

MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	7 JULY 2010
PRESENT	COUNCILLORS HYMAN (CHAIR), CREGAN (VICE-CHAIR), DOUGLAS, WATSON, MOORE, ORRELL, TAYLOR, WISEMAN, WAUDBY (SUBSTITUTE) AND PIERCE (SUBSTITUTE)
APOLOGIES	COUNCILLORS FIRTH AND FUNNELL

INSPECTION OF SITES

Site	Attended by	Reason for Visit
Starbucks, Unit F1 Monks Cross Shopping Park, Monks Cross Drive, Huntington	Cllrs B Watson, Wiseman, Waudby, Moore, Hyman, Orrell and Pierce	To familiarise Members with the site
1 Barstow Avenue, York. YO10 3HE	Withdrawn by applicant before the meeting and therefore Members did not attend this site visit.	
53 Thirkleby Way, Osbalwick, York. YO10 3QA	Cllrs B Watson, Wiseman, Waudby, Moore and Hyman.	To familiarise Members with the site.
Axcent Ltd, 156B Haxby Road, York. YO31 8JN	Cllrs B Watson, Wiseman, Waudby, Moore, Hyman and Pierce.	To familiarise Members with the site.
Sunnyside Farm Shop, 22 Mill Lane, Wigginton, York. YO32 2PX	Cllrs B Watson, Wiseman, Waudby, Moore, Hyman, Pierce and Orrell.	To familiarise Members with the site.

6. DECLARATIONS OF INTEREST

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

Councillor Moore declared a personal non prejudicial interest in Agenda Item 5d) Axcent Ltd, 156 Haxby Road, as he and other Members on the committee knew one of the objectors personally who was a Council employee. He also declared a personal non prejudicial interest in Agenda Item 6) Current Provision of open space and footpath provision at the former Clifton Hospital Site, having been involved in progressing the Section 106 agreement.

Councillor Douglas declared a personal non prejudicial interest in Agenda item 5d) Axcent Ltd, 156 Haxby Road, as one of the residents in objection was known to her family.

Councillor Waudby declared a personal non prejudicial interest in Agenda Item 5c) 53 Thirkleby Way, Osbaldwick, and Agenda Item 5i) 8 Kensington Road as she knew the applicant and one of the objectors personally.

Councillor Pierce declared a personal non prejudicial interest in Agenda Item 5a) Starbucks Unit F1, Monks Cross Shopping Park as the former Corporate Policy and Planning Officer with general overview for the Monks Cross Development at Ryedale District Council.

No other declarations were made.

7. MINUTES

RESOLVED: That the minutes of the meeting of the East Area Planning Sub-Committee held on 10 June 2010 be signed and approved by the Chair as a correct record.

8. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: To exclude the press and public during the consideration of agenda item 7 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 Government(Access to Information) (Variation) Order 2006.

9. PUBLIC PARTICIPATION

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

Details of speakers on individual applications are detailed under each item.

10. PLANS LIST

10a Starbucks Unit F1 Monks Cross Shopping Park Monks Cross Drive Huntington

Members considered an application for the erection of three retail buildings for class A1(retail) and or Class A3(restaurants and cafes), and/or Class A5(hot food takeaway) with modifications to the existing car park and the introduction of new servicing, landscaping and highway works.

In their update to Members, Officers stated that;

- Yorkshire Water had raised no objections to the application subject to conditions.
- The applicants preference was for the new retail building to be subdivided into no more than three units to enable two existing retailers(American Golf and Jessops) to move into the development from their existing premises in Julia Avenue.
- The data on car parking detailed in the report was four years old, but that this was used as it was considered that there had been no significant change in traffic generation and car parking patterns during that time.
- There was not a written tree survey with the application, but information submitted was considered to be sufficient.

Representations were heard from the applicant's agent who stated that the applicant's preference was for the new building to be subdivided into three units as indicated above, but if this was not permissible they would be prepared to accept a condition allowing subdivision to create one unit of no less than 1000 sq metres, with the remaining smaller unit used for A3/A5 uses only, as recommended by Officers.

Members asked the applicant's agent about the provision for cyclists and pedestrians on the site. Members pointed out that there appeared to be no separation on the plans between the front of the units and the cycle lane, creating a potential danger.

The applicant's agent replied that there would be cycle hoops installed and the existing exit onto Monks Cross Drive from the site would be closed off, and relocated further down the road.

Members asked the applicant's agent why the removal of mature trees and the replanting of new trees in their place was necessary.

The applicant's agent replied that new trees would have to be planted because the units would extend into the area where the current trees are situated, and that some of the existing trees were not in good condition.

Members asked whether the design of the units could be changed to include the existing trees.

The applicant's agent responded that the original plans had been amended that the proposed new trees would accommodate the new buildings and would allow for trees to be placed along the roadside.

In relation to Members comments on traffic issues, the applicant's agent responded that it was not considered necessary for a new survey to be conducted as there was a traffic counter at the Monks Cross Shopping Park. This indicated no significant change in the number of vehicles visiting the retail park since the parking accumulation survey was conducted in 2006.

Councillor Pierce moved refusal of the application on the grounds of the detrimental effect on city centre businesses from the new retail outlets, the unresolved parking issues and the loss of the mature trees.

Councillor Watson seconded the motion for refusal and stated that he felt there was a need for a new traffic survey to be conducted on the site.

Following further discussion it was;

RESOLVED: That the application be refused.

REASON: (i) The proposal would result in a reduction of the overall number of car parking spaces within the retail park, whilst at the same time increasing demand for parking through the creation of additional retail units/floorspace.

The Transport Statement submitted with the application was supported by a parking accumulation survey, which was undertaken in July 2006. Monks Cross has seen further development in the intervening period which has further increased the attractiveness of the retail park as a destination. Observations of the car parks in operation demonstrate that demand for parking often exceeds spaces available. These observations are contrary to the conclusion of the parking accumulation survey that sufficient spare capacity remains to accommodate demand generated by the development proposals and demonstrate that the submitted survey is outdated.

The development proposed will result in an increased demand for car parking leading to an increase in both the length and duration of vehicular trips as the hunt for available spaces becomes more difficult, thus increasing car journeys, contrary to Central Government advice contained with Planning Policy Guidance Note 13 "Transport".

(ii) In order to allow for the development of the new pavilion and piazza area, the proposal would result in the loss of a significant number of established trees, including a number of mature oaks that are protected by a Tree Preservation Order. Although replacement trees are proposed for this area, the scheme would result in a much narrower belt of trees with reduced visual and landscape benefit. The replacement planting is considered to provide inadequate mitigation for the loss of an existing belt of trees that makes a significant contribution to the public amenity of the area. As such, it is considered that the proposal would conflict with the

provisions of policy NE1 of the City of York Draft Local Plan, which states:

“Trees, woodlands and hedgerows, which are of landscape, amenity, nature conservation or historical value, will be protected by:

- a) refusing development proposals which will result in their loss or damage; and 10/01012/FULM Page 2 of 2.
- b) requiring trees or hedgerows which are being retained on development sites to be adequately protected during any site works; and
- c) making tree preservation orders for individual trees and groups of trees which contribute to the landscape of local amenity; and
- d) making hedgerow retention notices where appropriate to protect important hedgerows and;
- e) ensuring the continuation of green/wildlife corridors.

All proposals to remove trees or hedgerows will be required to include a site survey indicating the relative merits of individual specimens. An undertaking will also be required that appropriate replacement planting with locally indigenous species will take place to mitigate against the loss of existing trees or hedgerows. Developments should make proper provision for the planting of new trees and other vegetation including significant highway verges as part of any landscaping scheme. In addition, other proposals to bring forward such provision will be actively encouraged.”

10b 1 Barstow Avenue York YO10 3HE

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

10c 53 Thirkleby Way Osbaldwick York YO10 3QA

Members considered an application for the change of use from a dwelling house to a House of Multiple Occupation(HMO) at 53 Thirkleby Way.

In their update to Members, Officers read an email from Councillor Morley, which had been circulated before the meeting. Councillor Morley stated that Members should note that Thirkleby Way is divided into three distinct sections rather than being a single street and that therefore the small middle section was not a suitable place for an HMO. He also highlighted parking issues, and detrimental impact on the streetscene that would result from the use of the front garden for additional parking.

Information circulated by residents in opposition to the application, at the meeting was then considered by Members. This information is available online.

In response to a question from Members on the restriction of the use of tarmac, Officers responded that the construction of hard surfaces in excess of 5 sq metres did not need planning permission provided that a porous surface was used or that surface water drained into a porous area within the site such as a soakaway or garden border.

Officers advised Members that the new Housing Minister had recently announced changes which would result in a change of use from a dwelling to the new HMO use class being permitted development, meaning that Local Authorities may not have the power to restrict these developments from October 2010.

Representations in opposition to the application were heard from a local resident. He stated how he was pleased that Officers had mentioned that the street was divided into distinct sections and so should not be viewed as one single street. He added that the majority of houses along Thirkleby Way were family homes and that he felt that if this application was approved that schools and playgroups would be detrimentally affected by the reduction in family homes.

Further representations in opposition to the application were heard from a representative of Osbaldwick Parish Council. The representative circulated a list of student households in Osbaldwick amongst Members, which is available online. He stated that the Parish Council's objection to the application was not due to the presence of students in the area, but due to a lack of a coherent strategy relating to controlling applications for HMOs. He felt that there was a need for further student accommodation to be created on the new university campus. He asked for a named vote from the Chair.

Additional representations in opposition to the application were heard from a local resident who circulated personal letters of objection to the Committee at the meeting. These letters are available online. He pointed out that the Officer's report had not mentioned the detrimental affect on traffic resulting from the Sainsbury's Local shop due to the delivery vehicles.

Councillor Cregan moved refusal of the application on the grounds of the visual appearance of the street being adversely affected and increased parking levels.

Councillor Moore seconded refusal of the application because he felt that the property would not provide adequate communal space and that it would cause a detrimental impact on neighbouring properties through an increase in noise.

Some Members felt that as there were a number of HMOs already present in Thirkleby Way, the perception of the character of the street would fundamentally change.

Other Members stated that they felt that there had been an increase in applications for HMOs because there was not sufficient student accommodation in the city. They also requested that a condition be added, if the application was approved, that the garden attached to the property must be maintained.

RESOLVED: That the application be refused.

REASON: It is considered that the proposal would detract from the character of the area by virtue of creating an over concentration of Houses in Multiple Occupation within this section of Thirkleby Way. The proposal would make inadequate provision for off-street parking resulting in vehicles being parked on the highway to the detriment of the free flow of traffic and the amenity of the neighbours. The proposed internal layout would make inadequate provision for communal space within the property resulting in an unacceptable standard of amenity for future residents, and would be likely to result in noise and disturbance to the occupiers of the adjacent property(55 Thirkleby Way) to the detriment of residential amenity.

10d Axcent Ltd 156B Haxby Road York YO31 8JN

Members considered an application for a residential development consisting of 8 semi detached dwellings and 9 apartments on the site of a former Co-operative Dairy at 156B Haxby Road.

An update from Officers to Members, including comments from Sustrans and revised plans, was given. This update is available online.

Representations in objection to the application were heard from a local resident, who stated that she felt that the design of the proposed development infringed on the privacy of the surrounding properties. She stated that local residents were unanimously agreed that the proposed development was detrimental to the surrounding area because it would create a segmented community.

Representations in support of the application were heard from the applicant's agent who stated that the site had been difficult to develop because only one access existed, which had a fixed location and was adjacent to a listed building. He also said that the current Dairy buildings cover nearly all of the site, but that the proposed buildings would only cover half of this area.

Members stated that they supported the principle of new development on previously developed sites but commented on various points including;

- The poor design in relation to the access to the site.

- That the proposed houses appeared to have gardens, but that this was not the case for the proposed apartments.
- That the houses overlooked the playground of Haxby Road Primary School.

RESOLVED: That the application be refused.

- REASON:
- (i) The proposed development, due to the lack of dedicated pedestrian facilities within the site and restricted width along the site access road, particularly along the initial stretch adjacent to the junction with White Cross Road, is likely to create conditions that would harm highway safety.
 - (ii) The proposed development, due to the scale, mass and location of the proposed semi-detached pair of houses 3/D and 4/C in close to the site boundary with the Grade II listed Haxby Road Primary School, would have a negative visual impact on the setting of this designated heritage asset. This would be contrary to national planning advice in Planning Policy Statement 5: Planning for the Historic Environment and Policies HE2 and HE4 of the City of York Draft Local Plan.
 - (iii) The proposed development, due to the lack of any meaningful and useable amenity space to serve the apartment block or an adequate buffer distance between the block and site boundary with the adjacent cycle track, would result in potential harm to the living conditions of future occupants of this building. As such, it would fail to provide a high quality scheme for people who are unable to access or afford market housing, contrary to the aims of Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Statement 3: Housing.
 - (iv) The proposal, due to its density, scale and layout, would result in the impression that the site has been overdeveloped, with the buildings appearing dominant due to their position close to site boundaries, large areas of hard surfacing from the access road and vehicle parking areas with little opportunity for soft landscaping. This would be to the detriment of the visual amenity of the area. The proposed development therefore fails to take the opportunities available for improving the character and quality of an area and the way it functions, contrary to advice

in Planning Policy Statement 1: Delivering Sustainable Development.

- (v) Insufficient information has been submitted to determine the potential impact the proposals may have on the existing drainage systems, with particular reference to surface water disposal, nor that the site can be adequately drained, contrary to the aims of Planning Policy Statement 25: Development and Flood Risk.

10e Sunnyside Farm Shop, 22 Mill Lane, Wigginton, York. YO32 2PX

Members considered an outline planning application for nine houses with associated access and parking. This application was a resubmission of an application from last year. The previous application that was considered in 2009 was for six houses on this site.

In their update to Members, Officers stated that they had received two more objections to the application. One had been received from Councillor Firth and another one from some local residents. Members were also informed that additional updated comments had been received from the Council's Countryside Officer, which meant that an additional condition in relation to the incorporation of bat friendly features would be inserted if the application was approved.

Representations in support of the application were heard from the applicant's agent who stated that in his view, given the nature of the surrounding area, two storey development was acceptable on this site, and that he was aware of the restricted access to the site.

Representations in objection to the application were heard from a local resident who spoke about the restricted access to the site. She added that visitors to residents in the proposed houses would park on the main road, and that there had also been an application submitted to put a bus stop in front of the development site. She questioned whether residents had been properly consulted on the revised plans that were now being considered. She also added that she felt that the application had not taken into account drainage issues, and that overall, she felt that the application should be refused on grounds of overdevelopment.

Officers told Members that the plans submitted were an indicative layout of the site, and did not form part of the application, which was submitted in outline.

Councillor Cregan moved the Officer's recommendation for approval. Councillor Pierce seconded this motion.

Some Members stated that they felt the application could be refused on traffic grounds, and referred to new government guidelines removing domestic gardens from the definition of previously developed land which weakened the case for the development of the site.

On being put to the vote, the result for approval and refusal of the Officer's recommendation, was tied. Therefore, the Chair used his casting vote and it was;

RESOLVED: That the application be approved subject to the recommendations listed in the Officer's report with an amended condition to read thus;

No development shall take place until details have been submitted to and approved in writing by the Council of what measures are to be provided within the design of the new buildings to accommodate bats. The work shall be completed in accordance with the approved details. Features suitable for incorporation for this group include the use of special tiles, bricks, soffit boards, bat boxes etc.

REASON: It is considered that the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to:

- The Principle of Development for Housing Impact on Protected Trees
- Access and Highway Safety
- Density of Development
- Design and Street Scene
- Neighbour Amenity
- Flood Risk and Drainage
- Bio-Diversity
- Sustainability
- Public Open Space

As such the proposal complies with policies GP1, GP4a, GP15a, H4a, H5a, NE1 and L1c of the City of York Local Plan Deposit Draft.

10f 31 Lea Way Huntington York YO32 9PE

Members considered an application for the erection of 14 dwellings comprising four 2 bedroom houses, five 3 bedroom houses, four 4 bedroom houses and one 4 bedroom dormer bungalow. This application was originally approved by the Committee in August 2007 and an extension of the time limit for the implementation of planning permission was now sought. There had been no material change in planning circumstances since the original approval.

RESOLVED: That the application be approved.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the Officer's report, would not cause undue harm to interests of acknowledged importance, with particular reference to: the principal of development for housing; density; visual appearance; landscaping; sustainability; impact on trees; impact on wildlife; neighbour amenity; access, parking and highway safety; drainage; affordable housing; impact on local services; crime prevention and construction impact. As such the proposals complies with Policies GP1, GP3, GP4a, GP9, GP10,ED4,GP15a, NE1, NE6, H2a, H3c, H4a, H5a, L1c and T4 of the City of York Draft Local Plan.

10g Derwent Barn, Langwith Stray, Heslington, York. YO10 5EJ

Members considered an application for a first floor pitched roof side extension to provide an additional bedroom at Derwent Barn.

Officers informed Members that comments had been received from Heslington Parish Council who supported the application "on the basis that the footprint of the property has not increased and the proposal would not be a substantial increase in volume."

Representations were heard in objection to the application from a local resident. She informed Members that she had been supportive of previous developments at the site previously, but that she wished to object to the proposed two storey extension. She felt that the extension would have a detrimental effect on her property, by the restriction of sunlight as a result of the height of the extension, and that it was out of character with the development of the site.

Representations were heard from the applicant who stated that there would be no loss of light for the occupiers of the neighbouring property. He added that the footprint of the current application is smaller than the size of the original outbuilding on the site. He also stated that the height of the proposed extension is similar to another barn in the area.

Members asked Officers if there had been any assessment of the overshadowing effect that the barn would have on neighbouring properties.

Officers replied that a sun path diagram had not been submitted, but advised Members to consider the visual impact. They also added that the current application was identical to previous applications submitted in May 2009 and January 2010, which had been refused solely on the grounds of visual impact.

RESOLVED: That the application be refused.

REASON: The proposed first floor extension, due to its height and design breaking into the roof slope of the original barn, would detract from the character and appearance of this former traditional farm building and would reduce the space between it and the adjacent former farmhouse, Fir Tree Farm. This would erode the setting and relationship between this collection of former farm buildings, which read as three two-storey buildings with single storey elements between, to the detriment of the character and appearance of the site and the openness and visual amenity of the City of York Green Belt. As a result, the proposal is contrary to national planning advice in Planning Policy Statement 1: “Delivering Sustainable Development”, Planning Policy Guidance Note 2: “Green Belts” and Policies GP1, H7, GB1 and GB4 of the City of York Draft Development Control Local Plan.

10h Recreation Ground, White Rose Avenue, New Earswick

Members considered an application to convert an existing basketball court into a multi use games area (MUGA). This alteration included the installation of 3m high metal perimeter fencing.

RESOLVED: That the application be approved.

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 acknowledge importance, with particular reference to the impact on the character and appearance of the area and the amenity of local residents. As such the proposals complies with Policies HE3 and GP1 of the City of York Development Control Local Plan.

10i 8 Kensington Road York YO30 5XG

Members considered an application for the conversion of one half of a double integral garage to form additional living accommodation, on a detached property.

This was considered by the Committee due to the applicant being an employee of City of York Council.

RESOLVED: That the application be approved.

REASON: In the opinion of the Local Planning Authority, the proposed garage conversion, subject to the conditions in the Officer’s report, would not cause undue harm to occupants of neighbouring properties. Nor is it considered that the size, scale or design of the

extension would have any detrimental impact on the street scene. As such the proposal complies with Policies H7 and GP1 of the City of York Draft Local Plan.

11. CURRENT POSITION OF OPEN SPACE AND FOOTPATH PROVISION AT THE FORMER CLIFTON HOSPITAL SITE

Members considered a report on the current position as to the dedication of land as public open space and the provision of a public footpath at the site of the former Clifton Hospital.

The Council's Countryside Officer updated Members by reporting that he recently had a meeting with the developers of the site and that a management plan was agreed. He informed the Committee that re-restoration of the sewage works site was being carried out. He added that wildflower planting had been halted by bad weather, but that it would be completed soon. The next steps then would include a land transfer to the Council and the creation of a Public Right of Way.

Councillor Moore suggested a slight amendment to the recommendation in the Officer's report.

RESOLVED: That the Council accepts Option 2 and requires a further report to be submitted in three months' time.

REASON: Such an approach is likely to resolve the matter more expeditiously.

12. ENFORCEMENT CASES UPDATE

This item was not discussed due to the absence of one of the officers and time constraints.

RESOLVED: That the Committee receive a Quarterly Enforcement Cases Update at the next meeting where it is scheduled to be presented, and that if Members have any queries outside of the meeting that these should be directed to Officers.

REASON: To update Members on the number of outstanding enforcement cases within the Sub-Committee's area.

Cllr K HYMAN, Chair

[The meeting started at 2.05 pm and finished at 4.45 pm].