would be a problem. He also said that the lane was unadopted, no one owned the lane and because of this the right of access could not be contested.

Representations, in support, were received from the Applicant who felt very strongly about building a sustainable property. She had concerns that if the land were sold to a developer then three or four properties may be built on the site which would not be in keeping with the area. She also said that any other access, other than the one proposed, would be detrimental to Greenthwaite or require the removal of trees which would make the house visible from the lane.

Members discussed access to the property, the width of the lane and the condition of the lane. Some Members felt that the proposed new building would overshadow No. 9 and the lane was not suitable for any additional properties. Discussions were also had regarding potential harm to the rural village character, highway safety and junction safety.

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

**REASON:** An additional dwelling taking its access from School Lane which is considered to be inadequate in terms of its width and capacity would result in conditions detrimental to vehicle and pedestrian safety, particularly at the junction of School Lane and Main Street which is situated close to a Primary School, Library and Bus Stop.

The overall footprint and height of the proposed detached dwelling would harm the rural village character and appearance of this part of the Conservation area and is therefore contrary to Policy GP1, GP10 and HE2 of the City of York Development Control Local Plan and Design Guidelines 3, 8 and 12 of the Poppleton Village Design Statement Supplementary Planning Guidance.

The proposed dwelling by reasons of its height and location would overshadow and appear overbearing to the dwelling to the north, 'The Beehives' and is therefore considered to harm the existing living conditions of that dwelling contrary to Policy GP1 of the City of York Development Control Local Plan.

**56e 58 Green Lane (07/02001/FUL)**

Members considered a full application, submitted by Mr H Dag, for the continued use as a hot food take away (Class A5), including change of opening hours (approved as 12:00 hours to 22:30 hours on any day) to 12:00 hours to 23:00 hours Mondays to Thursdays; 12:00 hours to midnight on Fridays and Saturdays and 12:00 hours to 23:30 hours on Sundays (the amended description to include opening hours).

**RESOLVED:** That the application be approved subject to the conditions outlined in the report and the following amended condition:

1. The use hereby permitted shall not be open to customers outside the following hours:

Monday to Thursday 12:00 (noon) to 23:00 hours.  
Fridays and Saturdays 12:00 (noon) to 24:00 (midnight).  
Sundays 12:00 (noon) to 23:00 hours.

The premises shall be vacated by staff by:

Monday-Thursday 23:30 hours  
Friday, Saturday 00:30 following day  
Sunday 23:30 hours

The use shall adhere with these hours for a period of one year from the date of this permission after which the opening hours shall revert to 12:00 (noon) to 22:30 hours, with staff and customers vacating the premises by 23:00 hours, unless planning permission has been obtained from the Local Planning Authority for the continuation of the hours hereby permitted.

Reason: In the interests of amenity, so the Local Planning Authority may assess the impact of this use, in accordance with policy S6 of City of York Draft Local Plan.

**REASON:** That the proposal, subject to the conditions outlined in the report and above, would not cause undue harm to interests of acknowledged importance, with particular reference to existing amenity. As such the proposal

complies with Policies GP1 and S6 of the City of York  
Development Control Draft Local Plan.

COUNCILLOR B WATSON

CHAIR

The meeting started at 3.00 pm and finished at 5.10 pm.