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MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	18 DECEMBER 2008
PRESENT	COUNCILLORS HORTON (CHAIR), SUE GALLOWAY (VICE-CHAIR), CRISP, STEVE GALLOWAY, GALVIN, GILLIES, LOOKER, REID AND MOORE (SUBSTITUTE)
APOLOGIES	COUNCILLOR SUNDERLAND

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#### 42. INSPECTION OF SITES

The following sites were inspected before the meeting

Site	Attended by	Reason for Visit
Greenthwaite, Main Street, Upper Poppleton	Cllrs Horton, Sue Galloway, Gillies, Galvin, Crisp and Looker.	As an objection had been received and the recommendation was to approve.
King William Public House, Barkston Avenue	Cllrs Horton, Sue Galloway, Gillies, Galvin, Crisp and Looker.	As an objection had been received and the recommendation was to approve.
55 St Stephens Road	Cllrs Horton, Sue Galloway, Gillies, Galvin, Crisp and Looker.	As an objection had been received and the recommendation was to approve.
2 Enfield Crescent	Cllrs Horton, Sue Galloway, Gillies, Galvin, Crisp and Looker.	To view the relationship between the buildings and proposed extension.
Land between 10 & 12 Toft Green (rear of 112 Micklegate)	Cllrs Sue Galloway, Gillies, Galvin, Crisp and Looker.	As an objection had been received and the recommendation was to approve.

#### 43. DECLARATIONS OF INTEREST

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

Councillor Horton declared a personal and prejudicial interest in item 4(a) (Toft Green) as a member of York Brewery who were objecting to the application. He left the room and took no part in the discussion and decision thereon and had taken no part in the visit to this site. Councillor Sue Galloway took the Chair for the item.

#### **44. MINUTES**

RESOLVED: That the minutes of the meeting held on 13 November 2008 be approved and signed by the Chair.

#### **45. PUBLIC PARTICIPATION**

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the Sub-Committee.

#### **46. 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.

##### **46a Toft Green (Land to the rear of 112 Micklegate) (06/02687/FUL)**

Members considered a full application by London Ebor Development PLC and Mr and Mrs Blades for a four storey building and roof dormer comprising four flats.

A Sustainability Statement was tabled.

Officers stated that, in July 2000, planning permission had been granted for a four-storey building to provide four flats, with roof space accommodation also. This permission had now expired. There was no material change in the current application. The main concern had been the possibility of complaints being made regarding odour or noise from the Brewery. Conditions 11 and 12 should overcome concerns in this regard.

Members sought assurances regarding the measures that would be in place to alleviate noise levels without impacting on the business of the brewery. Officers stated that noise calculations appeared to show that the World Health Organisation internal noise levels could be achieved using the proposed glazing and insulation.

The applicant stated that approval for the original application had now lapsed. There had been no policy changes or significant changes to the area during the period except that a block of flats had been built. In response to the objection raised by the brewery, it was proposed to put in place air conditioners and an extraction unit. Most of the noise from the brewery originated from the west side and hence the main brewery building would provide a level of protection against the noise. The brewery was only speculating about possible complaints from residents, just as it was possible to speculate about changes that may occur at the brewery.

Members commented that, at present, the site was unattractive and they would welcome reasonable development.

Officers were asked to clarify the differences in the present scheme to a similar scheme that had been turned down because it was a proposed residential development near to a business operation. Officers highlighted the key differences and reiterated that the application under consideration had originally been approved although the approval had now lapsed.

**RESOLVED:** That the application be approved subject to the conditions listed in the report.<sup>1</sup>

**REASON:** That the proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the setting of adjoining listed buildings, the character and appearance of the conservation area, and the amenities of the occupants of adjoining premises. As such the proposal complies with Policies GP1, GP4a, GP13, HE2, HE3, H4a, H5a, ED4 and L1c of the City of York Development Control Local Plan.

Action Required

1 To issue the decision notice and include on the weekly planning decision list within agreed timescales. SS

**46b 55 St. Stephens Road, York YO24 3EH (08/01708/FUL)**

Members considered a full application by Mrs L Donley for a two-storey dwelling to the side.

Officers tabled notes and a photograph that had been presented by an objector during the site visit.

Representations were received in objection on behalf of a resident in a neighbouring property. He requested that the application in its present form be refused on the grounds that it was overbearing, was detrimental to the amenity of a neighbouring property and there was a lack of additional parking provision. He did not object to a smaller extension although this would not resolve the traffic and parking issues.

Members expressed concerns that the proposed extension was too large and dominant for the site and that it would impact on the neighbour at number 57. It was noted that the recommendation was that the proposed dwelling was conditioned as additional/annex accommodation and could not be treated or sold as a separate dwelling. In response to questions from Members, the Officers confirmed that such a condition could be enforced and action taken if there was a known breach of the condition.

Discussion took place as to whether the matter should be deferred to enable the applicant to put forward a modified design that would be less over dominant and less detrimental to the neighbouring resident.

RESOLVED: That the application be refused for the following reasons:<sup>1</sup>

REASON: The proposal, because of its height, rear projection and proximity to the boundary with 57 St Stephens Road, would cause a loss of light and be over-dominant resulting in harm to the residential amenity of 57 St Stephens Road and therefore is contrary to Policies GP1 and H7 of the City of York Council Development Control Local Plan (2005); and the City of York Council Supplementary Planning Guidance - Extensions and alterations to private dwelling houses (2001).

Action Required

1 To issue the decision notice and include on the weekly planning decision list within agreed timescales. SS

**46c King William Hotel, Barkstone Avenue, York YO26 5DH (08/01992/FUL)**

Members considered a full application by O2 UK Ltd for the installation of rooftop telecommunications base station incorporating 3G flagpole antenna, equipment cabinet and ancillary alterations to the building.

RESOLVED: That the application be approved subject to the conditions listed in the report.<sup>1</sup>

REASON: Subject to the conditions listed, the application would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the character and appearance of the principal building and of the wider street scene and impact upon the residential amenity of neighbouring occupiers. As such the proposal complies with Policy GP20 of the City of York Local Plan Deposit Draft.

Action Required

1 To issue the decision notice and include on the weekly planning decision list within agreed timescales. SS

**46d 2 Enfield Crescent, York YO24 2BE (08/02399/FUL)**

Members considered a full application by Mr M Jones for a two storey pitched roof extension to side and rear (resubmission).

The Planning Officer stated that the recommendation was that the application be refused because of the impact on the neighbour at number 3. The application was a resubmission and sought permission for a two storey side extension and single storey rear extension. The only difference between this application and the recently approved scheme had been that this application sought to reinstate an additional 1.5 metres depth to the rear (at first floor level) of the proposed two storey extension. The additional 1.5 metres was requested to be removed from the previous scheme in order that the impact of the proposal upon the neighbouring property number 3 Enfield Crescent be reduced.

The applicant informed Members that he had recently purchased the property on the basis that an extension could be built. He had a young family and also had relatives who lived out of the area and who came to visit. It was currently a three-bedroomed property. The proposed extension would make the property more amenable and would add to the stock of family accommodation. The property was on a corner plot on a hill and, because of its position, it would appear to be a one-storey extension to the residents of number 3. There would be no issues in respect of light.

Members commented that the site visit had been very useful in demonstrating the differences in height between the two properties, as this was not clearly evident from the plans.

RESOLVED: That the application be approved subject to the following conditions:<sup>1</sup>

1. The development shall be begun not later than the expiration of the three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out only in accordance with the following plans:- J/EC/03, J/EC/04 or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

Reason: For the avoidance of doubt and to ensure the development is carried out only as approved by the Local Planning Authority.

3. The materials to be used externally shall match those of the existing buildings in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no door, window or other opening additional to those shown on the approved plans shall at any time be inserted in the side elevation of the extension.

Reason: In the interests of the amenities of occupants of adjacent residential properties in accordance with policy GP1 and H7 of the Development Control Local Plan.

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

Reason: To protect the amenities of adjacent residents.

REASON: In the opinion of the Area Planning Sub-Committee the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the living conditions of the neighbouring property by reason of loss of light, overbearing or loss of privacy and would not harm the appearance of the host dwelling or the street scene. As such the proposal complies with Policy GP1 and H7 of the City of York Development Control Local Plan.

Action Required

1 To issue the decision notice and include on the weekly planning decision list within agreed timescales. SS

**46e Greenthwaite, Main Street, Upper Poppleton, York YO26 6DL (08/02440/FUL)**

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

A letter was read out from a resident of School Lane who was unable to attend the meeting but objected to the application because of concerns regarding access to the dwelling, its proximity to the neighbouring property and the proposed size and design.

Officers tabled a planning update following further comments received from the Council's Tree Officer and including a proposed amendment to condition 17 to protect a copper beech tree.

Members were informed that the proposed condition 10 should be deleted as it was unlawful.

Officers stated that the scheme had previously been refused on the following grounds:

- An additional dwelling taking its access from School Lane would result in conditions detrimental to vehicle and pedestrian safety.
- The overall footprint and height of the proposed dwelling would harm the rural village character and appearance of this part of the Conservation Area.
- The proposed dwelling by reason of its height and location would overshadow and appear overbearing to the dwelling to the North, "The Beehives".

The applicants subsequently appealed against the Council's decision. Although the Inspector dismissed the applicants' appeal on the grounds of detrimental impact upon the adjacent dwelling, he made it clear in his decision that he did not consider the application had a detrimental impact upon Upper Poppleton's Conservation Area, nor did he consider that the access arrangement was inadequate and would result in conditions detrimental to vehicle and pedestrian safety. Members' attention was drawn to the modifications that had been made by the applicants, including the deletion of the originally proposed garage and changes to the roof slope to prevent loss of light to the neighbouring resident.

The applicant gave details of the ways in which they had sought to address concerns expressed by residents, including siting the proposed dwelling in such a way as to avoid impacting on the neighbouring residents' light. Details were also given of the proposed measures that would be in place to make the property as environmentally friendly as possible, including the installation of solar panels. The positioning of the property had taken into account the need to obtain as much sunlight as possible as it was acknowledged that, because of the mature trees, shadow was a problem.

The applicant was asked if consideration had been given to an alternative access. It was confirmed that this had been considered but that it would have necessitated the felling of mature trees. Conservation Officers had also stated that they did not want the house to be seen from the village green.

Some concerns were expressed as to future problems that might arise if a condition was to be imposed regarding the protection of the beech tree. Other members were keen to ensure that the tree was protected as far as possible. The applicant confirmed that they were not seeking to remove the tree.

RESOLVED: That the application be approved subject to the conditions listed in the report and the following amendments<sup>1</sup>:

#### **Amendment to condition 17**

Prior to commencement of site preparation, building or other building operations, including the importing of materials and any excavations, protective fencing to BS5837 shall be erected around the beech tree. The fencing shall be erected below the outermost limit of the branch spread, or at a distance equal to half the height of the tree, whichever is the further

from the tree. This means of protection shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials, the erection of site huts or the commencement of building works.

In addition none of the following activities shall take place within the protective fencing or within the canopy area of existing trees; excavation, raising of levels, storage of any materials or top soil, burning, parking or manoeuvring of vehicles, no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new service runs. The fencing shall remain secured in position throughout the construction process including the implementation of landscaping works. A notice stating “tree protection zone – do not remove” shall be attached to the fencing.

Reason: To ensure protection of the beech tree and other adjacent trees during construction.

**Additional condition**

No trenches, pipe runs for services or drains shall be routed under the crown spread of any tree without the prior approval in writing of the Local Planning Authority.

Reason: To ensure protection of the beech tree and other adjacent trees during construction.

**Additional condition**

All works should be carried out in accordance with British Standards 5837 (2005) “Trees in relation to construction”.

Reason: To ensure that the trees are properly maintained in line with current standards.

**Delete condition 10**

REASON: That the proposed detached dwelling is acceptable in terms of design, siting, scale and appearance and would not detrimentally impact on the amenity of neighbouring residents or the character of Upper Poppleton’s Conservation Area or impact upon highway safety. As a consequence the proposed works are considered acceptable in accordance with policies GP1, GP4a, GP9, GP10, H4a, L1C, HE2, HE3, T4 and L1c of the City of York Development Control Draft Local Plan and National Planning Guidance PPS1, PPS3 and PPG15 and the Poppleton Village Design Statement.

Action Required

1 To issue the decision notice and include on the weekly planning decision list within agreed timescales. SS

Councillor D Horton, Chair  
[The meeting started at 3.00 pm and finished at 4.35 pm].