
MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	14 OCTOBER 2010
PRESENT	COUNCILLORS HYMAN (CHAIR), DOUGLAS, FIRTH, WATSON, MOORE, TAYLOR, WISEMAN, WAUDBY (SUBSTITUTE) AND KING (SUBSTITUTE)
APOLOGIES	COUNCILLORS CREGAN, FUNNELL AND ORRELL
IN ATTENDANCE	COUNCILLORS MORLEY(FOR AGENDA ITEM 5A) AND ASPDEN (FOR AGENDA ITEM 5G)

INSPECTION OF SITES

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
Land adjacent to 74-84 Lilbourne Drive, York.	Cllrs Hyman, B Watson, Wiseman, Firth and Moore	To familiarise Members with the site.
The Homestead, Murton Lane, Murton, York.	Cllrs Hyman, B Watson, Wiseman, Firth and Moore.	To familiarise Members with the site.
The Glen Nursery, Ousecliffe Gardens, York.	Cllrs Hyman, B Watson, Wiseman, Firth and King.	To familiarise Members with the site.
York Designer Outlet, St Nicholas Avenue, York.	Cllrs Hyman, B Watson, Wiseman, Firth and Moore.	To familiarise Members with the site.

22. 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 Firth declared a personal non prejudicial interest in Agenda Item 5f, Land to the rear of 5 & 6 Northfields as one of the objectors was known to him.

Councillor Hyman declared a personal non prejudicial interest in Agenda Item 5g, Harlington House, as one of the objectors was known to him.

Councillor King declared a personal and prejudicial interest in Agenda Item 5a, Land adjacent to 74-84 Lilbourne Drive as he had given his support for the project to the developer. He withdrew from the meeting during the consideration of this item.

Councillor Moore declared a personal and non prejudicial interest in Agenda Item 5a, as the Chair of the Clifton Backies Board.

Councillor Moore also declared a personal and prejudicial interest in Agenda Item 5c, The Glen Nursery, as one of the objectors was his wife's employer. He withdrew from the meeting during the consideration of this item.

Councillor Wiseman declared a personal and non prejudicial interest in Agenda Item 5c, The Glen nursery, as the Council's representative for the Glen Family Resource Centre.

No other interests were declared.

23. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That Members of the Press and Public be excluded from the meeting during consideration of Annex A to agenda item 6 (Enforcement Cases Update) (Minute 27 refers) on the grounds that it contains information that if disclosed to the public, would reveal that the Authority proposes to give, under any enactment or notice by virtue of which requirements are imposed on a person or that the Authority proposes to make an order or directive under any enactment. This information is classed as exempt under Paragraphs 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.

24. MINUTES

RESOLVED: That the minutes of the East Area Planning Sub-Committee held on 12 August and 9 September 2010 be signed and approved by the Chair as a correct record.

25. PUBLIC PARTICIPATION

It was noted 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.

26. 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.

26a Land adjacent to 74-84 Lilbourne Drive, York. (10/01538/FULM)

Members considered a major full application (13 weeks) from Mr Andy Kerr for the erection of 12 three-bed dwellings and 9 two-bed dwellings with associated parking, access and a single storey detached boiler house.

Officers provided an update to Members, relating to conditions that they recommended should be added to the application, if it was approved. This was circulated to Members and attached to the agenda following the meeting. The agenda was then republished to include the update.

The conditions proposed related to a suitable drainage system being installed, the upgrading of the proposed Public Right of Way (PROW), the control of emissions from the biomass plant to ensure there is no detrimental impact on air quality and achievement of Code for Sustainable Homes Level 5.

In response to Members' questions regarding the Public Right of Way, Officers indicated that the applicant proposed to create a new footpath and that the condition relating to the PROW would be altered to reflect this should the application be approved.

Representations were heard from a contractor working for the applicant.

Members asked the contractor about the proposed diversion of the footpath, the site access and the viability of the use of weatherboarding on the site. He indicated that the new line of the footpath would be upgraded to whatever standards were required by the Highway Authority, including lighting if required. Regarding the weatherboarding, he indicated that this would be manufactured from a robust material and had been used on other developments and had a significant lifespan.

Some Members indicated that they had reservations regarding the development of the site as the land was originally intended to be kept as open space for use by the community. However, they accepted that there was a need to provide affordable homes.

RESOLVED: That the application be approved subject to the conditions listed in the report and amended conditions to read;

- (i) Prior to the commencement of development details of foul and surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority, the

development shall be carried out in complete in accordance with the approved details.

Details to be submitted for approval include;

Calculations and invert levels of the existing surface water system should be provided together with details to include calculations and invert levels of the proposals for the new development. This will enable the impact of the proposals on the downstream watercourse to be assessed.

The applicant should provide a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

Existing and proposed surfacing should be specified.

Additional surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

Yorkshire Water shall be consulted with regards to the diversion of their existing sewer and easement requirements. Diversion route should be in land within the applicant's control/ownership.

In accordance with PPS25 and in agreement with the Environment Agency / IDB / City of York Council, peak run-off from developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable areas). Storage volume calculations, using computer modeling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modeling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used.

Details shall be provided of the future management / maintenance of the proposed drainage scheme.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site to comply with guidance contained within Planning Policy Statement 25 (Development and Flood Risk) and that provision has been made to maintain the proposed drainage system.

- (ii) Within three months of the successful diversion of the Public Right of Way crossing the application site, details of a full package of improvement works to the footpath to the north of Bur Dike (identified as 'Proposed Relocated Public Right of Way on the approved plans) shall be submitted to and approved in writing by the Local Planning Authority. The improvement works shall be carried out in complete accordance with the approved details prior to the first occupation of any dwelling on the site.

Reason: In the interests of the amenity of users of the Public Right of Way and to promote sustainable travel in accordance with local and national transportation policy.

- (iii) Emission rates from the biomass plant shall not exceed 24.2 g/h NOx and 3.0 g/h PM10 at any time.

Reason: To ensure there is no detrimental impact on air quality.

- (iv) The top of the stack exhaust shall sit 5m above ground level unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure adequate dispersion of boiler emissions to protect air quality.

- (v) Within six months of the completion of the development a Code Post Construction Assessment and Certificate shall be submitted showing that the development achieved Code for Sustainable Homes Level 5 rating.

Reason: To promote sustainable development.

REASON: The proposal, subject to the conditions listed in the report and the amended conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to: the principle of development; impact on neighbouring amenity; impact on the character and appearance of the area; traffic and car and cycle parking; drainage and flooding; landscaping and natural habitat; sustainability; and open space. As such the proposal complies with Policies GP1, GP3, GP4a, GP15a, H3c, H4a, H5a, and L1c of the City of York Development Control Local Plan.

26b The Homestead, Murton Lane, Murton, York. (10/01827/FUL)

Members considered a full application by Mr Peter James for the variation of condition 4 of planning approval 09/01125/FUL to allow for a replacement static caravan (resubmission).

Officers advised that condition 4 of the recommendation (at page 46 on the printed agenda) should read; "The development hereby permitted shall be carried out in accordance with the plans submitted with the application as varied by the 1:200 site plan amended on the 6 October 2010." Members were also informed that if they were minded to approve the application, a Section 106 agreement could be drafted to secure additional landscaping on land adjacent to the site.

Representations were heard from the Chair of Murton Parish Council, objecting to the proposal on the grounds that the replacement caravan was much higher and larger than the original one and that trees on the site had been cut down, which accentuated the impact on the landscape and was harmful to the Green Belt.

Councillor Morley, as Ward Member, informed the Committee of the developments on the site that had occurred since the Committee had considered the previous application in June, including the removal of tree cover and the fact that the caravan was larger than the hardstanding shown on the plan. In his view, the development would be detrimental to the Green Belt.

Members acknowledged that the trees that had been cut down on the site were not protected by a tree preservation order. They also recognised the personal circumstances of the applicant to provide better and more spacious living accommodation for his growing family. In approving the application it should be a requirement that additional/replacement planting is carried out in order to screen the caravan.

RESOLVED: That the application be approved subject to a Section 106 Agreement to secure additional/replacement landscaping.

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to: impact on the openness and visual amenity of the Green Belt; landscaping; neighbour amenity; and access and highway safety. It is considered that the needs of the family in this case amount to very special circumstances that justify the granting of planning permission. As such the proposal complies with national planning advice set out within Planning policy Guidance Note 2 "Green Belts", and Policies GB1 and H16 of the City of York Draft Local Plan.

26c The Glen Nursery, Ousecliffe Gardens, York. (10/01628/GRG3)

Members considered a General Regulations (Reg3) application from the City of York Council's Adults, Children and Education Directorate for a single storey rear extension, two additional car parking spaces and a replacement cycle shelter and storage units at the care home.

Officers informed Members of additional representations received from a local resident expressing concern at the size and weight of the construction equipment that would be used, and the potential for damage to the road surface.

Representations were heard from an adjacent neighbour to the property, objecting to the application on the grounds that the removal of trees would make the building more visible and that the scale and massing of the building were not in keeping with the area. The proximity of the building to the boundary would result in an increase in noise. The design and positioning of the windows would result in a loss of privacy and nuisance from light pollution.

Further representations were heard from another local resident in respect of traffic concerns, stating that the access to the site was not capable of accommodating further traffic, in particular heavy construction vehicles.

During their discussion Members commented on the loss of protected trees. They also added that they felt that the materials to be used for the construction of the extension would appear incongruous alongside the neighbouring buildings. They were also unhappy with the arrangement of windows in the extension.

RESOLVED: That the application be refused.

- REASON:**
- (i) The proposal would, by virtue of its design, arrangement of windows and choice of materials, result in an incongruous form of development that would be out of keeping with the character and appearance of the area, contrary to national planning guidance at paragraph 34 of Planning Policy Statement 1 (Delivering Sustainable Development) and Policy GP1 (Design) of the City of York Draft Local Plan.
 - (ii) It is considered that the proximity of the proposed extension to the north west boundary of the site is likely to result in protected trees which make a significant contribution to the character, appearance and amenity of the area (with particular reference to trees T4, T5 and T6 shown on drawing number 2213/2 submitted with the application) being irreversibly damaged, contrary to policy NE1 (Trees, Woodland and Hedgerows) of the City of York Local Plan Deposit Draft.

26d York Designer Outlet, St Nicholas Avenue, York. (10/01868/FUL)

Members considered a full application by Mrs Maria Farrugia for the temporary siting of a public ice rink (November to January) on the coach park.

Officers circulated a printed update to Members, which has since been published on-line with the agenda for the meeting. It stated that additional conditions should be imposed as recommended by the Council's Environmental Protection Unit. In addition, a letter from Fulford Parish Council had been received, objecting to the application on the grounds of a potential increase in light pollution, parking and highway issues. Officers indicated that any noise issues could be controlled by additional conditions.

Representations were heard from a member of Fulford Parish Council, reiterating the concerns expressed in the letter and highlighting the proximity of the site to the villages of Fulford and Naburn and the potential consequences of allowing the sale of alcohol and of an increase in the volume of traffic. It was also pointed out that the site is within the Green Belt.

Representations were received from the applicant in support of the application.

Some Members questioned whether the site was currently viewed as a major development site within the Green Belt and queried whether a sustainability study had been carried out in relation to the use of transport.

Members expressed the view that the temporary location of the ice rink at the Designer Outlet was acceptable, because there would be a higher tendency for usage due to the easier transport access links from the bypass and the proximity of the retail park. It was also considered that there was a need to find a new site for the facility following the loss of the existing site within the city centre.

RESOLVED: That the application be approved subject to the conditions listed in the report and the following additional conditions;

- (i) Prior to the commencement of the use hereby approved full details of the acoustic enclosure around the plant and equipment to be located in the service yard shall be submitted to and approved in writing by the Local Planning Authority. The acoustic enclosure shall be installed in complete accordance with the approved details and shall be in place for the entire operation of the use hereby approved.

For the avoidance of doubt, the acoustic enclosure shall at least 2.5 m in height and imperforate in construction with no air gaps to allow the passage of noise, such as a close boarded fence.

Reason: To safeguard the amenity of local residents.

- (ii) Only one portable electric generator shall be in operation at any time, unless required for emergency purposes.

Reason: To safeguard the amenity of local residents.

- (iii) The two outdoor heating units serving the development shall only be operated during the hours of 09:00-21:30, unless required for emergency purposes.

Reason: To safeguard the amenity of local residents.

- (iv) Prior to the commencement of the hereby approved full details of the location of the acoustic enclosure around the outdoor heating units shall be submitted to and approved in writing by the Local Planning Authority. The acoustic enclosure shall be installed in complete accordance with the approved details and shall be in place for the entire operation of the use hereby approved.

For the avoidance of doubt, the acoustic enclosure shall be at least 2.0 m in height and imperforate in construction with no air gaps to allow the passage of noise, such as a close boarded fence.

Reason: To safeguard the amenity of local residents.

- (v) The ice resurfer shall only be operated during the hours of 08:30- 21:30, unless required for emergency purposes.

Reason: To safeguard the amenity of local residents.

- (vi) Prior to the first use of the ice rink, details shall be submitted to and approved in writing by the Local Planning Authority as to how sustainable transport choices will be promoted. This shall include promotion of bus services and safe illuminated pedestrian and cycle routes. The development shall be carried out in accordance with the approved details.

Reason: For the reasons of sustainability and traffic management.

REASON: The proposal, subject to the conditions listed in the report and above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the amenities of local residents, the impact on the Green Belt, and impact on the local highway network and car parking. As such the proposal complies with Policies GB1, GP1 and GP23 of the City of York Development Control Local Plan and Government policy contained within Planning Policy Guidance note 2 'Green Belts'.

26e 79 The Village, Haxby, York (TPO CYC 279 Birch)

Members considered an application for a Tree Preservation Order(TPO) which concerned a mature Birch tree, which was situated on the rear garden boundary that separated 79 and 81 The Village Haxby.

Members were recommended to delegate the consideration of this application to Officers, because it was not within the remit of the Committee to confirm TPOs.

RESOLVED: That the matter of confirming the Tree Preservation Order be delegated to Officers.

26f Land to the rear of 5 and 6 Northfields, Strensall, York. YO32 5XN (10/01784/FUL)

Members considered a full application by Moorside Developments Ltd for the erection of three dwellinghouses to the rear of 5 and 6 Northfields (resubmission). This application was refused by the Committee in March 2010, and although the subsequent appeal was dismissed, this was only on a technical matter relating to the method of payment of the financial contribution towards public open space provision. The principle planning reason for the refusal was not accepted by the Inspector, hence the application had been re-submitted for consideration.

Representations were heard from a local resident, opposing the application on the grounds that it had not changed from the one considered by the Committee in March 2010.

Representations in support of the application were heard from the architect of the proposed scheme of houses. He stated that he had nothing further to add to the Committee.

A representative from Strensall and Towthorpe Parish Council spoke in objection to the application and circulated a letter that had been sent from Yorkshire Water containing comments regarding drainage issues, which has since been published online with the agenda for the meeting.

He added that in the light of changes to Planning Policy Statement 3(PPS3) in relation to the definition of previously developed land, planning permission should still be refused.

The applicants agent spoke briefly in support of the proposal.

In response to Members' questions relating to drainage issues on the site, Officers stated that the application made adequate provision for the storage and controlled discharge of surface water from the site. A condition had been recommended to secure the submission of further drainage details. It was also pointed out that planning permission would be required for any hardstanding in excess of five square metres not constructed of porous material.

RESOLVED: That the application be approved subject to the conditions listed in the report.

REASON: 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 principle of residential development; design and Landscaping; highways, access and parking; impact on surrounding properties; sustainability; open space and drainage. As such the proposal complies with national planning advice contained within Planning Policy Statement 1 ("Delivering Sustainable Development"), Planning policy Statement 3 ("Housing"), and Policies SP6, H4a, GP1 GP4a, GP9, GP10, and L1c of the City of York Development Control Local Plan.

26g Townends Accountants, Harlington House, 3 Main Street, Fulford, York. (10/01659/FUL)

Members considered a full application by Milewood Healthcare Ltd for the erection of a one and a half storey pitched roof ancillary building for use as a residential care home (revised application).

This application had been previously refused by the Committee in March 2010.

Officers circulated an update to Members regarding an alteration to a condition and responses received from the Police Architectural Liaison Officer and the Council's Drainage Engineer. This update was attached to the agenda after the meeting, which was then republished online.

Representations were heard from a local resident, objecting to the application on the grounds of a loss of daylight to neighbouring properties.

Further representations in objection were heard from another local resident, who was concerned that the proposed use may pose a threat to the safety and security of her family.

A representative of Fulford Parish Council spoke in objection to the applications on the grounds that the footprint of the proposed building had not significantly changed since the previous submission, and constituted overdevelopment.

The applicant spoke in support of the application, noting that the revised application showed a decrease in the size of the building and an increase in garden areas, and that York was in need of the type of facility that was being proposed.

Councillor Aspden spoke as the Ward Member. He said that he felt that the application was unsuitable because of;

- The lack of amenity space
- Overdevelopment in a conservation area
- The lack of a suitable distance between the boundary wall and adjacent neighbours
- Issues of road safety due to the shared drive between the property and adjacent neighbours
- The feeling of a lack of adequate consultation between the applicants and local residents.

In response to a question, officers confirmed that in their view the application site was not “greenfield” land and still fell within the definition of previously developed land by virtue of its previous use.

Some Members asked for clarification on the shared access to the property and the garden at the front being used as an amenity space for residents.

Members were informed that the driveway to the property was on private land, but that the occupants of the property to the east also had uninterrupted rights of access. In response to a question from Members, the applicant confirmed that hedges and flowerbeds were currently being planted in the front garden of the property so that it could be used as an amenity space for residents.

Some Members considered that although the access issues had not been resolved in the resubmission of the application, there had been similar issues in the past when the site was used as offices and as a shirt factory. Other Members acknowledged that the building had been reduced in size, and therefore felt that it would not be overdominant.

RESOLVED: That the application be approved subject to the conditions listed in the report.

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to: loss of employment premises; affect on residential amenity; impact on visual amenity; affect on heritage assets; nature conservation; access, parking and highway safety; drainage issues; and flood risk. As

such the proposal complies with Central Government Guidance contained in Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 3: Housing, Planning Policy Statement 5: Planning for the Historic Environment, Planning Policy Statement 9: Biodiversity and Planning Policy Statement 25: Development and Flood Risk and Policies SP6, GP1, GP4A, GP9, GP15A, HE2, HE10, NE1, NE6, NE7, H17 and E3B of the City of York Development Control Local Plan.

26h 57 York Road, Haxby, York. YO32 3EE (10/01397/FUL)

Members considered a full application from Mr and Mrs Jeremy Hansbro for the erection of one four-bedroom detached house to rear of 57 York Road (resubmission).

The application had been previously refused by the Committee in October 2009. A subsequent appeal was dismissed, but not for the reasons that had been advanced by the Council. The Inspectors main concern was the inadequate size of the rear garden for the proposed dwelling, and the revised application sought to address this matter.

Representations in objection to the application were heard from a local resident. He felt that the construction of the property would not address concerns in relation to loss of privacy, and that the development would not be in keeping with the character of the area.

The applicant's agent spoke in support of the application. He said that the reason for the appeal being dismissed, which related to the proposed size of the rear garden, had now been addressed by re-siting the dwelling further forward.

Further representations were heard from a representative of Haxby Town Council. He referred to the loss of privacy that would result for the occupiers of adjacent properties. He considered that the character of the area would be adversely affected because the surrounding properties had larger gardens.

Officers were questioned by Members in relation to the removal of residential gardens from the definition of previously developed land and whether this change had been taken into consideration. Officers responded that the Local Planning Authority was still required to make more efficient use of land in sustainable urban locations such as this.

Some Members spoke about how they felt that the application should be refused because of a number of issues including;

- drainage problems
- the impact of the development on the character of the area and the adverse effect on neighbouring properties.

Other Members felt that the proposed building would not have a detrimental impact on the area and cautioned that although there had been recent changes in planning guidance, this did not mean that residential gardens could not be developed.

RESOLVED: That the application be approved subject to the conditions listed in the report.

REASON: 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 principle of the development; visual appearance; impact on the character and appearance of the area; the amenity of adjacent occupiers; highway safety; sustainability; and drainage. As such the proposal complies with national planning advice contained within Planning Policy Statements 1 ("Delivering Sustainable Development") and 3 ("Housing"), and policies GP1, GP4a, GP10, GP15a, H4a, L1c and T4 of the City of York Council Draft Local Plan.

26i Flat 1, 4 Wenlock Terrace, York YO10 4DU (10/01558/FUL)

Members considered a full application by Mr and Mrs J Barry for the conversion from one flat and eight bedsits to four flats (retrospective) and the merging of existing ground floor bedsits to form one flat.

Members were informed by Officers that the application was recommended for approval due to the fact that the conversion of bed sits into fewer flats constituted a de-intensification of development.

Officers were informed by Members, that a reference to the Fishergate Planning Panel in their report was had been made in error.

Representations were received from the applicant's agent in support of the application. He questioned the need for a condition in relation to cycle storage, as this was already provided for in a large shed in the rear garden. Officers explained that there were doubts as to whether the shed was of sufficient size to accommodate the number of cycle parking spaces required.

Members resolved that issue of cycle storage provision be delegated to Officers.

RESOLVED: That the application be approved subject to the conditions listed in the report.

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the character and appearance of the conservation area, the impact upon the amenity of

future occupants and neighbouring properties, and the sustainability of the scheme. As such the proposal complies with Policies HE3, H8 and GP4a) of the City of York Development Control Local Plan.

27. 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.

Some Members expressed concern about the high number of enforcement cases. *(Amended at the meeting held on 11 November 2010.)*

RESOLVED: That the reports be noted.

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 5.55 pm].