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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	23 JULY 2009
PRESENT	COUNCILLORS HYMAN (CHAIR), GREGAN (VICE-CHAIR), DOUGLAS, FIRTH, FUNNELL, KING, MOORE, TAYLOR AND WISEMAN
APOLOGIES	COUNCILLORS ORRELL

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**11. INSPECTION OF SITES**

Site	Attended by	Reason for Visit
Sainsbury's, Monks Cross	Cllrs Hyman, Douglas, Moore and Wiseman.	To familiarise Members with the site.
18 Brentwood Crescent	Cllrs Hyman and Moore. Cllr Pierce as Ward Member.	To familiarise Members with the site.

**12. DECLARATIONS OF INTEREST**

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

None were declared.

**13. MINUTES**

RESOLVED: That the minutes of the meeting of the Sub-Committee held on the 9 July 2009 be approved as a correct record by the Chair and signed by the Chair.

**14. 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.

**15. 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.

## 15a Sainsbury's

Members considered a full application for the erection of an extension to the existing Sainsbury's store together with the reconfiguration of the existing car park and internal alterations.

The Officer circulated an update to Members which included certain corrections to the written report in the agenda. Firstly, the location of the site on the plan attached to the agenda was incorrect. Secondly, the figure agreed by Sainsbury's in a unilateral undertaking towards highway works identified by the Monks Cross Masterplan Highways Network Management, was £12,300 not £12,500 as stated in Paragraph 5.3 of the Officer's Report. The Officer explained that a unilateral undertaking was a legal agreement submitted by the applicant to pay the required amount and would not need to be covered by a condition.

The Officer explained that the architect had agreed to the planting of additional trees within the car park and that this requirement could be incorporated into a landscaping condition for the whole site. A condition was also required to ensure that the Framework Travel Plan submitted with the application was expanded into a Full Travel Plan. The Officer also commented on a previous application for the redevelopment of the existing petrol filling station which included a car wash within the existing car park. The car wash proposal could still be implemented and would involve the loss of 8 car parking spaces. However, the applicant is now examining the alternative locations for the car wash as they had no wish to lose any further car parking.

Members commented on the briefing note delivered to Members by Sainsbury's and questioned the decision to have this document presented in a non recyclable plastic folder.

Members questioned the Officer on the type of trees that were to be planted in and around the car park and wished to ensure that substantial specimens are planted whilst not restricting visibility within the car park.

Members remarked that they had noticed on the site visit that the location of the disabled parking spaces was not particularly convenient and asked the applicant's agent whether any changes could be made.

The agent for Sainsbury's, answered the Members' query by saying that the car parking for disabled customers will be located in their current position in the new car park. She added that there will be an additional eight spaces regardless of location within the car park, and pointed out that the larger dimensions required by the disabled spaces made them difficult to move without compromising the car parking layout as a whole. If the spaces were to move closer to the area occupied by the ATM machines this could also cause potential conflict due to the narrowness of the path in this area. She reiterated that Sainsbury's had a good record of reviewing customer feedback and would continue to do this should any specific issues arise.

Some Members commented that mobile disablement is not the only form of disability and this meant that it was not always necessary to locate disabled parking spaces immediately adjacent to the store entrance.

Certain Members expressed their dissatisfaction at the application for encouraging greater out of town shopping, promoting greater car use through the extension of the car park and at the loss of trees for the site.

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

The following additional conditions were as follows:

- i) The Scheme of Landscaping and tree planting shown on Drawing No. MP001 PO2 dated 7 July 2009 shall be carried out in its entirety with the period of twelve months beginning with the date of commencement of the scheme, or within such longer period as may be agreed in writing with the Local Planning Authority. Additional trees shall be planted as part of the scheme within the car park in numbers and locations, and in accordance with bio-engineering details, that have first been agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be adequately maintained for the period of five years beginning with the date of the scheme and during that period all losses shall be made as and when necessary.

REASON: To provide a satisfactory appearance to the development in the interests of amenity.

- ii) Before the commencement of development, including demolition, site clearance, building operations, excavation, or the importing of materials, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing to be shown on a plan; phasing of works, site access during demolition/construction; type of construction machinery/vehicles

to be used (including delivery and collection lorries and arrangements for loading/off loading); parking arrangements for site vehicles, locations for storage of materials; location of site cabin. The protective fencing line shall be adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, parking or manoeuvring of vehicles. Within the exclusion zone there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new service runs or other construction related activity.

REASON: To ensure protection of existing trees before, during and after development which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area and/or development.

- iii) Within six months of occupation of the site, a full company travel plan developed and implemented in accordance with national guidance and guidance currently published by the City of York Council, shall have been submitted and approved in writing by the Local Planning Authority.

REASON: To ensure the development complies with the Central Government advice contained with Planning Policy Guidance Note 13-“Transport” and to ensure that adequate provision is made for the movement of vehicles, pedestrians, cyclists and other modes of transport to and from the site, together with provision of parking on the site for these users.

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:-

- Policy background
- The principle of the development
- Design and Landscape considerations
- Traffic, highways and access issues
- Drainage
- Sustainability

As such the proposal complies with Policies SP7a, GP1, GP4a, GP9 and NE1 of the City of York Development Control Local Plan and policies E2, Y1, H4 and ENV5 of the Yorkshire and Humber Regional Spatial Strategy adopted in May 2008.

#### ENVIRONMENT AGENCY INFORMATIVE:

The Water Resources Act 1991, s85 makes it an offence to cause or knowingly permit poisonous, noxious or polluting matter to enter controlled waters unless you are in possession of a discharge consent or other relevant permit. Controlled waters include all waters below the surface of the ground. This legislation is not restricted to any listed substances. Discharge consents issued under the Water Resources Act 1991 constitutes authorisations for the purposes of the Groundwater Regulations provided the relevant conditions have been applied.

#### Action Required

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

SS

## 15b 18 Brentwood Crescent

Members considered a full application to erect a two storey side extension and single storey rear extension to a semi-detached house at 18 Brentwood Crescent.

The Officer provided an update for Members in which it was noted that there had been;

- two further letters of objection to the application received from neighbours, mainly regarding the loss of privacy
- information that the applicant owns and lets other properties within the area
- that internal alterations that were due to be made were not included in the plan

A written representation in opposition of the application was circulated amongst Members from two neighbours at number 15 Brentwood Crescent. The main objection contained in the submission was that of parking issues should there be an increase in the number of car users at the application site.

Further representations against the application were heard. The first was from a neighbour who lived at number 19 Brentwood Crescent who commented on the angle and proximity of the extension and her view that its dominant nature will negatively affect her property. She added that the terracing effect of the extension would block out light from her son's bedroom and the hallway. She added that there were major parking issues that needed to be addressed as numbers 15, 16, 19 and 20 Brentwood Crescent do not have road frontages to allow parking. The neighbour stated that currently the residents of number 21 have four cars and that she has been blocked from leaving her property by these cars. The neighbour also added that she did not think that the extension would fit in with the already existing buildings on the cul de sac.

The second representation in opposition of the application was from a neighbour who lived at number 17. He told Members that he had lived there for seventeen years and was devastated that developers could spoil the area again. He commented that the application site will house four students this coming academic year, but that with the extension could house two additional people, taking the occupancy up to six. He suggested that the additional numbers of student residents in the area have caused the current parking problems. He added that on a previous application for a conservatory the applicant had incorporated a glass panel on top of the brick wall to reduce the loss of light. He was concerned that the proposed structure was a more solid construction with a tiled roof and would reduce light to his property. He remarked that this conservatory and an existing en-suite had not been shown on the site plan.

The third representation in opposition to the application was from the Ward Member, Councillor Pierce. He urged refusal of the application on the grounds of overdevelopment and the adverse impact on the streetscene. He suggested that if the application was not refused then he recommended that it be deferred and delegated to the Assistant Director in

order to obtain assurances from the applicant that no more than two cars are kept outside houses that are owned by the applicant on Brentwood Crescent, and that if this is ignored that the applicant should pay for a prohibition waiting order.

The Officer reminded Members that the nature of the occupants, whether students or otherwise could not be taken into account in determining the application. He also added that it would not be appropriate to seek assurances from the applicant on his other properties given that this is not directly related to the current application.

In relation to a question from Members on the plans for the conservatory, the Officer remarked that it would have a pitched tiled roof at a height of 3.2 metres instead of a glass-panelled roof. Another question was asked of the Officer in relation to the difference in height between the conservatory and the new proposal. The Officer responded that the highest point of the proposed extension was 3.5 metres in comparison to 2.5 metres for the existing conservatory. In relation to the side extension, the highest point would be 6.8 metres in comparison to 2.7 metres for the existing garage.

Members asked the Officer on what grounds an applicant could build an extension without asking permission from neighbours. The Officer replied that under new regulations, a home owner could extend from the rear wall of a semi-detached property by up to 3 metres without seeking planning approval. Consent would also be required under the Party Wall Act, but this is a separate piece of legislation and not related to planning legislation.

Members suggested that the focus needed to be on the current plans and even though they accepted that the extension would be slightly smaller than previously refused, the impact of it would remain the same, and considered that it would constitute overdevelopment of the site.

Members added that there was nothing unique about the property that would merit granting an application and that overdevelopment of this kind was a growing problem throughout the city. They suggested that the application should be refused on the grounds of:

- overdevelopment
- the impact on neighbours
- parking and traffic issues

Certain Members disagreed and remarked that although they had sympathy with neighbours concerns that they thought as a result of their experiences from the site visit that the impact on the adjacent property will be minimal, the garden will not be greatly impacted and in answer to a representation about noise, that this was not in the remit of the Committee. They added that there would be an impact during the construction phase of the extension but that a condition could be added to restrict the hours of construction and ensure that there is construction management.

Members remarked that it must be stated that the University does not discourage students from bringing their cars to York which can cause

pressure on traffic problems in residential areas. Additionally Members mentioned that one of the plans for the property was to replace the garage with a cycle store and questioned the wisdom of this alongside the apparent parking problems on Brentwood Crescent.

Certain Members spoke about how the proposed extension was not going to create a terracing effect and that they had noticed that the existing extension on the property at number 13 had already created such an effect within the street. They added that the impact on light entering the adjacent bedroom and hallway would be marginal. Finally, they added that the Committee cannot restrict traffic using Brentwood Crescent and that whoever is resident at number 18 has a right to park their car in the street.

Members reiterated their reasons for refusal on visual impact grounds and commented that even if an appeal was lost that this does not necessarily mean that the Committee had taken the wrong decision.

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

- REASON:
- (i) It is considered that the proposal would constitute overdevelopment of the site by virtue of an unacceptable reduction in the spacings between dwellings at the head of the cul de sac and thus would have an adverse impact on the streetscene. Thus the proposal would conflict with Policies GP1(criteria a, b and c) and H7(criterion e) of the City of York Draft Local Plan.
  - (ii) It is considered that the proposed extension would result in an unacceptable loss of amenity to the occupiers of the adjacent dwelling (19 Brentwood Crescent) by virtue of its size, scale, massing and proximity to the boundary and the loss of light and outlook that would result. Thus the proposal would conflict with Policies GP1(criterion I) and H7(criterion d) of the City of York Draft Local Plan.
  - (iii) It is considered that the proposal would increase the likelihood of vehicles being parked outside the site within the public highway, restricting access to adjacent properties and adversely affecting the amenity of the adjacent occupiers at the head of the cul de sac, where there are a number of properties with narrow frontages and where there are only limited opportunities for vehicles to park within the highway.



Action Required

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

SS

K HYMAN, Chair

[The meeting started at 2.30 pm and finished at 3.35 pm].