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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	8 MAY 2008
PRESENT	COUNCILLORS MOORE (CHAIR), CREGAN (VICE-CHAIR), FIRTH, FUNNELL, HYMAN, KING, TAYLOR, VASSIE AND WISEMAN
APOLOGIES	COUNCILLOR DOUGLAS

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**107. INSPECTION OF SITES**

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
21 The Avenue, Haxby, York	Cllrs Hyman, Moore, Vassie and Wiseman	In view of objections received to the application and as the application is recommended for approval.
Long Acres, 63 Osbaldwick Village, York	Cllrs Hyman, Moore, Vassie and Wiseman  Cllr Morley – Local Member	At the request of the Local Member and in view of representations made.
Land to the rear of 85 Main Street, Fulford, York	Cllrs Hyman, Moore, Vassie and Wiseman  Cllr Aspden – Local Member	At the request of the Local Member and in view of objections received.
180 Fulford Road, York	Cllrs Hyman, Moore, Vassie and Wiseman	In view of objections received and to view the site access and adjacent development.

**108. DECLARATIONS OF INTEREST**

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

Councillor Cregan declared a personal prejudicial interest in agenda item 4g (Hallfield Motors, 7 Hallfield Road, York), as he knew the owner of the site and left the room and took no part in the discussion and voting thereon.

**109. MINUTES**

RESOLVED: That the Minutes of meetings of the Sub-Committee held on 10 and 24 April 2008 be approved as correct records and be signed by the Chair.

## **110. 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.

## **111. 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.

### **111a Stray Garth Community Home, 7 Stray Garth, York YO31 1EL (08/00764/FUL)**

Members considered a full application, submitted by Lovel Cooper (South Yorkshire) Ltd, for the erection of 4 no. four bedroomed pitched roof dwellings with attached pitched roof garages and associated access (resubmission).

Officers updated that:

- Highways Network Management had now confirmed that they had no objections to the proposal subject to the imposition of a number of standard conditions;
- An additional two letters of objection had been received bringing the total to 10 letters;
- The reference in the report at 1.1b to none of the properties having obscure glazed windows was incorrect, as it appeared that Plot 4 had still retained this glazing. This would also be a ground for recommending refusal of the application although the applicant had confirmed that he would be happy to amend the application to remove the glazing;
- There was also a need to include the previous reasons for refusal with the amendment of the final reason to include reference to the obscure glazing to Plot 4, which would allow for unacceptable overlooking of the garden of 14 Meadow Way.

In answer to questions, Officers confirmed that the height, scale and number of properties was unchanged from the original application. The only minor changes related to the siting of the garages on Plots 1 to 4, Plot 1 had been relocated closer to 15 Meadow Way and the obscure glazing had been removed from all but one property. To increase light in the second floor bedrooms an additional roof light had been added.

Representations, in objection to the application, were made by a neighbour on behalf of local residents. He confirmed that he understood that there were now 11 objections in writing to the new scheme although their objections were the same as those raised to the previous scheme. He stated that the objectors felt that the height and density of the development would be overbearing, oppressive and overshadow adjacent gardens. The four brick windows were considered out of character and no alterations had

been made to the basic design of the properties. It was felt that the development would impact on the character of the area and neighbouring amenities. He therefore supported 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 Central Government advice relating to design quality and context contained within Planning Policy Statement 1 (Delivering Sustainable Development) and Planning Policy Statement 3 (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 Central Government advice relating to design quality and context contained within PPS1 (Delivering Sustainable Development) and PPS3 (Housing).
3. 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 bricked up. The proposed inclusion of velux roof lights in the rooms with no traditional windows 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 Central Government advice relating to design quality contained within PPS1 (Delivering Sustainable Development) and PPS3 (Housing)
4. The proposed second floor front window in unit 4 would create unacceptable overlooking of the garden

of 14 Meadow Way. As such the proposal conflicts with policy GP1 (in particular criterion i) of the City of York Draft Local Plan (fourth set of changes) approved April 2005 and Central Government advice relating to design quality and context contained within PPS1 (Delivering Sustainable Developments) and PPS3 (Housing).

Action Required

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

**111b Land to the Rear of 85 Main Street, Fulford, York (08/00180/FUL)**

Consideration was given to a full application, submitted by Mr S J Melley, for the erection of a two storey three bedroom dwelling after the demolition of an existing outbuilding.

Officers updated that:

- Two additional letters of objection had been received from local residents who considered that the development would harm the Conservation Area and residential amenity. They felt that the dwelling would constitute an overdevelopment of the site and stated that bats appeared to be using the outbuilding;
- An email had been received from the Local Member, which had been circulated at the meeting, raising objections in relation to harm to the Conservation Area and residential amenity, over development of the site and the presence of bats;
- A letter of objection had been circulated at the meeting from the occupier of 83 Main Street;
- The Conservation Officer had visited the site and confirmed that bats may be present in the outbuilding and the imposition of a condition had been recommended requiring a bat survey prior to development commencing;
- Amendment was required to Condition 7, the landscaping scheme, to include the replacement of the semi mature tree to be removed on site;
- Condition 8 required replacement with a standard drainage condition;
- Amendment of Condition 12 to relate to the “letting of bedrooms” rather than “the long term letting of bedrooms”.

Representations in objection to the application were received from a neighbour. He stated that notification about the development had only recently been received which had left little time in which to prepare to make representations at the meeting. He pointed out that the family home proposed, together with the new build property already granted permission adjoining the site, would result in a lack of space for all the adjoining properties. If permission were granted there would be 6 family homes with up to 2 vehicles per property reversing in/out over the pavement onto a major road.

Representations in support of the application were received from the applicant's agent who referred to the objections raised. He confirmed that parking on site would be improved with a minimum of 7 car parking spaces being provided together with a turning area. He also pointed out that No 83 had on site parking and their own turning facility. Regarding impact on the Conservation Area he stated that the Conservation Officer had raised no objections to the scheme and that amendments had already been made to the scheme at her request. He felt that the impact on adjoining properties would be minimal as the property had been designed to avoid direct overlooking and Highways had confirmed that access would be improved to the site.

In answer to Members questions Officers confirmed that the proposed cycle store was to be sited in a cupboard under the properties stairs, but accessed externally.

Members raised concerns regarding vehicular access, that the proposal would be overdevelopment of the site causing detriment to the amenity of all the adjacent residents, they also felt that conversion of the existing barn would be a better use of the site. Following further discussion it was

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

- REASON: 1. The proposed two storey dwelling, by reason of its size, scale and position would constitute an overdevelopment of the site which would detract from the character and appearance of the Fulford Conservation Area, contrary to Policies GP1 (paragraphs a, b and c) H4a and HE2 of the City of York Draft local Plan, and Central Government advice contained within Planning Policy Statement 1 : "Delivering Sustainable Development" and Planning Policy Guidance Note 15 : "Planning and the Historic Environment".
2. The proposed two storey dwelling, in addition to the existing and proposed properties, would result in an unacceptable number of traffic movements utilising the substandard access and create internal congestion within the courtyard, which would be detrimental to highway and pedestrian safety.

Action Required

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

**111c 106 Heslington Lane, York YO10 4ND (08/00586/FUL)**

Consideration was given to a full application, submitted by Mr and Mrs J and L Carr, for a single storey pitched roof rear extension.

Officers displayed plans of the proposals and following discussion it was

RESOLVED: That the application be approved subject to the imposition of the conditions listed 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 the impact on the amenity and living conditions of adjacent occupiers and the effect on the street scene. As such the proposal complies with Policy H7 and GP1 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

**111d 180 Fulford Road, York YO10 4DA (08/00317/FULM)**

Members considered a full major application, submitted by Mr Christopher Gillam, for the conversion of existing vacant offices, to 12 no. apartments with associated parking, amenity space, landscaping, refuse storage and cycle parking.

Officers updated that:

- There was a need to amend condition 9 to relate to a turning area on site and the addition of conditions relating to sustainability and method of work statement, details circulated at the meeting;
- A letter had also been circulated from the Police Architectural Liaison Officer in which he commented that window restrictors should be provided on vulnerable windows, security chains and spy holes on doors, restrictions on public access by non-residents together with appropriate lighting;
- Confirmed that as the building was listed the conversion had been dictated by the existing building in order to keep to a minimum the sub division of the original compartments;
- The addition to Condition 14, after the words "Within 2 months" of the words " or during the next planting season, which ever is the sooner".

Members questioned the number of parking spaces, positioning of the refuse area, the possibility of installing a non protruding door adjacent to the parking area and including a sliding gate to the single parking area off Fulford Road to match the railings.

RESOLVED: That the application be approved subject to the imposition of the conditions in the report and the following additional condition and amended conditions:  
1.

Amended Condition 9: Notwithstanding the details shown on the approved plan details of a turning area for the Fulford Road entrance to allow vehicles to

leave the site in a forward gear shall be submitted to and approved in writing by the local Planning Authority.

Amended Condition 14: Within 2 months of the first occupation of any dwelling at the site, or within the next available planting season (whichever is the sooner), the new paved and grassed areas shown on Drawing no.BS1616 - PL216 rev A shall be laid out to the satisfaction of the Local Planning Authority and thereafter maintained for the use of residents unless otherwise agreed in writing by the Local Planning Authority.

15. Prior to the commencement of the works hereby permitted, a detailed method of works statement shall be submitted to and agreed in writing by the Local Planning Authority. This statement shall include the precautions to be taken to ensure the safety of the general public, the method of securing the site, the access to the site, the route taken by vehicles transporting the demolition waste from and construction materials to the site and the hours of operations.
16. Prior to the commencement of development the developer shall submit a "Sustainable Design and Construction" statement for the development. This statement shall include the measures to be incorporated at the design and construction stage in order for the dwelling to achieve an Ecohomes "Very Good" rating or the equivalent standard under the Code for Sustainable Homes. Prior to first occupation of any dwelling, a further statement shall be submitted which confirms that the dwelling has achieved this standard. If the dwelling has not reached the required sustainability standard, details of the elements, which have not been achievable, and the reasons for not achieving the standard shall be submitted to and agreed in writing by 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 the character and appearance of the Fulford Road Conservation Area, the listed status of the building, the residential amenity of neighbouring property occupiers, transport provision, and the wider character of the surrounding area. As such the proposal complies with Policies GP1, GP4 (a), L1c, HE2, HE3, HE4, H12, E3 (b), H4a and H5a of the City of York Development Control Local Plan.

Action Required

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

**111e 180 Fulford Road, York YO10 4DA (08/00316/LBC)**

Consideration was given to a listed building consent application, submitted by Mr Christopher Gillam, for the conversion of existing vacant offices to 12 no. apartments with associated parking, amenity space, landscaping, refuse storage and cycle parking.

RESOLVED: That the application be approved subject to the imposition of conditions listed 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 the impact on the special architectural and historic importance of the building. As such the proposal complies with Policies HE2 and HE4 of the Draft City of York Development Control Local Plan and national planning policy in Planning Policy Guidance Note 15 "Planning and the Historic Environment".

Action Required

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

**111f 21 The Avenue, Haxby, York YO32 3EH (07/00808/FUL)**

Members considered a full application, submitted by Mr B Beckett, for the erection of 2 no. two storey detached dwellings with detached garages after the demolition of an existing workshop.

Officers updated that:

- The applicant had pointed out that although 37 objections had been received it appeared that they were not all from different properties, but from 30 different households;
- If approval was granted they requested amendment of Condition 11 to include maintenance of the drainage scheme.

Representations in objection to the scheme were received from a neighbour; he stated that neighbours had only recently received notification of the meeting. He stated that they felt drainage was the key issue, there were problems at the south west corner of the site, flooding problems at The Avenue junction with York Road and they felt additional properties would worsen flooding in this area. He confirmed that Yorkshire Water appeared to dismiss this as a problem. Referring to the northeast corner of the site he stated that the site was already higher than surrounding gardens and that water from the Lady Kell development already ran on to the site following heavy sustained rain, flooding adjacent gardens.



Representations in support of the application were received from the applicant's agent who confirmed that Yorkshire Water had undertaken an assessment of the site and the Foss Internal Drainage Board and that their proposals for foul and surface water discharge from the site were considered acceptable. He felt that this was an appropriate site for the dwellings which complied with all guidelines, would not cause a precedent as there were no similar plots in the area and that permitted development rights would be removed if permission was granted. He stated that it was proposed to create underground storage to ensure that peak flows were less than the current rate from the site, which would prevent problems in the area worsening. A representative of the applicant engineers was also in attendance; he confirmed that calculations had been undertaken of the proposed hard standing on site. The storage tank had been designed to cope with a 1 in 100 year storm and would have a slower release rate into the public system than at present.

Members raised concern at the proposed floor levels; they stated that at the site meeting the previous day, it was clear that the properties would be higher than those on adjacent sites. They referred to historic flooding problems in the area and to photographs produced by neighbours, which showed dead trees and plants in their gardens following prolonged water logging. They acknowledged that the applicant had endeavoured to find a solution to the drainage problems but felt that this would be backland development which would badly affect neighbours amenity and which would exacerbate flooding problems in the area.

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

REASON: The Council considers that the proposed development of the site, together with the increased use of the existing vehicular access, would constitute an unacceptable form of backland development which, in addition to the known surface water flooding problems that exist on the site, would be likely to detract from the standard of amenity that the occupiers of neighbouring properties could reasonably expect to enjoy. Thus it is considered that the proposal would conflict with Policy GP1 (paragraphs a, b and i) of the City of York Draft Local Plan and Central Government advice within paragraph 34 of Planning Policy Statement 1 ("Delivering Sustainable Development") and paragraph 13 of Planning Policy Statement 3 ("Housing").

Action Required

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

**111g Hallfield Motors, 7 Hallfield Road, York YO31 7XQ (08/00421/FULM)**

Consideration was given to a major full application, submitted by David Harrison Building Contractors Limited, for the erection of a four and five

storey building comprising 12 no. flats with 4 no. garages and associated car and cycle parking (amended scheme).

The Chair referred to an email sent to Sub-Committee members from the Local Member in which she raised a number of points and he displayed photographs of the building being erected on the adjacent site.

Officers circulated an update, which reported the following comments:

- Heworth Planning Panel – support reduction in number of apartments, lack of parking spaces and large nos of 1 bed units;
- North Yorkshire Police – support Design and Access statement but recommend secure pound for cycles, secure bin area, introduction of video/audio links and a condition relating to secured by design:
- Additional comments received from local residents relating to height and dominating effect of the proposal with overlooking windows to 19 Faber Street;
- City Development Team – scheme is contrary to the findings of the Strategic Housing Market Assessment (SHMA), with the shape of the site providing design challenges a possible reduction of numbers suggested with more 2 or 3 bed properties.
- In view of North Yorkshire Police comments Officers recommend the addition of a Secured by Design condition and an informative covering a secure cycle bays.

Officers confirmed that it was not practical to obtain the 60/40 housing/flat split on every site and that it would be difficult to get family housing on this site. The properties would have little amenity space and the site was a harsh environment for families.

Representations in support of the application were received from the applicant's agent, who confirmed that the original scheme had been a delegated to Officers. He stated that the earlier scheme had been based on the SHMA but following the requirement for a second access to the building this had further reduced available floorspace. The overall scale, massing and footprint of the building had been retained.

The Chair referred to his concerns at the proposal to have two parking spaces with rear stores but with no form of enclosure. The applicant's agent confirmed that there was no reason why these could not be secured with gates or shutters.

RESOLVED: That the application be approved subject to the imposition of the conditions listed in the report and subject to the following additional conditions and informative:<sup>1</sup>.

1. Prior to the development commencing details that show how 'Secured by Design' principles have been incorporated into the scheme shall be submitted for the written approval of the Local Planning Authority and once approved the development shall be implemented in accordance with the approved

'Secured by Design' details prior to occupation or use of any part of the development hereby approved.

**INFORMATIVE:**

In addressing the requirements of this condition, consideration should be given to the comments of the Police Architectural Liaison Officer, who has recommended that the cycle bays should be in a secure pound to prevent theft, that the bin area should be made secured to minimise the threat of arson, and that consideration should be given to incorporate video and audio links by the common entrances.

2. Prior to the occupation of the development hereby approved, the indoor parking for plots no.10 and no.12 on the northwest elevation of the building shall be fitted with secure gates/doors in accordance with details that have first been approved in writing by 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 types and sizes of the residential units, residential density, private amenity space, sustainability, access and highway safety, and scale, design and external appearance. As such the proposal complies with Policies GP4A, GP1, H4a, H5a, H3c, L1c, T4, GP15 and GP4b 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

**111h Long Acres, 63 Osbaldwick Village, Osbaldwick, York (07/02012/FUL)**

Members considered a full application, submitted by Mr and Mrs R Fletcher, for the erection of a dormer bungalow and garage on land to the rear of 61 and 63 Osbaldwick Village (resubmission).

Officers updated that:

- It appeared drainage was the main issue on this site;
- Copies of a sustainability statement for the site were circulated at the meeting.
- Confirmation that a new drainage layout plan had been received and that this was acceptable to Officers following minor amendments;
- An additional condition would be required which ensured that the new drainage layout was applied on site;

- If permission were granted Condition 8 would require the incorporation of the words “land within the Green Belt” following the words “approved plans”.

Representations in objection to the scheme were received from a Parish Councillor representing a neighbour. He displayed photographs of a field to the west of the site, which showed extensive flooding and referred to flooding at the entrance to the site. He explained that water from the site went to a Victorian brick culvert on the western side of Galligap Lane to the beck in the village. He stated that following flooding problems in 2000 the neighbour had, at his own expense, hired a pump to clear silt from the drain. The Chair confirmed that problems encountered with drainage were not within the Planning Sub-Committees remit.

Representations in objection to the scheme were received from a neighbour, on behalf of a number of local residents, along Galligap Lane. They felt that the proposal was the development of a back garden as backland development, which they did not feel, was desirable and would cause a precedent. It was important to protect the character of the village and as a Conservation Area the Local Authority had a statutory duty to protect. Objectors felt that this property would not preserve or enhance the Conservation Area. They also had serious reservations about the access via Galligap Lane over the village green and would not want to increase flooding problems in the area.

The Local Member questioned the use of trees to screen the site, drainage problems, access and the impact of the development in the Conservation Area. He asked Members to request the applicant to consider the use of the existing access rather than creating a new access. He felt that to open up a new access to Galligap Lane would have an adverse affect on the Conservation Area.

In answer to questions Officers confirmed that Galligap Lane was a private road but that they were unsure how the rights of access were divided between properties. They confirmed that the Highway Authority had no control over the Lane and in the circumstances refusal on highway safety grounds could not be substantiated. They also stated that the drainage culvert had not been maintained over the years, which possibly added to the flooding and pointed out that the development would not worsen this.

The Chair confirmed that this development was in a back garden classed as a brownfield site, the site was in a Conservation Area but that it was only Green Belt where there was a presumption against development.

Members confirmed that they understood that residents were opposed to infilling but that each application was considered on its merits. They raised concerns at the affect the use of the Galligap Lane access would have on the Conservation Area. They questioned the possibility of using the applicants existing access to the site.

RESOLVED:           i)           That further consideration of this application be deferred to allow Officers to discuss with the

applicant amendments to the site access point.<sup>1</sup>

- ii) That Officers be delegated authority to approve the application if agreement is reached on the use of the existing access rather than from Galligap Lane, the shared private road.<sup>2</sup>

REASON: In order to retain the character of the Conservation Area.

Action Required

- 1. Deferred to allow Officers to contact the applicant regarding amendments to the access point. JB
- 2. Officers delegated authority to approve application subject to changes to access point. JB

**111i 19 The Meadows, Skelton, York YO30 1XS (08/00749/FUL)**

Consideration was given to a full application, submitted by Mr and Mrs Aked, for a pitched roof dormer to the front of 19, The Meadows, Strensall.

For Members information, Officers displayed a photomontage of the proposal.

RESOLVED: That the application be approved subject to the imposition of the conditions listed 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 the impact on the appearance of the street scene and the effect on the amenity and living conditions of adjacent occupiers. As such the proposal complies with Policy H7 and GP1 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].