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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	15 OCTOBER 2009
PRESENT	COUNCILLORS HYMAN (CHAIR), CREGAN (VICE-CHAIR), FIRTH, KING, MOORE, ORRELL, TAYLOR AND WISEMAN
APOLOGIES	COUNCILLORS DOUGLAS AND FUNNELL

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**26. INSPECTION OF SITES**

Site	Attended by	Reason for Visit
57 York Road, Haxby, York. YO32 3EE	Cllrs Firth, Hyman, Moore and Wiseman	To familiarise Members with the site.
The Homestead, Murton Lane, York	Cllrs Firth, Hyman, Moore and Wiseman	To familiarise Members with the site.
Westholme, 29 Church Street, Dunnington, York. YO19 5PP	Cllrs Firth, Hyman, Moore and Wiseman	To familiarise Members with the site.
Marina House, Naburn Lane, Naburn, York. YO19 4RW	Cllrs Firth, Hyman, Moore and Wiseman	To familiarise Members with the site.
4 Derwent Road, Fulford, York. YO10 4HQ	Cllrs Firth, Hyman, Moore and Wiseman	To familiarise Members with the site.

**27. DECLARATIONS OF INTEREST**

Councillor Hyman expressed a personal non prejudicial interest in agenda item 4g, Hollycroft, as the Council's representative on the York England.com board as they had made comments on the development.

**28. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: To exclude the press and public during the consideration of agenda item 5 on the grounds that it contains information which is classed as exempt under Paragraph 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local

**29. PUBLIC PARTICIPATION**

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme.

**29a 57 York Road, Haxby, York. YO32 3EE**

Members considered an application for the erection of a four bedroomed detached house to the rear of 57 York Road.

Officers updated Members that paragraph 4.1.6 on page 10 of the officer's report should have read "If planning permission were to be granted conditions should be attached requiring landscaping details to be submitted for approval. These would include the reinstatement of the fence." It was confirmed that the applicant had submitted a sustainability report which confirmed the application would achieve Code for Sustainable Homes level 3.

Representations in opposition were heard from an adjacent neighbour, representing other neighbours who were also in very close proximity to the application site. His reasons for opposing the application were as follows; that the shared access driveway would give a poor level of amenity to existing residents, that there would be a loss of privacy for neighbouring properties and that the land on which the property would be built is subject to flooding.

Representations in support of the application were also heard from the applicant's agent, who stated that the proposed access driveway would only have approximately four traffic movements a day. He added that the proposal was for a gravel driveway, but this could be altered to be made from tarmac in order to reduce noise nuisance.

Members enquired whether there would be any vegetation lost through the erection of the new property and asked how many trees would be lost due to the construction of the driveway. They also asked the agent whether the area would flood.

The agent replied that there would be no trees or vegetation lost as a result of the driveway and that the proposed garage could be relocated away from any vegetation to conserve the existing environment. He added that a drainage report had been submitted which did not suggest a significant threat of flooding, but had incorporated a system of on site storage and controlled discharge of surface water in order to control surface water drainage from the site.

Members felt that they could not support the application on the grounds that the proposed building would have a detrimental effect on occupiers of adjacent properties due to noise disturbance and loss of privacy.

Councillor Moore suggested that an additional reason for refusal be added relating to the negative impact that the proposed building would have on the conservation area.

Officers pointed out that the site was some distance away from the conservation area boundary and advised Members that if such a reason was to be added that it should not refer to the conservation area, but to the negative effect that the new property would have on the character and appearance of the surrounding area.

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

- REASON: (i) That the proposed development would result in a poor level of amenity for the occupiers of the existing dwelling at 57 York Road due to noise, disturbance and loss of privacy caused by the shared use of the access and driveway to the side of the existing dwelling. The application is therefore contrary to policies GP1 (Design) and GP10 (Sub-division of Gardens and Infill Development) of the City of York Deposit Draft Local Plan and Central Government advice at paragraph 29 of 'The Planning System: General Principles' (2005) and paragraphs 34 & 35 of Planning Policy Statement 1: "Delivering Sustainable Development" (2005).
- (ii) The proposal would, by reason of its size, scale, and backland location result in an over prominent and incongruous form of development that would be out of keeping with the character and appearance of the area. The application is therefore contrary to policies GP1 (Design) and GP10 (Sub-division of Gardens and Infill Development) of the City of York Deposit Draft Local Plan and Central Government advice at paragraph 29 of 'The Planning System: General Principles' (2005) and paragraphs 34 & 35 of Planning Policy Statement 1: "Delivering Sustainable Development" (2005).

Action Required

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

**29b The Homestead, Murton Lane, York.**

Members considered a retrospective application for the change of use of land to a private gypsy site for a single gypsy family and the retention of a concrete hardstanding for a residential caravan.

Officers updated that there had been two further letters of objection to the application received from York Auction Centre and from Murton Park.

Both representations stated that they wished for the committee to defer or refuse the application for several reasons such as; a lack of consultation with local residents and businesses, issues of crime in the area, a lack of enforcement of planning breaches and the officer's report not being sufficiently thorough.

Officers advised Members that they were satisfied that sufficient consultation in the local area had been carried out. They also added that the crime figures were inconclusive as the figures covered the Osbaldwick ward as a whole and therefore could not be specifically related to the site. Officers stated that there had been six enforcement investigations on the site, and all but one, which was currently being investigated, had been addressed. Officers responded to the criticism that the report was not sufficiently thorough, pointing out that there was an identified need for gypsy accommodation in York and that stating that in their opinion the application site fulfilled the Council's own criteria for identifying appropriate sites for gypsy accommodation. The officers added that the applicant was willing to accept a condition to the effect that only his immediate family could reside at the site.

The Chair expressed his disappointment at the choice of words used with reference to officers in the letter from York Auction Centre. He stated that he believed that officers had taken a professional approach in relation to their consideration of the application.

Some Members queried whether further families could apply in the future for personal permission to use the site. Officers advised that this could happen but advised Members to determine the application on the basis of what had been submitted, i.e. as a permanent site for one family.

Representations in opposition were heard from a member of the Murton Village Design Statement Committee. He stated that his reasons for opposing the application were; that the site only appears urban in character due to a lack of enforcement of planning breaches, that the land may be contaminated as evidenced by cattle dying on the adjacent land and that the only reason given by officers for supporting the application was the lack of available gypsy sites in York.

Further representations in opposition were heard from a member of Murton Parish Council. Members were advised that they supported other objections made in relation to the proposal and also pointed out that the applicants ran a business on the site and that the Parish Council had received a letter from the Head of Development Control which stated that "mixed uses are not allowed" on the application site.

Representations in support of the proposal were heard from the agent for the applicant. He stated that the application would provide a small and positive contribution to solving the shortfall of 36 pitches for gypsies in the York area, as identified in the North Yorkshire Gypsy and Traveller Accommodation Assessment (GTAA). He also stated that the development would cause little actual harm to the Green Belt.

He added that he appreciated that the Council would still have some control over the site even if planning permission were granted and that the applicant was willing to accept a personal planning permission.

Councillor Morley spoke as the Ward Member and stated that there were two issues for the Committee to consider in relation to the application. Firstly whether the proposal was detrimental to the Green Belt and secondly, if there were special circumstances to allow planning permission within the Green Belt. He commented that, in his view, the officer's report would encourage further similar applications. He also stated that the neighbour on the south side of the site was happy with granting permission for one family only to use the land, but he believed that this could not be guaranteed with a personal condition relating to the land only being used by the applicant's immediate family. He urged the committee not to approve the application for these reasons.

Officers gave more information to the Committee on the GTAA and stated that it was being used on a daily basis as part of the evidence for the Local Development Framework (LDF). In response to a claim that the applicant's land may be contaminated, it was confirmed that the land is not contaminated and the cattle poisoning had been an isolated incident.

Some Members said that they did not believe that granting planning permission to one family would harm the Green Belt. Other Members stated that they thought the proposal was inappropriate for a change of use application due to the caravan being used as a dwelling, and therefore a permanent residence. They stated that adding a condition to secure the ownership and occupation of the site would not constitute special circumstances to grant planning permission in the Green Belt.

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

REASON: The proposed development conflicts with local and national green belt planning policy which states that there is a presumption against inappropriate development unless there are very special, defined, circumstances. The local planning authority does not consider that there are substantial or compelling reasons to justify setting aside green belt policy in this case. The proposals therefore conflict with national advice in Planning Policy Guidance Note 2 (Green Belts) and ODPM Circular 01/2006 (Planning for Gypsy and Traveller Caravan Sites) and in policies GB1 (Development in the Green Belt) and H16 (Residential sites for gypsies/travellers) of the City of York Local Deposit Draft.

#### Action Required

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

MM

**29c Westholme, 29 Church Street, Dunnington, York. YO19 5PP**

Members considered an application for a detached two-storey dwelling and detached single garage within the rear garden of 29 Church Street, Dunnington, accessed off Eastfield Lane.

Officers updated Members by stating that the agent for the applicant had submitted a Sustainability Statement in support of the application, which covered the existing character, social context, design crime, sustainability, landscaping, and accessibility. They also added that the applicant was willing to accept conditions requiring a minimum of Code for Sustainable Houses Level 3 to be achieved and also the provision of 5% of total energy demand from on-site renewable sources.

Officers added that Paragraph 4.15 on page 27 of the officer's report should be replaced by Design Guideline 9 of the Dunnington Village Design Statement to read: "The preservation of open spaces within the village, such as allotments, common land at the end of cul-de-sacs and Manor Drive, should be encouraged, including the retention of larger garden plots. Subdivision should only be granted where it is not detrimental to the character and amenity of the local environment."

Representations in opposition were heard from an adjacent neighbour who stated that the size and scale of the development had made her oppose the application. She informed Members that her other concerns included a loss of privacy by the fact that a boundary fence was not included in the proposal and that the application would detract from the rural setting of the surrounding area.

Councillor Brooks spoke as Ward Member and expressed her concerns regarding the application. She stated that the Parish Council felt that previous objections to the proposal had not been addressed and in particular the proximity of the access road for the proposed building to 15 Garden Flats Lane. She added that there would be an increase in users of the access road and therefore noise, which would lead to a loss of privacy for adjacent neighbours, if the application was approved. Finally, she stated that the current access to the property was of historical importance and that the new access would detract from this because of the loss of the hedgerows. She urged Members to refuse the application on the grounds that it would detract from the rural setting and that if they did approve the application that they would be ignoring the Dunnington Village Design Statement.

Members queried with officers the location and ownership of the adjacent hedgerows on the proposed site. Officers informed Members that the hedgerow at the far end of the site was not owned by the applicant and that the application did include the removal of this hedge.

Members stated that they were opposed to the application for a variety of reasons. Firstly, that the proposed development was in very close proximity to the properties on Stockhill Close.

Secondly, that the boundary hedge, which is the same length as the site, would have to be removed to allow for the widening and construction of the new access road. Thirdly, that the proposed building would be built on a raised platform which would mean that the footings would be at the same height as the adjacent neighbour's property. This would then allow each house to overlook one another leading to a loss of privacy. Finally, Members decided that the development did conflict with the Dunnington Village Design Statement.

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

REASON: (i) The proposed dwelling would, by reason of its size, scale and location close to boundary with numbers 3 and 4 Stockhill Close, be overbearing and over-dominant to the detriment of the outlook, amenity and privacy of the adjacent occupiers. As such, it is considered that the proposal is contrary to Planning Policy Statement 1 ("Delivering Sustainable Development").

(ii) The proposal would, by reason of its location, size and design result in an incongruous form of development that would be out of scale and character with the area. It is considered this proposed backland development would seriously detract from the quality and semi-rural undeveloped character which is enjoyed at this location within Dunnington Conservation Area. The proposal is considered contrary to Central Government advice contained within Planning Policy Guidance Note 15 ("Planning and the Historic Environment") and Policies GP1, GP10 and HE2 of the City of York Draft Local Plan.

Action Required

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

**29d Gateway to York (Kexby Bridge) Hotel, Hull Road, Kexby, York. YO41 5LD**

This application was withdrawn before the meeting and so was not considered by the Committee.

**29e Marina House, Naburn Lane, Naburn, York. YO19 4RW**

Members considered a full planning application for the erection of a new detached dwelling at Marina House and alterations to the existing house to convert the garage to living accommodation, and to provide replacement parking and access to the rear of the property.

Officers updated Members by advising that representations had been received from the agent stating that he did not consider that the impact of the proposal on the amenity of the existing dwelling, or on the openness of the Green Belt, was significant.

Representations in support of the application were heard from the agent and architect of the proposed development. He stated that the current application had been amended from a previous application and following comments from the Parish Council in order for it to be made more sympathetic to the area. He urged Members to carefully consider the impact of the new dwelling and stated that the view from the rear of the existing property would not be impeded by the new building and that only one window in the existing dwelling would be adversely affected.

In response to a question from Members about the new car parking space, the agent responded that the space would be relocated to the side of the new house and that a ramp would be built on the top of the bank.

Members expressed concerns that the new proposed building would be located only 5.2 metres away from the existing dwelling having an overbearing impact, and that windows in a principal elevation of the existing dwelling would be adversely affected. They also stated that on balance the development would adversely affect the character and openness of the area.

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

- REASON: (i) The application site is located beyond the defined settlement limit of the village of Naburn and is within an area of Green Belt. It is considered that the proposal would constitute inappropriate development within the Green Belt that, by definition, would be harmful to the Green Belt. It is considered that there are no very special circumstances that clearly outweigh this identified harm to the Green Belt. The proposed siting of the dwelling, projecting beyond the front elevation of Marina House, is also considered to impact on the openness of the Green Belt. As a consequence, it is considered that the proposal conflicts with Central Government advice contained within Planning Policy Guidance Note 2: "Green Belts" and Policies GB1 and GB6 of the City of York Draft Local Plan (incorporating Fourth Set of Changes, April 2005).
- (ii) The site is above the rural affordable housing threshold of 0.3ha set out in Policy H2a of the City of York Local Draft Plan, and the proposal does not demonstrate that development of the site could not accommodate two smaller dwellings, either due to on-site constraints or economic viability. The proposal



therefore fails to address local and national efforts to maximise opportunities to provide affordable housing contrary to Central Government advice contained within Planning Policy Statement 3: “Housing”, Policies GP1 and GP10 of the City of York Draft Local Plan, and the Council’s adopted Strategic Housing Market Assessment.

- (iii) It is considered that the proposal, due to its size, height and proximity to Marina House, would have an overbearing and over dominant impact on the occupiers of that property and result in a loss of outlook that would be harmful to residential amenity. Furthermore, the siting of the house in close proximity to a main elevation of Marina House, which incorporates an external balcony, would result in future occupiers of the proposed dwelling being unacceptably overlooked to the detriment of residential amenity and privacy, contrary to Central Government advice in Planning Policy Statement 1: “Delivering Sustainable Development”, Planning Policy Statement 3: “Housing” and Policies GP1 and GP10 of the City of York Draft Local Plan.

Action Required

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

**29f 4 Derwent Road, Fulford, York. YO10 4HQ**

Members considered an application for the erection of a pair of semi-detached dwellings following the demolition of an existing dormer bungalow.

Officers updated Members by correcting paragraph 4.5.2 of the officer’s report which should read “The building would be higher than 1m with an eaves level approx 1.4m higher than those adjacent to it.” They also requested the addition of a standard height condition, HT1, if they were minded to approve the proposal.

Representations in support of the application were heard from the applicant. He stated that he had co-operated fully with officers in negotiations regarding the development of various proposals for the site. He also stated that the scheme was fully funded and could be commenced immediately if planning permission were to be granted.

The applicant responded to Members regarding the position of the flank wall of the proposed building in relation to the conservatory on the rear of the adjacent property.

He stated that the proposed building would be positioned in line with the conservatory but further forward than the existing dwelling and that it would be approximately 1.5 metres higher than the existing single storey garage. He added that there would be an additional impact on the conservatory but that this was deemed to be acceptable.

Some Members expressed concern regarding the demolition of a fully functioning bungalow and that despite alterations that had been made to the application that the proposed development would be visually detrimental to neighbouring properties.

Members stated that they did not consider that the proposal would adversely affect the streetscene, given that there was a varied level of heights and sizes of houses in the surrounding area.

RESOLVED: That the application be approved subject to the conditions listed in the officer's report and the following additional condition.<sup>1</sup>

- (i) Condition 16: Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 7.9 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: To establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not have caused undue harm to interests of acknowledged importance, with particular reference to principle of redevelopment, design, density, sustainability, character and amenity, residential amenity, flood risk and drainage, highway safety and impact on local facilities. As such the proposal complies with national advice contained in Planning Policy Statement 1: Delivering Sustainable Development (PPS1), Planning Policy Statement 3: Housing (PPS3), Planning Policy Guidance Note 13: Transport (PPG13) and Planning Policy Statement 25: Development and Flood Risk (PPS25) and Policies SP6, H4A, H5A, GP1, GP4A, GP10, L1C and T4 of

the City of York Development Control Local Plan  
(incorporating 4<sup>th</sup> set of changes, April 2005.)

Action Required

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

**29g Hollycroft, 20 Wenlock Terrace, York. YO10 4DU**

Members considered an application for the change of use of an existing building from offices, which are currently being used by City of York Council, to eight self-contained apartments.

Officers updated Members by reporting that in the letter from the agent for the applicant it stated that the conversion had attempted to retain the historic character of the building by making as few internal alterations as possible. It was also remarked that the intention of the applicants is to sell the property to a developer should planning permission be granted.

Representations were heard in support of the proposal from the agent for the applicants. He informed Members that the proposal should be permitted because the building was changing back to its original use, there was no demand for office buildings on this scale within the surrounding area, it was supported by York-England.com, it would enhance the character of the street and that the submitted drawings illustrated that the conversion could be carried out in a sensitive manner.

Members questioned the creation of one and two bedroom apartments when the Housing Needs Assessment had indicated that there was general shortage of three bedroomed family houses in York. The agent responded by stating that the building was not readily suited to the provision of family accommodation. In addition the plans submitted were an illustration and a future developer may choose to sub-divide the building differently. They also referred to the officer's report, which pointed out the impracticality of some of the parking spaces, but were advised that this situation was already in existence and the application was for a change of use of the building.

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

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to the interests of acknowledged importance, with particular reference to loss of employment premises, principle of conversion to residential type, tenure and density of residential units, residential amenity, character and appearance of the Fulford Road Conservation Area, trees, highway safety, flood risk and provision of local facilities. As such the proposal complies with national planning

advice contained with Planning Policy Statement 1 (PPS1): Delivering Sustainable Development, Planning Policy Statement 3(PPS3): Housing, Planning Policy Guidance Note 15(PPG15): Planning and the Historic Environment, Planning Policy Statement 25(PPS25): Development and Flood Risk and Policies GP1, GP9, GP11, H3c, H4a, H5a, HE2, HE3, HE11, E3b, NE1, L1c and T4 of the City of York Development Control Local Plan (incorporating fourth set of changes) 2005.

Action Required

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

**29h 19 Hyrst Grove, York. YO31 7TD**

Members considered an application which sought planning permission to erect a hipped roof dormer window on the side of elevation of the existing roof of a semi-detached dwelling. This proposal was referred to the Committee due to the applicant being an employee of City of York Council.

Councillor Moore queried the impact of the loss of privacy from the dormer window and suggested that the method of opening could be stipulated in more detail. Officers responded by stating that this could be adequately controlled by the recommended condition.

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

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the effect on the street scene and the impact on the amenity and living conditions of adjacent residents. As such the proposal complies with Policies H7 and GP1 of the City of York Draft Local Plan and the Council's 'Guide to Extensions and Alterations to Private Dwelling Houses' Supplementary Planning Guidance.

Action Required

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

### **30. 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.

Cllr K Hyman, Chair

[The meeting started at 2.05 pm and finished at 4.30 pm].